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Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** December 20, 2012  
**TIME:** 6:00 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Richard Caccappolo, Lisa Cannistraci, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Cristy Dwyer, Robert Ely, Robin Goldberg, David Gruber, Chair, Community Board #2, Manhattan (CB#2, Man.), Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Dodge Landesman, Alexander Meadows, Florent Morellet, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Chenault Spence, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth,

**BOARD MEMBERS EXCUSED:** Heather Campbell, Denise Collins, Doris Diether, Joshua Frost, Sasha Greene, Raymond Lee, Edward Ma, Judy Paul, Wendy Schlazer, Richard Stewart, Elaine Young

**BOARD MEMBERS ABSENT:** Gideon Gil

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

**GUESTS:** Senator Tom Duane, Laura Morrison and Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Harry Pincus, Micki McGee, David Chester, Spring Fairbank, Christine Russo, David Ludwigson, T.J. Luty, Elaine Goldman, Charles McCoy, Judith Callet, Elisabeth Purcell, Richard Gambs, Diana Kerz, Lora Tenenbaum, Marna Lawrence, David Karlin, Joseph Manoleas, Angela Liang, C.W. Ballantine, Merdeith Nowikowski, Soraya Larson, Andrew Berman, Susan Needles, J. Friedlander, Minerva Durham, Timothy Rosser, Edwin Marshall, Ivan Schonfeld, Harry Kendall, George Schieferdecker, Jared Gordon, Jesse Wilson, Don Barnett, Paul Aquasanta, Jerry Spano, Anthony Fierro, Daniel Ballen, Ron Merino, Lee Silberstein, Janet Kane, Adam Lippes, Tyler Wilkins, Jane Li, David Poster, John Johnson, Karen Dean, Brent Langton, Maria Koulloufas, Al DiRaffaele, Paul Kearney, Kenny Ross, Cindy Little, Zella Jones, Michele Campo, Georgette Fleischer, Lincoln Anderson, Peter Liebowitz

**MEETING SUMMARY**

Meeting Date –December 20, 2012  
Board Members Present – 37  
Board Members Excused–11  
Board Members Absent - 1

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**II. PUBLIC SESSION**

**Non-Agenda Items**

Richard Gamba spoke.

Florent Morellet spoke.

150 Charles Street

Brent Langton spoke against this premise.

Multiple Topics

Andrew Berman spoke regarding several topics.

Bellevue Community Advisory Board Needs

Lois Rakoff spoke regarding Bellevue’s request for clothing, books and toys for the hospital after the Hurrican Sandy flooding.

Districting

Jane Li spoke regarding this topic.

**Executive Committee Items**

Manhattan Borough Board Resolution for Good Jobs & Responsible Development

Lenore Friedlander spoke in favor of the resolution passed by Manhattan Borough President Scott Stringer.

## **Land Use and Business Development Items**

### Application to City Planning Commission pertaining to 150 Wooster Street

Peter Liebowitz, Ivan Schonfeld, and Jeffrey Spano, all representing the applicant, spoke in favor of the proposed amendment and modification.

Application for a “minor modification” to an earlier ULURP to facilitate use of the roof of God’s Love We Deliver, 180 Sixth Avenue as required open space for a new residential development of a merged lot  
Don Barnett, Spring Fairbank, George Schieferdecker, Adam Lippes, Paul Kearney, T.J. Luty, and Cindy Little, spoke in favor of the modification.

David Chester, Micki McGee, Kenny Ross, Elisabeth Purcell, Harry Pincus, and Judith Callet, spoke against the modification.

Application to Board of Standards and Appeals 299-12-BZ for a variance for 40-56 Tenth Avenue  
Christine Russo spoke against the building proposal.

Application by New York University to the Board of Standards and Appeals pertaining to 730 Broadway \  
Zella Jones spoke in favor of the zoning proposal, with modifications.

## **Parks, Recreation & Open Space**

### Proposal for Vendor Food Cart in Petrosino Square

Marna Lawrence, Georgette Fleischer, Timothy Rosser, and Minerva Dunham, spoke against the proposal.

Lora Tenenbaum and Michele Campo spoke regarding the proposal.

## **SLA Licensing Items**

### Hud Bar 01, LLC, 501 Hudson St.

David Poster spoke against the proposed new beer and wine license.

Elaine Goldman spoke regarding the proposed beer and wine license.

## **Traffic and Transportation Items**

### Request for No Parking 8 am to 6 pm weekdays on south side of Barrow St. bet. Bleecker & Bedford Sts.

Lisa Cannistraci spoke against the parking change proposal.

## **III. ADOPTION OF AGENDA**

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

Senator Tom Duane

Laura Morrison and Robert Atterbury, Senator Tom Duane’s office

Mary Cooley, Senator Daniel Squadron’s office;

John Ricker, NYC Comptroller's office;

Hannah Friedman, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas-Castaneda, Council Member Rosie Mendez's office,

## **V. ADOPTION OF MINUTES**

Adoption of November minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** David Gruber reported

2. **Treasurer's Report** Anthony Wong submitted a report.

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

### **4. Manhattan Borough Board Resolution for Good Jobs & Responsible Development**

**Whereas**, responsible economic development can be a boon to a community, its residents and workers;  
and

**Whereas**, economic development performed in an irresponsible manner can be both a danger to the community, as well as result in the mistreatment of workers; and

**Whereas**, real estate developers with records of irresponsible behavior may have appeared before Community Boards, or may appear before Community Boards in the future; and

**Whereas**, the Manhattan Borough Board has been requested to support the fair and equitable treatment of all workers by all employers at all times; and

**Whereas**, all workers have the right to seek fair and just compensation for their services, including wages, benefits, training and opportunity to advance, and the right to join together to collectively bargain with any employer in seeking such compensation, without fear of reprisals; and

**Whereas**, workers who are paid family sustaining wages, with affordable health care and retirement benefits help create strong communities, a strong middle class and a growing local and national economy;  
and

**Whereas**, many labor unions, community-based organizations and responsible employers work diligently to ensure job security, industry standard wages and benefits, safety training, advancement opportunities, secure retirement, and affordable family healthcare for their members, constituents and employees;

**Therefore, be it is resolved**, that the Manhattan Borough Board strongly supports the rights of all workers, union and nonunion alike, within its borders and beyond, to seek and receive the industry standard wages and benefits for their services; and

**Be it Further Resolved**, that the Manhattan Borough Board strongly supports the rights of all workers to seek to organize as a collective bargaining unit to negotiate with their employer, as provided by law, to secure the industry standard wages and benefits for their services; and

**Be it Further Resolved**, that the Manhattan Borough Board shall call upon all employers who appear before the Community Boards to engage, without undue delay, in meaningful, good-faith discussion and negotiation as may be necessary to assure that the rights of all parties are recognized, respected, and protected under the law in a timely and expeditious manner; and

**Be it further Resolved**, that Manhattan Community Boards shall call on all developers and/or property owners who appear before the Board or who have a request before the board to publish their plans to ensure that the workers performing the construction, operations or maintenance on the building to receive appropriate training including opportunities through apprenticeship programs that they participate in, and an opportunity to advance in their career; and

**Be it Further Resolved**, that Manhattan Community Boards shall call on all developers and/or property owners who appear before the Board or who have a request before the board to submit their plans to ensure that all construction managers, general contractors, contractors and subcontractors provide a workplace that is safe for the workers, the nearby homes and businesses, pedestrians and traffic near the site as part of their application process.

Vote: Unanimous, with 37 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **1<sup>ST</sup> LANDMARKS MEETING (OCTOBER)**

**LPC Item: 123 Washington Place (6<sup>th</sup>/Grove)** - Greenwich Village Historic District  
Application is to construct a rear-yard addition, alter a dormer window, and excavate the rear yard.

**Whereas**, the dormer alteration and the introduction of copper there is acceptable; but

**Whereas**, several neighbors either attended the meeting or sent emails objecting to the excavation work in the rear yard, fearing for the stability and integrity of their buildings; but

**Whereas**, the applicant stated that most of the excavation work will not directly abut the neighbors' foundation – except at the neighbor's back house in the rear – because there will be a buttress of soil on the sides, a technique that we recommend for the back house as well; now

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

Vote: Passed, with 36 Board members in favor, and 1 recusal (R. Sanz)

## 2<sup>ND</sup> LANDMARKS MEETING

**1 - LPC Item: 38 Greene Street, aka 90-94 Grand Street** – SoHo Cast-Iron Historic District. Application is to paint the façade

**Whereas**, the proposal to paint the brickwork and limestone in order to waterproof it was met with astonishment and incredulity.

First, this masonry has never been painted in its 145 years. Nor are there other buildings in the district whose masonry was permitted to be painted. Why start now?;

Second, once painted, it will always need painting;

Third, yes, painting will waterproof it. However, that is not good for the bricks. Bricks need to breathe. Painting will lock in the water. The bricks will not be able to breathe and eventually this can lead to spalling. So painting is not the solution; rather, it could exacerbate deterioration of the masonry; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application and recommends that the applicant explore other options.

Vote: Unanimous, with 37 Board members in favor.

**2 - LPC Item: 107 Greenwich Avenue (Jane/W12)** – Greenwich Village Historic District. Application is to alter the rear façade, excavate the cellar, construct a rear-yard addition, and to construct a rooftop bulkhead.

**Whereas**, the bulkhead is only minimally visible; and

**Whereas**, the excavation at the basement level shouldn't cause any harm; and

**Whereas**, regarding the rear façade, the architecture is appropriate in terms of the massing and the openings; but

**Whereas**, we do not wish to encourage historically incongruous windows. Since the façade is being substantially reworked, now is a great time to restore the fenestration to a more appropriate style: not single pane tilt windows as proposed, but a traditional divided window that better suits a building of this age; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application with the exception of the single-pane windows, desiring a traditional, divided, double-hung window instead.

Vote: Unanimous, with 37 Board members in favor.

**3 - LPC Item: 12 MacDougal Alley** – Greenwich Village Historic District  
Application is to increase the height of the parapet and install a railing and rooftop mechanical equipment.

**Whereas**, there is really no place else on the roof to place the AC unit, which will be almost completely hidden by the proposed parapet and railing; and

**Whereas**, the proposed parapet wall will employ materials, style and massing that will not significantly detract from the building; and

**Whereas**, the proposed railing is an improvement from what exists; now

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

Vote: Unanimous, with 37 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

### **1. Application for a “minor modification” to an earlier ULURP to facilitate use of the roof of 180 Sixth Avenue as required open space for a new residential development of a merged lot**

#### **Whereas:**

#### **1. (Regarding application information.)**

- a. The application was first presented to the Land Use Committee at a public hearing on 11/12/2012 by a group of ten people including Karen Pearl of Gods Love We Deliver as well as representatives of the Department of Citywide Administrative Services and the Department of City Planning.
- b. The application was laid over until the December meeting to allow an opportunity for the project participants to seek to reduce the impacts of their project of neighbors.
- c. GLWD and their representatives as well as representatives of the mixed-use development appeared again at this public hearing to respond to additional questions.
- d. This is an application by the New York City Department of Citywide Administrative Services for the modification of a use restriction affecting 166-174 Sixth Avenue, a building owned and operated by God’s Love We Deliver.
- e. The property was sold to GLWD in 1993 by the City of New York with a limitation on the use to specific community facility uses.
- f. The modification will allow the 6<sup>th</sup> Floor roof of an enlarged building to be used by residents of a new mixed-use building to be built at 176-180 Sixth Avenue, the adjacent vacant lot to the north.
- g. The proposed modification will permit modification of a corresponding use restriction of the deed which in turn will facilitate the transfer of excess floor area from the community facility to the residential development.
- h. There will be a payment from GLWD to DCAS in connection with the modification but GLWD withheld information regarding the amount of the payment stating that negotiations with the City were continuing.
- i. The transfer of air rights from the community services building to the mixed-use development was represented to be as-of-right even though the rights pertain to property that is restricted to community services use.
- j. Committee members expressed concern regarding precedent implied in the modification of the deed restriction.

#### **2. (Regarding God’s Love We Deliver.)**

- a. GLWD is a not-for-profit group founded in 1985.
- b. Originally founded in response to the AIDS pandemic, the group responds to the crises faced by people with life-altering illnesses who are too sick to shop and cook for themselves, and their families.
- c. The group engages the community through community nutritional education and outreach through over 180 linkage agreements with other community-based providers and also through 8000 volunteers.
- d. GLWD has grown 60 percent over the past five years, serving families in all five boroughs and beyond.

- e. GLWD has outgrown its space and seeks to continue to continue its work from its current location by increasing the size of its facility from 18,00 square feet to 41,000 square feet.
- f. The expansion will allow the group to double the number of meals they cook and deliver each year.
- g. To enable the group to fund its expansion, they are seeking to transfer air rights to the residential project on the adjacent vacant lot.

**3. (Regarding the project impact and community response.)**

- a. At the public hearing held on 11/12/12, numerous neighbors spoke passionately regarding their belief that the mixed-use project would create harm to their quality of life.
- b. CB2 has also received emails from neighbors objecting to the project.
- c. At the hearing, several people spoke in favor of the project, citing the important work of GLWD.
- d. CB2 has received 250 form postcards, including many from neighbors, in support of the project
- e. While a “minor modification” in form, the proposal will enable the transfer of substantial air rights by facilitating the use of these air rights by allowing additional open space availability for the mixed-use development.
- f. The proposed mixed-use development is a 82,515 square foot building consisting of 79 dwelling units, 14,470 square feet of commercial retail space, and 1,300 square feet of residential amenity space.
- g. The most significant changes to the mixed-use development, as presented in the application, as compared to what may have been developed without the air rights transfer are an increase in 25 additional dwelling units and 30-foot additional width of the building.
- h. Committee members expressed specific concerns about the impact of the rear yard obstructions on lower floor neighbors to the east and especially on the loss of light and air to adjacent apartments with air-shaft type windows to the north.
- h. While CB2 is proud to be the home of this important life-sustaining group.

**4. (Regarding additional information provided to the full board.)**

At the 12/20/12 meeting of Community Board 2, Gods Love We Deliver and QT Development presented the results of their efforts to lessen the impacts of the mixed-use project as follows:

- a. QT will reconfigure a rear yard stairway to reduce the extent to which rear yard obstructions will block light and air to residents of adjacent buildings.
- b. QT will at its sole expense fully provide and maintain in perpetuity attractive landscaping on the entirety of the roofs of rear yard obstructions including the planting of trees. QT will engage neighbors in the design of this landscaping and will also offer to plant vines to cover the walls of the rear yard extensions. Commitments to perpetual maintenance will be appropriately included in condo offering plans and rules.
- c. QT will offer to install new sound attenuating windows on all south facing windows at 188 Sixth Avenue and will offer to provide and install window air conditioners in each apartment in this building that faces the construction site, including providing, if required by the building owner, new electrical service adequate for such units to each apartment from the corresponding meter. All work will be completed prior to start of construction on the GLWD and QT projects.
- d. QT and GLWD will continue to work with neighbors to seek to develop project modifications and/or amenities that will reduce the impact of this project on their quality of life both during construction and upon completion.

**Therefore it is resolved that CB#2, Man.**

1. Regarding the request for a modification to the use restriction: *recommends approval if the agreements contained herein are complied with, but notes that modification of a use restriction is an extraordinary measure warranted in this instance only by the specifics of the affected organization and underlying conditions*
2. Regarding efforts to reduce impacts of this project on neighbors: urges the City Planning Commission and the Council Member to assist as needed to develop appropriate means to stipulate as needed to assure compliance with agreements contained herein.

Vote: Passed, with 21 Board members in favor, and 14 in opposition (P. Consagra, C. Dawson, C. Dwyer, R. Ely, R. Goldberg, A. Hearn, S. Kent, L. Rakoff, R. Riccobono, R. Rothstein, M. Schott, C. Spence, S. Sweeney, S. Wittenberg, and A. Wong).

**2. Application to City Planning Commission C 120201 ZSM pertaining to 150 Wooster Street, on the east side of Wooster between Prince and West Houston**

**Whereas**

**1. (Regarding application information.)**

- a. The application was presented to the committee by Jerry Spano for MTM Associates LLC, with George Schieferdecker of BKSK Architects, Peter Liebowitz of AKRF, Inc., and Ivan Schonfeld of Brian Cove.
- b. The application seeks to facilitate the construction of an 8-story, 35,853 square foot, residential building with retail on the ground and cellar levels in an M1-5A zone within the Soho Cast Iron Historic District.
- c. 150 Wooster Street is a property consisting of two lots including a single story garage building currently in use for retail that would be demolished and a vacant lot currently used for parking.
- d. The design for the new building façade was approved in May, 2012, by the CB2 Landmarks Committee and a Certificate of Appropriateness was issued by the Landmarks Commission in October, 2012.
- e. The requested actions are (1) a text to amend Section 74-712 of the Zoning Resolution and (2) a special permit under 74-712 to permit residential use through the building and ground floor and cellar retail use, and to allow a waiver of height and setback regulations.
- f. Section 74-712, allowing special permits for modification of use and bulk regulations on vacant sites and sites on which no more than 20 percent of the lot area is covered in M1-5a and M1-5b zones was added to the Zoning Resolution in 1997 and amended in 2003, with participation and support of the Soho community, “to facilitate development of vacant lots and help strengthen the historic districts’ built character.”

**2. (Regarding the request to amend 74-712.)**

- a. The proposed text amendment would allow special permits on sites on which lot coverage is 40 percent or less
- b. The application states that a study was performed to show that there are two other similar sites that would be affected by this change, allowing demolition of garage buildings to facilitate construction of larger infill buildings.
- c. 74-712 provisions were well-considered during public and agency reviews with specific goals relating to improvement of the landmark district.
- d. The intent of 74-711 was never to facilitate the demolition of garage buildings and this is not a goal the community board has ever supported.

- e. The application does not discuss any benefits of the change relating to the purposes of Section 74-712 or benefits to the landmark district.
  - f. The application states that the garage building is not a contributing building to the historic district, and on 10/12/12 LPC issued a COA wherein, in reference to the garage, it is stated that “the existing building does not contribute to the historic district and its demolition will not detract from the special historic and architectural character of the historic district.”
  - g. But confidence that this COA is based reasonable and consistent policy is impossible because a earlier contradictory COA issued by LPC to the same applicant on 2/22/2008 states “the Commission noted that 150 Wooster Street is a one-story garage building; and that the building’s style, scale, materials, and details contribute to the special architectural and historic character of the Soho-Cast Iron Historic District.”
  - h. The garage building is a handsome early 20<sup>th</sup> Century structure with a recently restored historically consistent and elegant facade, one of three similar buildings on the block, and a common building type in Soho creating variety and interesting views, with many also serving as needed light and air resources for nearby buildings in densely built areas.
  - i. The purposes of 74-712 will be well served with the development of a smaller in-fill structure built on the parking lot alone, leaving the garage in place.
  - j. While the applicant stated that the allowed FAR would then result in a much taller building, such a tower would not be approved in the historic district.
3. ***(Regarding the request per 74-712 to allow residential use on all floors.)***
- a. The requested use modification would allow residential use on all floors including guest bedrooms in the cellar for rental to building residents, an unusual feature that requires a deeply excavated sunken garden.
4. ***(Regarding the request per 74-712 to allow retail use below the level of the second floor.)***
- a. The use modification would allow retail below the level of the second floor including up to 6000 square feet of retail on the ground level and up to 3000 square feet in the cellar.
  - b. If available for a single store, this large size is likely to attract out of character retail more typical of the M1-5b zone along Broadway.
  - c. The desirability of restricting retail stores in the M1-5a zone to 3600 square feet is recognized in 42-14(D)(2)(a).
  - d. The developer stated at the hearing that the intent was to divide the space, but no commitment was made.
5. ***(Regarding the request per 74-712 to modify height and setback regulations.)***
- a. The requested waiver would allow the building to rise to 89 feet before a full setback, 4 feet more than allowed on a narrow street.
  - b. The waiver is not significant for the building because the retail and residential ceiling heights are ample and can easily accommodate the small reduction, but it increases the overall height of the building and worsens adverse impacts of the development.
6. ***(Regarding protection of adjacent landmark buildings.)***
- a. The building design requires excavations exceeding 22 feet for a cellar, sub-cellar, and a sunken garden that extend to the rear lot line.
  - b. These deep excavations will require difficult underpinnings and unavoidable risks to adjacent landmark buildings, including a particularly fragile 1850’s Greek Revival building directly behind the proposed building.
  - c. Department of Buildings technical bulletin TPPN 10/88 governing construction adjacent to landmark buildings has failed to provide sufficient protection resulting in many losses.

- d. These risks in this case can be greatly reduced without major project impact if there is no sub-cellar and the cellar does not extend into the rear yard.

**7. (Regarding other adverse impacts on scale, light and air, and neighborhood character.)**

- a. Five residents of neighboring buildings spoke against the project at the public hearing.
- b. The 8<sup>th</sup> floor penthouse rises up to 17 feet above the 89 foot street wall, and will the elevator bulkhead and mechanical equipment forms a single massive rooftop block, which, contrary to statements in the application, is not in character with varied forms typical of rooftop additions in the area.
- c. Side walls enclosing the penthouse and bulkheads rise 108 feet in total with a significant impact on visible sky from buildings to the rear, and neighborhood views from all directions.
- d. The proposed building would be the tallest and widest on the street, 80 percent taller than its neighbor to the south and 35 percent taller than its neighbor to the north.
- e. This massiveness is only partially visible from the street but has adverse impacts on scale, light and air, neighborhood character.
- f. A study by Columbia Graduate School of Architecture and City Planning found that the median width of buildings in the Soho historic district is 35 feet, so at 71 feet, this merged lot will be out of scale in width as well.
- g. The property line windows of the building to the north that will be blocked are not essential for light and air requirements of these dwellings, but it should not be considered irrelevant that this significant adverse impact on residents would be very unlikely without the combination of amendment to the zoning text and a subsequent special permit.
- h. The finding for a special permit for a 74-712 use modification that the development is compatible with the scale of the surrounding area is not met.
- i. The finding for a special permit for 74-712 bulk modifications that the development will not adversely affect structures or open space in terms of scale, location, and access to light and air is not met.
- j. In addition, CPC action on a 74-712 application may prescribe appropriate additional conditions and safeguards in order to enhance the character of the development and to minimize adverse effects on the character of the surrounding area.

**Therefore it is resolved that CB#2, Man.**

On the request for a text amendment to modify 74-712: *recommends denial.*

**And it is further resolved that, if the amendment is approved, CB2 Manhattan**

- 1. On the request for a modification to allow residential use: *recommends approval if there is no use of the cellar for guest rooms or rooms used for sleeping.*
- 2. On the request for use change to allow commercial use below the floor level of the second floor: *recommends approval if the retail area of the largest store is 3600 square feet or less.*
- 3. On the request for a modification of bulk regulations: *recommends approval if the overall building height is reduced by 8 feet, the rear side wall extensions are removed, and the side walls extending above the penthouse are minimized.*
- 4. *Urges CPC use provisions of 74-712 to protect neighboring buildings by prescribing elimination of the sub-cellar, the sunken garden, and the portion of the cellar that extends into the rear yard.*

Vote: Unanimous, with 35 Board members in favor.

**3. Application to Board of Standards and Appeals 299-12-BZ for a variance pertaining to 40-56 Tenth Avenue extending from 13<sup>th</sup> St. to 14<sup>th</sup> St.**

**Whereas**

**1. (Regarding application information.)**

- g. The application was presented to the committee by Howard Goldman, of GoldmanHarris LLC, and Jeanne Gang, of Studio Gang Architects.
- h. This application for a variance under ZR 72-21 seeks to facilitate the construction of a 12-story, 157,280 square foot, commercial building with Use Group 6 office and retail space, uses that are allowed in this M1-5 zoning district.
- i. The site is adjacent to but not within the Gansevoort Historic District.
- j. The premises includes vacant lots and two 3-story buildings which will be demolished.
- k. The proposed development would require variances of the zoning regulations pertaining to floor area (ZR 43-12), height and setback (ZR 43-43), and rear yard (43-261).
- l. The conditions presented in the application for the necessity of the variances are based on the impacts of the relationship of the site to the High Line and subsurface soil conditions.
- m. There were five speakers against the application including representatives of the Greenwich Village Society for Historic Preservation, the Greenwich Village Community Task Force, and the Standard Hotel.

**2. (Regarding the request for a variance of floor area regulations.)**

- b. The request is for a 34 percent increase of FAR from the allowed 5.0 to 6.68.
- c. Documented subsoil conditions would incur incremental construction costs, but were not shown to be unique.
- d. Nearby buildings with similar subsoil conditions recently developed without floor area variances include the Standard Hotel, The High Line Building, and the Whitney Museum.
- e. Documented environment conditions would incur clean-up costs, but these were also not proven to be unique or to be entirely a result of activity prior to current ownership.
- f. 10 percent encumbrance on the site by The High Line was documented, but 437 West 14<sup>th</sup> Street received an FAR increase to 6.17 based on a greater encumbrance of 27 percent.
- g. The adjustments made for comparability to other sites were not credible, failing to consider the high value of this site based on proximity to the High Line, the Meatpacking District, Hudson River Park, Chelsea Market, and high profile recent leases in the area.
- h. In an environment of long-term stability of interest rates, there is no reasonable basis for using a 5.5 percent construction loan rate.
- i. If subsoil conditions affecting development costs are unique, they should also incur an offsetting negative adjustment to the estimate of acquisition cost based on comparable properties without these conditions.
- j. Similarly, the irregular shape caused by the High Line is listed as a “site condition affecting value”, but it is unclear whether it was applied as a reduction in the acquisition cost estimation.
- k. Speakers at the hearing spoke stated that increased density would have a negative impact because of current congestion in the area and anticipated large development projects nearby.

**3. (Regarding the request for a variance to height and setback and rear yard regulations.)**

- e. A credible case is made in the application that as-of-right construction would harm public open space by creating shadows on the High Line and that the proposed building shape would substantially reduce this harm.

- f. The building design, as proposed, includes 5,380 square foot restaurant with a 7,780 square foot outdoor terrace immediately adjacent to the High Line, a feature that would also have a negative impact on the public open space.
- g. The neighborhood is saturated with eating and drinking activity, a cause of frequent complaint from residents, and the proposed restaurant is much too large.
- h. Outdoor eating and drinking is always a major source of complaints from residents who are kept awake at night by uncontained noise.

**Therefore it is resolved that CB#2, Man.**

- 1. On the request for a variance of ZR 43-12 to increase FAR to 6.68: *recommends denial.*
- 2. On the request for a variances of ZR 43-43 and 43-261 to facilitate moving bulk away from the High Line: *recommends denial unless the variance stipulates that no eating and drinking premises shall be larger than 3000 square feet and none shall include use of outdoor on any floor of the property.*

Vote: Unanimous, with 35 Board members in favor.

**4. Application 298-12-BZ by New York University to the Board of Standards and Appeals pertaining to 730 Broadway at Waverly Place**

**Whereas:**

**1. (Regarding application information.)**

- a. The application was presented to the committee by Sayar Lonial and William Hass of NYU, and Elise Wagner of Kramer Levin Naftalis & Frankel LLP.
- b. This application for a variance under ZR 72-21 seeks to allow all floors except the ground floor of a 10-story building to be used for Use Group 3 for academic space.
- c. The property is in the NoHo Historic District and zoned M1-5B.
- d. The building was built in 1917-19 as a seven-story garage, factory and warehouse serving Wanamaker's department store, including carpenters' and upholsters' shops, a piano repair workshop, and storage for deliveries.
- e. The current uses provide important NYU use and integrate well with other uses in a diverse and vibrant neighborhood.
- f. The building was enlarged in the early 1980s to the current floor area of 313,188.
- g. Purchased by NYU in 2008, current uses are the NYU bookstore on the ground floor, the Student Health Center on the third and fourth floors, and office space on upper floors

**2. (Regarding the request for a variance to allow Use Group 3 use.)**

- a. As a non-profit institution, NYU need not demonstrate the unique conditions creating hardship but can obtain a variance based on demonstration that zoning compliance would create practical difficulties and unnecessary hardship in achieving programmatic needs unless it contravenes public health, safety, or welfare.
- b. The stated purpose of the requested modification is to meet the programmatic needs of NYU.
- c. NYU recently successfully completed a massive rezoning within its "core" campus area, the culmination of over five years of development of its "NYU 2031" strategic plan.
- d. The objectives of the plan were to 1) Ensure that NYU has the appropriate infrastructure and facilities to maintain its academic excellence well into the future; 2) Create a roadmap for NYU so that it can better plan for its future needs; 3) Provide NYU neighbors with a level of predictability and transparency about NYU's projects; and 4) Allow NYU to maximize use of

its current footprint within the Washington Square area, thus relieving pressure for growth into surrounding properties in the area.

- e. 730 Broadway is not within the “Washington Square area” as defined in the NYU 2031 ULURP.
- f. A central focus of the rationale for NYU 2031 was the need to meet the current shortage of classroom and lab space.
- g. The current proposal, including addition of four stories of mechanical space in a landmark district, while clearly already in the works, was not revealed during the extensive ULURP process, which included detailed analysis of NYU space needs and opportunities.
- h. The current application is based on supposed programmatic needs that are apparently outside the scope of NYU’s comprehensive planning process that was offered by NYU to justify a massive and controversial rezoning.
- i. NYU’s 2031 Plan, adding almost two million square feet just across the street from NoHo, was presented as a way for NYU to satisfy requirements for the next 20 years..
- j. The application is in contradiction to the stated goals of NYU 2031, especially with regard to their response to requests made during the public portion of the planning process to reduce growth pressure on the surrounding areas.
- k. Including this as one of four goals of NYU 2031 implied acceptance that the that NYU growth into surrounding areas has a negative impact on essential neighborhood character and poses risks to business development in a healthy and diverse area.
- l. Denial of these impacts is now a key part of this application.
- m. As evident from the transformation of nearby areas as a result of prior NYU expansion, movement of thousands of students through an area has significant impacts on existing businesses and creates unavoidable economic pressures on commercial activity, including on desirable types of commercial spaces that are in short supply.
- n. The approval of this application would open all of NoHo and SoHo to NYU expansion, in direct contradiction to NYU 2031 goals.
- o. This proposal could have and should have been analyzed as part of the extensive ULURP and if this application were to be approved outside the scope of a modification to the ULURP including a supplemental EIS it would undermine the legitimacy of that process and open the door to additional development contrary to the purpose and scope of NYU 2031.
- p. Eight people spoke against the proposal, including representatives of the NoHo Neighborhood Association, Greenwich Village Society for Historic Preservation, and several faculty members including one whose office is in the building.
- q. One person spoke in favor representing NoHo Bowery Stakeholders (NBS) stating that an agreement had been reached between the group and NYU to limit future growth of teaching space at this site from the anticipated 10 percent to no more that 25 percent.
- r. The agreement provides for future alteration of this limit subject only to a willingness to “sit down with NBS prior to any use change or seeking any further variance.”
- s. While CB2 appreciates the efforts of NBS, this is a private effort by a group with limited membership and does not represent the broad interests of the neighborhood.
- t. The use change would bring graduate and undergraduate students across Broadway in large numbers, changing the demographic balance of NoHo.
- u. This variance would set a precedent for further and similar variances in NoHo, severely threatening the essential character of NoHo and its carefully considered M1-5B zoning.
- v. Adding approximately 40’ of mechanicals on the roof would detract from the appearance of the NoHo historic district from the ground and as seen from buildings in a broad area, as well as reducing light and air for neighboring residents and offices.

- w. Placing laboratories next to residential buildings poses environmental dangers. The four-story additional mechanical structures, specifically installed for laboratory purposes with unknown and potential harmful effluents, pose a danger to the residents immediately nearby.

**Therefore it is resolved that CB#2, Man.**

On the request for a use group change: *recommends denial.*

Vote: Unanimous, with 35 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

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

**1. L'atre Enterprises, NYC d/b/a AOC Restaurant, 314 Bleecker St. (SW corner Grove St), with 2 tables & 4 seats, DCA# 1159486**

Block:588Lot:7501	Lot Frontage:40'Lot Depth:83	Year Built:1920
Number of Buildings:2;	Number of Floors:4	Residential Units:6
Total # of Units:8	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, Steve Wygoda, was present, and

**Whereas**, this café has been operated for several years by this applicant with few 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 **L'atre Enterprises, NYC d/b/a AOC Restaurant, 314 Bleecker St. (SW corner Grove St), with 2 tables & 4 seats, DCA# 1159486.**

VOTE: Unanimous, with 37 Board members in favor.

**2. Caffe Vetro, Inc. d/b/a Epistrophy Café, 200 Mott St. (btw Kenmare St & Spring St), with 6 tables & 12 seats, DCA# 1245908**

Block:479Lot:11	Lot Frontage:25.17'	Lot Depth:93.67
Year Built:1900 (estimated)	Number of Buildings:1;	Number of Floors:7
Residential Units:26	Total # of Units:27	Zoning:C6-1C6-2

**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 has been operated for several years by this applicant with few 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 **Caffe Vetro, Inc. d/b/a Epistrophy Café, 200 Mott St. (btw Kenmare St & Spring St), with 6 tables & 12 seats, DCA# 1245908.**

VOTE: Unanimous, with 37 Board members in favor.

**3. 174 Grand Street Corp. d/b/a Onieal's, 174 Grand St. (NE corner Center Market Pl), with 7 tables & 14 seats, DCA# 1218544**

Block:471Lot:28	Lot Frontage:24.75'	Lot Depth:72.33Year
Built:1910(estimated)	Number of Buildings:1;	Number of Floors:4
Residential Units:6	Total # of Units:7	Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's Operations Manager, Cheri Waterman, was present, and

**Whereas**, this café has been operated for several years by this applicant with few 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 **174 Grand Street Corp. d/b/a Onieal's, 174 Grand St. (NE corner Center Market Pl), with 7 tables & 14 seats, DCA# 1218544.**

VOTE: Unanimous, with 37 Board members in favor.

**4. Service Corp. d/b/a Jacques Restaurant, 20 Prince St. (btw Mott St & Elizabeth St), with 6 tables & 11 seats, DCA# 1173208.**

Block:493Lot:17	Lot Frontage:47.5'	Lot Depth:129	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6		Residential Units:48
Total # of Units:50	Zoning:C6-2		

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's Manager, Baris Erdogan, was present, and **Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee noted to the applicant that the seating was being done perpendicular to the façade instead of parallel to it as shown on the approved plan and the manager committed to correcting it,

**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 **Service Corp. d/b/a Jacques Restaurant, 20 Prince St. (btw Mott St & Elizabeth St), with 6 tables & 11 seats, DCA# 1173208**

VOTE: Unanimous, with 37 Board members in favor.

**5. Benny's Burritos, Inc. d/b/a Benny's Burritos, 111-113 Greenwich Ave. (SW corner Jane St), with 8 tables & 24 seats, DCA# 1067914**

Block:615Lot:76	Lot Frontage:39.33'	Lot Depth:63.33	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:6		Residential Units:15
Total # of Units:16	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 café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee noted the plan for this café has only a 2-foot service aisle as it was approved prior to the current rules requiring a 3-foot aisle, and appears to be grandfathered for this applicant,

**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 **Benny’s Burritos, Inc. d/b/a Benny’s Burritos, 111-113 Greenwich Ave. (SW corner Jane St), with 8 tables & 24 seats, DCA# 1067914.**

VOTE: Unanimous, with 37 Board members in favor.

**6. 114 Kenmare Associates, LLC, d/b/a La Esquina, 114 Kenmare St. (btw Lafayette St & Cleveland Pl), with 8 tables & 24 seats, DCA #1227042**

Block:482Lot:7501                      Lot Frontage:149.5'Lot Depth:100.42                      Year Built:1900  
Number of Buildings:1;                      Number of Floors:7 Residential Units:0                      Total # of Units:25  
Zoning:C6-2                      Landmark Building: Yes  
Historic District: SoHo-Cast Iron Historic District Ext.

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicants, Derek Sanders and James Gersten, were present, and

**Whereas**, this café has been operated for several years by this applicant, and

**Whereas**, four members of the community addressed noise issues that have been longstanding in the Petrosino Square area, and the committee is aware that many of those problems were generated by this operation in its early days when it was the first popular restaurant in Petrosino Square and had a somewhat different management team, and

**Whereas**, the committee notes that, like much of CB2, the number of operators in the area has greatly expanded in the last few years and we saw little evidence that many, if any, of the current issues are specifically related to the operation of this sidewalk cafe, and

**Whereas**, the committee will continue to work with the office of Councilmember Margaret Chin to ensure a dialog between businesses and residents in the area and that commitments made by this applicant and others are adhered to, whether or not they are specifically related to sidewalk cafes,

**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 **114 Kenmare Associates, LLC, d/b/a La Esquina, 114 Kenmare St. (btw Lafayette St & Cleveland Pl), with 8 tables & 24 seats, DCA #1227042.**

VOTE: Unanimous, with 37 Board members in favor.

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

Block:236Lot:25                      Lot Frontage:25'Lot Depth:100.08                      Year Built:1900(estimated)  
Number of Buildings:1;                      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 no community members present regarding this application, and the applicant’s representative, Michael Kelly, was present, and

**Whereas**, this café has been operated for several years by this applicant with ongoing issues for which it has received 4 DCA violations in the last 3 years which ultimately have resulted most recently in a fine of \$750 and a 2-day closure of the establishment, and

**Whereas**, it appears most of the conditions that led to these violations have been resolved – at the moment,

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

VOTE: Unanimous, with 37 Board members in favor.

**8. Facosull Corp., d/b/a Four Faced Liar, 165 West 4<sup>th</sup> Street (btw Jones St & Cornelia St), with 5 tables & 11 seats, DCA # 116684**

Block:592Lot:29	Lot Frontage:63'Lot Depth:70.5	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:31	Total # of Units:34
Zoning:R6R7-2;	Commercial Overlay:C1-5	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’s representative, Michael Kelly, was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues, but a representative of a local block association questioned the legality of a ‘café’ being approved for what is “clearly just a bar”, and

**Whereas**, the committee noted that the one issue of legality was that any business with a liquor license must provide wait service of all alcohol to the sidewalk café, and there appeared to be conflicting opinions on whether that was the case with this applicant and Mr. Kelly could not confirm that wait service is provided,

**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 **Facosull Corp., d/b/a Four Faced Liar, 165 West 4<sup>th</sup> Street (btw Jones St & Cornelia St), with 5 tables & 11 seats, DCA # 116684**

**CONDITIONAL UPON DCA confirming the applicant employs wait staff that serves all alcohol consumed in the café**

VOTE: Unanimous, with 37 Board members in favor.

**9. Barbuto LLC, d/b/a Barbuto, 775 Washington St. (NE corner W. 12<sup>th</sup> St), with 12 tables & 24 seats, DCA# 1219498**

Block:641Lot:75                      Lot Frontage:119.83'Lot Depth:89.83                      Year Built:1910  
Number of Buildings:1;              Number of Floors:2 Residential Units:0                      Total # of Units:2  
Zoning:C4-4AR6                      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 café has been operated for several years by this applicant with few 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 **Barbuto LLC, d/b/a Barbuto, 775 Washington St. (NE corner W. 12<sup>th</sup> St), with 12 tables & 24 seats, DCA# 1219498.**

VOTE: Unanimous, with 37 Board members in favor.

**10. New Mekong Restaurant Corp., d/b/a MeKong, 16-18 King St. (SW corner 6<sup>th</sup> Ave), with 11 tables & 25 seats, DCA# 1234468**

Block:519Lot:30                      Lot Frontage:76.25'Lot Depth:39.67                      Year Built:1920  
Number of Buildings:1;              Number of Floors:6 Residential Units:21                      Total # of Units:23  
Zoning:R7-2 ;                      Commercial Overlay:C1-5                      Landmark Building: Yes  
Historic District: Charlton-King-Vandam

**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 café has been operated for several years by this applicant with few 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 **New Mekong Restaurant Corp. 16-18 King St. (SW corner 6<sup>th</sup> Ave), with 11 tables & 25 seats, DCA# 1234468.**

VOTE: Unanimous, with 37 Board members in favor.

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

**11. Four Green Fields d/b/a Agave, 140 Seventh Ave. South (btw W. 10<sup>th</sup> St & Charles St), with 8 tables & 16 seats, DCA# 1331159**

Block:611Lot:14                      Lot Frontage:20'Lot Depth:95                      Year Built:1940(estimated)  
Number of Buildings:2;              Number of Floors:3                      Residential Units:3 Total # of Units:4  
Zoning:C2-6                      Landmark Building: Yes                      Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's Manager, James O'Hanlon, was present, and

**Whereas**, this café has been operated for several years by this applicant with few 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 **New Mekong Restaurant Corp. 16-18 King St. (SW corner 6<sup>th</sup> Ave), with 11 tables & 25 seats, DCA# 1234468**

**CONDITIONAL UPON DCA and the City Council confirming the immediately adjacent Enclosed and 2 sections of Unenclosed sidewalk café meet the requirement that there be 15' of clearance between an Enclosed sidewalk café and any other sidewalk cafe**

VOTE: Unanimous, with 37 Board members in favor.

## **12. Street Activity Applications:**

**WHEREAS**, the street fair permit applications listed below are renewals, which were approved by the Committee and Community Board 2 for at least three prior years,

**WHEREAS**, the Committee has determined that the sponsor meets the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office, in that each of the sponsors 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**, there is neither material community opposition to these applications, nor any changes in the application from previous years when it was approved by CB # 2 Manhattan,

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

- 5/21/2013**                    **Grad Alley (NYU),**  
                                  **LaGuardia Pl. btw W. 3<sup>rd</sup> & Washington Sq. South;**  
                                  **W. 4<sup>th</sup> St. btw Mercer St. & Washington Sq. East;**  
                                  **Washington Sq. South btw Washington Square East & Macdougall St.;**  
                                  **W. 3<sup>rd</sup> St. btw Mercer St. & LaGuardia Pl.;**  
                                  **Greene St. btw W. 4<sup>th</sup> St. & Waverly Pl.**  
                                  **PROVIDED no event activity occurs prior to 8 a.m., not 7 a.m. as stated on**  
                                  **the application**
- 5/25/2013-6/2/2013**    **Washington Sq. Outdoor Art Exhibit, Inc. (3 days 1<sup>st</sup> weekend, 2 days 2<sup>nd</sup>**  
                                  **weekend),**  
                                  **University Pl. btw E. 12th St. & Waverly Pl.;**  
                                  **Washington Sq. E. btw Waverly & W. 4th St.**  
                                  **Washington Pl. btw Washington Sq. E & Mercer St.;**  
                                  **University Pl. btw E. 12th & E. 13th Sts.**
- 8/31/2013-9/8/2013**    **Washington Sq. Outdoor Art Exhibit, Inc. (3 days 1<sup>st</sup> weekend, 2 days 2<sup>nd</sup>**  
                                  **weekend),**  
                                  **University Pl. btw E. 12th St. & Waverly Pl.;**  
                                  **Washington Sq. East btw Waverly & W. 4th St.;**  
                                  **Washington Pl. btw Washington Sq. E & Mercer St.;**  
                                  **University Pl. btw E. 12<sup>th</sup> & E. 13<sup>th</sup> St.**

5/4/2013

Grace Church School Annual Spring, E. 10th St. bet. Broadway & 4th Ave.

Vote: Unanimous, with 37 Board members in favor.

## SLA LICENSING

### **1. 212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. 10012 – Alteration to OP**

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

**Whereas**, this application is for the alteration of the current on-premise liquor license (1206817) on the ground floor located between Kenmare and Spring Street (Block #482 / lot #31), for a 3,500 sq. ft premise with 25 tables with 57 seats, 1 bar with 8 seats for a total of 65 seats and the maximum occupancy is 74 people, there is a sidewalk café but no backyard use; and,

**Whereas**, the application is to convert the back dining room's service bar into a full service stand-up bar with no seats because the applicant stated that overzealous employees were serving customers sitting at tables over the bar (ie stand up bar) because at times service was slow because there is only one employee working table service and making drinks for customers and customers were coming up to the bar directly; and,

**Whereas**, the applicant states there will be no other change in the Method of Operation and that the hours of operation will continue to be Sunday to Wednesday from 8:00 a.m. to 1:00 a.m. and Thursday to Saturday from 8:00 a.m. to 2:00 a.m.; the establishment will be a restaurant, music will be quiet background only consisting of music from ipod/; there will be no promoted events and no televisions; and,

**Whereas**, 4 community members spoke against this applicant stating that this location does public promotions about drinking and not eating at their restaurant and that they have had projected images of television events and an unmanaged crowd on their sidewalk and have previously stated that the ; and,

**Whereas**, the applicant did submit a petition in support with 112 signatures, but the petition it self did not state the request for the alteration but merely stated the current hours of operation so CB2 feels this petition is void of any value regarding this alteration request; and,

**Whereas**, CB2 is concerned that this alteration will change the dinning atmosphere in the back room of this restaurant into a potential lounge which would be a contradiction to the method of operation as provided by the applicant as a restaurant because there are only 5 tables and 10 seats in the backroom which is located down a corridor from the main dining room in the back and it is hard to imagine that one waiter proving table service to this area with slow service is a reason to add a second additional stand up bar serving customers directly over the bar and accepting currency for a premise that only has a maximum capacity for 74 persons and 10 seats in this area and it seems beyond the reasonable realm of understanding that customers in a restaurant with sit down table service would allow customers sitting at tables which are serviced by waiters to walk up to a stand up bar to order drinks when there is only 1 waiter servicing the area and making drinks and the concern is that with a licensed stand up bar in the backroom that this area would simply become an area for drinking only later in the evening with stand up patrons with no seats at the bar and no table service with currency passing over the bar which is a contradiction to the method of operation as a restaurant which is generally understood to be sit down

service only and that the area would predominantly service standing customers in the new stand up bar area only which is removed from the front of the restaurant and from view of the front of the premise; and,

**Whereas**, CB2 does not believe that this application offers any public interest or benefit but quite the opposite; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration to the on-premise liquor license for **212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. 10012.**

Vote: Unanimous, with 37 Board members in favor.

## **2. Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012 – upgrade to Full OP**

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

**Whereas**, this application is for the upgrade of their current Beer and Wine license (#1259029) in a mixed use building, located on Lafayette Street between Kenmare and Sprint Street (Block #482 / lot #24), for a 900 sq. ft premise with 13 tables with 40 seats, 1 bar with 3 seats, and the maximum occupancy is 74 people, there is a sidewalk café to be included on this license but no backyard use; and,

**Whereas**, the hours of operation will continue to be Sunday from 10:00 a.m. to 10:00 p.m. and Monday to Saturday from 10:00 a.m. to 12:00 a.m.; the establishment is a family restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, there were 3 community members against this upgrade request and stated that the conversations with the owners, prior to getting their Beer and Wine license, was that they would promise not to upgrade in exchange for community support which the members of the community did not support at the time of the original application for a beer and wine license; and,

**Whereas**, several members of the community appeared in support of this application stating that this establishment has been a neighborhood benefit servicing a large number of local patrons and that the hours of operation had not adversely impacted quality of life in the area and was in fact a neighborhood benefit; and,

**Whereas**, the applicant stated that the upgrade was initiated by customer request and not by financial needs and submitted a petition clearly stating the upgrade request with 184 signatures in support of this request; and,

**Whereas**, the applicant and CB2 originally reached an agreement regarding stipulations which will continue to be active for this new Full On-Premise license; and,

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

1. All doors and windows will be closed no later than 10:00 p.m., 7 days a week.
2. Sidewalk café will be closed and tables and chairs removed no later than 10:00 p.m., 7 days a week.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the upgrade to Full On Premise license for **Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 7th "whereas" clause above are incorporated into the "Method of Operation" along with the original stipulations agreed to at the inception of the restaurant wine license on their SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

### **3. Entity to be formed by Marco Antonini, 351 Broome Street – New Beer and Wine**

**Whereas**, the applicant appeared before the committee to present plans for an Italian restaurant serving organic food and beer and wine; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building located on Broome Street between Bowery and Elizabeth Street (Block #470 / lot #50), for a 1,900 sq. ft premise (950 s.f. for ground and 950 s.f. for the basement) with 10 tables with 35 seats, 1 bar with 11 seats and the maximum occupancy is less than 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 11:30 a.m. to 3:00 a.m. and Monday to Thursday from 12:00 p.m. to 3:00 a.m. and Friday from 12:00 p.m. to 4:00 a.m. and Saturday from 11:30 a.m. to 4:00 a.m.; the establishment will be an Italian restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant made a minimal attempt to reach out to the community regarding these plans and spoke to only 1 community member; and,

**Whereas**, a number of community members that actually live in this neighborhood spoke in opposition of this application stating over saturation and concerns that yet another license in this area will have a major impact on traffic and noise and quality of life issues, noise from late night operations and from patrons; and,

**Whereas**, CB2 does not understand how "an Italian restaurant serving organic food with a beer and wine license" needs closing hours of 3 a.m. Sunday through Thursday and 4 a.m. Friday and Saturday, this method of operation is not unique to the neighborhood, and CB2 does not understand how this would serve the community except to further exacerbate the existing impact of late night establishments in this area on late night quality of life issues and late night traffic issues which are extreme in this area given the late night vehicular traffic going to and coming from the Williamsburg Bridge and given that there are already 3 existing licenses within this building serving food and 2 additional potential pending licenses in this building recently heard by CB2 with food components that have stated that they would service the needs of hotel patrons for which no establishment has a direct entry in the hotel but would have to provide delivery service the same as other area food businesses and that the late night hours and the applicant stated that the main need for late hours was to service hotel guests which already seem to be well served with the existing licensees in the building and the other existing establishments in the area of which those predominantly focused on food service close at earlier hours; and,

**Whereas**, CB2 has recommended denying previous applications at this location and in this building because there are already **3** other separately licensed premises in the building which is also a hotel and no establishment has direct entrances to the hotel and the concerns regarding over saturation in the

immediate area, the impact on traffic, the existing noise level and the simple premise that the 3 existing licenses already serve the needs of residents and hotel patrons; and,

**Whereas**, there are 9 on-premise and licenses within 500 feet, many of which are multi floor, multi bar establishments, at least 7 beer and wine licenses and 5 pending licenses; and,

**Whereas**, this is **another** location within CB2 that has **never been licensed by the SLA**; and,

**Whereas**, CB2 has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, CB2 has recently heard a large number of beer and wine and on-premise license applications in this area for previously unlicensed locations in a relatively short period of time including the other unlicensed storefronts in this building; and,

**Whereas**, CB2 is concerned that the rapid rate of applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an **overwhelming** impact on the character of the neighborhood, quality of life issues and traffic and noise concerns. Without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises could be catastrophic for the neighborhood; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Beer and Wine license for **Entity to be formed by Marco Antonini, 351 Broome Street.**

Vote: Unanimous, with 37 Board members in favor.

**4. Bowery Time LLC and Aguila & Sol LLC as Manager, d/b/a Hecho en Dumbo/Salon Hecho/King's Cross, 354-356 Bowery 10012 – Renewal of OP (SN# 1205823)**

**Whereas**, the applicant appeared before the committee per the request of CB2; and,

**Whereas**, the applicant, Bowery Time LLC and the manager, Aguila & Sol LLC are running 3 different venues, Hecho En Dumbo located on the ground floor of 354 Bowery, Salon Hecho on the ground floor of 356 Bowery and Kings Cross located in the basement of 356 Bowery within 2 buildings under 1 SLA license with 1 additional stand up bar (SN 1205823); and,

**Whereas**, CB2 requested their appearance due to community requests, complaints and concerns; and

**Whereas**, CB2 is unsure as to what exactly is the method of operation for this renewal, but questions whether or the applicant is approved to operate three different venues with three different d/b/a's with only two stand up bar licenses; and,

**Whereas**, the 3 locations that are licensed under 1 SLA license consist of more than 74 people across the three areas (205 persons) but the applicant and their lawyer claim that a Public Assembly permit is not necessary and their expediter states in a letter to CB2 that “all three establishments are independent of each other and listed as so on the certificate of occupancies” and that the Department of Buildings does

not require a Public/Place of Assembly Permit; however, CB2 has difficulty understanding how the three locations are operated independently when there is one license from the Liquor Authority and only one kitchen which is shared by all three premises; and,

**Whereas**, the licensee indicates that the total occupancy across the three spaces is 205 persons yet the original “Establishment Questionnaire” submitted to the SLA indicates a legal maximum occupancy of 139 persons with 33 tables and 105 table seats and the difference between the stated occupancy and the current occupancy is significant; and,

**Whereas**, the applicant seems to have changed the operation and interior design without submitting any alteration applications with CB2 and the floor plans appear to be different from what is currently approved and on file with the Liquor Authority; and,

**Whereas**, this license was originally a “transfer” license, yet the previous operation on the Establishment Questionnaire on file with the SLA is described as a “restaurant” (see Section G, Question 2 (d)) but the majority of the current space is run as a lounge and bar; and,

**Whereas**, the applicant’s lawyer assures CB2 that there are no violations but they did admit that there is an additional service bar that currently exists within the space of “Salon Hecho” on the ground floor to the left of the front entrance of 356 Bowery that is not in any of the previous applications and appears to be an unlicensed bar and would counter the claim that the three establishments are run independently because there are only two properly licensed bars in the establishment across the three separately identified areas; and;

**Whereas**, the licensee admits to and advertises “live” music in addition to DJ in the space known as “Salon Hecho” on the ground floor of 356 Bowery when the original method of operation on file with the SLA states only that there will be a d.j. and background music and no dancing (see Section H, Proposed Method of Operation Question 2 &3); and,

**Whereas**, a resident above the premise stated that the music is very loud and audible within their home on a regular basis Thursday-Saturday nights and this seems to contradict an establishment that has “background music” but the licensee has made some efforts to work with them but there are still problems with music remaining on after 4 am and very loud “live” music from musicians; and,

**Whereas**, there are numerous 311 complaints on file and there appear to be at least 2 underage violations pending (See 1511-2011/Case No. 72652 and 1877-2011/Case No. 73806) and it is unclear if there are more violations from the NYPD in or in the immediate proximity of the premises; and,

**Whereas**, CB2 respectfully request that the SLA attain a more definitive description of the interior space and method of operation that can go on record for CB2 and the Liquor Authority to refer incase of noncompliance in the future; and,

**Whereas**, if the Liquor Authority determines that there are in fact differences as to the current establishment and method of operation that appropriate enforcement actions be taken so that the licensee comes into compliance with what they are legally entitled to operate so that any operations beyond what is legally permissible cease; and,

**Whereas**, CB2 recognizes that the Liquor Authority has already granted the renewal of this license, but that it does not go into effect until Jan 1, 2013 and CB2 requests that this matter be reviewed in light of the issues raised above and any appropriate actions be taken by the Liquor Authority prior to the license becoming active on Jan 1 2013; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the renewal of their On Premise license for **Bowery Time LLC and Aguila & Sol LLC as Manager, d/b/a Hecho en Dumbo/King Cross, 354-356 Bowery 10012.**

Vote: Unanimous, with 37 Board members in favor.

**5. 169 Thompson Restaurant, LLC, d/b/a Lobster Club, 169 Thompson St. 10012 - New OP**

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

**Whereas**, this application is for a new On Premise license in a mixed use building located on Thompson Street between Bleecker and West Houston (Block #525 / lot #24), for a 250 sq. ft premise with 4 tables with 10 seats and no bar; the maximum occupancy is 20 people, there will be no sidewalk café and there is no backyard use; and,

**Whereas**, the hours of operation for the restaurant is Sunday to Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:00 a.m.; establishment is dining focused on Italian/American seafood restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV's; and,

**Whereas**, the applicant reached out to BAMRA, the neighborhood association, and established a stipulation agreement which CB2 has also adopted and the applicant has agreed they would submit to the Liquor Authority to be incorporated into their "method of operation"; and,

**Whereas**, the stipulations are as follows:

1. Hours of Operation: The Establishment shall operate each Sunday through Thursday from 11:00 AM to 1:00 AM and each Friday and Saturday from 11:00 AM to 2:00 AM.
2. Certificates, Permits and Related Documents: The Operators shall obtain all required certificates, permits and related documents.
3. Traffic: The Operators will use reasonable efforts to remedy any pedestrian and vehicular traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. Manager: The Operators shall have Owners or English-speaking managers on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the

Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.

5. Music: The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.
6. Television: The Operators shall have no televisions in the Establishment.
7. Soundproofing: The Operator shall ensure that all sound coming from the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. Should any noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans become an issue for neighboring residents, Operators will use best efforts to remedy the issue to make sure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code.
8. Windows: The Operators shall keep the Establishment windows closed at all times.
9. Sidewalk Cafe: The Operators waive the right to apply for a sidewalk café license
10. Basement: The basement shall never be accessible to patrons.
11. Sanitation: The Operator shall not place refuse at the curb except as close to pick up as possible.
12. Lighting: The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. Signage will be muted neon.
13. Security Cameras: The Operators shall install security cameras outside the Establishment and shall make any recordings available to the police, if requested.
14. Reservations: Establishment will seat patrons using reservations for dinner and will accommodate walk-in customers as seating is available, managing patrons waiting so that lines do not form. This includes having hosts take the phone numbers of patrons waiting for a table to be called when their table is ready and directing the patrons not to wait outside in a line and to drive or walk back to the restaurant when they have been called and their table is ready.
15. Take-Out: Establishment will have take-out service. All take-out transactions will occur within the restaurant and not through any window to the outside.
16. Community Outreach: Operators have conducted community outreach and will be readily accessible to address any community concerns as outlined in number 4 above.
17. Notification Of Change Of Ownership: The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
18. Events: The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved.

19. License Renewal: The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.

**Whereas**, this applicant has proven to be an outstanding operator with 2 other locations within CB2, and though this location has never been licensed before, CB2 supports this operator's request to license a new location within our district; and,

**Whereas**, the applicant also submitted a petition with clear explanation of their intent with 300 signatures in support of their request with the majority of signers providing addresses that were in the immediate area of this application;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new On Premise license for **169 Thompson Restaurant, LLC, d/b/a Lobster Club, 169 Thompson St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

#### **6. Jensen Liu, Salon Lafayette, 157 Lafayette St., 10013 – New OP**

**Whereas**, the applicant appeared before the committee for a second time; and,

**Whereas**, this application is for a new On Premise license for an art themed Restaurant serving international comfort food in a commercial building located on the corner of Lafayette and Grand St. (Block #234 / Lot # 11), for a 2,100 sq. ft premise which has 41 tables with 94 seats, 1 bar with 15 seats, there are no service bars, for a total of 109 seats, the proposed occupancy is 130 and the maximum occupancy is 188, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 7:00 a.m. to 12:00 a.m. and Thursday to Saturday from 7:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from a small Bose acoustic sound system, there will be no tv's, there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this location has been licensed before (SN# 1166022 – JASL Café LLC d/b/a/ Moomia) and the previous tenant's liquor license was not renewed by the SLA for cause; and,

**Whereas**, this applicant reached out to neighborhood resident and business associations and the Board President of 161 Grand, the building that would be most affected by this establishment, appeared before the committee in support of this application with a signed petition from residents of the building; and,

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

1. The hours of operation will be Sunday to Wednesday from 7:00 a.m. to 12:00 a.m. and Thursday to Saturday from 7:00 a.m. to 1:00 a.m.

2. Music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

3. All doors and windows will be closed at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new On Premise license for **Jensen Liu, Salon Lafayette, 157 Lafayette St., 10013** **unless** those conditions and stipulations agreed to by the applicant relating to 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

#### **7. Tourbillon47, LLC, TBD, 47 E. Houston St. 10012 – New OP**

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

**Whereas**, this application is for the new On-Premise license in a mixed-use building located on East Houston Street between Mott and Mulberry Street (block # 509/ lot #21), for a 1,600 sq. ft premise which will have 24 tables with 48 seats and 1 bar with 12 seats for a total capacity of 60 and a maximum occupancy of 65, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 12:00 p.m. to 1:00 a.m. and Monday to Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 12:00 p.m. to 2:00 a.m.; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV’s; and,

**Whereas**, the applicant’s lease has stipulations which CB2 has adopted; and,

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

1. The hours of operation will be Sunday from 12:00 p.m. to 1:00 a.m. and Monday to Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 12:00 p.m. to 2:00 a.m.
2. All doors and windows will be closed by no later than 10:00 p.m. every night.
3. The establishment will be a restaurant and bar – it will never become a lounge/bar only.
4. Kitchen will be operated/supervised by a full time chef.
5. Tenant will not sell or compete with the bar tenant on the same premises by selling hard liquor and wines to the extent of more than 50% of its total restaurant gross.

Tenant understands that space must be operated as a sit down establishment with no more than twenty customers standing at any given time unless it is a private party. Also no dancing and no loud music. The noise levels and music levels shall be as set forth herein in Section 67. Any breach thereof shall be considered material and Landlord shall be entitled to cancel this Lease upon 10 days written notice to cure and Tenant’s failure to take material steps to cure.

- **NOISE.** Tenant must keep in place current sound proofing in ceiling of the demised space. Tenant expressly acknowledges that sound levels are a material provision of this Agreement. Tenant agrees that it shall not(a) unreasonably disturb residential tenants with noise, music, or loud sounds, or (b) Tenant must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed: 40 decibels as measured from inside nearby residences, AND 4 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, or anywhere in the apartments above between 10:00 pm and 9:00 am Bass sounds measurements are weighted in the “C” scale and may not exceed 3 dB(C) above the ambient

sound if the ambient sound is greater than 50 dB(C). Additionally low frequency noise below 200 Hz cannot exceed 3db above the ambient level between 10 PM and 9 AM. Landlord may, in its sole discretion, require Tenant to engage a professional sound engineer to undertake a sound remediation survey of the demised premises, and thereafter, to implement sound remediation so as to ensure that Tenant's use of the demised premises does not disturb other tenants of the building in which the demised premises are located. Landlord shall also have the right to restrict operating hours, pursuant to Section 69. Additionally, Landlord, in its sole discretion, may serve a "Notice to Cure Noise Problems" if a Noise Problem, as hereafter defined, occurs.

The Notice to Cure Noise Problems shall provide Tenant with a fifteen (15) day cure period. In the event that Tenant has not effectuated a cure within such time period, then Landlord may, in its sole discretion, deliver a notice of termination to Tenant, terminating the Lease ten (10) days from the date on which the cure period expired. If Landlord does not terminate the Lease within sixty (60) days from the date of the Notice to Cure, the Noise Problem shall be deemed to have been resolved.

- Business will not stay open past 2 A.M.. Upon sole discretion of Landlord, in the case of any Noise Problems or at least five (5) noise complaints from at least two (2) different tenants of the building within any ninety (90)day period, closing hours can be changed to 1 AM week nights and 2 AM weekends.

- The restaurant has permission to have a Full "on premise liquor license" with the following stipulations:

A. Business must be run as a restaurant and not a bar.

B. Net revenues shall be in accordance with Section 44.

C. A financial statement must be available to the Landlord to prove there is no breach of the revenue limits, every four (4) months.

D. A full menu and kitchen must be active with no bar activity more than one hour after kitchen is closed. After 11pm, the menu may be limited, with the reasonable approval of the Landlord..

E. No more than 20 customers may be standing at a single time

This paragraph is material and a breach thereof the lease automatically becomes month to month at landlord discretion.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new On Premise license for **Tourbillon47, LLC, TBD, 47 E. Houston St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

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

**8. Oberon Hospitality Partners, LLC d/b/a Rector's Café-Restaurant-Bar, 295 Lafayette St**

**Whereas**, the applicant did appear before the committee and requested a layover at the hearing in order to have more time to respond to concerns from CB2; and,

**Whereas**, this application is for a new On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Oberon Hospitality Partners, LLC d/b/a Rector's Café-Restaurant-Bar, 295 Lafayette St** until the applicant has presented their application in front of CB2's SLA Licensing

Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**9. Howard Project, LLC, 3 Howard Street, 10013**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for a new On-Premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Howard Project, LLC, 3 Howard Street, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**10. Robert Meller or Corp. to be formed, d/b/a TBD, 174 Bleecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for a new On-Premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Robert Meller or Corp. to be formed, d/b/a TBD, 174 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**11. Subculture NoHo, LLC 45 Bleecker St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to withdraw the application from consideration but will resubmit at a later date; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed beer and wine license for **Subculture NoHo, LLC 45 Bleecker St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this

application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**12. Rockin Raw, LLC, 171 Sullivan St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration and will come back in February; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**13. Pizza of 32 Spring Street, Inc. d/b/a Lombardi's, 32 Spring St. 10012**

**Whereas**, the applicant failed to appear before CB2's SLA hearing on December 11th; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Pizza of 32 Spring Street, Inc. d/b/a Lombardi's, 32 Spring St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**14. R&G Spring, LLC f/k/a Al Taglio, Ltd. d/b/a Piccola Cucina, 196 Spring St. 10012**

**Whereas**, the applicant appeared before the committee for a second time after appearing the previous month with an incomplete CB2 questionnaire package; and,

**Whereas**, this is an application for a new beer and wine license for a restaurant in a previously unlicensed premise for a family restaurant serving Italian food with "no bar", the premise is located between Sullivan Street and Thompson Street in a mixed use building, there will be 10 tables and 20 table seats, no stand up bar, 1 service bar for waiter service only, the maximum occupancy as stated by the applicant is 20 people, there will be no outdoor seating, no backyard garden and no sidewalk cafe; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music from ipod/cd's that will not disturb residents in the building or other neighbors, there currently exists sufficient sound proofing, there will be no dj's, no live music, no jukebox, there will be no tv's, there will be no private parties, no scheduled performances, no outside promoters, no promoted events and no events for which a cover fee is charged; and,

**Whereas**, there are at least 15 on premise liquor licenses within 500 feet; and,

**Whereas**, the applicant performed some outreach in the community and posted notices in the storefront window and the applicant has been operating a pizza business in the location for a number of years and is now opening an Italian restaurant in the location which this application is for; and,

**Whereas**, the applicant agreed to a set of stipulations which they have executed as a stipulations agreement with CB2, Manhattan that they agreed they would submit to the Liquor Authority and be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be advertised as a family restaurant with Italian food.
2. The hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. All customers will have left the premises at the closing hour.
3. The premises will be operated as a full service restaurant only with no stand up bar and waiter service only.
4. Music will be quiet background only.
5. All doors and windows will be closed by 10 p.m.
6. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
7. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a beer and wine license for **R&G Spring, LLC f/k/a Al Taglio, Ltd. d/b/a Piccola Cucina, 196 Spring St. 10012** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Beer and Wine license.

Vote: Unanimous, with 37 Board members in favor.

#### **15. Kennedy Organic, LLC, 5 King St. (a/k/a 224-226 Avenue of the Americas) 10012**

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

**Whereas**, this is an application for a new on premise liquor license in a previously licensed premise for a "small, independently owned, neighborhood restaurant serving Italian inspired cuisine in an historic community" that "plan[s] to offer brunch, lunch and dinner", located between Houston and King Street in a mixed use building in a premise approximately 1,648 sq ft, with 1,106 sq ft. on the ground floor for patron use and approximately 542 square foot in the basement for ancillary uses but not for patrons, there will be 22 tables and 52 table seats, 1 stand up bar with 9 seats, for a total of 61 interior seats, the maximum occupancy as stated on the Certificate of Occupancy is 74, there will be a sidewalk café which is included in this application which will have 27 tables and 54 seats and this is subject to recommendation for approval by CB2's Sidewalks and Street Activities Committee and the full board of CB2, Manhattan; and,

**Whereas**, the hours of operation will be Sunday from 10 a.m. to 12 a.m., Monday to Thursday from 1 p.m. to 12 a.m. and Friday from 12 p.m. to 1 a.m. and Saturday from 10 a.m. to 1 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music only, there currently exists sufficient sound proofing or the applicant will install, there will be no dj's, no live music, no jukebox, no tv's, there will be no security personnel, there may be private parties on occasion (i.e. occasional birthday, anniversary etc.);

**Whereas**, there are at least 10 licensed premises within 500 feet; and,

**Whereas**, the principles have not held any previous liquor licenses, but one of the principles is a sommelier with experience working in other licensed premises within CB2 including Babbo, Cru and Lupa; and,

**Whereas**, the applicant performed some outreach in the community; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Man. that they agreed would submit to and request to have attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday from 10 a.m. to 12 a.m., Monday to Thursday from 1 p.m. to 12 a.m., Friday from 12 p.m. to 1 a.m. and Saturday from 10 a.m. to 1 a.m. At closing, all patrons will have left the premises.
2. The premise will be operated as a full service restaurant serving Italian food.
3. Because this a full service restaurant only, there will be no security/doorman personnel.
4. All Doors and Windows will be closed by 10 p.m., however the window on King Street will be closed by 5 p.m. daily.
5. Music will be quiet background only.
6. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
7. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing.
8. There will be no tv's.
9. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on-premise liquor license for **Kennedy Organic, LLC, 5 King St. (a/k/a 224-226 Avenue of the Americas) 10012** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 8<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

#### **16. Hud Bar 01, LLC, d/b/a Hudson Grill, 501 Hudson St. a/k/a 131 Christopher St, 10014**

**Whereas**, this application is for a new Beer and Wine license for a "family style restaurant providing high quality American 'comfort' food at affordable prices", in a mixed residential/commercial building on the corner of Hudson Street and Christopher Street, for a 1,703 s.f. Restaurant located only in the basement, which has 16 tables and 62 table seats and 1 bar with 14 seats for a total of 76 seats, there will not be a sidewalk café or back yard garden, music will be quiet background only from ipod/cd's from a small

speaker system consisting of 1-2 speakers, there will be 2 tv's, the maximum legal occupancy is proposed to be 142, but a Certificate of Occupancy is not yet been issued or approved but has been applied for; and,

**Whereas**, the applicant states that the hours of operation will be Sunday to Monday from 11 a.m. to 1 a.m., Tuesday to Wednesday from 11 a.m. to 2 a.m. and Thursday to Saturday from 11 a.m. to 3 a.m., there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no plans to manage vehicular traffic and no ropes or movable barriers, there may be one security guard/doorman at the street level entrance on Christopher Street; and,

**Whereas**, this is a basement venue which was previously used for storage and covers the majority of the basement area and the main entrance will be on Christopher Street located roughly in the middle of the façade of the building through a hallway and down a stairway which enters into the middle of the basement premise with an emergency egress on Hudson Street; and,

**Whereas**, the menu presented consists primarily of appetizers and light fare and burgers and sandwiches with three entrée's consisting of fish and chips, a bbq mixed grill and risotto; and,

**Whereas**, the applicant did host several open house events which were publicized through fliers and several community residents attended and a petition was presented but the petition indicated the application was for an on-premise license, which the applicant originally intended to apply for, but there is some question as to whether the 200 ft. rule is applicable and as such the application was modified to a restaurant wine license; and,

**Whereas**, the President of the Christopher Street Patrol and the Vice President of the Greenwich Village Block Associations spoke in opposition of the application and spoke in opposition on behalf of the Presidents of the West 10<sup>th</sup> St. Block Association, The Christopher Street Block Association, The Perry Street Block Association, The Bedford, Barrow and Commerce Street Block Association, the Grove Street Block Association and all individual members of the Christopher Street Patrol; and,

**Whereas**, several members of the community who are in the process of forming a new Block Association in the area also appeared in opposition after having attended one of the open houses hosted by the applicant and discussing the proposed premises and concept; and,

**Whereas**, the principal, John Souto, owns the building and has no restaurant experience and the proposed Manager who appeared before the committee does not have experience running a "family style restaurant" but does have experience running licensed premises having been a principal of Holiday Cocktail Lounge and several other licensed premises; and,

**Whereas**, those in opposition raised a number of issues and concerns and in particular that this location has never been previously licensed and is currently ancillary storage for the several storefronts located on the ground floor, that there is no need for a "family style restaurant" to be open until the hours proposed by the applicant, that a "family style restaurant" located in a basement location without an elevator would not be family friendly given the stairs and basement venue, there were questions as to whether or not a basement venue such as this is viable for a successful restaurant as the West Village predominantly has a street level presence and charm and almost all restaurants are located on the ground floor with windows as a significant attraction to diners, that the presence of TV's would most likely result in this becoming a sports bar type venue, and that this area Thursday through Saturdays in particular has become a destination location which has resulted in crime, quality of life issues at the expense of the community who lives there and that having new licensed premise of any type, in particular one with the qualities above only serves to exacerbate an already untenable situation; and,

**Whereas**, in particular, those in opposition raised serious concerns regarding the history of public safety on this particular block (the Christopher Street Path Station is also located on the Block) and noted that it has for decades been a focal point of Police and community patrol activity given the level of crime and quality of life issues, and as evidence they pointed to two NYPD tower lights which are turned on at night to illuminate the area and one of those tower lights is located directly across the street from this location and has been in place for over a year, the significant amount of Police resources which are allocated to crime and quality of life issues in this area and that the Block Associations in the immediate area and those who appeared in opposition are adamantly opposed to any new beer and wine or on-premise liquor licenses in the area, in particular those operating later in the evenings, given the long history of crime and quality of life issues which they feel are directly linked to the number of licensed venues in the immediate area and that this area is frequented by those drawn to the nightlife activity and seemingly intent on committing criminal acts as evidenced by the many strategies that the NYPD has implemented over the years to deter crime in the area and crime statistics

**Whereas**, a high density of licenses already exist (14 OP licenses, an unknown number of beer and wine licenses and at least 3 pending licenses) within 500 ft. of this location; and,

**Whereas**, CB2 agrees with the concerns presented by those in opposition and has great concern that this will become another late night drinking establishment that would exacerbate the existing conditions as described above in this area and further impact the community by adding to the issues in this immediate area which would continue to divert City resources which should be allocated more evenly across CB2; and,

**Whereas**, the applicant was asked if they would be willing to stipulate to earlier closing hours more consistent with a family style restaurant, if they would agree to never seek to upgrade the license to a full on-premise license, if they would forego having happy hour pricing and committing to being open for lunch 7 days a week, have a security person/door person on the ground level during all hours of operation, and keep the kitchen open during all hours of operation, but the applicant was not willing to the suggested stipulations, but was willing to discuss closing slightly earlier; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** of the application for a Beer and Wine license for **Hud Bar 01, LLC, d/b/a Hudson Grill, 501 Hudson St. a/k/a 131 Christopher St, 10014.**

**THEREFORE BE IT FURTHER RESOLVED** that should the Liquor Authority consider this application despite CB2, Man.'s recommendation for denial, that the Liquor Authority consider requiring the applicant to stipulate to closing hours of 12 a.m. Sunday to Thursday and 1 a.m. Friday to Saturday, stipulate to agreeing not to seek an upgrade to a full on-premise license in the future, stipulate to no happy hour pricing, stipulate to serving lunch 7 days a week, stipulate to a security guard/doorperson for all hours of operation on the ground floor entrance, stipulate to having the kitchen open during all hours of operation with the full menu available at all times and stipulate to operating as a restaurant only and not as a bar.

Vote: Unanimous, with 37 Board members in favor.

**17. MCD Hospitality, LLC, 26 Greenwich Ave. 10011 (beer & wine)**

**Whereas**, the applicant appeared before the committee to present the concept of a “small family neighborhood restaurant that will focus on French food”; “two brothers, Michael Touchard and Cyril Touchard will operate and run the restaurant full time”; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street (Block #606 / lot #08), for a 900 sq. ft premise with 18 tables with 37 seats, 1 bar with 6 seats, for a total of 43 seats and the maximum proposed occupancy is 50 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the applicant will install soundproofing using a professional sound engineer, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is **another** location within CB2 that has **never been licensed by the Liquor Authority**; and,

**Whereas**, the applicant reached out to the community and established and executed a stipulations agreement with the Mid West 10<sup>th</sup> Street Block Association, which CB2 has incorporated into a separate stipulations agreement in which the applicant agreed to submit to the SLA the stipulations to be incorporated into the “method of operation” on their SLA restaurant wine license; and,

**Whereas**, the stipulations are as follows:

1. Hours of Operation: On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. Certificates, Permits and Related Documents: The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. Traffic: The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. Manager: The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. Music: The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. Soundproofing: The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise

generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.

7. Sidewalk Café: The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.
8. Front Door: The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. Doors and Windows: The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. Sanitation: The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. Lighting: The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.

12. Advertising: The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. Notification Of Change Of Ownership: The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. Monthly And Quarterly Meetings: The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. Events: The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the new Restaurant Wine/Beer and Wine license for **MCD Hospitality, LLC, 26 Greenwich Ave. 10011** **unless** those conditions and stipulations agreed to by the applicant relating to the 6th Whereas clause are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

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

**18. Corp. to be formed by Jared Gordon, d/b/a Analogue, 41 E. 11<sup>th</sup> St. 10003**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting #2 on December, 13th, 2012, the applicant’s attorney requested to **layover** consideration of this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Corp. to be formed by Jared Gordon, d/b/a Analogue, 41 E. 11<sup>th</sup> St. 10003** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**19. UBSOHO 10013, LLC 349 W. Broadway, 10013**

**Whereas**, the applicant **did not appear** before CB2, Man.’s SLA Licensing Committee meeting #2 on December, 13th, 2012 for an on-premise liquor license at the above referenced address after being placed on the agenda and having been requested to appear; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, any temporary licenses or changes to any existing license for **UBSOHO 10013, LLC 349 W. Broadway, 10013** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that

the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**20. David Kay d/b/a Love, 446 W. 14<sup>th</sup> St., 10014**

**Whereas**, the applicant, David Kay appeared at this month's CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, but the applicant's attorney was not present and the applicant did not have a completed CB2 Questionnaire or supporting material as required and had not performed adequate community outreach and Mr. Kay requested at the meeting to **layover** consideration of this application for a new on-premise liquor license and said that he or his attorney will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premise liquor license or changes to any existing license for **David Kay d/b/a Love, 446 W. 14<sup>th</sup> St., 10014** until the applicant has presented their SLA application and completed CB2 SLA Questionnaire and supporting materials in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**21. John Dory LLC, d/b/a Market Table, 54 Carmine St. a/k/a 28 Bedford St. 10014**

**Whereas**, prior to this months CB2's SLA Licensing Committee Meeting #2 on December, 13th, 2012, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license (upgrade to existing restaurant wine license #1190057) and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, alteration, upgrade or changes to any existing license for **John Dory LLC, d/b/a Market Table, 54 Carmine St. a/k/a 28 Bedford St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

**22. Entity to be formed by Stephanie Markowitz, TBD, 176 Prince St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, the applicant's attorney requested to **layover** consideration of this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine or on-premise liquor license or changes to any existing license for **Entity to be formed by Stephanie Markowitz, TBD, 176 Prince St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

### **23. Scotto Casa NY, LLC 167 7<sup>th</sup> Avenue South, 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, the applicant's representative requested to **layover** consideration of this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine or on-premise liquor license or changes to any existing license for **Scotto Casa NY, LLC 167 7<sup>th</sup> Avenue South, 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution requesting the NYC Department of Transportation to study resequencing traffic signals along Prince St. from Bowery to Lafayette St. and from Broadway to Sixth Ave. for a slow, even "Green Wave" signal progression.**

**Whereas** in 2007, the NYC Department of Transportation (DOT) installed the Prince St. bicycle lane as part of a network of safer streets; and

**Whereas** currently the traffic signals on Prince St. have irregular sequencing, with vehicular traffic moving at a slow, uneven pace, stopping and starting at erratic intervals, resulting in pedestrian confusion and danger crossing the street and excessive emissions, while leading many cyclists to disregard the signals; and

**Whereas** other cities, such as San Francisco, have implemented "Green Waves" in which signal progressions are timed with green lights set to have traffic move in a steady pace at roughly 10-15 mph (average bicycle speed and approximately the speed of stop-and-start traffic on Prince St. now), producing a more efficient flow of bicycle and vehicular traffic and increasing pedestrian safety; and

**Whereas** DOT indicated at the time of initial consideration of the Prince St. lane and several times thereafter that it would be possible to implement a "Green Wave" there, regulating cycling as well as vehicular speeds for a more consistent traffic flow, with the expectation there would need to be breaks at the major cross streets of Lafayette and Broadway; however to date no program has actually been installed; and

**Whereas** with such a "Green Wave," pedestrians benefit from the diminished rate of light-running by cyclists as well as from traffic moving in a slow, but even and predictable manner, and drivers benefit from a smooth, steady driving pace at neighborhood-friendly speeds; and

**Whereas** some signage would be necessary to alert drivers and cyclists of the "Green Wave" light timing, however, an overload of signage needs to be avoided in this historic neighborhood;

**Therefore be it resolved** that CB#2, Man. requests that DOT study resequencing traffic signals for a "Green Wave" signal progression on Prince St. from the Bowery to Sixth Ave., assessing suitable timing considering the slope of the street and in keeping with both reasonable cycling speeds and a smooth pedestrian-friendly flow of vehicular traffic, with the understanding that there may be interruptions necessary for major cross streets (e.g. Lafayette, Broadway); and

**Be it further resolved** that CB2 asks that once this study is done, that DOT report back to CB2 with its findings and recommendations; and

**Be it further resolved** that CB2 asks that should a "Green Wave" be determined to be feasible at this location, DOT install signage in limited locations, so as to alert drivers and cyclists of the "Green Wave" light timing in order to maximize the benefits of the program, while avoiding sign clutter in this historic neighborhood.

Vote: Passed, with 19 Board members in favor and 16 in opposition-(Bergman T.; B. Carter; Brandt A.; Consagra P.; Dawson C.; Passanante M.; Goldberg R.; Gruber D.; Hearn, A.; Kiely J.; Kriemelman, A.; Landesman D.; Riccobono B.; Sanz R.; Sweeney S.; Wittenberg S.

**2. Resolution denying request for No Parking 8 am to 6 pm weekdays on south side of Barrow St. bet. Bleecker and Bedford Sts. and for speed humps, but supporting enforcement and setting aside two to three spaces for commercial parking.**

**Whereas** Barrow St. bet. Bleecker and Bedford Sts. is a very narrow street, with one vehicular travel lane and one parking lane, cleaned Tuesday and Friday, and is heavily trafficked, particularly with trucks that flagrantly ignore the sign restricting truck traffic on that block to local deliveries; and

**Whereas** a request was presented to remove parking 8 am to 6 pm weekdays on the south side of this block, because of the frequent blockage of the streets by trucks stopping to pick up and drop off, plus a glut of trucks going through, backing up traffic, accompanied by cars driving up on the sidewalk, noise, and danger to pedestrians; and

**Whereas** speed humps were also suggested as a way to slow down and divert the non-delivering trucks that are illegally on that street; and

**Whereas** many local community people were present and others sent letters objecting to the request to remove parking, because they were concerned that, in addition to their reluctance to lose parking spaces, the resulting widening of the street would attract more traffic, including tour buses and limousines (which are common in the neighborhood), would facilitate speeding and would compromise safety, while also inviting illegal standing, although most did not object to speed humps; and

**Whereas** the Bedford/Barrow/Commerce Block Association, which represents the area in question, indicated their opposition to speed humps because of the excessive and disturbing noise they create; and

**Whereas** the Committee disclosed that many blocks where speed humps were installed upon request have sent in complaints about the noise they produce and their inefficiency in slowing down traffic; and

**Whereas** a loading zone for commercial drop offs and pickups was suggested as a way to remove trucks and other delivery vehicles from blocking the street;

**Therefore be it resolved** that CB#2, Man. does not support regulations for No Parking 8 am to 6 pm weekdays on the south side of Barrow St. bet. Bleecker and Bedford Sts.; and

**Be it further resolved** that CB2 recommends removing two to three parking spaces on the southeast side of Barrow St. bet. Bleecker and Bedford Sts. (i.e., the 7<sup>th</sup> Ave. S. end) and setting them aside for commercial parking with signage indicating No Parking 8 am to 6 pm on Weekdays Except for Deliveries; and

**Be it further resolved** that CB2 urges that NYPD deploy traffic agents at the entry to Barrow St. at 7<sup>th</sup> Ave. S./Bleecker St. to enforce the prohibition of through truck traffic on that block; and

**Be it finally resolved** that CB2 does not support installation of speed humps on Barrow St. bet. Bleecker and Bedford Sts. at this time, but suggests waiting to see how the recommended commercial parking spaces and the requested enforcement work in alleviating conditions.

Vote: Unanimous, with 37 Board members in favor.

**3. Resolution in support of changing parking regulations and signage on the west side of Lafayette St. bet. Kenmare and Broome Sts. to No Standing Anytime for the entirety of the block and on the east side of that street to No Parking Anytime.**

**Whereas** current parking regulations on the west side of Lafayette St. bet. Kenmare and Broome Sts. are split between No Parking 8 am – 6 pm weekdays on the northern third of that side of the block and No Standing Anytime on the southern section, while the eastern side of this block has No Parking 8 am to 6 pm except Sunday and a bike lane; and

**Whereas** this configuration produces a very narrow passage for vehicles turning from Kenmare south onto Lafayette St. and for vehicular traffic coming from the north on Lafayette and merging with the other southbound vehicles, including a great deal of truck traffic, causing excessive congestion and backing up, accompanied by a great deal of horn honking, chaos and danger to pedestrians, a situation that lasts well into nighttime hours, exacerbated by huge luxury vehicles standing there and sometimes double-parking; and

**Whereas** removal of parking on that stretch of Lafayette St., in effect widening the street there, would provide the street space that is greatly needed to facilitate the turn from Kenmare on to Lafayette and to accommodate the large buildup of combined traffic turning from the east and coming from the north, as well as providing the space needed to turn west from Lafayette on to Broome St.;

**Therefore be it resolved** that CB#2, Man. fully supports and urges changing parking regulations and signage on the west side of Lafayette St. bet. Kenmare and Broome Sts. to No Standing Anytime for the entirety of that side of the block and on the east side of that stretch to No Parking Anytime.

Vote: Unanimous with 37 Board members in favor.

**4. Resolution in support of restoring Traffic Enforcement Agents on Kenmare St. at Cleveland Pl. and Lafayette St. during late afternoon and evening hours and morning rush hours.**

**Whereas** the intersections of Kenmare St. at Cleveland Pl. and Lafayette St. are among the Kenmare corridor's most overburdened, Cleveland Pl. being heavily impacted by the squeezing of traffic in the small space approaching Lafayette St., and Lafayette St. being heavily impacted by traffic turning south from Kenmare and merging with more traffic coming from the north, resulting in serious backups, blocked crosswalks, impassable and highly dangerous crossings for pedestrians, and heavy horn honking, especially at morning peak hours during the week, and at late afternoon and evening rush hours and beyond (3 pm to 9 pm) both during the week and on weekends; and

**Whereas** Traffic Enforcement Agents were stationed on Kenmare St. bet. Cleveland Pl. and Lafayette St. previously, and, as reported by the surrounding community, they were vastly helpful in directing and enforcing the movement of traffic, but they are no longer there, and conditions have worsened since their absence; and

**Whereas** because of the heavily backed up, blocked, noisy, confusing and unsafe traffic conditions at these two intersections, where two lanes go in different directions, and traffic heads south and east and west, an enforcing presence is very much needed to direct and unsnarl traffic, making sure it runs smoothly, and that pedestrian safety and access is safeguarded, especially at the peak hours cited above;

**Therefore be it resolved** that CB#2, Man. strongly urges that traffic enforcement activities be restored on a permanent basis by NYPD on Kenmare St. bet. Cleveland Pl. and Lafayette St. with Traffic Enforcement Agents stationed at both Cleveland Pl. and Lafayette St. on Kenmare at morning peak hours during the week, and at 3 pm to 9 pm both during the week and on weekends.

Vote: Unanimous with 37 Board members in favor.

Respectfully submitted,

Susan Kent, Secretary  
Community Board #2, Manhattan