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Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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FULL BOARD MINUTES

DATE: March 24, 20011

TIME: 6:00 P.M.

PLACE: SEIU 32BJ, 101 Avenue of the Americas, 22nd Floor Pre-Conference Room

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Sigrid Burton, Heather Campbell, Terri Cude, Maria Passanante Derr, Doris Diether, Ian Dutton, Roberty Ely, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Anne Hearn, Brad Hoylman, Mary Johnson, Susan Kent, Arthur Kriemelman, Edward Ma, Jason Mansfield, Jane McCarthy, Florent Morellet, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Chenault Spence, Richard Stewart, Sean Sweeney, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Lisa Cannistracci, Denise Collins, Sheelah Feinberg, Evan Lederman, Raymond Lee, Alexander Meadows, Judy Paul, Arthur Z. Schwartz, James Solomon, Carol Yankay

BOARD MEMBERS ABSENT: None

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; Sandy Myers, Man. Borough President Scott Stringer's office; Lisa Parson, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Noah Isaacs, Council Speaker Christine Quinn's office; Council Member Rosie Mendez, Jasmin Torres, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Steve Gradman, Judy taudenmaier, Arlene Estey, Jessica Fougner, Ellen Peterson-Lewis, Craig Walker, Allen Massano, Brooke Schafron, Robin Goldberg, Scott Alder, Claire Martheleur, J.J. LoMaglio, Brian Chandler, Gabriela Arzoia, Timothy Luncford, Alan Herman, Edgar Yu, Holly Hager, Michael Keith, Michelle Nakasn, David Karopkin, Martin Baranski, Cindy Niedoroda, Frank Stewart, Rebekah Altieri, Rob Lavecchio, Bruno Gioffre, Shea Hovey, Hadley Reynolds, Carol Yost, Paul Tschinkel, Jenna Osiason, Jaf Glazer, Tamara Laville, Donald Bernstein, Joey Cirillo, Evan Cohen, Steven Charlton, Thomas Friebel, Patricia Ali, Alystyre Julian, Michael Chiara, Tim Chiara, Zella Jones, David Schechter, Sugar Barry, Rosalind Krauss, Richard Flood, George Sanders, John Spitznagel, Mary Ann Spitznagel, Matt Earley, Ronald Skeyerch, Chris Lopara Arturo Espina, Isabel Espina, Lora Tenenbaum, Gerald Banu, Stan Ries, Lesley Doyel, Justin Hoy, William Kelley, Brenda Murad, Jean Klein, Amanda Freita, Edward Shoenthal, Carole Shoenthal, Cormac Flynn, Gary Tomei, Davide Gentile, Elizabeth Adam, Marna Lawrence, Elizabeth Walker, Matt Collins, Regina Cornwell, Ann Pettibone, Kristina Cucurillo, Stephanie Fernandez, Christopher Rosa, Boris Pincus, Aysha Quinn, Shawn Curran, Don Becker, Arlene Peralta, Kristin Kelleher, Quentin Vignon, Mimi Sheraton, John Moodie,

GUESTS (continued): Maria Goris, Alan Fierstein, Michael Sillerman, Evette Stark Katz, Jayne Hertko, Sheila Marti Zahn, Hector Sanz, Dierdre Pontebriand, Vittorio Antononi, Jim Fouratt

MEETING SUMMARY

Meeting Date –March 24, 2011
Board Members Present – 40
Board Members Excused–10
Board Members Absent 0

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II. PUBLIC SESSION

Non-Agenda Items

St. Vincent's Hospital Site Plan

Carol Yost spoke in favor of a full hospital at the former St. Vincent's Hospital site, and against the sale of the site and a smaller emergency room. Elizabeth Adam spoke in favor of keeping the site a full hospital.

Jim Fouratt spoke against the proposed plan.

Elizabeth Adam spoke regarding the proposed emergency room.

Jayne Hertko spoke regarding the proposal for the former St. Vincent's Hospital site.

Bellevue Hospital Community Advisory Board

Lois Rakoff reported that the men's shelter is still operating, and regarding a new children's psychiatric emergency room.

Board of Elections

Boris Pincus spoke regarding the Board of Elections' poll watcher recruitment.

Village Alliance B.I.D.

William Kelley introduced himself as the new Executive Director of the B.I.D., replacing Honi Klein, who has retired.

Rockography, 504 Sixth Avenue

Brenda Murad, Jean Klein, and Gary Tomei spoke against this establishment.

Last In, First Out

Kiristin Kelleher spoke against this rule.

New York University Plan 2031

Arlene Peralta spoke regarding open house space.

NY City Council Intro 86

Michelle Nakash and David Karopkin spoke regarding the proposed legislation.

Manhattan District Attorney

Edgar Yu mad several announcement regarding the District Attorney's initiatives.

Land Use and Business Development Items

150 Charles Street/303 West 10th St. (CPC application to request the renewal of an authorization approved on 9/19/07 in connection with conversion and enlargement of existing nonresidential building.
George Sanders, and Aysha Quinn, spoke against the renewal of the authorization.

Michael Sillerman, representing the applicant, spoke in favor of the renewal.

Shawn Curran spoke regarding the proposed renewal of the authorization.

SLA Licensing Items

Quimera Restaurant Group, LLC, TBD, 81 Greenwich Ave. aka 2 Bank St. (at Bank St.), NYC
Matt Earley, Quentin Vignon, Sheila Marti Zahn, Maria Goris, Evette Stark Katz, and Hector Sanz (the applicant) spoke in favor of the proposed liquor license application.

PGM Restaurant Corp. d/b/a What Happens When (formerly Le Jardin Bistro), 25 Cleveland Pl.
Rebekah Altieri, the applicant, and Bruno Gioffre, the attorney representing the applicant, spoke in favor of the liquor license renewal and the pop-up restaurant.

John Spitznagel , Robert LaVecchia, and Alan Fierstein, spoke in favor of the liquor license renewal and the pop-up restaurant.

Lora Tenenbaum spoke regarding the pop-up restaurant.

Michael Chiara, Marna Lawrence, and Mimi Sheraton, spoke against the renewal of the liquor license and the pop-up restaurant.

37 W. 29th Street, LLC, 40 W. 8th St.,
Cormac Flynn spoke in favor of the proposed liquor license application.

An Entity to be formed by Evan Cohen & Joseph Cirillo d/b/a Gonzalez y Gonzalez, 192 Mercer St.
Evan Cohen, Joey Cirillo (the applicants), and Donald Bernstein (attorney representing applicants), spoke in favor of the proposed liquor license.

Chris Lopata spoke against the proposed liquor license.

Street Activity & Film Permits

8/27/11-Pride Democrats 4th Street Festival, 4th St. bet. 6th Ave. & Washington Square East
Steve Gradman, the applicant, spoke in favor of the proposed street fair.

Perry Phernalia Block Party (Renewal)
Gerald Banu spoke regarding the City's decision to curtail all street fairs by 3 hours and the effect it would have on fairs.

Traffic and Transportation Items

Pop-up Cafes Pilot Program by Dept. of Transportation
Rosalind Krauss, Jenna Osiason, Paul Tschinkel, Ronald Skeyerch, Michael Keith, Ellen Peterson-Lewis, Mimi Sheraton, and Brenda Murad spoke against pop-up cafes in general.

Shea Hovey spoke in favor of pop-up cafes in general.

Lora Tenenbaum spoke regarding pop-up cafes.

Davide Gentile spoke against café procedures.

App. to operate a pilot pop-up café shared by Tea Spot (Viejo Group LLC), 127 MacDougal St. and La Lanterna (Enoteca, Inc.), 129 MacDougal St (bet. W. 3rd & W. 4th Sts.
Vittorio Antonini, proprietor of La Lanterna, spoke in favor of the proposed pop-up café.

App. to operate a pilot pop-up café for Local (Local Shop Inc.), 144 Sullivan St. bet. Houston & Prince Sts.

Deirdre Pontbriand, Alystyre Julian, Matt Collins, Allen Massano, Craig Walker, spoke in favor of the proposed pop-up café at this location.

App. to operate a pilot pop-up café for Housing Works Bookstore Café 126 Crosby St.
Alan Herman spoke against the proposed pop-up café for this location.

App. to operate a pilot pop-up café for Le Pain Quotidien (PQ 8th Street, Inc.), 10 Fifth Ave., café to be located on the 8th St. side.
John Moodie spoke against the proposed pop-up café.

William Kelly, and Jessica Fougner, spoke in support of the proposed pop-up café.
App. to operate a pilot pop-up café for Salume (Paradox Ventures, LLC), 330 West Broadway
Holly Hager spoke against pop-up cafes in SoHo.

Resolution in support of the revised Jane St. Triangle re-design plan, Alternative #1 (with granite blocks)
Cindy Niedoroda spoke against the placement of benches at the Triangle.

Frank Stewart, Don Becker spoke against the re-design plans.

NYS legislation (Intro A4578/S2977) to authorize NYC regulation of intercity buses through permit system, as stopgap measure to provide some relief from unregulated and uncontrolled intercity bus activities

Lora Tenenbaum spoke regarding the proposed bus legislation.

Request for no left turns onto Centre St. by vehicles from eastbound traffic on Canal St.
Lora Tenenbaum spoke regarding this request.

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 officee

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;

Council Member Rosie Mendez

Jasmin Torres, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of January minutes and distribution of February minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1 - LPC Item:8 - 80-82 Greene Street (e.s.Spring/Broome) – SoHo-Cast Iron Historic District A store and storehouse designed by Griffith Thomas and built in 1872-73. Application is to extend the fire escape.

Whereas, generally we are not in favor of non-historic fire escapes, but this is a special situation where a second means of egress is required; and

Whereas, it is only a small extension and not an addition of a new fire escape; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.

2 - LPC Item:9 - 243 West 11th Street – Greenwich Village Historic District A transitional Greek Revival style rowhouse built in 1851. Application is to remove sheet metal window, lintels, and sills.

Whereas, these may have been built as twin houses in 1851; however, they are no longer identical twins; and

Whereas, ideally, the renovation should match what appears to be the original profile of the sills and lintels with what is still there and that still can be read; and

Whereas, the renovation should match the profile of the window's return to its own building and not the profile of the return of the other, altered building; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application; and

Further, be it resolved that CB#2, Man. recommends that the applicant work with LPC to come up with a fenestration profile in style with the appropriate historic model.

Vote: Unanimous, with 40 Board members in favor.

3 - LPC Item:11 - 24 Fifth Avenue (5th/6th)- Greenwich Village Historic District A Spanish Renaissance style apartment building designed by Emery Roth and built in 1926. Application is to modify window openings

Whereas, the proposal is barely visible from the street; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.

2ND LANDMARKS MEETING

1 - LPC Item:17 - 2-6 West 4th Street, aka 693-697 Broadway – NoHo Historic District. A Beaux-Arts style stores and offices building, designed by William C. Frohne and built in 1908. Application to install storefront infill and signage. **L A I D O V E R**

2 - LPC Item:18 - 306 Bowery – NoHo East Historic District A Federal style house built in 1820. Application is to legalize the replacement of dormers in non-compliance with Certificate of Appropriateness 06-7270. **L A I D O V E R**

3 - LPC Item:19 - 4 East 10th Street – Greenwich Village Historic District A Gothic Revival style town house built in 1848. Application is to alter front and rear façades, construct a stoop, replace windows, alter the roof and construct a stair bulkhead and terrace

Whereas, the stair and elevator bulkheads are not visible to the passerby; and

Whereas, the roof work is acceptable; and

Whereas, we generally approve the design of the stoop, but the detail of the ironwork needs to be more historically accurate; for instance, the manner in which the iron loops attach to the steps; but

Whereas, the attic windows on the front façade were short originally, and quite charming. The proposal wants to remove elements of the Gothic “eyebrow” lintel.

However, rather than accepting the elongated fenestration proposed for the upper floor, there should instead be short attic windows and restored “eyebrow” lintels, reflecting what once existed there originally; and

Whereas, the windows above the parlor-floor level were double-hung with muntins to simulate casement windows, and that is what should be used in the restoration; and

Whereas, the lot-line windows proposed would not be authentic, nor is there a precedent for them; and

Whereas, the existing rear façade is not original and not pristine, so no historical material will be destroyed in this proposal; but

Whereas, it is not the historical features of the rear yard of this house that is so important. Rather the fenestration reflects the eclectic history of many houses in the historic district that had windows added to the top floor to serve an enhanced use as artists’ ateliers in the early 20th century; and

Whereas, the proposed rear-yard addition is disharmonious with the style of the rest of the building. Indeed, the proposed design resembles not so much an historical or even a modern treatment, but rather a retro design popular in the early part of the last century, evocative of *De Stijl*, or Neo-Plasticism, not dissimilar from, say, the 1924 Rietveld-Schroder House. Interestingly, the applicant’s design proposes a style closer in time to the Gothic Revival style of the house, 1848, than today, 2011. Thus, we see no reference, pertinence or reason for this proposed design, historically or architecturally; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application regarding the roof, bulkheads and terrace, and approval of the stoop but with more accurate iron work; but,

Further, be it resolved that CB#2, Man. recommends denial of the lot-line windows, and recommends changes in the proposal that relate to the front attic windows and the windows above the parlor windows; and

Further, be it resolved that CB#2, Man. recommends that the applicant revise the design of the rear façade to something more harmonious with this Gothic Revival building, and not a 1917 Dutch vogue.

Vote: Unanimous, with 40 Board members in favor.

4 - LPC Item: 20 - 11 Carmine Street (Bleecker/6th Ave.)- Greenwich Village H.D. Extension II
A Renaissance Revival style building designed by Buchman & Deisler, built circa 1891, and later altered in 1930. Application is to install storefront infill, signage, lighting and an awning.

Whereas, it is commendable that the applicant is removing the gates and awning; but

Whereas, the applicant provided us with no tax or historical photos; so we are uncomfortable with such a thin presentation; and

Whereas, the applicant stated he believed there was no original cast-iron extant. However, the Designation Report states that the building “has cast-iron pilasters at the storefront and entrance”; and

Whereas, this historic district was hard-fought for and this, among the first applications for alterations there, does not show any effort to comply with the character of the district; and

Whereas, the existing storefront seems more compatible in style with the rest of the building. Why change it? If it is in disrepair, why not simply replace it?; and

Whereas, the signage proposed is attractive and very catchy, but it doesn't fit in this historic district; now

Therefore, be it resolved that Community Board 2 recommends approval for removing the awning and gates; but

Further, be it resolved that CB#2, Man. recommends denial of the signage, and

Further, be it resolved that CB#2, Man. recommends denial of the proposed storefront, and instead recommends retaining the style and symmetry of the existing storefront with its central door and two fixed windows, preserving any original elements, e.g., the original interior cast-iron columns

Vote: Unanimous, with 40 Board members in favor.

5 - LPC Item:21 - 139 West 13th Street - Greenwich Village Historic District A Greek Revival style rowhouse built in 1845. Application is to legalize the installation of a stoop gate without Landmarks Preservation Commission permits. **LAID OVER**

6 - LPC Item:22 - 75 Christopher Street, aka 116-18 7th Avenue, aka 218-224 West 4th Street
An Art Deco style commercial building designed by Phelps Barnum and built in 1932. Application is to install storefront infill. **27 Ninth Avenue** Application is to install a painted wall sign. **LAID OVER**

7 - LPC Item:95 Horatio Street aka 76-82 Gansevoort Street aka 802-816 Washington St.–
Gansevoort Market Historic District Application is to install sculpture and lighting on the façade.

Whereas, this bold and original design, consisting of several layers of photographic imagery two inches apart from each other, simulates a diesel train coming out of the old High Line in a 3-D fashion, and is a reproduction of an actual picture of an actual train traveling on the High Line in its heyday; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Failed, with 30 Board members in opposition, 3 in favor (D. Diether, A. Greenberg, S. Sweeney) and 7 abstentions (S. Ashkinazy, T. Bergman, H. Campbell, R. Ely, A. Hearn, R. Rothstein, M. Schott)

8-27 Ninth Avenue Application is to install a painted wall sign A Greek Revival style rowhouse, built circa 1844-1846 and altered in the 20th and 21st centuries. **LAI D O V E R**

9 - 100-110 Bleecker Street - University Village- Individual Landmark

A Brutalist style residential complex designed by James Ingo Freed of I. M. Pei & Associates and built in 1964-67. Application is to modify the landscape and install a playground and assorted fixtures.

Whereas, the applicant did not offer any aesthetic or compelling reason for disturbing Pei's design, other than the fact that in a few years it wishes to remove the dog run and the shuttered play area located on public land on Mercer Street.

The applicant seems to feel that it can re-locate these facilities and hope to quell the dog owners and parents concerns by capriciously and arbitrarily placing the dog run and playground within University Village, forever ruining this Individual Landmark;

Whereas, University Village's landmark status was based on I.M. Pei's original design. It was clear and unambiguous. This proposal will seriously impair that design; and

Whereas, Pei did not expect to have a large kid's playground or a dog run disturbing his vision. If he wanted these elements, surely he would have included them; and

Whereas, rather, Pei wanted a serene look. This proposal detracts from that serenity and does not reference the original concept; and

Whereas, the applicant proffered that it had a letter from I.M. Pei supporting this application. In reality, what was presented was merely a supporting letter from one of the current partners of the firm; and

Whereas, we have no idea what Pei himself thinks of this alteration to his design. Further, it really is irrelevant what Pei says now. What matters is keeping true to the design that was in place at the time of designation by the Commission; and

Whereas, the applicant should keep the residential complex the way it was originally intended; and

Whereas, the proposal is too busy and will minimize and detract from the effect of Sylvette;

Whereas, the landmark designation was based largely on the importance of the entire architecturally unified residential complex; and

Whereas, individual elements of this application, such as changes to lighting and fences, could be appropriate if implemented for the whole complex, but in the context of an application that covers only part of the complex these changes will diminish the unity of the site and thereby undermine the intent of the designation; and

Whereas, the applicant is aware that the placement of the dog run and the playground as proposed in the application are unlikely to occur because of the strong opposition of CB2 and all local elected officials to the proposal to de-map and build on the publicly-owned open space on Mercer St. where these elements are now located outside the landmark complex; and

Whereas, the proposed site for the dog run is inappropriate because of the impact of noise and odor on neighbors who will object to a dog run located beneath their windows, a location that would not be allowed for a Parks Department run, and these same noxious impacts are also adverse to the tranquility that was intentionally created by the architecture of the site; now

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

Vote: Passed, with 39 Board members in favor, and 1 abstention (I. Dutton).

LAND USE AND BUSINESS DEVELOPMENT

1. 15 Vandam Street, SoHo Playhouse (881-59-BZ) Board of Standards and appeals application for a 10 year extension of term of a variance granted in 1960 to allow a theatre and a 2 family residence in an M1-6 District.

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

WHEREAS, This application is to request an extension of term of a previously granted Variance, And,

WHEREAS, the current operation has had no complaints, And

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

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

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a 10 year extension of term for of Board of Standards and Appeals variance granted in 1960 to allow a theatre and a 2 family residence in an M1-6 District.

Vote: Unanimous, with 40 Board members in favor.

2. 117 Seventh Avenue South (Block: 610 Lot:16) (BSA# 2-11-BZ) Board of Standards and Appeals Variance Application pursuant to Section 72-21 to vary height and setback (Section 33-432) and open space (Section 23-14) regulations which would allow a 2 ½ floor enlargement of an existing building for conforming Residential and Community Facility use.

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

WHEREAS, CB#2, Man.'s Landmarks Committee originally opposed this application, however, there have been significant revisions required by the Landmarks Commission, And,

WHEREAS, CB#2, Man. would have preferred that the Landmarks Commission return the application to the Community Board for an additional review prior to approval, however, the Landmarks Commission has already given its approval, And

WHEREAS, CB#2, Man. recognizes that the Board of Standards and Appeals Variance Application would result in a better massing design than what would be allowed as of right, And,

WHEREAS, CB#2, Man. does recognizes that the shape of the site does present some hardship, however, the board finds the economic hardship somewhat questionable,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals Variance Application pursuant to Section 72-21 to vary height and setback (Section 33-432) and open space (Section 23-14) regulations which would allow a 2 ½ floor enlargement of an existing building for conforming Residential and Community Facility use.

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

3. WHITNEY MUSEUM Bounded by West Street, Little West 12th Street, Washington Street and Gansevoort Street (Block 644). Review of proposed minor changes to floor plans and massing

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

WHEREAS, The WHITNEY MUSEUM has done extensive community outreach on both the design and construction coordination for this project, And

WHEREAS, There has been strong community support for the new museum, And

WHEREAS, The original application was supported by the community and the Community Board, And,

WHEREAS, CB#2, Man. recognizes that the proposed changes are relatively minor in nature, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports the proposed minor changes to floor plans and massing and the Board restates its continued strong support for this important project.

Vote: Unanimous, with 40 Board members in favor.

4. 150 Charles Street/303 West 10th St. (Whitehall Warehouse) (BLOCK 636, LOT 70) City Planning Commission application to request the renewal of an authorization approved on September 19, 2007 (N 070395 ZAM) The Authorization allowed, in connection with the conversion and enlargement of an existing nonresidential building, (i) the waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the building to be converted to residential use, and (ii) the development of the maximum floor area permitted on the zoning lot pursuant to Section 23-142 without regard to the height factor or open space ratio requirements. The Authorization facilitates the preservation of an existing, four-story warehouse building and its enlargement with two 11-story towers, to create a building with 15 stories overall and 280,209 square feet of floor area.

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

WHEREAS, The original application was supported by the community and the Community Board, And

WHEREAS, The applicant has done extensive community outreach on both the design and construction coordination for this project, And

WHEREAS, CB#2, Man. recognizes that the Authorization will allow the construction of a building that will be more in context with the neighborhood than would otherwise be allowed and the demolition of the existing building and the construction of a height-factor tower, set back from the street line would be significantly taller than the proposed building, and would be out of context with the many low-rise and mid-rise, high-coverage buildings of the surrounding neighborhood.

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports the proposed City Planning Commission application to request the renewal of an authorization approved on September 19, 2007 (N 070395 ZAM).

Vote: Unanimous, with 40 Board members in favor.

PARKS, RECREATION & OPEN SPACE

1. A resolution requesting that the Parks Department implement a mass planting of trees in portions of the Hudson Square neighborhood

Whereas, there are very few street trees planted on the blocks west of Hudson Street, east of Washington Street, North of Canal Street, and South of West Houston Street; and

Whereas, some of these blocks were previously zoned and used for manufacturing but residential use development is now allowed and several new residential buildings have been completed and others are under construction or planned; and

Whereas, the rest of these blocks are currently zoned for manufacturing use but the zoning is now antiquated and rezoning is anticipated soon; and

Whereas, the Hudson Square BID and CB#2, Man. have expressed interested in zoning the entire M1-6 area in Hudson Square to encourage 24-hour use including some residential use; and

Whereas, additional street trees will enhance these areas for the predominant current uses and for anticipated and desired future uses; and

Whereas, the entire area is negatively impacted by heavy truck, car, and bus traffic patterns related to the Route 9A, Holland Tunnel access, commuter bus routes, and nearby FEDEX and UPS garages; and

Whereas, additional trucks will be entering the area related to construction and future use of a new Department of Sanitation garage serving three community districts; and

Whereas, street trees help reduce the negative impacts of air pollution related to traffic and also create visual and sound buffers for residents and pedestrians; and

Whereas, the Hudson Square BID anticipates a streetscape improvement project that will include trees and other plantings, but this project will focus on Hudson Street and Varick Street and the blocks between them; and

Whereas, community members have requested a mass planting of trees on these blocks and submitted to CB#2, Man. a map of 57 possible locations; and

Whereas, the community was appropriately informed of a public hearing held on March 2, 2011, at which this proposal was submitted and discussed; and

Whereas, there were no objections expressed to this proposal; and

Whereas, the Hudson Square BID has reviewed the map and has no objections to planting trees in these locations; and

Whereas, it is anticipated that some of these locations may be unsuitable because of underground utilities or hollow sidewalks;

Whereas, the City of New York recognizes the importance of trees to urban life quality and is committed to an effort to plant one million new trees;

Whereas, a planting of multiple trees simultaneously will enable a consistency of sizes and types of trees in groups and will create a positive impact on the neighborhood not achievable by planting a fewer trees each year;

Therefore it is resolved that CB#2, Man. requests the Parks Department evaluate the proposed locations for possible street tree plantings, conduct a survey the area based on the attached map to identify viable tree locations, and initiate concurrent plantings of the greatest possible number of trees.

Vote: Unanimous, with 40 Board members in favor.

2. A resolution requesting capital reconstruction of Father Fagan Park

Whereas, Father Fagan Park is a 1/2-acre triangular sitting area located at Spring Street and Sixth Avenue that includes land that was once part of Macdougall Street; and

Whereas, this is a well-used park attracting neighbors, employees of nearby businesses, tourists, and children, and providing important opportunities for respite on a busy street in an area with insufficient public open space; and

Whereas, the park is one of a group of parks that were built and/or rebuilt in a common style in 1960, also including Duarte Square, Soho Square, Little Red Square, as well as some smaller pedestrian areas; and

Whereas, these areas have not been renovated in over 50 years, and

Whereas, all other parks in CB2 have been renovated more recently or are currently undergoing renovations; and

Whereas, reconstruction of these parks has been a high CB2 capital budget priority for years; and

Whereas, reconstruction of Duarte Park is anticipated in conjunction with private development of an adjacent site in coming years and the Hudson Square BID has expressed interest in leading a project for reconstruction of Soho Park; and

Whereas the highest CB2 priority for capital expenditures for parks remains the construction of new parks at the sites of water tunnel shaft construction sites but these projects will not be ready for projects in the coming fiscal year; and

Whereas over a period of years neighbors have complained about conditions at Father Fagan Park included depressed and degraded paving, deteriorating and missing benches, poor lighting, dead and missing trees, and the lack of attractive plantings; and

Whereas current conditions are unattractive, difficult to maintain, and potentially dangerous; and

Whereas the park was named for Father Richard Fagan who was called to duty at St. Anthony's Church in 1936 and lived at the rectory at 151 Thompson Street; and

Whereas, the rectory caught fire in the early morning of November 4, 1938, and after escaping, Father Fagan re-entered the building to rescue Father Louis Vitale and then again to rescue Father Bonaventure Pons; and

Whereas, Father Fagan was severely injured when he was forced to jump from a window to escape and he died of his injuries the following day at the age of twenty-seven; and

Whereas, Fire Department Captain John J. Drennon, and Firefighters James F. Young and Christopher J. Siedenburg from the nearby firehouse lost their lives responding to a fire at 62 Watts Street on March 28, 1994; and

Whereas, three Callery Pair trees were planted and three bronze plaques were placed at the northwest corner of Father Fagan Park in memory of these men who lost their lives protecting our neighbors; and

Whereas, these trees have died and one of the three plaques is missing; and

Whereas, nearby neighbors have long demonstrated their commitment to our parks through their voluntary efforts to maintain a beautiful garden at Clarkson Plaza, across the street from Father Fagan Park; and

Whereas, the sidewalk in front of Clarkson Plaza is severely depressed and degraded and the volunteers have expressed the need for access to water for irrigation; and

Whereas, neighbors have expressed interest in a similar effort at Father Fagan Park once it is in manageable condition; and

Whereas, 22 neighbors came to a duly called public hearing held on March 2, 2011, and spoke in favor of reconstruction of the park; and

Whereas, a petition signed by 517 people, many of whom are nearby residents, was submitted to CB#2, Man.; and

Whereas, no one spoke against reconstruction of the park; and

Whereas, an estimate prepared by the Parks Department indicates the cost of reconstruction of the park will be approximately \$1.25 million, including the part owned by the Department of Parks and the former Macdougall streetbed owned by the Department of Transportation;

Therefore it is resolved that the repair of this park is needed to continue to properly honor Father Fagan, Captain Drennan, and Firefighters Young and Siedenburg, and to improve the neighborhood for which they sacrificed their lives; and

It is further resolved that CB#2, Man. hereby adjusts its priorities for capital projects such that this project takes the place of construction of new parks at water tunnel shaft construction sites for FY2011/12; and

It is further resolved that CB#2, Man. urges the Parks Department to reconstruct Father Fagan Park including replacement and restoration of memorial plaques and also repair of the sidewalk and provision for irrigation at Charlton Plaza; and

It is further resolved that CB#2, Man. requests Council Speaker Quinn to allocate funding for this work. Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

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

1. Christwill Ventures, LLC, d/b/a Cru, 24 Fifth Ave. (NW corner of W 9th St), with 8 tables & 26 seats, DCA# 1168780

Block:573 Lot:43 Lot Frontage:92.25' Lot Depth:230.33 Year Built:1926
Number of Floors:21 Residential Units:421 Total # of Units:426 Zoning:R6, R10
Landmark Building:Yes Historic District:Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was NOT present, and

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **Christwill Ventures, LLC, d/b/a Cru, 24 Fifth Ave. (NW corner of W 9th St), with 8 tables & 26 seats, DCA# 1168780.**

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 40 Board members in favor.

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

2. 675 Hudson Vault, LLC, d/b/a dos Caminos, 675 Hudson St. (at W 14th St & 9th Ave) with 48 tables & 135 seats, DCA# 1159248

Block:629 Lot:1 Lot Frontage:167.83' Lot Depth:70 Year Built:1910(estimated)
Number of Floors:5 Residential Units:5 Total # of Units:10 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 application, and the applicant, Steve Hanson and his COO, Alexandre Gaudalet, were present, and

Whereas, this unenclosed café has been operated by this applicant for several years with no known issues, and

Whereas, one member of the committee noted that speakers had been seen mounted outside at one point, but the applicant did a subsequent inspection and confirmed in writing that there are no outdoor speakers currently in place and to their knowledge never have been,

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 **675 Hudson Vault, LLC, d/b/a dos Caminos, 675 Hudson St. (at W 14th St & 9th Ave) with 48 tables & 135 seats, DCA# 1159248.**

VOTE: Passed, with 39 Board members in favor and 1 recusal-(Schlazer)

3. 31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette & Bowery), with 11 tables & 22 seats, DCA#1034252

Block:530 Lot:22 Lot Frontage:26.67' Lot Depth:100.17 Year Built:1900(estimated)
Number of Floors:3 Residential Units:0 Total # of Units:4 Zoning:M1-5B
Landmark Building:Yes Historic District:NoHo Historic District Extension

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was NOT present, and

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application, and

Whereas, in addition to not appearing, the committee has evidence the applicant has consistently violated the terms of the sidewalk café permit by extending the café beyond the applicant's property line,

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 **31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette & Bowery), with 11 tables & 22 seats, DCA#1034252**

UNLESS the applicant appears before this committee as required.

VOTE: Unanimous, with 40 Board members in favor.

4. Italian Wine Company, LLC, d/b/a Dell Anima, 38 8th Ave. (btw W 12th St & Jane St), with 7 tables & 14 seats, DCA# 1277408

Block:625 Lot:58 Lot Frontage:20' Lot Depth:58.3 Year Built:1905 (estimated)
Number of Floors:4 Residential Units:6 Total # of Units:7 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 application, and the applicant was present, and

Whereas, this unenclosed café has been operated by this applicant for several years with few known issues, and

Whereas, the committee noted the café has been opened on Sunday prior to the allowable time of noon and the applicant committed to resolving the situation,

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 **Italian Wine Company, LLC, d/b/a Dell Anima, 38 8th Ave. (btw W 12th St & Jane St), with 7 tables & 14 seats, DCA# 1277408**

VOTE: Unanimous, with 40 Board members in favor.

5. 265 Pastry, LLC, d/b/a Caffe Falai, 265 Lafayette St. (SE corner of Prince St), with 4 tables & 16 seats, DCA# 1285032

Block:495 Lot:11 Lot Frontage:163.33' Lot Depth:81.83 Year Built:1926(estimated)
Number of Floors:6 Residential Units:93 Total # of Units:102 Zoning:C6-2

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this unenclosed café has been operated by this applicant for several years with few known issues, and

Whereas, per Section 14-43 of the zoning regulations, this establishment is governed by the Small Sidewalk Café regulations which specifically allow only an "unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line", and

Whereas, based on input from the NYC Dept. of City Planning which was provided to CB2 and the Dept. of Consumer Affairs, the committee continues to disagree with DCA's interpretation of this requirement and contends this application violates the letter and intent of the zoning regulation because it has two (2) rows of chairs at each table and the second row of chairs is not "adjacent to the street line", and

Whereas, the committee noted the use of large planters bordering the café that had very wide foliage that greatly reduced public pedestrian space and were far taller than the allowed 30 inches, and the representative committed to the removal of the planters,

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 **265 Pastry, LLC, d/b/a Caffe Falai, 265 Lafayette St. (SE corner of Prince St), with 4 tables & 16 seats, DCA# 1285032**

VOTE: Unanimous, 40 Board members in favor.

UNLESS the café is reduced to 4 tables & 8 seats to meet the requirements for a small sidewalk café as clarified by the NYC Dept of City Planning.

6. Buffanna, Inc., d/b/a Il Piccolo Bufalo, 141 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 1165364

Block:236 Lot:25 Lot Frontage:25' Lot Depth:100.08 Year Built:1900(estimated)
Number of Floors:5 Residential Units:12 Total # of Units:13 Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this unenclosed café has been operated by this applicant for several years and there have been numerous complaints related to the operators extending the café beyond their property line in order to add additional unlicensed tables, typically in front of the adjacent residential building at 139 Mulberry St which is not allowed under sidewalk café rules, even with the consent of the adjacent property's owner, and

Whereas, such expansion of the sidewalk café also violates the establishment's SLA license which allows serving of alcohol only within the approved café size and seating, and

Whereas, the committee had several photos showing this illegal expansion of the café seating was occurring outside the time of the Mulberry Mall, and

Whereas, residents have complained of verbal and physical harassment from establishment staff on numerous occasions, and

Whereas, the applicant's representative was not able to counter these claims with any veracity,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Buffanna, Inc., d/b/a Il Piccolo Bufalo, 141 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 1165364**

UNLESS the applicant enters into a binding consent agreement with the City Council which includes the following stipulations:

- **The sidewalk café area or seating will not at any time extend beyond the establishment's north or south property line, including during the Mulberry Mall**
- **The establishment's staff will immediately cease any harassment of residents**

VOTE: Passed, with 39 Board members in favor and 1 against-(Dutton)

7. **La Meridiana, Ltd., 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA# 1133014**

Block:527 Lot:69 Lot Frontage:50' Lot Depth:75 Year Built:1900(estimated)
Number of Floors:6 Residential Units:26 Total # of Units:28 Zoning:R7-2, Commercial
Overlay:C1-5

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

Whereas, this unenclosed café has been operated by this applicant for several 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 Unenclosed sidewalk café for **La Meridiana, Ltd., 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA# 1133014**

VOTE: Unanimous, with 40 Board members in favor.

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

8. Sud 123 Incorporated, 178 Mulberry St. (NE corner of Broome St), with 9 tables & 19 seats, DCA# 1382366

Block:480 Lot:1 Lot Frontage:22.17' Lot Depth:80.83 Year Built:1900(estimated)
Number of Floors:7 Residential Units:24 Total # of Units:26 Zoning:C6-2G, C6-1

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

Whereas, this café is entirely on the Broome Street side of the property and its impact on the corner of Mulberry Street is further limited by the seating being restricted on the west side in order to clear a fire escape ladder, and

Whereas, an unenclosed café has been operated by a previous operator (Umberto's Clam House) for several years with no known issues, and

Whereas, while there was some concern on how some of the seating was sited relative to unfinished façade/entrance work, it appeared any impact would be minimal and could be reviewed at the café's renewal,

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 **Sud 123 Incorporated, 178 Mulberry St. (NE corner of Broome St), with 9 tables & 19 seats, DCA# 1382366**

VOTE: Unanimous, with 40 Board members in favor.

9. 753 Washington Trattoria Inc., 753 Washington St. (SE corner of Bethune St), with 8 tables & 16 seats, DCA# 1382062

Block:635 Lot:11 Lot Frontage:20' Lot Depth:55 Year Built:1905(estimated)
Number of Floors:3 Residential Units:2 Total # of Units:3 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 application, and the applicant and representative, Steve Wygoda, were present, and

Whereas, an unenclosed café has been operated by a previous operator (Baby Buddha) for several years with few known issues, and

Whereas, this café is entirely on the Bethune Street side of the property and most food service is proposed to take place from a side door on Bethune, and

Whereas, the café layout is partially based on installing a solid plate over an unused sidewalk vault that currently has a grate, and

Whereas, the proposed layout showed service being handled from both the side door and the front door around the corner on Washington St based on a 3 foot clearance around a vent pipe just west of the Bethune St door, and

Whereas, the committee does not believe the 3 foot clearance is required and prefers the one inside table in the west half of the café be moved to the west end where it should be used along with the outside table as a 4-seat table and all service will be handled from the Bethune St door, and

Whereas, the applicant would also prefer this arrangement,

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 **753 Washington Trattoria Inc., 753 Washington St. (SE corner of Bethune St), with 8 tables & 16 seats, DCA# 1382062**

CONDITIONAL UPON the arrangement of the café being slightly modified as noted in Whereas 6

VOTE: Unanimous, with 40 Board members in favor.

10. Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491

Block:617 Lot:36 Lot Frontage:133' Lot Depth:150 Year Built:1890(estimated)
Number of Floors:5 Residential Units:37 Total # of Units:42 Zoning:C1-6
Landmark Building:Yes Historic District:Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant was NOT present, and

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

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 **Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491**

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 40 Board members in favor.

11. Gusto Grilled Organics, Inc., 519-523 6th Ave. (btw 13th St & 14th St), with 17 tables & 36 seats, DCA# 1382533

Block:609 Lot:41 Lot Frontage:40' Lot Depth:62 Year Built:1940(estimated)
Number of Floors:1 Residential Units:0 Total # of Units:1 Zoning:C6-3A
Block:609 Lot:40 Lot Frontage:20' Lot Depth:62 Year Built:1915(estimated)
Number of Buildings:2, Number of Floors:4 Residential Units:0
Total # of Units:4\Zoning:C6-3A

Whereas, the area was posted, community groups notified and there were community members present and others had contacted the committee via email regarding this application, and the applicant and his representative, Michael Kelly, were present, and

Whereas, this unenclosed café has been operated by a this applicant for several years and this is a 'new' application because the café license was not renewed in time, and

Whereas, the primary concern of nearby residents is the size of the café on an extremely busy area of 6th Avenue just south of its intersection with W. 14th Street and the amount of clearance between the café and sidewalk subway vents which had been further reduced by café edge drift on the part of staff, and

Whereas, the issue with size drift were addressed by the applicant in a timely manner when notified of the issue by the CB#2, Man. office and the applicant has reduced the café depth by another 1 foot in this application by the use of narrower tables nearest the restaurant,

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 **Gusto Grilled Organics, Inc., 519-523 6th Ave. (btw 13th St & 14th St), with 17 tables & 36 seats, DCA# 1382533**

VOTE: Unanimous, with 40 Board members in favor.

12. **Pssp NY Inc., 143 Mulberry St. (btw Hester St & Grand St), with 5 tables & 10 seats, DCA# 1383044**

Block:236 Lot:24 Lot Frontage:25.17' Lot Depth:100.08 Year Built:2003
Number of Floors:7 Residential Units:9 Total # of Units:10 Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this application is 'new' due to a transfer of ownership to another member of the same family and an unenclosed café has been operated by this applicant's family for several years, and

Whereas, neighbors noted there had been issues in the past with this establishment and its staff, but that they appear to have been resolved with the transfer of management to this applicant,

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 **Pssp NY Inc., 143 Mulberry St. (btw Hester St & Grand St), with 5 tables & 10 seats, DCA# 1383044**

VOTE: Unanimous, with 40 Board members in Favor.

13. **551 Hudson Restaurant, LLC d/b/a Spasso, 551 Hudson St. (NW corner of Perry St), with 11 tables & 22 seats, DCA# 1382844**

Block:633 Lot:58 Lot Frontage:52.92' Lot Depth:45 Year Built:1901(estimated)
Number of Floors:6 Residential Units:20 Total # of Units:24 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 application, and the applicant, Bobby Werhane, his General Manager, Gordon Adams and his representative, Michael Kelly, were present, and

Whereas, an unenclosed café had been operated by previous operator (Alfama) for several years with no known issues, and

Whereas, while there was some concern on how some of the seating was sited relative to the front door which is on an angled portion of the facade, it appeared any impact to traffic on the corner would be minimal and could be reviewed at the café's renewal,

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 **551 Hudson Restaurant, LLC d/b/a Spasso, 551 Hudson St. (NW corner of Perry St), with 11 tables & 22 seats, DCA# 1382844**

VOTE: Unanimous, with 40 Board members in favor.

14. GMT New York, LLC, 142 Bleecker St. (SW corner of La Guardia Pl), with 24 tables & 52 seats, DCA# 1382861

Block:525 Lot:7504 Lot Frontage:25' Lot Depth:125 Year Built:1900(estimated)
Number of Floors:5 Residential Units:0 Total # of Units:8 Zoning:R7-2, Commercial
Overlay:C1-5

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and
Whereas, this café is entirely on the LaGuardia Place side of the property and no service will take place from the Bleecker Street entrance, and

Whereas, an unenclosed café had been operated by previous operator (Senor Swanky's) for several years with no known issues, and

Whereas, the committee requested that a portion of café railing be installed on the north end of the café to ensure no patron or staff traffic occurs near the intersection with Bleecker Street, and

Whereas, while some members of the community were concerned about the addition of more outdoor activity in an area already busy with nightlife others noted this location had a sidewalk café for many years and praised the previous operation and this applicant's outreach to the community throughout the planning of the restaurant,

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 **GMT New York, LLC, 142 Bleecker St. (SW corner of La Guardia Pl), with 24 tables & 52 seats, DCA# 1382861**

VOTE: Unanimous, with 40 Board members in favor.

15. Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. (SW corner of Bowery), with 7 tables & 16 seats, DCA# 1383186

Block:470 Lot:50 Lot Frontage:50.67' Lot Depth:177.17 Year Built:1915(estimated)
Number of Floors:4 Residential Units:0 Total # of Units:5 Zoning:C6-2GC6-1G

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

Whereas, this is in a block which currently has no sidewalk cafes, and

Whereas, the committee was concerned about an unorthodox seating arrangement which leaves substantial open space in the middle of the cafe, and

Whereas, the applicant explained this was due to the restaurant's primary focus being artisanal coffee and cocktails, but the committee reminded the applicant that all service in the café, whether coffee, food or alcohol, must be to seated patrons,

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 **Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. (SW corner of Bowery), with 7 tables & 16 seats, DCA# 1383186**

VOTE: Unanimous, with 40 Board members in favor.

16. **Franco-American Restaurant Investment Group Inc., 235 W. 12th St. (NW corner of Greenwich Ave), with 3 tables & 7 tables, DCA# 1383038**

Block:615 Lot:81 Lot Frontage:40' Lot Depth:62.25 Year Built:1900(estimated)
Number of Floors:6 Residential Units:16 Total # of Units:18 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 application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this is in a block of W. 12 Street which is almost exclusively residential and currently has no sidewalk cafes, and

Whereas, the committee noted that the applicant has routinely been placing an illegal sandwich board sign out near the curb and has illegally been serving customers for whom interim seating has been provided on crates with cushions, and

Whereas, the committee was extremely concerned about the amount of seating relative to the available space on either side of the entrance to the establishment, particularly since that is also being used as the only service aisle, and

Whereas, the committee felt strongly that maintaining the 3 foot service aisle/entrance space would be impossible with the proposed seating, and the applicant's representative agreed to remove one seat from the 3-seat table to the west of the door, and

Whereas, the committee was further concerned about the practicality of this seating as it would also be on diamond plate which covers a hollow sidewalk and is raised several inches above the main sidewalk, particularly since the condition of the diamond plate appears to be extremely deteriorated, and

Whereas, the committee requests DCA do a careful inspection of this area to ensure proper service/entrance clearance can be maintained, even with the reduced seating, and that the condition of the diamond plate is sufficient to maintain the weight involved in operating the café, and

Whereas, the applicant explained this was due to the restaurant's primary focus being artisanal coffee and cocktails, but the committee reminded the applicant that all service in the café, whether coffee, food or alcohol, must be to seated patrons,

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 **Franco-American Restaurant Investment Group Inc., 235 W. 12th St. (NW corner of Greenwich Ave), with 3 tables & 7 tables, DCA# 1383038**

CONDITIONAL UPON:

- **the applicant reducing the number of seats to 6 (with only 2 on the west side of the door) as agreed**

- **strictly maintaining a 3 foot service aisle/entrance between the seating**
- **ceasing the placement of any signage on the public portion of the sidewalk**

VOTE: Unanimous, with 40 Board members in favor.

17. West Village Pizza Champions, Inc. d/b/a 900 Degrees, 29 7th Ave. South (btw Bedford St & Morton St), with 19 tables & 38 seats, DCA#1383207

Block:586 Lot:45 Lot Frontage:160' Lot Depth:67.75 Year Built:1998
 Number of Floors:6 Residential Units:12 Total # of Units:15 Zoning:C2-6

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Bruno DiFabio and his representative were present, and

Whereas, this is on the east side of a block of 7th Avenue South which currently has no sidewalk cafes, and

Whereas, one member of the community on Morton St. was concerned about additional noise, the issue appeared to be primarily in regards to a nearby residential tenant with a second floor roof terrace, and

Whereas, the committee was concerned about the size of proposed tables and the applicant agreed to reduce the café size by 1 table and 2 seats in the center of the layout in order to allow for the larger tables, and

Whereas, the larger tables would increase the depth of the café by 1 foot, the committee felt this was a more realistic setup for the café,

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 **West Village Pizza Champions, Inc. d/b/a 900 Degrees, 29 7th Ave. South (btw Bedford St & Morton St), with 18 tables & 36 seats, DCA#1383207**

VOTE: Unanimous, with 40 Board members in favor.

18. Feta & capers, LLC, d/b/a Cafe Gitane, 113 Jane Street, with 12 tables & 25 seats , DCA # 1383431

Block:642 Lot:1 Lot Frontage:66.17' Lot Depth:135.17 Year Built:1908
 Number of Floors:5 Residential Units:0 Total # of Units:1 Zoning:C6-2A
 Landmark Building: Yes Historic District: No

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

Whereas, several members of the community contacted the committee to note previous issues with the Jane Hotel, and

Whereas, the committee confirmed the applicant is just a tenant in the space and has no other relationship with the operators of the Jane Hotel, and

Whereas, the layout was done in part based on an apparent misinterpretation of the 8 foot clearance between the café and a bike rack which was actually laterally placed further down along the façade of the building, not across the sidewalk as usually seen, and

Whereas, the 8 foot clearance was not required in this case, the committee requested the applicant to move 2 tables and 4 chairs from the outside edge of the café to against the façade and remove the remaining outside table and 2 chairs reducing the seating count by that much, and

Whereas, this rearrangement and reduction will place all tables and chairs near the façade with only the 3 foot service aisle outside them, which will retain more public sidewalk space on the corner,

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 **Feta & capers, LLC, d/b/a Cafe Gitane, 113 Jane Street, with 11 tables & 23 seats , DCA # 1383431**

CONDITIONAL UPON the applicant reducing the seating to 11 tables and 23 seats and rearranging 2 tables and 4 seats to along the corner façade, all as noted above.

VOTE: Unanimous, with 40 Board members in favor.

19. New Restart Inc., 145 Mulberry St. (btw Hester St & Grand St), with 8 tables & 16 seats, DCA# 1342588

No property information available at <http://gis.nyc.gov>

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

Whereas, this unenclosed café has been operated by this applicant for several years with some issues, but no recent issues of which the committee is aware,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a MODIFICATION App. for revocable consent to operate an Unenclosed sidewalk café for **New Restart Inc., 145 Mulberry St. (btw Hester St & Grand St), with 8 tables & 16 seats, DCA# 134258**

VOTE: Unanimous, with 40 Board members in favor.

20. 265 Pastry, LLC, d/b/a Caffè Falai, 265 Lafayette St. with 7 tables & 28 seats, DCA# 1285032

Block:495 Lot:11	Lot Frontage:163.33'	Lot Depth:81.83	Year Built:1926(estimated)
Number of Floors:6	Residential Units:93	Total # of Units:102	Zoning:C6-2

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant’s representative, Michael Kelly, was present, and

Whereas, this unenclosed café has been operated by this applicant for several years with few known issues, and

Whereas, the applicant has expanded the establishment into the storefront immediately north of the existing space, and

Whereas, per Section 14-43 of the zoning regulations, this establishment is governed by the Small Sidewalk Café regulations which specifically allow only an “unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line”, and

Whereas, based on input from the NYC Dept. of City Planning which was provided to CB2 and the Dept. of Consumer Affairs, the committee continues to disagree with DCA’s interpretation of this requirement and contends this application violates the letter and intent of the zoning regulation because it has two (2) rows of chairs at each table and the second row of chairs is not “adjacent to the street line”, and

Whereas, the committee noted the use of large planters bordering the café that had very wide foliage that greatly reduced public pedestrian space and were far taller than the allowed 30 inches, and the representative committed to the removal of the planters,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a MODIFICATION App. for revocable consent to operate an Unenclosed sidewalk café for **265 Pastry, LLC, d/b/a Caffè Falai, 265 Lafayette St. (SE corner of Prince St), with 7 tables & 28 seats, DCA# 1285032**

UNLESS the café is reduced to 7 tables & 14 seats to meet the requirements for a small sidewalk café as clarified by the NYC Dept of City Planning.

Vote: Unanimous, with 40 Board members in favor.

SLA LICENSING

1. Quimera Restaurant Group, LLC, TBD, 81 Greenwich Ave. aka 2 Bank St. (at Bank St.), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for a new On Premise license for a 5,000 s.f. upscale Spanish restaurant on the Bank Street side and casual Spanish restaurant for the Greenwich Avenue side located in a mixed use building on the corner of Greenwich Avenue and Bank Street with 188 table seats (113 table seats in the Bank Street Side Restaurant and 75 table seats in the Greenwich Avenue Side Restaurant) including 2 bars with 20 bar seats; and a maximum legal capacity of 223 persons; and,

Whereas, the applicant stated the hours of operation for the Bank Street Side Restaurant are seven days a week from 11:00 a.m. to 1:00 a.m. and for the Greenwich Avenue Side Restaurant are seven days a week from 11:00 a.m. to 3:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant has agreed to limit its closing hours to 1:00 a.m. seven days a week for the Bank Street side restaurant and 3:00 a.m. for the Greenwich Avenue side restaurant
2. The applicant has agreed to use best efforts to direct exiting traffic for the Bank Street restaurant patrons to the Greenwich side exit
3. The applicant has agreed to post a “Please Respect The Neighbors” type sign in front of the establishment
4. The applicant has agreed to operate as a full service restaurant at both locations
5. The applicant has agreed to not operate or open French Doors
6. The applicant has agreed to advertise the Bank Street Side restaurant as a Greenwich Avenue location
7. The applicant has agreed to not use third party promoters
8. The applicant has agreed to not permit D.J. or Live Music at both locations
9. The applicant has agreed to not offer bottle liquor service

10. The applicant has agreed to not seek a DCA Cabaret License
11. The applicant has agreed to offer food service at all times at both locations

Whereas, the applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit prior to opening the establishment; and,

Whereas, several members of the community appeared in support of the applicant; and,

Whereas, a few members appeared to express some concerns; citing concerns with a late night establishment on the Bank Street side; and concerns with the possibility of the establishment changing control to a non-reputable operator in the future; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Quimera Restaurant Group, LLC, TBD, 81 Greenwich Ave. aka 2 Bank St.**, unless those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

2. Remy Laba d/b/a Gans Wine Concept, LLC 69 Gansevoort St. (9th Ave. & Washington St.) NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license for a 2,200 s.f. wine bar and restaurant located in a commercial building on Gansevoort Street between 9th Avenue and Washington Street with 62 table seats and 1 bar with 10 bar seats; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation for the proposed establishment are Sunday through Wednesday from 8:00 a.m. to 2:00 a.m. and Thursday through Saturday from 8:00 a.m. to 4:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be Ipod/CD at background levels only; and,

Whereas, the applicant has agreed to prohibit the use of velvet ropes, third party promoters and DJs; and,

Whereas, the applicant has agreed to operate the kitchen at all times, and,

Whereas, no one appeared in opposition of the proposed establishment; and,

Whereas, a few members of this committee expressed their concerns with the possibility of loud and overcrowded brunch parties hosted by these principals – they have a history of operating weekend brunch parties at a different establishment in the neighborhood; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Remy Laba d/b/a Gans Wine Concept, LLC**, unless those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

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

3. Tacombi NYC, LLC, d/b/a Fonda Nolita, 267 Elizabeth St. (Houston and Prince Sts.), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license for a 2,250 s.f. Mexican restaurant on Elizabeth between Houston and Prince Streets located in a commercial building with 48 table seats and no bar; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday to Wednesday from 8:00 a.m. to 12:00 a.m. and Thursday to Saturday from 8:00 a.m. to 1:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be Ipod/CDs at background levels only; and,

Whereas, the applicant has agreed to the enclosed stipulations set forth in a fully executed agreement with the Northern Little Italy Neighbors Association; and,

Whereas, the applicant has agreed to the following stipulations with this Committee:

1. The applicant has agreed to limit its closing hours to 12:00 a.m. Sunday through Wednesday and 1:00 a.m. Thursday through Saturday
2. The applicant has agreed to use best efforts to schedule garbage collection between the hours of 8:00 a.m. and 9:00 p.m. daily and to not place any refuse in the street before 8:00 a.m. or after 12:00 a.m. in vermin-proof containers
3. The applicant has agreed to not accept deliveries before 8:00 a.m. daily
4. The applicant has agreed to not transfer the Beer and Wine license without prior written approval of this Committee
5. The applicant has agreed to comply with the NYC noise code and to extend the sound standards to crowd or non-mechanically generated noise. On request, the applicant will provide one-time testing by a sound engineer for any residential apartments directly above or adjacent or across the street from the establishment
6. The applicant has agreed to use best efforts to avoid a congregation of smokers in front of the establishment. The applicant will post an appropriate sign requesting no smoking and a low level of noise in respect of the residential block
7. The applicant has agreed to keep the sidewalk in front of the premises clean and clear at all times
8. The applicant has agreed to have quarterly meetings with the neighborhood association and any other interested parties during the first year of operations
9. The applicant has agreed to make a contact person available at all times during its operating hours
10. The applicant has agreed to install all Air Conditioning units on vibration-reducing pads and be subject to the NYC noise code
11. The applicant has agreed to provide fans and exhaust systems that will be subject to the NYC noise code and will filter or exhaust any fumes to the roof of the subject or adjacent building, if allowed
12. The applicant has agreed to cooperate with its neighbors and take every reasonable step to prevent this establishment from interfering with the quality of life of the residents of the neighborhood
13. The applicant has agreed to re-appear in front of the this committee for a 6-month review, if requested by this Committee

Whereas, the applicant has reached out to members of the community prior to re-appearing; and,

Whereas, several members of the community appeared in support of the applicant; and,

Whereas, the applicant submitted a petition with over 2200 signatures in support; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a Beer and Wine license for **Tacombi NYC, LLC, d/b/a Fonda Nolita, 267 Elizabeth St.** unless those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Beer and Wine license.

Vote: Unanimous, with 40 Board members in favor.

4. Amagansett Hospitality Group, LLC, d/b/a Not determined yet, 300 W. 4th Street aka 51 Bank St. (at West 4th Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license for a 1,496 s.f. restaurant located in a mixed use building on the corner of West 4th and Bank Streets with 36 table seats and 1 bar with 9 bar seats; and a maximum legal capacity of 74 persons, and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday from 9:00 a.m. to 11:00 p.m. and Monday through Saturday from 11:30 a.m. to 12:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be Ipod/CD at background levels only; and,

Whereas, the applicant has agreed to use the West 4th Street entrance as its primary means of ingress and egress; and,

Whereas, no one appeared in opposition of the proposed establishment; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Amagansett Hospitality Group, LLC, d/b/a Not determined yet, 300 W. 4th Street aka 51 Bank St.**, unless the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

5. Penmanship, LLC d/b/a Jeffrey’s, 172 Waverly Place (at Christopher St.), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration and upgrade to an On Premise license in 2,000 s.f. premise for an upscale restaurant d/b/a Jeffrey’s in a mixed use building with 24 table seats, 1 bar with 9 seats and 11 stools in front of the kitchen bar; and a maximum legal capacity of 74; **to expand the kitchen to encompass existing bar area adding 11 stools while relocating the bar and adding 9 bar seats; and,**

Whereas, the applicant stated the hours of operation for the establishment are seven days a week from 8:00 a.m. to 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be Ipod/CD at background levels only; and,

Whereas, the applicant has been operating successfully for 5 months; and,

Whereas, no one appeared in opposition of the proposed establishment; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to the alteration and upgrade of an On Premise license for **Penmanship, LLC d/b/a Jeffreys, 172 Waverly Place.**

Vote: Unanimous, with 40 Board members in favor.

6. Newstead Restaurant LLC, d/b/a The Golden, 117 Perry St. (Hudson and Greenwich Sts.), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a 2,000 s.f. premise for an upscale restaurant in a mixed use building with 57 table seats, 1 bar with 7 bar seats; and a maximum legal capacity of 74; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday through Thursday from 8:00 a.m. to 11:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be Ipod/CD at background levels only; and,

Whereas, the applicants have a proven track record with operating upscale, white table cloth restaurants in the city; and,

Whereas, no one appeared in opposition of the proposed establishment; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to an On Premise license for **Newstead Restaurant LLC, d/b/a The Golden, 117 Perry St.**

Vote: Unanimous, with 40 Board members in favor.

7. Lydia & Lydia Corp. d/b/a Little Havana, 30 Cornelia St. (West 4th and Bleecker Sts.), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for upgrade from an existing Beer and Wine to an On Premise license in a 635 s.f. premise for a casual Cuban restaurant d/b/a Little Havana in a mixed use building with 19 table seats and no bar; and a maximum legal capacity of 74; and,

Whereas, the applicant stated the hours of operation for the establishment are seven days a week from 9:00 a.m. to 1:30 a.m.; there will not be a sidewalk café application and no backyard garden; music will be Ipod/CD at background levels only; and,

Whereas, the applicant has been operating this restaurant for 13 years, and,

Whereas, no one appeared in opposition of the proposed establishment; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the proposed upgrade to an On Premise license for **Lydia & Lydia Corp. d/b/a Little Havana, 30 Cornelia St.**

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

8. Currywurst Bros. USA 182 LLC, d/b/a Currywurst Bros. 182 Bleecker St. (Sullivan and MacDougal St.), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license for a 2,434 s.f. German sausage fast food establishment in a mixed use building on Bleecker Street between Sullivan and MacDougal Streets with 12 table seats and no bar; and,

Whereas, the applicant stated the hours of operation for the establishment are seven days a week from 11:00 a.m. to 4:00 a.m.; there will not be a sidewalk café application but there will be a backyard garden; no music; and,

Whereas, the applicant stated that the backyard garden will have 7 tables and 28 seats, with hours of operation from 11:00 am. To 4:00 a.m.; and

Whereas, the applicant is within 500 feet of at least 28 licensed premises; and

Whereas, this location has previously not held any type of license for the consumption of or sale of alcohol; and

Whereas, the applicant has reached out to some members of the community including but not limited to BAMRA; and,

Whereas, the applicant did not reach out to residents bordering the Landmarked Historic Sullivan Gardens in which their backyard garden is located and who would be greatly affected by the operation of the backyard garden; and

Whereas, no one appeared in support of the proposed establishment; and,

Whereas, members of this committee expressed strong concerns with a late night, fast food establishment serving Beer and Wine in a saturated neighborhood without community support; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a Beer and Wine license for **Currywurst Bros. USA 182 LLC, d/b/a Currywurst Bros. 182 Bleecker St.**

Vote: Unanimous, with 40 Board members in favor.

9. PGM Restaurant Corp. d/b/a What Happens When (formerly Le Jardin Bistro), 25 Cleveland Pl. (Kenmare and Spring Street), NYC

Whereas, this application is for a renewal to an On Premise license for a Pop-up restaurant; and,

Whereas, the new principals acquired the On Premise license via stock transfer of the existing licensed establishment, d/b/a Le Jardin Bistro after having opened under the name “What Happens When” and did not file the change with the SLA until questions were raised by members of the community after having already operated for a number of weeks and also bypassing CB#2, Man. input; and,

Whereas, the current method of operation for this Pop-up restaurant remains unclear and could not be articulated properly by its representatives; and,

Whereas, the applicant stated that their hours of operation were from 12 pm to 4 am 7 days a week, including the outdoor rear garden, but they do not operate at those hours; and.

Whereas, the principals are operating the establishment beyond the previously approved hours of operation; and,

Whereas, after CB#2, Man.'s regularly scheduled SLA Committee meeting at which the applicant was represented by their attorney and bookkeeper, members of the community presented the original application for PGM Restaurant Corp. dated January 1996, which was obtained through a FOIL request from the SLA which stated that the hours of operation that were originally stated for this corporation were 11 am to 12 pm 7 days a week, including the out door garden, and which contained different floor plans for both the interior and exterior including different seating arrangements and different number of tables and chairs, included a 12 ft stand up bar which no longer exists and included a description of the type of food served as French Cuisine; and,

Whereas, the principals allegedly have not complied with all certificates and permit requirements; and,

Whereas, several members of the community appeared in strong concerns with the establishment; citing lack of clarity with their method of operation; and,

Whereas, members of this Committee expressed their concerns with the large backyard space, which is being contemplated for late night use by the principals; lack of clarity with its method of operation; operating beyond its approved closing hours;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the renewal of an On Premise license for **PGM Restaurant Corp. d/b/a What Happens When (formerly Le Jardin Bistro), 25 Cleveland Pl.**

Vote: Passed, with 39 Board members in favor, and 1 abstention (I. Dutton).

10. MacDougal G Corp. d/b/a Alibi 116 MacDougal St., NYC

Whereas, this application is for a renewal to an On Premise liquor license; and,

Whereas the operator has agreed to the following stipulation for their renewal license:

1. The operator has agreed to install soundproofing measures, including but not limited to curtains near the vestibule
2. The operator has agreed to hire 3 bouncers / security personnel every Friday and Saturday nights

Whereas, a few members of the community appeared its concerns with the establishment; noise issues on weekends, overcrowding sidewalks and loitering in front of the establishment; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the renewal of an On Premise license for **MacDougal G Corp. d/b/a Alibi 116 MacDougal St.** unless those conditions agreed to by applicant relating to the second "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise 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:

11. 228 West Houston St. Rest. Inc., 228 W. Houston St. NYC 10014

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 an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **228 West Houston St. Rest. Inc., 228 W. Houston St. and requests that the SLA send this applicant back to CB2 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 40 Board members in favor.

12. TBA d/b/a TBA, 20 W. 8th St. NYC 10003

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 an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **TBA d/b/a TBA, 20 W. 8th St. and requests that the SLA send this applicant back to CB2 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 40 Board members in favor.

13. DJ BBQ, Inc. d/b/a DJ BBQ, 68 W 3rd St. 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 an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **DJ BBQ Inc. d/b/a DJ BBQ, 68 W 3rd St. and requests that the SLA send this applicant back to CB2 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 41 Board members in favor.

14. Damien C. Vizquete, d/b/a Pigeon Café, 22 W. 8th St. 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 an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **Damien C. Vizquete, d/b/a Pigeon Café, 22 W. 8th St. and requests that the SLA send this applicant back to CB2 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 41 Board members in favor.

15. 106 Greenwich Ave. LLC, d/b/a Custom American Wine Bar, 106 Greenwich Ave. NYC

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **106 Greenwich Ave. LLC, d/b/a Custom American Wine Bar, 106 Greenwich Ave. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

16. 7th Avenue Restaurant Group, LLC, 130-138 7th Avenue South, NYC

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an alteration to an existing On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **7th Avenue Restaurant Group, LLC, 130-138 7th Avenue South until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

17. Entity to be formed by Tracey Hecht Smilow and David Smilow, d/b/a The Hutch, 130 W. 10th St., NYC 10014

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for a Beer and Wine license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Entity to be formed by Tracey Hecht Smilow and David Smilow, d/b/a The Hutch, 130 W. 10th St. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to C#B2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

18. Apple Restaurant & Bom Bar d/b/a Apple Restaurant, 17 Waverly Pl. NYC 10013

Whereas, the applicant requested a layover for consideration of the application to the next CB2, Manhattan SLA Licensing Committee meeting; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license for **Apple Restaurant & Bom Bar d/b/a Apple Restaurant, 17 Waverly Place** until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

19. 400 West 14th St. Inc. d/b/a Gaslight, 400 W. 14th St. NYC 10014

Whereas, the applicant requested a layover for consideration of the application to the next CB2, Manhattan SLA Licensing Committee meeting; and,

Whereas, this application is for alteration to an existing On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license for **400 West 14th St. Inc. d/b/a Gaslight, 400 W. 14th St.** until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

20. 37 W. 29th Street, LLC, 40 W. 8th St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a Cabaret / Night Club; and,

Whereas, this application is for a new Full OP license for a Night Club in a commercial building on 8th Street between 5th and 6th Avenue (block #553 / lot # 21) for a total of 5,000 s.f. with 18 tables with 32 seats and 2 banquettes with 50 seats, 2 standing bars with 0 seats, and a maximum legal capacity of 210 persons; and,

Whereas, the applicant stated the hours of operation are Sunday to Saturday from 12:00 p.m. to 4:00 a.m. 7 days a week, there will be no sidewalk café and no backyard garden; music will include Live Music and Live D.J.; and,

Whereas, the applicant will be having promoted events, scheduled performances, outside promoters, events charging a cover, and private parties; and,

Whereas, the applicant has agreed to the following stipulations:

1. No velvet ropes or any barriers will be used, or placed in front of other merchants.
2. Security will be inside and outside, wearing an identifiable uniform and be proactive in preventing security and quality of life issues from occurring.

3. Security will manage crowd control, traffic, parking, and noise issues outside on both 8th Street and MacDougal Street.
4. MacDougal Street will be for exiting only – no entrance.
5. There will be no large speakers reinstalled at this premise.
6. Contact information for both Security and Management will be provided to the neighboring residents.
7. Kitchen will stay open and serve until 1 hour before closing.
8. There will be no after hours events:
 - 4:00 a.m. all liquor service and consumption on premise will be finished.
 - 4:30 a.m. all music is shut off and all customers have cleared the premise.
 - 5:00 a.m. all staff have cleared and closed the premise.
9. Sound Curtains will be installed to block outgoing noise from entrance and exits.
10. All garbage and recycled bottles will be put out for pickup and garbage carting service will be scheduled during appropriate hours to minimize noise and disturbance of the residents.
11. Signs are to be posted to inform customers to be quiet and be respectful of the neighbors.

Whereas, this location has been a nightclub for over 12 years and along with that, many noise, crowd, drug, and violence issues have existed in the past. The applicant has stated that they have taken all steps to resolve outstanding noise issues and states that the establishment is completely soundproof And in understanding these issues the applicant clearly must understand the importance of the stipulations they have agreed to and strictly adhere to these stipulations or face adamant opposition in the future from this community and Community Board 2; and,

Whereas, the West 8th Street Block Association has agreed to support this applicant as long as the applicant adheres to the previous stipulations and has included a letter stating such; and,

Whereas, this applicant presented an incomplete list of licensed establishments within 500 ft., CB#2, Man. request that the SLA conduct a 500 ft. rule hearing;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this new Full OP license for **37 W. 29th Street, LLC, 40 W. 8th St., NYC 10012** unless all stipulations agreed to in this resolution are incorporated into the “Method of Operation”.

Vote: Passed, with 38 Board members in favor, and 2 in opposition (C. Booth, D. Gruber).

21. Toby’s Public House II, LLC d/b/a Toby’s Public House II, 86 Kenmare St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a “Pub” like restaurant/bar establishment that also serves pizza, similar to the applicants other location in Brooklyn; and,

Whereas, this application is for a new Full OP license in a mixed use building (block #481 and lot #32) on Kenmare St. between Mulberry Street and Cleveland Place for a 1,600 s.f. restaurant (800 s.f on main floor and 800 s.f. in basement) with 15 tables and 33 seats, 1 bar with 11 seats, 4 televisions, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are from Sunday to Saturday 2:00 p.m.–4:00 a.m. 7 days a week; there will be no sidewalk café, there will be no backyard garden, music would be background only; and,

Whereas, this applicant would like to close the kitchen at midnight each night, but would like to remain open until 4:00 a.m. every night; and,

Whereas, this applicant did little to no outreach to the community, in particular to residents in the same building and immediately surrounding buildings, regarding this operation, even though the applicant has lived several blocks away in this neighborhood since 2006 and should understand the concerns of over saturation, late night noise and traffic congestion; and,

Whereas, this applicant plans to use a wood burning/brick oven, but presented no venting plans; and,

Whereas, this applicant's SLA application is incorrect and states there are not more than 3 licensed premises within 500 ft., even though previous applicants in this location and immediate area have listed from 16 to over 30 licensed locations; and,

Whereas, even though the SLA issued a Beer and Wine license at this location, which was not previously licensed, on 1/29/2010, CB2 has repeatedly recommended denial of Full OP Licenses and Beer and Wine Licenses at this address with significant emphasis on the over saturation that exists in this area; and,

Whereas, another license exists within the same building (but not same location); and,

Whereas, CB#2, Man. believes that there are many "Pub" like premises and pizza restaurants in this neighborhood and that this application does not offer any new or unique concepts; and,

Whereas, the applicant did not provide any details on the impact on pedestrian and vehicular traffic on this very busy thoroughfare, which is a truck route in a mixed use residential neighborhood; and,

Whereas, 6 people from the building in which this location is located came to strongly oppose this application at the hearing and several other members of the community also spoke in opposition, citing many issues including the proliferation of licensed premise within 500 feet, saturation in the broader neighborhood, lack of outreach by the applicant to the tenants in the building, crowding, noise, the prevalence of similar sports bars, pizza places and pubs in the neighborhood that contribute to quality of life issues in the community, questions on the temporary certificate of occupancy because it is expired and whether the occupancy numbers are allowable because of the occupancy of the other restaurant/lounge called Kenmare in the building, and lack of sensitivity to noise issues in the community by altering the storefront to include large french doors; and,

Whereas, CB#2, Man. requests that the SLA conduct a 500 ft. rule hearing; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the new full OP license to **Toby's Public House II, LLC d/b/a Toby's Public House II, 86 Kenmare St., NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

22. Deka Restaurant & Bar, Inc. d/b/a Ten Degrees-Nolita, 60 Kenmare St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a mid-priced French & Italian tavern/restaurant; and

Whereas, this application is for a new Full On Premise license in a previously unlicensed location in a mixed use building (block # 480 / lot# 33) on Kenmare Street between Mott and Mulberry Street in a 2,900 s.f. restaurant with 16 tables and 56 seats, 9 booths with 18 seats, 1 bar with 22 seats total capacity of 96 persons; and,

Whereas, the applicant stated the hours of operation be Sunday from 11:00 a.m. to 2:00 a.m., Monday – Wednesday from 12:00 p.m. to 2:00 a.m. and Thursday to Saturday 12:00 p.m. –4:00 a.m.; there will be a request for a sidewalk café, but there will be no backyard garden, music would be quiet background only; and,

Whereas, Kenmare Street is a residential corridor that is only 3 blocks long with mixed use on the ground floors; and,

Whereas, this applicant intends to combine three addresses (locations): 60, 62 and 64 Kenmare Street, none of which have ever had a prior existing liquor license of any kind; and

Whereas, this applicant will eventually apply for an outdoor café totaling 60 seats in a residential corridor; and,

Whereas, this applicant would be opening between a current beer and wine license and a new hotel that has already been approved for multiple SLA licenses; and,

Whereas, there are 36 licensed premises within 500 ft of the proposed location, not including several locations in the immediate vicinity, including a hotel with multiple licenses that were recommended for approval by CB#2, Man. but have not yet been issued licenses by the SLA; and,

Whereas, this plan will eliminate three small storefronts that could have offered neighborhood support services that could not afford larger spaces that are more suitable for restaurants; and,

Whereas, there is concern by the community and CB#2, Man. regarding one of the addresses that will be combined which still leases to a Tailor Store that has 4 years left on their lease; and,

Whereas, despite the stated desire of the applicant to “becoming a part of the Nolita neighborhood,” there was no community outreach by this applicant to any neighborhood groups or buildings immediately adjacent; and,

Whereas, a petition in support of this applicant was submitted with 76 signatures but has only 7 from Kenmare St. and all signatures were acquired at the applicants other tavern located on St. Marks Place; and,

Whereas, there were 13 community members in attendance who supported this applicant half of which did not live in the neighborhood and half that were patrons of their other location and 6 community members in attendance that opposed this applicant; and

Whereas, the applicant described this area as depressed, very commercial, empty and having a number of vacant storefronts, but members of the committee and members of the community felt that this was not an accurate representation of the area surrounding the premise, which has many tenements and residential units in the immediate area and a vast number of restaurants and bars to chose from, a good number within a block, as well as boutiques and other new and old businesses including wholesalers, parking lots and other long standing businesses as well as several vacant locations and was recently noted as the next hot area in an article titled “Kenmare comes to life: A gentrification that started five years ago now takes off as new tenants flood in” ; and,

Whereas, the applicant cited over 8 nearby locations who actually stay open until 4 am as evidence that this area is a late night area and that late night service would be appropriate, but failed to note that more than half of the locations mentioned have been the subject of many complaints and furthermore, this committee has recommended denial or cited serious concerns during the renewal process for those locations; and,

Whereas, though the applicant felt that the premise would not adversely impact the traffic in the area due to the existing conditions and the access to public transportation and parking in the area, it was pointed out by members of the community that the Kenmare corridor is a truck route, is one of the most heavily trafficked 3 block sections in Manhattan with regular traffic jams during rush hour and also through the evening hours especially on weekends, is the main corridor for traffic between the Holland tunnel and the Williamsburg bridge, is a major access road for vehicles in particular taxi’s and livery cars in the evenings coming from lower Manhattan to cross the Williamsburg Bridge, is heavily used by cabs dropping off and picking up passengers at all the other locations in the immediate area in the evenings and night and that even a small number of car drop offs and pick ups would adversely affect traffic because they would block traffic movement and cause even more horn honking; and,

Whereas, CB#2, Man. request that the SLA conduct a 500 ft. rule hearing; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new Full On Premise license to **Deka Restaurant & Bar, Inc. d/b/a Ten Degrees-Nolita, 60 Kenmare St., NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

23. Asia Dog, LLC, 66 Kenmare St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a fast casual food restaurant focused on “dogs” i.e. hotdogs with an Asian influence; and,

Whereas, this application is for a Beer and Wine license in a mixed use building (block 480 / lot 33) on Kenmare Street, between Mott and Mulberry Street in a 600 s.f. location with 3 tables and 7 seats, 1 stand-up bar, no serving bars and a total capacity of 25 persons; and,

Whereas, the applicant stated the hours of operation would be Sunday to Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:00 a.m.; there will be a no sidewalk café, and no backyard garden, music would be background only; and,

Whereas, the applicant did attend previous CB2, SLA meetings to learn of community concerns and spoke with neighborhood residents; and

Whereas, the applicant stated that they would only be playing music from an Ipod in a small docking station type device so that the volume would never be an issue outside the location even if the window/door were open; and,

Whereas, the applicant has agreed to the following stipulations:

1. Applicant will not apply for a Full OP license.
2. All venting will be extended to rooftop of next building, away from windows and comply with all Department of Building and NY Fire Department regulations.
3. Applicant will never apply for a sidewalk café.
4. All windows and doors will be closed by 10:00 p.m. daily.
5. There will never be benches or outside seating in front of location.
6. All trash pick-ups will be coordinated with the building.
7. Applicant must provide a “Letter of No Objection” or “Certificate of Occupancy”.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the denial of the new Beer and Wine license to **Asia Dog, LLC, 66 Kenmare St., NYC 10012**, unless all stipulations agreed to in this resolution are incorporated into the “Method of Operation”.

Vote: Unanimous, with 40 Board members in favor.

24. Moshi West Broadway, LLC, 330 West Broadway, NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a Sushi restaurant; and,

Whereas, this application is for an On Premise license, in a commercial building on West Broadway between Canal and Grand Street for a 1,250 s.f. restaurant with 10 tables and 40 seats and a food counter with 18 seats, no bar, and a maximum legal capacity of 70 persons; and,

Whereas, the applicant stated the hours of operation are Sunday – Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 1:00 a.m.; there will be no sidewalk café and no backyard garden; music will be quiet background only; and,

Whereas, there was community opposition and the SoHo Alliance expressed no opinion on this application; and,

Whereas, this location has never been licensed by the SLA before; and,

Whereas, CB#2, Man. request that the SLA conduct a 500 ft. rule hearing;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the On Premise license for **Moshi West Broadway, LLC, 330 West Broadway, NYC 10013**.

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

25. The Wren LLC, The Wren, 344 Bowery, NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for the transfer of a Tapas Bar to a family friendly Gastro Pub/restaurant; and,

Whereas, this application is for the transfer of an existing On Premise license, in a mixed use building (block 530 / lot 7506) on Bowery between Great Jones and Bond Street for a 1,750 (1,300 s.f. on 1st floor and 450 s.f. in basement) s.f. restaurant with 26 tables and 100 seats, 2 bars with 20 seats (1 bar with 14 seats on 1st floor and 1 bar with 6 seats in basement), and a maximum legal capacity of 150 persons; and,

Whereas, the applicant stated the hours of operation are Sunday – Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 4:00 a.m.; there will be no sidewalk café and no backyard garden; music will be quiet background only; and,

Whereas, this applicant has established a set of agreed stipulations with the NoHo Manhattan Neighborhood Association which are the following:

1. Hours of Operation are Sunday through Wednesday open until 2:00 a.m. and Thursday through Saturday open until 4:00 a.m.
2. There will be no more than 14 bar seats and 65 table seats on the ground floor and no more than 6 bar seats and 35 table seats in the below ground floor.
3. All garbage will be stored in closed “totes” in an interior storage area and taken out nightly at closing for pick-up between 5:30 – 6:30 a.m.
4. Applicant will maintain the sidewalk from 344 Bowery to the corner of Bowery and Great Jones Street, which includes the parking lot area fronting Bowery, which is not part of this property.
5. There will be dedicated security outside The Wren, Thursday through Saturday from 9:00 p.m. to closing.
6. There will be no third party promoted events. Any private event will be monitored by special outside security provisions.
7. There will be no live music performances; no DJ; no occasion or equipment for outside sound. There will be ambient background music in the interior only.
8. There will be no application for a sidewalk café for the first period (2 years) of this license. Any future consideration will be reviewed by the community prior to any application.
9. The applicant(s) agree to abide by all regulations pertaining to the Landmark status of this building as well as all required provisions of the Department of Buildings, including but not limited to Public Assembly Permits, kitchen venting, as well as Dept. of Environmental Protection venting and sound requirements for any HVAC equipment associated with the restaurant.
10. The applicant and the NoHo Community agree to meet at least quarterly for the first year of operation and at least bi-annually thereafter to review the operation of this establishment and other extraneous neighborhood conditions affecting the operation of the restaurant.

Whereas, the NoHo Community submitted a petition with 197 signatures in support of this applicant;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the On Premise license for **The Wren LLC, The Wren, 344 Bowery, NYC 10012** unless all stipulations agreed to in this resolution are incorporated into the “Method of Operation”.

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

26. Bickerstaff LLC, dba Swift Hibernian Lounge, 34 E. 4th St., NYC 10003

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for an existing Irish Pub, dba Swift Hibernian Lounge, with new owners; and,

Whereas, this application is for a new On Premise license, in a mixed use building (block 531 / lot 30) on East 4th Street between Lafayette and Bowery for a 1,356 s.f. restaurant / pub with 10 tables and 48 seats, 1 bar with 17 seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday –Saturday from 12:00 p.m. to 4:00 a.m. 7 days a week; there will be no sidewalk café and no backyard garden; music will include Live DJ and ipod/cds at quiet background level; and,

Whereas, there is no change in the “Method of Operation” at this location, only change in ownership; and,

Whereas, there were some alterations to include a bathroom prior to the new owners that could be in violation and was cited by the department of buildings as using a portion of the building next door (ECB#34879510L) and the applicants stated that this would be resolved; and,

Whereas, all possible violations with the Department of Buildings must be cleared prior to the new SLA license is to be issued; and,

Whereas, the new owners did community outreach, and 4 community members appeared in support of this applicant; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the On Premise license for **Anthony Malone, Bickerstaff LLC, 34 E. 4th St., NYC 10003** unless the concerns regarding the Department of Building violations are cleared.

Vote: Unanimous, with 40 Board members in favor.

27. Fernando Dallorso or Entity to be formed, dba Puck Fair, 298 Lafayette St. NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for an existing restaurant / tavern, dba Puck Fair, with a full menu; and,

Whereas, this application is for a new On Premise license, in a mixed use building (block 510 / lot 38) on Lafayette Street between Jersey Street and Crosby Street for a 2,800 s.f. (1,600 s.f. on main floor and 1,200 in basement) restaurant / pub with 15 tables and 60 seats, 2 bars with 46 seats and a maximum legal capacity of 182 persons; and,

Whereas, the applicant stated the hours of operation are Sunday from 12:00 p.m. to 4:00 a.m. and Monday through Saturday from 11:30 a.m. to 4:00 a.m. with the kitchen open until 3:30 a.m. daily; there will be no sidewalk café and no backyard garden; music will include Live DJ and ipod/cd's at quiet background level; and,

Whereas, there is no change in the "Method of Operation" at this location, only change in ownership; and,

Whereas, there was no opposition by the community or the SoHo Alliance;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the On Premise license for **Fernando Dallorso or Entity to be formed, 298 Lafayette St. NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

28. An Entity to be formed by Evan Cohen & Joseph Cirillo, d/b/a Gonzalez y Gonzalez, 192 Mercer St. (W. Houston St. & Bleecker St. NYC 10012-(transfer)

Whereas, the applicant appeared before the committee; and,

Whereas, this is a new application for half of a previously existing Mexican Restaurant and Bar; and,

Whereas, the restaurant Gonzalez y Gonzalez has operated at this location for over 20 years, recently ended their lease and the landlord has split the previous location into two spaces, one of which another entity will occupy and one of which the applicant would like to continue occupying dba Gonzalez y Gonzalez; and

Whereas, this application is for the transfer of an On Premise license, in a commercial building (block 523 / lot 46) which was a full block length with entrances on both Broadway (625 Broadway) and on Mercer Street (192 Mercer St.) between Bleecker Street and Houston Street, which is being divided in half with the applicant taking the western space with an entrance at 192 Mercer St only with a new size of 5,021 s.f. (3,021 s.f. on the ground floor and 2,000 s.f. in the cellar) for a restaurant / bar with 22 tables and 42 seats, 1 47ft bar with 11 seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday to Saturday from 12:00 p.m. to 4:00 a.m. 7 days a week; there will be no sidewalk café and no backyard garden; music will include Live DJ and ipod/cds music at quiet background levels; and,

Whereas, there is no change in the "Method of Operation" at this location except for the decrease in size of the space, the new use of Mercer Street for the main entrance (which was previously only used on a limited basis), the exclusion of live entertainment and dancing; and

Whereas, the applicants have agreed to the following stipulations:

1. No live entertainment.
2. No Cabaret license without coming before CB2.
3. Kitchen will remain open until closing.
4. No doors or windows to remain open at any time.
5. Security will be provided outside from 8:00 p.m. until closing.
6. All garbage to be stored inside until just before pick-up with a carting service that will be coordinated with other buildings on Mercer.

7. Applicants must obtain a “Letter of No Objection” from the Department of Buildings.

Whereas, the new owners have a petition in support of their new plan with 60 signatures; and,

Whereas, there was no community opposition to this application; and,

Whereas, there is a concurrent application for the alteration of the original space mentioned above to be divided in half under the application name: **Ark Sub One Corp. d/b/a Gonzalez y Gonzalez, 625 Broadway, NYC 10012**; and

Whereas, there is some concern that the change in the primary entrance from Broadway to Mercer St. will increase the flow of traffic and noise on Mercer Street, in particular that pedestrian traffic will cause a burden to the residential buildings on Mercer Street; and,

Whereas, the entire space is currently closed; and,

Whereas, the current full space prior to division as described above was operated for many years with what the applicant said was a legal occupancy of 282; and,

Whereas, the current application is for an occupancy of 74 but the applicant stated that they do plan to increase the occupancy to 150 persons in the future; and

Whereas, given that the previous operation may have operated without the correct documents for over a decade or more ,

Whereas, the current applicant is applying for an occupancy of only 74 in a location with 5,021 s.f. (3,021 s.f. on the ground floor and 2,000 s.f. in the cellar) with a 47’ 3” Bar with only 11 barstools (4ft 3in per bar stool) and 22 tables with 42 seats, so that they can first obtain a liquor license without having to meet the stringent guidelines that are set forth for the express purpose of public safety, and then try to pursue at some undetermined point the proper documents to increase the occupancy on an existing footprint and has provided no information on how they plan to accomplish this;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the On Premise license for **An Entity to be formed by Evan Cohen & Joseph Cirillo, d/b/a Gonzalez y Gonzalez, 192 Mercer St. (W. Houston St. & Bleecker St. NYC 10012 ; and,**

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that if this applicant appears in front of the SLA that the applicant can fully explain how they will bring the above space into compliance with public safety laws and explain why this application should first be approved for an occupancy of only 74 when the applicant intends to increase the occupancy at a later date by at least twice that number to 150 without expanding the physical footprint; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that if this applicant appears in front of the SLA to pursue this application that the applicant incorporate the stipulations stated in this resolution as part of the Method of Operation.

The above resolution was not voted on and the applicant was sent back to the committee.

29. Ark Sub One Corp. d/b/a Gonzalez y Gonzalez, 625 Broadway, NYC 10012

Whereas, the applicant’s legal representative appeared before the committee; and,

Whereas, this is an application for the alteration of a restaurant / bar to relinquish approximately half the space of the existing location so that it may then later be transferred to another entity to operate under the same name, Gonzalez y Gonzalez; and

Whereas, this application is for the transfer of an On Premise license, in a commercial building (block 523 / lot 46) which was a full block length with entrances on both Broadway (625 Broadway) and on Mercer Street (192 Mercer St.) between Bleecker Street and Houston Street, which is being divided in half with the applicant taking the western space with an entrance at 192 Mercer St only with a new size of 5,021 s.f. (3,021 s.f. on the ground floor and 2,000 s.f. in the cellar) for a restaurant / bar with 22 tables and 42 seats, 1 47ft bar with 11 seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states to CB#2, Man. that the previous occupancy for the full space prior to relinquishing space is 282 with 59 tables and 220 table seats and 1 bar (128' 3") with 56 seats and the after the relinquishment of space the occupancy will be 74 with 22 tables with 42 seats and 1 bar (47' 3") with 11 seats.

Whereas, the applicant states that they will not obtain a new certificate of occupancy for the space, but the new future applicant who will subsequently take over the space will obtain one for a proposed occupancy of 150 in the future after first applying for a transfer/new license with an occupancy of 74; and,

Whereas, the applicant stated the hours of operation are Sunday to Saturday from 12:00 p.m. to 4:00 a.m. 7 days a week; there is no sidewalk café and no backyard garden; music includes Live DJ, Live Music and background music only; and,

Whereas, this location originally used Broadway for the main entrance and exit but will now move this to Mercer Street; and,

Whereas, this committee believes this increase flow of traffic and noise on Mercer Street will cause a burden to the residential buildings on Mercer Street; and,

Whereas, this alteration will leave an equally sized space available for use, which could create, if approved, a second SLA license within the space that originally only had one; and,

Whereas, this applicant seems to be attempting to acquire a transferred license at the same time they are attempting to divide and alter the space and CB#2, Man. is concerned that this is possibly the incorrect process and that the applicant needs to apply for a new license and then alter the space; and,

Whereas, there is some question as to whether the applicant operated the location with all the proper permits in place, including if they had a valid permit of assembly for the original space; and

Whereas, the current application is for an occupancy of 74 but the applicant stated that a new future applicant plans to increase the occupancy to 150 persons in the future; and

Whereas, the current applicant is applying for an occupancy of only 74 in a very large location with 5,021 s.f. (3,021 s.f. on the ground floor and 2,000 s.f. in the cellar) with a 47' 3" Bar with only 11 barstools (4ft 3in per bar stool) and 22 tables with 42 seats, so that they can first modify the license and then transfer the license so the new entity can then obtain a liquor license without having to meet the stringent guidelines that are set forth for the express purpose of public safety in larger establishments, and then try to pursue at some undetermined point in the future the proper documents, including a public assembly permit (which is required for premises where 75 or more members of the public gather indoors) and a new certificate of occupancy to increase the occupancy on the same existing footprint by more than double;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the alteration to the On Premise license for **Ark Sub One Corp. d/b/a Gonzalez y Gonzalez, 625 Broadway, NYC 10012; and,**

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that if this applicant appears in front of the SLA that this applicant can fully explain how they will bring the above space into compliance with public safety laws and explain why this application should first be approved for an occupancy of only 74 when a new future applicant intends to first open the location with occupancy of 74 and then at a later date increase the occupancy by at least twice that number to 150 without expanding the physical footprint.

The above resolution was not voted on and the applicant was sent back to the committee.

30. GDP Enterprises, Inc. d/b/a Agozar, 324 Bowery aka One Bleecker St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for the alteration to include a sidewalk café license to a family run Cuban / Spanish restaurant and bar; and,

Whereas, this application is for the alteration of an existing On Premise license to include a sidewalk cafe, in a residential building (block 529 / lot 140) on Bowery between Bleecker and Bond Street for a 1,200 s.f. restaurant / bar with 25 tables and 50 seats, 1 bar with 10 seats, with a maximum legal capacity of 74 persons; and,

***Whereas,** the applicant will be adding to their licensed area an additional 4 tables and 9 seats in the sidewalk café which was not previously a part of the licensed premise; and,

***Whereas,** the applicant stated the hours of operation of the interior of the premise are Sunday from 12:00 p.m. to 10:00 p.m. and Monday through Thursday from 11:30 a.m. to 11:00 p.m. and Friday from 11:30 a.m. to 3:00 a.m. and Saturday from 12:00 p.m. to 3:00 a.m.; they will now add a sidewalk café but no backyard garden; and,

***Whereas,** the applicant, CB#2, Man. and the local neighborhood association had previously agreed in order to resolve ongoing issues and to gain support for the sidewalk café that the outdoor sidewalk café operating hours are Monday through Thursday closing at 11pm and Friday and Saturday closing at 12:00 a.m. and Sunday closing at 10:00 p.m.; and,

Whereas, the applicant agreed that all sidewalk equipment and furniture will be stowed away when the sidewalk café closes at the aforementioned times and acknowledged that this has been a problem over the years; and,

Whereas, the applicant agreed to not have “Sandwich Board” advertisement out on the sidewalk in the public walkway as they have been and will be leaned against the building front only as is the law; and,

Whereas, the applicant agreed to keep the Bleecker Street door closed at all times unconditionally and will be used for emergency egress only; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the alteration of the On Premise license to include the sidewalk café for **GDP Enterprises, Inc. d/b/a Agozar, 324 Bowery aka One Bleecker St., NYC 10012** unless the stipulations agreed to, marked by an * next to the **Whereas** clauses are incorporated into the “ Method of Operation” including the operating hours of the outdoor sidewalk cafe.

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:

31. Andrew Breslin, 15 Greenwich Ave., NYC 10014

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Andrew Breslin, 15 Greenwich Ave., NYC 10014 until the applicant has presented their application in front of the SLA Licensing Committee 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. The Upper Crust, Inc., d/b/a 91 Event Space, 91 Horatio St., NYC 10014

Whereas, the applicants attorney notified CB2 that the applicant was withdrawing their application from CB#2, Man.; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **The Upper Crust, Inc., d/b/a 91 Event Space, 91 Horatio St., NYC 10014 until the applicant has presented their application in front of the SLA Licensing Committee 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.

33. Spring Bar LIC, Inc., d/b/a Spring Bar, 5 Spring St., NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Spring Bar LIC, Inc., d/b/a Spring Bar, 5 Spring St., NYC** 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.

34. Corkbuzz, LLC, d/b/a Corkbuzz, LLC, 13 E. 13th St. NYC 10003

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Corkbuzz, LLC, d/b/a Corkbuzz, LLC, 13 E. 13th St. NYC 10003** until the applicant has presented their application in front of the SLA Licensing Committee 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.

35. Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. aka 184 Mulberry St., NYC 10012

Whereas, the applicants attorney notified CB#2, Man, that the applicant was withdrawing their application from CB2; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. aka 184 Mulberry St., NYC 10012** 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. Yeah Shanghai Deluxe, Inc., 135-137 Grand St., NYC 10013

Whereas, the applicants attorney notified CB#2 , Man. that the applicant was withdrawing their application from CB2; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Yeah Shanghai Deluxe, Inc., 135-137 Grand St., NYC 10013** 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.

37. Paul O' Sullivan, Terence Dunne or entity to be formed, d/b/a The London Irish, 45 Blecker St., NYC 10012

Whereas, the applicants attorney notified CB#2, Man. that the applicant was withdrawing their application from CB2; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Paul O' Sullivan, Terence Dunne or entity to be formed, d/b/a The London Irish, 45 Bleecker St., NYC 10012** 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.

38. An Entity to be formed Hayden Felice is Principle, TBD, 615 Hudson St., NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **An Entity to be formed Hayden Felice is Principle, TBD, 615 Hudson St., NYC until the applicant has presented their application in front of the SLA Licensing Committee 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.

39. Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill, 625 Broadway, NYC 10012

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing or withdrew their application from CB#2, Man.; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill, 625 Broadway, NYC 10012** 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.

40. Garden Café Associates, 40 East 4th St., NYC 10003

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **An Entity to be formed Hayden Felice is Principle, TBD, 615 Hudson St., NYC until the applicant has presented their application in front of the SLA Licensing Committee 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.

41. Naked Lunch, Inc., 17 Thompson St., NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Naked Lunch, Inc., 17 Thompson St., NYC** **until the applicant has presented their application in front of the SLA Licensing Committee 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.

SOCIAL SERVICES AND EDUCATION

1. Cuts to Senior Programs

Whereas, our senior citizens are valuable members of our community, and

Whereas, many elderly people who live in CB#2, Man. are low income and lonely, dependent on senior centers for company, food, and well-being, and

Whereas, the proposed closing of Our Lady of Pompeii and Greenwich House Senior Centers would leave CB#2, Man. with only one Center, The Caring Community on Washington Square North, which, because of the closing last year of the Senior Center at First Presbyterian Church, is overcrowded with two sittings for lunch,

Whereas, our elected officials, Senators Duane and Squadron, and Assembly member Glick, have already worked and voted to restore funding to these vital institutions, and

Whereas, we also are concerned about seniors elsewhere in our city, dependent on the more than 100 centers slated to be closed in the latest New York State budget, as well as seniors who are served by other groups, such as Visiting Neighbors, and

Therefore be it resolved that CB#2, Man. strongly supports all vibrant and essential programs for our seniors and commends our representatives for their efforts and

Therefore be it also resolved that CB#2, Man. urges Governor Cuomo to restore funds to all vital and effective senior centers.

Vote: Unanimous, with 40 Board members in favor.

2. Resolution Regarding Teacher Layoffs

Whereas, Mayor Bloomberg has proposed to reduce the professional staff of New York City public schools by up to 6,000 teachers, and

Whereas, New York City classrooms are overcrowded, well beyond limits recommended by the NYS Court of Appeals (in Campaign for Fiscal Equity vs. New York State. 2003), and are among the most overcrowded in the nation, with numbers particularly high in CB#2, Man., and

Whereas, the city has lost 5,000 teachers in the past two years, cutting many curricula enrichment courses, such as music and art, as well increasing class sizes overall, and

Whereas, high class sizes overburden teachers and prevent students from learning as much as they should and can, and

Whereas, the debate over seniority (Last In First Out) distracts and obscures the true issue, which is the need to prevent any teacher layoffs, **and**

Whereas, New York City is projected to have a budget surplus in 2011, and

Whereas, money spent on the education of our children is a sound investment for the future of our city,

Therefore Be It Resolved that CB#2, Man. strongly opposes any Teacher Layoffs in the next fiscal year, and

Therefore be it further resolved that CB#2, Man. requests that all city officials acknowledge that a sound basic education for our children is required by state law (affirmed by the State court) and that funds for teachers, supervisors, and school construction be allocated to ensure that our children learn.

Vote: Unanimous, with 40 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Support of Various Street Fair Permit Applications

WHEREAS, each of the street fair permit applications listed below include a setup and end time between 8:00 a.m. and 9:00 p.m.; and

WHEREAS, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

WHEREAS, the application of the New Museum/St. Patrick’s Old Cathedral listed as item 3 below has been approved on a one-time trial basis and based on the applicants agreement to turn off all lighting of building facades by midnight; and

WHEREAS, there is no material community opposition to such applications from the public; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

1. 3/27/11- Waverly Block Association, Waverly Place festival, Waverly Pl. bet. Macdougall & Christopher Sts.

Vote: Unanimous, with 40 Board members in favor.

2. 5/7/11- PS 130 Health Fair - Family Day, Hester Street bet. Baxter & Mulberry Streets

Vote: Unanimous, with 40 Board members in favor.

3. 5/7/11-5/8/11- New Museum/St. Patrick's Old Cathedral -- New Jerusalem for a New City, Mulberry Street bet. Houston & Prince Streets

Vote: Unanimous, with 40 Board members in favor.

4. 5/21/11-Parsons Festival at The New School, W. 13th St. bet. Fifth Ave. & Sixth Ave.

Vote: Unanimous, with 40 Board members in favor.

5. 6/4/11-Morton Street Block Party, Morton St. bet. Bedford St. & Hudson St.

Vote: Unanimous, with 40 Board members in favor.

6. 6/20/11-Garden Party 28, West 13th St. bet. 7th Ave. & Greenwich Ave.

Vote: Unanimous, with 40 Board members in favor.

7. 7/9/11-Hudson Square Children Art Studio, Charlton St. bet. Hudson St. & Greenwich St.

Vote: Unanimous, with 40 Board members in favor.

8. 7/23/11-Fed. to Preserve Greenwich Village Waterfront/Greenwich Ave. Fest., Greenwich Ave. bet. 6th & 7th Ave.

Vote: Unanimous, with 40 Board members in favor.

9. 7/30/11-Overseas Chinese Mission, Hester St. bet Elizabeth St. & Mott St.

Vote: Unanimous, with 40 Board members in favor.

10. 8/13/11-Day for Your Health 2011, 227 W. 13 St. bet. 7th Ave. & Greenwich Ave.

Vote: Unanimous, with 40 Board members in favor.

11. 9/1/11-15th Annual New School Block Party, West 12th St. bet. Fifth Ave. & 6th Ave.

Vote: Unanimous, with 40 Board members in favor.

12. 9/24/11- Stonewall Veterans Association/Greenwich Ave. Festival, Greenwich Avenue bet. 6th & 7th Aves.

Vote: Unanimous, with 40 Board members in favor.

13. 10/15/11- Marco Polo Day 2011, Grand St. bet. Mulberry St. and Mott St.

Vote: Unanimous, with 40 Board members in favor.

14. 12/11-12/12/11-Our Lady of Guadalupe, West 14th Street bet. 8th & 9th Avenues

Vote: Unanimous, with 40 Board members in favor.

Denials

2. 8/27/11-Pride Democrats 4th Street Festival, 4th St. bet. 6th Ave. & Washington Square East

WHEREAS, the applicant appeared before the Committee and alleged that its proposed street fair was “taking over” for the street fair previously sponsored by the Washington Square Block Association; and

WHEREAS, the Committee has previously denied the application of the Washington Square Block Association; and

WHEREAS, the applicant could not show any link between its group and the Washington Square Block Association and therefore this is a new application for a multi-block street fair, on which there is currently a City moratorium; and

WHEREAS, the Committee is very concerned about approving new street fairs that do not have a core relationship with the community because of the already large numbers of street fairs that take place annually in our community; and

WHEREAS, the applicant could not meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor must be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit application.

Vote: Unanimous, with 40 Board members in favor.

3. /11/11-Hare Krishna Festival of India, Washington Square South bet. LaGuardia Pl. & Washington Sq. East

WHEREAS, the Hare Krishna Festival has grown over the years and now includes thousands of participants; and

WHEREAS, Washington Square Park is still in the midst of renovations and cannot in its current state accommodate, without significant disruption to the surrounding community, such a large festival and the thousands of attendees who will converge on the area; and

WHEREAS, the applicant could not show any link between its group and the Washington Square Park area and therefore the applicant could not meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor must be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit application.

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

TRAFFIC AND TRANSPORTATION

1. Resolution in support of the revised Jane St. Triangle re-design plan, Alternative #1 (with granite blocks)

Whereas CB#2, Man. thanks the New York City Department of Transportation (DOT) for their responsiveness in re-designing the Jane St. Triangle and then working with CB#2, Man. to revise and refine the design, based on community input; and

Whereas DOT presented two alternative plans, both with a curb extension providing more pedestrian space and safety, both with distinctive paving, tinted concrete, and a colorful planting bed with native species, perennials and shrubs capturing storm water, filtering noise and cleaning air, both with tree trunks limbed up to 7 ft., as requested, providing better sightlines and opening views, and both with standard city circular bike racks (specifications: very solid, durable, securely bolted and embedded in concrete) at the end of W. 4th St. on Jane, to alert approaching motorists that the street ends and provide bicycle parking, with reflectors to add further visual cues at night, and either one will be maintained by the Green Streets program; and

Whereas both contain a granite band referencing the historic street grid of W. 4th St., and DOT will go before the Landmarks Preservation Commission for review of the plan's historical appropriateness in this historic district; and

Whereas Alternative #1 has more trees than Alternative #2 and features granite blocks with a rough surface organically integrated into the landscape and planting bed (which would grow over them) to provide temporary seating for individuals to stop and rest a while before continuing on their way, as opposed to accommodating lengthy stops; and

Whereas Alternative #2 has fewer trees than Alternative #1 and features a bench group hugging the planting space, giving a sense of intimacy and more conducive to long-term congregation; and

Whereas some of the proposed granite blocks combine as double stones (together 8 ft. long), which could overwhelm the planting bed, encourage spreading out and stepping into the plantings; and

Whereas softer lighting is preferred, but DOT has indicated no funds are available for this, but it might be considered down the road and a different bulb might be used for the cobra post in the meantime (there is no funding for historic light posts); and

Whereas two community members representing 31 Jane St. expressed their concern that seating would attract loitering and noise and opposed any seating, but were otherwise in favor of the plan;

THEREFORE BE IT RESOLVED that CB#2, Man. supports the revised Jane St. Triangle re-design plan, Alternative #1 (with granite blocks) with the following provisos:

- The granite strips delineating the historic roadbed need to be clearly visible, yet not in a way to give false clues to drivers that W. 4th St. continues on the Triangle, and, as DOT suggested, something closer to a concrete color should be considered.

- The 8 ft. double granite blocks extruding on the n.e. and n.w. sides need to be cut down to two smaller blocks with planting continuous in between and the other double stone 8 ft. set completely reduced, while all the blocks need to be abbreviated and/or further submerged under the planting bed soil and concealed further by the planting bed growth, providing a more integrated whole and a bare minimum of single seating opportunities for brief resting points.
- A tiny fence around the planting bed, as DOT suggested, should be considered.
- A different bulb for the cobra post that softens lighting should be installed, as DOT suggested, and the use of metal halide lighting should be investigated.
- If the traffic signal overhanging the plaza space cannot be re-accommodated by mounting on posts, its position should be readjusted so as to overhang the intersection and not the pedestrian area.

BE IT FURTHER RESOLVED that, while we are very grateful for the funding already allocated to this project from Speaker Christine Quinn, CB#2, Man. requests that other elected representatives consider applying discretionary funds to the replacement of the existing cobra head light fixture with a more historic alternative better suited to this pedestrian plaza.

Vote: Passed, with 38 Board members in favor and 2 against-(Hearn, Diether)

2. Resolution in support of NYS legislation (Intro A4578/S2977) to authorize NYC regulation of intercity buses through a permit system, as a stopgap measure to provide some relief from unregulated and uncontrolled intercity bus activities.

Whereas an influx of unregulated intercity buses has plagued this community for years and years, taking up curbside space indiscriminately, idling for long periods of time, encroaching on sidewalk space and blocking building access to load and unload passengers, endlessly circling blocks, parking in bus stops and bus lanes, and generally causing increased congestion, noise, air pollution, litter, and decreased safety and security for pedestrians, passengers and residents; and

Whereas New York City has been unable to regulate these intercity buses without New York State authorization and further, the numbers of buses, their frequency, and therefore extent of this industry and its impacts cannot be quantified; there is no method for tracking this activity; and

Whereas New York State legislation (Intro A4578/S2977) has been proposed that would authorize the New York City Council to pass a local law to regulate intercity passenger bus service through a permit system that would include such stipulations as prohibiting intercity buses from picking up and dropping off passengers on city streets without a permit that defines approved pick-up and drop off locations; assigning a city agency to implement and enforce the permitting system; establishing a community board review process for issuing permits and designating locations/relocations for bus pick-up and drop-off; requiring consultation with the MTA in designating locations/relocations for bus pick-up and drop-off and issuance of permits; providing public notice of all permit applications within five days of submission; requiring applicants to obtain five thousand dollar surety bonds; mandating agency review, and approval or denial, within ninety days of submission of application; requiring the display of permits in buses; and prohibiting the adoption of any system until there has been a public hearing; and

Whereas the proposed legislation exempts other buses including especially sight-seeing and charter tour buses. These severely impact our streets and quality of life, cause congestion, and adversely affect pedestrian safety and traffic patterns as a result of lack of control and regulation. They travel, idle and search for parking without regard for the suitability of the street and their routes' effect on the community; and

Whereas the proposed legislation authorizes a maximum \$275 per bus annual fee to be credited to the city as well as civil penalties for violations, minimal charges that would have minimal impact on intercity bus compliance, as compared, for example, with the much higher (and therefore effective) taxi medallion fees; and

Whereas a requirement is needed for establishing limits on the number of permits issued; and

Whereas a more long-term approach is needed, for example, construction of a bus terminal and parking garage or garages, and potential locations have been suggested; and

Whereas coupled with a long-term approach is the need for a holistic scheme to accommodate bus parking needs, including designated parking areas or provision of terminal space, options for pickup and drop-off in other areas outside the city, establishment of outer-borough terminals, and uses of other spaces such as parking lots, as opposed to assignment of piecemeal parking spots, which swallow up street space and can therefore be lost to other uses; and

Whereas there is a need for regulated evaluations, including extensive and frequent safety maintenance of intercity buses and safety and suitability standards and requirements for their drivers, especially in view of a long history of negligence and crashes, some with a devastating loss of lives; and

Whereas deregulation of buses is under the Federal Government's jurisdiction of interstate commerce;

THEREFORE BE IT RESOLVED that CB#2, Man. supports NYS legislation (Intro A4578/S2977) to authorize NYC regulation of intercity buses through a permit system, but only as a stopgap measure to provide some relief from unregulated and wholly uncontrolled intercity bus activities; and

Be it further resolved that CB#2, Man. requests that consideration be given to integrating the regulation of tour (sight-seeing, charter), and other buses into this legislation or that legislation be initiated as soon as possible to address these activities; and

Be it further resolved that CB#2, Man. strongly urges incorporating a much higher fee structure and surety bond in the legislation to help more effectively regulate these intercity buses and curb further proliferation of this activity; and

Be it further resolved that CB#2, Man. asks that guidelines be incorporated to limit the number of intercity bus parking permits issued; and

Be it further resolved that CB#2, Man. urges that development of a long-term, holistic approach to managing and providing parking facilities for intercity buses be initiated immediately, incorporating options for a variety of accommodations, including bus terminals (inner and outer borough), parking garages, municipal and other parking lots, and other out-of-city spaces and central parking areas where passengers can be picked up and dropped off; these should be accessible to public transportation whenever possible and often with an opportunity to walk to destinations from there; and

Be it further resolved that CB#2, Man. urges that provisions for more extensive and frequent safety maintenance inspections and evaluation of intercity buses and strict standards and requirements for their drivers be included in this legislation; and

Be it finally resolved that CB#2, Man. urges federal legislators to address the intercity bus issue that only can be completely resolved on the federal level.

Vote: Failed, with 11 Board members in favor, and 28 in opposition.

3. Resolution requesting a No Parking sign in front of 128-130 Lafayette St. bet. Canal & Howard Sts. (west side).

Whereas the Pure Land Center, a house of worship, has a clergy parking permit for one space in front of 128-130 Lafayette St., where its temple is located; and

Whereas the current regulation in front of this building is No Standing Any Time, which prevents the permitted clergy parking in an allotted space; and

Whereas a No Parking Any Time regulation for one car length is needed to allow for the permitted clergy parking;

Therefore be it resolved that CB#2, Man. requests that a No Parking Anytime sign be installed in front of 128-130 Lafayette St. to permit one car length for clergy parking.

Vote: Passed, with 26 Board members in favor and 12 in opposition.

4. Resolution in support of proposed NYS legislation authorizing the use of automated speed enforcement cameras in NYC

Whereas speeding is the major cause of deadly crashes in New York City, claiming four times more lives than drunken driving and two times more lives than distracted driving; and

Whereas in 2009, 63 people were killed and 2,150 people were injured as the result of speed-related crashes in New York City; and

Whereas pedestrians and cyclists are at a heightened risk of injury in speed-related crashes: if a pedestrian is hit by a car at 40 mph there is an 70% chance the pedestrian will be killed, but if the driver strikes a pedestrian at 30 mph there is an 80% chance the pedestrian will survive; and

Whereas automated speed enforcement cameras, which are already in use in over 70 localities, in the U.S. and many countries in the world, have been shown to reduce all crashes by 14-72% and injuries and fatalities by 40-45%; and

Whereas law enforcement agencies have been given increasing responsibilities without commensurate increases in staffing levels, resulting in chronic under-enforcement of traffic laws, where technology could fill the gap and save lives; and

Whereas automated speed enforcement cameras, when used in conjunction with traditional means of traffic enforcement and public education complement law enforcement's traffic safety efforts; and

Whereas a recently released study by the Insurance Institute for Highway Safety finds that traffic fatalities at intersections equipped with a camera dropped by 26% over a five-year period; and

Whereas legislation is shortly being reintroduced in the New York State legislature to authorize the use of speed cameras in New York City to enforce existing speed limits and complement the efforts of the NYPD; and

Whereas the operations of these cameras are sometimes franchised to third party vendors under an arrangement which creates a vested economic interest in maximizing the quantity of summonses and thus can be seen to provide an incentive to issue summonses under questionable circumstances;

THEREFORE BE IT RESOLVED that CB#2, Man. fully supports passage of this speed enforcement camera enabling legislation in the New York State Assembly and Senate and calls upon the respective houses to pass it as quickly as possible and for the Governor to sign it; and

BE IT FURTHER RESOLVED that CB#2, Man. asks that the NYC Council, Mayor, Department of Transportation and Police Department fully support this legislation; and

BE IT FURTHER RESOLVED that CB#2, Man. suggests that the cameras be operated by the city and not franchised to third party vendors in a fee-per-summons or other revenue-sharing arrangement; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the NYPD consult with community boards for possible placement of cameras, as the communities are well aware of local conditions.

Vote: Unanimous with 40 Board members in favor.

5. Resolution requesting a stop sign at the intersection of Christopher St. & Waverly Pl., and the installation of pedestrian crosswalks

Whereas the intersection at Christopher St. & Waverly Pl. is both busy and confusing to drivers, with Waverly Pl. heading southbound north of Christopher St. and northbound south of Christopher St., so that westbound traffic from Waverly is forced onto Christopher St., while southbound traffic continues along Waverly Pl. into Grove St., while immediately west of the intersection, the traffic is divided, left side for southbound, north side for westbound, all of this creating very limited sight distance and obstructing vision of approaching cars; and

Whereas this unsafe and confusing situation is compounded by relatively high vehicular speeds as drivers approach the intersection from Greenwich Ave. which is a good distance away; and

Whereas there is no crosswalk on Christopher St. at that location, further impairing pedestrian safety and access; and

Whereas there are stop signs for Waverly Pl. traffic on both sides of the intersection, yet there aren't any on Christopher St., and a stop sign on Christopher St. at that location would serve to slow approaching drivers, allowing more time to assess the situation, provide a safer crossing, lessen the potential for vehicular conflicts, and reduce uncertainty; and

Whereas the president of the Christopher East Block Association attended on the Block Association's behalf to support the proposed installation of a stop sign on Christopher St. at Waverly Pl.;

THEREFORE BE IT RESOLVED that CB#2, Man. requests that a stop sign be installed on Christopher St. at the intersection of Waverly Pl., creating a 3-way stop, and that pedestrian crosswalks be installed crossing Christopher St.

Vote: Unanimous with 40 Board members in favor.

6. Resolution requesting no left turns onto Centre St. by vehicles from eastbound traffic on Canal St.

Whereas Canal St. has become a main roadway for greatly increased vehicular traffic to and from Brooklyn and New Jersey, as well as around Manhattan; and

Whereas Canal St. is also a main walkway for local residents and visitors navigating Chinatown and neighboring areas, and accessing public transportation; and

Whereas traffic signals on Canal St. currently allow for left turns onto Centre St. by eastbound vehicular traffic approaching on Canal St.; and

Whereas pedestrian signals on Centre St. on the northern side of Canal St. currently are calibrated to prevent pedestrians from crossing the street until eastbound vehicles on Canal St. that are heading north can make left turns first onto Centre St.; and

Whereas many pedestrians do not adhere to the ‘Do Not Walk’ pedestrian signal or posted signage cautioning to wait for the walk signal, and instead choose to cross the street and put themselves at risk rather than endure the added wait time; and

Whereas many vehicles turning left do so at high speeds which may endanger pedestrians crossing the street against the guidance of signals; and

Whereas when pedestrian signals finally allow pedestrians to cross Centre St., many vehicles coming eastbound on Canal St. rush to make a left turn onto Centre St. before westbound vehicular traffic on Canal St. is allowed to pass, thereby causing the turning vehicles from Canal St. eastbound to come into extremely close contact with pedestrians crossing Centre St. with the right-of-way, as well as to block one lane of westbound vehicular traffic on Canal St.; and

Whereas a member of Community Board 2 Manhattan’s (CB2) Traffic & Transportation Committee filmed several minutes of the aforementioned traffic conditions on the corners of Centre St. on the northern side of Canal St. in order to document the typical risky behavior exhibited by pedestrians and vehicles, even when a traffic officer was on duty (Part 1 - http://youtu.be/YWaeV9FPG_w Part 2 - <http://youtu.be/65TVmFOVUKM> Part 3 - <http://youtu.be/Y2JRPirZBhw> Part 4 - http://youtu.be/_5N1z72dXNg);

Therefore be it resolved that CB2 requests that the NYC Department of Transportation analyze the intersection of Centre St. and Canal St. and prohibit left turns onto Centre Street by vehicles from eastbound Canal St.

Vote: Failed, with 6 Board members in favor, 25 in opposition and 7 abstentions.

7. Application to operate a pilot pop-up café shared by Tea Spot (Viejo Group LLC), 127 MacDougal St. and La Lanterna (Enoteca, Inc.), 129 MacDougal St (bet. W. 3rd & W. 4th Sts.

Whereas Tea Spot (length 19’3”) representative Gabriela Arzola and La Lanterna (length 20’4”) representative Vitorio Antonini presented their proposal for a shared pop-up café of approximately 450 s.f. with 12 tables and 24 chairs; and

Whereas Tea Spot serves wine and beer, and La Lanterna has a liquor license, but both fully understand that no liquor of any kind is allowed to be consumed in the outdoor space; and

Whereas the applicants affirmed to the committee their understanding of the requirements regarding free public access to the outdoor seating area and prohibitions against alcohol consumption and smoking, and will post signage to that effect as required by the pilot program guidelines; and;

Whereas Tea Spot's operating hours are Sun.-Thurs. 9am-11pm/Fri-Sat 9am-2am and La Lanterna's are 10am-3am, and both have been told that CB#2, Man. would require their pop-up café to close no later than 9 pm; and

Whereas parking regulations are No Standing Except Truck Loading and Unloading 7am-6pm and No Standing 6pm-7am; and

Whereas there will be no menus, and patrons, as required, will order food inside, but the proprietors would like their staff to bring the food out and serve it; and

Whereas surrounding uses are predominantly commercial and institutional, and the few residential tenants have been advised of the pop-up café plans and are supportive; and

Whereas the décor will include umbrellas and planters, the wooden platform will have removable panels to facilitate cleaning, and café furniture will be stored nightly in a gated area and the platform area secured in such a manner as to prevent after hours use;

Therefore Be It Resolved that CB#2, Man. recommends approval of a pilot pop-up café shared by Tea Spot (Viejo Group LLC), 127 MacDougal St., and La Lanterna (Enoteca, Inc.), 129 MacDougal St., for 2011-2012 Conditional Upon Their Agreeing To:

- 1- Close the café at 9pm seven days a week (weekdays & weekends).
- 2- Patrons both ordering food inside and taking it outside themselves (no waiter/waitress service).

Vote: **Failed**, with 9 Board members in favor (K. Berger, I. Dutton, E. Gilmore, F. Morellet, D. Reck, E. Roeder, W. Schlazer, S. Secunda, A. Wong), and 31 in opposition.

8. Application to operate a pilot pop-up café for Salume (Paradox Ventures, LLC), 330 West Broadway.

Whereas Salume (length 25') representative Michele Columbo presented his proposal for a pop-up café, 24' x 6', serving panini, with 4 tables and 16 chairs; and

Whereas Salume serves wine and beer, but its proprietor fully understands that no liquor of any kind is allowed to be consumed in the outdoor space; and

Whereas the applicant affirmed to the committee his understanding of the requirements regarding free public access to the outdoor seating area and prohibitions against alcohol consumption and smoking, and will post signage to that effect as required by the pilot program guidelines; and;

Whereas Salume's operating hours are 8am-8pm daily (Mon.-Sun.), which also would be the pop-up café's hours, with the proprietor willing to close earlier; and

Whereas the proprietor indicates that patrons will be required to order food inside and bring it out for themselves; and

Whereas the décor will include a wooden deck and foldable tables and chairs with plantings such as rosemary, cleaning will be frequent with extra trash receptacles to avoid litter, and café furniture will be stored nightly inside; and

Whereas parking regulations are No Standing 11pm-7am incl. Sun. and No Parking 8pm-6pm Mon.-Fri., which would leave the café unprotected by parking for two hours and vulnerable to traffic; and

Whereas a great many people spoke at the meeting and numerous letters were received in opposition to the proposed café, citing the potential for an adverse precedent as well as additional noise and mayhem in an already over-saturated area; and

Whereas the road geometry on that street is a major concern, with a two-way street going into a one-way street, and the through traffic coming out of the Holland Tunnel which is directed up West Broadway; and

Whereas the potential to attract vendors with food carts, some of who, it was said, hang out across the street and others who are currently not operating in this vicinity but are a nuisance elsewhere, to use and overrun the café was cited;

Therefore Be It Resolved that CB#2, Man. recommends denial of a pilot pop-up café for Salume, (Paradox Ventures, LLC), 330 West Broadway.

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

9. Application to operate a pilot pop-up café for Housing Works Bookstore Café (Housing Works Used Book Café), 126 Crosby St.

Whereas the Housing Works Bookstore Café (length 37'7") representative Susannah Lupert presented their proposal for a pop-up café the length of two cars x 6', with no more than 6 tables and 12 chairs; and

Whereas the Housing Works Bookstore Café serves wine and beer, but fully understands that no liquor of any kind is allowed to be consumed in the outdoor space; and

Whereas the applicant affirmed to the committee her understanding of the requirements regarding free public access to the outdoor seating area and prohibitions against alcohol consumption and smoking, and will post signage to that effect as required by the pilot program guidelines; and

Whereas the Housing Works Bookstore Café's operating hours are Mon.-Fri. 10am-9pm/Sat.&Sun. 10am-5pm, which also would be the pop-up café's hours; and

Whereas patrons will be required to order food inside and bring it out for themselves; and

Whereas the design will most likely be created pro-bono by architects who have helped Housing Works before, frequent cleaning will be done primarily by volunteers who customarily sweep and clean the streets there, and café furniture will be stored nightly inside the facility's 5,000 s.f. basement and the platform area secured against after hours uses; and

Whereas parking regulations are No Parking Mon.-Fri. 8am-6pm, which would leave the café unprotected by parking much of the time and vulnerable to traffic; and

Whereas the applicant is intending to look into handling installation on the cobblestone street; and

Whereas 100% of the Housing Works Bookstore Café's profits go to Housing Works, Inc., a nonprofit organization dedicated to aiding the homeless and those with HIV/AIDS, almost entirely volunteer run with donated books, music and movies, and looks to the pop-up café as both providing a local green space/amenity and achieving more visibility and charitable support;

Therefore Be It Resolved that CB#2, Man. recommends approval of a pilot pop-up café for Housing Works Bookstore Café (Housing Works Used Book Café), 126 Crosby St. for 2011-2012 Conditional Upon:

- 1- Parking rules being adjusted to provide shielding by motor vehicles.
- 2- Installation that avoids damage to the cobblestones on the street.
- 3- Patrons both ordering food inside and taking it outside themselves (no waiter/waitress service).

Vote: **Failed**, with 14 Board members in favor (K. Berger, I. Dutton, E. Gilmore, S. Greene, S. Kent, A. Kriemelman, J. Mansfield, J. McCarthy, F. Morellet, D. Reck, E. Roeder, W. Schlazer, S. Secunda, A. Wong), and 26 in opposition.

10. Application to operate a pilot pop-up café for Le Pain Quotidien (PQ 8th Street, Inc.), 10 Fifth Ave., café to be located on the 8th St. side.

Whereas Le Pain Quotidien (length 75'3") representatives Eka Arakhamia and Jessica Fougner presented the applicant's proposal for a pop-up café serving breakfast, brunch and lunch, with 7 tables and 28 chairs; and

Whereas Le Pain Quotidien serves wine and beer, but fully understands that no liquor of any kind is allowed to be consumed in the outdoor space, and intends to continuously monitor for infractions so as not to jeopardize its liquor license; and

Whereas the applicants affirmed to the committee their understanding of the requirements regarding free public access to the outdoor seating area and prohibitions against alcohol consumption and smoking, and will post signage to that effect as required by the pilot program guidelines; and

Whereas Le Pain Quotidien's operating hours are 7:30am-8:30pm Mon.-Fri and 8am-8:30 pm Sat. & Sun., with closing often at 7:00 or 7:30 pm, which also would be the pop-up café's hours; and

Whereas patrons will be required to order food inside and bring it out for themselves, and biodegradable plates and cutlery will be used; and

Whereas the décor will include reclaimed wood folding tables and chairs, rustic iron barriers and planters in a Belgian motif and wooden market umbrellas with black fire-resistant fabric, a designated person will clean frequently, and recyclable trash receptacles will be provided, and café furniture will be stored nightly inside and the platform area will be secured against after hours use; and

Whereas parking regulations are No Standing 11pm-6am incl. Sun., No Parking 7:30 am-8am, except Sun., and one-hour muni-meter parking 8am-10pm, except Sun.; and

Whereas a petition signed by just short of 100 residents living within a two block radius was received in support of the Le Pain Quotidien pop-up café, which also has received full support from the residents in the building it occupies; and

Whereas Le Pain Quotidien will assume full insurance liability for the space;

Therefore Be It Resolved that CB#2, Man. recommends approval of a pilot pop-up café for Le Pain Quotidien (PQ 8th Street, Inc.), 10 Fifth Ave. café to be located on the 8th St. side, for 2011-2012.

Vote: **Failed**, with 18 Board members in favor (S. Ashkenazy, T. Bergman, A. Brandt, H. Campbell, I. Dutton, E. Gilmore, J. Hamilton, B. Hoylman, S. Kent, J. Mansfield, J. McCarthy, F. Morellet, D. Reck, E. Roeder, W. Schlazer, S. Secunda, A. Wong, E. Young), and 21 in opposition.

11. Application to operate a pilot pop-up café for Local (Local Shop Inc.), 144 Sullivan St. bet. Houston & Prince Sts.

Whereas the Local (length 9'7") representative, owner Donald Craig Walker presented his proposal for a pop-up café with 3-4 small tables and 2 chairs per table; and

Whereas Local serves a small amount of wine and beer, but fully understands that no liquor of any kind is allowed to be consumer in the outdoor space and will post signage to this effect and also the recently enacted ban on smoking by the City Council; and

Whereas Local fully understands the requirement for the general public to utilize this café's space along with patrons and will ensure that their signage shows that the space is open to the public, in fact, welcomes their neighbors to participate as part of the local life on this small, intimate, friendly street; and

Whereas Local's operating hours are 7:30am-6pm seven days a week, but there is the possibility of later summertime hours, and they were very agreeable to closing the outdoor space at 9pm; and

Whereas patrons will be required to order food inside and bring it out for themselves; and

Whereas the décor will include umbrella tables and chairs, planters and the use of sea grass similar to that in the garden that Local plants by the tree in front; daily cleaning and hosing (as is done now) will be done with the café, and café furniture will be stored nightly indoors and the platform area secured against after hours use; and

Whereas parking regulations are No Parking Mon & Thurs. 11am-12:30 pm; and

Whereas a petition signed by just short of 200 residents living within a two block radius was received in support of Local's pop-up café; and

Whereas several letters of support from Local neighbors were received, and many expressions of support were given at the meeting, favoring the pop-up café and attesting to the owner's dedication to the community as a resident of an adjacent block for 22 years, his participation in neighborhood improvement, his provision of a community meeting place and his acting as a caretaker; and

Whereas Local presently has insurance for the restaurant and will investigate extending the insurance for the cafe;

Therefore Be It Resolved that CB#2, Man. recommends approval of a pilot pop-up café for Local (Local Shop Inc.), 144 Sullivan St. bet. Houston & Prince Sts. for 2011-2012 Conditional Upon Their Agreeing to close the outdoor space no later than 9pm.

Therefore Be It Further Resolved Local's pop-up café shall remain open no later than 9 pm and no third party advertising of any kind will be allowed in the space.

Vote: Passed, with 33 Board members in favor, and 5 in opposition (D. Diether, M. Johnson, R. Riccobono, R. Sanz, S. Sweeney), and 3 abstentions (C. Booth, M. Derr, R. Stewart).

12. Application to operate a pilot pop-up café for Chez Jacqueline (Chez Jacqueline Rest Inc.), 32 MacDougal St.

Whereas the Chez Jacqueline (length 36'8") representative and president Frank Giraldi presented their proposal for a pop-up café with either 5 tables with 4 chairs or 10 tables with 2 chairs; and

Whereas Chez Jacqueline has a liquor license, but fully understands that no liquor of any kind is allowed to be consumed in the outdoor space; and

Whereas the applicant affirmed to the committee his understanding of the requirements regarding free public access to the outdoor seating area and prohibitions against alcohol consumption and smoking, and will post signage to that effect as required by the pilot program guidelines; and

Whereas Chez Jacqueline's operating hours are 12pm-1am daily and they would like to operate the café 8am-11pm, but has been told that Community Board No. 2 Manhattan (CB2) would require their pop-up café to close no later than 9 pm, to which they are agreeable; and

Whereas parking regulations are No Parking 11am-12:30 pm Tues. & Fri.; and

Whereas patrons, as required, will order food inside, but the proprietor would like their staff to bring the food out and serve it; and

Whereas the design will be similar to that of the existing pop-up café on Pearl St. with folding chairs and tables, umbrellas and planters, cleaning will be similar to that done now with daily scrubbing and hosing, and café furniture is planned to be stacked and stored nightly in a roped off area outside and the area secured against after hours use;

Therefore Be It Resolved that CB#2, Man. recommends approval of a pilot pop-up café for Chez Jacqueline (Chez Jacqueline Rest Inc.), 32 MacDougal St., for 2011-2012 Conditional Upon Their Agreeing To:

- 1- Close the café at 9pm seven days a week (weekdays & weekends).
- 2- Patrons both ordering food inside and taking it outside themselves (no waiter/waitress service).

Vote: **Failed**, with 5 Board members in favor (K. Berger, I. Dutton, F. Morellet, E. Roeder, W. Schlazer) and 1 abstention (L. Rakoff).

NEW BUSINESS

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan