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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Susan Wittenberg, *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: June 18, 2015
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Katy Bordonaro, Anita Brandt, Lisa Cannistraci, Ritu Chattree, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Susan Gammie, Jonathan Geballe, Susan Kent, Jeannine Kiely, Maud Maron, Daniel Miller, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Kristin Shea, Federica Sigel, Shirley Smith, Richard Stewart, Sean Sweeney, Susan Wittenberg, Elaine Young

BOARD MEMBERS ABSENT WITH NOTIFICATION: Daniel Ballen, William Bray, Richard Caccappolo, Robin Goldberg, Sasha Greene, Shirley Secunda, Robert Woodworth

BOARD MEMBERS ABSENT:

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Cristy Dwyer, David Gruber, Edward Ma, Alexander Meadows, Chenault Spence, Shannon Tyree, Antony Wong

BOARD MEMBERS PRESENT/LEFT EARLY: None

BOARD STAFF PRESENT: Bob Gormley, District Manager, Florence Arenas, Community Coordinator, and Julio Mora Community Associate

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Melissa Gindin, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, NYC Comptroller Scott Stringer, Crystal Feng, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Erik Bottcher, Council Member Corey Johnson's office; Matt Viggiano, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Angela Corsilles, Jonathan Feldberg, Chris Nolte, Danielle Nazinitsky, Nichole Huff, Michael Marr, Julien Tunney, Emily Folpe, Beverly Tatham, Andrew Brokman, Drew Hartley, Peter Joseph, Virna Springer, Chui Man Lai, Amy Tse, Salvatore Vitiello, Aaron Kesselman, Yami Jaca, Pete Davies, Simon Carroll, Danielle Tcholakian, Debra Cooney, Marion Lee, Angela Kutchen, Erik Lium, Moe Rosa, Joseph Lin

MEETING SUMMARY

Meeting Date – June 18, 2015
Board Members Present – 40
Board Members Absent With Notification – 7
Board Members Absent -
Board Members Present/Arrived Late - 8
Board Members Present/Left Early – 0

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
LANDMARKS AND PUBLIC AESTHETICS	4
LAND USE & BUSINESS DEVELOPMENT	10
SIDEWALKS/STREET ACTIVITIES	14
SLA LICENSING	18
TRAFFIC AND TRANSPORTATION	49

II. PUBLIC SESSION

Non-Agenda Items

IDNYC

Joseph Lin spoke regarding the municipal I.D. program.

MPIA

Amy Tse announced several upcoming events in the Meatpacking District.

Bellevue Advisory Board

Lois Rakoff announced that Bellevue would be holding their annual meeting on June 24th at 6pm, and it is free and open to the public.

Adelphi University

Aaron Kesselman made an announcement regarding the university's School of Social Work.

Soho Strut

Danielle Nazinitsky spoke regarding the Soho non-profit.

Soho Broadway BID

Pete Davies announced that the BID is holding their first annual meeting on June 24th in the Scholastic Building.

Contractor

Angela Kutchen spoke regarding a contractor.

NY Presbyterian Lower Manhattan Hospital

Chui Man Lai was introduced as the Director of Community Affairs for the hospital.

Landmarks & Public Aesthetics Items

264 Mulberry St. App. to install statue of Archbishop John J. Hughes in the east courtyard of the church and install a glass hatch door in place of an existing steel hatch door in the east courtyard of the church
Drew Hartley, the architect, spoke in favor of the Landmarks proposal.

Land Use and Business Development Items

39 Clarkson St. App. for variance to convert a 6-story former manufacturing building into 8 residential units and 4 accessory parking spaces
Salvatore Vitiello and Erik Lium spoke against the proposed conversion.

SLA Licensing Items

Elmer Kennedy, LLC, 86 Kenmare St.

Moe Rosa and Madison spoke regarding the proposed beer and wine license.

Traffic and Transportation Items

Closure at Waverly Place and 7th Ave. South

Peter Joseph spoke against this street closure.

III. **ADOPTION OF AGENDA** The agenda was adopted unanimously, with 40 Board members in favor.

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Melissa Gindin, 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

Erik Bottcher, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Matt Viggiano, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of April minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1st LANDMARKS MEETING

1. **2015 Borough Board/Community Board Resolution Recognizing the 50th Anniversary of the NYC Landmarks Law and Value of Preservation**

Whereas: In 1965 elected officials signed The New York City Landmarks Law, mandating the protection of historic resources as part of a comprehensive urban planning process and a “public necessity” that is “required in the interest of the health, prosperity, safety and welfare of the people,” and

Whereas: The legitimacy of this process and its public purpose has been upheld by the U.S. Supreme Court, and

Whereas: The Landmarks Law outlines the many reasons for establishing a means to designate and protect buildings and neighborhoods, including fostering civic pride, protecting and enhancing attractions, stimulating tourism and other businesses and overall, strengthening the economy of the city, and

Whereas: The New York Landmarks Preservation Commission has a 50-year record of review and approval of alterations to individual landmarks or buildings located within historic districts, and half of a century later, preservation continues to serve New Yorkers by helping to create a vibrant, livable city, and

Whereas: Preservation Stabilizes Diverse Communities. New York City is not a single monolithic entity but rather a great consolidation of neighborhoods. Preserving the character of those neighborhoods creates stability for the many diverse identities of New York and allows them to flourish without being lost, and

Whereas: Preservation Preserves Affordable Housing. Landmarks and buildings in the city’s historic districts in all five boroughs provide protections against demolition, which in turn save hundreds of existing units subject to rent regulation, and

Whereas: Preservation Promotes Investment, Economic Development and Good Jobs. Preservation encourages investment in real estate while stabilizing property values and strengthening the city’s tax base. It helps create and protect local jobs in the conservation, reconstruction, manufacturing, film and television, tourism, hospitality and other related industries, and

Whereas: Preservation is Sustainable. The greenest building is the one already built. Most old buildings were designed with a sophistication of thought rather than a sophistication of technology, which, in terms of climate control and energy usage, integrates them with the environment in a way that most new

buildings do not. Furthermore, repairing, rehabilitating and re-using buildings and materials saves money, fuel and energy without the waste, debris, noise and truck traffic that new construction generates when it involves the demolition of an existing building, and

Whereas: The New York Times declared that preservation is an “environmental necessity” on the occasion of the a 50th Anniversary New York City Landmarks Law and the Landmarks Preservation Commission in April 2015, now

Therefore be it resolved that: CB#2, Man. celebrates the 50th Anniversary of the Landmarks law in 2015 and the ongoing value of our community's distinctive character, landmarks and built heritage, and

Be it further resolved that: CB#2, Man. urge elected officials and citizens throughout the city to support and defend the New York City Landmarks Law, a strong Landmarks Preservation Commission and the distinctive landmarks in our community, both those that are officially designated and those that are currently unprotected.

Vote: Unanimous, with 40 Board members in favor.

2 - LPC Item: 112 Prince St. (s.w. corner Greene) - SoHo Cast-Iron Historic District. Application is to vertically extend the elevator bulkhead from 5’2” to 10’ for elevator upgrade

Whereas, the increase in height is minimal and will barely be noticed, and the materials are characteristic of the historic district; now

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

Vote: Unanimous, with 40 Board members in favor.

3 - LPC Item: 666 Broadway (s.w. Bond) - NoHo Historic District Application is to install three bracket signs on the Bond Street and Broadway facades of the building.

Whereas, two expansion bolts used to secure each of the three sign brackets will unnecessarily compromise the original masonry; and

Whereas, this is not really a business sign, but an advertising sign, since its placement at the top of the ground-floor level does not directly relate to the second-floor business which it references, and, thus could confuse – rather than inform – the public; and

Whereas, since the applicant brought up the existing five signs for the ground-floor business, TD Bank, we questioned why there were so many and wondered whether the business had actually received LPC permits to install them; now

Therefore, be it resolved that CB2, Man. recommends denial of this application, since the signs are not directly identifying the business location and compromise the masonry, and, further.

Be it resolved that CB2, Man. requests the Commission determine whether the five existing signs for TD Bank received LPC permits, since the community board does not believe the applicant appeared requesting so much signage.

Vote: Unanimous, with 40 Board members in favor.

4 - LPC Item: 264 Mulberry Street - St. Patrick's Old Cathedral - Individual Landmark (1966)

Application is to install a bust of Archbishop John J. Hughes in the east courtyard of the church and to install a glass hatch door in place of an existing steel hatch door in the east courtyard of the church

Whereas, the proposed glass hatch-door will replace a clunky, rusting hatch door, and will enhance the campus; but

Whereas, the proposed statue of Archbishop Hughes would not be appropriate in the courtyard, although the 1966 Designation Report notes "the early history of the Roman Catholic Church in this country relates chiefly to this building and particularly to the person of the great Archbishop, John Hughes"; now

Therefore, be it resolved that CB2, Man. recommends approval of the glass hatch-door and bust and plinth.

Vote: Passed, with 36 Board members in favor, 1 in opposition (C. Dawson) and 3 in abstention (R. Chattree, S. Russo, E. Young).

5 - LPC Item: 475 West Broadway (s.e. Houston) - SoHo Cast-Iron Historic District. Application for renewal of a Master Plan governing the installation of painted wall signs.

Whereas, no complaints have been received regarding these once controversial wall signs, now that a Master Plan has been installed; and

Whereas, the Plan provides a simple and timely solution to the needs of advertisers; now

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

Vote: Unanimous, with 40 Board members in favor.

6 - LPC Item: 127 Prince Street - Application is to install a signage

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

7 - 168 Bleecker St. - Application is to demolish and install new storefront infill, windows on Bleecker St., and a stair/ramp on the Sullivan St. side as a secondary entrance.

Whereas, a ramp on Sullivan Street is proposed to provide access to the corner commercial space through a newly created entrance which replaces a large show window; and

Whereas, the steps and ramp color is black and face of the ramp in stone to match the water table; and

Whereas, the iron work design is taken from the cornice of the building and examples in the area presumed to be historic; and

Whereas, eight feet remain for sidewalk clearance; and

Whereas, the ramp and steps are a striking intrusion on the integrity of an iconic corner building in a newly created historic district; and

Whereas, the comparable commercial space at the eastern end of the building achieves ADA access with an interior lift that occupies a modest amount of space; and

Whereas, the ramp, if approved, would be less intrusive without steps and with a simpler railing; now

Therefore be it resolved, that CB2, Man. recommends denial of the application.

Vote: Unanimous, with 40 Board members in favor.

8 - 303 Bleecker St. - Application is to install a new storefront.

Whereas, the façade is the rear of the building and this façade was originally a storefront, which was infilled with brick in the 1980's; and

Whereas, the proposal is to install a storefront conforming to the size of the former storefront minus the entrance to the apartment above and involves no destruction of historic material with a 21" X 13" metal sign above the infill; and

Whereas, the bulkhead and general design of the infill matches the recently approved neighboring building; now

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

Vote: Passed, with 33 Board members in favor, and 7 in opposition (C. Booth, R. Chattree, S. Kent, A. Meadows, L. Rakoff, S. Russo, S. Smith,

9 - 84-86 7th Ave. South. - Application is to legalize painting the façade without LPC permits. Withdrawn

10 - 14 Horatio St. - Application is to install a new, single storefront.

Whereas, the building is of a modern design period notable for its curved corner façade and certain modest detailing around the entryway; and

Whereas, three storefronts on the 8th Avenue façade are to be combined with commercial space extending north into one store; and

Whereas, the three storefronts will be united into one glass front without bulkhead or detailing and with visible, interior aluminum columns; and

Whereas, the south section of the infill will contain an aluminum sign 7'-6" high and 6'-6" wide with 11" lettering; and

Whereas, the existing planter box railing, presumably original, is to be replaced by a railing in stainless steel; and

Whereas, the opening to be created in the space of the three store fronts presents itself as a gaping void which is out of harmony with the lines of the façade of an otherwise substantial building; and

Whereas, the inappropriateness of the void is emphasized by the removal of the piers which continued the line of the brick between the windows on the upper stories and the absence of a bulkhead; and

Whereas, references to existing elements of the building's entrance are illusionary and the design is out of harmony with both the building and the neighborhood within the historic district; and

Whereas, the aggressively large sign in an inappropriate material bespeaks branding and is unacceptable – both to the integrity of the building and to the historic district; and

Whereas, the proposed railing for the planter box is a further introduction of an element out of character with the building; now

Therefore be it resolved, that CB2, Man. recommends denial of the application.

Vote: Unanimous, with 40 Board members in favor.

11 - 255 Bleecker St. - Application is to remove storefront infill, paint existing brick at the parapet, installation of accordion-style metal and glass doors, sconce lights, signage, and addition of two skylights on the roof.

Whereas, the current condition reveals the original brick at the top, flashing and accordion doors from a renovation prior to designation; and

Whereas, the flashing covers the top of the original openings; and

Whereas, the wooded doors are to be changed to taller, steel and glass doors; and

Whereas, the entrance will be retained with a raised letter sign above; and

Whereas, the area of the operable doors is excessive because it eliminates the visual substance of the building suggesting a multi-bay garage space; and

Whereas, the “garage” image of the chain is not appropriate for the historic neighborhood and especially to this corner of a residential street; and

Whereas, the shocking color at the base of the columns is out of harmony with the district and bespeaks branding and is unacceptable – both to the integrity of the building and to the historic district; and

Whereas, the applicant did not present the plan for lighting; and

Whereas, a photograph was presented showing original, substantial piers between the original showcase windows and a large bulkhead below the windows; and

Whereas, in newly created historic districts it is especially important that inappropriate renovations that took place prior to designation be reversed in subsequent renovations; now

Therefore be it resolved, that CB#2, Man. recommends denial of the application.

Vote: Unanimous, with 40 Board members in favor.

12 - 44-46 Horatio St. - Application is to restore original ground floor entry and areaway at 44 Horatio, construct a one-story rooftop addition and bulkhead at 46 Horatio, excavate rear yard and enlarge window openings on rear facade.

Whereas, the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas, the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

13 - 162 W. 4th St. - Application is to remove existing glass sidewalk café enclosure, restore/install storefronts with fabric awning, and new signs.

Whereas, the existing sidewalk enclosure will be removed; and

Whereas, the area will be used as an unenclosed sidewalk seating area using the existing 6" platform with 10 tables and a removable guard railing; and

Whereas, an ADA ramp will be provided at the corner entrance leading to the takeout counter area and to the sidewalk seating area; and

Whereas, the windows and doors are sliding glass and conform to the original openings in a variety of designs; and

Whereas, the Cornelia Street façade will have one retained infill and one new infill similar to those in the 4th. Street façade;

Whereas, there are 14" high signs with 9" high letters above each opening and above the entrance; and

Whereas, there are awnings above the four large openings; and

Whereas, removing sidewalk enclosure reveals the façade which then obliges the applicant to install infill that is historically respectful and maintains the rhythm of openings; and

Whereas, the entrance to the restaurant area with ADA ramp is proposed to be moved to the south end of the building on Cornelia Street; and

Whereas, a member of the Committee represented that the proposal varies in several material respects from the proposal recently presented to the SLA Committee; now

Therefore, be it resolved, that CB2, Man. recommends denial of the application.

Vote: Unanimous, with 40 Board members in favor.

14 - 30 Jane St.- Application is for the installation of a business awning with integrated signage (revised presentation).

Whereas, the awning is to be in black fabric with side panels and both respects the character of the building and achieves the necessary needs of the commercial use of the space; and

Whereas, the modest lettering is in white, 4” high; now

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

Vote: Unanimous, with 40 Board members in favor.

15 - 14 Leroy St.- Application is to A) restore the front façade, addition of stoop, replace door and windows, push back front safety railing at roof; B) removal of the fire escape at the rear façade, replace windows, install French doors and Juliette-type railings, and replace door and windows at cellar level.

Withdrawn

16 - 104 Christopher St. Application is to install bracket signs.

Whereas, the business is four adjacent store fronts; and

Whereas, the existing banner signs will be removed and the signs will be in the same positions; and

Whereas, the signs will be 3 X 1’8” in black metal with bronze lettering on panels referencing the transom designs; and

Whereas, the signs are in harmony with the building and the neighborhood and conform to the regulations concerning such signs, now

Be it resolved that CB2, Man. recommends approval of the application

Vote: Unanimous, with 40 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 557 Broadway is located on the west side of Broadway between Spring and Prince Streets. Application **146-96-BZ** by Scholastic 557 Broadway LLC to the Board of Standards and Appeals is to amend a previously approved variance (August 1997) to move Scholastic’s corporate headquarters entrance from Broadway to Mercer Street, create retail square footage on the ground floor entered from Broadway and create an Broadway lobby to access new retail on the second floor.

Whereas:

1) Since completion of 557 Broadway in 2001, Scholastic has been an exemplary neighbor, leading the way for revitalization of the neighborhood and creating a building that fits perfectly within the

neighborhood context. In 2014, they took ownership of the adjacent building at 555 Broadway and are preparing a major renovation of both buildings.

- 2) This application is to amend a variance for 557 Broadway (MI-5B) in the following ways:
 - a) relocate the Broadway office lobby and related common areas from the eastern portion of the building facing Broadway to the western portion of the building facing Mercer Street (1,980 s.f.)
 - b) relocate and expand the Mercer Street retail space to Broadway (7,438 s.f.); and
 - c) provide a new entrance lobby (654 s.f.) on Broadway with access second floor retail (8,607 s.f.).
- 3) The applicant, represented by Ross Moskowitz from Stroock & Stroock & Lavan LLP and Jonathan Feldberg from Scholastic, first presented to CB2's Land Use Committee on April 8, 2015. At this June 10 meeting:
 - a) they made no changes to the previous committee presentation and offered no new information;
 - b) they refused to commit to limiting the size of future retail; and
 - c) they refused to confirm or deny that they have accepted a bid of \$400 million from Madison Capital for the rights to 32,000 s.f. retail as reported in the Real Deal (April 17, 2015).
- 4) This meeting was attended by approximately 15 neighborhood residents who spoke out against approving this amendment. The comments from the community include:
 - a) the alarming trend in Soho toward huge retail "big box" stores, which threaten to overwhelm the character of this mixed use, historic neighborhood;
 - b) the concern that this amendment is the first step in an overall plan to create oversize retail space in this building and the adjacent building at 555 Broadway, recently acquired by the same company;
 - c) a request that a comprehensive master plan for the overall future retail uses be presented before approval of this application; and
 - d) concern that although the two Scholastic Broadway buildings are technically two individual tax lots, those buildings are actually interconnected above the first floor, which in the future could simplify the retail expansion all across the upper floors;
- 5) Quality of life issues associated with moving the employee entrance to Mercer Street are:
 - a) the need to discourage congregating and smoking outside the new office entrance on Mercer Street;
 - b) the need to improve lighting by the office entrance and under the overhang area, where currently the homeless sleep; and
 - c) the potential for significant additional noise generated by loading and unloading, hours of delivery, trucks parking and idling, trash collection and impacts on vehicular traffic.
- 6) Illumination from Scholastic's offices and its impact on the residential neighbors was discussed and the applicant agreed to limit the light levels emanating from the upper floors of building at night in the following ways:
 - a) install light motion sensors in the exit stairs;
 - b) add automatic shades for the office for nighttime control; and
 - c) schedule the cleaning crews to complete with office cleaning by midnight (and turn off the lights)

7) Retail illumination and signage in Soho and NoHo in general, and especially on Broadway, has recently taken the form of huge light boxes or LED screens in first and second floor windows that create a Times Square advertising atmosphere day and night.

a) The applicant was not prepared to add a clause to its retail leases regarding limiting levels of illumination from signage.

8) While we understand Scholastic's desire to move the employee entrance to Mercer Street so it is separated from the overcrowded conditions on Broadway, amending the variance to add additional retail will exacerbate the very conditions that they are escaping.

9) Absent a demonstrable hardship, we question why Scholastic should not have to abide by the same regulations as other commercial and residential buildings.

10) The 1997 variance was based on the calculation of a "minimum" variance. Any increase in the amount of non-conforming retail below the second story would clearly be above and beyond the minimum variance.

11) CB2, Man. has a track record of opposition to too much and too big retail on Broadway and is committed to protecting the mixed-use character of SoHo and NoHo.

12) CB2, Man. has supported and continues to support the current limitation of 10,000 s.f. on the size of individual retail stores.

Therefore it is resolved that CB2 recommends DENIAL of this application UNLESS:

1) The total retail below the second story does not exceed the amount approved in the original variance, based on the minimum variance finding.

2) Retail uses at 557 Broadway are restricted so that in the future, no single store can exceed 10,000 s.f.

3) Future connections between 557 Broadway and 555 Broadway for the purposes of creating oversize retail are prohibited.

Vote: Passed, with 39 Board members in favor, and 1 recusal (S. Smith).

2. 39 Clarkson Street (between Hudson and Greenwich Streets) BSA Application #64-15-BZ for a variance to permit conversion of a six-story former manufacturing building in an M1-5 district to have eight residential units and four accessory parking spaces.

Whereas:

1) This is a 96-year-old, story manufacturing building in an M1-5 district to be converted to a residential building with eight units and four off-street accessory parking spaces for the units;

2) In order to provide a 30-foot rear yard for the residences, the proposed conversion would remove 8,040 sf from the rear of the building and reallocate the floor area to an additional three stories plus penthouse, which would be set back 20 feet from the street line and would be within the M1-5 sky exposure plane and rear yard open space requirements;

3) There are no Certificates of Occupancy for the building on the DOB website;

4) Under the proposed conversion, the zoning area would be 28,776 sf of floor area (the amount of floor area in the existing building), yielding an FAR of 5.74.

- 5) The current FAR permitted by the zoning resolution for this district is 5.00 for commercial and manufacturing use and the maximum allowable zoning floor area is 25,080 sf (5.00 x 5016sf).
- 6) Even though the proposed alterations do not increase the degree of non-compliance or create new non-compliance, that does not mean the applicant is entitled to the current FAR when seeking a change to residential uses;
- 7) The applicant's economic analysis report calculates the annualized return on investment at 7.52%. However:
 - a) In calculating the revenues from the three-story triplex, Schedule G3 (Proposed Conversion Apartment Pricing) miscalculates the price of the unit at \$6,363,500 because it mistakenly uses a price per square foot of \$1327 x 4793 sf instead of the \$2200 per sf shown in the chart, which would yield a price of \$10,544,600 and would increase the project value by approximately 10%.
 - b) This mistake also skews the calculation of return on investment in Schedule A2 (Analysis Summary – Residential Use).
 - c) The return of 7.52% is based on an average unit sales price of \$1,927 per square foot, which is unrealistically low for new luxury housing in this neighborhood.
 - d) This average is further reduced significantly by the price per square foot of the studio apartment on the first floor (\$1600 per sf).
 - e) The applicant has failed to factor in any value from each unit's outdoor space, especially the square footage of the duplex's 1500 sf terraces and the triplex's almost 1900 sf terraces and roof area.
 - f) The applicant shows a differential per lower floor units vs. upper floor units of only \$25 per square foot per floor.
 - g) When calculating the price of the units, the applicant fails to factor in the scarcity of four- and five-bedrooms (not to mention apartments with square footage in excess of 3000 sf) in Manhattan in general and this neighborhood in particular
 - h) A search of comps in new high-end residential construction projects in the neighborhood shows per square foot prices of closer to \$2400 for three-bedrooms, \$2700 for four-bedrooms and in excess of \$2800 for five bedrooms, which significantly changes the value of the project.
 - i) Applying the above rates and correcting the error on the triplex raises the projected revenues by more than 35%.
- 8) The applicant is entitled to only the minimum variance needed to make a reasonable return. Therefore, it is critically important to recalculate the projected revenues using realistic and properly-computed per square foot calculations, including the potential revenues from the outright sale of the four cellar parking spaces.
- 9) CB2 is acutely aware that this application is only one of a stream of recent, new, ultra-high luxury residential projects in the district, which left unchallenged threaten to replicate the enclaves of wealth and privilege that now exist in the West Village, the Far West Village and SoHo.
- 10) CB2 is committed to achieving a significant affordable housing goal and thinks that in this case, and if found necessary, it is appropriate to allow more floor area for that purpose.

Therefore be it resolved that CB2 recommends DENIAL of this application UNLESS:

- 1) The developer dedicates 20% of the floor area of the project to permanently affordable condominium units.
- 2) If affordable units are included, additional floor area be considered to achieve the minimum variance, provided the BSA takes a fresh look at the applicant's calculated projected revenue—using correct calculations of project value and including competitive per square foot data that more accurately

reflects the high value of similar units in the area—to determine the number of additional floors, if any, needed to achieve the minimum reasonable return while still maintaining neighborhood context.

3) Appropriate Area Median Income data to be used to achieve these goals.

Vote: Passed, with 24 Board members in favor, 15 in opposition (L. Cannistraci, R. Chattree, T. Connor, C. Dwyer, R. Ely, B. Freeland, J. Frost, A. Meadows, L. Rakoff, B. Riccobono, S. Russo, K. Shea, S. Smith, S. Tyree, E. Young), and 1 abstention (S. Sweeney).

SIDEWALKS/STREET ACTIVITIES

1. New App. for revocable consent to construct, maintain and use fenced-in areas:

45 Fifth Avenue, between E 11th & 12th Sts., (EIN#13-3110697)

Whereas, the area was posted, community groups notified, applicant appeared by its representative, Walter B. Melvin Architects and, no community members appeared in favor or in opposition; and

Whereas, this project features limestone curbs that are similar to the base of the building, a black iron fence similar in design to that of 25 Fifth Avenue and planting and green areas with attractive landscaping characteristic of this historic district; and

Whereas, CB2, Man. previously approved, on March 19, 2015, the Landmarks Committee resolution supporting this application and LPC issued, on April 13, 2015, a Certificate of Appropriateness;

THEREFORE, BE IT RESOLVED, that CB2, Man. recommends **APPROVAL** of a new application for revocable consent to construct, maintain and use fenced-in-areas for **45 Fifth Avenue, between E. 11th & E. 12th Sts. (EIN#13-31106697)**;

VOTE: Unanimous, with 40 Board Members in favor.

3. Renewal Modification App. for revocable consent to operate an unenclosed sidewalk café for:

Quimera Restaurant Group LLC, 81 Greenwich Avenue, with 20 tables & 42 chairs (1457681-DCA)

Whereas, the area was posted, community groups notified and the owners of the adjacent building on Bank St. were present regarding this application as well as the applicant's principal, Hector Sanz and his representative, Steve Wygoda; and

Whereas, this is a modification of the Greenwich Avenue, Barraca Restaurant sidewalk café (currently licensed for 17 tables and 34 seats) for an additional 3 tables and 8 chairs located on the four-foot platform in front of the Bank Street, Macondo West Bank Street Restaurant; and

Whereas, the two restaurants are owned by the same corporation (with two different trade names) with one liquor license and share the same kitchen; and

Whereas, the owners of the adjacent Bank Street building appeared and agreed to the café on Bank St. upon the following terms:

a – a sign is posted stating “Quiet Please” or Please Be Considerate of Your Neighbors”;

- b – applicant places a planter outside the café area next to the adjacent building railing;
- c – Bank Street café location closes by 10 p.m. every night, seven days a week;

Whereas, the CB2, Man. requests that DCA review of the legality of the platform; and

Whereas, there exists a DCA/Landmarks approved retractable awning;

THEREFORE, BE IT RESOLVED, that CB2, Man. recommends **DENIAL** of this MODIFICATION APPLICATION for revocable consent to operate an unenclosed sidewalk café for **Quimera Restaurant Group LLC, 81 Greenwich Avenue with 20 tables & 42 chairs (1457681-DCA) UNLESS 1)** applicant complies with the terms in the fourth “Whereas” and **2) DCA determines that the platform is legal.**

VOTE: Passed: with 39 Board Members in favor, and 1 in opposition (M. Schott).

3. New App. for revocable consent to operate an unenclosed sidewalk café for:

South Village Hospitality Group LLC, d/b/a Carroll Place, 157 Bleecker St., with 1 table & 10 chairs (59133-2015-ASWC);

Whereas, the area was posted, community groups notified; several community members were present regarding this application and applicant appeared by its principals, Sergio Riva, Allan Bontempo and Richard Mourry; and

Whereas, the proposed one communal table with ten chairs would create an out-of-control, seven days a week, noisy party table, on the already congested Bleecker Street and it is unacceptable; and

Whereas, the applicant submitted one letter from a neighbor in support of the application; and a petition with seven signatures, only two of which were from Thompson and Bleecker Streets; and

Whereas, the office received three extensive emails opposed to this application; and, two community members and one community organization were present, opposing the application stating that: **1)** when applicant first opened, they continually maintain the façade window open permitting patrons to sit and drink outside, on the street, at the window counter/ledge on barstools; **2)** while the bar stools have been removed, patrons continue to drink while congregating on the sidewalk and utilize the counter/ledge for eating and drinking; and

Whereas, after the committee hearing, the Board Office received an email from a community member, stating that they observed patrons standing on the sidewalk outside the window and drinking and utilizing the window ledge as a counter for a “pass through” for liquor and food;

THEREFORE, BE IT RESOLVED, that CB2, Man. recommends **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for **South Village Hospitality Group LLC, d/b/a Carroll Place, 157 Bleecker St., with 1 table & 10 chairs (59133-2015-ASWC).**

VOTE: Unanimous, with 40 Board Members in favor.

4. New App. for revocable consent to operate an Unenclosed sidewalk cafe for:

JL Solo, Inc. d/b/a Sensa Gluten, 206 Sullivan St with 6 tables & 15 chairs (7065-2015-ASAWC)

Whereas, the area was posted, community groups notified, three community members appeared and spoke in favor of this application and applicant appeared by its representative, Michael Kelly and its principal, Jemel Solomnishvili; and

Whereas, DCA has ordered that the fixed fence/railing be removed and applicant has applied to Landmarks to remove it; but, has not received a response; and

Whereas, applicant represents that he will operate the sidewalk café Sunday through Thursday 11 a.m. to 11 p.m. and will close at midnight on Friday and Saturday; and

Whereas, there exists an approved DCA/Landmarks retractable awning;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for **JL Solo, Inc. d/b/a Sensa Gluten, 206 Sullivan St. with 6 tables & 15 chairs (7065-2015-ASAWC)**

UNLESS applicant 1) operates the sidewalk café Sunday through Thursday 11 a.m. to 11 p.m. and closes at midnight on Friday and Saturday and 2) legally removes the fixed fence/railing surrounding the café area.

VOTE: Unanimous, with 40 Board Members in favor.

5. New App. for revocable consent to operate an Unenclosed sidewalk cafe for:

HHLP Union Square Associates LLC, d/b/a Singl, 132 4th Ave. with 14 tables & 32 chairs (7381- 2015-ASWC)

Whereas, the area was posted, community groups were notified, no community members were present, the applicant appeared by its representative, Michael Kelly; and

Whereas, this proposed café is located on the 13th Street sidewalk and 4th Avenue, adjacent to the Hyatt Hotel on a 15 foot sidewalk, on a block across the street from the rear loading areas, of the 14th St. Union Square Regal movie theatre;

THEREFORE BE IT RESOLVED, that CB2, Man. recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed sidewalk café for **HHLP Union Square Associates LLC, d/b/a 132 4th Ave. with 14 tables & 32 chairs (7381-2015-ASWC)**

VOTE: Unanimous, with 40 Board Members in favor.

6. Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):

Whereas, the renewal below was posted on the CB2 Man. website and there were no community members requesting this application be heard, and

Whereas, this café have been operated for at least 2 years by this applicants and the Board has not been notified of any issues with their operation.

- Clew Z. Angus (USA) Inc., Niu Noodle, 15 Greenwich Ave., with 5 tables & 10 chairs (1432061-DCA)

THEREFORE BE IT RESOLVED that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** application for revocable consent to operate unenclosed and enclosed sidewalk café.

VOTE: Unanimous, with 40 Board Members in favor.

7. Applications for Street Activities Permits:

Whereas, CB2, Man. attempts to determine within its ability that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both; and

Whereas, community groups were notified and the applicants, as noted, were present regarding the applications below:

New Application for a Street Activity Event:

1. 8/16/15 126 Feast of St. Rocco Block Party, 113 Baxter St. bet Canal & Hester Sts.

Whereas, applicant did not appear before the committee or otherwise request an adjournment of this application;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **DENIAL** of this event at 113 Baxter St. between Canal & Hester Sts.

VOTE: Unanimous, with 40 Board Members in favor.

9/19/15 CBVA Block Party Concert, Cornelia St. between Bleecker & W. 4th Sts.

Whereas, applicant appeared by Leif Arntzen; who lives on Cornelia Street and two community members appeared in support of this event; and

Whereas, the theme for this, the 11th Year of musical performances by the Arntzen Family (who have been organizing and performing at this event for three generations) and friends (no more than 10 performers in total), is New Orleans Jazz; and

Whereas, audience seating is provided, there is a raffle; no amplified sound and no service/sale of alcohol; and

Whereas, the event raises approximately \$2,000.00 for CVBA;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **APPROVAL** of this event on **Cornelia St. between Bleecker & W. 4th Sts.,**

Vote: Unanimous, with 38 Board members in favor.

10/30/15 First Police Precinct Block Party, King St. between Hudson & Greenwich Sts.

Whereas, this event is a collaboration between the First Police Precinct, the First Police Precinct Community Council and the Explorers Program; and

Whereas, the applicant has an indigenous relationship with the community; and

Whereas, there is no amplified music and no service/sale of alcohol;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **APPROVAL** of this event on **King Street between Hudson & Greenwich Sts.**

Vote: Unanimous, with 38 Board members in favor.

SLA LICENSING

1. Bowery Restaurant Group LLC, d/b/a Bacchanal, 146 Bowery 10013 (SN#1268378 – Alteration to add SWC)

1. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an “alteration” application to the Liquor Authority for their existing Restaurant On-Premise Liquor License SN#1268378 to add a NYC Department of Consumer Affairs Licensed Sidewalk Café consisting of 18 tables and 54 seats to the Licensed Premises; and,

2. Whereas, the restaurant is a full service high-end restaurant located in the corner unit of this building on Bowery and Broome St. with patron seating on the ground floor and basement, and

3. Whereas, the “alteration” application will reflect the addition of a NYC Department of Consumer Affairs Licensed Sidewalk Café consisting of 18 tables and 54 seats NYC to the premises as presented to CB2’s Sidewalks & Street Activities Committee and CB2’s SLA Licensing Committee and indicated in provided diagrams and plans; and,

4. 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 restaurant on-premise liquor license SN#1268378 stating that:

1. The premises will be advertised and operated as a full service high-end restaurant.
2. The hours of operation will be Sunday from 11:30AM to 12:00AM(Midnight), Monday to Thursday from 4PM to 12AM(Midnight), Friday from 4PM to 2AM and Saturday from 11:30AM to 2AM (No new patrons are allowed to enter the premises after 1AM on Friday and Saturday). 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 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.
10. Sidewalk Café hours will be from 12PM(Noon) to 10PM 7 days a week. There will be no patrons in the sidewalk café prior to Noon or after 10PM.
11. No Smoking in the sidewalk café.
12. There will be no more than 18 tables and 54 chairs as per approved DCA plans.
13. A retractable DCA approved awning will be installed over the sidewalk café.

14. All existing stipulations agreed to at the licensing hearing at the Liquor Authority will remain in effect including reservation only seating in basement, no more than 50 people in the basement, No DJ's, and No new patrons may enter premises after 1 am on weekends.
15. There will only be one patron entrance for entire premises located mid block on the Bowery for all regular patron ingress and egress.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Alteration Application for the existing Restaurant On-Premise Liquor License SN#1268378 for **Bowery Restaurant Group LLC, d/b/a Bacchanal, 146 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 further incorporated into the "Method of Operation" on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

2. Freeze Means Run LLC, d/b/a Happy Bones NYC, 394 Broome St. 10013 (New Tavern Wine)

1. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new tavern wine license for a previously unlicensed location for a "minimalist coffee shop specializing in flat whites, with local art & global publications on display"; and

2. Whereas, this application is for a new tavern wine license located in a 6-story mixed-use building located on westerly most unit on Broome St. on the ground floor between Mulberry St. and Cleveland Place for a roughly 800 sq. ft. premise with 3 tables and 8 seats and no stand up bar, there is no application for a sidewalk cafe, there are no other outdoor areas for patrons, and benches on the sidewalk will be removed, there is no Certificate of Occupancy and no letter of no objection was provided; and,

3. Whereas, the hours of operation will be from 7AM to 7PM 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), 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

4. 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 tavern wine license stating that:

1. The premises will be advertised and operated as a full service Coffee Shop.
2. The hours of operation will be from 7AM to 7PM 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 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.

10. The premises will never upgrade to an on-premise liquor license.
11. If the operator increases the hours of operation, they will return to CB2 to present the alteration application prior to submitting the alteration application to the Liquor Authority.
12. They will not have outdoor benches.
13. They will post no smoking signs.

5. Whereas, the Applicant provided a simple unspecific petition which did not provide any information to those signing the petition; and,

6. Whereas, 3 members of the community appeared in opposition questioning why a small coffee shop would require a tavern wine license, that this was not an appropriate venue for this type of license, that the operators were inexperienced, that the food offerings were insufficient, that no appropriate community outreach was performed and when questioned, store employees had no idea that this application was being presented the day before the meeting, that there was an illegal bench in front of the premises; and,

7. Whereas, there are currently approximately 17 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

8. Whereas, it was brought to the attention of CB2's SLA Licensing Committee after CB2's hearing that **there is currently no bathroom available for patrons at the premises** and this location falls under the unique situation of not being required by the City of New York to have a patron bathroom, but is in fact required to have a patron bathroom pursuant to State regulations governing the service of alcohol should they be issued a tavern wine license; no patron bathroom was indicated on floor plans provided to CB2, Man. and it appears that if a bathroom is located in the rear, patrons would have to enter into employee only food and drink preparation areas which would mean the bathroom could not be used for patrons;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Tavern Wine License for **Freeze Means Run LLC, d/b/a Happy Bones NYC, 394 Broome St. 10013** **unless** there is a legal patron bathroom and 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 Wine License; and

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that prior to the issuance of any license that the Liquor Authority actively **confirm that there is a patron bathroom** at the premises and require that the Applicant provide an affidavit with pictures and diagrams stating that any bathroom on the premises may be legally utilized by patrons during all hours of operation pursuant to NYS and NYC Codes & Regulations including Health Codes and that the Applicant provide a "letter of no objection" or equivalent referencing the Applicant specifically (there are other ground floor units) from the New York City Department of Buildings indicating that the location may be utilized as an eating and drinking establishment.

Vote: Passed, with 27 Board members in favor, and 13 in opposition (R. Chattree, R. Dawson, J. Frost, S. Gammie, S. Kent, A. Meadows, R. Riccobono, M. Schott, F. Sigel, S. Sweeney, S. Wittenberg, A. Wong, E. Young).

3. Elmer Kennedy LLC, 86 Kenmare St. 10012 (New Restaurant Wine)

1. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee for a second time to present an application to the Liquor Authority for a new restaurant wine license for a previously licensed restaurant wine location for a “family restaurant that will focus on a menu inspired by a brick oven”; and,

2. Whereas, the Applicant had presented an application for a restaurant on-premise liquor license in May/2015 but withdrew the application after having presented the application to CB2’s SLA Licensing Committee; and

3. Whereas, this application is for a new restaurant wine license located in a 6 story mixed use tenement apartment building (circa 1900) with 30 residential apartments located on Kenmare St. on the corner of Mulberry St, for a roughly 1,000 sq. ft premise (with additional 1,000 sq ft basement for storage use only) with 21 tables and 42 seats and 1 standup bar with 10 seats for a total of 52 interior seats, there is no sidewalk café included with this application at this time but there may be in the future, there are no other outdoor areas for patrons, and no benches on the sidewalk, there is an existing Certificate of Occupancy; and

4. Whereas, the hours of operation will be Sunday to Monday from 11AM to 11PM and Tuesday to Saturday from 11AM to 12AM/Midnight (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 by 9pm every night 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, there will be no TV’s; and

5. Whereas, the principals of this Applicant are also principles of another restaurant within CB2, Kennedy Organics, LLC d/b/a Charlie Bird SN#1268796; and,

6. Whereas, there is also another large two-story restaurant located within the same building albeit on the Western side of the building with seating for 134 patrons with an on-premise liquor license with operators who have had a checkered operational history in the past and have generated quality of life issues in the immediate area; and,

7. Whereas, past operators within the same location for which this Applicant seeks to be licensed have also had a long adversarial relationship with the residents in the building and with the community which is well documented in hearings at the SLA and in resolutions generated by CB2, Man. for both the most recent licensee at this location, Toby’s Public House II, LLC d/b/a Toby’s Public House SN#1260753 and the previous licensee, Village Tart LLC SN#1222227; and,

8. Whereas, one of the primary issues which has consistently been a complaint from when this premises was first licensed in 2009, formerly having been a dry cleaners, is that the location has never been adequately soundproofed; and,

9. Whereas, several people appeared to speak on behalf of the licensee to offer support for the applicant, including the landlord in the licensee’s Charlie Bird location on King St and a building owner on yet another block; and

10. Whereas, at least 11 people appeared, including the 86 Kenmare St. Tenant’s Association President and their Attorney, all in opposition to the instant application unless appropriate stipulations were agreed upon and further a petition in opposition with signatures from an additional 18 of the 30 residential apartments in the same building was presented and submitted, again expressing opposition to the application unless certain stipulations limiting the applicant’s method of operation were agreed upon to ensure an appropriate compromise between the eating and drinking business and the adjacent residential dwellers who resided there and preceded the change from dry cleaner to licensed eating and drinking establishment; and,

11. Whereas, those in opposition to the application, unless certain stipulations limiting the operation were agreed upon, provided a history of adversarial relationships with past operators at the location, specifically detailing a prior failure to install any form of soundproofing at the location, a lack of initial outreach of the current Applicants to those living in the building most affected by the proposed operation, fear that there would be no enforcement of any stipulations if agreed upon by the applicant, concerns that certain representations of the Applicant were made in bad faith, that no residential tenants in the building supported the application as originally presented, that the long procession of failed restaurants in the two commercial ground floor units have provided endless quality of life issues over the years; and,

12. Whereas, despite such differences during CB2’s SLA Licensing Committee Meeting the Applicant and Tenants Association were allowed to meet for over an hour to come to terms on outstanding issues and an agreement was reached and numerous stipulations were agreed to by the Applicant; and

13. Whereas, at the meeting, the Applicant was asked to return a list of stipulations agreed to with the Tenant’s Association so that they could become part of a stipulations agreement, a verbal overview of those stipulations was provided at the meeting and the Applicant returned a list of stipulations that they were willing to agree to; and,

14. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the Liquor Authority and agreed would be attached and incorporated into the Applicant’s method of operation on the restaurant wine license as follows:

1. The premises will be advertised and operated as a family restaurant focused on a brick oven inspired menu.
2. The hours of operation will be Sunday to Monday from 11AM to 11PM and Tuesday to Saturday from 11AM to 12AM/Midnight. 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 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 close all doors and windows at 9PM every night and anytime there is amplified music except for patron ingress and egress.
10. This stipulations agreement also incorporates the stipulations (“concessions”) outlined in a letter dated 6/12/2015 and signed by Ryan Hardy.

11. In addition to the above referenced stipulations, soundproofing work will be performed utilizing the materials as described in presentations to CB2 or equivalent materials.
12. The applicant will perform a commissioning sound test(s) that will be conducted by an acoustical engineer prior to finalizing the soundproofing work that will be performed. The applicant will widely notify building residents as well as provided at least one week notice or more to the Tenants Association President and their Attorney as to reasonable times when the sound test(s) can be conducted in tenant apartments. Tenants have agreed to give access for the purpose of sound testing. Any changes deemed necessary by the acoustical engineer will be performed prior to finalizing the soundproofing work.
13. There will be no music played in the premises outside of the stated operating hours. There will be no music in any outdoor areas.
14. At all times the applicant will adhere to NYC Noise Codes, in particular as they pertain to any amplified or non-amplified sound including music and any HVAC or other mechanical systems sounds in the premises or used by the premises.
15. A DCA and Landmarks approved Sound Absorbing Awning will be installed to cover any future areas where a sidewalk café may be located as part of the sound mitigation process. That sidewalk awning will be extended from 6pm until closing of the sidewalk café. If no sound-absorbing awning is installed over a future sidewalk café, the café will close no later than 9pm with no patrons remaining in the sidewalk café at that time.
16. A sidewalk café is not included in this application. The applicant will return to CB2 to present a sidewalk application and submit a future application to incorporate the sidewalk café into the licensed premises

15. Whereas, the additional stipulations (“concessions”) outlined in a letter to CB2, Man. dated 6/12/2015 and signed by Ryan Hardy include the following that the applicant also agrees will also be incorporated into the stipulations agreement with CB2, Man. with the understanding that the CB2 Stipulations form may overlap in some areas and have more restrictive language which would govern the intent, the additional stipulations (“concessions”) are as follows:

1. Applicant agrees that the weekly closing time of the restaurant at the Premises shall be 11:00 p.m. on Sundays and Mondays and 12:00 a.m. on Tuesday through Saturday. Applicant will abide by applicable NY law in connection with the definition of closing time.
2. Applicant agrees that the windows and doors to the restaurant shall be closed after 9:00 p.m.
3. Applicant agrees that it will apply for a permit for an awning and will use reasonable best efforts to obtain and install said awning.
4. Applicant agrees to comply with DCA standards regarding outside tables, chairs, furniture and planters. Applicant agrees that the sidewalk cafe can only stay open past 9 p.m., if a retractable awning is installed.
5. Applicant will take reasonable measures to control and prevent overcrowding and smoking outside the restaurant and will enforce NYC smoking policies as to the proximity of the restaurant.
6. Applicant will provide a private number to the tenants association for the building of which management personnel will monitor and will reasonably respond to complaints from the tenants regarding the restaurant, provided the tenants have contacted the private number with any complaints prior to resorting to calling 311.
7. Applicant agrees that there will be no access permitted to the residential portion of the building directly from the Premises.
8. Applicant will use best reasonable efforts to schedule garbage pickup at or near closing time.
9. Applicant will keep the restaurant fans/vents in working order and will use reasonable best efforts to keep the noise of said fans/vents at the level required by NYC Building Codes.
10. There will be construction for the purpose of renovation of the space for the new restaurant.

Applicant agrees that construction will take place as follows: 7:00 a.m. to 6:00 p.m., Monday through Friday for on site maintenance and management. Major construction will not commence until after 8:00 a.m. and jackhammering work will not commence until after 9:00 a.m. There will be no construction requiring a NYC Department of Buildings permit on the weekends and Applicant will not make any application to the NYC Department of Buildings for permission to do any such construction.

11. In an effort to address the concerns of the tenants of 86 Kenmare Street, Applicant has retained Cerami & Associates, an acoustical consultant and JD Audio & Video Design, Inc. who will draw and specify a construction plan which, when built, will mitigate noise from restaurant. Copies of the relevant documents related thereto were provided to the Community Board at the meeting on June 9th. The engineer's construction plan will devise a strategy to mitigate the sound of the elevated voices, music and other sounds emanating from the proposed restaurant to within or below NYC Building Codes. The tenants have agreed give access to the engineer for the purpose of testing and will cooperate fully with the installation of the soundproofing. The sound proofing construction will include, but will not be limited to, demolition of the existing sheetrock ceiling, filling the space between the ceiling joists with sound proofing material, a dropped ceiling and acoustical separation of the ceiling from the walls. The engineer will test the existing sound conditions when the soundproofing is complete, but before the ceiling is taped and painted, to make sure it conforms to NYC Building Codes. The engineer's test results, both preliminary and final, and construction plans and drawings will be shared with 86 St Tenant's Association. The applicant will also agree to allow a representative of the 86 St Tenant's Association to inspect the final soundproofing before the finished ceiling is installed.

16. Whereas, CB2 would like to acknowledge the hard work that the members of the Tenants Association at 86 Kenmare St. and Applicant performed in order to come to agree to the above stipulations which is reflected in the first supportive resolution of an applicant at this particular location since it was originally licensed in 2009 and CB2, Man. hopes that the spirit of cooperation continues to be the hallmark of the continuing relationship between the applicant and the residents and that this will guide future positive interactions; and,

17. Whereas, there are currently approximately 23 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 **Elmer Kennedy LLC, 86 Kenmare 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 Wine License.

Vote: Unanimous, with 40 Board members in favor.

4. Song E Napule Inc., d/b/a Song E Napule, 146 W. Houston St. 10012 (New Restaurant Wine)

1. 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 wine license for a previously licensed restaurant wine location for a "small family Pizzeria/Restaurant with a main focus on food"; and,

2. Whereas, this application is for a new restaurant wine license located in a 4-story mixed-use building located on the ground floor on West Houston St. between MacDougal St and Sullivan St. for a roughly 450 sq. ft. premise with 5 tables and 10 seats and 1 standup bar with 3 seats, a window counter with 4 seats for a total of 17 interior seats, there are also 2 tables and 4 seats located outside in front of the

establishment but within the property line (a letter provided by the Applicant from a land surveyor indicates that there is 3' 7" wide strip of outdoor area within the property line in front of the establishment), there are no other outdoor areas for patrons, and no benches on the sidewalk, there is an existing Certificate of Occupancy; and,

3. Whereas, the hours of operation will be Sunday to Thursday 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 by 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, there will be no TV's; and,

4. 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 small family pizzeria/restaurant with the main focus on food.
2. The hours of operation will be Sunday to Thursday from 11AM to 11PM and Friday to Saturday from 11AM to 12AM (Midnight). 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 play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at anytime.
7. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
9. There will be 2 outdoor tables and 4 outdoor seats but within the property line; the outdoor seating will always be set up within the property line.
10. No service to the outdoor tables will take place from the public sidewalk.

5. Whereas, the Applicant reached out to the MacDougal Sullivan Gardens Association and provided a letter of support, the Applicant met with the Bleecker Area Merchants' & Residents' Association and a resolution in support was provided by the Resident Chair, a separate petition circulated by the Applicant with over 200 signatures in support was also provided; and,

6. Whereas, there are currently approximately 23 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 **Song E Napule Inc., d/b/a Song E Napule, 146 W. Houston 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 Wine License.

Vote: Unanimous, with 40 Board members in favor.

5. The Princess and The Frog Flavors Corp., d/b/a The Frogs Crown, 204 Spring St. 10012 (New Beer & Wine)

1. Whereas, the Applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a beer and wine license in a 7-story mixed-use building at 204 Spring Street between Sullivan and Street and Sixth Avenue, the Applicant had previously appeared in April 2014 but did not file their application at that time and more than 1 year had passed so they submitted a new 30 day notice to CB2, Man. and re-appeared before the SLA Licensing Committee; and,

2. Whereas, the premises have been operated for the last three years by the current operator as a small cafe; and,

3. Whereas, this application is for a new beer & wine license located in a 7-story mixed-use building located on the ground floor on Spring St. between Sullivan St. and 6th Ave for a roughly 300 sq. ft. premise with 6 tables and 12 seats and 1 service bar, there is no sidewalk café in operation or other outdoor areas for patrons, and there are no benches on the sidewalk, the Applicant is in the process of applying for a letter of no objection; and,

4. Whereas, the hours of operation will continue to be from 8AM to 12AM (midnight) 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), there re no French doors or windows, all other doors and windows will be closed by 10PM except for patron ingress and egress, there will be no tv’s, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

5. 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 Beer and Wine license and the stipulations are as follows:

1. The premises will continue to be advertised and operated as a small café.
2. The Hours of operation will continue to be from 8AM to 12AM (midnight) 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 play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at anytime.
7. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
9. The Applicant will never request to upgrade to an on-premise liquor license.
10. There is no sidewalk café.

6. Whereas, the Applicant provided a petition indicating the method of operation and hours of operation signed by residents in the immediate areas; and,

7. Whereas, there are currently approximately 17 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 an Beer/Wine license to **The Princess and The Frog Flavors Corp., d/b/a The Frogs Crown, 204 Spring 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 BW License.

Vote: Unanimous, with 40 Board members in favor.

6. Piacere Enterprises, LLC d/b/a Piacere, 351 Broome St. 10013 (Existing Restaurant Wine seeking upgrade to On Premises Liquor)

1. Whereas, the Licensee appeared before CB2’s SLA committee to present an application to upgrade their existing restaurant wine license (SN#1268740) to a full on-premises liquor license for an Italian pizzeria restaurant serving organic food; and

2. Whereas, the Licensee has been operating with a Restaurant Wine License since July/2013; and

3. Whereas, when the existing licensee initially appeared for a new beer and wine license before CB2 in December/2012, CB2, Man. unanimously adopted a resolution on December 20, 2012 recommending denial of the beer and wine license; and

4. Whereas, despite CB#2, Man. adopting a resolution recommending denial of a beer and wine license at these premises, the SLA nonetheless granted the beer and wine license to this applicant even though this location had never been licensed before; and

5. Whereas, in January/2014 after having been open for only 6 months, the Licensee appeared before CB2, Man. prior to submitting an application to the Liquor Authority to request to upgrade their existing Restaurant Wine License to a Full On-Premise Liquor License and CB2, Man. unanimously adopted a resolution on January/2014 recommending denial of the upgrade application at that time; and

6. Whereas, the premises is located in a hotel building with 6 commercial spaces on the ground floor and basement with SRO residents and hotel rooms on the upper floors, but there is no direct access to the Hotel, the storefront is located on Broome Street between Bowery and Elizabeth Street for a 1,900 SF premises (950 SF for ground and 950 SF for the basement – ancillary uses only in basement) with 10 tables with 35 seats, 1 bar with 11 seats and an existing sidewalk café with 8 tables and 24 seats and a maximum occupancy of less than 74 people; and

7. Whereas, the hours of operation are Sunday to Wednesday from 12PM to 2AM and Thursday to Saturday from 12PM to 3AM, music is quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are no French doors or windows, all other doors and windows will be closed by 10PM except for patron ingress and egress, there will be no tv’s, there will be no d.j.; and,

8. Whereas, the reasons for CB2’s initial recommendation to deny the original beer and wine application at these premises and the recommendation to deny the subsequent request to upgrade their existing Restaurant Wine license have not changed; and

9. Whereas, there are already 4 other Full On-Premise Liquor Licenses in this building alone (only 1 of the 6 storefronts in this building is not an eating and/or drinking establishment including some basement areas) and licensing this premises with an On-Premise Liquor License would result in 5 On-Premise Liquor Licenses in the same building; and,

10. Whereas, there continue to be significant concerns regarding the late night hours of operation and the applicant was not willing to reduce his hours of operation currently until 3 AM, there is already late night food available in this building according to the licenses issued to the other establishments in the building who already hold on-premise liquor licenses and certainly there is plenty of food available in the immediate neighborhood, there continues to be an over saturation in the number of OP and Beer and Wine licenses in this area, including significant multi-floor venues which have been the subject of disciplinary charges, it is clear that these existing licensees and the upgrade of this license will have a major impact on traffic and noise and quality of life issues and noise from late-night operations and from patrons as expanded operations here will continue to hold people in the area and discourage people from leaving the area in the later hours in particular after midnight, this location is in particular subject to this concern as it would be the 5th on-premise liquor license in the building; and,

11. Whereas, a number of current patrons and local residents appeared in support of this application stating the good character of the operators and the quality of food and service and availability, but their support was not sufficiently compelling to warrant CB2, Man. recommending upgrading this liquor license given the many other existing issues; and,

12. Whereas, several local residents appeared in opposition to this application and a representative of the local block association appeared in opposition stating the overwhelming number of liquor licenses in the area and in the building, that the applicant had not demonstrated any public benefit for upgrading their license and that adding full liquor would only make this premises a contributor to late night noise and holding people in the area who would otherwise be leaving; and,

13. Whereas, CB#2, Man, continues to hear a large number of beer and wine and on-premise license applications in this area for previously unlicensed locations in a relatively short period of time which has resulted in a dramatic change in the character of the neighborhood in that short period of time, and many of the beer and wine licensees are now seeking to upgrade their licenses which is presenting challenges for the neighborhood; and

14. Whereas, CB#2, Man. has recommended denying previous applications at this location and in this building because there are already 5 separately-licensed premises in this building alone, which is also a hotel and no establishment has direct entrances to the hotel; there is no need or benefit of having another on-premise liquor license to serve the patrons of the hotel or local residences and

15. Whereas, CB#2, Man. continues to be concerned that this rapid rate of new applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an overwhelming impact on the character of the neighborhood, quality of life issues, traffic and noise concerns; and

16. Whereas, without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises or upgrading existing licensees the results could be disastrous for appropriate economic and residential development of the neighborhood; and

17. Whereas, it was expressed from the outset of this operation that there were concerns that this location was previously unlicensed, that there was not support from CB2, Man., that it was fairly clear from the outset of the original presentation for a restaurant wine license that there were a significant amount of full on-premise liquor licenses in the area and in the same building that were overwhelming the community already, and that at the time of the original application for the premises in December/2012 there were other previously/currently licensed premises which had on-premises liquor licenses that were available;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **Piacere Enterprises LLC. d/b/a Piacere, 351 Broome St. 10013** on its application seeking an upgrade from a restaurant wine license to a Full On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

7. Tokana Café Bar Restaurant, Inc., d/b/a Little Rascal, 163 Elizabeth St. 10012 (Existing Restaurant Wine seeking upgrade to On Premises Liquor)

1. Whereas, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an upgrade from an existing Restaurant Wine License (SN#1262589) to a Full On-Premise liquor license for a Turkish restaurant; and,

2. Whereas, this application is for an existing restaurant in a 1-story building with 3 commercial spaces that was never previously licensed before the issuance of the current restaurant wine for a 1,200 sq. ft. premise (700 sq. ft. ground floor and 500 sq. ft. basement – ancillary uses only in basement) just to the North of the corner of Elizabeth and Kenmare Street, there are 9 tables and 21 seats and 1 bar with 8 seats for a total of 29 seats with a proposed occupancy of 30, there is no sidewalk café, and the maximum occupancy for the premise is 74; and,

3. Whereas, the hours of operation are Sunday to Thursday from 11AM to 12AM(Midnight) and Friday to Saturday from 11AM to 1AM (No patrons shall remain after the closing hour), music is 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 by 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, there will be no TV’s; and,

4. Whereas, the 1 story building in which this premises is located is currently divided into 3 storefronts, two of the store fronts, including the subject premises currently hold restaurant wine licenses, prior to the issuance of both restaurant wine licenses in this building in 2012, the entire building was operated as a wholesale fruit and vegetable business; and,

5. Whereas, at the time of the issuance of the original license in 2012 there were 14 on-premise liquor licenses within 500 feet, there are currently 22 on-premise liquor licenses within 500 feet; these numbers do not include the numerous beer and wine licenses which are within close proximity that are new and that have previously existed and this neighborhood and immediate area have had a significant corresponding increase in quality of life issues in particular as they pertain to licensed premises and specifically premises which hold full on-premises liquor licenses and even more so for premises which maintain facades which open the majority of the premises to the street; and,

6. Whereas, when the applicant initially appeared for a new restaurant wine license before CB2, Man. in June/2012, CB2, Man. unanimously adopted a resolution in June/2012 recommending denial of the beer and wine license; and

7. Whereas, despite CB#2, Man. adopting a resolution recommending denial of a beer and wine license at these premises, the SLA nonetheless granted the beer and wine license to this applicant even though this location had never been licensed before and imposed the following stipulations:

1. The premises will close at 12AM Sunday to Thursday and 1AM Friday to Saturday.
2. The premise will be operated as a full service restaurant only.
3. The kitchen will be open until the premise is closed.
4. All doors and windows will be closed at 9 p.m. every night of the week.
5. There will be no D.J.'s and No Live Music. Music will be quiet background music only.
6. Staff will direct vehicle and pedestrian traffic, and use best efforts to dissuade patrons from loitering in front of the premise.

8. Whereas, CB2's June/2012 resolution stated in part "CB#2, Man. and the community have great concerns that applicants are using the Beer and Wine license as a ploy to be licensed by the SLA and change the status of an unlicensed location where there is great community opposition, often with the plans to quickly upgrade to a full On-Premise license"; and

9. Whereas, at the original presentation to CB2 Man., it was not disclosed that the premises would have large operable windows along the front façade of the building, which have generated noise complaints, and while the applicant stipulated the windows would be closed everyday at 9PM at the Liquor Authority hearing, over time they have often been observed open past 9PM well into the night and photographic evidence was provided and members of the committee had observed this in person; and,

10. Whereas, patrons and staff/owners of the premise do congregate in front of the establishment and smoke on the sidewalk; and,

11. Whereas, this is another location within CB2, Man. that has never held an on-premises liquor license; and,

12. Whereas, CB#2, Man. has concerns that there are too many locations that have or will become licensed in some fashion which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location on residential streets such as Elizabeth St, which while there are commercial ground floor uses, the majority of buildings are walk up tenement buildings and in particular there is great concern regarding premises with on premises liquor licenses with facades and large windows that open and their contribution to the existing noise levels in the immediate community; and,

13. Whereas, the Licensee stated that the primary reasons for upgrading to an on-premise liquor license were so that he could serve the Turkish national beverage and satisfy the occasional customer request and compete with long operating premises that have held full on-premise liquor licenses for many, many years and offered no other significant compelling reasons; and,

14. Whereas, a large number of current patrons who are local residents appeared to speak in support the operator and spoke to the character of the operator and to the "quiet" nature of the operation, the family atmosphere and the restaurant character of the operation, but their support was not compelling enough to warrant CB2, Man. recommending upgrading this liquor license given the many other existing issues; and,

15. Whereas, several members of the community and a representative of the local block association which has members on Elizabeth St appeared in opposition stating the overwhelming number of liquor licenses in the area, the seeming success of the current operation without a liquor license, that adding full liquor would only make this premises louder with the large operable windows, which they have observed open later in the evenings; and,

16. Whereas, it was expressed from the outset of this operation that there were concerns that this location was previously unlicensed, that there was not support from CB2, that it was fairly clear from the outset of the original presentation for a restaurant wine license that there were a significant amount of full on-premise liquor licenses in the area that were overwhelming the community already, and that at the time of the original application for the premises in 2012 there were other previously/currently licensed premises which had on-premises liquor licenses that were available; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **Tokana Café Bar Restaurant, Inc., d/b/a Little Rascal, 163 Elizabeth St. 10012** on its application seeking an upgrade from a restaurant wine license to a Full On Premise Liquor License.

Vote: Passed, with 38 Board members in favor, 1 in opposition (K. Shea) and 1 abstention (R. Sanz).

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

8. LYH Hospitality LLC, d/b/a Da Marcella, 142 W. Houston St. 10012 (Layover at meeting)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015, the Applicant and the Applicant's attorney agreed to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed in order to perform additional community outreach to the local community groups with whom inadequate communications had transpired;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed 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 **LYH Hospitality LLC, d/b/a Da Marcella, 142 W. Houston 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.

9. Sushizo, 88 W. 3rd St. 10012 (New RW – Did not appear)

Whereas, the Applicant failed to appear before CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015 after having submitted a "30 Day Notice" to CB2 for a New Restaurant Wine License and having been placed on CB2's SLA Licensing Committee's Agenda;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine, tavern wine, eating place beer, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Sushizo, 88 W. 3rd 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. Food Love 125, Inc., d/b/a Ramen Torii, 4 Union Square South (New RW – Did not appear)

Whereas, the Applicant failed to appear before CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015 after having submitted a "30 Day Notice" to CB2 for a New Restaurant Wine License and having been placed on CB2's SLA Licensing Committee's Agenda;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine, tavern wine, eating place beer, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Food Love 125 Inc., d/b/a Ramen Torii, 4 Union Square South 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. Greek Natural Foods, d/b/a Greecologies, 379 Broome St. 10013 (New Beer & Wine - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015, the Applicant's attorney requested to **withdraw** this application for a new beer & wine 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 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 **Greek Natural Foods, d/b/a Greecologies, 379 Broome 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.

12. Lihou, LLC, 160 Prince St. 10012 (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015, the Applicant's attorney requested to **withdraw** this application for a new 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 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 **Lihou, LLC, 160 Prince 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. 188 Planet, Inc., d/b/a Earth-Terra, 188 Bowery 10012 (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015, the Applicant's attorney requested to withdraw this application for a new 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 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 **188 Planet, Inc., d/b/a Earth-Terra, 188 Bowery 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. Sapori D Italia, LLC, d/b/a Same, 105 Mulberry St. 10013 (New OP - Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9th, 2015, the Applicant's attorney requested to Layover this application for a new on-premise liquor 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 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 **Sapori D Italia, LLC, d/b/a Same, 105 Mulberry 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.

15. 496 LaGuardia Restaurant, Inc., d/b/a Mocha Burger, 496 La Guardia Pl. 10012 (New OP – Layover Request)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 9th, 2015, the Applicant’s attorney requested to Layover this application for a new 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 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 La Guardia 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.

16. New Organico Inc., d/b/a Organika, 89 7th Ave. aka 16 Barrow St. 10014 (Change in Corporate Ownership to existing OP License, SN1247549, Exp. 11/30/2016).

1. Whereas, the two owners of Organika appeared before CB2, Manhattan’s SLA Licensing Committee seeking to change its existing corporate structure whereby one existing owner will be buying all the shares of the corporation from the other existing owner so that there will be only one owner with 100% ownership of the business; and

2. Whereas, the current method of operation will not change and the business will continue to operate as a full service restaurant specializing in organic foods with waiter service in a 500 sf storefront premises located in a 5 story mixed use building on Seventh Avenue South between Grove and Barrow Streets; and

3. Whereas, there will continue to be 7 tables with 19 seats, 1 bar with 6 seats with a total permitted occupancy of 30; the hours of operation will continue to be from 12 PM to 1 AM every night, the sidewalk café will be open every night until 12 AM, there will no TVs, music with be background only, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and,

4. 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. Premises will be advertised and operated as a full service restaurant with a full service kitchen and waiter table service and will not operate as a bar, nightclub or lounge.
2. Will operate from 12 PM to 1 AM every night.
3. Will close its sidewalk café by Midnight every night.
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Food will be served at all times.
6. Occupancy will be no greater than 30 patrons.

7. There will no more than one TV within the premises and the premises will not operate as a Sports Bar.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a corporate change to an existing OP license to **New Organico Inc., d/b/a Organika, 89 7th Ave. aka 16 Barrow St. 10014** **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” for the OP License.

Vote: Passed, with 39 Board members in favor, and 1 in opposition (D. Diether).

17. Nourish New York LLC, d/b/a Nourish Kitchen & Table, 95 Greenwich Ave. 10014 (Alteration to Add Sidewalk Café service to existing Beer Wine License, SN1270203 Exp. 6/30/2015).

1. Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking an alteration to an existing Beer and Wine license to serve beer and wine at a sidewalk café located on the public sidewalk directly in front of the storefront premises located in a ground level storefront on Greenwich Street between Bank and West 4th Streets; and

2. Whereas, the applicant originally appeared before CB2, Man. seeking its existing Beer and Wine license for a previously unlicensed location back in March/2013 and CB2 Man. recommended its approval of the Beer Wine license subject to a stipulations agreement that currently remains in place; and

3. Whereas, the applicant’s stated plan is to continue to operate the premises as a “gourmet takeaway food shop and café” with the same method of operation in the 585 SF interior space, with 1 interior table and 12 seats, a chef’s counter with 7 seats and a maximum occupancy of 30 patrons; and

4. Whereas, the interior hours of operation will continue to be on Sundays from 7:30 AM to 10 PM, Monday through Thursday from 9:30 AM until 11 PM, Fridays and Saturdays from 9:30 AM until 12 AM, music will be from ipod/cd’s at background levels only, there will no TVs and all doors and windows will be closed by 9 PM every night except for patron egress and ingress through the main front door; and

5. Whereas, the applicant already appeared before CB2 Manhattan’s Sidewalk Café Committee, the sidewalk café having been approved for 3 tables and 6 chairs and the sidewalk café will close every night by 11 PM; and

6. Whereas, the applicant again executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. Interior hours of operation will be on Sundays from 7:30 AM to 10 PM, Monday through Thursday from 9:30 AM until 11 PM and on Fridays and Saturdays from 9:30 AM until 12 AM.
2. Music will be from ipod/cd’s at quiet background levels inside the restaurant only.
3. The sidewalk café will close by 11 PM every night.
4. There will no TVs and will not operate as a Sports Bar.
5. All Doors and windows will be closed by 9 pm every night except for patron egress and ingress.
6. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
7. The applicant will not operate a disco, bar, lounge, nightclub or seek a DCA Cabaret License.

8. The premises will operate as a gourmet takeaway food shop and café at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to the existing beer and wine license for **Nourish New York LLC, d/b/a Nourish Kitchen & Table, 95 Greenwich Ave. 10014** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant are incorporated into the “Method of Operation” on the beer and wine license.

Vote: Unanimous, with 40 Board members in favor.

18. Nisida LLC, d/b/a Rossopomodoro, 118 Greenwich Ave. 10011 (Alteration to Add Sidewalk Café service to existing OP License, SN1279715 Exp. 10/31/2016).

1. Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking an alteration to an existing On Premise license to serve beer, wine and alcohol at a sidewalk café located on the public sidewalk directly in front of the premises on West 13th Street; and

2. Whereas, the applicant originally appeared before CB2, Man. seeking its existing On Premise license in June/2014 and CB2 Man. recommended its approval of the On Premise license subject to a stipulations agreement that currently remains in place for the business located in a historic district at the corner of Greenwich Avenue between West 13th; and

3. Whereas, the applicant’s plan continues to be to operate the premises as a full service Italian Restaurant serving specialty pizza and pasta with the same method of operation Street in a 3500 SF interior storefront premises (1500 SF Ground Floor dining, 500 SF kitchen and 1500 SF basement—accessory use only to basement with bathrooms with no patron seating), with 35 interior tables and 85 seats, 1 stand up bar with 10 seats, 1 service bar and 1 food counter with no seats for total interior seating capacity of 95; and

4. Whereas, the hours of operation will continue to be Sunday through Wednesday from 11 AM until 12 AM and Thursdays through Saturdays from 11 AM until 1 AM, music will be from ipod/cd’s at background levels only, there will no TVs and all doors and windows will be closed by 9 PM every night except for patron egress and ingress through the main front door; and

5. Whereas, the applicant already appeared before CB2, Manhattan’s Sidewalk Café Committee, the sidewalk café having been approved for 8 tables and 16 chairs and the applicant further agreed to install a retractable awning over the side walk café; and

6. Whereas, because the sidewalk café is new to the location and new to the business, and further is located on West 13th Street directly across from and adjacent to residential homes and apartment buildings, the applicant agreed that he will close from Sunday through Thursday by 10 PM and on the weekends (Fridays/Saturdays) by 11 PM; and

7. Whereas, the applicant again executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA On Premise license as follows:

1. Interior hours of operation will be Sunday through Wednesday from 11 AM until 12 AM and Thursdays through Saturdays from 11 AM until 1 AM.
2. Music will be from ipod/cd’s at quiet background levels inside the restaurant only.

3. The sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM on the weekends (Fridays/Saturdays).
4. There will be a retractable awning installed and operated over the sidewalk café at all times.
5. There will no TVs and will not operate as a Sports Bar.
6. All Doors and windows will be closed by 9 pm every night except for patron egress and ingress.
7. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. The applicant will not operate a disco, tavern, bar, lounge, nightclub or seek a DCA Cabaret License.
9. The premises will operate as a full service Italian Restaurant with a full service kitchen and waiter service specializing in Pizza and Pasta dishes at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an alteration to the existing On Premise license for **Nisida LLC, d/b/a Rossopomodoro, 118 Greenwich Ave. 10011** unless the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant are incorporated into the "Method of Operation" on the beer and wine license.

Vote: Unanimous, with 40 Board members in favor.

19. PB Hudson LLC, d/b/a Pizzetteria Brunetti, 626 Hudson St. 10014 (Alteration to Add Sidewalk Café service to existing RW License, SN1269919 Exp. 8/31/2015).

1. Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee seeking an alteration to an existing Restaurant Wine license to serve beer and wine at a sidewalk café located on the public sidewalk directly in front of the premises on Hudson Street between Jane and Horatio in a historic district; and

2. Whereas, the applicant already operates the specialty pizza and Italian food restaurant in a three story mixed use townhouse building with a rear yard; and

3. Whereas, the applicant operates in a 2330 SF interior storefront premises (1540 SF ground floor and rear yard with 790 SF basement for storage only and no patron use), with 6 interior tables and 18 interior seats, 1 interior bar with 8 interior seats and no food counters; and with 7 exterior tables with 26 seats in the rear yard; and,

4. Whereas, the interior hours of operation will continue to be Sundays from 11 AM to 10 PM, Monday through Thursday from 12 PM until 11 PM and on Fridays/Saturdays from 12 PM until 12 AM, music will be from ipod/cd's at background levels only, there will no TVs and all doors and windows will be closed by 9 PM every night except for patron egress and ingress through the main front door; and

5. Whereas, there have been past complaints from adjacent neighbors regarding the operator's use of the rear yard, mostly from parties and noise emanating from the exterior rear yard used by applicant; and

6. Whereas, when the applicant appeared before CB2, Manhattan's Sidewalk Café Committee in April/2015 the applicant agreed to close the rear yard at 9:30 PM Sunday through Thursday and by 11 PM on Fridays/Saturdays; and

7. Whereas, the sidewalk café having been approved for 8 tables and 16 chairs, the applicant agreed to install and maintain a retractable awning over said café and to close the café by 10 PM Sunday through Thursday and by 11 PM on Fridays/Saturdays; and

8. Whereas, the applicant executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA Restaurant Wine license as follows:

1. Interior hours of operation will be Sunday through Thursday from 11 AM until 11 PM and on Friday and Saturdays from 11 AM until 12 AM.
2. There will be no music in the rear yard.
3. There will be no parties in the rear yard.
4. The rear yard will be for seasonal use only and will not open before 11 AM on the weekends and will close by 9:30 PM Sunday through Thursday and by 11 PM on the weekends.
5. Music will be from ipod/cd's at quiet background levels inside the restaurant only.
6. The sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM on the weekends (Fridays/Saturdays).
7. There will be a retractable awning installed, maintained and operated over the sidewalk café at all times.
8. There will no TVs and will not operate as a Sports Bar.
9. All Doors and windows will be closed by 9 pm every night except for patron egress and ingress.
10. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
11. The applicant will not operate a disco, tavern, bar, lounge, nightclub or seek a DCA Cabaret License.
12. The premises will operate as a full service Italian Restaurant with a full service kitchen and waiter service specializing in Pizza and Italian food at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an alteration to the existing On Premise license for **PB Hudson LLC, d/b/a Pizzetteria Brunetti, 626 Hudson St. 10014** unless the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant are incorporated into the "Method of Operation" on the restaurant wine license.

Vote: Unanimous, with 40 Board members in favor.

20A. Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014 (Renewal of OP license)

1. Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for the renewal of its existing license for a Bar operating since 1994 in a ground floor corner storefront located in a four story brick mixed use townhouse (circa 1920) on a cobblestone block in a landmarked historic district on the corner of West 12th Street and West 4th Street; and

2. Whereas, the premises is approximately 800 SF and is located on a corner with narrow streets that are primarily surrounded by residential buildings and has been operated for many years with hours of operation from 2PM to 4AM daily with 1 Bar and no tables, music is played by jute box, the windows to the establishment are fixed, there are no outside areas or sidewalk café, there is one bathroom and one entrance/exit for patrons; and

3. **Whereas**, over the years this location has become a popular destination location for Millennials, attracting boisterous crowds that pack into a very small location with very late night hours, often causing patrons to regularly exit the premises and hang out on the sidewalk and on the street laughing, creating unnecessary loud noise in an otherwise quiet neighborhood disturbing local residents between the hours of 10 PM and 4 AM in an inebriated manner; and

4. **Whereas**, in 2011 local residents appeared before CB2 Man., including the West 12th Street Block Association and despite attempts by local residents with the owner of the establishment to create some sort of agreement to help curb the excessive, late night noise and outdoor patron encroachment on the Bar's residential neighbors, the owner contacted her attorney and did not appear before CB2 Man., as previously requested, ultimately resulting in a "deny" recommendation from CB2 Man. as to operator's 2011 renewal application; and

5. **Whereas**, despite the deny recommendation the SLA renewed the operator's license in 2011 and 2013; and

6. **Whereas**, more recently CB2 Man. received a number of complaints via email regarding the Bar from residential neighbors reiterating their complaints from 2011 and explaining that the current operator has done little to ameliorate the on-going late night noise of patrons hanging out on the public sidewalk in and around the premises until 4AM; and

7. **Whereas**, at the request of CB2 Man, the owner of the establishment and her attorney appeared in good faith before CB2 Man. in an attempt to respond to some of the concerns of its residential neighbors but where no residents appeared to voice their complaints; and

8. **Whereas**, the operator and her attorney stated that she has a person near the front door of the establishment on the weekends but further agreed to make sure that the person does a better job of informing patrons to move away from the neighborhood upon exiting, to curb patrons from making noise on the sidewalk and to provide CB2 Man. with a contact name and phone number so that members of the West 12th Street Block Association with complaints could speak directly with the owner about their complaints;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Renewal of an existing On Premise Liquor License for **Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014** unless the statements of the applicant as presented to CB2 are accurate and complete as to its existing On Premise Liquor License.

THE ABOVE RESOLUTION FAILED, WITH 19 BOARD MEMBERS IN FAVOR, AND 21 IN OPPOSITION (S. Aaron, K. Berger, T. Bergman, C. Booth, R. Chattree, T. Connor, D. Diether, C. Dwyer, J. Frost, S. Gammie, D. Gruber, S. Kent, A. Meadows, L. Rakoff, R. Riccobono, S. Russo, F. Sigel, C. Spence, S. Sweeney, R. Wittenberg, E. Young). **SEE NEW RESOLUTION BELOW.**

20B. Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014 (Renewal of OP license)

1. **Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for the renewal of its existing license for a Bar operating since 1994 in a ground floor corner storefront located in a four-story brick mixed-use townhouse (circa 1920) on a cobblestone block in a landmarked historic district on the corner of West 12th Street and West 4th Street; and

2. Whereas, the premises is approximately 800 SF and is located on a corner with narrow streets that are primarily surrounded by residential buildings and has been operated for many years with hours of operation from 2PM to 4AM daily with 1 Bar and no tables, music is played by juke box, the windows to the establishment are fixed, there are no outside areas or sidewalk café, there is one bathroom and one entrance/exit for patrons; and

3. Whereas, over the years this location has become a popular destination location for Millennials, attracting boisterous crowds that pack into a very small location with very late night hours, often causing patrons to regularly exit the premises and hang out on the sidewalk and on the street laughing, creating unnecessary loud noise in an otherwise quiet neighborhood disturbing local residents between the hours of 10 PM and 4 AM in an inebriated manner; and

4. Whereas, in 2011 local residents appeared before CB2 Man., including the West 12th Street Block Association and despite attempts by local residents with the owner of the establishment to create some sort of agreement to help curb the excessive, late night noise and outdoor patron encroachment on the Bar's residential neighbors, the owner contacted her attorney and did not appear before CB2 Man., as previously requested, ultimately resulting in a "deny" recommendation from CB2 Man. as to operator's 2011 renewal application; and

5. Whereas, despite the deny recommendation the SLA renewed the operator's license in 2011 and 2013; and

6. Whereas, more recently CB2 Man. received a number of complaints via email regarding the Bar from residential neighbors reiterating their complaints from 2011 and explaining that the current operator has done little to ameliorate the on-going late night noise of patrons hanging out on the public sidewalk in and around the premises until 4AM; and

7. Whereas, at the request of CB2 Man, the owner of the establishment and her attorney appeared in good faith before CB2 Man. in an attempt to respond to some of the concerns of its residential neighbors; and

8. Whereas, the operator and her attorney stated that she has a person near the front door of the establishment on the weekends but further agreed to make sure that the person does a better job of informing patrons to move away from the neighborhood upon exiting, to curb patrons from making noise on the sidewalk and to provide CB2 Man. with a contact name and phone number so that members of the West 12th Street Block Association with complaints could speak directly with the owner about their complaints;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Renewal of an existing On Premise Liquor License for **Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014**.

Vote: Unanimous, with 40 Board members in favor.

21. Kasaka Inc, d/b/a Kasaka, 220 W. 13th St. 10011 (New BW, previously licensed location).

1. Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new restaurant wine license to operate a sushi restaurant on West 13th street within a historic district between 7th Avenue and Greenwich Avenue in a mixed use six story building; and

2. Whereas, the location was previously operated as a Japanese restaurant with a Beer and Wine license only and the applicant further agreed to never seek a full OP license at this particular location; and

3. Whereas, the storefront premises is approximately 800 SF, with a 600 SF cellar for storage purposes only, 2 tables with 8 seats, one sushi counter with 10 seats for a total number of interior patron seats at 18, no stand up bar, there is only one bathroom, there will be no TVs and music will be background only; and

4. Whereas, the hours of operation for the Restaurant will be from 5 PM to 11 PM seven days per week and the premises will operate as a full service sushi restaurant but there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and; and

5. 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 BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a sushi restaurant.
2. The hours of operation for the restaurant will be 5 PM to 11 PM seven days per week.
3. There will no outdoor space and no sidewalk café.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be no televisions and the premises will not operate as a Bar, Tavern or Sports Bar.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a Beer and Wine license to **Kasaka Inc, d/b/a Kasaka, 220 W. 13th St. 10011** unless the statements of the applicant as presented to CB2, Man. 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 Beer and Wine License.

Vote: Unanimous, with 40 Board members in favor.

22. S.O. Farms Hospitality Group LLC d/b/a Queens Way, 16-18 King St. 10014 (transfer of OP license, New Mekong Rest. lic. #1180262, exp. 10/31/2016; laid over at request of attorney)

1. Whereas, after this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant and his attorney requested to layover and adjourn this application, which is for a transfer of a restaurant on premise license at these premises, and agreed to return and/or resubmit their application for consideration before CB2 Man. SLA Licensing Committee at its regularly scheduled meeting in July/2015 after certain issues were raised during and after the meeting on June 11th, 2015 regarding the applicant's proposed method of operation, the use of an additional doorway not fully described or disclosed to CB2 Man. or the public by the applicant at the meeting, the additional entrance/exit for patrons being on King Street but where the existing entrance to the Mekong restaurant is located on the corner of King and Sixth Avenue, creating confusion and distrust between the applicant and the public; and

2. Whereas, due to the confusion and conflict relating to the additional King Street Entrance not fully disclosed to the Public of CB2 Man., that applicant requested to come back to explain their method of operation relating to the doorway and to not move forward to the SLA until this important issue can be resolved;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any beer and wine or on premise license to **S.O. Farms Hospitality Group LLC d/b/a Queens Way, 16-18 Kings 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.

23. Off Cuts LLC, d/b/a Steakline, 19 Greenwich Ave. 10014 (transfer of OP license, Whitehall NYC LLC lic. #1256879, exp. 10/31/2015).

1. Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a transfer of an existing on premise restaurant liquor license to operate a family-friendly full service American Restaurant in a ground floor storefront of a four story mixed use building (circa 1920) in a landmarked historic district on Greenwich Avenue between West 10th Street and Stonewall Place; and

2. Whereas, the premises is located in a 3600 SF space (1800 SF ground level and 1800 SF basement for full service kitchen and storage but not for use by patrons) with 21 tables and 58 seats, 1 Bar with 12 seats for a total interior seating occupancy of 70, two bathrooms and one entrance/exit for patrons; and

3. Whereas, the hours of operation will be from 11 AM to 12:30 AM Sundays through Thursdays and from 11 AM to 2 AM Fridays and Saturdays, all doors and windows will be closed by 9 PM every night except for patron egress, music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

4. Whereas, there is an existing sidewalk café which will close every evening by 11 PM; and

5. Whereas, the applicant met with the Midwest 10th Street Block Association with respect to its application and agreed upon certain stipulated terms which are, to the most extent, incorporated herein; and

6. 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 with the SLA and those stipulations are as follows:

1. The premises will be advertised and operate as a full service restaurant serving American fare.
2. There will be only one TV and it will not operate as a sports bar, tavern or lounge.
3. The hours of operation will be 11 AM to 12:30 AM Sundays through Thursdays and from 11 AM to 2 AM Fridays and Saturdays.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Sidewalk café will close by 11 PM every evening.
6. There will be no dancing, 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 Restaurant On Premise Liquor License for **Off Cuts LLC, d/b/a Steakline, 19 Greenwich Ave. 10014** **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 On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

24. Food and Fun LLC, 64 Carmine St. 10014 (New OP license, previously licensed location).

1. Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for the transfer (Oreste, Inc. d/b/a Trattoria Toscana, Exp. 10/31/15) of an on premise restaurant liquor license to operate a full service Restaurant with a focus on Southern cuisine from New Orleans located in the ground floor storefront of a six-story mixed-use building (circa 1900) on Carmine Street within a historic district between Bedford Street and 7th Avenue South; and

2. Whereas, the Zoning is Residential 6 but there is an existing letter of no objection to operate an eating and drinking establishment at this location; and

3. Whereas, the premises is located in a 2,100 SF space (1,300 SF first floor and 800 SF basement for storage purposes only) with 20 tables and 60 seats, 1 Bar with 8 seats for a total seating occupancy of 68, a full service kitchen, two bathrooms and one entrance/exit for patrons, there are existing French doors on the front façade but there will be no sidewalk café or outdoor space; and

4. Whereas, the hours of operation will be from 10 AM to 12 AM Sunday through Wednesday and from 10 AM to 1 AM Thursday through Saturday, all doors and windows will be closed by 9 PM Sunday through Thursday and 10 PM on the weekends, music will be quiet background consisting of music from ipod/cd’s; there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

5. 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 operate as a full service restaurant with a full service kitchen open at all times.
2. There will be only one TV and the premises will not operate as a sports bar, tavern, bar or lounge.
3. The hours of operation will be from 10 AM to 12 AM Sunday through Wednesday and from 10 AM to 1 AM Thursday through Saturday.
4. All existing French doors and all windows will be closed by 9 PM from Sunday through Thursday and by 10 PM Fridays and Saturdays.
5. There will be no all you can drink/all you eat specials.
6. There will be no dancing, 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 Restaurant On Premise Liquor License for **Food and Fun LLC, 64 Carmine St. 10014** **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 On Premise 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:

25. FiftyOne Merchants LLC, d/b/a Via Carota, 49 Grove St. 10014 Store # 1, 2, & 3 (alteration to add addition Storefront #4, not previously licensed, to existing OP license)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015 the principal/applicant requested to lay over the application and did not appear before CB2 Man. for consideration regarding its alteration application and requested to be heard in July/2015; and,

2. Whereas, this application is add an adjacent storefront location to its existing On Premise license and the proposed storefront never previously operated as an eating or drinking established or has been licensed in the past; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any alteration to its On Premise license to **FiftyOne Merchants LLC, d/b/a Via Carota, 49 Grove 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.

26. SoHo Hotel Owner LLC, 138 Lafayette 10012 (Alteration to existing license, laid over at request of applicant and attorney)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015 the principal/applicant requested to layover and adjourn this application to July/2015 and did not appear before CB2 regarding its application; and,

2. Whereas, this application is for an alteration to its existing Beer Wine/On Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **SoHo Hotel Owner LLC, 138 Lafayette 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.

27. York Food Corp., d/b/a Falucka, 162 Bleecker St. 10012 (Renewal application to existing OP license)

1. Whereas, at the request of CB2 Man., the principal/applicant appeared before CB2 prior to his renewal application on June 11th, 2015 and thereafter, at the meeting, requested to layover and adjourn his renewal application to July/2015 and promised to reappear before CB2 Man. so that he could consult with his attorney and so that he could be more prepared to respond to the inquiries made at this Month's

meeting regarding the operator's prior applications to the SLA, certain violations regarding the use of tobacco products within the premises, an insufficient ventilation system within the premises, causing a constructive eviction of a tenant living above the premises from toxic levels of CO2 within the residential apartment and toxic levels within the establishment itself resulting in the NYC Dept. of Health issuing violations against the establishment and in violating its existing/stated method of operation with the SLA to operate as Restaurant when in fact the premises does not have a full service kitchen and has been operating for years as a Houka Bar until 4 AM daily;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **York Food Corp., d/b/a Falucka, 162 Bleecker 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.

28. 22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard St. 10013 (RW laid over at request of applicant, previously unlicensed location)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant requested to layover this application from consideration and did not appear before CB2 regarding its application; and,

2. Whereas, this application is for a new Beer and Wine license in a previously unlicensed location;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard 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.

29. Dumpling 516 Hudson NY, Inc., 516 Hudson St. 10014 (RW, withdrawn from consideration)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant requested to withdraw this application from consideration and did not appear before CB2 regarding its application; and,

2. Whereas, this application was for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Lihou LLC, 160-162 Prince 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.

30. NY Piada Inc, 15 Eighth Ave. 10014 (New RW, laid over at request of attorney)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant requested to layover this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed with this application from consideration and did not appear before CB2 regarding its application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any beer and wine or on premise license to **NY Piada Inc, 15 Eighth 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.

31. Minerva Hospitality Grove Ltd., Minerva, 302-304 W. 4th St. 10014 (Resubmission of BW license, but failed to Appear)

1. Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 11, 2015, the principal, Chrysalis Coutino-Kinsella failed to appear on this application for a beer and wine license; and

2. Whereas, this application is a resubmission of the initial application for a Restaurant Wine license that was previously presented before CB2, Manhattan in January/2015, but "while the initial Application was pending, but before its issuance, a Notice of Violation was served upon the applicant, on March 23, 2015, for the sale of an alcoholic beverage upon the premises, when the applicant did not possess a liquor license" (Case 103908 & 104664); and as a result, the Liquor Authority subsequently disapproved the pending January/2015 Application; and

3. Whereas, the applicant also owns an adjacent storefront business with a BW license, had wine on its menu and would have its employees obtain Wine from the adjacent storefront premises and bring it over to the unlicensed café/restaurant to serve patrons; and

3. Whereas, while the disciplinary proceeding in connection with the unlicensed sale is being addressed the Liquor Authority rules permit a resubmission of a new application, which was the application currently before CB2, Man.; and,

4. Whereas, the applicant's representative and Business Manager, Matthew Paratore, appeared before CB#2 Man.'s SLA Committee in May/2015 for the resubmission application but was unable to answer many of the questions posed by the Committee in a credible manner as to underlying facts of the illegal sale, the frequency of other illegal sales at the premises or the investigation conducted by the SLA, unjustly attempting to blame an employee working at the café/restaurant or accusing the SLA investigator of certain overzealous conduct; and

5. Whereas, after an adjacent resident neighbor also appeared at the May/2015 CB#2 Committee meeting to voice concerns regarding the applicants failure to redesign and properly install a HVAC system leading from the eating and drinking establishment to the rear yard and rooftop of the adjacent

residential building creating an on-going disturbance, the applicant's (above-referenced) business manager requested and agreed to layover the application to June/2015 so that he could ameliorate and remedy that on-going problem and promised/agreed to reappear and return to CB#2 to report that this problem had been resolved; and

6. Whereas, two other neighbors appeared to oppose the existing application at the June 11, 2015 CB2 Committee Meeting, affirming that the owner/operator and applicant had made no attempt to remedy the HVAC problems and to also reiterate certain dangers associated with a sidewalk hatch, that the operator currently uses daily and which hatch is open all day and night when the café/restaurant is operating because it is the only means of egress/access for employees of the business to prepare certain foods in the cellar for service inside the groundfloor café/restaurant to patrons, that the open hatch is a dangerous condition, that one of the neighbors personally observed a person fall into the open hatch and that the open hatch causing patrons to smoke their cigarettes and hang out directly in front of the adjacent residential building disturbing residents therein because the open hatch takes up a large portion of the front façade and public sidewalk in front of the existing establishment;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed 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 **Minerva Hospitality Grove Ltd., Minerva, 302-304 W. 4th 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.

32. Prime 135 NYC LLC, d/b/a Prime 135, 135 7th Ave. S. 10014 (upgrade to full OP, withdrawn)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the applicant's attorney requested to withdraw this application for an upgrade to a full on premise 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 proposed On Premise license to **Prime 135 NYC LLC, d/b/a Prime 135, 135 7th Ave. S. 10014** should this application proceed directly to the SLA.

Vote: Unanimous, with 40 Board members in favor.

33. Infinity Restaurant Group, 45 W. 8th St. 10011 (New OP, layover)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant requested to layover this application for an on premise license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed with this application from consideration and did not appear before CB2 regarding its application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Infinity Restaurant Group, 45 W. 8th St. 10011** should this application proceed directly to the SLA.

Vote: Unanimous, with 40 Board members in favor.

34. 13 8th Ave. (TBD), 13 8th Ave. 10014 (New OP, withdrawn)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the applicant's attorney requested to **withdraw** this application for an on premise 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 CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Prime 135 NYC LLC, d/b/a Prime 135, 135 7th Ave. S. 10014** should this application proceed directly to the SLA.

Vote: Unanimous, with 40 Board members in favor.

35. Piccolo W.V. LLC, 57 7th Ave S. 10011 (transfer of license, laid over at request of attorney)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the principal/applicant requested to **layover** this application for a transfer of an existing on premise license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed with this application from consideration and did not appear before CB2 regarding its application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any beer and wine or on premise license to **Piccolo W.V. LLC, 57 7th Ave S. 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.

36. Bocca Di Bacco Meatpacking District, Inc., d/b/a Bocca Di Bacco, 1-3-5 Little West 12th St. 10014 (New OP, withdrawn)

1. Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 11th, 2015, the applicant's attorney requested to **withdraw** this application for an on premise 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 proposed On Premise license to **Bocca Di Bacco Meatpacking District Inc., d/b/a Bocca Di Bacco, 1-3-5 Little West 12th St. 10014** should this application proceed directly to the SLA.

Vote: Unanimous, with 40 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution requesting traffic safety improvements at the intersection of Waverly Pl., Christopher and Grove Sts.

Whereas the area was posted, community groups notified and there were several community members present regarding this request. Presentations on the request were made by Matthew Selsky, James McDuffee and Maury Schott; and

Whereas Mr. Selsky made several suggestions to improve visibility at the intersection of the southeast leg of Waverly Pl. where it intersects Christopher St., with the primary issue being illegal parking in the existing No Standing Zone on the south side of Christopher. Mr. McDuffee, a nearby resident and also a partner in Joseph Leonard and Jeffrey's Grocery, restaurants both immediately adjacent to these intersections, described several recent incidents at the intersections that resulted in injuries to pedestrians or cyclists. He said the primary reasons appear to be confusion of some drivers, lack of visibility because of vehicles using the No Standing Zones on either side of the east leg of Waverly Pl., especially problematic on the south side of Grove St., drivers going the wrong way on Waverly Pl. north of Christopher St., and pedestrians crossing Christopher and/or Grove St. in multiple paths; and

Whereas Mr. Schott showed a video of just 2 minutes of the complicated intersection and the equally complicated 'dance' of how drivers and pedestrians use (and abuse) it, all contributing to a dangerous street environment; and

Whereas based on his studying the flow of traffic, Mr. Schott observed that many suggested solutions were not advisable/achievable, e.g., the direction of traffic on Christopher cannot be switched as the street is a major east to west thoroughfare as well as a route for the M8 bus; the NYC Department of Transportation (DOT) cannot install crosswalks across Christopher or Grove without stop controls; DOT previously had determined that traffic here does not justify a traffic signal; and DOT cannot install speed humps along a bus route; and

Whereas rather than try to overly control the pedestrian flow, Mr. Schott suggested 'soft' design changes meant to better guarantee visibility for drivers entering Christopher or Grove from both legs of Waverly Pl. and to narrow crossing distances in and around the "Y" split of Christopher and Grove Sts; and

Whereas while Colleen Chattergoon from DOT stated that violation of the No Standing Zones was an enforcement issue, and Community Board 2, Manhattan (CB2) will make an effort with the 6th Precinct to improve that, traffic agents cannot police this one area at all times. Self-enforcing measures like the narrowed street width will not only preclude such standing/parking but, more importantly, will narrow the traffic lane which tends to slow drivers while reducing the time pedestrians are in harm's way; and

Whereas Mr. McDuffee and Gabe Stulman, McDuffee's partner in the two restaurants, indicated their willingness to commit the businesses to being the maintenance partners for any neckdowns, extended sidewalks and/or planters used in any daylighting and/or narrowing improvements to the intersection; and

Whereas given that the most northern block of Waverly Pl. bet. 7th Ave. S. and Charles St. is to be closed to traffic, it seems advisable to change the direction of traffic on Waverly north of Christopher St. (currently southbound) to northbound to match the direction of Waverly Pl. on the south side of Christopher St., thereby 'normalizing' traffic direction on the street while removing one of the entrances to this complex intersection and eliminating potential conflicts from motor vehicles that erroneously head north on the currently southbound Waverly stretch;

Therefore be it resolved that CB2, Man. recommends the following improvements to the complex intersection of Waverly Pl. with Christopher and Grove Sts.:

- Install motorcycle/scooter parking only or a painted neckdown with flexible bollards and planters to daylight the southeast corner of the eastern leg of Waverly Pl.
- Convert the existing No Standing Anytime zone on the south side of Grove/Christopher between the two legs of Waverly Pl. to a painted sidewalk extension with epoxied gravel, delineated with bollards and planters.
- Replace one parking space on the southwest corner of the western leg of Waverly Pl. with a painted neckdown delineated with bollards and planters.
- Consider changing the direction of travel on the remaining two blocks of Waverly Pl. north of Christopher St. from southbound to northbound to remove one ‘entrance’ into this complex intersection.
- Add Stop sign and high-visibility crosswalks to Christopher St. at the intersection of the east leg of Waverly Pl.
- Improve the directional signage at the split of Waverly Pl. south of this intersection.

VOTE: Unanimous, with 40 Board Members in favor

2. Resolution in support of using Police scooters and motorcycles to enforce distracted driving laws.

Whereas distracted driving is a serious safety risk: According to the National Highway Traffic Safety Administration, 3,154 people were killed and 424,000 were injured nationwide in crashes involving a distracted driver in 2013. Additionally, ten percent of all fatal accidents involved a driver who was identified as distracted at the time of the crash. According to the CDC, in 2011, nearly one in five crashes (17%) in which someone was injured involved distracted driving; and

Whereas in New York City, driver distraction, including inattention from increased cell phone calling, texting and use of other electronic devices while driving, has become one of the major causes of auto collisions, injuries & fatalities (Transportation Alternatives, *Deadly Driving Unlimited*, 2012; *Streetsblog NYC*, 01/31/2014); and

Whereas there is ample evidence that distracted driving is as dangerous as drunk/impaired driving, and possibly more common (David L. Strayer, Frank A. Drews, and Dennis J. Crouch, “A Comparison of the Cell Phone Driver and the Drunk Driver,” *Human Factors*, Summer 2006); and

Whereas despite current New York City Police Department (NYPD) tactics using stepped up enforcement and increased penalties, distracted driving continues to be a rampant problem in New York City:

- In 2014, within the 6th Precinct the Manhattan Traffic Task Force issued 120 summonses for phone & text use while driving. In this same area so far in 2015, 59 summonses have been issued.
- *This rate is unchanged from the previous year*, suggesting that distracted drivers have been undeterred by the efforts of lawmakers and law enforcement, thus far; and

Whereas a trial program started in 2013 by the Western Australian Police has had significant success catching distracted drivers. As reported in a letter from *Sergeant Simon Baxter* (Supervisor Motorcycle Patrol 3, Traffic Enforcement Group 2, State Traffic Operations, Western Australia Police), these successes have included the following:

- Incidence of mobile phone use is dropping dramatically.
- In an eight hour shift each motorcycle will stop 20 drivers for mobile phone use or visual display use.

- The program also catches seatbelt offenses, anti-social driving behavior, stop sign and red light offenses.
- \$250,000 (AUD) were generated in six weeks from infringements; and

Whereas the Western Australian Police program employs the following specific tactics:

- 50 motorcycles including six unmarked (undercover) motorcycle units.
- Motorcycle police equipped with small digital cameras, mounted on officers' helmets.
- Video evidence is used in court to back up officer's testimony
- Motorcycle is able to move easily through congested traffic, as demonstrated by video of numerous police stops, which was published in December 2014.
- Because of the relatively high seating position of motorcycles, it is easy for the officer to see and film drivers using their phones while driving; and

Whereas the success of the tactics used by the Western Australian Police has been so great that in *three days* as many summonses are issued with only *one* motorcycle as have been issued by the entire Manhattan Traffic Task Force within the 6th Precinct in *six months*; and

Whereas Sergeant Baxter also reports that "*motorists have become more aware of motorcycle riders on the road,*" as a result of this program, and the NYC Department of Transportation has identified motorcyclists among the most vulnerable road users, along with bicyclists and pedestrians;

Therefore be it resolved that Community Board 2, Manhattan supports the use of police scooters and motorcycles to enforce distracted driving laws and requests that the NYPD review the Western Australia Police program and conduct a trial of using marked and unmarked police motorcycles as a platform for enforcing distracted driving and other traffic laws.

VOTE: Unanimous, with 40 Board Members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan