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## COMMUNITY BOARD No. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** October 21, 2010  
**TIME:** 6:00 P.M.  
**PLACE:** P.S. 130, 143 Baxter Street, Auditorium

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Sigrid Burton, Heather Ann Campbell, Denise Collins, Terri Cude, Maria Passanante Derr, Doris Diether, Ian Dutton, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Brad Hoylman, Mary Johnson, Arthur Kriemelman, Evan Lederman, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, David Reck, Robert Riccobono, Erin Roeder, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Shirley Secunda Chenault Spence, Richard Stewart, Carol Yankay, Antony Wong,

**BOARD MEMBERS EXCUSED:** Lisa Cannistracci, Sheelah Feinberg, Anne Hearn, Susan Kent, Raymond Lee, Lois Rakoff, Maury Schott, Arthur Z. Schwartz, James Solomon, Sean Sweeney, Elaine Young

**BOARD MEMBERS ABSENT:** Edward Ma

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Lisa Parson, Assembly Member Deborah Glick's office; Sandy Myers, Lin Zeng, Man. Borough President Scott Stringer's office; John Ricker, NYC Comptroller's office; Edgar Yu, Manhattan District Attorney Cyrus Vance's office; Noah Isaacs, Council Speaker Christine Quinn's office; Matt Viggiano, Jasmin Torres, Council Member Rosie Mendez's office; Gabriela Resto, Danya Sherma, Kate Lindquist, Fay E. Roblson, Judith Callet, Luis Ramirez, Douglas Esposin, Catherine Perebinsoff, Ed Sullivan, Ben Jerris, Dave Poster, Jane Chuang, Davide Gentile, David Wallace, Barbara Ruether, Catherine Schaefer, Jane Kovczynsla, Lou Stremger, Eric Li, Robert Meller, Alex Baskin, Leonid Baskin, Erin Keller, Ben Wolfert, Ivanna Ganushclak, Pamela L. LaBonne, Ellen I. Synan, Natalie McDonald, Silvia Sanza, Steve Charen, Alex Smorczewski, John Flood, Leslie Lord, Yetta Kurland, Frank Vriale, Philip Smithback, Elizabeth Adam, Elaine Hudson, Angela Jones, Chris Gaylord, Timothy Luncford, Evette Stark Katz, Thomas Cahill, Alan Bounville, Susan Kone, Rene Schoonenbeck, Jayne Hertko

### MEETING SUMMARY

Meeting Date –October 21, 2010  
Board Members Present – 38  
Board Members Excused–11  
Board Members Absent - 9

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### NY Public Library

John Flood, from the Hudson Park branch, spoke regarding the recent budget cuts to city libraries.

#### Hospital Need

Yetta Kurland, Chris Gaylord, Frank Vriale, Chatherine Schaefer, Thomas Cahill, Timothy Luncford, Pamela LaBonne, Alan Bounville, Evette Stark Katz, Barbara Ruether, spoke in favor of the need for a hospital at the former St. Vincent's Hospital site.

#### Scams

Doris Diether spoke regarding credit card scams.

#### Highline Events

Danya Sherman made an announcement regarding upcoming events.

#### Manhattan District Attorney's office

Edgar Yu introduced himself as the new CB2 community liaison.

#### 20 Renwick Street

Natalie McDonald spoke regarding quality-of-life issues at this location.

### **Landmarks & Public Aesthetics Items**

#### Village Park Strips

Elaine Hudson spoke the proposed NYU Landmarks application.

## **III. ADOPTION OF AGENDA**

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

Katie Smith, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Sandy Myers, Man. Borough President Scott Stringer's office

Lisa Parson, Assembly Member Deborah Glick's office

Noah Isaacs, of Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Jasmin Torres, Council Member Rosie Mendez's office.

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

Adoption of July minutes and distribution of September minutes.

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

**1. Chair's Report** Jo Hamilton reported

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

**3. The following resolution was passed at the August 11, 2010 Executive Committee and ratified at the October 2010 Full Board meeting:**

#### **Resolution to Endorse the Community Task Force on NYU Development Findings and Recommendations**

**Whereas**, in 2006, NYU committed to a public and transparent process for their strategic plan for growth, NYU 2031; and

**Whereas**, Borough President Stringer convened the Community Task Force on NYU Development and CB#2, Man. participated as an active member from its inception, and

**Whereas**, the Task Force issued a set of findings and recommendations in March 2010 that outlined the community's priorities, and

**Whereas**, the University's response to the Task Force recommendations leaves a number of unanswered questions; and

**Whereas**, the formal public review process is beginning and CB#2, Man. and the larger community requests more information from the University.

**Therefore be it resolved,** CB#2, Man. thereby endorses the Task Force findings and recommendations; and

**Be it further resolved,** CB#2, Man. requests that NYU provide us with a point-by-point response to the Task Force recommendations and questions.

Vote: Unanimous, with 38 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **1. Dept. of Sanitation Spring Street Salt Shed - presentation of design**

This was the most controversial item on our calendar, with Community Board #1 and over a dozen speakers opposing the item.

**Whereas,** the DSNY presented a proposed design for a planned salt shed to be located at 297 West Street between Canal Street and Spring Street; and

**Whereas,** the proposed salt shed is a 64' tall structure with a driveway between the building and Holland Tunnel Ventilation Building and with the entry to the structure at the Canal Street end of the driveway; and,

**Whereas,** the proposed design seeks to express “different aspects of crystalline forms – the faceted nature of all crystals and the extended forms found in many crystals,” by way of a reinforced concrete building with multiple angled planes; and,

**Whereas,** some speakers said this very contemporary design is out of keeping with the area with its immediate proximity to such landmark structures as the Holland Tunnel Ventilation Building and the historic Ear Inn building; and

**Whereas,** the final design calls for 10,000 gallons of Calcium Chloride to be stored in outdoor tanks that were reported in the FEIS as being located underground; and

**Whereas,** the intensity of opposition to the scale of the proposed larger project makes it difficult for the community to focus on the design concept and details of the building; and

**Whereas,** the proposed building is on the site of an existing DSNY garage serving District 1 and is part of a larger project that includes a garage on the other side of Spring Street serving Districts 1, 2, and 5; and

**Whereas,** the larger project was approved by DSNY and the City Council over strong community opposition based on its unfair overburdening of an area that already suffers from negative impacts of high car, bus, and truck traffic on Route 9A (West Street) and entering the Holland Tunnel; and

**Whereas,** the project remains a cause of concern, dismay, and resentment in the neighborhood with more than a dozen people appearing at a hearing on October 12, 2010, to express opposition to the salt shed; and

**Whereas,** concerns have been raised about safe removal of asbestos during demolition and needed precautions related to construction in the flood plain; and

**Whereas**, concerns were expressed about containment of salt dust both at the driveway and the load-in door near residential buildings on Spring Street as well as about proposed above ground storage of calcium chloride; and

**Whereas**, many people think that changes in the design, such as covering the apron, moving the tanks underground (as reported in the FEIS), moving the salt load-in door to Canal Street, and long-term graffiti planning are essential to the success of this structure; and

**Whereas**, the west end of Spring Street is a neighborhood of increasing commercial and residential vitality; and

**Whereas**, the SoHo and Hudson Square neighborhoods have poor access to Hudson River Park because there are no West Street crossings or park entrances between the south side of Canal Street in Tribeca and the north side of West Houston Street in the West Village; and

**Whereas**, improving connections to the waterfront is an important citywide priority; and

**Whereas**, the lack of a West Street crossing at Spring Street also discourages pedestrians from using the two Spring Street blocks east of West Street; and

**Whereas**, The Hudson Square Business Improvement District has identified a Spring Street connection to the Hudson River Park as an important objective; and

**Whereas**, the DSNY project at Spring Street will further detriment the connection of these neighborhoods to the waterfront and will create a pedestrian dead zone unless the project includes street amenities to encourage pedestrian use, and

**Whereas**, by seeking to create an iconic building for an unglamorous use, DSNY and the Design Commission acknowledge the importance of the site, but while we appreciate the efforts made to design a building of interest and note, architecture alone cannot overcome the isolation and lack of vitality of the location that will only be made worse by the outsized DSNY facilities on both sides of the street.

**Therefore be it resolved** that CB#2, Man. while still opposing the project as a whole, urges DSNY and the Design Commission to work with the City and State Departments of Transportation and the Hudson River Park Trust to include in this project pedestrian amenities to recreate the urban vitality of this area; and

**Be it further resolved** we ask that the DSNY and the City to acknowledge the significant sacrifice this neighborhood will make because of this salt shed and a three district garage, and to mitigate the conditions by adding a new crosswalk on West Street at Spring Street and work with the community to improve the streetscape on Spring between Sixth Avenue and West Streets, and

**Be it further resolved** that DSNY should ask their design consultants to address concerns about the containment of salt dust, and also the above-ground siting of unsightly Calcium Chloride storage tank; and

**Be it further resolved** that there should be further steps taken to protect the immediate neighbors from the negative impact of salt dust, such as relocating the load-in door to Canal Street, reducing the size of the door, and covering the driveway and gates; and

**Be it further resolved** that the concrete finishes/surfaces should be such that it won't be damaged by repeated graffiti removal; and

**Be it further resolved** that CB#2, Man. urges that DSNY review and amend the Department of Building applications with regard to concerns about asbestos removal and construction in the flood plain; and

**Be it finally resolved** that unless these concerns are addressed, the current design effort is not useful and CB#2, Man. cannot support the proposed design.

Vote: Unanimous, with 38 Board members in favor.

**2. 153 Prince Street – SoHo Cast Iron Historic District Extension.** A Greek Revival style dwelling with alterations, originally build c. 1844-45. Application is to alter the façade and areaway and install storefront infill and signage.

**Whereas** this building is located in the newest Historic District Extension; and

**Whereas** the building is currently painted with zebra stripes on the lower two floors, on a block with a number of oddly painted and altered buildings; and

**Whereas** the proposal is to widen and enlarge the door and windows on the basement level and enlarge the first floor windows, and remove the current lighting and roll down gates on the basement level; and

**Whereas** it is also proposed to raise the level of the front yard 14” and change the current steps to 3 steps in the yard and 2 steps inside the store; and

**Whereas** the proposal also includes changing the color of the first two floors from the zebra stripes to purple with a new sign with letters on pins attached to the façade of the building between the first floor and basement; and

**Whereas** the current fence would be reduced in size to match the new stair size, and all the fencing would be painted black; and

**Whereas**, although some of the changes proposed improved the look of the building, too much of the original fabric of the building would be removed.

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends that this application for 153 Prince Street be denied.

Vote: Unanimous, with 38 Board members in favor.

**3. 337-339 West Broadway aka 54-58 Grand St.– SoHo Cast Iron Historic District.** A store building designed by Peter V. Outcault and built in 1885-1886. Application to create a new masonry opening.

**WHEREAS** this is a two story retail building on a corner which formerly had a second means of egress through the adjoining building, but that egress has now been blocked; and

**WHEREAS** a second means of egress is required, so the proposal is to remove plywood over a single side street door and enlarge the area to include two doors for the required fire exits; and

**WHEREAS** although this will require removal of some of the original wall of the building, this is not a major alteration of the structure;

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends approval of this application for 337-339 West Broadway.

Vote: Unanimous, with 38 Board members in favor.

**4. 47 West 8 St. – Greenwich Village Historic District.** A Greek Revival style rowhouse built in 1845 and altered in the early 20<sup>th</sup> Century to accommodate stores at the first two floors. Application is to legalize façade alterations and storefront infill installed without LPC permits.

**Whereas** the alterations were done without LPC applications or approval; and

**Whereas** the glass shop windows on the second floor were removed and a new terrace was created at the front of the building on the second floor; and

**Whereas** artificial ivy was attached to the façade of the building with real ivy planted in containers on either side of the first floor storefront; and

**Whereas** three residents of the street came to protest plus a letter in opposition was received from the 8<sup>th</sup> St. Block Assn.

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends denial of this application for 47 West 8 St.

Vote: Unanimous, with 38 Board members in favor.

**5. 122-132 West 12 St. – Greenwich Village Historic District.** An apartment building designed by H.I. Feldman and built in 1940-1941. Application is to modify a masonry opening and alter the areaway.

**Whereas** the building is set back from the sidewalk by a narrow yard with a non-conforming handicapped ramp; and

**Whereas** the proposal is to replace the deteriorating surface material in the front yard with Terrazzo panels, eliminate one door to a former doctor's office and replace it with a window to match the others on the building, and extend the handicapped ramp to make it compliant; and

**Whereas** the fence will be reconstructed to accommodate the new handicapped ramp and replaced to match the existing; and

**Whereas** part of the yard will have to be lowered to accommodate the new ramp, but new planting beds will be installed between the map and the fence.

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends approval of the proposal for 122-132 West 12 St.

Vote: Unanimous, with 38 Board members in favor.

**6. 58 Morton St. – Greenwich Village Historic District.** A transitional Greek Revival and Italianate style house built in 1848-1849. Application is to legalize the removal of a leaded glass window without LPC permits.

**Whereas** the Landmarks Preservation Commission’s own *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;

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends denial of this application in the absence of this important step in the review process; and

**FURTHER BE IT RESOLVED** CB#2, Man. urges that, before the Commission further entertains this application, the Chair order the applicant to return and present before the Community Board, which the vast majority of applicants do willingly and diligently and from which obligation this applicant should not be excused, but, rather, be required to follow, lest LPC send a bad signal to the more conscientious and professional applicants who present before the Commissioners.

Vote: Unanimous, with Board members in favor.

**LAND USE AND BUSINESS DEVELOPMENT**

**1. 841 Broadway, (Block 565, Lot 15) Board of Standards and Appeals Special Permit Application on behalf of the Jivamukti Yoga Center, to legalize the operation of a Physical Culture Establishment (PCE)/yoga center for a term not to exceed 10 years**

**WHEREAS**, The surrounding area was posted and there was no community opposition to this application, And,

**WHEREAS**, The building is entirely occupied as a commercial structure, And,

**WHEREAS**, The usage is consistent and compatible with the other uses in this building and in the surrounding buildings and will have no adverse impacts on the neighborhood, And,

**WHEREAS**, This application is to legalize an existing Physical Culture Establishment, And,

**THEREFORE BE IT RESOLVED**, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a Board of Standards and Appeals Special Permit Application, pursuant to ZR §73-36, on behalf of the Jivamukti Yoga Center, to legalize the operation of a Physical Culture Establishment (PCE)/yoga center for a term not to exceed 10 years providing that the start of the term is back dated to the date the Special Permit should have been obtained.

Vote: Unanimous, with 38 Board members in favor.



**2. 209-211 Hester Street (Block 235, Lot 24) City Planning Special Permit Application pursuant to Zoning Resolution section §74-781, to permit Use Group 6 commercial / Retail uses in the ground floor and cellar of an existing seven-story building located in an M1-5B district.**

**WHEREAS**, the surrounding area was posted and there was no community opposition to this application, And,

**WHEREAS**, The proposed usage is consistent and compatible with the other uses in this building and in the surrounding buildings and will have no adverse impacts on the neighborhood.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a City Planning special permit pursuant to Section 74-781 to permit Use Group 6 commercial / Retail uses in the ground floor and cellar of an existing seven-story building located in an M1-5B district.

Vote: Unanimous, with 38 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**New App. for revocable consent to operate an Unenclosed sidewalk café for:**

**1. Caffe Roast Bean Inc. d/b/a Caffe Roast Bean, One 7<sup>th</sup> Ave So. (at Carmine St), with 10 tables & 20 seats, DCA# 1372369**

Block:582 Lot:43 Lot Frontage:58.67' Lot Depth: 5 5.08 Year Built:2006  
Number of Floors:6 Residential Units:4 Total # of Units:5 Zoning:C2-6

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the establishment has a substantial sidewalk and this block of 7<sup>th</sup> Ave S sees only moderate pedestrian traffic, and

**Whereas**, the applicant was advised that the café seating must be arranged only as shown on the plan supplied with the application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Caffe Roast Bean Inc. d/b/a Caffe Roast Bean, One 7<sup>th</sup> Ave So. (at Carmine St), with 10 tables & 20 seats, DCA# 1372369**

VOTE: Unanimous, with 38 Board members in favor.

**Renewal App. for revocable consent to operate an Enclosed sidewalk cafe for:**

**2. Oliver King Enterprises, Inc. d/b/a Empire Szechwan Village, 173 7<sup>th</sup> Ave. So. (at Perry St) with 11 tables & 22 seats, DCA#1007220**

Block:613 Lot:62 Lot Frontage:70.25' Lot Depth:45.58 Year Built:1915(estimated)  
Number of Floors:2 Residential Units:0 Total # of Units:1 Zoning:C2-6  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this enclosed sidewalk café for many years with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **Oliver King Enterprises, Inc. d/b/a Empire Szechwan Village, 173 7<sup>th</sup> Ave. So. (at Perry St) with 11 tables & 22 seats, DCA#1007220.**

**VOTE:** Unanimous, with 38 Board members in favor

**3. Restaurant Ventures of NY, Inc. 200 Spring St. (at Sullivan St) with 10 tables & 20 seats, DCA# 0920983**

Block:489 Lot:17 Lot Frontage:25' Lot Depth:75 Year Built:1920(estimated)  
Number of Floors:5 Residential Units:12 Total # of Units:13 Zoning:R7-2 Commercial Overlay:  
C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints, but has had some issues with improper arrangement of tables and chairs, and

**Whereas**, the applicant has filed a new plan for the café which addresses some existing crowding issues by extending the café further toward the back of the restaurant and using only 2-seat tables against the building, and

**Whereas**, the applicant was reminded that the seating should only be as shown in the new plan and he committed to complying,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Restaurant Ventures of NY, Inc. 200 Spring St. (at Sullivan St) with 10 tables & 20 seats, DCA# 0920983.**

**VOTE:** Unanimous, with 38 Board members in favor.

**4. Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw 12<sup>th</sup> & 13<sup>th</sup>), with 4 tables & 12 seats, DCA# 0919619**

Block:576 Lot:9 Lot Frontage:20' Lot Depth:100 Year Built:1920(estimated)  
Number of Floors:1 Residential Units:0 Total # of Units:2 Zoning:C6-2

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints, and

**Whereas**, the committee noted that two planters with ivy on either side of the café should be moved against the building when the café is not open and applicant has committed to do so,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw 12<sup>th</sup> & 13<sup>th</sup>), with 4 tables & 12 seats, DCA# 0919619**

VOTE: Unanimous, with 38 Board member in favor.

**5. Mestizo, Inc. 89 Greenwich Ave. (at Bank St.) with 7 tables & 16 seats, DCA# 1160579**

Block:615 Lot:36 Lot Frontage:89.33' Lot Depth:149.5 Year Built:1930(estimated)  
Number of Buildings:2 Number of Floors:6 Residential Units:77  
Total # of Units:81 Zoning:C1-6R6 Landmark Building:Yes  
Historic District:Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative Michael Kelly was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints, and

**Whereas**, the committee noted that the café has been opening on Sunday before the allowed time of 12:00pm, and

**Whereas**, the applicant's representative committed to instructing the applicant to abide by the allowed operating hours, including the opening time on Sunday,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Mestizo, Inc. 89 Greenwich Ave. (at Bank St.) with 7 tables & 16 seats, DCA# 1160579**

CONDITIONAL UPON the applicant abiding by the allowed operating hours as noted in Whereas clauses 3 & 4.

VOTE: Unanimous, with 38 Board members in favor.

**6. Half Pint on Thompson, LLC, 234 Thompson St. (at W 3<sup>rd</sup> St.), with 9 tables & 18 seats, DCA# 1279573**

Block:537 Lot:13 Lot Frontage:75' Lot Depth:60 Year Built:1900(estimated)  
Number of Floors:6 Residential Units:35 Total # of Units:39  
Zoning:R7-2 Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant and their representative, Michael Kelly, were present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years, and

**Whereas**, the applicant has consistently seated the café in a manner inconsistent with the approved plan, often using larger tables than the approved one foot wide tables and seating additional people at tables, thereby substantially encroaching on the public area of the sidewalk, and

**Whereas**, the applicant was cited by DCA in August 2010 for violating their allowed seating, and previously for the use of sandwich board signs, and

**Whereas**, the applicant has been notified by the CB2 office of these violations of their allowed seating, and

**Whereas**, the applicant had numerous ‘explanations’ for the seating issues – the approved tables were stolen, customers rearrange the tables and seats, etc, and

**Whereas**, the committee made it very clear to the applicant that the plan was to be adhered to and it was the applicant’s responsibility to ensure that it was,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Half Pint on Thompson, LLC, 234 Thompson St. (at W 3<sup>rd</sup> St.), with 9 tables & 18 seats, DCA# 1279573** UNLESS the applicant consistently abides by the seating plan provided with the application as noted in Whereas clauses 3 – 5.

VOTE: Unanimous, with 38 Board members in favor.

**7. Wogie’s, Inc. 39 Greenwich Ave. (at Charles St.) with 16 tables & 32 seats, DCA# 1160623**

Block:612 Lot:65 Lot Frontage:26.83' Lot Depth:82.17 Year Built:1900(estimated)  
Number of Floors:5 Residential Units:12 Total # of Units:14 Zoning:C1-6  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant’s representative, Michael Kelly, was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years, and

**Whereas**, the applicant has consistently seated the café in a manner inconsistent with the approved plan, with benches along both facades of the building and seating perpendicular to the façade rather than parallel, thereby encroaching on the public area of the sidewalk, and

**Whereas**, the applicant was notified of the seating problem during their renewal process two years ago and no apparent effort has been made to correct the situation in those two years,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Wogie's, Inc. 39 Greenwich Ave. (at Charles St.) with 16 tables & 32 seats, DCA# 1160623**

**UNLESS** the applicant consistently abides by the seating plan provided with the application as noted in Whereas 3.

VOTE: Passed, with 31 Board members in favor, 6 in opposition-(Carter Booth, Keen Berger, Alison Greenberg, Doris Diether, Ian Dutton, David Reck), and 1 abstention-(Shirley Secunda)

**8. Macdougall Bleeker Corp. 89 Macdougall St. (at Bleeker St.) with 17 tables & 34 seats, DCA# 1163023**

Block:526 Lot:25 Lot Frontage:25' Lot Depth:98 Year Built:1900(estimated)  
Number of Floors:6 Residential Units:15 Total # of Units:17 Zoning:R7-2 Commercial  
Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years, and

**Whereas**, the applicant is currently seating the café in a manner somewhat inconsistent with the approved plan, with some of the table seating moved from the Bleeker St side to the MacDougal St side of the building, and

**Whereas**, the applicant's representative has committed to ensure the applicant returns the café seating to the approved plan,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Macdougall Bleeker Corp. 89 Macdougall St. (at Bleeker St.) with 17 tables & 34 seats, DCA# 1163023**

**CONDITIONAL UPON** the applicant returning the seating to the approved plan on both the Bleeker St and MacDougal St sides of the establishment as noted in Whereas clauses 3 & 4.

VOTE: Unanimous, with 38 Board members in favor.

**9. FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers & Fries, 496 LaGuardia Pl. (btw W. Houston & Bleeker St.) with 3 tables & 6 seats, DCA# 1279546**

Block:525 Lot:7502 Lot Frontage:50' Lot Depth:75 Year Built:1910  
Number of Buildings:2 Number of Floors:4 Residential Units:11 Total # of Units:14  
Zoning:R7-2 Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints,

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers & Fries, 496 LaGuardia Pl. (btw W. Houston & Bleecker St.) with 3 tables & 6 seats, DCA# 1279546.**

VOTE: Unanimous, with 38 Board members in favor.

**10. Brass Monkey, LLC, 55 Little West 12 Street (btw 10<sup>th</sup> Ave & Washington St), with 3 tables & 6 seats, DCA# 1199470**

Block:645 Lot:23 Lot Frontage:25' Lot Depth:103.25 Year Built:1900(estimated)  
Number of Floors:3 Residential Units:0 Total # of Units:3 Zoning:M1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Brass Monkey, LLC, 55 Little West 12 Street (btw 10<sup>th</sup> Ave & Washington St), with 3 tables & 6 seats, DCA# 1199470.**

VOTE: Unanimous, with 38 Board member is favor.

**11. The Otheroom Inc. 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 1110366**

Block:633 Lot:34 Lot Frontage:21.5' Lot Depth:40.17 Year Built:1900(estimated)  
Number of Floors:4 Residential Units:3 Total # of Units:4 Zoning:C6-1  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative was present, and

**Whereas**, the CB2 office received one email, purportedly from a neighboring building's coop Board, but the committee was not able to verify either the existence of the coop Board or the assertions in the letter – including that this committee denied this application two years ago, of which there is no record, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no other known complaints,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **The Otheroom Inc. 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 1110366.**

VOTE: Passed, with 37 Board members in favor and 1 recusal-(Rocio Sanz)

**12. C&O Coffee Shop, Inc. d/b/a La Bonbonniere, 28 8th Ave. (btw W 12<sup>th</sup> St & Jane St) with 5 tables & 10 seats, DCA# 1277859**

Block:625 Lot:52 Lot Frontage:55.08' Lot Depth:37 Year Built:1920(estimated)  
Number of Buildings:2 Number of Floors:3 Residential Units:4  
Total # of Units:6 Zoning:C1-6 Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the committee received one letter for a neighboring resident noting that the applicant often opens the café on Sunday before 12:00pm, and

**Whereas**, the committee has noticed that the seating is occasionally expanded by the use of 4-seat tables instead of the approved 2-seat tables, and

**Whereas**, both the Sunday opening hours and the occasional seating issues were discussed with the applicant and he made a commitment to the committee to better police both situations, and

**Whereas**, since the previous approval a Muni-Meter has been installed opposite the last table on the north end of the café, reducing the sidewalk space, but since this was subsequent to the establishment of the sidewalk café, it does not impact the applicant, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no other known complaints,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **C&O Coffee Shop, Inc. d/b/a La Bonbonniere, 28 8th Ave. (btw W 12<sup>th</sup> St & Jane St) with 5 tables & 10 seats, DCA# 1277859**

**CONDITIONAL UPON** the applicant maintaining the seating as shown in the approved plan, using only 2-seat tables, and observing the correct opening hour of 12:00pm on Sunday as noted in Whereas clauses 2, 3 & 4.

VOTE: Unanimous, with 38 Board members in favor.

**13. Babu Food, Inc. 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 33 seats, DCA# 1157473**

Block:585 Lot:1 Lot Frontage:146.92' Lot Depth:189.08 Year Built:1900(estimated)  
Number of Buildings:2 Number of Floors:6 Residential Units:133 Total # of Units:137  
Zoning:C1-6R6 Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant and their representative, Steve Wygoda, were present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints, and

**Whereas**, there was some variation from the approved seating plan observed in a recent inspection by a member of this committee, this has not been noted on other occasions, but was mentioned to the applicant, who committed to ensuring compliance,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Babu Food, Inc. 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 33 seats, DCA# 1157473**

VOTE: Unanimous, with 38 Board members in favor.

**14. Jec II, LLC, d/b/a One Little West 12, 1-3 Little West 12th Street (btw 9<sup>th</sup> Ave & Hudson St), with 31 tables & 62 seats, DCA# 116185**

Block:628 Lot:1	Lot Frontage:77.33'	Lot Depth:100	Year Built:1913
Number of Buildings:3	Number of Floors:6		Residential Units:0
Total # of Units:3	Zoning:M1-5	Landmark Building: Yes	Historic District: Gansevoort Market

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café with no known complaints, and

**Whereas**, the application is erroneously noted by the applicant to be for an enclosed café when it should be an unenclosed cafe, and

**Whereas**, at least one committee member has observed outdoor heaters in the space and the committee reminded the applicant that separate special permits must be obtained for their use, and

**Whereas**, the applicant mentioned the use of an outdoor service station and the committee reminded the applicant that the use of these is not allowed in outdoor cafes, and

**Whereas**, measurements of the café showed there is only 6 feet of clearance between the café and a streetlight on the 9<sup>th</sup> Ave corner of the café and only 5' clearance between the café and the curb of Little W 12<sup>th</sup> St. at the east end of the café, and

**Whereas**, to comply with 8 foot minimum clearance requirements, the applicant has agreed to remove 1 table and 2 seats at the corner of the 9<sup>th</sup> Ave and Little W 12<sup>th</sup> St and place the café railing at an angle to increase the clearance to the streetlight, andj

**Whereas**, the applicant has further agreed to remove 1 table and 2 seats at the east end of the café on Little W 12<sup>th</sup> St. and move the end of the café approximately 6 feet further west to where the sidewalk is wider,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for Jec II, LLC, d/b/a One Little West 12, 1-3 Little West 12th Street (btw 9<sup>th</sup> Ave & Hudson St), with 31 tables & 62 seats, DCA# 116185

PROVIDED the seating – and associated café dimensions – are reduced to 29 tables and 58 seats as agreed to and noted in the 5<sup>th</sup> and 6<sup>th</sup> Whereas clauses.

VOTE: Unanimous, with 38 Board members in favor.



**15. 172 Bleecker St. Rest. Inc., d/b/a Café Espanol, 172 Bleecker St. (at Sullivan St), with 3 tables & 6 seats, DCA# 0920629**

Block:526 Lot:64 Lot Frontage:46.75' Lot Depth:98 Year Built:1900(estimated)  
Number of Buildings:2 Number of Floors:6 Residential Units:19  
Total # of Units:21 Zoning:R7-2 Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant has operated this unenclosed sidewalk café for many years with no known complaints,

**THEREFORE BE IT RESOLVED** that CB#2. Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **172 Bleecker St. Rest. Inc., d/b/a Café Espanol, 172 Bleecker St. (at Sullivan St), with 3 tables & 6 seats, DCA# 0920629.**

VOTE: Unanimous, with 38 Board members in favor.

**16. 172 Bleecker St. Rest. Inc., 190 Sullivan St. (at Bleecker St), with 4 tables & 8 seats, DCA# 1080119**

Block:526 Lot:64 Lot Frontage:46.75' Lot Depth:98 Year Built:1900(estimated)  
Number of Buildings:2 Number of Floors:6 Residential Units:19  
Total # of Units:21 Zoning:R7-2 Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, as was also the case at the applicant's renewal two years ago, CB#2, Man. was not provided a plan by DCA for this portion of the café, and

**Whereas**, aside from having no plans, this portion of the café was impacted by sidewalk scaffolding which was in place for work being done on the building's façade, so it was impossible to assure compliance to the application, although there appeared to be no issues;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **172 Bleecker St. Rest. Inc., 190 Sullivan St. (at Bleecker St), with 4 tables & 8 seats, DCA# 1080119**

VOTE: Passed, 36 Board members in favor, 1 in opposition-(Doris Diether) and 1 abstention-(Keen Berger)

**SLA LICENSING**

**1. Mercat, 45 Bond Street, NYC**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for a renewal of an On Premise License in which CB2 feels there have been changes to their current method of operation and are currently operating without a Certificate of Occupancy, and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **denial** of the proposed renewal of a Beer and Wine license to **Mercat, 45 Bond Street, NYC, and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 38 Board members in favor.

## **2. 344 Bowery Retail, d/b/a Sala, 344 Bowery, NYC 10010**

**Whereas**, the applicant appeared again before the committee; and,

**Whereas**, this application is for a new On Premise license in a Residential building on Bowery between Bond Street and Great Jones Streets for a 1,750 s.f. restaurant with 24 tables and 78 seats and 2 bars with 15 seats, and a total maximum legal capacity of 150 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday – Saturday from 4:00 p.m. – 4:00 a.m.; there is no sidewalk café and no backyard garden; music will be background only, no DJ or outside promoters; and,

**Whereas**, the applicant originally came before CB2 in September 2010 with a request of what appeared to be a temporary or undefined transfer of a full on premise liquor license with hours of operation 7 days a week from 4:00 p.m. to 12:00a.m., and,

**Whereas**, the applicant had not reached out to the community about the change, and,

**Whereas**, neighbors in this area have opposed many new licenses in the vicinity (including a petition of local residents with over 125 signatures from 77 households), but have been able to successfully work with new applicants to establish a method of operation that is mutually satisfactory to both the applicants and neighbors, and

**Whereas**, the applicant is the landlord who has no prior restaurant experience, and

**Whereas**, the applicant claims to have lost over \$180,000. in rental revenue from the previous licensed holder and operator of the restaurant (Santa Anna Restaurant Corp. d/b/a/ Sala), and seeks this license as a means to secure revenue by continuing the current operation under the existing premise name, Sala, or until a new applicant/operator-tenant is secured, and,

**Whereas**, the applicant has stated there will be no change to the previous method of operation, and,

**Whereas**, the previous tenant, Santa Anna Restaurant Corp. d/b/a/ Sala, was involved in a law suit from one of the residences in the building due to noise and lack of sound proofing, and,

**Whereas**, the applicant/ landlord could not confirm that sound proofing had been completed, and,

**Whereas**, CB#2, Man. has great concerns in allowing such a license to be granted as an “Interim” license to a property owner absent a named or experienced restaurant operator and if such a license were to be granted that it would establish a disturbing precedence for license applications from property owners and not the premise operators, providing a loophole in accountability, and,

**Whereas**, there is a very high density of existing licensed premises in this area (approx. 35 licenses) within 500 ft. of the proposed location, and,

**Whereas**, the proposed location for this applicant is on a major thoroughfare and no traffic plan was provided, and,

**Whereas**, the applicant refused to reduce any of the hours of operation for this application though the current operator, by the applicant’s own testimony, was closing the establishment at 1:00 a.m., and,

**Whereas**, the applicant did agree to maintain an open kitchen until closing, and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the New, On Premise license for **344 Bowery Retail, d/b/a Sala, 344 Bowery, NYC 10010**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. recommends close scrutiny to the premise of this license and asks the SLA to clarify the proper procedure for this unique application.

Vote: Unanimous, with 38 Board members in favor.

### **3. Francis Louis Corp. d/b/a Frankie’s 570 Spuntino Hudson St., 570 Hudson St., NYC 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On Premise liquor license in a mixed use building on the corner of Hudson Street and West 11<sup>th</sup> Street for a 1,390 s.f. restaurant with 21 tables and 82 seats and 1 bar with 17 seats, and a **current** maximum legal capacity of 68 persons; and,

**Whereas**, the applicant stated the hours of operation are from 7 a.m. to 2 a.m., 7 days a week; there will be a sidewalk café application in the future, but no backyard garden; music will be background only and will not have a DJ or outside promoters; and

**Whereas**, the applicant has modified the interior space by moving the kitchen to the basement space; and,

**Whereas**, the new modifications should allow for the increase in the “Legal Capacity “, and ,

**Whereas**, the applicant must file for the change of the “Certificate of Occupancy”, and,

**Whereas**, the applicant has already filed for the “Public Assembly” permit, and,

**Whereas**, the applicant agrees to the sound proofing of the interior space so that there will be no audible sound emanating outside the space, and,

**Whereas**, this location has been licensed before but currently has 50 SLA licenses within 500 Ft., and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **approval** of an On Premise license for **Francis Louis Corp. d/b/a Frankie’s 570 Spuntino Hudson St., 570 Hudson St., NYC 10014**.

Vote: Unanimous, with 38 Board members in favor.

**4. Robert Meller or Corp. to be formed, TBD, 174 Bleecker St., NYC 10012**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for the transfer of an On Premise license in a mixed use building on Bleecker Street between Sullivan and MacDougal Streets for a 2,400 s.f. restaurant with 30 tables and 60 seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday to Wednesday from 11:00 a.m. – 1:00 a.m. and Thursday to Saturday from 11:00 a.m. – 2:00 a.m.; there will be a sidewalk café application in the future but this application does include a **backyard garden** with 7 tables and 18 seats; and,

**Whereas**, the noise from the backyard garden space has been a problem in the past for the MacDougal – Sullivan Garden residents, and a letter from the co-chair of the MacDougal – Sullivan Gardens was submitted with concerns for noise control for this applicant, and,

**Whereas**, several neighbors appeared in opposition to use of the backyard garden, and,

**Whereas**, the applicant agreed to the following stipulations regarding the garden:

1. The outdoor backyard garden space will be closed and “Dark” by 11:00 p.m., all guests will be moved from the backyard garden inside and all clean up and employee activity will be completed by 11:00 p.m.
2. There will be no music or speakers outdoors.
3. There will be no private parties held in the backyard garden.
4. The applicant will install self-closing doors (which will never be propped open) to the egress of the backyard; and

**Whereas**, the applicant also agreed to the following stipulations regarding the interior space:

1. The applicant will not place speakers in the back of the interior space to avoid noise emitting to the backyard garden.
2. All ventilation will be carried to rooftop and away from residential windows and if necessary, baffling will be installed to control noise.
3. Applicant agrees to install only 1 T.V. at the bar and no others to establish that they are not going to become a sports bar.
4. All doors that face the street will be closed at 9 p.m.
5. There will be no neon signs on the outside of the space.
6. The applicant will provide 24-hour contact information to the community.
7. The applicant will designate, daily, a staff member to maintain noise and crowd control outside of the space.
8. There will never be live music, no DJ events or the use of outside promoters.

**Whereas**, the applicant did reach out to the local neighborhood association, BAMRA, and,

**Whereas**, the applicant may revisit CB#2, Man. to alter the hours of operation after 1 year from the time of opening, if there is no community opposition, and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of an On Premise license for **Robert Meller or Corp. to be formed, TBD, 174 Bleecker St., NYC 10012** unless all conditions agreed to by the applicant within the 5<sup>th</sup>, 6<sup>th</sup> and 8<sup>th</sup> whereas clauses are incorporated into the “Method of Operation” on the SLA’s On Premise license.

Vote: Passed, with 37 Board members in favor, and 1 in opposition (D. Diether).

**5. Franco Barrio, Cyfra’s Style LLC, d/b/a Calio, 557 Hudson St., NYC 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On Premise license in a mixed use building for a restaurant located in 1,700 s.f. premise on Hudson Street between Perry Street and West 11<sup>th</sup> St., with 18 tables and 58 seats, 1 bar and 9 seats and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation will be 12:00 p.m. – 11:00 p.m. 7 days a week; there is no sidewalk café and no backyard garden; and,

**Whereas**, music will be background only no DJ and no outside promoters; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. All doors and windows will be closed by 10:00 p.m.
2. Sound proofing will be done so that there is no audible sound outside that would be emanating from within the establishment.

**Whereas**, there were 3 community members that live next door who came in support of this application, and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **approval** of a On Premise license for **Franco Barrio, Cyfra’s Style LLC, d/b/a Calio, 557 Hudson St., NYC 10014** but does request the conditions agreed to by the applicant within the 5<sup>th</sup> whereas clause be incorporated into the “Method of Operation” on the SLA’s On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**6. L&D Hospitality Management, LLC, TBD, 5 King St., NYC 10012**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On Premise license in a mixed use building on the corner of King Street and 6<sup>th</sup> Avenue; for a 1,200 s.f. restaurant with 25 tables and 90 seats, 1 bar with 8 seats, and a maximum legal capacity of 100 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday to Wednesday from 11:30 a.m. to 12:00 a.m. (midnight) and from Thursday to Saturday from 11:30 a.m. to 2:00a.m., and,

**Whereas**, the applicant will be seeking a sidewalk café license in the future but there will be no backyard garden; and,

**Whereas**, music will be background only, no DJ and no outside promoters; and,

**Whereas**, this location has never been licensed by the SLA and would be adding a new license to a neighborhood that is over saturated with SLA licenses already in existence; and,

**Whereas**, this was a residential space that has been converted to commercial and according to the applicant all exterior designs have been approved by the NYC Landmarks Commission, and,

**Whereas**, the applicant has reached out to the King St. Association but found no one or association still in operation; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. Interior lighting will be appropriate and does not disturb local residents.
2. Doors will be closed at 10p.m., 7 days a week.
3. There will be no audible sound outside that would be emanating from within the establishment.
4. Applicant will sound proof interior.
5. Applicant will establish point person from staff to control noise and crowds outside the space.
6. There will be no TVs at the bar.
7. The window on the King Street side will be closed by 5:00 p.m. every day.

**Whereas**, there were 3 community members who attended and whose concerns were discussed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise liquor license to **L&D Hospitality Management, LLC, TBD, 5 King St., NYC 10012** unless all conditions agreed to by the applicant within the 9<sup>th</sup> whereas clause are incorporated into the “Method of Operation” on the SLA’s On Premise license; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends that the SLA verify that the establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship).

Vote: Unanimous, with 38 Board members in favor.

**7. JZ Food & Wine, LLC, d/b/a/ Pasita, 47 8<sup>th</sup> Ave., NYC 10014**

**Whereas**, this application is for the upgrade from a Beer and Wine License to a new On Premise liquor license; and,

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On Premise license in a mixed use building on 8<sup>th</sup> Avenue between Jane and Horatio Street, for a restaurant located in 1,400 s.f. premise, with 16 tables and 33 seats, 1 bar and 7 seats and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation will be Monday to Friday from 4:00 p.m. to 2:00 a.m. and Saturday to Sunday from 12:00 p.m. to 2:00 a.m.; there is currently a sidewalk café but no backyard garden; music will be background only; and,

**Whereas**, the applicant has existed at this location for 4 years; and,

**Whereas**, there was no opposition from community members; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of the upgraded new OP license for **JZ Food & Wine, LLC, d/b/a/ Pasita, 47 8<sup>th</sup> Aven., NYC 10014.**

Vote: Unanimous, with 38 Board members in favor.

**8. Lignoranti, LLC, 24 Prince St. (Mott and Elizabeth), NY**

**Whereas**, the applicant reappeared before the committee and stated there have been no changes to their previously approved application by Community Board 2, Manhattan from March 18, 2010 which was approved unanimously with 38 votes in favor; and

**Whereas**, this application is for a transfer of an existing On Premise license for a 1,900 s.f. Latin restaurant (with a 400 s.f. backyard garden) located in a mixed use building on Prince between Mott and Elizabeth Streets with 76 table seats and 1 bar with 16 bar seats; and a maximum legal capacity of 95 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are Seven Days a Week from 10:30 a.m. – 1:00 a.m. for the interior space and 10:30 a.m. – 12:00 a.m. for the exterior space; there won't be a sidewalk café application but include a backyard garden (35 outdoor table seats); music will be live (single instrument only) and background only; and,

**Whereas**, the applicant has agreed to the following set of stipulations:

1. The applicant has agreed to obtain all required certificates, permits and related documents, including a revised Certificate of Occupancy and Public Assembly Permit.
2. The applicant has agreed to operate as a full service restaurant only.
3. The applicant has agreed to not use third party promoters.
4. The applicant has agreed to not operate as a Nightclub/Disco.
5. The applicant has agreed to not seek a DCA Cabaret License.
6. The applicant has agreed to no music of any kind in the exterior garden.
7. The applicant has agreed to the reduced hours of operation by closing the interior space at 1:00 a.m. seven days a week and exterior space at 12:00 a.m. seven days a week

**Whereas**, the applicant submitted a petition with over 87 signature in support in March 2010; and

**Whereas**, no one appeared in opposition from the community at the March 2010 committee meeting; and one neighbor appeared in opposition at this meeting regarding use of the backyard garden,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for **Lignoranti, LLC, 24 Prince St.** unless those condition agreed to by applicant relating to and outlined in the fourth “whereas” clause is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**9. SoHo Bistro, Inc., d/b/a Vin et Fleur, 69 Thompson St. (Spring and Broome), NYC**

**Whereas**, the applicant reappeared before the committee and stated there have been no changes to their previously approved application by Community Board 2, Manhattan from May 20, 2010 which was approved unanimously with 40 votes in favor; and

**Whereas**, this application is for an alteration (open up the kitchen) and upgrade from a Beer and Wine license to an On Premise license for a French restaurant located in a 800 s.f. premise in a residential building located on Thompson Street between Spring and Broome Streets with 35 table seats, 1 bar with 7 bar seats and a maximum legal capacity of 42 persons; and

**Whereas**, the applicant stated there are no plans to change the existing operation; the applicant stated the hours are Sunday – Thursday from 5:00 p.m. – 12:00 a.m. and Saturday and Sunday from 10:00 a.m. – 12:00 a.m.; there is no sidewalk café and no backyard garden; music is background only; and,

**Whereas**, the operator has been operating with a Beer and Wine license for 13 years; and,

**Whereas**, no one appeared in opposition from the community at the May 2010 committee meeting or the October 2010 committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of the proposed alteration and upgrade to an On Premise license for **SoHo Bistro, Inc., or New Corp. to be formed, d/b/a TBD, 69 Thompson St.**

Vote: Unanimous, with 38 Board members in favor.

### **STREET ACTIVITY & FILM PERMITS**

#### **10/16-Marco Polo Day-Grand Street, bet. Mott & Mulberry Street**

**WHEREAS**, the applicants sponsoring the Marco Polo Day street fair described to the Committee that the purpose of their street fair is to celebrate Chinese and Italian community ties to the Little Italy/China Town area and to bring the two communities together for a cross-cultural celebration of their heritages and history in the community; and

**WHEREAS**, the applicants appeared before the Committee at the June Committee meeting but did not have a cohesive plan or program for their event at that time, and also agreed based on Committee feedback to seek another location not on Mulberry Street and to return to the Committee with a better developed plan and alternative location the following month; and

**WHEREAS**, the Committee did not hear back from the applicant until several months later when the applicant contacted Assembly Speaker Sheldon Silver's office to reach out to the Committee about their street fair; and

**WHEREAS**, a conference call was held that included the Committee Chair and representatives from Speaker Silver's office concerning the fair, and on that call the Committee Chair again communicated to the applicant that the Committee would like the applicant to move the location of the street fair away from Mulberry Street because of the large number of street fairs that already take place on that street but the applicant indicated they would not move the location; and

**WHEREAS**, the applicant finally showed up again before the Committee at the October meeting but still did not have a firm plan for their street fair, including a lack of specifics on program details, times, events, and which, if any, elected officials planned to attend, and the applicant still refused to change the location of the street fair despite the repeated requests from the Committee; now



**THEREFORE BE IT RESOLVED**, that the Committee agrees to work with the applicant to plan a street fair for next year that is well thought out and acceptable to the community, but based upon the above facts and circumstances, CB#2, Man. denies the street fair permit for Marco Polo Day 2010.

Vote: Unanimous, with 38 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution reiterating opposition to the one-way toll on the Verrazano-Narrows Bridge and affirming support of cashless tolls and Congressman Jerrold Nadler's efforts to reinstate the two-way toll through federal transportation legislation.**

**Whereas** in 1986 two-way toll collection on the Verrazano Narrows Bridge was converted to a one-way (double) toll on the Brooklyn side in what was to be a temporary experiment, made permanent in 1987, through federal legislation pushed by a Staten Island Congressman to reduce traffic backups for his constituents on the bridge's Staten Island side, a move codified in federal transportation law in 1995 (despite constant protests and environmental impact studies showing severe effects in Lower Manhattan, and the objections of the Metropolitan Transportation Authority/MTA), which only can be changed by an act of Congress; and,

**Whereas** the one-way toll has resulted in trucks and other motor vehicles skirting the Brooklyn-side charges, driving through Brooklyn and crossing the Manhattan Bridge, thereby depositing an extra-heavy concentration of large truck and other vehicular traffic on Lower Manhattan's already congested streets, all the way to the Holland Tunnel, particularly on Canal St. and such streets as Delancey, Kenmare, Broome, Lafayette, Watts, Hudson, Houston, Church, Varick and Thompson Sts. negatively affecting the air, the health, the businesses, the safety and general quality of life of the traversed communities; and,

**Whereas** the elimination of the Verrazano Bridge two-way toll has led to a loss of millions and millions of toll revenue dollars for the Metropolitan Transportation Authority (MTA), dollars desperately needed for mass transit; and

**Whereas** Congressman Jerrold Nadler's district director presented an update of efforts to reinstate the Verrazano two-way toll, indicating that:

- The MTA is now moving towards all electronic (cashless) toll collection, enabling traffic to sustain speeds without stopping at toll plazas, thus eliminating backups (the original rationale given for instituting the Verrazano one-way toll).
- The Congressman is working with the Federal Transportation Committee to integrate the two-way toll requirement into the federal transportation bill (SAFETEA-LU) when it is reauthorized; and

**Whereas** a strong local police presence to direct traffic and carry out enforcement actions against traffic violations would be of help with current congestion problems in Lower Manhattan;

**Therefore be it resolved** that CB#2, Man. reiterates its strong opposition to the one-way toll on the Verrazano Narrows Bridge and urges a speedy return to two-way toll collection there; and

**Be it further resolved** that CB#2, Man. thanks Congressman Jerrold Nadler's district director for providing an update of efforts to reinstate the Verrazano two-way toll, and expresses its appreciation and strong support for the Congressman's continuing work to achieve this by integrating the two-way toll requirement into the next federal transportation act; and

**Be it further resolved** that CB#2, Man. urges the MTA to move at all deliberate speed to implement the new toll collection technology, making one-way toll collection obsolete; and

**Be it finally resolved** that CB#2, Man. reiterates its request to local police precincts to devote as many man-hours as possible to directing traffic and carrying out enforcement actions against traffic violations in Lower Manhattan.

Vote: Unanimous, 38 Board members in favor

**2. Resolution requesting restrictions on hanging streetlight banners in historic districts.**

**Whereas** promotional banners on light posts have increasingly been appearing in historic districts, first on large streets and now on smaller side streets as well, where they are not only inappropriate and incongruous in character, but often have little or no relationship to the neighborhoods in which they're placed, whether as part of their history (e.g. Community Board 2, Manhattan's (CB#2, Man.) historic districts like SoHo, NoHo and Greenwich Village never had such banners historically) or in the events they promote; and

**Whereas** many of these banners exceed the size limits required by the Landmarks Preservation Commission for signs attached to buildings in our historic districts, often obscuring the landmarked facades that New York City's preservation law was designed to protect; and

**Whereas** the NYC Department of Transportation (DOT) currently allows banners on distinctive streetlights and in historic districts (without receiving revenue for permits), and no criteria are used to determine locations, whether residential or commercial;

**Therefore Be It Resolved** that CB#2, Man. requests that DOT institute restrictions on hanging streetlight banners in historic districts, especially on small side streets where they're particularly inappropriate, but also on larger vulnerable streets as well; and

**Be it further resolved** that CB#2, Man. would welcome working with DOT to develop appropriate restrictions and guidelines.

**Vote:** Passed, with 32 Board members in favor and 6 in opposition (Keen Berger, Mary Johnson, Heather Campbell, Rocio Sanz, David Reck and Ian Dutton).

**NEW BUSINESS**

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan