

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Daniel Miller, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

### FULL BOARD MINUTES

**DATE:** December 17, 2015  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Chair; Don Borelli, Anita Brandt, William Bray, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Tom Connor, Terri Cude, Coral Dawson, Doris Diether, Robert Ely, Susan Gammie, David Gruber, Susan Kent, Jeannine Kiely, Maud Maron, Daniel Miller, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Kristin Shea, Federica Sigel, Shirley Smith, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, Cristy Dwyer, Joshua Frost, Robert Riccobono, Shirley Secunda, Elaine Young

**BOARD MEMBERS ABSENT:** Edward Ma

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Billy Friedland, Jonathan Geballe, Robin Goldberg, Sasha Greene, Alexander Meadows, Lois Rakoff, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Crystal Feng, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Ken Wallach, Lue Ann Eldar, Hannah Shulman, Isabella Vasquez, Maria Lurone, Emily Hellstrom, Harriet Moonie, Pete Davies, Karen Baicker, Oliver Spellman, Eric Danzer, Anthony Ramirez, Daniel Vasquez, Andre Becker, Dan Egers, Martin Collins, Ana de Portela, David Carter, Janet Weinberg

### MEETING SUMMARY

Meeting Date – December 17, 2015

Board Members Present – 40

Board Members Absent With Notification – 6

Board Members Absent - 1

Board Members Present/Arrived Late - 8

Board Members Present/Left Early – 0

## **I. SUMMARY AND INDEX**

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Elizabeth St. Garden

Emily Hellstrom was in favor of the garden. Hannah Shulman spoke regarding this topic.

#### Bellevue Community Advisory Board

Lois Rakoff reported on this topic.

#### Veterans Business Assistance

Martin Collins reported on this service available to veterans.

### **Joint Parks/Waterfront and Land Use Items**

#### Grand Lafayette Garden

Ana de Portela spoke in favor of a garden/green space.

### **Schools and Education**

#### 75 Morton Street

Jeannine Kiely spoke in favor of the proposed school at 75 Morton St.

### **Stonewall National Monument Working Group**

#### Establishment of a Stonewall National Monument based at Christopher Park

David Carter and Andre Becker spoke in favor of the proposed monument and location.

## **III. ADOPTION OF AGENDA**

#### **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Crystal Feng, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

#### **V. ADOPTION OF MINUTES**

Adoption of November minutes

#### **VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.

2. **District Manager's Report** Bob Gormley reported.

3. **Treasurer's Report** Antony Wong reported.

#### **STANDING COMMITTEE REPORTS**

#### **JOINT PARKS/ WATERFRONT AND LAND USE**

**A resolution to assure the best public use of three sites in CB2, Man. where the Department of Environmental Protection has completed work on shafts, piping, and equipment to connect Water Tunnel #3 to the water distribution system:**

#### **Whereas**

1. Almost a half century ago, the New York City Department of Environmental Protection initiated a massive project to protect the city's water supply by building Water Tunnel #3.
2. Almost twenty years ago, with the Manhattan leg of the tunnel finally nearing completion, DEP began the process of site selection for multiple shafts needed to connect water mains with the tunnel, as much as 600 feet below.
3. Below 14<sup>th</sup> Street, the Manhattan leg extends through the west side of Community Board 2, into CB1, and loops back up the east side of CB2, with four shafts in CB2 and one in CB1.

4. The much-delayed work on these five shafts is now complete but three of the five sites remain vacant lots causing continued harm to local businesses and residents.
5. There was a large turnout at the joint committee hearing and by a show of hands strong support was indicated for accessible open space at all sites.
6. Speakers unanimously emphasized the need for new public open space; four residents of St. Luke's Place and Morton Street spoke against use of the Hudson Street site (28b) for any building, including affordable housing; and four people spoke in support of saving Elizabeth Street Garden and urged CB2 to seek an alternative site for affordable housing.
7. Current conditions are as follow:
  - a) **The Gansevoort Street site (27b)** is located beneath the street bed and sidewalk on Gansevoort Street, east of Hudson Street, north of Seravalli Park. The restoration work is now complete. The valve chamber is located partial under the park and partially under the adjacent sidewalk. The ventilation tubes and access hatches above the valve chamber are located in publicly accessible areas on the sidewalk just outside the park fence. The connections to the mains extend east and west with all of the numerous manholes located in the streets and sidewalks.
  - b) **The Hudson Street site (28b)** is located beneath a lot on the east side of Hudson Street, extending the full block between West Houston Street and Clarkson Street. It abuts the west side of City-as-a-School building and is across the street from J.J. Walker Park. The site is now a vacant gravel lot, 200 feet long by 125 feet deep, filled with weeds and litter and surrounded by a temporary construction fence. The valve chamber with its ventilation tubes and access hatches is located entirely south of a line parallel to Houston Street and 47 feet from the south edge of the site. All connections to mains extend south and west with multiple manholes inside the lot and in publicly accessible areas in the sidewalk and street near the southwest corner of the lot.
  - c) **The Holland Tunnel Exit Area site (29b)** is located beneath a large public sitting area located on the east side of Hudson Street, south of Laight Street, in CB1. The sitting area is on Port Authority property on a block that provides the space for the Holland Tunnel exit ramps. The restoration work is complete. The valve chamber and associated ventilation tubes and access hatches are located beneath the publicly accessible sitting area and adjacent sidewalk, and numerous manholes are all located in the street and sidewalk to the west.
  - d) **The Grand Lafayette site (30b)** is located beneath a corner lot extending 110 feet along the north side of Grand Street and 130 feet along the west side of Lafayette Street. The valve chamber and associated ventilation tubes and access hatches are on the north side of the lot with connections to the mains extending within the lot to the south. Numerous manholes are scattered throughout the lot and on the sidewalk and street bed on Grand Street. The site is now a gravel lot, vacant and trash strewn on the north side, and still filled with construction materials and debris on the south, all surrounded with a temporary construction fence.
  - e) **The East 4th Street site (31b)** is located on a 75-foot wide lot on the north side of East 4th Street, abutting Merchants House Museum to the west and the landmarked Samuel Tredwell Skidmore House to the east. The valve chamber and associated ventilation tubes and access hatches are at the rear of the lot, with connections to the mains extending south and then along East 4th Street. There are multiple manholes within the lot. The site is now a gravel lot with a temporary construction fence extending along the East 4th Street side between the two individually landmarked buildings.
8. Other relevant considerations regarding future use of the shaft sites are as follow:

- a) Without any public process and without presentation of documentation or other evidence of changes of agency needs, DEP has developed proposals for these sites that contradict these commitments, diminish the associated public benefits, and create fenced in vacant lots that are clearly harmful to neighborhood character and thereby to an beneficial environment for businesses and residents.
- b) Manhattan Community District 2 has an open space ratio of 0.58 acres per 1,000 residents versus the NYC goal of 2.5.
- c) The installations at the Gansevoort Street and Holland Tunnel Exit Area sites show there is no need for fencing to restrict public access to areas above equipment associated with shaft sites. At both sites, valve chambers are located beneath public open space. All ventilation tubes, access hatches, and manholes for these shafts are located entirely within public space including a large sitting area and streets and sidewalks.
- d) DEP has long standing commitments to allow public use of sites 28b, 30b, and 31b. These commitments are documented in letters, community board resolutions, and ULURP documents.
- e) The ULURP documents and other documents indicate that for all sites:
  - i. no fences are required;
  - ii. there are certain areas requiring drivable surfaces and where there can be no permanent structures;
  - iii. to protect equipment from corrosion, no dog runs will be allowed and trees and other large plantings requiring fertilizer use will not be allowed within 20 feet of certain areas;
- e) There is insufficient park space in our densely built-up neighborhoods especially as the population grows and there are no available places for new parks in our district so losing the promise of any new open space is the equivalent of losing actual part space.

9. Specific considerations regarding Grand Lafayette site (30b) are as follow:

- a) As affirmed in the City Planning Commission resolution of April 14, 2004, approving the use of this site, DEP stated a requirement to retain a 4,000 square foot access easement while allowing the remaining 8,500 square feet to be used for public open space.
- b) The CPC resolution also affirmed DEP's commitment to provide funding of \$400,000 through the "percent for art" program to improve the open space.
- c) DEP now proposes to place truck parking and storage at this site with the whole site surrounded by a high fence.
- d) CB2, Man. and Borough President support for the use of this site were based on the benefits to be provided by the promised open space. Clearly, both would have judged a large vacant lot used for truck parking and storage and surrounded by a high fence as detrimental to neighborhood character had that been presented as a future condition in the ULURP application.
- e) Public access areas would be limited to a few seating alcoves with potted trees.
- f) Even with "drivable surfaces", with a creative approach this space can be a significant contributor to the neighborhood including small areas of green space, sitting areas, and open play space for young children.

10. Specific considerations regarding the East 4th Street site (31b) are as follow:

- a) There are no parks in NoHo and this district has an open space ratio of 0.06 acres per 1,000 residents.
- b) The Parks Department identifies as the NoHo neighborhood as "underserved".
- c) As noted in a 1998 letter from DEP to the Parks Department, DEP based this site selection on recommendations from the Parks Department, Community Board 2, the Landmarks Preservation Commission, the Historic House Trust, and "other interested parties."

- d) The current proposal to leave this site as a large vacant lot with a high fence between the Merchants House Museum and the Samuel Tredwell Skidmore House will be a permanent detriment to these two special landmarks.
- e) As shown by completed projects at other sites, there is no need for a high fence.
- f) The city-owned Merchants House Museum was specifically identified as a beneficiary of public open space promised during the ULURP process for this site;
- g) With funding provided by the Percent for Art Program as well funding available through an existing agreement created during development of a neighboring property, a well-designed “museum garden” area would be an important contributor to the future of this important institution, and to one of the most park-starved neighborhoods in New York City.

11. Specific considerations regarding the Hudson Street site (28b) are as follow:

- a) This site was one of two sites considered by DEP for Shaft 28b, the other being a much smaller one located on the corner of Leroy and Greenwich Streets. In 1998, responding to requests from neighborhood youth sports leagues, with support from the Parks Department, DEP chose the larger site based on the value of future public use of the site.
- b) In April 1999, in order to allow future public use of the site, the City Council approved acquisition of the site even as its owner sought to oppose the sale and instead lease the site to DEP during the construction period only.
- c) In the last 15 years, with the development of Hudson River Park and Pier 40, access to active and passive open space uses has dramatically improved in the west side of CB2.
- d) During the same period, the loss of rent-stabilized units and increasing property values have greatly diminished the affordability and diversity of the surrounding neighborhood.
- e) At the same time, Elizabeth Street Garden, a treasured space in the most park-starved portion of the district, is threatened by a plan to build affordable housing.
- f) The 28b site is directly adjacent to the Hudson Square special zoning district. During the ULURP for creation of the district, CB2 identified the need for indoor recreation space as the greatest need to be mitigated during the process and new development in the zone will be required to pay into a fund for this purpose. A gym and other indoor recreation space at this site could be effectively operated by the Parks Department as an annex of Dapolito Recreation Center.
- g) Based on DEP stated access needs, this site can provide an efficient building lot of up to 18,750 square feet in an area that is adjacent to taller buildings in the Hudson Square Special District which can provide an opportunity for far more affordable housing than can be built at the inefficient Elizabeth Street Garden site located in the high restrictive Little Italy Special District.

**Therefore it is resolved that CB2, Man.**

1. Congratulates DEP on its work on the extraordinary undertaking of Water Tunnel No. 3, essential to protecting our city’s water supply.
2. Urges DEP to stand behind its prior commitments and withdraw its recent detrimental proposals for the sites in CB2.
3. Urges DEP to stand behind its prior commitments to turn the sites over to the Parks Department or return them to DCAS until future use is decided.
4. Urges DEP to work diligently with other agencies, elected officials, and CB2, to assure the best uses of these sites to preserve and enhance neighborhood character in the spirit of these commitments.
5. Reiterates its 18-year goal for public open spaces be built and maintained for public use on all three sites following a design process that incorporates community input and review to the fullest extent.

6. There can be no loss of promised open space without designation of new open space in the district.
7. Requests that even where “drivable” surfaces are required, that these be creatively designed to be attractive and allow for flood water retention.
8. Requests that the appropriate Percent For Art Program funds based on project costs for all four sites in CB2, be made available for development of public open space at these sites.
9. Requests that HPD and DCP work with appropriate City Council members and CB2, to develop a proposal for sufficient affordable housing at the Hudson Street site such that the Elizabeth Street Garden can be preserved as a public park, noting that the project should include affordable housing for seniors, an indoor gym, and public open space on the south side of the site.
10. Reiterates its commitment to preserving in its entirety the beloved public open space at Elizabeth Street Garden, a community center and meeting place for neighbors young and old, and once again rejects destruction of this special oasis in the park-starved east side of our district.
11. Strongly supports a substantial reduction of the amount of promised public open space at the Hudson Street water tunnel shaft site (28b) so affordable housing and indoor recreation can be developed there, but only if community open space needs are addressed, and specifically, only if Elizabeth Street Garden is preserved as a public park.

Vote: Passed, with 36 Board members in favor, and 4 in opposition (T. Connor, A. Meadows, R. Sanz, S. Smith).

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 102 Charlton Street** (south side of Charlton between Greenwich Street and Hudson Street) Inclusionary housing application (HPD) for new construction located in the Hudson Square District

### **Whereas:**

1. This is an application for a new 21-story building with 58,807 square feet of total residential floor area, and a total of 61 rental units of which 15 will be affordable.
2. The new building will cantilever over a smaller existing building that contains 16 rental units.
3. The building includes inclusionary housing units in exchange for a floor area bonus.
4. The new building will contain: a) a total of 36 studios, 10 of which are IH; b) 19 one-bedrooms, 4 of which are IH; c) a total of 5 two-bedrooms, 1 of which is IH; and d) a total of 1 three-bedroom, which is market rate.
5. The ratio of affordable apartments to market rate apartment and the distribution of affordable apartments over the 21 floors meets the legal requirement.
6. The applicant stated that the MR apartments will not be combined to make larger apartments (and thereby fewer units) and for economic return reasons, they have selected to have a higher number of smaller MR apartments.
7. The 210-foot-tall structure will have one lobby, the finishes for the market rate and affordable apartments will be of equal quality and MR and IH tenants will share a ground-floor recreation space, the roof deck and bike storage in the cellar.

**Therefore be it resolved:**

While the mix of apartments—both market rate and inclusionary--in the building is predominantly studios and therefore not responsive to the needs of families. CB2, Man. regrets that there will be so few larger units, but recognizes that the unit mix meets the requirements and CB2, Man. recommends approval.

Vote: Passed, with 38 Board members in favor, and 2 in opposition (K. Berger, D. Diether).

**2. 112 Charlton Street** (south east corner at Greenwich Street) located in the Hudson Square district. Application is to reopen a previously approved variance granted (1980) under BSA CAL No 1092-79-BZ. This Prior Variance permitted conversion of upper floors of an existing 6-story building from manufacturing use to residential use. In addition, this application seeks approval of the conveyance of unused development rights from this property for the use on an adjacent parcel located at 537 Greenwich Street and 110 Charlton Street pursuant to a zoning lot merger.

**Whereas:**

1. This application seeks approval to apply the Bella Vista doctrine to the conveyance of unused development rights from this property to an adjacent parcel located at 537 Greenwich Street and 110 Charlton Street pursuant to a zoning lot merger.
2. This property is located within the Special Hudson Square District, which was created in 2013 by a zoning text amendment granted by the City Planning Commission in conjunction with a related zoning map amendment.
3. In its resolution, the CPC’s goals for the Special Hudson Square District were:
  - a. to foster new development that strengthens the role of Hudson Square as a dynamic business district;
  - b. to create new opportunities for housing, including affordable housing;
  - c. to strengthen and enliven the street life of the district through the introduction of new uses and urban design requirements;
  - d. to ensure that the form of new developments are in character with the existing built context of the Hudson Square area.
4. At that time, the Commission specifically stated that the affordable housing was an essential component of the “health and vibrancy” of the district.
5. This development project is anticipated to include 10,000 s.f. of inclusionary housing bonus floor area, which is being generated pursuant to an affordable housing project under construction at 261 Hudson Street.
6. The Environmental Review conducted in conjunction with the application for the Hudson Square zoning amendment found that the proposed action would result in significant adverse impacts with respect to community facilities, open space, transportation, cultural resources, and construction. At that time, Community Board 2 adopted a resolution recommending disapproval because the application did not meet the CEQR standards for open space.

**Therefore be it resolved that CB2, Man.:**

1. Defers to BSA in the matter of determining the applicability of Bella Vista to this project but otherwise recommends approval this application.



2. Takes this opportunity to point out that while the applicant is within the existing regulations, this project certainly does not advance the spirit and intent of the Special Hudson Square District, i.e., while utilizing the maximum FAR bonus to produce a building of maximum height, the applicant is reaping all the advantages of the Hudson Square rezoning with only a minimal contribution to affordable housing and no mitigation of the adverse effects of the project on open space.
3. Further urges the City Planning Commission to revisit those sections of the Special Hudson Square District zoning regulations that pertain to affordable housing and building heights, and consider revising the plan to make inclusionary affordable housing mandatory.

Vote: Passed, with 38 Board members in favor, and 2 in opposition (C. Dawson, A. Meadows).

## **LANDMARKS AND PUBLIC AESTHETICS**

### **FIRST LANDMARKS MEETING**

1. **27 Bleecker St.** (Bowery/Lafayette) - NoHo 1 Historic District. A 19th century loft building. Application to repair vault.

**Whereas**, the existing, original, cast-iron vault latticework with glass lenses is severely corroded, causing water leakage into the basement, which is rusting away the support beams, thus creating a precarious situation; and

**Whereas**, we prefer the complete restoration of the latticework and glass elements; but

**Whereas**, the applicant wishes to remove and store away the existing latticework and lenses for posterity; then lay concrete over the vault space; then place new diamond plating on top of that; and

**Whereas**, this solution to water leakage into the vaults is standard practice in the NoHo and SoHo districts, where diamond plating is commonplace; and

**Whereas**, this diamond plating was an integral element throughout the district at the time of designation; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.

### **SECOND LANDMARKS MEETING**

2. **19 Barrow St.** – Application is to legalize windows installed without LPC permits.

**Whereas:**

A. The windows that the applicant seeks to have approved fill the modified window openings existing at designation with double hung windows replacing casement windows which gave an atelier air to the facade, and

B. The replacement windows are not in the same proportion as the original windows and present a muddled appearance, therefore

**Be it resolved:**

That CB2, Man. recommends denial of the application.

Vote: Unanimous, with 40 Board members in favor.

**3. 41 Greenwich Ave.** – Application is to modify the basement and first floor street façade, install a rear yard addition, and modify the rear façade

**Whereas:**

A. The rear yard is completely surrounded by taller buildings and the building addition does not intrude onto the block’s doughnut, the backyard at the ground floor is to be excavated 9'-7" below grade and extended to cover the entire rear yard with a stepped foundation wall and

B. The photographs show that the mockup of the proposed bulkhead and alterations to the roof are not visible from any public thoroughfare, and

C. At the front facade, the basement floor level will be raised to grade, the entrances relocated with brownstone masonry with glass and steel doors and windows with 10” high bulkheads and inoperable storefront windows that are without historic reference and are oversized for an otherwise historic style building, and

D. The larger second floor front facade replacement window is in non-historic style and the window over the residential entrance, matches those in the upper stories and both have lintels in the style of those existing, and

E. In the rear facade the top floor windows are enlarged to match the third floor existing windows and the second floor windows are enlarged to one non-historic wide window, now

**Be it resolved:**

A. That CB2, Man. recommends approval of the roof alterations, bulkhead, brownstone front façade and the rear yard extension, and

B. That denial is recommended for the steel and glass infill and the large window openings in the front and rear façades and it is recommended that a design in wood and with historical reference be used instead.

Vote: Unanimous, with 40 Board members in favor.

**SIDEWALKS/STREET ACTIVITIES**

**Applications for sidewalk café renewals:**

- Cavallacci Fabrizio, d/b/a Café Reggio, 119 MacDougal St. with 4 tables & 8 chairs (0782318-DCA)
- Noho Star, Inc., d/b/a The Noho Star, 330 Lafayette St. with 16 tables & 32 chairs (0931822-DCA)
- 567 Hudson Street Inc., d/b/a White Horse Tavern, 567 Hudson St. with 24 tables & 72 chairs (0769952-DCA)
- Dojo Restaurant, Inc., d/b/a Dojo West, 14 W. 4<sup>th</sup> St. with 6 tables & 22 chairs (0890588-DCA)
- P12 New York, LLC d/b/a Ribalta, 48 E. 12<sup>th</sup> St. with 6 tables & 12 chairs (1467798-DCA)

- ABG Standard Operator, LLC d/b/a The Standard New York, 848 Washington St. with 26 tables & 84 chairs (1309290-DCA)

VOTE: Unanimous, with 40 Board Members in favor

## **SLA LICENSING**

### **1. Village 122 Café, Inc., d/b/a MacDougal Street Ale House, 122 MacDougal St., 10012 (OP/Corporate Change)**

**A. Whereas**, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a corporate change of an existing on-premise liquor license for a neighborhood tavern operating since 1997 (by this company since 2005) serving light meals and cocktails in a warm and inviting atmosphere in a mixed use building located on MacDougal Street between West 3<sup>rd</sup> St. and Bleecker St.; and,

**B. Whereas**, one of the existing business owners/shareholders is purchasing all the shares in the company from an another existing shareholder/owner so that the Licensee will now own 100% of the Company known as Village 122 Café, Inc., there will be no change in the current method of operation in an approx. 1,200 sq. ft. premise ground floor premises with 8 tables and 34 seats and 1 stand up bar with 12 seats for a grand total of 46 interior seats, there is an existing Certificate of Occupancy; and,

**C. Whereas**, the hours of operation for the premises will continue be from 12PM to 4AM seven days a week, music will be quiet background only consisting of music from a jukebox and XM radio, all doors and windows will be closed at all times except for patron egress through the front door, there will be no d.j.s., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 6 TV’s, there will be security every night; and,

**D. Whereas**, the applicants executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their license and the stipulations are as follows:

1. The premises will be advertised and operated as a neighborhood tavern.
2. The hours of operation will be from 12PM to 4AM seven days a week.
3. There will be no backyard, rooftop or other outdoor space for the service of alcohol.
4. There will continue to be six televisions.
5. All doors and windows will be closed at all times except for patron egress via the front door.
6. Will operate under only one d/b/a name.
7. There will be no dancing.
8. There will be no patron use of basement.
9. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a corporate change of an On Premise Liquor License for **Village 122 Café, Inc. d/b/a MacDougal Street Ale House, 122 MacDougal St., 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

**2. Barrow 15 Café, Ltd. d/b/a Barrow Street Ale House, 15 Barrow St. 10014 (OP/Corporate Change)**

**A. Whereas**, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a corporate change of a Tavern/On-premise liquor license in a neighborhood tavern and sports bar operating since 1998 serving light meals and cocktails in a mixed use building located on Barrow St. between West 4<sup>th</sup> St. and 7<sup>th</sup> Avenue South; and,

**B. Whereas**, one of the existing business owners/shareholders is purchasing all the shares in the company from an another existing shareholder/owner so that the Licensee will now own 100% of the Company known as Barrow 15 Café, Ltd, there will be no change in the current method of operation in an approx. 2,800 sq. ft. (1,800 sq. ft. ground floor, 1,000 sq. ft. basement) with ground floor of 15 tables and 50 seats, 1 stand up bar with 16 seats for a total of 66 seats on the first floor, and 14 counter seats in the basement, a grand total of 80 seats, there is a Certificate of Occupancy; and,

**C. Whereas**, the hours of operation will be 12PM to 4AM on Sunday, 11AM to 4AM Monday to Saturday (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from a jukebox and XM radio (no active manipulation of music-only passive prearranged music), all doors and windows will be closed at all times except for patron egress through the front door, there will be no d.j.s, no promoted events, occasional private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 10 TV’s, there will be security personnel every night; and,

**D. Whereas**, the applicants executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their license and the stipulations are as follows:

1. The premises will be advertised and operated as a neighborhood tavern and sports bar.
2. The hours of operation will be from 12PM to 4AM on Sunday, 11AM to 4AM Monday to Saturday.
3. There will be no backyard, rooftop or other outdoor space for the service of alcohol.
4. There will continue to be 10 televisions.
5. All doors and windows will be closed at all times except for patron egress via the front door.
6. Will operate under only one d/b/a name.
7. There will be no dancing.
8. There will be no patron use of basement.
9. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Tavern On Premise Liquor License via a “corporate change” application for **Barrow 15 Café, Ltd. d/b/a Barrow Street Ale House, 15 Barrow St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern/On premise License.

Vote: Unanimous, with 40 Board members in favor.

**3. Da Massimo, LLC d/b/a Da Marcella, 142 West Houston St., 10012** (Transfer of BW, previously licensed Cucina Buona Group, Inc. d/b/a Marcella, lic.# 1262563 exp. 4/30/2017)

**A. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a transfer of an existing Restaurant Wine license in a location operating as a casual Italian family restaurant in a three story mixed-use building located on West Houston Street between Sullivan and MacDougal Streets; and,

**B. Whereas**, there will be new ownership but the method of operation, hours of operation and name will remain the same, the premises will continue to operate as a full service Italian Restaurant in an approx. 1,400 sq. ft. premises (700 sq. ft. ground floor and 700 sq. ft. basement with no patron use) with 28 tables and 62 seats and 1 food counter with 5 seats and 1 stand-up bar with no seats for a grand total of 67 seats, exterior within the property line there are two tables with 4 seats, there is no plan for a sidewalk café at this time; and,

**C. Whereas**, the hours of operation for the interior of the premises will be 11AM to 11:30PM seven days of week, music will be background only consisting of music from ipod (no active manipulation of music – only passive prearranged music), outdoor service will end every night by 11PM, all doors and windows will be closed at 10PM every night, there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be not TV’s, there will be no patron eating and drinking in the basement; and,

**D. Whereas**, the Applicant presented a petition with resident signatures, a representative of BAMRA appeared and a resident member stating that the Applicant failed to meet with the association; and,

**E. Whereas**, the applicants executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their RW license and the stipulations are as follows:

1. The premises will be advertised and operated as a Italian Restaurant.
2. The hours of operation will be from 11AM to 11:30PM seven days of week.
3. There will be two exterior tables with 4 seats located within the property boundary at the front of the premises, which will close by 11 PM every night.
4. There will continue to be no televisions.
5. All doors and windows will be closed by 10 PM.
6. There will be no dancing.
7. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.
8. There will be no sidewalk café at this time.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a transfer of a Restaurant Wine License via a “transfer” application for **Da Massimo, LLC d/b/a Da Marcella, 142 West Houston St. 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 40 Board members in favor.

**4A. 185 Grand Street Operating Group, LLC d/b/a d/b/a Francy's, 185 Grand Street 10013 (OP license, previously licensed location)**

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a new on premise liquor license to operate an "upscale" full service Italian Restaurant paying homage to the great Italian restaurants of the mid-20<sup>th</sup> century in an elegant and unpretentious environment with white table cloths; and

**B. Whereas**, the storefront space at 185 Grand Street was a previously licensed location within a three story 19<sup>th</sup> Century mixed use townhouse building (Circa 1900) in the Little Italy Historic District directly on Grand Street between Mulberry and Baxter Streets; and

**C. Whereas**, the premises was previously operated as Il Palazzo since 2003 and which business also shared a second storefront around the corner at 151 Mulberry Street; and

**D. Whereas**, the applicant was candid and volunteered/explained that the prior licensee/operator of Il Palazzo had physically connected the two separate historic townhouses at 185 Grand and 151 Mulberry by building and extending the rear facades of both buildings into their adjacent rear yards to join and create one single eating and drinking business subsequently licensed for the service of alcohol; and

**E. Whereas**, the applicant explained that the prior built-out and connection between the two buildings was completed without any approvals from the NYC Dept. of Buildings but that he was already in the process of disconnecting and separating the two buildings at the rear and rectifying the impermissible use and occupancy and by obtaining the proper permits with the Dept. of Buildings, providing photographs showing new walls erected thereat for this purpose and stated his plan to operate both storefronts separately and autonomously with no physical connection between the two buildings and with separate operations, separate entrances and separate kitchens; and

**F. Whereas**, there were indications that the front façade had also been previously altered without permits to a faux stone and ivy that detracted from the integrity of the building and was inconsistent with the materials more appropriate to the historic period when the townhouse was originally built: and

**G. Whereas**, there have been five separate complaints to the NYC DOB from June/2015 to November/2015 regarding construction work to a restaurant at 151 Mulberry Street without any permits resulting in what appears to have been an administrative closure; and

**H. Whereas**, there are no permits currently filed with the NYC DOB for construction work to renovate the interior premises at 185 Grand Street or 151 Mulberry Street, no certificate of occupancy on file or Letter of No Objection permitting the use and occupancy as an eating and drinking establishment; and

**I. Whereas**, the applicant previously appeared before CB2 Man. in October/2015 and presented a separate application for the storefront premises at 151 Mulberry St. and will operate the separate premises/storefront as ITA Concepts, LLC d/b/a Aunt Jakes Italian Specialties, operating those premises with a separate and distinct beer and wine license; and

**J. Whereas**, the applicant further explained that the owner and lessor, the Italian American Museum, owns both buildings located at 151 Mulberry and 185 Grand Streets and will only lease the two storefront spaces simultaneously requiring applicant to make the necessary changes and to open two separate eating and drinking establishments in each of the two separate buildings; and

**K. Whereas**, the same applicant also operates The Little Italy Speak Easy d/b/a The Mulberry Project next door in the basement of 149 Mulberry Street, a bar advertised as a subterranean speakeasy paying homage to the street reengage street culture, albeit without any identifiable entrance or signage to identify such business to the public from the public sidewalk, with DJs rotating nightly, which has been subject to prior SLA enforcement and further advertises and operates a large backyard garden identified on its website as the La Isla Escondida pop up; and

**L. Whereas**, the plan for storefront premises to be licensed at 185 Grand Street includes an enclosed atrium with fixed skylight that will be inoperable, the applicant could not state the full square footage of the proposed premises because it had still not been built out but provided a diagram of the proposed premises with 14 tables and 56 seats, a stand up bar with six seats, a full service kitchen in the basement, four bathrooms and one entrance/exit for patrons, there will be no outdoor areas, backyard garden or rooftop for the service of alcohol; and

**M. Whereas**, the hours of operation will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 1 AM Fridays and Saturdays, all doors and windows will be closed by 9 PM every night except for patron egress, no TVs and music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**N. Whereas**, there are already 32 existing On Premise liquor licenses within 500 feet of the existing premises (not including beer and wine licenses) with 4 additional pending licenses and there are already 41 On Premise liquor licenses within 750 feet of the existing premises; and

**O. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license and those stipulations are as follows:

1. The premises will be advertised as a full service Italian Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.
2. The hours of operation will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 1 AM Fridays and Saturdays.
3. There will be no backyard, rooftop or other outdoor space for the service of alcohol, beer or wine.
4. There will be no televisions.
5. All doors, skylights and windows that may be installed will be fixed and will not be operable or open out to rear yard or otherwise except for front entrance patron egress on Grand Street.
6. Will operate under only one d/b/a name.
7. There will be only one stand up bar with six seats.
8. There will be no dancing.
9. There will be no patron use of basement.
10. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the On Premise license application for **185 Grand Street Operating Group, LLC d/b/a d/b/a Francy's, 185 Grand Street 10013** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on its Restaurant Liquor License.

Vote: **Failed**, unanimous, with 40 Board members in opposition.

**(PLEASE SEE SUBSTITUTE RESOLUTION BELOW).**

**4B. 185 Grand Street Operating Group, LLC d/b/a d/b/a Francy's, 185 Grand Street 10013 (OP license, previously licensed location)**

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a new on premise liquor license to operate an "upscale" full service Italian Restaurant paying homage to the great Italian restaurants of the mid-20<sup>th</sup> century in an elegant and unpretentious environment with white table cloths; and

**B. Whereas**, the storefront space at 185 Grand Street is located within a three-story 19<sup>th</sup> Century mixed-use townhouse building (Circa 1900) with a rear yard in the Little Italy Historic District directly on Grand Street between Mulberry and Baxter Streets; and

**C. Whereas**, this premises was previously added as an extension of the restaurant Il Palazzo (SN1025412) in 2003 (prior to 2003 Il Palazzo was located only in 151 Mulberry St.); it has subsequently been brought to CB2's attention that the extension of Il Palazzo Restaurant into the space being sought to be licensed was done without any NYC DOB permits through illegal construction and included a connection through what appears to be an illegally permanently enclosed rear yard at the rear of this premises at 185 Grand St.; the License for Il Palazzo was issued by the Liquor Authority without the previous Licensee having appropriate NYC DOB permits in place; and

**D. Whereas**, during his presentation, the applicant was candid and volunteered/explained that the prior licensee/operator of Il Palazzo had physically connected the two separate historic townhouses at 185 Grand and 151 Mulberry by building and extending the rear facades of both buildings into their adjacent rear yards to join and create one single eating and drinking business subsequently licensed for the service of alcohol; and

**E. Whereas**, the applicant explained that the prior build-out and connection between the two buildings was completed without any approvals from the NYC Dept. of Buildings but that he was already in the process of disconnecting and separating the two buildings at the rear and rectifying the impermissible use and occupancy and by obtaining the proper permits with the Dept. of Buildings, providing photographs showing new walls erected thereat for this purpose and stated his plan to operate both storefronts separately and autonomously with no physical connection between the two buildings and with separate operations, separate entrances and separate kitchens; the separate operation at 151 Mulberry St. is the subject of a pending application before the Liquor Authority ITA Concepts LLC SN 1291003; and

**F. Whereas**, there were indications that the front façade had also been previously altered without permits to a faux stone and ivy that detracted from the integrity of the building and was inconsistent with the materials more appropriate to the historic period when the townhouse was originally built: and

**G. Whereas**, there have been five separate complaints to the NYC DOB from June/2015 to November/2015 regarding construction work to a restaurant at 151 Mulberry Street without any permits resulting in what appears to have been an administrative closure, however there were no permits for 185 Grand St., the subject of this application, even though the applicant provided pictures showing work being performed in the space and explained that a new and separate kitchen was in the process of being built for this proposed premises; and



**H. Whereas**, there are no permits currently filed with the NYC DOB for construction work to renovate the interior premises at 185 Grand Street or 151 Mulberry Street, no certificate of occupancy on file or Letter of No Objection permitting the use and occupancy as an eating and drinking establishment; and

**I. Whereas**, the applicant previously appeared before CB2 Man. in October/2015 and presented a separate application for the storefront premises at 151 Mulberry St. and will operate the separate premises/storefront as ITA Concepts, LLC d/b/a Aunt Jakes Italian Specialties, operating those premises with a separate and distinct beer and wine license; and

**J. Whereas**, the applicant further explained that the owner and lessor, the Italian American Museum, owns both buildings located at 151 Mulberry and 185 Grand Streets and will only lease the two storefront spaces simultaneously requiring applicant to make the necessary changes and to open two separate eating and drinking establishments in each of the two separate buildings; and

**K. Whereas**, the same applicant also operates The Little Italy Speak Easy d/b/a The Mulberry Project next door in the basement of 149 Mulberry Street, a bar advertised as a subterranean speakeasy paying homage to street culture, albeit without any identifiable entrance or signage to identify such business to the public from the public sidewalk, with DJs rotating nightly, which has been subject to prior SLA enforcement and further advertises and operates a large backyard garden identified on its website as the La Isla Escondida pop up; and

**L. Whereas**, the plan for storefront premises to be licensed at 185 Grand Street includes an enclosed atrium with fixed skylight that will be inoperable, the applicant could not state the full square footage of the proposed premises because it had still not been built out but provided a diagram of the proposed premises with 14 tables and 56 seats, a stand up bar with six seats, a full service kitchen in the basement, four bathrooms and one entrance/exit for patrons, there will be no outdoor areas, backyard garden or rooftop for the service of alcohol; and

**M. Whereas**, the hours of operation will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 1 AM Fridays and Saturdays, all doors and windows will be closed by 9 PM every night except for patron egress, no TVs and music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**O. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license should a license be issued and those stipulations are as follows:

11. The premises will be advertised as a full service Italian Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.
12. The hours of operation will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 1 AM Fridays and Saturdays.
13. There will be no backyard, rooftop or other outdoor space for the service of alcohol, beer or wine.
14. There will be no televisions.
15. All doors, skylights and windows that may be installed will be fixed and will not be operable or open out to rear yard or otherwise except for front entrance patron egress on Grand Street.
16. Will operate under only one d/b/a name.
17. There will be only one stand up bar with six seats.
18. There will be no dancing.

19. There will be no patron use of basement.
20. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**N. Whereas**, there are already 32 existing On Premise liquor licenses within 500 feet of the existing premises (not including beer and wine licenses) with 4 additional pending licenses and there are already 41 On Premise liquor licenses within 750 feet of the existing premises; and

**M. Whereas**, CB2, Man. requests from all applicants either copies of existing letters of no objection and/or a certificate of occupancy for their premises; in cases where this is not possible, applicants are requested to provide a detailed explanation of how they intend to accomplish either obtaining a letter of no objection or a certificate of occupancy for their premises; and,

**O. Whereas**, the applicant was unable to explain how they intended to obtain either a letter of no objection or a certificate of occupancy; it was noted that the rear yard of the building which is now permanently enclosed with a glass/clear roof appeared to be constructed well after 1938 (letters of no objection pertain only to conditions that existed prior to 1938) and for it to be properly utilized for a restaurant, it would probably require a new certificate of occupancy; and,

**P. Whereas**, the applicant was also unable to explain the rear yard of the premises which makes up a significant portion of the premises and seating; the applicant claimed it was a part of the interior of the premises but it seems quite clear that this is in fact part of the rear yard which was illegally enclosed and no evidence of use for assembly or restaurant patron use was provided; this is of significant concern and determining the rear yard use prior to any recommendation is required as the impact on the existing noise level of any new exterior dining area is specifically relevant to determining public interest and it is unclear if the applicant would be required by the NYC DOB to remove the rear yard enclosure or change it significantly to result in an open air dining environment and,

**Q. Whereas**, this proposed liquor license is in an area which already has an larger number of liquor licenses, many of which are for full service Italian restaurants and already properly service the area's needs, the applicant was unable to properly explain their plans for the rear yard space as explained above, the premises to be licensed by the applicants' own admission was improperly licensed in the past, in addition to local residents, this type of operation caters to visitors who travel to the area by car and this would further burden the existing parking situation and would further add additional vehicular traffic into an area which is often overburden with vehicular traffic;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the On Premise license application for **185 Grand Street Operating Group, LLC d/b/a d/b/a Francy's, 185 Grand Street 10013.**

Vote: Unanimous, with 40 Board members in favor.

**5. LLC to be formed/Paul Italia, d/b/a TBD, 2 Spring St. aka 188 Bowery 10012 (New OP – previously unlicensed basement premises)**

**A. Whereas**, the applicant appeared before CB2's SLA committee for the purpose of seeking a new OP license for the basement premises of a six-story mixed-use loft building at the south east corner of Spring and Bowery; and

- B. Whereas**, the premises was previously used as storage for a restaurant supply store and the current Certificate of Occupancy permits a use for meters, mechanical and accessory storage space with a maximum occupancy of 5; and
- C. Whereas**, the applicants seek to open a Comedy Club with late night service until 3 am in a 4,200 sq. ft. basement involving a complete gut renovation of the premises, the installation of a new full service kitchen and the installation of new mechanical systems where none had existed previously; and
- D. Whereas**, the premises does not have a valid Certificate of Occupancy or Public Assembly Permit allowing the premises to be operated as a eating or drinking establishment with a liquor license; and
- E. Whereas**, the renovation of the basement premises will create a new entrance to the premises on Spring Street and not on the Bowery and the applicant stated there would be security located at the entrance to the Comedy Club; and
- F. Whereas**, the proposed Comedy Club will have 22 tables with 85 seats, one bar with 14 seats for a total seating capacity of 99, but the applicant stated he will be seeking a total occupancy of 190 patrons in the space for an open mic at 6 pm and three shows starting at 8 pm, 10 pm and midnight with hours of operation from 11 am to 1 am Sunday through Wednesday and from 11 am to 3 am Thursday through Saturday; and
- G. Whereas**, the applicants already operate The Stand Comedy Club on 3<sup>rd</sup> Avenue where there is no drink minimum for any particular comedy show but where there are drink and cocktail specials, including a boozy brunch on the weekends when there are no shows scheduled; and
- H. Whereas**, the proposed basement premises will require new egress from the Bar/Restaurant leading directly into the main staircase and hallway used by the Residential Tenants of the building creating significant concerns of security and safety for the existing Residents, who include families with children and who have resided in the building for decades; and
- I. Whereas**, the basement premises also includes a rear courtyard outdoor space that faces the rear windows of a large adjacent residential community creating concerns of noise coming from the late night Comedy Club; and
- J. Whereas**, the applicant proposed speakers throughout the establishment for “ambient” music, soundproofing was offered but no coherent plan for soundproofing was actually proposed; and
- K. Whereas**, Residential Tenants of the building, appeared before CB2, Man. and were unanimously opposed to a new liquor license in their building, citing concerns with late night noise and crowds, the poor existing sound-proofing with an old building previously used for commercial purposes that when converted to residential years ago was done so without proper sound mitigation, an aggravation of an existing heavy volume of pedestrian and vehicle traffic, the over-saturation of liquor licenses in the neighborhood and produced photographs of the exterior building and closeness of residential windows to the proposed outdoor uses and interior building where new egress from the Bar/Restaurant directly into the Residents staircase and common hallway is proposed; and
- L. Whereas**, still other neighbors and the Bowery Block Association also appeared and spoke in opposition to the new liquor license application, as well as letters received from the Little Italy Neighbors Association, the Friends of Petrosino Square and the Nolita Place Condominiums, a 67-Unit Condominium building located directly across the Street at 199 Bowery; and

**M. Whereas**, there are already 30 on premise liquor licenses (not including beer and wine) within a 500 foot radius of these premises, many of which have only recently been added to the Area and many bars and night clubs, including the General/Finale NYC located right across the Bowery from the proposed premises and Sweet & Vicious, located right across Spring Street from the proposed premises; and

**N. Whereas**, these existing establishments (located across from this proposed establishment) at Spring and Bowery already generate considerable sidewalk and traffic congestion, that the General/Finale NYC alone contains three bars and night clubs causing gridlock caused by private cars and limos, double parked and blocking the intersection for vehicles attempting to turn left onto Spring, leading to the honking of horns late at night at a heavily congested intersection; and

**O. Whereas**, there are an additional 22 liquor licenses within a 750-foot radius of the proposed premises for a total of 52 liquor licenses within a few blocks of the proposed license and it is anticipation with the addition of yet another large 22 story hotel (Citizen M. currently being built at the corner of Delancey Street and Bowery) will further seek to establish even more liquor licenses in the immediate area; and

**P. Whereas**, members of the CB2 SLA Committee are very concerned about the addition of a comedy club in this area and location where no such operation has previously existed, the large size of the premises and the significant number of new patrons invited into a basement premises in a building primarily occupied by residential tenants with families, the complication of creating egress from the basement premises into the residential portion of the building, hallways and staircase, the recent addition of many late night establishments, bars and night clubs in the immediate area, the number of existing late night bars and OP licenses in the surrounding residential area, the licensee's failure to establish a coherent and viable public interest or benefit for operating a comedy club at these premises in a residential building until 3 am or alleviate the Committee's concerns with additional traffic, noise, exhaust and the failure to obtain all the proper licenses and permits to operate an eating and drinking establishment at these premises; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **LLC to be formed/Paul Italia, d/b/a TBD, 2 Spring St. aka 188 Bowery 10012** on its application seeking a new OP license, and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the basement premises has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 40 Board members in favor.

**6. Erjo Company LLC, d/b/a Cafetal Social Club, 285 Mott St. 10012** (Upgrade to full OP license from Restaurant Wine)

**A. Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee to upgrade its existing Restaurant Wine license (Lic. #1266042, exp. 9/30/17) to a full On Premise liquor license to continue to operate a small Italian Café in a 600 SF ground floor storefront located in a six-story mixed use building on Mott Street between Prince and East Houston Streets; and

**B. Whereas**, the applicant has only operated the existing storefront premises with a its beer and wine license since October/2012 but has operated for years as a Italian Café serving breakfast, lunch and dinner, the front façade windows are fixed and there is no plan to install new French doors or windows that open out to the public sidewalk in front, there is no backyard garden, there is an existing sidewalk café with 6 tables and 12 seats, there will be no stand up bar but one food counter with no seats, 12 interior tables and 31 interior table seats for a total interior patron capacity of 31 inside and 12 outside and there will be no other changes to its existing method of operation; and

**C. Whereas**, the hours of operation will continue to be from 8 am to 11 pm Sunday through Thursday and from 8 am to 12 am on Fridays and Saturdays, no TVs, music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**D. Whereas**, the licensee and applicant presented a petition in support of their application with approximately 50 signatures, a number of whom appeared to reside in the same building or in close proximity nearby and a number of neighbors appeared in support of the applicant, including some who resided in the same building, indicating that the business is a good neighbor and a quintessential neighborhood eatery providing good food with an inexpensive menu frequented by their neighbors; and

**E. Whereas**, there are already 17 existing On Premise liquor licenses within 500 feet of the existing premises (not including beer and wine licenses) with 2 additional pending licenses and there are already 37 On Premise liquor licenses within 750 feet of the existing premises; and

**F. Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. The premises will be operated as a full service Italian Cafe restaurant.
2. Will operate with hours of operation from 8 am to 11 pm Sunday through Thursday and from 8 am to 12 am on Fridays and Saturdays.
3. The sidewalk café will continue to close by 11 PM Sunday through Thursday and by 12 AM Friday and Saturdays.
4. All doors and windows will be closed by 9 PM every evening.
5. Music will be quiet, background level only and there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
6. There will no TVs.
7. There will be no full service stand up bar.
8. The premises will be advertised as a Italian Café Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an alteration to an existing On-Premise liquor license to **Erjo Company LLC, d/b/a Cafetal Social Club, 285 Mott St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 40 Board members in favor.

**7. Tompad, LLC, d/b/a TBD, 206 Spring St. 10013** (New OP – previously unlicensed premises)

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking a new On Premise license in a previously unlicensed location for a lounge and bar serving Ceviche and cocktails on the fourth floor of a five-story commercial building located on Spring Street between Sixth Avenue and Sullivan Street; and

**B. Whereas**, the proposed fourth floor premises was previously operated as an upscale hair salon is located directly over Costata, a restaurant and bar operating with a full on premise license (Cos206, LLC d/b/a Costata) on the first three floors of the same building; and

**C. Whereas**, the certificate of occupancy for the building lists the use of the fourth floor for accessory office space only and an occupancy of 15 only and permits the use and occupancy as an eating and drinking establishment only on the first three floors of the same building currently occupied by Costata; and

**D. Whereas**, the applicant proposes to exclusively use an elevator adjacent to the Costata restaurant for patrons to access the fourth floor premises to be licensed, there will be a host on the interior ground floor with small plaque; and

**E. Whereas**, the proposed premises will be 2,000 SF, the premises will need to be gutted and renovated but there will be no kitchen, no outdoor space or rooftop space, there will be a stand up bar with no seats, 12 tables with 63 seats for a full occupancy of 63 and two bathrooms; and

**F. Whereas**, the proposed hours of operation were from 5PM to 2AM Sunday through Wednesday and from 5PM to 3 AM Thursday through Saturday, music will be background only and there will be no TVs; and

**G. Whereas**, there are already 20 existing On Premise liquor licenses within 500 feet of the existing premises (not including beer and wine licenses) with 3 additional pending licenses and there are already 31 On Premise liquor licenses within 750 feet of the existing premises; and

**H. Whereas**, the applicant did not perform any viable outreach to any local block associations or other neighbors in the immediate area, provided no coherent plan for limiting patron occupancy via reservations or by designing a waiting area for patrons to accommodate patron overflow at street level or otherwise, and who could not establish a coherent and viable public interest or benefit for operating a lounge and bar until 3 am in a building where the first three floors are already occupied for that purpose, where there being no permit/certificate to use and occupy the fourth floor space for eating and drinking in the manner proposed, where there is no valid reason provided in a public interest statement which distinguishes the instant application from the other already existing licensed bars, lounges and/or other

eating and drinking establishments within 500 ft. of the premises and where there remains additional concerns with additional traffic and noise caused by adding yet another licensed bar and lounge in an area already saturated by liquor licenses; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Tompad LLC, d/b/a TBD, 206 Spring St. 10013** on its application seeking a new OP license; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing because the basement premises has never been licensed for the service of alcohol at any point in the past.

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

Vote: Unanimous, with 40 Board members in favor.

**8. New Indian Foods LLC, d/b/a TBD, 195 Spring St. 10012** (Transfer of Existing OP license, previously licensed location)

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a new on premise liquor license to operate an "upscale" full service Indian Restaurant celebrating the flavors of India in a previously licensed located in a large storefront in the Soho Historic District on the northeast corner of Prince and Sullivan Streets; and

**C. Whereas**, the premises were previously operated for many years as a full service Italian Restaurant by Nilo, Inc. Viola Cons d/b/a Mezzogiorno (lic. #1025131, exp. 10/31/2017); there will be some physical and operational changes, a new ownership and a new menu but the premises will continue as a full service restaurant with similar hours of operation; and

**D. Whereas**, there is an existing sidewalk café with 8 tables and 16 seats running along Sullivan Street and there are 4 exterior tables and 8 seats on a platform on Prince Street which the applicant states is within the property line for the premises and which was previously used by the former operator; and

**E. Whereas**, the licensed premises is 2,000 SF with 22 tables and 44 seats, a stand up bar with 13 seats, a bread bar with 8 seats, a full service kitchen, two bathrooms and one entrance/exit for patrons, there is no intention to change the existing exterior doors or windows on the front facade on both Prince and Spring Streets; and

**F. Whereas**, the hours of operation will be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays, all doors and windows will be closed by 9 PM every night except for patron egress, the sidewalk café will close by 11 PM every night, there will be no TVs and music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**G. Whereas**, the applicant meet with and conferred their application with the Soho Alliance and the South Village Neighborhood Block Association prior to presenting their application before CB2, Man. and no objections were made subject to certain stipulations limiting the method of operation to the licensed premises as outlined in the this resolution; and

**H. Whereas**, there are already 19 existing On Premise liquor licenses within 500 feet of the existing premises (not including beer and wine licenses) with 2 additional pending licenses and there are already 31 On Premise liquor licenses within 750 feet of the existing premises; and

**P. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license and those stipulations are as follows:

1. The premises will be advertised and operate as a full service Indian Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.
2. The hours of operation will be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays.
3. The sidewalk café will close at 11 PM every evening.
4. All doors and windows will be closed by 9 PM every evening.
5. Music will be quiet, background level only and there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
6. There will no TVs.
7. There will be one stand up bar with 13 seats.
8. There will be no dancing.
9. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the On Premise license application for **New Indian Foods LLC, d/b/a TBD unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on its Restaurant Liquor License.

Vote: Unanimous, with 40 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**9. The Deluxe Room, Inc., d/b/a The Room, 144 Sullivan St. 10012** (Alteration to existing TW license, laid over at request of applicant)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on December 8, 2015, the principal/applicant requested **to lay over** this application from consideration and did not appear before CB2, Man. regarding its application; and,

**Whereas**, this application is for an alteration to an existing beer wine license;



**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **The Deluxe Room Inc., d/b/a The Room, 144 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**10. Coriander Factory Inc., d/b/a Bo Caphe, 222 Lafayette St. - South Store 10012 (RW) (laid over)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on December 8<sup>th</sup>, 2015, the principal/applicant requested to to lay over this application from consideration and did not appear before CB2, Man. regarding its application; and,

**Whereas**, this application is for an alteration to an existing beer and wine license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **Coriander Factory Inc., d/b/a Bo Caphe, 222 Lafayette St. - South Store 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**11. 496 LaGuardia Restaurant Inc., d/b/a Mocha Burger, 496 LaGuardia Pl. 10012 (BW) (failed to appear but requested layover after meeting to January/2016)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 8, 2015, the Applicant failed to appear and thereafter requested to lay over this application for a beer wine license and stated they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **496 LaGuardia Restaurant Inc., d/b/a Mocha Burger, 496 LaGuardia Pl. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**12. Entity to be formed by Michael Ingemann d/b/a TBD, 177 Mott St. 10012 (New OP) (laid over)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on December 8th, 2015 the principal/applicant requested to lay over this application and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a new on premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Entity to be formed by Michael Ingemann d/b/a TBD, 177 Mott St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**13. 410 Amsterdam, LLC, d/b/a TBD, 228 Thompson St. 10012 (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 8<sup>th</sup>, 2015, the Applicant requested to withdraw from consideration this application for a new on-premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **410 Amsterdam LLC, d/b/a TBD, 228 Thompson St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**14. ZKS Restaurant, d/b/a Boots and Saddle, 100A 7<sup>th</sup> Ave. South 10014 (OP Alteration - SN#1284839)**

**i. Whereas**, the Licensee appeared before Community Board 2, Manhattan's SLA Licensing committee to present an "alteration" application to the Liquor Authority for their existing On-Premise Liquor License SN#1284839 to expand extend the hours of operation by 1 hour each night of the week; and,

**ii. Whereas**, the "alteration" application will reflect only the addition of 1 hour of operation to the end of the hours of operation each night of the week and for 4AM closing time on Halloween and the entire week preceding the annual Pride March held in Manhattan; and,

**iii. Whereas**, the Licensee executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA along with their current "Alteration" application and agreed that they would be additionally attached and incorporated in to the method of operation on the current on-premise liquor license SN#1284839 stating that:

1. The hours of operation will now be Sunday from 12PM to 3AM, Monday to Wednesday from 2PM to 3AM, Thursday and Friday from 2pm to 4AM and Saturday from 12PM to 4AM. All patrons will be cleared and no patrons will remain after stated closing times. Closing hour will also be 4AM on Halloween and for the entire week prior to the Annual Pride March in Manhattan.
2. All previous stipulations will continue to remain in effect.

**iv. Whereas**, a local resident and member of a local block association appeared and stated that there had been no apparent issues with the licensee's establishment since the inception of the license at this location and that as long as security remained at current levels there was no objection;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Alteration Application for the existing On-Premise Liquor License SN#1284839 for **ZKS Restaurant, d/b/a Boots and Saddle, 100A 7<sup>th</sup> Ave. South 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are further incorporated into the "Method of Operation" on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

**15. Whynot My Way, LLC d/b/a Whynot Bistro (Dominic Bistro), 14 Christopher St. 10011 (Existing TW - Alteration, Method of Operation Change and Upgrade SN#1272603 to OP)**

**i. Whereas**, the Licensee and his attorney appeared before CB2's SLA Licensing committee to present three separate applications to the New York State Liquor Authority as one co-mingled presentation to CB2, Man. **(1)** an upgrade application of the current Tavern Wine License to a Full Restaurant On-Premise Liquor License, **(2)** an alteration application and **(3)** a change in method of operation application; the Licensee summarized the change as "Dominique Bistro opened as Whynot Coffee in May of 2013 and operates as a charming cafe bistro offering customers exceptional coffee with an expanded bistro menu. The cafe plans to be a full service restaurant that will keep a casual atmosphere. The Jazz Room will become a dining room with a pianist playing most nights and on occasion a guitar and/or vocalist will join the pianist and on some nights a jazz trio.", CB2, Man. is only able to evaluate and provide a recommendation of this presentation as a whole as the applicant chose not to present it to CB2 as three different applications; and,

**ii. Whereas**, in July 2013, **when this Licensee first appeared before CB2, Man. with an application for a Restaurant Wine License for a Coffee Shop, CB2 recommended denial of application for the detailed reasons set forth in the July 2013 CB2 Resolution;** [in July 2013 the proposed operation was only for a coffee shop located on the ground floor with 36 seats (and a sidewalk café with 8 seats which was not permitted because of the residential zoning of the area) with hours of operation from 6 AM to 1 AM 7 days a week, background music from vinyl records and live light jazz and classical trios (un amplified) once or twice a week]; reasons for denial were specific and for cause and there was a recommendation that the applicant return to CB2; July 2013 – Original TW application resolution - Page 40: [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2013/07july2013\\_fullboard.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2013/07july2013_fullboard.pdf); and,

**iii. Whereas**, after appearing before CB2, Man. in July 2013 and having received notice of CB2's recommendation to deny the application, the Licensee mailed, after the fact, 2 additional alterations and completed CB2 Questionnaires in late July and in August to CB2, but did not return to present those changes to CB2 or request to return – the amendments were to remove the sidewalk café from the application and to add another floor, the basement space, to the premises with an additional 10 tables, 10

couches and 2 chairs for a total of 26 seats in the basement and two additional bathrooms in the basement; This almost doubled the patron capacity of the premises while adding live music in the evening hours and creating a much more significant impact on the surrounding area which is zoned for residential uses only and has very narrow streets; and,

**iv. Whereas,** the Liquor Authority subsequently approved the RW application; and,

**v. Whereas,** in November 2014, **the Licensee appeared before CB2, Man. to present an alteration application and an upgrade application to full on premise liquor for which CB2 recommended denial of both applications for the detailed reasons set forth in the November 2014 CB2 Resolutions,** the Licensee stated at the time that the premises operated as a bistro over the two floors with two separate entrances and two different operations, with hours of operation from 6 AM to 12 AM Sunday to Wednesday and 6 AM to 1 AM Friday and Saturday; reasons for denial were specific and for cause; November 2014 – Alteration Application & Upgrade from TW to OP - Page 27 & Page 32 [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2014/11%20November%202014.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2014/11%20November%202014.pdf); and,

**vi. Whereas,** at that time in November 2014, the upstairs and downstairs of the premises were operated under different names, the upstairs, Whynot Bistro had quiet mellow music from a vinyl record player and as of January 2014, the basement operated as Whynot Jazz Room, a live music venue with amplified live music and regular live performances; the last questionnaire mailed to CB2 indicates that there would only be small jazz trios once or twice a week without amplification but there was in fact amplified music beyond the scope of the description; and,

**vii. Whereas,** in July 2015, **the Licensee appeared at CB2's request to present their renewal application for their existing Tavern Wine License for which CB2 recommended denial for the detailed reasons set forth in the July 2015 CB2 Resolution,** a large number of community complaints were outlined in the resolution and *CB2 refers the members of the Authority directly to the July 2015 resolution for a detailed overview of those complaints from members of the community*, July 2015 – TW License Renewal Application – Page 39: <http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/07%20July%202015.pdf>; and,

**viii. Whereas,** the Licensee has received five (5) ECB Violations from the New York City Department of Sanitation in 2015 for obstructing the sidewalk with illegal benches; 6 Benches have been regularly placed on the sidewalk over two years bordering the entire Gay St. Façade with seating for up to 17 people – 2 benches with 4 seats, 2 benches with three seats, 1 bench with 2 seats and 1 bench with 1 seat; and

**ix. Whereas,** the Licensee has received five (5) New York City Landmarks Preservation Commission Violations, 3 in 2014 and 2 in 2015 for violating “Replacement of storefront at Gay Street facade without permit(s).”, “Installation of awnings at Gay Street facade without permit(s).”, “Alterations of 1st floor windows at Gay Street facade without permit(s).”, “Installation of neon signage ("Jazz Club") and signage at entrance Jazz Room without permit(s).” and “Installation of menu box without permit(s).”

**x. Whereas,** there are records of at least 52 311 calls regarding commercial establishment loud noise/party/loud talking at 14 Christopher St., many of which are noted that the NYPD took action to correct the situation; 11 of those complaints are from after the July 2015 CB2 committee hearing were these issues were raised in detail with the Licensee; and,

**xi. Whereas**, prior to receiving a restaurant wine license from the Liquor Authority in 2013, this location was **previously unlicensed**, most recently operating as a clothing store for more than 20 years or even longer; the premises is located in a grandfathered commercial space in a residential building located in an **R6 Residential Zoning District** on the charming corner of Christopher St and Gay Street (southern corner); and,

**xii. Whereas**, it is unknown to CB2, Man. exactly what applications have been filed with the Liquor Authority to date and what the actual approved method of operation and other relevant factors are; and,

**xiii. Whereas**, at this meeting in December 2015 the proposed changes in the alteration application, method of operation change application and upgrade application include **(1)** full open kitchen will be installed and a full menu will offer French classics and authentic countryside dishes, **(2)** the trade name will change from Whynot Bistro to Dominique Bistro, **(3)** the basement space Jazz Room will be converted into a dining area, **(4)** The wooden benches will be replaced with leather banquettes, **(5)** A baby grand piano will be placed in the basement space with a pianist playing most nights and on occasion a guitar and/or a vocalist will join the pianist and on some nights a jazz trio, **(6)** The proposed ground floor seating will increase from 40 seats to 44 seats which include 4 chef's counter seats and 10 bar stools. The number of tables will decrease from 16 to 15 tables. The ground floor stand-up bar will increase in size from 14' to 16.' The number of ground floor bar stools will increase from 2 bar stools to 10 bar stools, **(7)** the front entrance from the street to the downstairs will be closed most nights and will only be opened when there are private events, **(8)** a ground floor restroom will be built, **(9)** the proposed basement seating will be reconfigured and will remain at 26 seats which include 6 bar stools. The number of tables will increase from 10 to 15 tables. An additional 6" x 8' stand-up bar will be installed in the basement with 6 bar stools, **(10)** One of the two basement restrooms will be removed; and

**xiv. Whereas**, the proposed bistro restaurant is roughly 1,500 sq. ft. on two floors (1,000 sq. ft. ground floor, 500 sq. ft. cellar); the ground floor will have 15 tables and 30 seats, one stand up bar with 10 seats and one eating counter with 4 seats, the basement has 15 tables and 20 seats and 1 standup bar with 6 seat, there will be a total of 70 seats which includes 10 basement tables with 1 seat per table only, there is an existing Certificate of Occupancy, which indicates maximum occupancy in the basement of 27 seats and on the ground floor of 47; should the premises ever operate with more than 74 persons across the two floors, a Place of Assembly would be required as these two spaces are presented as being operated as one unit; and

**xv. Whereas**, the applicant presented a petition in support in conjunction with the proposed changes with local signatures of business owners and residents with a brief overview of what the applicant is presenting; and,

**xvi. Whereas**, CB2, Man. respectfully requests that the Authority consider these concerns as it evaluates these 3 applications which CB2, Man. was unable to consider separately because the applicant presented them as one cohesive presentation to CB2:

1. The premise has never been licensed for the service of full alcohol (at least for the past 20+ years).
2. There are approximately 20 On-Premise Liquor Licenses within 500 feet of this location. In contrast, this is a quiet residential side street. Gay Street is a gem world renowned for its character and ambiance. It is one of a handful of narrow one-block streets in NYC. The Greenwich Village Society for Historic Preservation calls gay St "one of the quaintest and most intriguing streets in the West Village" and "one of the Village's most charming and literary streets." It is lined with ground floor residential units.

3. This is a grandfathered commercial space in a residential building located in an R6 Residential Zoning District.
4. There are plenty of coffee shops and bistro style restaurants in the area and numerous places with full liquor licenses all offering varying combinations of what this Licensee presents as unique, and in fact licensing this location for Full Liquor would offer nothing unique, and in fact would be detrimental. There are plenty of live jazz venues, live piano bars as well in properly zoned areas, some also located in basements.
5. There's no need for a bistro restaurant to have a full on premise liquor license.
6. A live music venue or piano bar in the basement is wholly inappropriate in a residential neighborhood with R6 zoning and all the characteristics of a residential neighborhood including narrow streets and ground floor apartments in adjoining buildings.
7. It is unclear if the applicants live music venue in the basement with piano, jazz trios, vocalist and scheduled show times and most likely percussionists as there are now will charge fees or entrance fees or if those will be incorporated into the food and drink prices, but it is known that this type of business does attract a late night clientele that linger and smoke on the sidewalk creating noise and this is a residential community.
8. The existing premise has sound problems and music leakage is regularly heard as several residents have testified. If the application to change seating the basement is approved, it will only expand this problem. The noise-attenuating vestibule for the basement exterior door previously promised by the Licensee will be removed and adding a separate stand up bar only exacerbates this problem even more. The special events indicated by the Licensee will undoubtedly occur on weekends and in the evenings when this is already a known issue.
9. The supposed conversion of the basement into a "dining area" is difficult to fathom as presented as 10 of the tables only have seating for one person and on one side only as presented to CB2. There will be 15 tables and a total of 20 seats. If there were more seats, this would violate the total occupancy of the premises between the 2 floors, which is limited to 74 persons.
10. The continuation of the live music venue in the basement makes this a de-facto destination location in a residential neighborhood, adding full liquor again just exacerbates the situation and increases vehicular traffic for those who take for hire cars because they are unfamiliar with the named streets in Greenwich Village that do not run on a Cardinal axis; and,
11. There is no guarantee that the issuance of this license would result in the applicants claim that he will forever remove the illegal sidewalk benches that he has in past adamantly refused to remove in totality, arguing that he should be allowed to have a few and those benches adversely affect pedestrian traffic. In place of the illegal benches at the moment, the Licensee has placed planters on the sidewalk which also block the free flow of pedestrians; and
12. Because the Licensee seems to have trouble adhering to many regulations at this location, upgrading to a full on-premise license that carries more responsibility is inappropriate.
13. It is wholly inappropriate to operate this premises with separate outdoor entrances to both the ground floor and the basement even if the basement exterior door is used for undefined "special events" only which undoubtedly would include live music in the basement space with a separate standup bar and would most likely occur every week and weekend.
14. Prior to opening, the applicant improperly/illegally and knowingly altered two very large plate glass non operable windows facing gay street to convert them from non-operable plate glass windows to huge operable windows – the Licensee stated he chose the windows himself - the Licensee was aware that this was a landmark district prior to this change – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Alterations of 1st floor windows at Gay Street facade without permit(s)." The applicant also did not file any Department of Building applications to change the windows or other changes. Additionally these illegal installed windows which are not supposed to open are kept open any time the weather is agreeable at all hours creating quality of life issues. The applicant has subsequently presented an approval

letter from the NYC Landmarks Commission which states they would approve legalizing certain aspects of the issues for which they were issued violations if they were properly included in NYC Department of Buildings filings, but no evidence was presented that these filings were ever made with the NYC DOB.

15. CB2, Man. takes violations of Landmarks regulations seriously as these designations help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character here is recognized and protected. The intersection of Gay Street and Christopher Street is the embodiment of why this historic area is world-renowned. For someone to knowingly make such drastic changes while trying to do so undetected is an affront to our Community in CB2, Man., which is home to a significant portion of the landmarked districts in New York City.
16. The original application for the RW included a sidewalk café. It was pointed out to the Applicant that this location is not eligible to have a sidewalk café because it is located within an R6 residential zoning in which sidewalk cafes are not allowed. The applicant went ahead at that time and instead of a sidewalk café which he could not have, he illegally placed 6 benches along the Gay Street Façade that include 17 seats, (this is twice the number of seats he originally applied for in a sidewalk café. He does not have a revocable consent from the Department of Transportation to have any sidewalk benches. This is a residentially zoned area with ground floor apartments and these Benches are highly inappropriate even to the casual observer. These benches have occupied the entire Gay street façade. Behind the benches are the large illegally opening windows, which are always open when the weather is nice. If the façade were longer, there would undoubtedly be even more benches. In July 2015 the applicant was request to appear before CB2 for the renewal of his TW License. After that meeting and after receiving 5 ECB violations, the applicant removed 4 of the benches leaving two benches with 8 seats. Immediately prior to applying for these changes in this presentation, the applicant removed all benches, but there are no guarantees that he would not return them to the exterior and his past actions certainly provide no guarantees.
17. The operator originally stated in July 2013 that he would close his illegal windows at the very late hour of midnight even though he would have scheduled live music in the establishment several days a week. According to residents, up until just recently in 2015 an electronic piano has remained through late 2015. It is inappropriate to have live music in an open-air environment with large windows in a Residential District. It is also inappropriate to have any recorded music audible outside the premises though open windows. The live music is now in the basement, but regardless of whether there is any music, it is inappropriate in a residential district to keep any illegally converted windows open. At the time, the operator stated he could not close his illegal windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.
1. During the original application in 2013 - community outreach was limited and occurred during the July 4<sup>th</sup> Holiday Week when many residents were out of town or on vacation.
18. The current hours of operation for this coffee shop and restaurant bistro are beyond what most coffee shops/bistros operate in the West Village who also only have beer and wine licenses, which would beg the question as to how the “late night operation” with live music and open windows would operate and the quality of life impact this would have with a full liquor license and two bars. In fact several residents who live across the street testified to this very problem.
19. While the operator provided pictures to accompany the application, no pictures were offered with views of the huge open windows and the 6, 4 or 2 illegal benches depending on the date and in fact, great lengths were gone to capture angles that did not show the operable windows or the illegal benches.

20. This application is a classic example of a bait and switch application. It was originally presented to CB2, Man. as a 1-story coffee shop closing at 1 AM latest with occasional light unamplified live jazz music. It is now a bistro aiming to be open until 1AM/2AM, depending on the presentation of the application and the basement is now part of the premises and it is now being operated as a live music venue (including late night). CB2 and the Community have been told by the Principal that he is essentially doing it his way and that's the way it is going to be by the Licensee, and at every turn this premises has morphed in an unprofessional manner for a supposed neighborhood establishment extracting as much as possible and going far beyond until cited by enforcement agencies even though certain actions are blatantly illegal and each turn appears to reflect poor character of the operator to the point the authority should consider taking character into consideration in issuing this license or approving any changes.

**xvii. Whereas,** it is hard to understand how the Licensee has again morphed his operation to Dominique Bistro to suit his needs prior to presenting before the Liquor Authority or CB2, Man. given his history with many neighbors, CB2 and the Liquor Authority including other premises beyond CB2 which have had similar issues and this appears to be a continuing disturbing pattern of conduct which engenders no confidence in any proposed changes and it is also disturbing in that these patterns of repeat conduct are repeatedly dismissed as one time only issues by the Licensee even though they occur regularly; attempts to address any issues are confined to the time period immediately prior to any hearings and show no interest in sustained improvement in quality of life improvements; and,

**xviii. Whereas,** this application in sum is to add a 2nd standup bar in the basement in addition to the ground floor standup bar, expand the ground floor bar from 2 to 10 seats, add full liquor to the entire premise, continue live music in the basement, change seating on in basement into a configuration which results in among other things 10 tables with only one seat for each, reconfigure the bathrooms, continue use of the illegally installed large almost floor to ceiling operable windows on Gay Street late into the evening, abandon sound attenuation plans for the basement door which will still be used for special events in the basement on a regular basis, and remove illegal outdoor benches now that the weather is cold all in the interest of improving the current operation; and,

**xix. Whereas,** the proposed changes supposedly correct past issues, but it was unclear how any of these changes ameliorate any of the ongoing issues in a meaningful manner that they would justify the addition of a separate bar in the basement or expansion of the ground floor bar or support an upgrade to a full liquor license or any other changes; and,

**xx. Whereas,** since the inception of Whynot My Way, LLC not a single permit has been applied for with the New York City Department of Buildings for any work even though this premise was previously a retail clothing store for at least 20+ years; it is hard to understand how the premises has been constructed to date without any electrical, plumbing or other permits even as the Licensee claims to have already moved bathrooms, built bars, installed a kitchen and fixtures in spaces which were previously empty while used as a retail store and he has said – well everything was just there; and,

**xxi. Whereas,** a number of local residents who live immediately next door and across the street again appeared and written correspondence from neighbors who live next door and across the street was again received; the correspondence cites the residential character of the neighborhood is inappropriate for what is now a continually morphing coffee shop that would now like a full liquor license with a basement live music venue – it was first a coffee shop, then a bistro, then a live music jazz club and now wants to become a piano bar in the basement and ; that another licensed establishment that the Licensee owns and operates around the corner, Olio (SN1239338), has flagrantly violated New York City Sidewalk Café Laws in the past until they received violations by both operating their sidewalk café well beyond the



hours mandated by law and by having many more tables and chairs than allowed on their sidewalk café license and for placing tables and chairs in front of other establishments beyond their licensed area after those establishments have closed, namely the flower shop next door; it was also pointed out that at this establishment, the subject of this application on Gay Street, the Licensee has been doing the same thing with 4 illegal benches and 19 seats creating an open air patio on the public sidewalk illegally; that the premises has increased the noise and traffic in the area and in particular the illegal operable windows which are open late into the evening and this forces people who live in the immediate area to essentially have this operator and their patrons in their living rooms and bedrooms; that sound leakage from the basement travels directly into the apartments across the street, that the illegal benches have been essentially a breach of the trust of the public space known as the sidewalk and street and that while this may be a legal use for the interior of this commercial space this is still first and foremost a residential neighborhood that is mostly quiet and free from the hustle and bustle of the nearby avenues and upgrading would certainly add to the foot traffic and noise and is counter productive to the character of the neighborhood; residents have repeatedly tried to approach staff and the owner about closing the windows or attenuating sound issues from the basement but the only response were immediately prior to presentations at CB2, Man. and there was no follow up or response, requests directly to staff in person to close windows fell on deaf ears, several people were asked about changes since August 2015 and the response was that rat issues had been mitigated, that some of the benches were removed but two benches with seating for a total of 8 people remained until just recently, that windows were still open as late as customers were in the premises on most nights, one resident sated that they had been in the premises and had counted seating for well beyond 74 persons in the premises, another resident testified that there continued to be a flouting of the laws by the principal and the inconsistent operation of the premises with windows open late and music and noise was wholly unpredictable and a terrific burden on quality of life and that the relationships with the owner were so poor and unprofessional that it was difficult to continue to articulate at this point as there seemed to be no point in trying; and,

**xxii. Whereas,** CB2, Man. had originally requested that the applicant in July 2013 re-envision his plan for the business in terms of operating within a residentially zoned community and requested that they return to CB2, Man. at a later date with an accurate completed CB2 Questionnaire and a copy of their application to the Liquor Authority reflecting that information, but instead the Licensee chose to avoid the community board, simply mail updated materials reflecting changes they had made that they were aware only exacerbated the situation and went directly to the Liquor Authority; and,

**xxiii. Whereas,** this business already creates a significant noise disturbance and other quality of life issues for some residents who live immediately across the street and in the area and these complaints would be exacerbated and expanded, not mitigated, by upgrading the existing license to a full liquor license; those residents with issues have tried to communicate with the Licensee and his staff but have been rebuffed, attempts to communicate have been in person directly to staff and by telephone and directly with the owner who has no recollection of those complaints and also at previous CB2, Man. committee meetings; the premises has advertised live music extensively including on social media, on the radio and draws a crowd from beyond this neighborhood for music events; there is limited parking in the area and expanding the basement use to include a standup bar with live music will most likely result in additional evening and late night business which will have an impact on parking in the area; Greenwich Village and the West Village have plenty of coffee shops and bistros and restaurants and piano bars and jazz venues and live music and proposed operation is not unique, the premises has been cited for breaking regulations over a long period of time; and,

**xxiv. Whereas,** despite the Licensee’s claim that he is “giving up things” in exchange for approval of a restaurant on-premise liquor license, there continue to be ongoing complaints which are not addressed until just prior to presentations and applications and collection of signatures in support does not address those ongoing issues which the Licensee has chosen to allow to linger and perpetuate by not taking full corrective actions immediately; and,

**xxv. Whereas,** CB2 Man. has devoted at least 5 hours over the last few years to presentations by this Licensee with little corrective action, residents have continually appeared and stated their concerns with little attention or corrective action and no improvement in communications or a desire to fix ongoing issues; and,

**xxvi. Whereas,** there are approximately 21 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the “500 Ft Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an upgrade from the existing restaurant wine license to an on-premises liquor license, denial of the alteration application presented and denial of the method of operation change for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014;** and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Manhattan respectfully requests that this item and these matters be placed on the calendar at a future Full Board meeting of the Liquor Authority in order for the Commissioners to review this matter and hear from directly impacted neighbors should they chose to appear prior to making a final determination; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that the Liquor Authority consider **imposing the following conditions on the existing restaurant wine license SN#1272603** should they choose not to approve any of the applications or portions thereof, irrespective of any other determinations as the Licensee never appeared in its current iteration before CB2:

1. The originally presented to CB2, Man. proposed hours of operation: 6 AM to 1 AM, 7 days a week. No patrons remain after closing.
2. No amplified live music as originally presented to CB2, Man., including no amplified guitars or percussion or brass instruments or amplified singers. Only small acoustic jazz and classical trios (3 members or smaller) – quiet playing - once or twice a week.
3. No scheduled or advertised live music performances or cover charges as originally presented to CB2.
4. Windows and doors remain closed at all times as the existing operable windows were illegally installed and are inappropriate in a residentially zoned area. Additionally keep the kitchen door on Gay Street closed at all times.
5. Remove all illegal outdoor benches in perpetuity and any other sidewalk obstructions and illegal A frame signs.

Vote: Unanimous, with 40 Board members in favor.

**16. Ramen by Mew, LLC, 7 Cornelia St. Northwest Store 10014 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license for a Japanese ramen restaurant; and,

**ii. Whereas**, this application is for a restaurant wine license for a 860 sq. ft. premises located on the ground floor in a mixed use building with 5 tables and 30 seats and 1 standup bar with 13 seats for a total of 43 seats, there is a certificate of occupancy; and,

**iii. Whereas**, the hours of operation will be from 11AM to 11PM 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a Japanese ramen restaurant.
2. The hours of operation will be from 11AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will not have French doors, operable windows or open facades and will close all doors at 9PM.
11. There will be no unlimited drink specials of any type.

**v. Whereas**, there are currently approximately 22 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant wine license for **Ramen by Mew, LLC, 7 Cornelia St. Northwest Store 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Unanimous, with 40 Board members in favor.

## **17. Big Fish Enterprises, LLC, 142 W. 10<sup>th</sup> St. 10014 (New OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for a restaurant described as an” “American bistro that will focus on farm to table food” as presented; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a location in a mixed-use building located on West 10<sup>th</sup> St. between Greenwich Ave. and Waverly Place for a roughly 2,485 sq. ft premise located on the ground floor and basement (1,675 sq. ft ground floor patron use and kitchen, 810 sq ft basement, storage – no patron use) with 17 tables and 55 table seats and 1 standup bar with 10 bar seats for a total of 65 seats; the premises is located in a residentially zoned area, there is no existing certificate of occupancy, the applicant states the premises is permitted as a “grandfathered” commercial use, there is no existing Certificate of Occupancy, the applicant provided documentation dated 3/31/2005 from the NYC Department of Buildings stating that they DOB will not object to the use of the building as “store on the first (1<sup>st</sup>) floor and four (4) families dwelling as per alteration 3350/1925 four stories”; and,

**iii. Whereas**, the hours of operation of the premises will be Sunday to Thursday from 11AM to 1AM and Friday to Saturday from 11AM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors & windows will be closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation for the restaurant on-premise liquor license at the new location stating that:

1. The establishment will be advertised and operated as a full service “American bistro that will focus on farm to table food.”
2. The hours of operation of the premises will be Sunday to Thursday from 11AM to 1AM and Friday to Saturday from 11AM to 2AM. All patrons will be cleared from the premises and no patrons will remain after stated closing time
3. The kitchen will remain open and the full food menu will be available until closing time.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will have not have televisions. There will be no projectors.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden, any outdoor area for commercial purposes or a sidewalk café.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The licensee will obtain all required certificates, permits and related documents and will keep current all certificates, permits and related documents.
11. The premises will not have French doors, operable windows or open facades and all doors will remain closed at all times except for patron ingress and egress.
12. The premises and all mechanicals will comply with all NYC Noise Codes at all times.
13. The licensee will post a “Please be considerate of our neighbors” style sign that is visible to patrons both entering and exiting the premises.

14. There will be no A-frames, sandwich boards or other sidewalk obstructions utilized by the premises. There will be no velvet ropes, barricades, planters or other sidewalk obstructions used to control patrons.
15. The premises will operate under one d/b/a name.
16. There will be no all you can drink, all you can eat specials or boozy brunches.
17. There will be no patron use of the basement.

**v. Whereas,** one of the principals was also a principal in a catering premise license for Fifth Avenue Ball Room, LLC, at 24 5<sup>th</sup> Ave, which is now closed and was also located within CB2, Man., and both principals have been involved in the operation of their family's other licensed establishments over the years; the proposed chef for the premises, who will not be a principal, is internationally known, highly regarded and has operated other restaurants within New York City; and,

**vi. Whereas,** the principals and their attorney met with representatives of the local block association, the Mid West 10<sup>th</sup> St. Block Association prior to the meeting to present their application and solicit feedback and discuss the method of operation and possible stipulations; the applicant agreed to a number of stipulations in regards to the "method of operation" but was not willing to agree to reduction of hours of operation to be in line with other restaurants in this residentially zoned area closing at midnight Sunday to Thursday and 1AM Friday and Saturday; the Mid West 10<sup>th</sup> St. Block Association was therefore unable to support the application and requested that CB2, Man. recommend denying the application; and,

**vii. Whereas,** CB2, Man. also received a number of emails in opposition and several residents spoke in opposition, primarily objecting to the proposed hours of operation particularly to any 2AM closing time citing that **(1)** this is a residential community in the immediate area with residential zoning and the proposed premises is located in a grandfathered commercial space – the street is not intended to have late night restaurant operations; **(2)** that the hours of operation until 1AM during the Week and 2AM on the weekends are beyond what other restaurants on West 10<sup>th</sup> St. operate, and that local residents have been accommodating to new operators on this street and reached agreements, but not with later hours of operation in order to maintain quality of life for local residents while accommodating local businesses, **(3)** the premises will operate as a destination location due to the reputation of the Chef and the intentions of the Principals to open and run a well known restaurant which is inappropriate for a residential side street particularly with later hours of operation – a destination location with late hours of operation is more suited to a commercially zoned area such as those found on Avenues; **(4)** that this type of operation with later operating hours will have a direct impact on the block in particular with the advent of new for hire car services such as Lyft and Uber which results in idling vehicles remaining on this residential street which does not have enough room for idling cars and free flow of traffic and an existing designated bicycle lane; **(5)** that the destination location style of operation will result in patrons remaining in the vicinity at later hours because of the late closing hours which impact the immediate residential community in particular beyond the hours of 11pm; **(6)** that the economic argument presented by the applicant for extended hours of operation places the burden on the residents to accommodate this business which contradicts the neighborhoods responsibility to accommodate local businesses in harmony with the residential character of the immediate area – local residents have welcomed a number of operators despite the existing quality of life issues in the area if they are not further contributing to those problems with later operating hours; **(7)** that there are already significant quality of life problems which exist in the area due to the oversaturation of licensed businesses in particular that operate in the later evening and early morning and whose patrons move along residential side streets due to the grandfathered locations of many of these businesses; **(8)** the previous past two operators at this location closed earlier than this operator - the last operator, Seven White, LLC d/b/a Lauro, who operated until just recently presented to CB2, Man. in July 2007 and agreed that they would operate no later than 11PM due to the residential nature of this

immediate area – this new application by the principals is a significant expansion in hours of operation where they have the most impact on this residential community; and (9) because the highly regarded Chef is not a principal, there is a concern that like many other operations over the years in the immediate area and on this street that if this restaurant concept does not succeed, the premises will become more of a food focus earlier and then late night destination drinking location later in the evening with its associated significant quality of life issues which already impact the area; and,

**viii. Whereas**, there was discussion among some members of CB2, Man. who thought that exceptional circumstances were presented because the applicant and their family has over 2 generations of experience and is a proven high-end restaurateur in their other family establishments, that given the applicants statements that without an after theatre crowd seating of 11PM the location and high rent would make this operation as presented fiscally **implausible**, that given the nature of the establishment with a world renowned chef it was felt that that this would be an asset to the community even with late closing times of 1AM during the week and 2AM on the weekends, that other assurances were provided to CB2, Man. that there would be no additional impact on the community with increased hours of operation over the previous operator, and that the business would be total enclosed without any operable windows or accordion` doors or operable façade; and,

**ix. Whereas**, there are currently approximately 24 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Big Fish Enterprises, LLC, 142 W. 10<sup>th</sup> St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 25 Board members in favor, and 15 in opposition (K. Berger, T. Bergman, C. Booth, R. Chattree, T. Cude, D. Diether, S. Gammie, D. Gruber, A. Meadows, L. Rakoff, S. Russo, S. Sweeney, S. Wittenberg, A. Wong, R. Woodworth).

#### **18. FJF Hospitality Group, Inc., d/b/a Tavo, 615 Hudson St. 10014 (New Restaurant OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a full service Latin fusion restaurant as described; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a location in a mixed-use building located on Hudson St between Jane St. and West 12<sup>th</sup> St. for a roughly 3,900 sq. ft. premise located on the ground floor and basement (1,959 sq. ft. per floor, patron use of ground floor only, storage and patron bathrooms in basement) with 22 tables and 61 table seats on the ground floor, 1 standup bar on the ground floor with 9 bar seats; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation from 11AM to 12AM 7 days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a full service Latin fusion restaurant as described.
2. The hours of operation will be from 11AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will no more than 1 television no larger than 42 inches. There will be no projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors at 10PM except for patron ingress and egress.
10. Basement will not be for patron dining – only storage and patron bathrooms.
11. The building façade will never be changed to have operable windows.

**v. Whereas,** the applicant met with members of the Jane Street Block Association and a member appeared in support of the application; and,

**vi. Whereas,** the Principals are also a principals of several other licensed establishments including La Loteria located within CB2, Man.; and,

**vii. Whereas,** there are currently approximately 13 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On Premise Liquor License for **FJF Hospitality Group, Inc., d/b/a Tavo, 615 Hudson St. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

**19. Papaja (Papeja), Inc., 84 7<sup>th</sup> Ave. South aka 303 Bleecker St. 10014 (New OP)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant on-premise liquor license for a “Italia Modern Trattoria/Bistro” restaurant; and,

**ii. Whereas,** this application is for a new restaurant on-premise liquor license for a location in a mixed-use building located on 7<sup>th</sup> Avenue South with entrances on both 7<sup>th</sup> Avenue South and Bleecker St. for a roughly 1,552 sq. ft. premise located on the ground floor, basement (basement has no patron use) and an existing enclosed sidewalk café with 23 tables and 35 table seats and 1 standup bar with 10 seats for total of 45 seats, there is an existing Certificate of Occupancy; and,

**iii. Whereas,** the hours of operation will be Sunday to Wednesday from 11AM to 12AM, Thursday from 11AM to 1AM, and Friday and Saturday from 11AM to 2AM. (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), there is an existing sidewalk café included with this application, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows on the 7<sup>th</sup> Avenue South façade will be closed at 10PM except for patron ingress and egress, the windows on the Bleecker St. façade will be non operable and the door on the Bleecker St. side will remain closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a “Italia Modern Trattoria/Bistro” restaurant as described.
2. The hours of operation will be Sunday to Wednesday from 11AM to 12AM, Thursday from 11AM to 1AM, and Friday and Saturday from 11AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 2 televisions no larger than 42 inches. There will be no projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades except for those in the sidewalk café façade and will close all doors and windows at 10 PM except for patron ingress and egress.
10. There will be no patron use of basement.
11. No speakers or amplified music will be located in the sidewalk café.
12. There will be no televisions in the enclosed sidewalk café.
13. The Bleecker St. door will be closed at all times expect for patron ingress and egress.
14. There will be no outdoor benches ever.

**v. Whereas,** a local resident and member of the local block association appeared and expressed concern that the premises would not be operated as a restaurant only and would be operated with music that could be heard outside or other disruptive late night operations however, she was assured by the applicant that this would never be the case and this would be a restaurant operation only; a concern which had been emailed to the committee was addressed as far as whether the operator could physically "close off" the enclosed sidewalk café from the interior of the restaurant as is required by law, the applicant was unable to answer the question satisfactorily but stated that he would comply with regulations that exist ; and,; and,



**vi. Whereas,** the primary Principal is also a principal of several other current and past licensed establishments including several in CB2, the licensed premises include Barolo on West Broadway, I Tre Merli on West 10<sup>th</sup> and West 4<sup>th</sup>, I Tre Merli on West Broadway, Revel on Gansevoort St., La Focaccia, Bistro at Trump Tower, Terrace Restaurant at Trump Tower, Box Bar; and,

**vii. Whereas,** there are currently approximately 32 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Papaja (Papeja), Inc., 84 7<sup>th</sup> Ave. South aka 303 Bleecker St. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

## **20. Bamboo Village Restaurant Inc., 96 Bowery 10013 (New RW)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license for a “family style Chinese restaurant” which is already operating, but without the service of beer, wine or liquor; and,

**ii. Whereas,** this application is for a restaurant wine license for a 1,600 sq. ft. premises located on the ground floor in a commercial use only building with 34 tables and 68 seats and no standup bar (only a service bar), there is a certificate of occupancy, but it does not currently allow an eating and drinking establishment (it only permits a wholesale establishment equipment showroom use group 11B), there is a current application in progress with the NYC Department of Buildings to alter the use but it has not yet been completed; and,

**iii. Whereas,** the hours of operation will be Sunday to Friday from 11AM to 11PM and Friday to Saturday from 11AM to 12AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 1 TV only; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a family style Chinese restaurant.
2. The hours of operation will be Sunday to Friday from 11AM to 11PM and Friday to Saturday from 11AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have more than 1 television no more than 42 inches. There will be no projectors.
5. The premises will not permit dancing.

6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will not have French doors, operable windows or open facades and will close all doors at 10PM except for patron ingress and egress.
11. There will be no stand up bar.
12. The applicant will apply for a new letter of no objection dated after 12/2015 or obtain a new certificate of occupancy dated after 12/2015.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant wine license for **Bamboo Village Restaurant Inc., 96 Bowery 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Tavern Wine License.

Vote: Unanimous, with 40 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**21. Phil Alotta or an entity to be formed, 310 Spring St. 10013 (New OP - Layover)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 10<sup>th</sup>, 2015, the Applicant's attorney requested to layover this application for a new restaurant on-premise liquor license due to not having all of the materials requested by CB2 for consideration and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Phil Alotta or an entity to be formed, 310 Spring St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**22. BKUK 7 Corp., 1 7<sup>th</sup> Ave. South 10014 (OP Transfer - Layover)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 10<sup>th</sup>, 2015, the Applicant's representative requested to layover this application for a transfer of an on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Phil Alotta or an entity to be formed, 310 Spring St. 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**23. Hu Holdings, LLC, d/b/a Hu Kitchen, 78 5<sup>th</sup> Ave. 10011 (RW Corp Change - withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 10<sup>th</sup>, 2015, the Applicant's attorney requested to withdraw this application for a corporate change for an existing restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Hu Holdings, LLC, d/b/a Hu Kitchen, 78 5<sup>th</sup> Ave. 10011** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**24. Derek M. Koch or entity to be formed, 17 Greenwich Ave. 10014 (New OP - Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 10<sup>th</sup>, 2015, the Applicant requested to withdraw this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Derek M. Koch or entity to be formed, 17 Greenwich Ave. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**25. 2<sup>nd</sup> City West Village, LLC, d/b/a 2<sup>nd</sup> City, 525 Hudson St. 10014 (New OP – layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 10<sup>th</sup>, 2015, the Applicant’s attorney requested to layover this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **2<sup>nd</sup> City West Village, LLC, d/b/a 2<sup>nd</sup> City, 525 Hudson St. 10014** until the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**STONEWALL MONUMENT WORKING GROUP**

**Resolution on the report produced by the Working Group on the establishment of a Stonewall National Monument based at Christopher Park**

**Whereas,**

- a. community groups were notified and there were community members present, and
- b. the working group was appointed to study and produce a report to the CB2 Manhattan Board the potential and possible issues with the establishment of the National Monument, and
- c. at the culmination of its fourth meeting the Working Group voted to submit the attached report to the CB2 Manhattan Board for its approval,

**THEREFORE BE IT RESOLVED** that CB2, Man. hereby **APPROVES** the December 9 report of the Stonewall National Monument Working Group and expresses its appreciation to the working group members for their contribution to this important initiative.

Vote: Unanimous, with 40 Board Members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution in support of re-installation of Street Seats on East 13th Street. east of 5th Avenue**

**Whereas** the New School is proposing to re-install a Street Seats amenity on the north side of East 13th Street east of 5<sup>th</sup> Avenue, in conjunction with the NYC Department of Transportation (DOT) program of that name, to again provide in warmer months some attractive public space, seating and community friendly enhancements in an area that is devoid of these conveniences; and

**Whereas** the previous Street Seats installation, which was designed and constructed by students from the New School's Parsons School of Design in collaboration with other New School students and was in operation from June to early November 2015, was observed to be well-used and also praised by members of the general public and the community (both residential and business), passers-by, and students; and

**Whereas** DOT and the New School presented an illustrated slide report (responding to Community Board 2, Manhattan (CB2, Man.)'s March 2015 resolution request) showing the extensive use and popularity of the installation and its effectiveness in providing a needed and attractive amenity in a sturdy, well-protected environment, and in traffic calming the street; and

**Whereas** because of the project's success, an official Street Seats design/construction class is being created for credit; and

**Whereas** the same base/footprint will be used again for a new design that will be evolved by the new class in keeping with the previous guidelines, e.g., with possibilities such as employing new fabrication techniques, creating an identity and graphics for Greenwich Village, installing benches and additional tables and chairs, using an umbrella, and also integrating and enhancing the adjacent tree pit, possibly with a garden, and taking care of it; and

**Whereas**, as before, the installation will rest on a platform extending six feet into the street bed from the curb (and level with the sidewalk), claiming new public space where the crowded sidewalk is unable to accommodate this amenity. The structure will be three feet high, and 40 feet long in keeping with DOT's requirement that maximum length be no longer than the (New School's) building frontage less requisite distance from the surrounding fire hydrant and loading dock; and

**Whereas**, as before, the installation will be constructed of sustainable, recyclable materials, including chairs, tables, plantings, vegetation and possibly a beacon to provide extra illumination, as well as with photo luminescent elements for nighttime safety that will be highly visible to approaching vehicles; and

**Whereas** again in keeping with DOT guidelines, the following (and other requirements) will be observed:

- No smoking or alcohol consumption will be allowed. Signage prohibiting this will be provided by DOT. Although NYPD will be responsible for enforcement, a New School Security Desk looks out on the site and can act as a supplementary enforcer.
- The New School will take on liability as well as maintenance. New School staff will clean daily.
- The site will be open to the public from the sidewalk (to everyone, including students, residents, businesses, tourists, non-residents, etc.) and will be disabled accessible.
- Safety measures will include white concrete wheel stop bars protecting and defining each of the two flanking sides, white lane markers, flexible delineators and "No Standing Anytime" signage, all furnished by DOT. Because drivers will slow down in response to the structure and safety measures, there will be a traffic calming effect, making the street safer for all users.
- DOT will provide signage indicating the space is open to the public and with contact information for reporting concerns.
- Collapsible tables and chairs will be stored nightly, and roped off; and

**Whereas**, as before, students will prefabricate and assemble the construction modules in the New School facilities, allowing for easy and non-intrusive installation on the street; and

**Whereas** hours will be between 8:00 am and 8:00 pm daily; and

**Whereas** installation will be seasonal, May to October; and

**Whereas** a petition with 400 signatures was submitted in support of the Street Seats installation, with approximately half of the signatures from the neighboring community and half from New School students, along with seven letters of support from businesses on the block; and

**Whereas** DOT and the New School have requested support from CB2, Man. to continue the Street Seats project on an ongoing basis, with a pledge to come back to CB2 in the event of any major change or if the project were ended, and have indicated being open to the possibility of having the students who create the designs present them to CB2, Man. once they're in progress;

**Therefore be it resolved** that CB2, Man. fully supports the proposed Street Seats re-installation on the north side of E. 13th St. east of 5th Ave.; and

**Be it further resolved** that CB2, Man. has no objection to continuing the Street Seats project on an ongoing basis at the location on the north side of E. 13th St. east of 5th Ave., with the understanding that DOT and the New School guarantee that they will return to CB2 in the event of any major change or if the project were ended; and

**Be it further resolved** that CB2, Man. reserves the right to revoke its continuing support should serious concerns develop; and

**Be it further resolved** that CB2, Man. encourages having the students who create the Street Seats designs present their plans to CB2; and

**Be it finally resolved** that CB2, Man. reiterates support to continue the Street Seats project on an ongoing basis only for this specific site on the north side of E. 13th St. east of 5th Ave.

Vote: Unanimous, with 40 Board Members in favor.

## **2. Resolution supporting passage by the NYC Council of Int. No. 713 to require sightseeing bus operators to submit operating plans to the Dept. of Consumer Affairs**

**Whereas** CB2, Man. thanks the office of NYC Council Member Corey Johnson for presenting an overview of Int. No. 713 requiring sightseeing bus operators to submit operating plans to the NYC Dept. of Consumer Affairs (DCA), so that the Dept. can monitor the traffic of sightseeing buses on the road; and

**Whereas** the proposed bill includes the following requirements:

- All applicants for sight-seeing bus licenses or for renewal of their licenses must submit a separate operating plan for every single bus in every sight-seeing bus fleet or, in the case of one single bus, for that individual bus, to DCA.
- The operating plan must detail proposed routes, days and hours of operation, stops and layover locations for these buses, as well as how many buses in each fleet are expected to use each route, stop and layover location during each hour of operation.
- DCA must forward each operating plan for review and comment within 60 days to the NYC Dept. of Transportation, and the community board(s) and council member(s) in the district(s) traversed.
- Upon reviewing the operating plan and the comments submitted, DCA can approve or deny it outright, or send it back to the applicant to amend to avoid adverse impacts on traffic and public

safety that have been determined. When the amended plan is re-submitted, DCA must review it again.

- No sightseeing bus license can be issued until the operating plan for the bus is approved.
- DCA must post each approved operating plan on its website within 30 days. Each sightseeing bus must carry a copy of its operating plan at all times.
- Should the sightseeing bus owner violate an operating plan's terms, each offense is required to be fined from \$500 to \$1,000; and

**Whereas** huge, sightseeing (tour) buses travel down our streets, polluting the air, exacerbating congestion, emitting excessive noise, endangering people's safety (all too often injuring and even killing pedestrians), hindering public bus activities as well as deliveries, backing up traffic, making unwieldy and hazardous turns, jumping the sidewalks, destroying trees, and creating vibrations that structurally impact our small-scale buildings and street beds, altogether compromising the health, safety and access of residents and all users of these streets, and there are no measures at this time to monitor and manage their travel along these routes; and

**Whereas** the proposed operating plans requirements in Int. No. 713 provide the opportunity for needed input and regulation on suitable sightseeing bus routes, assignment of sightseeing bus pickup/drop-off stops, and facilitation of public bus access in a balanced and equitable manner that accommodates tourism while helping mitigate negative impacts on our communities; and

**Whereas** the penalty (\$500-\$1,000) put forth for violation of an operating plan's terms is not in keeping with today's costs and current pricing structure, especially for an industry known to earn over \$100 million annually and garner \$25,000 per bus for advertising with an additional one-time \$15,000 set-up fee; and

**Whereas** no NYC 311 service mechanism currently exists for specifically reporting sight-seeing bus violations and also will be needed for reporting non-compliance with sight-seeing bus operating plans;

**Therefore be it resolved** that CB2, Man. fully supports Intro No. 713 and strongly urges that it be calendared to be heard by the NYC Council as soon as possible and swiftly passed into law; and

**Be it further resolved** that CB2, Man. suggests that provision be included requiring large, easily visible signage of the operating plan and information on where and how to submit complaints of non-compliance with it to be affixed outside the bus; and

**Be it further resolved** that CB2, Man. urges that consideration be given to inclusion of a higher penalty for violation of an operating plan's terms that is more in keeping with today's costs and current pricing as well as to provision for escalation of penalties based on the number and severity of violations; and

**Be it further resolved** that CB2, Man. recommends including provision for license revocation based on the number and severity of infractions; and

**Be it finally resolved** that CB2, Man. asks that provision be included for assigning a code designation to NYC's 311 service for reporting complaints about sightseeing bus violations and non-compliance with operating plans.

Vote: Unanimous, with 40 Board Members in favor.

### **3. Resolution supporting passage by the NYC Council of Int. No. 950 to limit the number of sightseeing bus licenses**

**Whereas** CB2, Man. thanks the office of NYC Council Member Margaret Chin for presenting an overview of Int. No. 950 to limit the number of licensed sight-seeing buses; and

**Whereas** the proposed bill includes the following requirements:

- The NYC Dept. of Consumer Affairs (DCA) can issue a total of no more than 225 active sightseeing bus license plates.
- Without an active license plate, a sightseeing bus cannot operate.
- A licensed sight-seeing bus operator can be issued either a new or a renewal or replacement license within the 225 limitation; and

**Whereas** the number of sight-seeing buses has increased fourfold from 57 in 2003 to 229 operating currently, and there are no laws regulating the number of allowable sight-seeing bus licenses; and

**Whereas** an excessive number of huge, double-decker sightseeing (tour) buses inundate our streets, polluting the air, intensifying congestion, emitting loud noise, endangering people's safety (all too often injuring and even killing pedestrians), hindering public bus activities as well as deliveries, backing up traffic, making unwieldy and hazardous turns, jumping the sidewalks, destroying trees, and creating vibrations that structurally impact our small-scale buildings and street beds, exacerbated by their numbers bunching up, and altogether compromising the health, safety and access of residents and all users of these streets; and

**Whereas** DCA reports that nine more sight-seeing bus companies have applied for new licenses, threatening to increase the already exorbitant number of these buses on our streets; and

**Whereas** sightseeing bus licenses are issued for two years at no more than \$250 per license, an obsolete pricing established many years ago that is not commensurate with the current cost of living, especially for an industry known to earn over \$100 million annually and garner \$25,000 per bus for advertising with an additional one-time \$15,000 set-up fee; and

**Therefore be it resolved** that CB2, Man. fully supports Intro No. 950 and strongly urges that it be calendared to be heard by the NYC Council as soon as possible and swiftly passed into law; and

**Be it further resolved** that CB2, Man. urges that consideration be given to increasing the fee for sightseeing bus licenses to be commensurate with today's cost of living and current pricing; and

**Be it finally resolved** that CB2, Man. encourages and is hopeful that the allowable number of sightseeing bus license plates will be re-evaluated for their negative impact and reduced further in the near future.

Vote: Passed, with 39 board members in favor, and 1 in opposition (R. Sanz).

### **4. Resolution requesting change in parking regulations on weekdays on the west side of Hudson St. bet. 11<sup>th</sup> and Bleecker Sts. to 3-hour metered parking for Commercial Vehicles Only, Mon-Fri, 8am-6pm and 2-hour metered parking Mon- Fri, 6pm-10pm**

**Whereas** current parking regulations on the west side of Hudson St. bet. 11<sup>th</sup> and Bleecker Sts. are for 2-hour metered parking Mon-Sat, 8:30am-7pm; and



**Whereas** multiple businesses which have daily deliveries during the week are directly in front of the metered parking spaces; when those spaces are occupied by regular non-commercial vehicles, commercial/delivery trucks are forced to double-park in a moving lane of traffic along Hudson St., causing congestion by stopping the flow of traffic, and making it dangerous for motorists, pedestrians, and cyclists to navigate along Hudson or cross the street; and

**Whereas** Hudson St. is narrow in this area and often prone to congestion, essentially becoming a single lane of traffic in combination with the bicycle path and racks, commercial truck traffic from Mrs. Green's, D'agostino deliveries, UPS, FedEx and garbage trucks as well as commuter traffic using the street as a major route to Midtown and points beyond, especially during rush hour, and with commercial/delivery trucks double-parked in a moving lane, all contribute to a perfect storm; and

**Whereas** the delivery trucks double-parked on Hudson obscure pedestrian visibility, making crossing the street nearly impossible without stepping out into oncoming traffic with the possibility of being seriously injured or even killed by a vehicle in the process; and

**Whereas** these conditions often times lead to aggressive verbal altercations between bus drivers, delivery drivers, taxi drivers, cyclists, regular motorists and pedestrians; and

**Whereas** providing metered parking for commercial vehicles at this Hudson St. location will both free up the double-parked moving lane for vehicular traffic flow, thus alleviating congestion, and provide the businesses there with much-needed access for their delivery trucks, as well as create a safer street environment;

**Therefore be it resolved** that CB2, Man. requests that the parking regulations on the west side of Hudson St. bet. 11th and Bleecker Sts. be changed on weekdays to 3-hour metered parking for Commercial Vehicles Only, Mon-Fri, 8am-6pm and 2-hour metered parking Mon- Fri, 6pm-10pm.

Vote: Unanimous, with 40 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan