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



Antony Wong, *Treasurer*  
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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** February 21, 2013  
**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, Heather Campbell, Lisa Cannistraci, Denise Collins, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Raymond Lee, Alexander Meadows, Florent Morellet, Lois Rakoff, Robert Riccobono, Robin Rothstein, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Susan Wittenberg, Antony Wong, Robert Woodworth,

**BOARD MEMBERS EXCUSED:** Pier Consagra, Edward Ma, Judy Paul, Rocio Sanz, Wendy Schlazer, Sean Sweeney, Elaine Young

**BOARD MEMBERS ABSENT:** Gideon Gil, Dodge Landesman

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

**GUESTS:** Sam Nagourney, Congressman Jerrold Nadler's office; Senator Brad Hoylman and Robert Atterbury, Senator Brad Hoylman'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; Nicole Vianna, Jonathan Malik, Pete Davies, Lisa Siegman, Camryn Ramgoolie, Russell Horton, Alice Rowen, Diana Kirkwood, Thomas Walsh, Brendan Kirkpatrick, Jim Boos, Mary Johnson, Justin McAvoy, Lior Shleckhorn, KyQuan Phong, Casey Ward, Elizabeth Bennett, Ryann Bieber, Margaret Gomes, Jackie Munticino, Bob Bouton, Bunny Gabel, Jayne Hertko, JohnPaul DeVerna, Rhea Sohn, Meredith Nowikowski, Lauren Danziger, PA Davis, Chris Tepper, Barbara Orlando, Joseph Orlando, Jeff Aser, Alan Rowen, Eric Weigle, Katelyn Israelski, Gerald Banu, Peter Collins, Maya Schnaider, Chaya Deitsch, Margery Reifler, Karen Shapiro, Vanessa Keete, Kellen Keete, Tristan Keete, Sue Unkenhorz, Matthew Washington, Chun Mei Wong, Noam Leibovitz, Shino Tanikawa, Van Ly, Kristina Capron, Brendan Sexton, Charle John Cafiero, Tara Leone, Laurine H. Ben-Dov, Marcia Resnick, Sara Hendrickson, Andrea Swale, Olivia Horton, William Gilmore, Bruce Mastalihski, Nick Gottlieb, Jamie Johnson, Arlene Peralta, Douglas Kandl, Karen Louviere, Craig Walker, Yume Kitasei, Renee Monroe, Nick Neher, Alex Auder, Heather Brown, S. Stock, Alan Leung, Chris McGinnis, Regina Reynolds

## MEETING SUMMARY

Meeting Date –February 21, 2013

Board Members Present – 40

Board Members Excused–7

Board Members Absent - 2

### I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
ARTS & INSTITUTIONS	4
LANDMARKS AND PUBLIC AESTHETICS	5
LAND USE & BUSINESS DEVELOPMENT	8
PARKS, RECREATION & WATERFRONT	10
SIDEWALKS/STREET ACTIVITIES	13
SLA LICENSING	22
TRAFFIC AND TRANSPORTATION	43

### II. PUBLIC SESSION

#### Non-Agenda Items

##### Meatpacking Improvement Association

Lauren Danzinger made an announcement regarding an upcoming fundraiser.

##### Bellevue Hospital Center

Lois Rakoff reported on the Community Advisory Board.

##### Street Fairs

Jamie Johnson spoke against street fairs along Broadway.

##### Hurricane Sandy Assistance

Vany Ly, from the Center for Independence of the Disabled, NY, spoke regarding their programs and assistance available for Hurricane Sandy victims.

##### Health

Mary Johnson spoke regarding this topic.

## **Parks, Recreation & Waterfront**

Support of Application by The Friends of The Hudson River Park to the NYC Dept. of Small Business Services for Authorization and Establishment of Hudson River Park Neighborhood Improvement District  
Matthew Washington and Brendan Sexton spoke in favor of the proposed Neighborhood Improvement District.

Bunny Gabel, Bouton, and Nicole Vianna spoke against the application for the proposed Neighborhood Improvement District.

## **Traffic and Transportation Items**

### **Resolution in Support of a P.S. 3 Play Street on Grove St. bet. Bedford and Hudson Streets**

A. Rowen, Barbara Orlando, Russell Horton, Margery Reifler, Maracia Resnick, Diana Kirkwood, Olivia Horton, Thomas Walsh, Jayne Hertko, Tara Leone, Regina Reynolds, and Eric Weigle spoke against the proposed play street.

Nick Nehez, Alex Auder, Craig Walker, Jim Boos, William Gilmore, Sue Ukenholz, Charle John Cafiero, Camryn Ramgoolie, Lisa Siegman, Kristina Capron, Chris McGinnis, Shino Tanikawa, and Alan Leung spoke in favor of the proposal.

Nick Gottlieb spoke regarding the proposal for the play street.

## **III. ADOPTION OF AGENDA**

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

Sam Nagourney, Congressman Jerrold Nadler's office

Senator Brad Hoylman

Robert Atterbury, Senator Brad Hoylman'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 January minutes.

## **VI. EXECUTIVE SESSION**

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

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

### **STANDING COMMITTEE REPORTS**

#### **ARTS & INSTITUTIONS**

##### **Increasing Funding for the Arts**

**Whereas**, CB#2, Man. has long been supportive of cultural institutions and the arts, and recognizes that they are important for residents and businesses within our community and all of New York City, and

**Whereas**, the Greenwich Village and SoHo neighborhoods have a long, heralded history of being a haven for artists, as well as the cultural organizations that together have made critical contributions to New York City's world-renowned reputation for being a destination for arts and culture, and

**Whereas**, the CB2 Arts & Institutions Committee heard a presentation from One Percent for Culture stating that:

- The current budget for the arts in New York City is \$150 million, representing approximately 0.22% of the budget
- At 1% of the City expense budget, funding would be \$650 million
- An increase in the arts/culture budget would enable expansion of arts education and other beneficial efforts
- Despite an increase in capital funding, much-needed expense funding has been reduced
- There are over 1,200 cultural organizations in NYC
- NYC cultural organizations create more than 100,000 jobs
- Cultural organizations in NYC generate approximately \$7.6 billion in economic activity each year, and

**Whereas**, CB#2, Man. supports One Percent for Culture's mission and goals,

**Therefore Be It Resolved** that CB#2, Man. supports increased expense and capital funding for culture/the arts, and urges our elected officials to make this a priority.

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

## LANDMARKS AND PUBLIC AESTHETICS

### 1<sup>ST</sup> LANDMARKS MEETING

**1 - LPC Item:9 - 74 Washington Place** (Sixth/MacDougal)– Greenwich Village Historic District  
A Transitional Greek Revival Italianate style townhouse built in 1853, altered with the addition of a 4th floor and studio window. Application is to construct rooftop and rear-yard additions, excavate the cellar and rear yard, and replace a window. Zoned R7-2

**Whereas**, the replacement of the large window improves the front façade of the building, which is remarkably preserved; but

**Whereas**, the vogueish, proposed rear façade is not speaking to its traditional, existing front façade.

If this rear façade is permitted, it would be a bait-and-switch: the front façade is one thing, while the rear is entirely an other.

There is no typography to which this proposal relates. Indeed, the freshness date of this trendy rendition will expire before it is built. We shall be sacrificing history for a blip; and

**Whereas**, this slow erosion of our traditional Village backyards that we have been witnessing over the last decade or so is regrettable.

Where, not so long ago, true backyards with greenery, grass, flowers, trees and shrubs stood, we now see proposals seeking elements more associated with urban rooftop gardens, including sterile pavers, an absurd skylight where grass should be, and flora relegated to manufactured planters, in a vain attempt to conjure something that the applicant seeks to destroy; and

**Whereas**, we don't understand the logic of using so much glass on this historical building.

It certainly isn't functional: the applicant admits there is no gorgeous view to justify this expansive glazing on mid-19<sup>th</sup> century building. It just offers a view of the neighboring rear façade – neighbors looking at neighbors. It makes this old building resemble the Standard Hotel, so out of place in this traditional doughnut; and, further,

**Whereas**, the proposed *bris de soleil* might be appropriate on a Le Corbusier building, but not on this Greek Revival; and

**Whereas**, the proposed rooftop addition is too visible, and is very odd and unsuitable in appearance; now

**Therefore, be it resolved** that CB#2, Man., with the exception of the proposed front window, strongly recommends denial of this application that, yet again, so needlessly seeks to destroy the ambience and character of the rooftop, the backyard, and the historic configuration and style of the rear façade, important elements for which this historic district is so renowned,

Vote: Unanimous, with 40 Board members in favor.

**2 - LPC Item:11 - 425 West 13th Street** – Gansevoort Market Historic District A neo-Renaissance style warehouse building designed by Hans E. Meyen and built in 1901-02. Application is to install storefront infill and signage.

**Whereas**, the blade sign does not draw undue attention to itself; and

**Whereas**, the infill is an imaginative up-scaling from the mundane to a stylistic interpretation of the adjacent fenestration; now

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

Vote: Unanimous, with 40 Board members in favor.

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

**LPC Item # 15) 462 Broadway** - (Broadway and Grand Street) SoHo-Cast Iron Historic District A French Renaissance Revival style store and loft building designed by John Correja and built in 1879-80. Application is to install new storefront infill and an entrance canopy.

**Whereas;** The applicant seeks to replace two bays of the storefront north of the corner store, and

**Whereas:** the positions of the door and window in the two bays will be reversed, and

**Whereas**, the existing cast iron elements will be restored or replaced, as required, and

**Whereas**, the glazing will be restored to its original, recessed position; and

**Whereas**, grills for ventilation are to be installed at the top of the openings; and

**Whereas**, painted areas are to match existing color in other bays in the building; and

**Whereas**, an unobtrusive railing will be added to the steps; and

**Whereas**, an angled, stainless steel and glass canopy is to be added over the steps and

**Whereas**, the proposed canopy will draw undue attention to itself, detract from this attractive building and from the historic character of the district which did not, historically, have canopies on Broadway facades; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of the canopy and approval of the other parts of this application.

Vote: Unanimous, with 40 Board members in favor.

**(LPC Item # 16) 29-33 9th Ave.**-Gansevoort Market Historic District. A neo-Romanesque style warehouse building designed by Boring and Tilton and built in 1902-03. Application is to remove existing metal canopy, alter masonry openings, remove and alter loading docks, and to establish a Master Plan governing the future installation of storefront infill and signs.

**Whereas**, the non-historic canopy is to be removed, and

**Whereas**, the non-historic loading platform is to be removed; and

**Whereas**, the ground floor level openings will be lowered to grade with eight inch sills at the bottom; and

**Whereas**, the Master Plan provides of interchangeable modules of windows and doors in the ground level openings with the positions to be determined according to requirements of tenants; and

**Whereas**, elevator entrance will be lowered to grade; and

**Whereas**, ground floor openings are to be lowered to grade; and

**Whereas**, sign two sign bands are to be added above ground floor windows, one on each facade, and a double faced corner sign is to be installed in line with second floor windows; and **Whereas**, signs are proposed to be installed on the glazing at top of each window and door; and

**Whereas**, the removal of the canopy and loading platform will return the building to its original condition with respect to these two elements; however, the number of signs is excessive and detracts from the building; now

**Therefore, be it resolved** that CB#2, Man. recommends that there be a total of no more than six signs - Two sign bands, one corner double face sign, one sing over the entrance door of each of the three retail spaces, and that the other provisions of the application be approved.

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

**(LPC Item # 17) 410 W. 14th St. - Gansevoort Market Historic District.** An Arts and Crafts style store and loft building designed by Charles H Cullen and build in 1909. Application is to install storefront infill, modify the canopy, and install signage

**Whereas**, a retail space is to be constructed at ground level and

**Whereas**, existing canopy is in poor condition. and is to be restored, including repositioning of the ties to their original position ; and

**Whereas**, some historic bricks will be removed and

**Whereas**, the non-historic infill will be removed; and

**Whereas**, approximately half of the opening will be occupied by a window and door with three inch frames and approximately half of the opening will be occupied by a painted (white) aluminum facing; and

**Whereas**, an aluminum structure continuing the interior ceiling decoration is to be suspended from the restored canopy in a manner that does not harm the canopy; now

**Therefore, be it resolved** that CB#2, Man. recommends that the aluminum facing be dulled or painted a darker color and that the other portions of the proposal be approved.

Vote: Unanimous, with 40 Board members in favor.

**(LPC Item #19) 10 Downing St. (La Villette)-Greenwich Village Historic District Extension II**  
A modern style multiple dwelling designed by Stephen L. Hendrich and built in 1940. Application is to legalize the installation of heat lamps installed without Landmarks Preservation Commission permits.

**Whereas**, a violation has been issued with respect to five heaters installed in the window recesses on the Sixth Avenue side of the building without approval; and

**Whereas**, the heaters are unobtrusive in both design and position; and

**Whereas**, the heaters are partly covered by the canopy when it is extended; now

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

Vote: Unanimous, with 40 Board members in favor.

**(LPC Item #20) 275 Bleecker St.-Greenwich Village Historic District Extension II**  
A federal/Italianate style rowhouse build c. 1818 and altered in 1976. Application is to modify storefront cladding installed without Landmarks Preservation Commission permits.

**Whereas**, the existing wood cladding, originally intended to be preserved in a prior, approved application, was found to be in poor condition after construction of approved work was begun; and

**Whereas**, new wood cladding in the same color with a different orientation was installed without seeking approval, thus creating the violation; and

**Whereas**, it is proposed to paint the wood to match existing trim on the building which is a historical color; and

**Whereas**, modifications are to be made to the area surrounding the door in keeping with the building; and

**Whereas**, the proposed modifications bring the building to a condition that is much more in keeping with the district than either the previous or existing condition and enhances the streetscape ; now

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

Vote: Unanimous, with 40 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 106-108 West 13<sup>th</sup> Street. Application 8-98-BZ to the Board of Standards and Appeals pursuant to ZR 72-01 and 72-22 seeking an amendment to modify a previous variance permitting limited commercial use in the cellar of a building in an R6 residential zone to allow retail use and extend the allowed hours**

**Whereas:**

***(Regarding proposal information.)***

1. The proposal is to amend a prior variance.
2. The prior variance allowed limited UG6 use in the cellar of this 6 story residential building in an R6 zone.
3. The prior variance had a 20 year term expiring in 2018;

4. The prior variance limited uses to antique store, art gallery, furniture store or jewelry or art metal craft store.
5. The prior variance limited hours of operation to 10am to 7pm Tuesday through Friday and 11am to 6pm Saturday and Sunday.
6. The current proposal is to amend the variance to remove the term entirely, to allow all UG6 uses except “eating and drinking establishments”, and to extend the hours to 8am to 11pm Monday to Sunday.

***(Regarding applicant statements and community response.)***

7. The owner stated that since a furniture store had moved out, efforts to lease the cellar had been unsuccessful, but presented no documentation of such efforts.
8. One resident of the building spoke against the proposal and in favor of retaining the current restrictions.
9. The resident submitted a petition with 30 signatures, which she stated were residents of all apartments in the building except.
10. Three neighbors purporting to represent the 13<sup>th</sup> Street block association spoke in favor of the proposal based on their preference that the cellar be occupied.
11. In response to questions from the committee, the applicant agreed to amend the application to leave the term limitation in place.
12. The owner also agreed to amend the application to include a strict limitation on all food and beverage sales and service including cafes and food stores.
13. The applicant also agreed to amend the application for hours of operation from 9am to 9pm Monday through Sunday.

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

Recommends approval of this application in accordance with the agreements contained in paragraphs 11 – 13 above and included in the attached letter.

Vote: Unanimous, with 40 Board members in favor.

**2. 69-71 Macdougall Street. Application 292-01-BZ to the Board of Standards and Appeals pursuant to ZR 72-21 seeking a ten-year extension to the term of a previous variance allowing an eating and drinking establishment (Villa Mosconi) with accessory cellar storage in an R7-2 residential zone**

**Whereas,**

***(Regarding the application information)***

1. The application was presented to the committee by Frederick Becker, representing the applicant, and John Ghezzi and Peter Mosconi of Villa Mosconi;
2. The application is for a ten-year extension to a prior variance to allow UG 6 use in this R7-2 district;

***(Regarding the request to extend the variance.)***

3. There were not changes proposed to the prior variance;
4. No one appeared at the hearing to speak for or against the proposal;

**Whereas**, there is an apparently illegal advertising sign on the south side of the building because the building borders on a public park;

**Therefore it is resolved** that CB2, Man. recommends approval of this request for a ten-year extension of a prior variance upon proof that the illegal sign has been removed.

Vote: Unanimous, with 40 Board members in favor.

## **PARKS, RECREATION & WATERFRONT**

### **1. A resolution to Reject Open Space Mitigation Outside the Hudson Square Special Zoning District At The Expense of Open Space Mitigation Within the District**

#### **Whereas:**

1. Hudson Square is part of Community Board 2, the second most parks-starved community in the city, with already-overcrowded parks and limited opportunities for indoor recreation.
2. The Hudson Square area itself has no open space nor has it had any substantive infrastructure improvements in over 80 years.
3. Trinity Real Estate has been one of the largest landowners in Manhattan for more than 300 years. Its holdings in the Hudson Square Special Zoning District (the District) area alone total 6 million square feet of property in 18 buildings—40% of the built space in the proposed District.
4. As they have stated repeatedly at meetings, on their website and in their literature, “Trinity thinks about the future of Hudson Square in decades and centuries, not quarterly earnings.”
5. Proposed development of 3.8 million square feet in the District includes more than 3,300+ residential units and will bring approximately 7000+ new residents and workers to the District.
6. The Hudson Square Rezoning DEIS found that Rezoning “ would result in a significant adverse impact to open space....” (Page 5-1).
7. CB2 recognizes that adequate space for a park in the District does not currently exist, and in its October 25, 2013 response to the Hudson Square Rezoning ULURP Application, CB2 asked that a new recreation center be built in the District with gymnasium, pool, exercise space, community rooms, after-school programming, and a small theater, to be operated by a non-profit provider. It recommended that this community center include amenities necessary to a well-functioning mixed-use area, such as childcare facilities, arts programs, a public library, a senior center offering lunch programs, activities and classes for seniors, as well as evening programs for youth and toddlers.
8. On January 23, 2013, the NYC Department of City Planning (DCP) proposed that Trinity contribute \$5.6 million for the refurbishment of the Tony Dapolito Recreation Center, which is located outside the District.

9. CB2 asked for renovations to the Dapolito Center only if further mitigation was required *after* the creation of a new recreation center *within* the District.
10. The Dapolito Center is too small to meet the additional active recreation needs of the new Hudson Square residents.
11. A recreation center serving the needs of Hudson Square is logistically, operationally, and financially feasible, based on detailed discussions with recreation and community center operators, architects and real estate investors.
12. Nearby recreation facilities at the Dapolito Center, J.J. Walker and Pier 40 are already heavily used by local schools, youth and adult leagues, with local schools—including Hudson Square-based NYC iSchool—traveling as far as West 134<sup>th</sup> Street for home basketball games. Likewise, Trinity’s proposal to build an elementary school with neither a standalone gym nor a standalone auditorium will result in compromised indoor recreational space.
13. A new recreation center housed in in the District will set a vibrant tone for the neighborhood; it will be a magnet for new residents and employers; and it will demonstrate indisputably the developers’ commitment to playing a vital role in the health of the city in the coming decades.

**Therefore be it resolved, that CB#2, Man. requests that:**

1. City Council reject the proposed \$5.6 million contribution to the Dapolito Center; and
2. City Council reject any attempt to predominantly mitigate for open space outside the proposed Special Zoning District; and
3. Since there are no horizontal mitigation opportunities in the District, CB2 strongly urges that the applicant fund a “vertical solution,” namely, CB 2’s first priority: a new recreation center in the District, close to where the majority of new residents will reside.

Vote: unanimous, with 40 Board members in favor.

**2. A resolution in Support of Application by The Friends of The Hudson River Park to the NYC Department of Small Business Services for the Authorization and Establishment of the Hudson River Park Neighborhood Improvement District**

**Whereas:**

1. The Hudson River Park (hereinafter “The Park”) was established by New York State legislation whereby Hudson River Park Trust does not receive any public funding for its regular maintenance and operations;
2. The Park currently experiences an operations deficit of \$7,000,000.00 annually which is expected to increase over time;
3. Friends of the Hudson River Park (hereinafter “Friends”) was founded in 1999 to advocate for and secure resources to complete and sustain The Park through government funds and private fundraising;

## THE APPLICATION

4. Friends has made an application to the New York City Department of Small Business Services for the authorization of the Hudson River Park Neighborhood Improvement District (hereinafter “NID”), a public/private partnership that will assess residential and commercial property owners within a designated area adjacent to the Park (see proposed NID District in attached map) and fund supplemental services(see proposed NID budget attached hereto);

## THE ASSESSMENT

5. The proposed NID will assess commercial property owners 15 cents per square foot per year, and residential property owners 7.5 cents per square foot per year;
6. Public housing units and non-profit organizations will be exempt; tenants of rent stabilized and rent controlled apartments will be exempt, but underlying property owners will be assessed; cooperative associations will divide their assessment among their shareholders; residential condos will be assessed individually according to their tax lots;
7. An increase in assessment will not be possible without new authorization by City Council pursuant to the mandated public process;

## BUDGET

8. The NID will provide for Park conservation; safety initiatives (signage and pedestrian safety across 9A); additional Park police; improved and additional lighting; median and bike lane landscaping and beautification; community/Park partnerships; and studies and design analyses;

## GOVERNANCE & ACCOUNTABILITY

9. The NID shall be governed by a Board of Directors of no fewer than 13 members, the majority of which must be property owners, in proportion to the commercial and residential property owners in the District; as well as commercial and residential tenants who are not property owners, government representatives from the Offices of the Mayor, Comptroller, Borough President and City Council; and Community Board 1,2 and 4 Representatives (non-voting).
10. No funds will be used to construct, maintain, or operate the Park’s commercial areas; the NID budget will be allocated by its staff and board and audited by the City of New York;

## OUTREACH

11. Friends has sent more than 40,000 letters in two mailings to tax lot owners of record; held seven public meetings (only two are required by law); purchased ads in six print and online community publications; and met with property owners, community groups and other district stakeholders through over 100 meetings;

## CONCERNS

12. The Parks and Waterfront Committee of Community Board 2 expressed the following concerns:
  - a. The regular maintenance and landscaping of the highway medians adjacent to the Park should not be the responsibility of the NID but rather of New York City DOT, New York State, and/or the federal government;
  - b. The NID is only planning to allocate 60% of its proposed revenue, as described in its proposal, on conservation and stewardship of the Park itself;
  - c. The current proposed NID map carves out the Hudson Square BID area. This BID currently assesses business owners, but not residential property owners. There are few residents in the area at this time, but an application is currently being considered by the City which, if approved, will

rezone Hudson Square as a mixed-use, special district allowing high FAR residential use, the result of which will be a substantial influx of new residents into an area with a dearth of active open space. Hudson River Park will become especially important to the quality of residential life and to the value of anticipated residential developments if this area is rezoned.

**Therefore be it resolved that:**

1. CB#2, Man. approves the establishment of the Hudson River Park Neighborhood Improvement District;
2. While recognizing that inclusion in the NID presents an additional financial burden on property owners, Community Board 2 feels the benefit of stabilizing and securing proper maintenance of this valuable asset outweighs the cost of this modest assessment;
3. CB#2, Man. calls upon its elected officials at the City, State and Federal levels to work with DOT to secure funding for the maintenance and landscaping of the highway median adjacent to the Park. NID revenues should not be spent on highway maintenance or other such expenses for which government agencies should be held responsible;
4. Community Board 2 strongly urges continuing discussion with respect to including current and future residential properties within Hudson Square in the Hudson River Park NID and assessing them accordingly.

Vote: Passed with 36 Board members in favor and 4 against-(Ely, Dwyer, Siegal and Rakoff).

**SIDEWALKS/STREET ACTIVITIES**

**App. to NYCDOT for revocable consents for:**

1. **Two (2) exterior stairs from cellar to sidewalk level, 430 Broome St (NE corner Crosby St), proposed stairs to be on Crosby St. side of building**

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and neither the applicant nor a representative was present, and

**Whereas**, the proposed stairways would take up roughly half of an already narrow sidewalk while providing no benefit to the community,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a revocable consent to build **two (2) exterior stairs from cellar to sidewalk level at 430 Broome St (NE corner Crosby St), proposed stairs to be on Crosby St. side of building.**

VOTE: Unanimous, with 40 Board members in favor.

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

**2. Carmine Restaurant Inc. d/b/a Il Cortile Rest., 125 Mulberry St. (btw Canal St & Hester St), with 9 tables & 18 seats, DCA# 1161434**

Block: 206; Lot:17                      Lot Frontage: 42.75'; Lot Depth:50.5                      Year 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 neither the applicant nor a representative was present, and

**Whereas**, appearance before the Community Board is a critical part of the sidewalk café renewal process and is required just once every two years, and

**Whereas**, the committee noted yet again that a pair of brass railings installed at each entrance entirely separates the service aisle from the seating, requiring wait staff to illegally use the public sidewalk, and

**Whereas**, the applicant has subsequent to the original plan taken over the space to the south at 121 Mulberry St. and extended the seating in front of it without an alteration to its plan,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Carmine Restaurant Inc. d/b/a Il Cortile Rest., 125 Mulberry St. (btw Canal St & Hester St), with 9 tables & 18 seats, DCA# 1161434;**

**UNLESS all of the illegal conditions noted in Whereas 3 & 4 are resolved**

VOTE: Unanimous, with 40 Board members in favor.

**3. Maneken Corp. d/b/a Petite Abeille, 466 Hudson St. (btw Barrow St & Grove St), with 6 tables & 12 seats, DCA# 0979768**

Block: 585; Lot:1                      Lot Frontage:146.92'; Lot Depth:189.08                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:133;              Total # of Units:138  
Zoning: C1-6R6                      Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager 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 **Maneken Corp. d/b/a Petite Abeille, 466 Hudson St. (btw Barrow St & Grove St), with 6 tables & 12 seats, DCA# 0979768.**

VOTE: Unanimous, with 40 Board members in favor.

**4. L Plus L Productions LLC d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South (btw Christopher St & W 10<sup>th</sup> St), with 12 tables & 24 seats, DCA# 1347094**

Block: 610; Lot:1                      Lot Frontage: 90.58'; Lot Depth:149                      Year Built:1915(estimated)  
Number of Buildings:7;              Number of Floors:1 Residential Units:23;              Total # of Units:31  
Zoning: C4-5R6                      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, Bob Callahan, was present, and

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

**Whereas**, the applicant has begun to use planters around the border of the café that are not on the approved plans, and

**Whereas**, the committee noted that the plan – which has no dimensions specified parallel to the façade – was approved with tables and chairs immediately under a fire escape ladder just to the left of the restaurant entrance in a space that is only 3' wide, and

**Whereas**, this fire escape drop ladder is the last leg of the fire escape route for several neighboring multi-story residential buildings included in this lot, and

**Whereas**, the elevation view on the plan shows an incorrect café location of West 105<sup>th</sup> St.,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **L Plus L Productions LLC d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South (btw Christopher St & W 10<sup>th</sup> St), with 12 tables & 24 seats, DCA# 1347094;**

**UNLESS a new print is filed with DCA removing the 2 tables and 4 chairs immediately to the left of the entry to the restaurant, leaving 10 tables and 20 seats. Additionally, the print must include all café dimensions, show the fire escape drop ladder and correct the mislabeled Elevation view.**

**VOTE: Unanimous, with 40 Board members in favor.**

**5. Cobra Caterers, Inc., d/b/a Dublin 6, 575 Hudson St.(btw W 11 St & Bank St), with 7 tables & 25 seats, DCA# 1135398**

Block:634; Lot:63                      Lot Frontage:43.58' Lot Depth:75.17                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:4 Residential Units:7              Total # of Units:9  
Zoning:C1-6                      Landmark Building: Yes  
Historic District: Greenwich Village

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

**Whereas**, this 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 **Cobra Caterers, Inc., d/b/a Dublin 6, 575 Hudson St.(btw W 11 St & Bank St), with 7 tables & 25 seats, DCA# 1135398.**

VOTE: Unanimous, with 40 Board members in favor.

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

**6. 18 Greenwich Avenue, LLC d/b/a Rosemary's, 18 Greenwich Ave. (NW corner W. 10<sup>th</sup> St.), with 8 tables & 16 seats, DCA# 1454964**

Block: 606; Lot:4                      Lot Frontage:31.17'; Lot Depth:85.92                      Year Built:1920  
Number of Buildings:1;              Number of Floors:1 Residential Units:0;                      Total # of Units:3  
Zoning: C1-6                              Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were numerous community members present regarding this application, and the applicant was present, and

**Whereas**, this café is proposed for approx. 40 ft of sidewalk on the W. 10<sup>th</sup> St side of this restaurant on a sidewalk of 13'1" width with no legal obstructions along its length, and

**Whereas**, the café seating is in two sections – one of 26' length with a proposed 6 tables and 12 seats, the other of 9' length with 2 tables and 4 seats – bracketed on each side with entrance doorways with a central doorway separating the two seating groups, and

**Whereas**, numerous residents of the immediate neighborhood were in attendance and 18-20 emails were received by CB2 in opposition to this application, primarily due to concerns with a marked increase of nightlife activity in the immediate area, and

**Whereas**, the applicant had originally signed an agreement with residents of 33 Greenwich Ave. (opposite the restaurant) to withhold an application for a sidewalk café for 1 year after opening (~ June 1, 2012), and to obtain the approval of the 33 Greenwich Ave. Tenants Association before doing so, and

**Whereas**, while the applicant did not wait 1 year from opening to apply for a café nor receive the approval of the 33 Greenwich Ave. Tenants Assoc., the president of the Tenants Assoc., Kamyar Atabai, who had negotiated the agreement, expressed his feeling that the intent, if not the letter, of the agreement had been sufficiently met by the applicant, and

**Whereas**, while the committee is extremely sensitive to the influx of nightlife establishments in this area, it can find no legal justification for denial of this application in whole, and

**Whereas**, based on its experience with multiple cafes, the committee has determined that proper operation can be managed only if each table/2 chair combination has a minimum of 5' of space, particularly where the seating might impinge on entry doors as in this case, and

**Whereas**, the proposed plan does not meet this minimum, the committee requests the seating be reduced by 1 table and 2 seats on each side of the center door, making for 6 tables and 12 seats overall,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **18 Greenwich Avenue, LLC d/b/a Rosemary's, 18 Greenwich Ave. (NW corner W. 10<sup>th</sup> St.), with 8 tables & 16 seats, DCA# 1454964**

**UNLESS the seating is reduced to 6 tables and 12 seats as noted in Whereas 4 and 5 and the license is not issued by DCA until June 1, 2013, as noted in whereas clause #5.**

VOTE: Unanimous, with 40 Board members in favor.

### **Apps. for Street Activities Permits**

#### **7. DENIALS**

**Whereas**, CB#2, Man. has determined within its ability that each of the following street fairs is sponsored or co-sponsored by a group that is NOT a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both, and

**Whereas**, CB#2, Man. requests AGAIN that SAPO follow its own rules and cease approving fairs sponsored by these bogus or non-indigenous organizations,

- 5/19/13 Stonewall Veteran's Assoc./St. Stephen Our Lady of the Scapular Fair (co-sponsored), Greenwich Ave. bet. 6<sup>th</sup> Ave. & 7<sup>th</sup> Ave.
  - **CB2, Man. continues to maintain Stonewall Veterans is essentially one man and the organization provides no benefit to anyone else**
  - **St. Stephen Our Lady of the Scapular is on E. 28<sup>th</sup> St. and has NO relationship of any sort with CB2, Man.**
  - **After having requested the application be laid over from Jan. to Feb. no representative from either group appeared**

Vote: Unanimous, with 40 Board members in favor.

- 5/27/13 Pride on Astor Fair, Pride Democrats, Astor Pl. bet. Broadway & Lafayette St.
  - **Pride Democrats is represented only on the website of Stonewall Veterans, while their application lists their address as 391 6<sup>th</sup> Ave, which is Onegin restaurant. While they claim this is where meetings are held, their webpage shows meetings are held somewhere else**

Vote: Unanimous, with 40 Board members in favor.

- 6/8/13 Old St. Patrick's Basilica / St. Stephen Our Lady of Scapular Fair (co-sponsored), Broadway bet. W. Houston St. & Grand St.
  - **St. Stephen Our Lady of the Scapular is on E. 28<sup>th</sup> St. and has NO relationship of any sort with CB2, Man.**
  - **CB2, Man. requests – and Monsignor Sakano of Old St. Patrick's Basilica would support – a move back to a street closer to the Basilica as it was originally**

Vote: Unanimous, with 40 Board members in favor.

- 7/6/13 Int. AIDS Prevention Initiative/St. Stephen Our Lady of the Scapular Fair (co-sponsored), Broadway bet. Grand St. & E. Houston St.
  - **As CB2 Man. has previously stated, IAPI is one man who has lived in California for several years**
  - **The address used for IAPI on its SAPO application has been non-existent for several years as it is leased by Horizon Media which has no knowledge of the ‘organization’**
  - **IAPI had it’s 501(c)3 revoked 2 years ago for not having filed required returns for more than 5 years before (since 2006)**
  - **IAPI has not filed required statements with the NYS Charities Bureau since 2006**
  - **IAPI website has not been updated since 2005**
  - **St. Stephen Our Lady of the Scapular is on E. 28<sup>th</sup> St. and has NO relationship of any sort with CB2 Man.**
  - **After having requested the application be laid over from Jan. to Feb. no representative from either group appeared**

Vote: Unanimous, with 40 Board members in favor.

- 9/21/13 Broadway Autumn Fair -- C.O.R.E./Independent Downtown Republican Fair (co-sponsored), Broadway bet. Waverly Pl. & E. 14<sup>th</sup> St.
  - **CB2 Man. has found no evidence that Independent Downtown Republicans exists and no representative from the group appeared to show any evidence of its existence**
  - **The only information on the internet for IDRC is in generic street fair listings**
  - **After having requested the application be laid over from Jan. to Feb. no representative from IDRC appeared**
  - **The C.O.R.E. representative questioned why the fair had been moved from University Place to Broadway and agrees with the committee that it should be moved back**
  - **If the fair is approved for Broadway, CB2, Man. requests it terminate on the south end at 8<sup>th</sup> St. to prevent interference with M5 and Tour buses which all turn right (south) from 8<sup>th</sup> St. onto Broadway**

Vote: Unanimous, with 40 Board members in favor.

- 9/28/13 Advanced Safety Training Day, Washington Pl. bet. Broadway & Mercer St. – **NO SHOW**

Vote: Unanimous, with 40 Board members in favor.

- 10/5/13 PAL/Independent Downtown Republican Club Fair (co-sponsored), University Pl. bet. Waverly Pl. & E. 14<sup>th</sup> St.
  - **CB2 Man. has found no evidence that Independent Downtown Republicans exists and no representative from the group appeared to show any evidence of its existence**
  - **The only information on the internet for IDRC is in generic street fair listings**

- **After having requested the application be laid over from Jan. to Feb. no representative from IDRC appeared**

Vote: Unanimous, with 40 Board members in favor.

- 10/12/13 Greenwich Village Festival – Log Cabin Republicans/TR Group Republican Club/Children’s Aid Society (co-sponsored), Broadway bet. Canal St. & E. Houston St.
  - **Log Cabin Republicans is based entirely in midtown Manhattan and when questioned whether they had any connection to CB2 Man., the answer was “no”.**
  - **No representative from TR Group Republican Club has been forthcoming and there appears to be no record of the group except a website which lists only one event – this street fair – in 2008.**
  - **A former President of TR Group Republicans, Stephen Evans, contacted by the *NY Post* stated the group has not been active since 2007/2008**
  - **The only contact address for TR Group Republicans is a PO Box in Morningside Heights, nowhere near CB2 Man.**
  - **Children’s Aid Society no longer has any relationship to CB2 Man. and we were told by Mardi Gras Productions has withdrawn as a co-sponsor of this fair**
  - **After having requested the application be laid over from Jan. to Feb. no representative from either group appeared**

Vote: Unanimous, with 40 Board members in favor.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of the applications for street fairs as noted above.

## **8. APPROVALS**

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

**Whereas**, the areas were posted, community groups notified and the applicants were present regarding the first five applications below for which requests were made to the CB2 office to hold a public hearing, and

**Whereas**, the remaining items – noted as FYI – Renewals below – have been held for 3 or more years, and after the areas were posted, community groups notified and the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them,

- 5/4/13 St. Patrick’s Basilica Illuminations, Mulberry St. bet. E. Houston St. & Prince St.

Vote: Unanimous, with 40 Board members in favor.

- 5/5/13 Children’s Museum of the Arts Spring Benefit, Charlton St. bet. Hudson St. & Greenwich St. **CONDITIONAL UPON SETUP TIME BEING NO EARLIER THAN 8:00am**

Vote: Unanimous, with 40 Board members in favor.

- 5/25/13 Caring Community Waverly Place Festival / Friends of LaGuardia Place (co-sponsored), Waverly Pl. bet. 6<sup>th</sup> Ave. & University Pl.

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

- 6/8/13 Perry-Phernalia, Perry St. bet. Bleecker St. & W. 4<sup>th</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 6/16 & 6/23/13 Positively 8<sup>th</sup> Street, 8<sup>th</sup> St. bet. 5<sup>th</sup> & 6<sup>th</sup> Aves.

Vote: Unanimous, with 40 Board members in favor.

- 8/24/13 Stonewall Democratic Club, Delta Phi Fraternity 4th Street Festival (co-sponsored), West 4<sup>th</sup> St. bet. 6<sup>th</sup> Ave. & Washington Square East

Vote: Unanimous, with 40 Board members in favor.

- 9/1/13 Greenwich Village Chamber of Commerce, Washington Square Village Tenants Broadway Festival (co-sponsored), Broadway bet. Waverly Pl & E. 14<sup>th</sup> St.  
**CONDITIONAL UPON THE FAIR TERMINATING AT 8<sup>TH</sup> ST. ON THE SOUTH TO PREVENT INTERFERENCE WITH M5 and TOUR BUSES WHICH ALL TURN RIGHT (SOUTH) FROM 8<sup>TH</sup> STREET ONTO BROADWAY**

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

**(FYI – Renewals)**

- 3/9-12/15/13 St. Anthony’s Outdoor Flea Market, West Houston St. bet Thompson St. & Macdougall St.

Vote: Unanimous, with 40 Board members in favor.

- 4/22-11/15/13 South Village Farmers Market, Avenue of the Americas, bet. Carmine St. & W. 3<sup>rd</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 5/4/13 Cooke Center Street Fair, Macdougall St. bet. W. Houston St. & King St.

Vote: Unanimous, with 40 Board members in favor.

- 5/5/13 Urban Bear Fair, Little West 12<sup>th</sup> Street bet. Washington St. & 10<sup>th</sup> Ave.

Vote: Unanimous, with 40 Board members in favor.

- 5/10/13 Strawberry Fest-28<sup>th</sup> Annual, LaGuardia Pl. bet. Washington Square South & W. 3<sup>rd</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 6/1/13 Village Reform Democratic Club Waverly Pl. Festival Co-Sponsored, Washington Square North bet. University Pl. & 5<sup>th</sup> Avenue; Waverly Pl. bet. Broadway & University Pl.

Vote: Unanimous, with 40 Board members in favor.

- 6/1/13 Jane Street Block Assn. Street Sale, Jane St. bet. Eighth Ave. & Hudson St.

Vote: Unanimous, with 40 Board members in favor.

- 6/1/13 Morton Street Block Party, Morton St. bet. Bedford and Hudson Sts.

Vote: Unanimous, with 40 Board members in favor

- 6/22/13 BAMRA Bleecker Street Festival Co-Sponsored Event, Bleecker St. bet. 6<sup>th</sup> Ave. & Broadway

Vote: Unanimous, with 40 Board members in favor.

- 6/29/13 Our Lady of Pompeii Church 6<sup>th</sup> Avenue Festival consolidated event, 6<sup>th</sup> Ave. bet. W. Houston St. & Waverly Pl

Vote: Unanimous, with 40 Board members in favor.

- 7/6/13 11<sup>th</sup> Annual Arab-American Street Festival, Great Jones St. bet. Broadway & Lafayette St.

Vote: Unanimous, with 40 Board members in favor.

- 7/13/13 East Village Visiting Neighbors East Village Festival Co-sponsored Event, 4<sup>th</sup> Ave. bet. E. 9<sup>th</sup> St. & E. 14<sup>th</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 7/27/13 Women's Democratic Club Astor Place Festival Co-sponsored Event, Astor Place bet. Broadway & Lafayette St.

Vote: Unanimous, with 40 Board members in favor.

- 7/31/13 End-of-Season Celebration, 40 Charlton St. bet. Varick St. & Ave. of the Americas

Vote: Unanimous, with 40 Board members in favor.

- 8/10/13 Village Visiting Neighbors University Pl. Festival Co-sponsored Event, University Pl. bet. Waverly Pl. & E. 14<sup>th</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 8/17/13 Integral Yoga's Day For Your Health 2013, W. 13<sup>th</sup> St. bet. Greenwich Ave. & 7<sup>th</sup> Ave.

Vote: Unanimous, with 40 Board members in favor.

- 8/31/13 Andrew Glover Youth Program 4<sup>th</sup> Avenue Festival Co-sponsored Event, 4<sup>th</sup> Ave. bet. E. 9<sup>th</sup> & E. 14<sup>th</sup> St.

Vote: Unanimous, with 40 Board members in favor.

- 9/7/13 Our Lady of Pompeii Church Bleecker Street Festival consolidated event, 6<sup>th</sup> Ave. bet W. Houston St. & Waverly Pl.

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

- 9/21/13 Village Center for Café Bleecker Street Co-sponsored Event, Bleecker St. bet. 7<sup>th</sup> Ave. South, & 8<sup>th</sup> Ave.

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

- 10/12/13 Village Independent Democrats Greenwich Avenue Festival Co-Sponsored Event, Greenwich Ave. bet. 6<sup>th</sup> Ave. & 7<sup>th</sup> Ave.

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

- 10/19/13 Christopher Block Association Christopher Street Festival Co-Sponsored Event, Christopher St. bet. 7<sup>th</sup> Ave. South & Greenwich Ave.

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of the applications for street fairs as noted above.

## **SLA LICENSING**

### **1. Brio Bar Corp. d/b/a Bahr/Che, 26 Astor Place 10003 – Upgrade to On-Premise**

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

**Whereas**, this application is for the upgrade from beer and wine to a full On-Premise license located on Astor Place on the corner of Astor and East 7th Street (Block #544 / lot #22), for a 1,019sq. ft premise with 14 tables and 28 seats and 1 bar with 7 seats and 1 food counter with 5 seats and the maximum occupancy is 65 people, there will be no sidewalk café and no courtyard use; and,

**Whereas**, the applicant states that the hours of operation will be Sunday to Wednesday from 5:00 p.m. to 10:00 p.m. and Thursday to Saturday from 5:00 p.m. to 12:00 a.m.; the establishment is a wine and tapas bar with quiet background consisting of music from ipod/; there will be no scheduled performances and private parties; and,

**Whereas**, stipulations regarding the method of operation have been establish with CB2, Man. and are signed by the applicant for CB2, Man.; and,

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

1. Hours of operation will be Sunday to Wednesday from 5:00 p.m. to 10:00 p.m. and Thursday to Saturday from 5:00 p.m. to 12:00 a.m.
2. There will be no live music, DJ's, promoted events or events that require a cover charge.
3. Music will be quiet background only.
4. There will be no alcohol or food service to any outside space.
5. Patrons will not be allowed to remove alcohol to any outside space.
6. There will be no change in the method of operation.

**Whereas**, the operator submitted a petition with 116 signatures in support of this upgrade; and,

**Whereas**, there was no one from the community in opposition of this application;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the upgrade request to a Full On-Premise license for **Brio Bar Corp. d/b/a Bahr/Che, 26 Astor Place 10003** **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 OP license.

Vote: Unanimous, with 40 Board members in favor.

**2. Bowery Time LLC and Aguila & Sol LLC as Mgr. d/b/a Hecho En Dumbo/King's Cross, 354-356 Bowery - Alteration to OP (SN#1205823)**

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

**Whereas**, this application is to include a service bar dedicated to table service only that has been already existing in the premises without being properly licensed by the Liquor Authority and which was pointed out to the licensee at CB2, Man.'s December 2012 SLA Licensing Committee meeting at which the licensee was asked to appear in regards to the renewal of the existing license and for which CB2, Man. recommended that the license not be renewed (see CB2, Man. communication to the Liquor Authority dated 12/27/2012); and,

**Whereas**, this application is for the alteration of a On Premise license (#1205823) in a mixed use building, located on Bowery between Great Jones and 4th Street (Block #531/lot #40), for a 3,000 sq. ft premise (2000 sq. ft. on ground floor and 1,000 sq. ft. in basement. At 354 Bowery on the ground floor there are 15 tables and 48 seats and 1 bar with 10 seats and a food counter with 6 seats.

At 356 Bowery there are 11 tables with 41 seats and 1 food counter with 9 seats. And at 356 Bowery in the basement which is a 1,000 sq. ft bar, there is 1 bar with 12 seats and 1 bench that seats 8 and 4 tables with 4 seats leaving a large standing room space in this basement, and the maximum occupancy is 74 in each of the three spaces, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will continue to be Sunday to Saturday from 11:30 a.m. to 4:00 a.m.; the establishment is a Mexican restaurant, music will be background and Dj'd only, no live music, but there will be promoted events, private parties and events that will have cover fees. No velvet ropes, no movable barriers; and

**Whereas**, CB2, Man. still does not understand the legal capability of one SLA license that can cover 3 contiguous locations that are registered under two different addresses; and,

**Whereas**, the method of operation is still unclear to CB2, Man. and though we have requested exact clarification from these operators, we still are not clear about the basement use; and,

**Whereas**, the NoHo Bowery Stakeholders appeared in opposition of any change to this operation citing that this location has been a problem and that the method of operation does not follow the original description submitted to the NoHo Bowery Stakeholders nor to CB2, Man.; and

**Whereas**, CB2, Man. has been told that a Public Assembly Permit is not required for this operation even though there is seating for over 105 in two of the three spaces that are contiguous and are all served from the same kitchen; and,

**Whereas**, the applicant has certified to the New York City Department of Buildings that these are three different premises, has certified to the New York City Department of Health that this is two different premises, and has certified to the New York State Liquor Authority that this is one premise; and

**Whereas**, CB2 Man. cannot support this alteration application as it appears that the licensee is clearly flouting various laws to take advantage of each situation, “cherry picking” for each specific agency which oversees different aspects of licensing and because of the way each agency looks at each situation, not taking into account other compelling factors, CB2, Man. remains adamant as one of the few governmental bodies who reviews these items as a whole, that this clearly violates the intent, spirit and mandate of compliance with local and state regulations by reconfiguring and reinventing the operation for each agency which oversees different aspects of operation and strongly suggests that this specific case be reviewed in detail by each agency to determine if this is in fact one, two or three operations even though they share a common kitchen and unrestricted patron and staff access throughout each of the three areas (“premises”) and how each agency can look at this situation through separate lenses or separate situations when this application clearly indicates they are licensed under one liquor license as connected spaces; and,

**Whereas**, the original application with the Liquor Authority does not include “live music”, “cover charges” or “patron dancing” and CB2 Man. respectfully requests that the Liquor Authority review **CB2 Man.’s correspondence dated 12/27/2012** regarding the renewal application for this license for further details pertaining to this licensee and to review existing disciplinary actions including the numerous underage violations which the licensee stated were “setups” at CB2, Man.’s SLA Licensing committee meeting on February 12<sup>th</sup>, 2013; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the alteration of the On Premise license for **Bowery Time LLC and Aguila & Sol LLC as Mgr. d/b/a Hecho En Dumbo/king's Cross, 354-356 Bowery.**

Vote: Unanimous, with 40 Board members in favor.

### **3. Thelewala Corp. 112 MacDougal St. 10012 – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building located on MacDougal Street between Bleecker St. and Minetta Lane (Block #540/lot #05), for a 500 sq. ft. premise with only a 6 seat food counter and the maximum occupancy is less than 74 people, there will be no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation for serving beer and wine will be Sunday to Wednesday from 11:00 a.m. to 1:00 a.m. and Thursday to Saturday from 11:00 a.m. to 2:00 a.m. but the establishment does plan to continue offering food beyond these hours; the establishment will be an Indian take-out restaurant, there will be no 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 was a letter from BAMRA (Bleecker Area Merchants' and Residents' Association), the local block association, that stated there was little to no cooperation with the applicant regarding the filing of BAMRA's SLA license application questionnaire and that the operator did not appear before the committee but did send a representative who could not offer answers to their questions regarding the control of open containers of beer or wine leaving the space since there would be only two (2) staff members on premise at any given time and that they would be behind a counter. BAMRA requested that the owner appear before them and they were told that the owner was the cook and therefore unable to leave, so BAMRA denied this application; and,

**Whereas**, CB2, Man. discovered during the hearing that the bathroom for this location was actually outside of the premise and located in the residential stairwell of the building. This caused great security concerns and questions regarding the laws that govern the SLA to allow a license of any kind in a location with these conditions; and,

**Whereas**, to be clear, the only existing bathroom accessible to staff and what the principle said was also available to patrons is outside the demised premises, is accessed after passing behind the food counter at the establishment and is in a common area that is within the residential portion of the building accessed by entering into the residential portion of the building (bypassing the double locked front residential doors with intercoms) and passing what appears to be a residential apartment from the observations of a member of CB2, Man.'s SLA Licensing Committee; and,

**Whereas**, in order to illustrate the oversaturation of licenses in this area and the ensuing quality of life issues, there are at least 41 licensed on premises licenses within 500 feet and many beer and wine licenses, many of which operate until early morning hours, and the issuance of this license would further exacerbate those issues by keeping patrons of these establishments in the area and for this establishment to continue serving alcohol beyond midnight only serves to promote unruly behavior by patrons leaving other establishments when this is primarily a take-out food business catering to those patrons of other

establishments that is understaffed to monitor patrons who order beer or wine in plastic cups from removing those beverages from the premises, in particular since this establishment is located a number of steps above street level thereby blocking employees behind the food counter from viewing the entrance; and

**Whereas**, the operator would still be continuing to serve food past the agreed hours of serving alcohol and CB2, Man. respectfully asks the SLA consider limiting the hours of operation for this premises for alcohol service and all other small premises serving beer and wine in the area so as to reduce the burden on both the NYPD 6th Precinct and the Liquor Authority who are both overworked and understaffed, who will be enforcing these licensed hours of alcohol service operation and more specifically the quality of life issues that result from the continuing service of alcohol at late hours in highly over saturated nightlife areas; and

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

**Whereas**, CB2, Man. 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, including significant numbers of people on residential streets at late hours that only continue to grow with each newly licensed location;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the new Beer and Wine license for **Thelewala Corp. 112 MacDougal St. 10012**; and

**THEREFORE BE IT FURTHER RESOLVED** that if the SLA does consider issuing this license, despite the applicant's lack of a bathroom within the demised premises, that the above noted hours of operation, Sunday to Wednesday from 11:00 a.m. to 1:00 a.m. and Thursday to Saturday from 11:00 a.m. to 2:00 a.m. for serving beer and wine be included on the "method of operation" on the licensee's SLA license so as to reduce the level of impact on the existing quality of life issues in this immediate area.

Vote: Unanimous, with 40 Board members in favor.

#### **4. Entity to be formed by Jonathan Hermijanto d/b/a Bamboo Tori, 106 University Pl. 10003 – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license in a commercial building, located on University Place between 12th and 13th Street (Block #570/lot #32), for a 950 sq. ft. Japanese Yakitori restaurant with 2 food counters with 13 seats, 1 bar with no seats, and the maximum occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will continue to be Sunday to Saturday from 11:00 a.m. to 11:00 p.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 private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant has signed a stipulation agreement with the 13th Street Block Association and CB2, Man. has accepted and adopted these stipulations that are also signed and notarized for CB2, Man.; and,

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

**Hours of operation:** On each Sunday through Thursday night, the Operator shall close no later than 11:00PM. On each Friday and Saturday night the Operator shall close no later than 11:00PM.

**Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.

**Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.

**Front door:** The Operator shall cause the doors to remain in a closed position. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.

**Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open. If any windows are to be replaced they are to be replaced with non-operable windows.

**Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.

**Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.

**Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.

**Dancing:** The Operator shall not permit dancing in the Establishment.

**Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator will schedule garbage pickup for \_\_\_\_\_. The Operator shall not place refuse at the curb. **Outdoor Seating:** The operator will not establish any outdoor seating or seek to obtain permission for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.

**Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.

**Steering:** 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.

**Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.

**Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.

**Signage:** No signage which emits light will be permitted. Notwithstanding the foregoing, light may be mounted to illuminate any signage provided that said lighting is directed at the facade of the establishment and not outward or upward so as to disturb the residents.

**Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.

**Basement:** The Establishment's basement shall not be used to seat or serve patrons.

**Kitchen Exhaust:** The Operator shall insure that smells shown to be emanating from the establishment do not disturb the neighbors. Upon request the Operator shall implement whatever measures necessary to abate any extant odor issues emanating from the establishment.

**Whereas,** there were no community members in opposition of this application; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Beer and Wine license for **Entity to be formed by Jonathan Hermijanto d/b/a Bamboo Tori, 106 University Pl. 10003** **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 40 Board members in favor.

#### **5. 265 Lafayette Ristorante LLC d/b/a Sant Ambroeus, 265 Lafayette 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 Lafayette Street between Prince and Spring Street (Block #495/Lot #1), for a 1,715 sq. ft. premise with 21 tables with 42 seats and 1 bar with 7 seats; the maximum occupancy is less than 74 people, there will be a sidewalk café which is not to be licensed under this application and the applicant will return to CB2, Man.’s SLA Licensing Committee and submit an alteration application to the Liquor Authority after appearing before CB2, Man.’s Sidewalks and Street Activities Committee and there is no backyard use; and,

**Whereas,** the hours of operation for the restaurant are Sunday to Saturday from 9:00 a.m. to 11:00 p.m.; establishment is a full service Northern Italian style 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 submitted a petition with 50 signatures in support and there was no community opposition at the hearing; and,

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

1. Hours of operation are from 9:00 am to 11:00 pm only.
2. Applicants will operate as full service restaurant only.
3. There will be no nightclub or after hours events.
4. There will be no promoted events.
5. There will be background music only.

6. There will be no D.J.s,
7. This application does not include sidewalk café and they must reappear before CB2's Sidewalks and Street Activities Committee and submit an alteration application once they get approval to include the sidewalk café.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the transfer of the existing On Premise license for **265 Lafayette Ristorante LLC d/b/a Sant Ambroeus, 265 Lafayette 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 40 Board members in favor.

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

**6. Brasserie Felix, Inc. d/b/a Restaurant Felix, 340 West Broadway 10013**

**Whereas**, prior to this months CB2, Man. SLA Licensing Committee meeting on February 12th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas**, this application is for a Corporate change to an existing license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed Corporate change to the liquor license for **Brasserie Felix, Inc. d/b/a Restaurant Felix, 340 West 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 40 Board members in favor.

**7. Rockin Raw, LLC, 171 Sullivan ST. 10012**

**Whereas**, prior to this month's CB2, Man. SLA Licensing Committee meeting on February 12th, 2013, the applicant's attorney requested to withdraw the application from consideration and requested a layover for the hearing in March 2013; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed new 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 40 Board members in favor.

**8. My Café, LLC d/b/a Kopi 2, 68 W. 3rd St, 10012**

**Whereas**, prior to this months CB2, Man. SLA Licensing Committee meeting on February12th, 2013, 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 CB#2, Man. strongly recommends that the SLA **deny** the proposed On-Premise liquor license or beer and wine license for **My Café, LLC d/b/a Kopi 2, 68 W. 3rd St, 10012** until the applicant has presented their application in front of CB2, Man.'s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**9. Ted Z. Chang or Entity to be formed, 163 Bleecker St. 10012**

**Whereas**, prior to this months CB2, Man. SLA Licensing Committee meeting on February12th, 2013, 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 CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Ted Z. Chang or Entity to be formed, 163 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**10. La Vecindad Corp. 116 MacDougal St. 10012**

**Whereas**, prior to this months CB2, Man. SLA Licensing Committee meeting on February12th, 2013, 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 **La Vecindad Corp. 116 MacDougal 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 in favor.

**11. Garrity Walsh Corp. d/b/a Pour George, 35 W. 8<sup>th</sup> St. 10011 (SN 1230107) - Alteration**

**Whereas**, this application is for an alteration to an existing on premise liquor license serial number 1230107; and,

**Whereas**, the alteration consists of adding an additional location acquired through leasing an adjoining store front to the east of the existing premise in the same building of approximately 495 square feet to include 9 additional tables and 28 additional seats and would be joined through new openings cut in the walls between the two premises; and,

**Whereas**, the applicant provide a current interior diagram of the existing licensed premise which they described to CB2, Man. as the “existing plan” which clearly indicates that there are 17 tables and 67 table seats and 1 stand up bar with 18 seats for a total of 85 seats which is not was originally presented to CB2, Man. at the time of their original license application; and,

**Whereas**, the applicant describes the alteration as adding an additional 9 tables and 28 seats in an additional “private dining room” which the applicant described during oral testimony as an additional seating area to service regular patrons which would be used as a “private dining room” for groups as necessary, for total seating in the combined premises of 113 patrons and,

**Whereas**, CB2, Man. questioned whether the applicant has the appropriate NYC Department of Buildings (NYC DOB) Certifications to operate the existing establishment with more than 74 seats without a “Place of assembly” permit as required by the NYC DOB, which the applicant has never applied for or has been issued which would be in violation of the Liquor Authority’s regulations, let alone the additional area to be added under this alteration; and,

**Whereas**, there is an existing NYC Environmental Control Board Violation # 34938377Z issued on 12/10/2012 described as “WORK W/O A PERMIT WORK NOTED: AT FIRST FLR STORE THERE IS NEW FRAMING FOR WALLS AND CEILING AND NEW BX ELECTRICAL RUNT O SWITCHES, OUTLETS AND FOR LIGHTING WITHOUT. STOP WORK AT STORE\_ MAKE SITE SAFE\_RMDY:OBTAI” (<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?ecbin=34938377Z&go7=+GO+&requestid=0>) for the new additional space for which “no compliance has been recorded to date” and it appears no alteration to the certificate of occupancy has been filed under an “Alteration Type 1” to amend the certificate of occupancy, which currently states no occupancy limit, which is generally presumed to be less than 75 in a use group 6 location unless a new certificate of occupancy is issued or a “letter of no objection” is issued (none has been issued), and the current existing certificate of occupancy encompasses the entire ground floor premise including the newly acquired space; the applicant makes a material misrepresentation of facts in CB2’s SLA Licensing Questionnaire when stating the maximum occupancy is 100, when this is in fact the “live load” which is actual pounds (lbs.) per square foot and not occupancy of the number of persons; and;

**Whereas**, the licensee states they have on file with the department of buildings plans to enlarge their current premises by opening the existing walls between the two commercial store fronts in the same building for which no plans are in evidence on the NYC DOB website ([http://a810-bisweb.nyc.gov/bisweb/JobsQueryByLocationServlet?requestid=1&allbin=1009444&allstr=WEST\\_8\\_STREET&allnumbhous=35](http://a810-bisweb.nyc.gov/bisweb/JobsQueryByLocationServlet?requestid=1&allbin=1009444&allstr=WEST_8_STREET&allnumbhous=35)); and,

**Whereas**, CB#2, Man. passed a resolution based on the original questionnaire submitted and presentation provided in July 2009 for the original application for this entity and premise based on facts provided by the applicant which was forwarded to the Liquor Authority which states as follows:

**Garrity Walsh Corp. 35 W. 8th St. (MacDougal and 6th Avenue), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on West 8th between MacDougal and 6th Avenue for with 58 table seats, 1 bar with 12 seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant state the hours of operation are 10:00 a.m. – 2:00 a.m. Sunday – Thursday and 10:00 a.m. – 3:00 a.m. Friday and Saturday; there will not be a sidewalk café application and no backyard garden; music is background only; and,

**Whereas**, the applicant has agreed to community outreach initiatives, including but not limited to holding quarterly meetings with neighbors during the 1st year of operation; and,

**Whereas**, the applicant has agreed to have a principal/owner present or accessible at all times; and,

**Whereas**, a member of the community appeared in support; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE, BE RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Garrity Walsh Corp. 35 W. 8th St.** unless those condition agreed to by applicant relating to the fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 34 Board members in favor.

**Whereas**, the local block association, The West Eight Street Block Association submitted a written letter stating that:

We are writing concerning the application of **Garrity Walsh Corp. d/b/a Pour George, 35 W. 8<sup>th</sup> St. 10011** for an alternation to their liquor license.

This operation has had a series of problems since it opened in 2009. At that time Ms. Walsh (who is alleged to no longer be involved in operations, but who remains a named partner) described the establishment to residents as a “neighborhood café with a Celtic cultural theme.” There were to be poetry readings, book signings, and art exhibitions. They swore up and down that they had no intention of appealing to the NYU student crowd. The bar would be small and a large number of tables instead. Lunch and afternoon tea were planned to be the busy times. Under questioning by the CB2 SLA committee, they specifically pledged that it would not be “an Irish bar,” or “a sports bar with lots of screens.” Today – after renovations and changes in method of operation they REFUSED to submit to the community board – it is a frankly self-labeled “sports bar,” with frequent trivia nights and other college-bait staples.

Resident's were promised prior to the original license hearing that the double walled vestibule arrangement and soundproofing left by the previous occupant (Cachaca nightclub) would be retained. (The owners made vague references to possible special occasion "folk music" performances.) At the SLA hearing itself, they submitted plans that did not reflect these promises. Nevertheless, they stipulated that the front window would be fixed and unchanged. Later they installed an opening wall, barred under the decades-old special zoning district for the street. After complaint, they reconfigured them in a manner that they claim meets the letter of the law, but whatever the case clearly violates its spirit.

Along the way there have been violations and nuisances too numerous to detail around opening kitchen windows and doors to the back courtyard, installing external loud speakers, having live bands play essentially on the street with the window walls open, leaving the window walls open despite running the air conditioning, or when music and TVs are loud, non-compliant signage, construction work without permits, violation of licensed closing hours, open container drinking on the sidewalk, and – most consistently – patrons "hanging out" make noise outside the place late into the earlier morning hours.

In recent months, the proprietors have improved their vigilance about noise, which we appreciate. Nevertheless, given their record we urge that any alteration or renewal of their license include the following stipulations – identical to those agreed to by the newest bar to seek to open on our block (Analogue at #19) – of which the top three are clearly the most relevant and essential:

- 1. The establishment will close at 12:30 Sunday through Thursday and 2:00 a.m. Friday and Saturday.**
- 2. The owners stipulate that they will not seek to transfer the license to other operators or substantially change method of operation or business concept without explicit review and approval by the community board.**
- 3. The establishment will have a hands-on policy regarding outside patron noise – actively moving along and discouraging patrons from "hanging out" outside the space.**
4. There will be no cover or other door charge.
5. There will be no waiting lines, stanchions, etc. on the street.
6. Live music will be acoustic only – no amplification.
7. Recorded music will be background only.
8. No sales by the pitcher.
9. Steps will be taken to reduce music leakage when the door is opened if this becomes necessary.

In addition, we would like to address the specifically the issue of the opening wall. It is now standard for establishments on West 8<sup>th</sup> Street to stipulate that they will not have operable windows in the front. We would see the following stipulation:

- 10. The operable window in the front of the bar will remain closed at all times.**

This open window is a primary source of noise on West 8<sup>th</sup> Street in evening hours and is a major encouragement to patrons to loiter in noisy conversation. Keeping it sealed will go along way to reducing the negative impact of Pour George on residential quality of life.

Given the owner's record of breaking promises, scoffing at rules, and general thoughtlessness, we do not think that requiring them to commit to the same stipulations as others licensed establishments on the block is at all unreasonable. We urge you not to support any permissiveness on their license without getting some remediation of the negative noise impacts for West 8<sup>th</sup> Street.

**Whereas**, it appears quite clear to CB2, Man. that the operator is currently in violation of their original "method of operation" which was further describe to the Liquor Authority in their "500 foot statement" which states that "This will be a community friendly pub bringing Irish culture and tradition to the area, This will be in the form of some nights jazz; poetry; gaudy costumes; folksy songs; authentic Irish dishes; emphasis on Irish brew (the best pint of Guinness in town); authentic good old Irish Breakfast of eggs, plenty of meat products, Irish brown bread and fried tomatoes and traditional Irish bacon and cabbage served with spuds. All of this Irish cuisine and culture accentuated with walls covered with memorabilia of Irelands history. Brenda Breathnach, a Country Kerry native who speaks Gallic, will bring this link from her homeland to this neighborhood on a refreshing and exciting format."; and,

**Whereas**, the current method of operation is much more of a sports bar with a menu very different than what as originally presented without any of the cultural community friendly events and pictures presented to CB2 Man. show a prominent sign stating "sports bar" outside the establishment and the CB2 Questionnaire indicates the establishment has **14 televisions**; and,

**Whereas**, live music events which were previously hosted at the establishment created such quality of life complaints and opposition from local residents that the licensee had to stop those performances, as adequate sound proofing was not installed or in place; and,

**Whereas**, the operator was willing to and executed a stipulations agreement with CB2, Man. which they agreed they would request to be attached to their existing liquor license with the Liquor Authority should this application be approved which is as follows:

1. The premise will be advertised as an "American Restaurant"
2. The hours of operation will be Sunday to Wednesday from 11 a.m. to 12 a.m., Thursday from 11 a.m. to 2 a.m. and Friday to Saturday from 11 a.m. to 3 a.m.
3. The premise will operate as a full service restaurant, specifically a American Restaurant and Tavern
4. The establishment will not permit dancing.
5. There will be no backyard garden.
6. All doors and windows will be closed by 9 p.m. including the rear kitchen door, which has been a source of ongoing complaints.
7. The licensee will reappear before CB2, Man. if no "Place of Assembly" permit is obtained for the existing or new premise from the New York Department of Buildings and they will withdraw their application with the Liquor Authority for this alteration if this is the case; and,
8. The "front" exterior door in the "new" expansion area which is the subject of this alteration agreement will be utilized for emergency egress only; and,
9. There will be no live music or bands.
10. The establishment will not operate without a "Place of Assembly Permit" if the total occupancy is greater than 74 persons and if a "Place of Assembly Permit" is obtained, it will be submitted to CB2 and the Liquor Authority **prior** to issuance of the license.

**Whereas**, the applicant submitted the same menu which was submitted in 2009 as the current menu so it remained unclear to CB2, Man. why this was to now be described as an “American” restaurant instead of an “Irish” restaurant unless the menu provided was not an accurate representation of the current offerings; and

**Whereas**, the operator was unsure if he would be issued a “Place of Assembly” permit by the NYC Department of Buildings, and this was made increasingly obvious since it appeared that no plans had been filed with the NYC Department of Buildings and there is an existing violation for work for joining the two spaces and the applicant was unable to articulate what plans were filed, would be filed, or what the current status of this expansion was, even though the applicant stated he had already signed a lease for the new space, begun work and that he did not believe he could obtain a “Place of Assembly” permit because he could not comply with egress requirements, specifically the distance between exits; and

**Whereas**, CB2, Man. had significant concerns that the applicant repeatedly referred to rearranging seating as necessary to accommodate clients requests and occasional private parties in the area he is seeking to add to this license which he originally stated would be private dining only, presumably for large groups only, knowing full well that an occupancy of this size requires meeting stringent safety codes ensuring the safety of patrons should there be an emergency which are outlined clearly in the application for a “Place of Assembly” permit and CB2, Man. was dismayed that the licensee was already disregarding the significant increase in responsibility for operating a venue with this higher level of patron capacity by flouting the specific safety requirements; and,

**Whereas**, it was not lost on CB2, Man. that this application could be simply creating a larger space so that the licensee could “flip” the space through a transfer and place the new lease holder in a similar predicament with a location which could not obtain a “place of assembly permit”; and,

**Whereas**, it was not lost on CB2, Man. that the applicant is currently operating in a manner that would not be obvious to authorities or investigative personnel that they were violating the law with over capacity situations at times placing the general public in danger by having more seats than allowed, not taking into account standing patrons than their current occupancy permits; and,

**Whereas**, the licensee appears to be in violation of their current lease clause as provided to CB2, Man. in 2009, specifically paragraph 15 which pertains to the existing “Certificate of Occupancy” for the existing operation as it relates to maximum occupancy which the stated operation appears to be in violation of the original lease with their landlord as it relates to the “Certificate of Occupancy” and maximum occupancy; and,

**Whereas**, the applicant submitted to CB2, Man. pictures of the existing establishment which clearly shows obvious signage which is visual lighted indicating that the establishment is a “sports bar” contrary to what was described to the community at the original inception of the license; and,

**Whereas**, the applicant was unable to provide clarity on how the additional space to be included under this alteration application would be used specifically, the current establishment advertises itself as a sports bar contrary to their approved “method of operation” and representations originally made to CB2, Man. and the licensee was unable to specifically address or provide any documentation or explanation for how a “Place of Assembly” permit would be obtained; and,

**Whereas**, CB2, Man. has serious concerns that should the applicant not receive a “Place of Assembly Permit” that the additional space applied for under this alteration application would be marketed as a separate location with a separate name and would further exacerbate the existing quality of life issues

cause by this licensee and others on the immediate block including the 12 licensed establishments on this block (several of which are in process of being approved and for which CB2 Manhattan has recommended approval) and the over 18 licensed premises within 500 feet and this is of serious concern to the community and CB2, Man.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** for the alteration application for the existing on-premise liquor license Serial Number 1230107 for **Garrity Walsh Corp. d/b/a Pour George, 35 W. 8<sup>th</sup> St. 10011.**

Vote: Unanimous, with 40 Board members in favor.

**12. Entity to be formed by Jason Brunetti, TBD, 626 Hudson St. 10014-(restaurant wine transfer)**

**Whereas**, the applicant re-appeared before the committee after being asked to perform additional community outreach the previous month; and,

**Whereas**, this application is for a “transfer” of an existing restaurant wine license (SLA Serial #1239801) that has been in place for 3 years for what will now be a “family pizzeria serving authentic Neapolitan pizza along with salads and sandwiches offering Italian wines and Italian craft wineries” in a premise located on the ground floor of a 4 story mixed use commercial/residential building located between Jane St. and Horatio Street, for an approximately 2,330 sq. ft premise (1,540 sq. ft 1<sup>st</sup> floor and rear outdoor area and 800 sq. ft basement – ancillary uses only) with 6 tables and 18 seats in the interior, 1 bar with 8 seats in the interior, and 7 tables and 26 seats in a rear outdoor patio area for a total of 52 seats, there is an existing Certificate of Occupancy, there is no sidewalk café; and,

**Whereas**, the hours of operation of the interior portion of the premise will be Sunday from 11 a.m. to 10 p.m., Monday to Thursday from 12 p.m. to 11 p.m. and Friday to Saturday from 12 p.m. to 12 a.m., the hours of operation for the outdoor rear patio will be the same time as the interior portion of the premise with no patrons remaining after closing time in the outside seating area, the establishment will continue to be a “neighborhood restaurant” but for the purposes of this “transfer” application, the premises will now be a “family pizzeria serving authentic Neapolitan pizza along with salads and sandwiches offering Italian wines and Italian craft wineries”, it will operate as a restaurant only and will not sell pizza by the slice, 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 live music, there is no soundproofing but the applicant states they will engage a professional sound engineer if this becomes necessary; and

**Whereas**, a petition with 46 signatures in support and several letters in support were presented by the applicant in response to requests by CB2 to perform additional community outreach the previous month and an open house event was held for members of the community and there are no complaints regarding the existing establishment; and,

**Whereas**, the applicant executed a stipulations agreement that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be advertised and operated as a full service restaurant – Family Pizzeria.
2. The hours of operation will be Sunday from 11 a.m. to 10 p.m., Monday to Thursday from 12 p.m. to 11 p.m. and Friday to Saturday from 12 p.m. to 12 a.m. At closing no patrons will remain specifically in the rear yard seating area or inside the premises.
3. The kitchen will remain open until closing.

4. There will be no sidewalk café.
5. All doors and windows will be closed at 10 pm 7 days a week, no exceptions.
6. There will not be DJ's, live music, promoted events, any event for which a cover fee is charged, or scheduled performances.
7. The applicant/new licensee will adhere to all information and to what is described as their "method of operation" as outlined in the Community Board 2, Manhattan Liquor License Questionnaire submitted for the February 14<sup>th</sup>, 2013 SLA Licensing Committee meeting and will return to CB2 Manhattan should there be any changes.
8. The applicant in keeping as a full service restaurant will not serve "pizza by the slice"
9. Music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for the temporary and new application for a restaurant wine license for **Entity to be formed by Jason Brunetti, TBD, 626 Hudson St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

**13. Analogue LLC, d/b/a Analogue, 19 W. 8<sup>th</sup> St. 10011** (new application – previously unlicensed)

**Whereas**, the applicant appeared before the committee to present a concept already presented for another location but which they did not pursue the previous month for which CB2, Man. recommended denial; and,

**Whereas**, this is an application for a new on premise liquor license for a restaurant and tavern establishment in a **previously un-licensed** premise for a "high-end jazz lounge" which will "target a mature, discerning clientele and will feature an intimate atmosphere, low volume music, great food, and quality wines and cocktails", located between Fifth Avenue and MacDougal Street in a mixed use building in a premise approximately 2,700 sq ft, with 2,100 sq ft on the ground floor (300 sq. ft. kitchen, 160 sq ft bathrooms, 600 sq ft. storage, 1,040 sq ft patron area) and approximately 600 square foot in the basement for ancillary uses but not for patrons, there will be 8 tables and 50 table seats, 2 stand up bars, one with no seats and one with 18 seats, for a total of 68 interior seats, the maximum occupancy is 74, there will be no sidewalk café, no outdoor seating areas, ; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 3 p.m. to 12:30 a.m. and Friday to Saturday from 3 p.m. to 2 a.m., the premise will be operated as a restaurant/tavern only, the kitchen will be open at all times and a full food menu will be available at all hours until closing with a chef on premises at all times, music will be quiet background music only and live unamplified jazz music, the applicant will install sufficient soundproofing and outlined in detail the measures they will take to ensure that music will not be audible within the building in the residential apartments or outside the premises and understood this was of utmost concern to CB2, Manhattan, the applicant will utilize a professional sound engineer and will engage in tests in residential apartments prior to operating, there will be no dj's with the exception of staff who will play old jazz records, the applicant explained that they are uncomfortable stating that there will be no dj since they will actually have old vinyl jazz records that they will be playing and at a previous CB2 meeting a committee member pointed out that someone changing records regularly would be a disc jockey, but the applicant insisted this was not in the traditional sense, there will only be unamplified live jazz music which the applicants stated they would take measures to ensure the soundproofing appropriately addressed sound from percussion instruments and stated that those would not

be audible in the residential portion of the building or outside the premises, there will be no jukebox, no TV's, there will be security personnel on the weekends and as needed on other nights, there will be scheduled performances, but no promoted events, no outside promoters or any events for which a cover fee is charged or private parties; the sound system will consist of a "low wattage tube amplifiers" there will be "sound proof windows, acoustic paneling, heavy draperies, acoustic fabric, sound deadening foam", the principals will manage the establishment; and,

**Whereas**, the operators describe the premises specifically as a "upscale jazz lounge" that will "capture the allure of a dimly lit wine bar, with a more traditional feel; classic '50's & 60's era' New York"; the "customers will be a diverse group of neighborhood residents and young professionals that desire an alternative to the typical crowded, loud New York bar scene"; the establishment "will promote a love of jazz; both live (acoustic, non-amplified, and through a classic, tube-amplified turntable stereo)", the premises "will be an alternative to the loud, volume-driven bars that have proliferated in recent years"; there will be "no shots", a "dress code (no hats, fatigues etc.)", "no pitchers", "no TV's", a "low wattage stereo system", "over 25 crowd", "low-level, acoustic live music", the premises "will be an alternative to the expensive, exclusive jazz clubs in the city"; there will be "promotion of local and undiscovered artists" and "no cover charge", the premises "will provide an elegant, comfortable atmosphere at an approachable price point", a lists of sample artists and albums that will comprise the background music was provided and included well known and recognized jazz artists only;

**Whereas**, a petition in support was provided, but the petition references another location the applicant was applying for a license located at 41 east 11<sup>th</sup> street which was determined to be subject to the 200 ft rule, but never the less indicated support for this concept in the area and there were signatures from residents in the area of 11<sup>th</sup> Street and other areas of the city and a number of letters in support were received; and,

**Whereas**, the applicant met with the local block association, The West 8<sup>th</sup> Street Block Association, which submitted a letter in support and outlined a verbal agreement that was reached with the applicant, and to which the applicant will stipulate the issues as outlined in that letter with CB#2, Man. as indicated below; and,

**Whereas**, the officers of the West 8<sup>th</sup> Street Block Association "have been persuaded to break with precedent in this case and take a position contrary to the building residents by a unique set of factors: The owner of 19 West 8<sup>th</sup> Street, Matthew Cassin, has explicitly committed to the Block Association that he will not rent to operators seeking late night hours in the future should Analogue fail and close; Mr. Cassin has further promised to include a clause in the lease of Analogue preventing transfer to new operators; The operators have agreed to hours appropriate to the block and in-line with other establishments on the block; The format of the establishment, particularly focus on acoustical (unamplified) jazz represents a vanishing tradition in Greenwich Village; by accepting this establishment, this block seeks to do its part for the wider CB2 community; We have been working with the Village Alliance on improving the street's business prospect and believe that the street is at a critical turning point. This establishment will generate foot traffic of the kind of shoppers that independent retail stores need; We are reluctant to spurn an applicant with such potential upsides for the unknown; if we are to have another bar, this seems like a good fit; Our support for this application under the circumstances might seem unusual, but we have never been a NIMBY organization.

Our goal has always been a block where retail commerce thrives all day, but that falls quiet so that residents can sleep at night and we have agreed to a number of serving establishments with decent hours on our block. After years of tension, we have come together with the Village Alliance BID on this vision. The commitment now of a building owner, Mr. Cassin, to that principle is a major breakthrough. We believe this application may be the rare liquor license that can actually enhance this prospect and we ask the Community Board to support us in this experiment.”

**Whereas**, several residents of the building, not including the resident directly above the establishment who is in support, submitted emails in opposition to the application citing oversaturation including the 12 licenses which already exist on the block, concerns that the building was not appropriately built to accommodate a live music venue or a bar without affecting the quality of life for the residential tenants, the existing quality of life issues on the block including noise, vomit, urination, drug use etc., that this is another location in a previously unlicensed location and approving this license will further harm the diversity of business in the immediate area; and,

**Whereas**, there are at least 18 licensed premises within 500 feet and several pending licenses, including 12 licenses on West 8<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues; and,

**Whereas**, the principles have not held any previous liquor licenses; and,

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

**Whereas**, CB2, Man. 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**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Man. in order for this resolution to be the position of CB2, Man., that they agreed they would also submit a copy of the Liquor Authority at the time they submit their application and will request to have it attached and incorporated in to their method of operation on their SLA license stating that:

1. The establishment will close no later 12:30 p.m. Sunday through Thursday and 2:30 a.m. Friday and Saturday.
2. The owners stipulate that they will not seek to transfer the license to other operators or substantially change method of operation or business concept without explicit review and approval by the community board.
3. The space will be acoustically engineered to minimize sound transfer to residential tenants above and prevent significant vibration issues. Tests for this soundproofing will include readings made from the apartment above, not just from inside the space.
4. There will be no opening or operable windows facing either West 8<sup>th</sup> Street or the courtyard in the rear. Any doors to the rear will remain closed at all times.
5. There will be no cover or other door charge.
6. There will be no waiting lines, stanchions, etc. on the street.
7. Live music will be acoustic only – no amplification.
8. Recorded music will be background only; existing staff will serve as DJ’s, no outside/professional “DJs”, no DJ booth.
9. No sales of alcohol by the pitcher.
10. Steps will be taken to reduce music leakage when the door is opened if this becomes necessary.

11. The establishment will have a hands-on policy regarding outside patron noise – actively moving along and discouraging patrons from “hanging out” outside the space.
12. The owners will have security/door staff on the weekends and other nights as necessary.
13. The premises will be advertised as a “high end jazz lounge”
14. The kitchen will be open at all times and a chef will be on premises at all open hours of operation.
15. The applicant will not allow dancing.
16. The applicant will install soundproofing to ensure compliance with NYC noise codes.
17. The front door will be closed at 9 pm.
18. There will be no promoted events or outside promoters.
19. There will be no sidewalk café or backyard garden.
20. The operators will provided a 24 hour contact number for manager or principals as requested by local residents and promptly address any concerns or issues raised.

**Whereas**, CB2, Man. recommends “deny/unless” for this application provided the operator **strictly adheres** to the “method of operation” presented and all facts and statements are true which are agreed to above and which were presented and stated to CB2, Man. and notes that any deviation would result in Community Board 2, Manhattan not supporting this application, specifically as it addresses the impact on local residents and more specifically any quality of life issues that impact the residents in the building in particular as they relate to any music or sound emanating from the establishment, which the operators have gone to great lengths to explain that this will never be a problem and CB2 Manhattan accepts them at there word on this and furthermore expects compliance with the agreed upon stipulations while looking at the plain language intent; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on-premise liquor license for **Analogue LLC, d/b/a Analogue, 19 W. 8<sup>th</sup> St. 10011** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 13<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license and all other statements provided to CB2, Man. are adhered to.

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

**14. Zucca Trattoria, Inc. d/b/a Zucca Trattoria Restaurant, 95 7<sup>th</sup> Ave. South 10014 (SN#1223197)**  
(corporate change)

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

**Whereas**, this is an application for a “corporate change” for an existing on premise liquor license (SN#1223197) from the current principle Gino Gianuzzi to the new principle/stockholder Besim Kukaj for a “family type Italian restaurant/cuisine”; the premise is located between Barrow and Grove streets in a mixed use building in a premise approximately 600 sq ft on the ground floor for patron use, there are 15 tables and 30 table seats in the interior, 1 stand up bar with 10 seats, for a total of 40 interior seats, the maximum occupancy as stated as stated by the applicant is 65, there is an existing enclosed sidewalk café which is included in this application which has have 15 tables and 30 seats; and,

**Whereas**, the hours of operation will be from 12 noon to 1 a.m. Sunday to Friday and from 12 noon to 2 a.m. Saturdays only, the premise will be continue to 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 will be no dj’s, no live music, no jukebox, one TV, there will be no security personnel, there will be no private parties;

**Whereas**, the previous licensee/principal has operated this establishment since 2009; and,

**Whereas**, the new licensee/principal/shareholder who is applying for the corporate change has explained that there will be no changes to the existing operation and the name of the establishment will not change; 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 premise will be advertised and operated as a full service Italian Restaurant.
2. The hours of operation will be from 12 Noon to 1 a.m. Sunday to Friday and from 12 noon to 2 a.m. Saturday only. At closing, all patrons will have left the premises.
3. ALL Doors and Windows will be closed by 10 p.m. every night; specifically the enclosed sidewalk café windows will be closed by 10 p.m. without exception.
4. Music will be quiet background only.
5. There will be no dj's, live music, promoted events or any events at which a cover fee is charged or scheduled performances.
6. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing.
7. The new licensee/principal will not change the name of the establishment.
8. There will be NO speakers in the enclosed sidewalk café.
9. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of this corporate change application to the existing on-premise liquor license for **Zucca Trattoria, Inc. d/b/a Zucca Trattoria Restaurant, 95 7<sup>th</sup> Ave. South 10014 (SN#1223197)** **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 On Premise license.

Vote: Unanimous, with 40 Board members in favor.

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

**15. Alexandre Volland, Company TBA, 557 Hudson St. 10014**

**Whereas**, the applicant **did not appear** before CB2, Man.’s SLA Licensing Committee meeting #2 on February 14th, 2013 for a new on-premise liquor license at the above referenced address after being placed on the agenda at their request and having been requested to appear;

**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 **Alexandre Volland, Company TBA, 557 Hudson St. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**16. AB Green Gansevoort LLC et al d/b/a The Standard, 848 Washington St. 10014 (SN# 1214599)**

**Whereas**, prior to this month's CB2, Man. SLA Licensing Committee Meeting #2 on February, 14th, 2013, the applicant's attorney requested to **withdraw** consideration of this application for an alteration to the existing on premise hotel license # 1214599 and 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 alterations to the existing on premise hotel liquor license for **AB Green Gansevoort LLC et al d/b/a The Standard, 848 Washington St. 10014 (SN# 1214599)** until the applicant has presented their alteration application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**17. Nourish NYC, LLC d/b/a TBD, 95 Greenwich Ave. 10014 (laid over)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee Meeting #2 on February, 14th, 2013, 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;

**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 **Nourish NYC, LLC d/b/a TBD, 95 Greenwich Ave. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**18. John Dory LLC d/b/a Market Table, 54 Carmine St. a/k/a 28 Bedford St. 10014 (upgrade)**

**Whereas**, prior to this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on February 14th, 2013, the applicant's representative requested to **layover** 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;

**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 40 Board members in favor.

## **19. A Peaceful Corner, 393 Canal St. 10013 (attorney requested layover)**

**Whereas**, prior to this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on February 14th, 2013, the applicant's attorney requested to **layover** 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;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, temporary license, alteration or changes to any existing license for **A Peaceful Corner, 393 Canal St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in support of request for Street Cleaning Rules on the north side of Spring St. bet. Mulberry and Mott Sts.**

**Whereas** current parking regulations on the north side of Spring St. bet. Mulberry and Mott Sts. require "No Parking Mon.-Fri, 8 am-6pm" on the western half and "No Parking Anytime" on the eastern half, obsolete restrictions originally accommodating pickups and drop-offs and loading/unloading for industrial and commercial activities (such as a warehouse and a funeral parlor) that are long gone; and

**Whereas** the northern sides of Spring St. east and west of the Spring St. block bet. Mulberry and Mott Sts., including Spring St. between Lafayette and Mulberry Sts., between Mott and Elizabeth Sts. and between Elizabeth St. and the Bowery, all have the same street cleaning regulations, i.e., "No Parking 9:30 am-11am, Mon. and Thurs."; and

**Whereas** applying the same street cleaning regulations on the north side of Spring St. bet. Mulberry and Mott Sts. would allow for uniform street cleaning from one block to another; and

**Whereas** traffic often speeds through on this block to make it through traffic lights, and a row of parking would help slow it down; and

**Whereas** traffic agents are seen on Mott St. bet. Prince and Spring Sts., as well as on other streets, enforcing cars to move away that vacate parking spaces for cleaning but remain on the street waiting to re-park, idling and polluting the air and holding up traffic;

**Therefore be it resolved** that CB#2, Man. requests street cleaning regulations for "No Parking 9:30 am-11am, Mon. & Thurs." on the north side of Spring St. bet. Mulberry and Mott Sts.; and

**Be it further resolved** that CB#2, Man. asks that the NYPD dispatch traffic agents on street cleaning days and times to Spring St. bet. Mulberry and Mott Sts., as has been done on Mott St. bet. Prince and Spring Sts. as well as on other streets, to ensure that the street is clear of drivers waiting to re-park their vehicles.

Vote: Unanimous, with 40 Board members in favor.

## **2. Resolution in support of a P.S. 3 play street on Grove St. bet. Bedford and Hudson Sts.**

**Whereas** P.S. 3 on Hudson and Grove Sts., is requesting a play street on Grove St. bet. Bedford and Hudson Sts., adjacent to the school, to provide much needed outdoor play space for essential recreation and physical activity; and

**Whereas** this dire need for outdoor play space has been exacerbated by an increase of over 200 students (close to 800 students in all), which the school's tiny rooftop space is too small to safely handle, as well as by a loss of indoor play space from conversion of the gymnasium into a cafeteria large enough to serve the swelled enrollment, while all other interior space is being used to the maximum; and

**Whereas** the play street will be used Mon.-Fri., between 10:30 am and 2:00 pm only on days when the school is in session, but not during inclement weather (such as snow and rain); and

**Whereas** increased levels of fitness and exercise have been shown to guard against health problems and lower the risk of obesity, especially in children, as well as improve school performance (NYC Health Dept. and Dept. of Education 2009) and behavior, particularly significant at a time when childhood obesity and health problems, such as diabetes, have been increasing; and

**Whereas** guidelines indicate that children need at least 60 minutes a day of physical activity (US Dept. of Health & Human Services 2008), exceptionally important for P.S. 3 children, who greatly need respite from the school's crowded and confining conditions; and

**Whereas** Grove St. bet. Bedford and Hudson Sts. meets play street requirements as follows: It isn't a two-way main road, has very little traffic, wouldn't interfere with local traffic patterns, isn't a designated bus, truck or fire route, has no steep hills or sharp curves, isn't next to a hospital, and doesn't have businesses that depend on truck or other vehicle deliveries; and

**Whereas** play streets have been used by NYC schools for over 100 years to provide outdoor recess for children's play, and there are now play streets throughout the city that operate without incident, including two in CB#2, Man., on Washington Pl. and on MacDougal St., for which CB2 has never received a complaint; and

**Whereas** 14 letters were received (and 12 people spoke, many of those who also wrote the letters) from residents of Grove St. bet. Bedford and Hudson Sts. in opposition to the proposed play street, citing concerns about noise, litter, trespassing on stoops, damage to cars parked on the block, supervision of children, dangerous conditions of existing (broken) sidewalks, clean up at end of playtime, damage to trees, plants and flowers, noise impact on residents working at home, garbage management and effect of garbage exposure on children; and

**Whereas** 8 letters were received (and 8 other people signed up to speak) in favor of the proposed play street, citing our community's responsibility to promote the well being of our children, the need for the children to have an adequate outdoor play area and everyday recess, the lack of distraction from the sounds of grade-school children when working at home, that we live in a congested city in proximity to each other and all make compromises to live here, and that the welfare of the children far outweighs slight inconveniences; and

**Whereas** some of the residents reported disrespectful, destructive and noisy behavior of children from the school in the past, however, it has been ascertained that these were older children from the Greenwich Village Middle School that vacated the P.S. 3 building in 2010 (current enrollment consists of pre-K through 5<sup>th</sup> grade students, younger, more carefully supervised children); and

**Whereas** a petition signed by 224 adults and 100 children in support of the play street was submitted by the P.S. 3 Parent Teachers Association (PTA), all who are members of the District 2 community and, along with P.S. 3, by virtue of their daily presence part of the Grove St. community; and

**Whereas** P.S. 3 has indicated its commitment to being a good neighbor and stated it will work to achieve the following concerning the play street:

- The play street will be limited to the street and the sidewalk adjacent to P.S. 3; no play street activity will be permitted on the sidewalk on the residential (south) side of Grove St. bet. Bedford and Hudson Sts.
- Children will be instructed on proper behavior and expectations for safe play and respect for P.S. 3's Grove St. neighbors and will be monitored accordingly.
- No play will be allowed on private property, including stoops, and no stepping into tree beds or plantings.
- Children always will be under adult supervision.
- Activities will be limited to "soft play," including jump rope, relay, soft-lightweight ball, and the like.
- No eating or drinking (except for water bottles) will be allowed during play street activity.
- The average number of students there will be determined based on scheduling, safety and space.
- If there is parking during play street hours, children will be advised not to lean on or play near parked cars.
- Children will be instructed to always clean up after themselves.
- Should a resident need vehicular access (personal or delivery) or emergency vehicle access be needed to the street during play street hours, activity will be stopped, the children will wait on the sidewalk, and the barricades will be temporarily moved to allow entry and/or exit.
- Ongoing communication will be maintained with the Grove St. Block Association.
- The school will continue to advocate for the repair of P.S. 3 sidewalks (initial communication has been made with the NYC Dept. of Transportation, and the NYC Dept. of Education has already begun an inspection of the sidewalk,).
- The school will work with the Grove St. Block Association for the best possible practical garbage collection options (The NYC Dept. of Sanitation has already been contacted and indicated it may be possible to place a garbage receptacle on a corner of Grove and Bedford).
- A volunteer committee will beautify and maintain tree beds.
- The school will ensure that street blockades are stored safely at night.; and

**Whereas** the P.S. 3 PTA has indicated its agreement to the stipulations in the foregoing (12<sup>th</sup>) "whereas" and has submitted a letter (attached) to CB#2, Man. signed and notarized by the PTA president confirming this agreement;

**Therefore be it resolved** that CB#2, Man. fully supports a play street for P.S. 3 on Grove St. bet. Bedford and Hudson Sts. for a trial period of one year; and

**Be it further resolved** that CB#2, Man. asks P.S. 3 to limit play in the street to two 50 minute sessions per day between the hours of 10:30 am and 2:00 pm; and

**Be it finally resolved** that CB#2, Man. urges P.S. 3 and the Grove St. Block Association to work together to resolve concerns and enhance their shared block for their mutual benefit.

Vote: Passed, with 37 Board members in favor and 1 abstain-(Campbell).

**3. Resolution requesting that the width of all Broadway crosswalks from Broome St. to Houston St. be widened**

**Whereas** Broadway between Broome St. and Houston St. is heavily congested with both automotive and pedestrian traffic, a situation that promotes dangerous pedestrian/vehicular conflicts; and

**Whereas** informal counts have shown that the number of pedestrians crossing Broadway on this stretch (at the intersections of Broome, Spring, Prince and Houston Sts.) exceeds the number of people at Times Sq., yet the haphazard widths of the crosswalks at these intersections are too narrow to accommodate the numbers of crossing pedestrians, who are forced into the open street where their safety is compromised by the passing vehicles, or are so heavily cramped in crossing that they're vulnerable to pickpocketing and other crime, or they're otherwise pushed back onto the already crowded sidewalks, exacerbating the excessive congestion there; and

**Whereas** both the Broadway Residents Coalition and the SoHo Alliance support widening the crosswalks on Broadway at Broome, Spring, Prince and Houston Sts. to remedy this situation; and

**Whereas** garbage receptacles displaced by parked cars take up as much as five or six feet at some of these crosswalks, further blocking pedestrian passage;

**Therefore be it resolved** that CB#2, Man. requests that all of the crosswalks on Broadway from Broome St. to Houston St. be uniformly widened to at least 30 feet on both the north and south sides of all the four intersections involved and converted to high visibility crosswalks, with stop bars added; and

**Be it further resolved** that CB#2, Man. asks that midblock crosswalks with traffic lights also be considered for installation along this stretch; and

**Be it finally resolved** that CB2 asks that the corners of the four Broadway intersections in question be daylighted to create space for the trash dispensers that currently block the crosswalks, thereby clearing crosswalk passage and providing visibility for drivers to further safeguard pedestrians.

Vote: Unanimous, with 40 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan