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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: March 21, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Dodge Landesman, Raymond Lee, Edward Ma, Florent Morellet, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Federica Sigel, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth

BOARD MEMBERS EXCUSED: Susanna Aaron, William Bray, Robert Ely, Joshua Frost, Judy Paul, Lois Rakoff, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Elaine Young

BOARD MEMBERS ABSENT: Gideon Gil, Alexander Meadows

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

GUESTS: Sam Nagourney, Congressman Jerrold Nadler's office; 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; Jenny Fang, Lisa and Charlie Feitel, Cynthia Penney, Georgette Fleischer, Fiona Devlin, Marna Lawrence, Zella Jones, Meredith Nowikowski, Judith Callet, Jean-Luc Callet, P.O. Eugene Schatz, Capt. Brendan Timoney, Suzan Schaefer, Allan Shueky, Jane Barowitz, Andrea Swalec, Joseph Lennon, Chris Bartlett, Maggie Berkvist, Alexandra Wang, Tianyin Luo, Jordan Chisolm, Pete Davies, Josh Silverstein, Elizabeth Walker, Irene Anschlowar, Elton Lowery, Sante Scardillo, Sam Pagan, Mary Johnson, Mary Taylor, Ian Dutton and Shea Hovey, Arlene Peralta, Renee Monroe, Lora Tenenbaum, Derek Tighe, Linda Yowell, Nicole Liotto, Jackie Liotto, Michael Gallagher, Jacob Benson, Patrick Chilelli, Elliott Barowitz, Jill Testa, Craig Walker, David Puchkoft, Tim Schreier, Katherine Schoonover, Nadine Hoffmann, Justin Allen, Nicole Young, Tim Hynes, Eileen Avezzano, Eileen Blumenthal, Judith Stonehill, Henry Stifel

MEETING SUMMARY

Meeting Date –March 21, 2013
Board Members Present – 37
Board Members Excused–10
Board Members Absent – 2

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II. PUBLIC SESSION

Non-Agenda Items

Chinese Culture
Jenny Fang spoke.

Proposal for Wayfinding Signs
Lora Tenenbaum spoke against an upcoming proposal for “wayfinding” signs.

NYU/Poe Room
Arlene Peralta spoke regarding upcoming events at the Poe Room.

Yetta Kurland-City Council Candidate
Josh Silverstein spoke regarding the candidate.

Street Seat
Craig Walker, principal, spoke in favor of the “street seat” in front of Local, 144 Sullivan St.

Tim Schrier, Ian Dutton and Shea Hovey spoke in favor of the “street seat” in front of Local, 144 Sullivan St.

SLA Licensing Items

Bold Food Lafayette Street, LLC, d/b/a Bolo Restaurant, 324 Lafayette St. 10012
Zella Jones and /Derek Tighe spoke in favor of the proposed liquor license.
Tim Hynes spoke regarding the proposal.

Traffic and Transportation Items

Response to MTA proposal to add a new bus route in Hudson Square going through Chelsea to W. 57th St.
Judith Stonehill, Eileen Blumenthal, Irene Anshlawar, Nadine Hoffmann, and Lisa Feitel, spoke against the proposed new bus route.

Katherine Schoonover spoke against the bus route running down Washington St.

Linda Yowell spoke against a proposed route neither on Greenwich or Washington Sts.

Joseph Lennon spoke in favor of the new proposed bus route.

Bike Share Station at corner of Cleveland Place and Kenmare St.

Georgette Fleischer, Pete Davies, Marna Lawrence, Henry Stifel, Eileen Avezzano, Fiona Devlin, and Michael Gallagher, all spoke against the proposed bike share station.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Sam Nagourney, Congressman Jerrold Nadler's office

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 February minutes

VI. EXECUTIVE SESSION

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

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

3.**Treasurer's Report** Antony Wong reported.

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Surge Barrier Systems

Whereas Hurricane Sandy made landfall on October 29, 2012 resulting in 43 deaths in New York City and causing massive flooding and infrastructure destruction to Metro New York, as well as the New Jersey Cities of Hoboken and Jersey City;

Whereas at the peak of the storm, National Weather Service data collection buoys located near the entrance to New York Harbor recorded record wave heights of 32.5 feet causing the National Weather Service to infer from the data the wave heights were the largest since record keeping began in this portion of the Western Atlantic in 1975;

Whereas Hurricane Sandy generated tropical cyclone strength winds resulting in coastal flooding with waters rising to 13.88 feet above the average low tide level including a record setting surge component of 9.23 feet in and around lower Manhattan;

Whereas the Queens-Midtown and Brooklyn Battery tunnels and the New York City subways and PATH trains below 34th Street in Manhattan were closed due to flooding causing residents of lower Manhattan to seek alternative transportation through their darkened neighborhoods for the duration of the power blackout;

Whereas the newly renovated South Ferry Station, built with \$545 million in post 9/11 recovery funds but never designed to prevent flooding, was completely ruined having been submerged in sea water and faces years of rebuilding;

Whereas Hurricane Sandy struck just after much of the Northeast coast line had finished cleaning up from Tropical Storm Irene, making it two once-in-a-hundred year storms to affect New York Harbor in less than one fourteen (14) month span of time;

Whereas a Consolidated Edison spokesman reported to the Manhattan Community Board 2 Environment, Public Safety and Public Health committee that Hurricane Sandy resulted in the worst ever flooding of its equipment, specifically citing the East 13th Street East River Complex Generating plant which experienced failure as evidenced by a temporary arc at 8:12pm on October 29, 2012 caused by a 14 foot storm surge that overcame its 11 foot barrier protectors;

Whereas Consolidated Edison reported the loss of electrical power to more than 1.1 million of its customers and 1/3 of their steam customer base for more than one week;

Whereas requests for federal aid by New York State Governor Andrew Cuomo included \$33 billion dollars to repair housing and infrastructure and \$9 billion to fortify transit and power systems damaged or destroyed by the storm;

Whereas the United States Environmental Protection Agency has calculated that sea levels have risen between eight (8) to ten (10) inches and the average temperature of Earth has risen 1.4 degrees over the last one-hundred years;

Whereas everyone knows or should know that global warming, the melting ice cap and climate change will continue to cause sea levels to rise in the future;

Whereas researchers at NASA and Columbia University expect the likelihood for storms of Sandy's magnitude to increase in frequency as a result of climate change;

Whereas New York Harbor encompasses a system of waterways in an estuary of 650 miles of coastline in the vicinity of New York City and northeastern New Jersey, as well as three international airports (LaGuardia, Newark & JFK), supporting rail and roadway distribution networks;

Whereas a significant portion of the lower west side of Manhattan, including portions of Chelsea, Tribeca and the West Village have residential building stock which have been built on flood plains underlying water lots and therefore are prone to inundation;

Whereas more people are migrating to live in lower Manhattan and to the coastal areas of New York Harbor, where an additional one million people are expected within our lifetime;

Whereas Professor of Physical Oceanography and Distinguished Service Professor at the Marine Sciences Research Center at the State University of New York at Stony Brook New York Malcolm Bowman reported to the Manhattan Community Board 2 Environment, Public Safety and Public Health committee it was no longer a question of if New York City would be flooded but when;

Whereas Professor Bowman pointed out that in light of climate change, when trying to secure regional protection for our area, future designs would need to be modified and go well beyond our current 100-year benchmarks and look ahead into our City's future for the next 300 to 1000 years and beyond;

Whereas Professor Bowman spoke of and presented a detailed slideshow of storm surge protection systems currently being used in Providence, Rhode Island, Stamford, Connecticut, London, England, St. Petersburg, Russia, the new levee system that protects New Orleans, Louisiana post Katrina and the a vast network of levees, sea gates and sand dunes in the Netherlands that followed devastating flooding of that Country in 1953 resulting in 1836 deaths;

Whereas the flooding of the Netherlands in 1953 exposed the fallacy that its levees were sufficiently strong enough to protect its lowlands from any storm;

Whereas the flooding of New Orleans exposed the fallacy that its levees were sufficiently strong enough to protects its City from any storm;

Whereas Professor Bowman recommended the St. Petersburg style system for New York City, consisting of an outer gateway system with enhanced extension dunes, storm surge harbor barriers, sluice gates and shipping gates that would connect Breezy Point (Far Rockaway) to Sandy Hook with a second barrier on the Upper East River to block surges from penetrating from western Long Island Sound (see Fig.1);

Whereas Professor Bowman's recommendation for New York City would protect Manhattan, JFK Airport, the outer boroughs for Staten Island, Brooklyn, Queens, Hoboken, Jersey City, Port Elizabeth Newark and La Guardia Airports from further storm damage for the next five hundred years;

Whereas the costs of building a storm surge system of barriers, gates and enhanced extension dunes have been estimated between \$20 and \$24 Billion dollars;

Whereas in the wake of its devastation, Hurricane Sandy leaves New York and Northern New Jersey with difficult questions about how to prevent similar destruction and death from future storms;

Whereas Metro New York is at serious risk from extreme weather events and it will only get worse in the decades ahead;

Whereas eventually rising sea levels will submerge portions of Metro New York as we know it;

Whereas no measures have been taken to protect the coastline from catastrophic storms;

Whereas it would be irresponsible to insist that the risk of similar future storms is so remote that it does not justify the time and cost of building an effective surge control barrier for the ports of New York and New Jersey;

Whereas the costs of rebuilding after Super Storm Sandy greatly exceeds the future estimated costs of building a storm surge system of barriers outlined by Professor Bowman;

Whereas future rebuilding costs and future loss of life from future storms and higher sea levels to New York and New Jersey will be devastating to this region;

Whereas the storm surge system recommended by Professor Bowman will protect the entire 650 mile coastline that makes up New York Harbor for hundreds of years into the future;

Therefore, let it be resolved that CB#2, Man. calls upon the Mayor of New York, the Governors of New York and New Jersey, the Congress of the United States and President Obama, to direct the United States Army Corps of Engineers to evaluate the oceanographic, meteorological, geological and engineering aspects of a surge barrier system in the ports of New York and New Jersey, to identify suitable locations for such a system and to investigate the effects of ocean circulation and flushing ecology, fisheries, transportation, issues of social justice and economics, as well as to project the future cost of reoccurring devastation to Metro New York and its urban population.

Vote: Unanimous, with 37 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1. Item:7 - 325-329 West Broadway, aka 23-25 Wooster Street – SoHo-Cast Iron Historic District. An early 19th century building altered in 1894; an early 19th century building altered circa 1920-1930; a warehouse built circa 1960; and a garage built in 1968. Application is to amend Certificate of Appropriateness 07-4623 for the construction of rooftop additions at existing buildings and for the construction of a new building. Zoned M1-5A. Community District 2

Whereas, The application is to make certain amendments to a previously-approved application for new construction on the West Broadway portion of the parcel and modifications to the elevator bulkhead on the Wooster Street portion; and

Whereas, The applicant referenced certain cast iron buildings in the district which exhibit strong anchoring at the ground level, strong vertical thrust through the use of columns between the windows, and assertive cornices; and

Whereas, The proposed grill facade in textured sand, cast aluminum exhibits an almost square pattern, completely lacking in the distinctive vertical thrust of historic SoHo building facades; and

Whereas, the ground floor is plate glass, which appears to be unframed, exhibits no visual support for the upper floors, is without historical reference, and makes the building appear to be floating rather than be anchored to the ground; and

Whereas, the building's relationship to the sky is lacking a crowning cornice, and the greenery and sky visible behind the upper floor windows openings (with no roof) is odd, disorienting and

Whereas, The plate glass on the ground floor, the lack of vertical thrust in the intermediate floors and the lack of a cornice or other strong termination to the top of the building all together do not reference or reflect classical architecture as manifest in historic SoHo buildings, but rather seek to insert into the District an intrusive, modern style; and

Whereas, The rear facade is treated the same as the street facade with the addition of balconies; and

Whereas, The elevator bulkheads are more visible than the previously-approved plan with an additional 85 inches on West Broadway and an additional 26 inches on the Wooster Street side and remain minimally visible; and

Whereas, The ninth floor penthouse is recessed from the facades of the building and is in keeping with the penthouses prevalent in the area; and

Whereas, There are no proposed changes to the previously-approved plans for the Wooster Street facade; and

Whereas, Plantings are proposed at the base of the building, on ledges and on balconies of the intermediate floors and on the terrace of the penthouse level which are asserted by the applicant to be a part of the design, especially in considering the “weight” of the ground level facade; and

Whereas, The plan must be considered according to the permanent, architectural elements of the design in that plantings are consider auxiliary to the design and will exist only with diligent care that cannot be guaranteed in perpetuity; now

Therefore, be it resolved that CB#2, Man. recommends denial of the design for the façade, including the ground floor; and

Be it further resolved that CB#2, Man. recommends approval of the penthouse and elevator bulkheads.

Vote: Unanimous, with 37 Board members in favor.

2. Item: 8 - 482 Broome Street, aka 60 Wooster Street - SoHo-Cast Iron Historic District
A store building designed by John McIntyre, built in 1883-84. Application is to install new storefront infill and modify a barrier-free access ramp.

Whereas, The application is to replace the door of the residential, east side of the Broome Street facade of the building and the two loading doors on the north end of the Wooster street side with copies of the existing historical doors; and

Whereas, The existing six foot ramp is to be extended to 16 feet with a design matching the existing ramp in order to comply with access regulations; and

Whereas, The original style, double-hung windows on the Wooster Street side are to be replaced with single pane windows commonly found on retail establishments in the District; and

Whereas, The grills below the Wooster Street windows are to be replaced with single pane glass; and

Whereas, The wooden elements on both facades are to be painted in Benjamin Moore Monterey; and

Whereas, A small blade sign is to be installed on the Broome Street facade and decal signs are to be installed on the lower the windows on the Wooster Street facade; and

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

Vote: Unanimous, with 37 Board members in favor.

3 - Item:9 - 42 West 11th Street – Greenwich Village Historic District . A Greek Revival style house designed by James Harriot and built in 1840-41, with an addition built by Paul Rudolf in the 1970s. Application is to construct a rooftop addition, rebuild the existing rear extension, and excavate the cellar and rear yard. Zoned R6QH

Whereas, The stoop, stairs and historic surround are to be restored according the existing construction, presumably original, in other buildings in the terrace; and

Whereas, The rear Paul Rudolf wooden extension of modern design cannot be restored and is to be rebuilt in steel according to the original design and in the manner of similar Rudolf designs; and

Whereas, The extension in steel will be shifted north 26 1/2 inches, providing more depth to the garden; and

Whereas, The windows behind the framing conform to the pattern of the trellis, according to the original Rudolf design; and

Whereas, Certain details, including a rectangular, glazed opening at the top, reference similar designs by Rudolf; and

Whereas, A stair bulkhead is to be built and will not be visible from the street; and

Whereas, The rear yard will be excavated, with the result that it will be approximately two feet higher than the existing garden; and

Whereas, The excavation of the garden changes the area from a true garden with trees, grass and plants to a sterile patio with hard surfaces, thus depriving the property and the doughnut of the serene connection with the earth afforded by grass, trees and flowers; and

Whereas, The cellar will be excavated to afford an eight foot ceiling height; and

Whereas, The use of an angle of repose method of excavation would be less intrusive and address the concerns of the neighbors; and

Whereas, Neighbors support the project, both in person and by letter, with concerns that the excavation be carried out with care.

Therefore, be it resolved, That the proposal is commended for its care in reconstruction of the original front stoop and the rear façade, which is of architectural and historical importance; and

Be it further it resolved that CB#2, Man. recommends approval of this application with the request that consideration be given to preservation of the garden in its present state.

Vote: Unanimous, with 37 Board members in favor.

4 - Item: 9 - 130 W. 12th Street – Greenwich Village Historic District. An apartment building by architect Feldman 1940-41. Application is to modify window opening at the penthouse and install terrace pergola.

Whereas, The windows on the south side will be altered to make the elevation symmetrical; and

Whereas, The glazing on the east facade will be replaced; and

Whereas, Two windows in the west facade will be filled with brick; and

Whereas, The proposed changes enhance the facades of the penthouse and are in keeping with the previously-approved designs; and

Whereas, A wood and steel pergola will be constructed on the east side of the rear terrace and is visible, though not aggressively so, from Sixth Avenue.

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

Vote: Unanimous, with 37 Board members in favor.

5 - Item:11 - 79 Horatio Street - Greenwich Village Historic District. A rowhouse built in 1870. Application is to install a stoop; construct a rooftop bulkhead, alter the rear façade, and excavate the cellar. Zoned R6

Whereas, The cellar is to be lowered three feet to afford a ceiling height of eight feet and will not require underpinning because of the use of the angle of repose method, which will minimize the impact on neighboring structures and gardens; and

Whereas, The garden will be excavated 8' 6" to the north, down to the level of the basement; and

Whereas, A stoop and stairs are to be created with design and railing similar to that recently approved at 83 Horatio, in the same block; and

Whereas, The roof is to be leveled from the front (highest point), which raises the rear level by two feet and causes greater visibility of the west wall of the building, which must also be raised; and

Whereas, The stair bulkhead is to be nine feet high, double width from the level of the newly-raised roof, and repositioned with its front edge 15 feet from the street line and is highly visible from within the block; and

Whereas, The safety railing at the rear will be set back one foot; and

Whereas, The rear facade is intact, including original window openings; and

Whereas, the proposal would completely removed a considerable amount of original fabric by completely demolishing the back wall of the building; and

Whereas, The rear facade design does not respect the original spacing, rhythm, scale and relationship of masonry to window openings and instead proposes. modern, tilt and turn windows that in no way respect the present, intact facade and are totally without precedent or context for the District; and

Whereas, The applicant asserts that the justification for the destruction of the rear facade and modern window design is the occupants' enjoyment of views to the north not afforded by the present, historical design; and

Whereas, The applicant feels that the historical restoration of the facade justifies the destruction of the rear façade, replacing it with a design that has no historical or aesthetic reference to the building or to the District; and

Whereas, The great visibility of the bulkhead is a self-created problem caused by raising the roof, doubling the width of the bulkhead, and installation of a switch-back stairway.

Whereas, The visibility of the bulkhead could be reduced to an acceptable height by preserving the straight run stairs toward the building and the present design of a sloping bulkhead; and

Whereas, A member of the public spoke in favor of the front facade proposal and against the rear facade changes and the roof changes.

Therefore, be it resolved That CB#2, Man. recommends denial of the roof, bulkhead, rear facade, and rear windows; and

Be it further resolved, That CB#2, Man. recommends approval of the garden excavation and front facade work, provided that they are done with quality of design and construction, especially with respect to the iron work, evident in the referenced 83 Horatio building.

Vote: Unanimous, with 37 Board members in favor.

6 - LPC Item: 7-755-761 Washington Street, 46-50 Bethune Street - Greenwich Village Historic District A two-story garage building built in 1937-1938. Application is to install storefront infill, signage, lighting, and security cameras, replace windows, and install railings.

Whereas, to remove the four existing garage doors at the ground floor on Washington Street and one bay on Bethune Street and replace infill of Ebony bi-fold wood doors with multi light glazing, transoms and paneling that operate by in swinging folding doors completely to the side in most of the bays, and

Whereas, to replace the street level infill in the bays with new infill was acceptable, but the choice of material and detailing was not. The committee felt that the heavy Ebony wood transom bar, muntins and overall detailing does not sit well in this historic neighborhood. Instead, it was suggested that the infill be steel (similar to the second floor windows) and that the slim muntins and frames was more suitable to the industrial nature of the neighborhood and of this building, and.

Therefore, be it resolved while we approve of the restoration of the stucco, the original steel windows and the replacement of the storefront, the choice of infill material and detailing was objectionable. CB#2, Man. recommends a **denial unless** the application changes the proposed heavy wood doors and windows to steel doors, windows and detailing.

Vote: Unanimous, with 37 Board members in favor.

7 - LPC Item: 8 -245 Bleecker Street - Greenwich Village Historic District Extension II

A Federal style row house built in 1829 with major alterations completed in 1926. Application is to install illuminated signage and a bracket sign, and to paint the base of the building.

Whereas, this commercial strip of storefronts in this neighborhood has been frequently remodeled before it was designated as an historic district; and

Whereas, the size of the round blade sign is 16" is acceptable; and

Whereas, the horizontal sign band is poorly detailed as a built up "2" deep stucco faced sign band" with a continuous LED down light and sign band letters are with a "halo" back light ; and

Whereas, the choice of color of a super-super white stucco paint at the base is not appropriate for a building in an historic district; and the choice of day glow & neon green window frames and red are not right for a storefront on an early nineteenth century row house; and

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

Vote: Unanimous, with 37 Board members in favor.

8 - LPC Item 9: 74 Grand Street - SoHo-Cast Iron Historic District

A vacant lot, formerly occupied by a neo-Greek style loft building designed by George DaCunha and built in 1886. Application is to reconstruct the cast iron facade in conjunction with a new building. Zoned M1-5B

Whereas, this is a unique proposal whereby the original cast iron building was deemed unsafe and demolished. The original cast iron five story Grand Street facade, sidewalk lights and rear vault skylight was dismantled, the original architectural elements were stored, restored and is reused in this proposed design; and

Whereas, according to the applicant, the new building needed to have lower floor to floor heights to maximize the use of the building as well as for the ease of design for the scissor fire exist stairs; and

Whereas, the original facade and building is only five stories tall, with floors of varying heights, and the new design is an eight-story (plus duplex penthouse) structure that includes the original facade but otherwise has little to do with the historic architecture; and because the original cast iron facade is to be reused this should impose a special burden on the developer to recreate a building more in the spirit of the original; and

Whereas, the original facade is to be reinstalled, the new proposed eight story plus mechanical penthouse building is set back eight feet from the original face, the floors are arranged to not match the original window openings, and instead have balconies and a modern truss design behind the original cast iron facade; and

Whereas, the original cast iron is being reinstalled with the effect of a curtain or decorative set design where the new building behind the original window openings (now proposed without glass or frames) has balconies to front; and

Whereas, the rear facade is designed with balconies at every floor and a mesh material used as a continuous ribbon of six bifold operable shutters to the rear facade; and while SoHo is zoned for manufacture use and does not have big setbacks so the rear wall, back windows and balconies are right up against neighbors; and

Whereas, the proposal is to have balconies on the front and rear, the committee strongly recommends denial of that feature. Not only are they not a part of the area's architecture, they present many problems in the rear, since there is no real Rear Yard in SoHo, windows are cheek to jowl, and noise from people on balconies and their BBQs would cause problems; and

Therefore, be it resolved that CB#2, Man. strongly recommends **denial** of this application and request that the developer respect the spirit of the original building.

Vote: Unanimous, with 37 Board members in favor.

9 - LPC Item: 10 395 6th Avenue - Greenwich Village Historic District A commercial building built in 1876 and remodeled in 1958. Application is to alter the facade, install storefront infill, signage, and replace window.

Whereas, the new proposal is to replace the storefront, add a new storefront infill raises the height of the storefront, lowers the window opening and remodels the entrance; and

Whereas, a second floor display window is proposed with a painted wall set back more than 18" and painted the signature color of the commercial bank tenant; and

Whereas, the interior lightning at the second floor display window was deemed too bright for 24-hour use; and the applicant agreed to a turn off the light at night and on only from 7am to 7pm (the second floor light) was proposed.

Therefore, be it resolved that CB#2, Man. recommends **approval** of this application with the additional stipulation that the second floor light be turned off after 7pm.

Vote: Unanimous, with 37 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

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

1. Hudson Falafel, Inc. d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W. 10th St), with 8 tables & 15 seats, DCA#1219470

Block:619 Lot:7 Lot Frontage:47.25' Lot Depth:70 Year Built:1905
Number of Buildings:3; Number of Floors:4 Residential Units:15
Total # of Units:17 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 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,

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 **Hudson Falafel, Inc. d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W. 10th St), with 8 tables & 15 seats, DCA#121947**

VOTE: Unanimous, with 37 Board members in favor.

2. 31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette St & Bowery), with 11 tables & 22 seats, DCA# 1034252

Block:530 Lot:22 Lot Frontage:26.67' Lot Depth:100.17 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:3 Residential Units:0 Total # of Units:4
Zoning:M1-5B Landmark Building: Yes
Historic District: NoHo Historic District Extension

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

Whereas, this café has been operated for several years by this applicant with continuing issues related to the amount of sidewalk used, and

Whereas, as the applicant did not appear before the committee 2 years ago as required, this is the first time in 4 years the committee has had the opportunity to discuss this café with the applicant, and

Whereas, the CB2 office has received multiple complaints about the café being consistently extended to in front of the adjacent business to the west as well as using more than 50% of the sidewalk width, and

Whereas, DCA cited the applicant on 8/13/12 and 9/1/12 for non-compliant planters, an improper service aisle and the café occupying too much sidewalk, and

Whereas, the plan originally filed for this café in 2000 does not include the required 3' clearance to a Siamese connection, 3' clearance for a fire escape drop ladder, extends the café to in front of the residential entrance to the building, and

Whereas, it is clear to the committee that this plan should never have been approved as designed and the legal space is incapable of hosting anywhere near the currently approved amount of seating,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette St & Bowery), with 11 tables & 22 seats, DCA# 1034252**

UNLESS the applicant

- **supplies DCA with a new print that provides the required 3’ clearance from the Siamese connection and fire escape drop ladder, and does not extend the café to in front of the residential entrance**
- **removes all unapproved planters and operates the café within its approved footprint**

VOTE: Unanimous, with 37 Board members in favor.

3. Fiddlesticks LLC, d/b/a Fiddlesticks, 54-56 Greenwich Ave. (btw Charles St & Perry St), with 16 tables & 29 seats, DCA# 1133898

Block:606 Lot:22 Lot Frontage:72.25' Lot Depth:80.5 Year Built:1920(estimated)
Number of Buildings:3; Number of Floors:4 Residential Units:8 Total # of Units:10
Zoning:C1-6 Landmark Building: Yes
Historic District: Greenwich Village

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

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

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 **Fiddlesticks LLC, d/b/a Fiddlesticks, 54-56 Greenwich Ave. (btw Charles St & Perry St), with 16 tables & 29 seats, DCA# 1133898**

VOTE: Unanimous, with 37 Board members in favor.

4. Four Green Fields, LLC d/b/a Agave, 140 7th Ave. South (btw W 10th St & Charles St), with 19 tables & 38 seats, DCA# 1220688

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

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

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

Whereas, this unenclosed café directly abuts both sides of an enclosed sidewalk café, which appears to violate a rule requiring 15’ clearance between any café and an adjacent enclosed sidewalk café,

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 **Four Green Fields, LLC d/b/a Agave, 140 7th Ave. South (btw W 10th St & Charles St), with 19 tables & 38 seats, DCA# 1220688**

CONDITIONAL UPON DCA and the City Council confirming that the two sections of unenclosed café immediately abutting the Enclosed sidewalk café meet the requirement that there be 15' of clearance between any sidewalk café and an adjacent Enclosed sidewalk café

VOTE: Unanimous, with 37 Board members in favor.

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

5. Mulberry Street Bar, LLC d/b/a Mulberry Street Bar, 176 Mulberry St (btw Grand St & Broome St), with 4 tables & 16 seats, DCA# 1164852

Block:471 Lot:7502 Lot Frontage:28.19' Lot Depth:74.94 Year Built:1967
Number of Buildings:1; Number of Floors:7 Residential Units:4 Total # of Units:5
Zoning:C6-2G

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

Whereas, this café has been operated for several years by this applicant with few known issues, but often sets up all currently approved seating in violation of the approved plan, and

Whereas, this plan is dependent on all service occurring from two doors and requires the service to be between the diners at 4-top tables, while in practice it typically takes place from the ends of the tables which in this case would mean it is from the public sidewalk,

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 **Mulberry Street Bar, LLC d/b/a Mulberry Street Bar, 176 Mulberry St (btw Grand St & Broome St), with 4 tables & 16 seats, DCA# 1164852**

CONDITIONAL UPON the applicant making every effort to restrict service personnel to the allowed café footprint, avoiding any activity in the public sidewalk (the entire area beyond the tables)

VOTE: Unanimous, with 37 Board members in favor.

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

6. Westville Hudson LLC, d/b/a Westville, 333 Hudson St. (SW corner Charlton St), with 11 tables & 24 seats, DCA# 1455798

Block:597 Lot:55 Lot Frontage:100.58' Lot Depth:100.08 Year Built:1925
Number of Buildings:1; Number of Floors:10 Residential Units:0 Total # of Units:11
Zoning:M1-6

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

Whereas, this café is proposed for approx. 34 ft of sidewalk at the north end of this commercial building on a sidewalk of 19’5” width with a fire hydrant and traffic signal pole restricting the café depth to 7’, and the seating is also restricted somewhat on the south end by two Siamese connections, and

Whereas, the proposed plan includes one 2-seat table that extends well in front of the steps to the main entrance, and at the committee’s request Mr. Kelly agreed to removing that, thereby reducing the seating to 10 tables and 22 seats,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Westville Hudson LLC, d/b/a Westville, 333 Hudson St. (SW corner Charlton St), with 11 tables & 24 seats, DCA# 1455798**

UNLESS a new print is provided to DCA reducing the seating to 10 tables & 22 seats as noted above

VOTE: Unanimous, with 37 Board members in favor.

7. Le Gans Restaurant Inc. d/b/a Ryu, 46 Gansevoort St. (SW corner Greenwich St), with 8 tables & 20 seats, DCA# 1456381

Block:643 Lot:54	Lot Frontage:69.42' Lot Depth:92.58	Year Built:1941
Number of Buildings:1;	Number of Floors:2 Residential Units:0	Total # of Units:1
Zoning:M1-5	Landmark Building: Yes	
Historic District: Gansevoort Market		

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant and his representative, Michael Kelly, were present, and

Whereas, this café is proposed for approx. 21’11” of sidewalk at the east end of this commercial building on a sidewalk of 17’7” width with the corner, a street light pole on Greenwich St and a fire hydrant restricting the café depth to 7’, and

Whereas, the applicant and Mr. Kelly stated the d/b/a for this establishment would be changing to ‘The Sugar Factory’ under a licensing agreement with that company, which is based in Las Vegas, and the committee questions how this business will be a “family oriented” restaurant while being so named, and

Whereas, the proposed plan is dependent on the seating being kept from extending to the corner of the building where it would impinge on the required clearance to the street light pole on Greenwich St which already has a very narrow sidewalk and the committee is very concerned that will be a significant issue at night when this entrance to the Meatpacking District becomes very congested, and

Whereas, the proposed plan includes two 2-seat tables that sit entirely in front of the double French doors that will serve as the only entrance to the restaurant, and the committee is very concerned that to facilitate entrance to the restaurant those tables and the 2 tables next to them will be consistently moved toward the corner, reducing the required clearance as noted in the previous Whereas,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Le Gans Restaurant Inc. d/b/a Ryu, 46 Gansevoort St. (SW corner Greenwich St), with 8 tables & 20 seats, DCA# 1456381**

UNLESS

- the applicant provide DCA with a new print removing the two 2-seat tables directly in front of the French doors thereby reducing the seating to 6 tables and 16 seats
- the d/b/a is updated to that under which the business will be operated

VOTE: Unanimous with 37 Board members in favor.

8. Quimera Restaurant Group, LLC d/b/a Barraca, 81 Greenwich Ave.(SW corner Bank St), with 17 tables & 34 seats, DCA# 1457681

Block:614 Lot:56	Lot Frontage:58.42' Lot Depth:62.25	Year Built:1926
Number of Buildings:1;	Number of Floors:6 Residential Units:20	Total # of Units:22
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 and his representative, Steve Wygoda, were present, and

Whereas, this café is proposed for approx. 54’5” of sidewalk on a sidewalk of 15’1” width with the corner and a street light pole restricting the café depth to 7’1”, and there is a break in seating to the east of the center of the café to allow clearance for a fire escape drop ladder, and

Whereas, the proposed plan includes one 3-seat table at the east end of the café that severely limits wait service access to that table and the 4-seat table opposite and the applicant agreed to remove the 3rd seat from that table, and

Whereas, the proposed plan includes one 1-seat table that sits right at the edge of the required 3’ clearance from the fire escape drop ladder in the middle of the cafe, but there is enough room to add the removed 3rd seat noted in the previous Whereas which keeps the café at the same number of tables and seats,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Quimera Restaurant Group, LLC d/b/a Barraca, 81 Greenwich Ave.(SW corner Bank St), with 17 tables & 34 seats, DCA# 1457681**

CONDITIONAL UPON the applicant providing DCA with a new print shifting the third seat from the outer table at the east end of the café and adding it to the 1-seat table near the center of the cafe

VOTE: Unanimous, with 37 Board members in favor.

9. Piacere Enterprises, LLC d/b/a Piacere, 351 Broome St. (btw Elizabeth St & Bowery), with 8 tables & 20 seats, DCA# 1458267

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

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

Whereas, this café is proposed for approx. 20 ft of sidewalk at the west end of this commercial building on a sidewalk of 17' width with no legal obstructions, allowing a café depth of 8'6", and

Whereas, the premise frontage consists of a center doorway of roughly 4' with façade of roughly 8' on either side and the proposed plan shows two 4-seat tables on either side of the door, which the committee's experience shows cannot be accommodated in 8' without impacting the entrance to the restaurant, and

Whereas, the seating to the right of the door is directly under a fire escape drop ladder and would all need to be removed to allow for 3' of clearance, and

Whereas, it appears that the space available can properly host no more than 14-16 seats,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Piacere Enterprises, LLC d/b/a Piacere, 351 Broome St. (btw Elizabeth St & Bowery), with 8 tables & 20 seats, DCA# 1458267**

UNLESS a new print is provided to DCA reducing the seating to allow sufficient clearance for the fire escape drop ladder and unimpeded access to the entrance to the restaurant

VOTE: Unanimous, with 37 Board members in favor.

Applications for Street Activities Permits

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,

- **4/22/13 NYU Earth Week,**
Washington Pl. bet. Washington Sq. East & Greene St.
 - The applicant did not appear before the committee as required
 - CB2 continues to request SAPO to limit NYU to the two events each sponsor is allowed under SAPO rules

Vote: Unanimous, with 37 Board members in favor.

- **6/1/13 World Science Festival Street Fair,**
LaGuardia Pl. bet. Washington Square South & West 3rd St.;
Washington Square South bet. Sullivan St. & Washington Square East;
West 4th St. bet. Washington Square East & Mercer St.

- The organization is based in upper Manhattan (Riverside Dr.) and, aside from NYU (yet another event) being an “educational partner”, has no indigenous relationship to CB2.

Vote: Unanimous, with 37 Board members in favor.

- **9/22/13 NoHo NY Festival,
Bond St. bet. Broadway & Lafayette St. (new)**
 - The applicant did not appear before the committee as required

Vote: Unanimous, with 37 Board members in favor.

- **10/26/13 Village Crosstown Trolley Astor Place Festival Co-Sponsored with 9th Precinct Community Council, Women’s Democratic Club and St. Joseph’s Church**
Astor Pl. bet. Broadway & Lafayette St.
 - Only a representative from Village Crosstown Trolley appeared and CB2 continues to feel that in 17 years the organization has provided no appreciable value to the district.

Vote: Unanimous, with 37 Board members in favor.

APPROVALS

Whereas, CB#2, 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 application 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,

- 6/2/13 101 Spring Street Opening Celebration, Mercer St. bet. Spring St. & Prince St. (new)
 - **Approved for ONE YEAR ONLY**

Vote: Unanimous, with 37 Board members in favor.

(FYI)-Renewals:

- 5/4/13 PS 130M Health Fair – Family Day, Hester St. bet. Mulberry St. and Baxter St.

Vote: Unanimous, with 37 Board members in favor.

- 5/11/13 West 11th Street Block Party, West 11 Street bet. 5th Ave. and 6th Ave.

Vote: Unanimous, with 37 Board members in favor.

- 5/11/13 PS 3 Spring Fling 3, Grove St. bet. Hudson St. & Bedford St.

Vote: Unanimous, with 37 Board members in favor.

- 6/2/13 Housing Works Open Air Street Fair, Crosby St. bet. Prince St. & E. Houston St.

Vote: Unanimous, with 37 Board members in favor.

- 7/27/13 Oversea Chinese Mission, Hester St. bet. Elizabeth St. and Mott St.

Vote: Unanimous, with 37 Board members in favor.

- 8/29/13 17th Annual New School Block Party, West 12th St. bet. 5th Ave. & 6th Ave.

Vote: Unanimous, with 37 Board members in favor.

WITHDRAWALS

- 4/20/13 Green Community Day, Bleecker St. bet. Bank St. & West 11th St.
- 6/1/13 101 Spring Street Opening Celebration, Mercer St. bet. Spring St. & Prince St. (new)

SLA LICENSING

1. Yoke Mei Chau, d/b/a Aux Epices, Inc, 121 Baxter St - 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 Baxter Street between Canal and Hester Street (Block #206 / lot #5), for a 550sq. ft premise with 12 tables and 25 seats and no bar and the maximum occupancy is 35 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 7:00 a.m. to 10:00 p.m. and Thursday to Saturday from 7:00 a.m. to 11:00 p.m.; the establishment is a French and Malaysian restaurant with quiet background music consisting of background music from iPod; there will be no scheduled performances and private parties; and,

Whereas, stipulations regarding the method of operation have been establish with CB#2, Man. and are signed by the applicant for CB#2, Man.; and,

Whereas, those stipulations are as follows:

1. Hours of operation will be Sunday to Wednesday from 7:00 a.m. to 10:00 p.m. and Thursday to Saturday from 7:00 a.m. to 11:00 p.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. All doors and windows will be closed by 9:00 p.m.

Whereas, the operator submitted a petition with 29 signatures in support of this beer and wine license; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request to a Beer and Wine license for **Yoke Mei Chau, d/b/a Aux Epices, Inc, 121 Baxter St, 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 license.

Vote: Unanimous, with 37 Board members in favor.

2. International Culinary Center, LLC d/b/a L’Ecole & FCI Catering & Events, 462 Broadway 10013 - Alteration to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is to include the additional 3rd, 4th and 5th floors of this business with the primary use of the 5th floor for school events. The applicant has previously been required to file special event permits 4 to 5 times each month for the 5th floor space. To eliminate this repeated filing the applicant is requesting that the 5th floor be considered as part of their current license. In order to do so under one license, the SLA requires that all spaces be contiguous, thus the inclusion of the 3rd and 4th floor; and

Whereas, this application is for the alteration of a On Premise license (#1025240) in a commercial building, located on Broadway between Grand and Broome Street (Block #473 / lot #1), for a 70,000 sq. ft premise (1st floor 10,000sf, 2nd floor 20,000sf, 3rd floor 10,000sf, 4th floor 20,000sf and 5th floor 10,000sf.) On the 1st floor there are 23 tables and 83 seats and 1 bar with 9 seats. The second floor will use the Theatre (room #2-031) with 80 seats. Both the first and second floors are currently licensed. The 3rd floor will have no service or seating. The 4th floor will use the Italian Culinary kitchen in room 04-028 room for seated dinners with 35 seats. The 5th floor will use most of the open spaces on both the Crosby Street side and the Broadway side with a total of 120 seats. There will be no permanent bars or service bars on any floor except for the currently existing bar on the 1st floor, all others will be temporary setups for each event, and the maximum occupancy for all floors during any one period of time is 1158; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday: 11:30 a.m. – 11:00 p.m., Monday to Friday from 12:00 p.m. to 12:00 a.m. and Saturday from 12:00 p.m. to 1:00 a.m.; the establishment is a culinary school with a restaurant, music will be background with occasional live music, however the applicants current lease does not allow amplified music. There will be private events but no velvet ropes, no movable barriers; and,

Whereas, the applicant has agreed to the following stipulations:

1. There will be only 1 permanent bar with 9 seats on the 1st floor (currently exists) all other bars or service bars will be temporary and removed after each event.
2. There will be no liquor service of any kind on the 3rd floor.
3. Though the maximum occupancy is 1158, there will be no more than 331 seats being used at any given time combined on floors 1-5.
4. There will not be any amplified music on any floor.

5. Hours of operation for all floors are Sunday to Friday from 11:30 a.m. to 11:00 p.m. and Saturday from 12:00 p.m. to 1:00 a.m.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the alteration of the On Premise license for **International Culinary Center, LLC d/b/a L'Ecole & FCI Catering & Events, 462 Broadway, 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 license.

Vote: Unanimous, with 37 Board members in favor.

3. 116 MacDougal G Corp. d/b/a "116" MacDougal St – OP renewal

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the renewal of the full On Premise license; and,

Whereas, the applicant did not notify CB#2, Man. via a 30 day notification of their intent to renew there license before its expiration; and,

Whereas, this location has been closed for over 30 days, probably much longer, with perhaps only occasional private parties and CB#2, Man. currently has an application for a new license at this location from a different applicant which is to be heard in April 2013; and,

Whereas, CB#2, Man. does not believe that a renewal should be granted during this transition based on the fact that this operation has been closed for months with only private events being held at this location; and

Whereas, the operator is no longer following in course of approved method of operation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the renewal request for the full On Premise license for **116 MacDougal G Corp. d/b/a 116 MacDougal St.**

Vote: Unanimous, with 37 Board members in favor.

4. Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012 - Corporate Change

Whereas, the applicant appeared before the committee; and,

Whereas, this application is to request a Corporate Change in officers; and,

Whereas, this application is for the alteration of their full On Premise Liquor licenses #1243820 and #1243821 in a mixed use building (Block# 00532 / Lot# 25) on the corner of Broadway and Bleecker for a 4,325 s.f. restaurant and bar/lounge with a total between the ground floor and basement of 39 tables and 130 seats, 2 bars and 18 seats and a maximum legal capacity of 299 persons; and

Whereas, the hours of operation are:

Restaurant (1st Floor)

Monday – Wednesday from 7:00 a.m. to 11:00 p.m.

Thursday and Friday 7:00 a.m. to 12:00 a.m.

Saturday from 7:00 a.m. to 12:00 a.m.

Sunday from 7:00 a.m. to 10:00 p.m.

Lounge (Basement)

Sunday – Thursday from 6:00 p.m. to 2:00 a.m.

Friday and Saturday from 6:00 p.m. to 2:00 a.m.

Whereas, the corporate change is to remove Kelly Engel and replace this principal with Spencer Lehv; and,

Whereas, the applicant previously signed a Stipulation Agreement with CB#2, Man. that there are no other changes to the daily operations of this establishment and the Memorandum of Understanding that was signed by the applicant and the community that all previous stipulations within the Memorandum of Understanding are still active;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **approval** to the Corporate Change for **Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012.**

Vote: Unanimous, with 37 Board members in favor.

5. Travertine, d/b/a Ken and Cook/Lil Charlie's, 19 Kenmare St. 10012 – Alteration to OP

Whereas, this applicant again did not appear before the committee but instead sent legal representation; and,

Whereas, this application is an alteration to the existing OP license to include the sidewalk café and to convert the current service bar in the basement to a stand-up full service bar; and,

Whereas, this application is for the alteration of the current On Premise license (#1217867) in a mixed use building located on Kenmare Street between Bowery and Elizabeth Street (Block #478 / lot #12), for a 3,000 sq. ft premise (1,800 on the ground floor and 1,200 sf. in the cellar) with 12 tables with 64 seats on the ground floor and 1 bar with 8 seats and 9 tables and 45 seats and 1 stand up bar with no seats in the cellar for a grand premises total of 21 tables and 117 seats; the maximum occupancy is 150 people, there will be a sidewalk café which is to be included in this application with 15 tables 30 seats and there is no backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Saturday from 11:00 a.m. to 4:00 a.m.; establishment is a full service 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) on the ground floor and a d.j. in the basement, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, CB#2, Man. has had repeated complaints with this operator at this location; and,

Whereas, with the exception of the original license which was recommended for approval with stipulations, CB#2, Man. has recommend denial for past alterations and renewals and CB#2, Man. respectfully requests that those materials be reviewed for an overview of the outstanding issues at this location; and,

Whereas, this application is to add a sidewalk café which was denied by CB#2, Man. but approved by the Department of Consumer Affairs over objections of the community; and,

Whereas, this application is also to request the alteration of a service bar in the basement to a stand-up bar which has already existed illegally, and it is widely known that the basement has been operated as a club and not a restaurant with food sales being *ancillary* to liquor sales in direct contradiction to statements made by the applicants and materials originally presented to CB#2, Man.; and,

Whereas, they have been using a DJ in the basement which is against their agreed method of operation from the original application with CB#2, Man.; and,

Whereas, after many years of operating, there is **STILL no current Certificate of Occupancy or Letter of No Objection** and CB#2, Man. questions how the SLA can continue to allow a license at this address; and,

Whereas, there is a current violation for open flame in the basement; and,

Whereas, there were 7 community members from this neighborhood in opposition to any alterations and have clearly stated that it has become a full time job for this community to defend their rights against this operator who continues to ignore the rights of the taxpaying residents who must endure this blatant disrespect; and,

Whereas, at the time of the hearing in March 2013 it was noted that there were nine (9) **ECB violations** issued on March 1, 2013 for serious building department violations including a **Stop Work Order**, and violations for illegal occupancy, occupancy without a current certificate of occupancy among other violations but for which the details were not yet available at the time of the hearing and therefore could not yet be presented; and,

Whereas, the licensee is operating in violation of their agreed upon and signed Stipulations dated September 18, 2008; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alterations of the existing On Premise license for **Travertine, d/b/a Ken and Cook/Lil Charlie's, 19 Kenmare St. 10012** to include the sidewalk café and to convert the service bar in the basement to a standup bar; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that this matter be **heard before the Liquor Authority's Full Board** before a determination is made and that the community at that time be able to present evidence of ongoing violations at the location despite the licensee's claims at a recent disciplinary hearing in front of Chairman Rosen and Commissioner Greene and that given the lack of current legal occupancy of the premise that the Liquor Authority consider recalling the current license until the applicant can present an affirmative finding and currently dated documentation showing legal occupancy of the premise.

Vote: Unanimous, with 37 Board members in favor.

6. Forcella Eatery, Inc. d/b/a Forcella La Pizza DiNapoli, 334 Bowery, 10012 – Alteration to Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of the Beer and Wine license (#127555) to include a sidewalk café at a mixed-use building located on Bowery between Bond and Great Jones Street (Block #530/lot #38), in a 1,900 sq. ft premise with 22 tables and 54 seats and 1 stand up bar and the maximum occupancy is 60 people, there will be no backyard use; and,

Whereas, the applicant is also to include additional closing hours during the weekdays which will now be operating from Sunday to Saturday from 12:00 p.m. to 12:00 a.m.; the establishment is an Italian Brick oven pizzeria restaurant with quiet background consisting of music from iPod/; there will be no scheduled performances or private parties; and,

Whereas, stipulations regarding the method of operation have been established with CB#2, Man. and are signed by the applicant for CB#2, Man.; and,

Whereas, those stipulations are as follows:

1. Hours of operation will be Sunday to Saturday from 12:00 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 sandwich board advertisements out on the sidewalk
5. There will be consideration to pedestrians while the scaffolding next door is up to give a clear and safe walking corridor.
6. Operator will strictly adhere closing times to the sidewalk café to their new hours of operation.

Whereas, the operator submitted a petition with 58 signatures in support of this beer and wine license to include the sidewalk café and the new hours of operation that increase closing time from 11:00 pm to 12:00 am during the weekdays; and,

Whereas, two members of the community spoke in opposition to this application articulating the same reasons that CB#2, Man. originally recommended denial for the original beer and wine license when the license was first issued;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request to the alterations of the Beer and Wine license for **Forcella Eatery, Inc. d/b/a Forcella La Pizza DiNapoli, 334 Bowery, 10012** to include the sidewalk café, **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 license.

Vote: Passed, with 36 Board members in favor, and 2 in opposition (D. Diether, J. Geballe).

7. Burger Joint New York II, LLC, Burger Joint, 33 West 8th St. 10003 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed-use building located on 8th Street between 5th Avenue and MacDougal Street (Block #572 / lot #60), in a 2,982 sq. ft premise with 16 tables and 53 seats and 1 bar with 12 seats and the maximum occupancy is 74 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Thursday from 11:30 a.m. to 12:00 a.m. and Friday and Saturday from 11:30 a.m. to 1:00 a.m.; establishment is a full service 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 promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be only one TV which sound will be kept off; and,

Whereas, the applicant reached out to the West 8th Street Block Association and agreed to the following stipulations which were adopted by CB#2, Man. and signed by the applicant as well; and,

Whereas, those stipulations are as follows:

1. Method of Operation

- a. The establishment is a legitimate restaurant. It is not a nightclub, dance club, sports bar, or similar establishment.
- b. Although it will have a bar, it will be a restaurant in character, with the focus on food.
- c. There will be only one television on which the sound will be kept off.
- d. Kitchen will remain open until closing.

2. Hours

- a. The establishment will shut down by 12:00 a.m. Monday through Thursday, and by 1:00 a.m. Friday and Saturday.
- b. After 6 months of operation, we will revisit the Thursday hours and the block association will support an extension if the relationship with the neighbors has been positive.

3. Windows

- a. The windows will be brought into compliance with the zoning for the Special Limited Commercial District, which requires:
“All permitted #uses# shall be located within #completely enclosed buildings#.”
- b. Should city interpretation of the LC district zoning regulations allow restaurant windows to open, the operator agrees to ensure that said windows are nevertheless closed by 10:00 pm every night of the week.
- c. Should city interpretation of the LC district zoning regulations allow restaurant windows to open, the operator agrees to take necessary steps to ensure that any background music in the restaurant does not travel substantially beyond the space.
- d. The rail/shelf currently along the window will be removed. No rail or shelf will be placed along the window.

4. Patron Noise

- a. The operator will use persuasion, reminders, etc. to encourage evening patrons to come and go (and smoke) quietly, keep their voices down, and respect the hour and the resident's right to quiet homes.

5. Music

- a. The operator stipulates that there will be no live music and that background music will be played at a soft level so as not to permeate into adjoining apartments and spaces.

6. Garbage

- a. The operator will work with the Village Alliance BID to coordinate the carter and the time of daily trash pick-up to minimize the number of noisy garbage trucks on the block.
- b. The operator will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash.
- c. The operator will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems for the residents.

7. Backyard

- a. There will be no glass separation or similar noisy work in the back yard, nor will it be used as a break space. The rear door will remain closed at all times.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the new On Premise license for **Burger Joint New York II, LLC, Burger Joint, 33 West 8th St. 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 license.

Vote: Unanimous, with 37 Board members in favor.

8. Bold Food Lafayette Street, LLC, d/b/a Bolo Restaurant, 324 Lafayette St. 10012 – New OP

Whereas, the applicant appeared before the committee for a restaurant concept they described as a “Contemporary restaurant serving Mediterranean inspired food”; and,

Whereas, this application is for a new On Premise license in a commercial building located on Lafayette Street between Houston and Bleecker Street (Block #522 / lot #28), in a 5,398 sq. ft premise (3,550 sq ft on the ground floor and 1,800 sq. ft. in the basement) with 26 tables and 121 seats and 1 bar with 26 seats and the maximum occupancy is 250 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 1:00 a.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m.; establishment is a full service 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 promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV’s; and,

Whereas, the applicant reached out to residential neighbors and the NoHo Bowery Stakeholders (NBS) and established a “memorandum of agreement” (MOA) with NBS directly and the Applicant agreed to stipulate with CB2, Manhattan that they would adhere to the MOA with NBS in it’s entirety and request that the Liquor Authority incorporate the MOA into the “method of operation” for their on-premise liquor license; and,

Whereas, the MOA with NBS dated and executed March 12th, 2013 is as follows:

Memorandum of Agreement

This AGREEMENT is made as of March 12, 2013 (the “Agreement”) by and between , Bold Food Lafayette Street, LLC a NY State corporation with an address at c/o Bold Food 1140 Broadway, Suite 1203, New York, NY 10001 doing business as Bolo and operating at 324 Lafayette St., NoHo-Bowery Stakeholders, Inc. with an address at 17 Bleecker St., (“NBS”) and other individuals whose names and addresses may be attached as Exhibit A to this Agreement (the “Community Members” and said Community Members and NBS sometimes collectively referred to as the “Community”);

WHEREAS, Bold Food Lafayette Street, LLC is an applicant to the New York State Liquor Authority (“SLA”) for a new license that will permit liquor service within a new restaurant space pursuant to an application filed with the SLA on or about March 9, 2013 and identified as Application Number TBD _____ (the “SLA Application”);

WHEREAS, Bold Food Lafayette Street, LLC represents that it will be an applicant to the NYC Department of Buildings (“DOB”) to renovate on the site (the “Building”) for use as a Restaurant establishment (Use Group F-4) as described in plans that will be filed at the Department of Buildings in accordance with Floor Plans reduced images of which are attached to this Agreement as Exhibit B and incorporated hereto; Attached plans submitted here will match those that will be filed for permitting at DOB.

WHEREAS, Demaimon Corp. represents and affirms (i) that, as of the date of this Agreement, is sole owner of the Property and the Building; (ii) Bold Food Lafayette Street, LLC as sole operator and lessee has full legal right, title and authority to enter into this Agreement, make all of the promises it has made to NBS in this Agreement, and undertake to all of the legal obligations it has agreed to accept in this Agreement; and,

WHEREAS, NBS and the Community Members have expressed their objections to Bold Food Lafayette Street, LLC with regard to certain aspects of the SLA application, including but not limited to (i) the locations of permitted food and liquor service inside the Building, (ii) the capacities and hours of operation of the food and liquor venues shown in the Plans and requested in the SLA Application, and (iii) the applicability of this location to the 500’ rule as relates to density of liquor licenses in this area; and

WHEREAS, Community Members and additionally both residential and commercial members of the community, including many represented by NBS appeared prepared to testify in opposition to the SLA Application at a duly calendared public hearing of the SLA Committee of Manhattan Community Planning Board No. 2 (“CB 2”) on March 12, 2013; and,

WHEREAS, Bold Food Lafayette Street, LLC expressed a willingness to address many of the concerns raised by the community, and to enter into a written agreement with the Community Members and NBS to memorialize its intentions in exchange for expressions of support from those present, that CB 2 should recommend approval of the SLA Application; and,

WHEREAS, after direct negotiations with Bold Food Lafayette Street, LLC, NBS and the Community Owners, who represent the overwhelming majority of residents of the affected blocks of Crosby and Lafayette Sts., agreed to provide support for the SLA Application as modified by the terms of this Agreement throughout the remaining review of the SLA Application by CB 2 and the SLA, affirmed herein, provided that Bold Food Lafayette Street, LLC agreed that (i) they would agree to the terms in this Agreement, (ii) they would take all necessary steps to align its DOB Plans and SLA application in accordance with the terms of this Agreement, and (iii) they would agree to permit a copy of this Agreement to be attached to any CB 2 resolution in regard to the SLA application and (iv) they would commit to the SLA that this Agreement is binding on the method of operation recorded with the SLA license, and,

WHEREAS, the Parties now wish to memorialize their mutual agreements in writing through this Agreement.

NOW THEREFORE, based on the mutual promises and covenants contained herein, it is AGREED by each of the Parties that:

1. *Bold Food Lafayette Street, LLC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.*
2. *Bold Food Lafayette Street, LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.*
3. *Bold Food Lafayette Street, LLC will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:*
 - a. *The establishment will close at 1:00 a.m. Sunday through Wednesday, and 2:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.*
 - b. *The inside capacity and Public Assembly Permit attached to this license will reflect the following maximum usage: 135 table seats; 1 bar with 25 food/bar seats with no more than 175 patrons on the premises. This number is not to be substituted by DOB capacity which may be greater than the above stated and agreed capacity of the venue.*
 - c. *There will be no sidewalk café with this application.*
 - d. *The establishment will be designed with the front reception desk, which will be staffed at all times that the restaurant is in operation, in immediate proximity to the restaurant's entrance front door in order to facilitate constant monitoring of any activity taking place outside the premises, particularly with respect to guests arriving at or departing from the establishment.*
 - e. *The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2 am and 7 am, seven days a week.*
 - f. *Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage, modifications and design.*

4. *Commitments regarding Special Events.*

Special Events will be defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including Bold Food Lafayette Street, LLC which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:

- (i) *Bold Food Lafayette Street, LLC will limit the number of guests attending Special Events to no more than the total permitted Public Assembly named on the venue's license per day at any given time.*
- (ii) *Bold Food Lafayette Street, LLC will require that any Special Event for 50 or more guests will require the responsible party (and if it is Bold Food Lafayette Street, LLC that is holding the Special Event, they will be equally bound) to enter into an Events Contract stipulating:*
 - a) *that the event will be primarily food service oriented with incidental liquor service,*
 - b) *that any special event will end by the hours of operation previously stated for any given day,*

- c) *that dedicated Special Events personnel will be required for the entire period of the event to ensure that guests congregating or smoking on the Street be directed away from any other residential or merchant building entrances; that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,*
- d) *that there will be no post-event removal of rented equipment after midnight and before 6 am, and,*
- e) *that in the event an outside party will use its own sound amplification devices, the maximum permitted volume established for sound system pursuant to paragraph 6 of this Agreement will apply to those devices.*

5. Commitments to Appoint Community Liaison.

Bold Food Lafayette Street, LLC will assign at least one person (“Community Liaison”) who will be available to speak with NBS officers or directors during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.

6. Commitments to Contain Sounds.

Bold Food Lafayette Street, LLC agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaint be made to NBS and presented to Bold Food Lafayette Street, LLC and should any measures taken by Bold Food Lafayette Street, LLC to answer such complaint(s) not be sufficient to abate such sound, Bold Food Lafayette Street, LLC agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels.

Such testing will establish a permitted maximum volume for the venue’s interior sound systems and such volume will be made part of any Special Events contract as set forth in paragraph 5.

In the event of exterior HVAC system sound, a testing period will be established for not less than one week during normal hours of daytime and evening operation. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring or sound meter device(s).

If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, Bold Food Lafayette Street, LLC agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.

7. Commitments to Prevent Odors and Restrict Locations of Mechanical Systems.
Bold Food Lafayette Street, LLC having taken over facility that has not previously served a full menu or operated a kitchen agrees to install and maintain its mechanical systems to provide industry standard venting and equipment that will minimize kitchen-related venting sound and odors. The location of all mechanical equipment whether installed in the rear yard, on the building's exterior or on the building's roof top will be designed and installed in such a manner as to meet these commitments. At the minimum, said design and installation will mirror that as presently in place which is successfully servicing the immediately adjacent NoHo Star restaurant.

Upon installation of kitchen venting and HVAC systems, Bold Food Lafayette Street, LLC agrees to a sound and odor testing period of not less than one week of full operation during evening service hours. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring or sound meter device(s).

Should additional equipment be added Bold Food Lafayette Street, LLC agrees no vents or hoods will be placed at sidewalk level or within 15 feet of a window of a contiguous building; that they upon conference with affected building owners/residencies will install appropriate equipment, including but not limited to electrostatic precipitator(s) sufficient to contain such sound or odors within an agreed upon period between all parties but no longer than 120 days.

8. Commitments regarding Public Support and Cooperation.

Provided the SLA Application and the DOB Plans remain consistent with the terms and intent of this Agreement, and the terms of any license approved by the SLA pursuant to the SLA Application are consistent with the terms and intent of this Agreement, NBS agrees that no Party to this Agreement shall appear, either directly, through a representative or proxy or through cooperation with any association in opposition to the SLA Application nor shall any Party to this Agreement subsequently commence or assist in any legal, administrative, or any other public proceedings which seeks to overturn approval of the SLA Application.

Bold Food Lafayette Street, LLC whose principals are: Laurence Kretchmer and Bobby Flay agree that any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NBS. as representatives of the community and be contingent upon a similar agreement subject to review and attachment to the new or altered license.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request for a new On Premise license for **Bold Food Lafayette Street, LLC, d/b/a Bolo Restaurant, 324 Lafayette St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 4th and 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

9. Ted Z Chang or Astraea Management, Inc. d/b/a Uncle Ted's, 163 Blecker St. 10012 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a commercial building located on Bleecker Street between Thompson and Sullivan Street (Block #539 / lot #39), in a 890 sq. ft premise with 13 tables and 54 seats and 1 bar with 6 seats and the maximum occupancy is 74 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m.; establishment is a full service Chinese 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 promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be only one TV with no sound; and,

Whereas, the applicant reached out to the neighborhood association (BAMRA) and established a signed agreement with stipulations; and,

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

Whereas, those stipulations are as follows:

1. **Hours of Operation:** The Establishment shall operate from **11:00 AM** to **MIDNIGHT** every day of the week. Operator has the option to stay open until **1:00 AM** on **Friday and Saturday nights**, but may close at midnight, if he chooses.
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
3. **Traffic:** The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. **Manager:** The Operators shall have an English-speaking manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.
6. **Television:** The Operator shall have one television in the Establishment located at the bar, played without sound.
7. **Facade:** The Operators shall not structurally change the facade of the restaurant.
8. **Sidewalk Cafe:** The Operators waive the right to apply for a sidewalk café license.

9. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible.
10. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. The Operators agree to leave downward-directed security lighting on after the Establishment has closed.
11. **Delivery Bicycles:** Operator shall manage delivery bicycles and the employees who ride them to obey all applicable laws.
12. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
13. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved.
14. **License Renewal:** The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.
15. All Windows and doors will remain closed at all times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request for a new On Premise license for **Ted Z Chang or Astraea Management, Inc. d/b/a Uncle Ted’s, 163 Bleecker St. 10012, unless** those conditions and stipulations agreed to by the applicant relating to 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

10. James Apteker d/b/a Capitale JA, LLC, 130 Bowery 10013 – transfer of catering license

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the Transfer of the existing Catering license (#1121708) in a commercial building located on Bowery between Grand and Elizabeth Street (Block #480 / lot #61), in a 15,000 + sq. ft premise with seating for 810 and 2 bars possibly more depending on the event and the maximum occupancy is 810 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Saturday from 8:00 a.m. to 4:00 a.m.; establishment is an event based Catering Company, 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 promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV’s; and,

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

Whereas, those stipulations are as follows:

1. New owners will maintain the same high standards of management and operations, as was done by previous owners.
2. New owners will adhere to all City noise code regulations.

Whereas, there were no objections from the community on this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the transfer of the existing Catering license for **James Apteker d/b/a Capitale JA, LLC, 130 Bowery 10013, 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 license.

Vote: Unanimous, with 37 Board members in favor.

11. Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth St – Upgrade to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade the existing license (#1253812) to a full On Premise license in a commercial building located on Elizabeth Street between Houston and Prince Street (Block #1-508 / lot #28), in a 2,250 sq. ft premise with 12 tables and 48 seats and 1 service bar and the maximum occupancy is 62 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday to Saturday from 11:00 a.m. to 1:00 a.m.; establishment is a family style Mexican 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 promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV’s; and,

Whereas, the applicant has appeared before CB2 for the third time to request this upgrade; and,

Whereas, the applicant has operated for 2.5 years and has complied with all the requests of CB2 and there is no significant opposition to upgrade to a full On Premise license; and,

Whereas, the reason for the upgrade is to create a small menu of cocktails that pair with the food menu and to not operate a full scale bar; and,

Whereas, stipulations regarding the method of operation have been established with CB2 and are signed by the applicant for CB2 and are requested both to be included into the method of operation on their SLA license; and,

Whereas, those stipulations are as follows:

1. The hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday to Saturday from 11:00 a.m. to 1:00 a.m.
2. All windows or doors will be closed by no later than 9:00 p.m.
3. Will continue to adhere to all stipulations that were established under the previous Beer and Wine license.
4. There will be only 1 service bar and all food and alcohol will be done by table service only.

Whereas, there were 2 objections and 3 supporters from the community on this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the upgrade to a full On Premise license for **Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth St., unless** those conditions and stipulations agreed to by the applicant relating to 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

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

12. The Bowery Kitchen LLC d/b/a Pearl & Ash, 220 Bowery

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant’s attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed Beer and Wine license for **The Bowery Kitchen LLC d/b/a Pearl & Ash, 220 Bowery** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

13. The Culture Project, Inc. d/b/a The Culture Project, 45 Bleeker St. 10012

Whereas, at this month’s CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed new Beer and Wine license for **The Culture Project, Inc. d/b/a The Culture Project, 45 Bleeker St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

14. Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant’s attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed beer and wine license for **Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

15. Fair Folks and a Goat, LLC d/b/a fair Folks and a Goat, 96 W. Houston St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license to **Fair Folks and a Goat, LLC d/b/a fair Folks and a Goat, 96 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

16. Rockin Raw, LLC, 171 Sullivan St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

17. Café Nadery, LLC, 16 W. 8th St. 10011

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Café Nadery, LLC, 16 W. 8th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

18. Pearl and Ash, LLC, 220 Bowery, 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Pearl and Ash, LLC, 220 Bowery, 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

19. My Café, LLC, Kopi Kopi, 68 W. 3rd St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **My Café, LLC, Kopi Kopi, 68 W. 3rd St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

20. La Vecindad Corp. 116 MacDougal St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; 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 **La Vecindad Corp. 116 MacDougal St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

21. Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

22. South Village Hospitality Group LLC d/b/a Carroll Place, 157 Bleecker St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a Cabaret license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Cabaret license for **South Village Hospitality Group LLC d/b/a Carroll Place, 157 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

23. AJD-NYC, Inc. d/b/a De Santos, 139 W. 10th St. 10014 (Corp Change)

Whereas, the applicant and attorney appeared before CB#2, Man.'s SLA Licensing committee to present an application for corporate change to an existing full on-premise license (SN 1114388) to increase the shares of the primary shareholder to 86% for a "restaurant serving traditional American cuisine using local organic and seasonal ingredients" that is "located in a brownstone and features seating in a cozy,

rustic interior and on a garden patio”; the restaurant serves dinner and weekend brunch in a unique space that was once home to legendary New York musicians and artists such as Janis Joplin, Bob Dylan and Jean Michel Basquiat”; and,

Whereas, this application is for a corporate change for an existing restaurant full on premise license in a mixed use building built in 1880 located on West 10th St. between Greenwich Avenue and Waverly Place for a approximately 3,344 square foot premise (1st floor 1,364 Sq. Ft and Basement and Sub cellar -1,980 sq. ft and rear yard approx. 240 sq. ft) there are 25 tables with 96 table seats spread across the basement, 1st floor and rear yard, 1 stand up bar with 10 bar seats for a total of 106 seats and the applicant states that the maximum occupancy is 100 people on the ground floor and 74 people in the basement, there is no sidewalk café but there is a rear yard as previously mentioned; and,

Whereas, **NO** current public assembly permit was presented, **NO** letter of no objection was presented, and **NO** evidence that use of the rear yard is approved for eating and drinking and/or commercial use which is necessary as this appears to be a grandfathered location in a R6 residential zoning area; and,

Whereas, there is a **letter of no objection** (LNO) on file with the Department of Buildings which was issued to the New York City Department of Consumer Affairs **dated February 6, 2012**, which specifically states “This letter is in response to your request dated December 5, 2011 for Letter of No Objection for 139 West 10th Street. There is no Certificate of Occupancy on file for this address. The block and lot records for this property indicates that on the 1st Floor and Basement there is a commercial space. Therefore, the Department has **No Objection to an Eating and Drinking Establishment, Use Group 6, Non-Place of Assembly, for less than seventy-five (75) persons, on the First (1st) Floor & Basement** of the above referenced premises. **The Rear Yard should not be used for Eating and Drinking.** If this building is hereafter altered or its use changes an application for such alteration work or change of use must be filed and a certificate of occupancy shall be issued pursuant to Article 116, Chapter 1 of Title 28 of the Administrative Code of the City of New York.”[emphasis added]

Whereas, after inquiring with the Department of Buildings for clarification of the LNO dated 2/6/2012, it was clearly articulated by a Department of Buildings representative that the occupancy for less than 75 persons for the First Floor and Basement was inclusive of both floors combined, meaning Occupancy above 75 in the entire premise of both floors would not be allowed; and,

Whereas, diagrams were presented in March 2013 showing 6 tables and 18 seats in the basement, 13 tables and 54 seats on the first floor with one standup bar with 10 seats, and 9 tables and 27 seats in a rear yard for a total of 82 interior seats and 27 exterior seats for a grand total of 109 seats which is clearly in contradiction to the above referenced Letter of No Objection Dated 2/6/2012 and,

Whereas, in March 2013 the applicant stated that the hours of operation are Monday to Friday from 6pm to 3 am and Saturday to Sunday from 11am to 3am, that music is from ipod’s/cd’s at background (quiet) levels and that soundproofing was installed, that private parties are held, but no promoted events, scheduled performances, no live music, and no events for which a cover fee is charged, that there are no security guards, no accordion windows or French doors; and,

Whereas, Section H (2) of the original Liquor Authority application from which this license was originally transferred indicates that the food is “Italian Food”; and,

Whereas, Section H (2) of the original Liquor Authority application from which this license was originally transferred indicates that the proposed method of operation “The applicant will operate the business seven days per week, from 5:00 p.m. to 12:00 p.m. Monday through Saturday and from 4:00 p.m. to 11:00 p.m. on Sunday. There will be no entertainment.”

Whereas, CB#2, Man.’s resolution from February 2001, which was forwarded to the Liquor Authority on March 5, 2001 clearly states that CB#2, Man. opposes the granting of this license and in particular indicated that the rear yard food establishment was a significant concern because of the harm it causes to the quality of life of overlooking residents, in particular in residential districts, it also notes that there was strong complaints about noise from a tenant of an adjoining building; and,

Whereas, CB#2, Man. has received complaints regarding this establishment in the past years and at the March 2013 CB2 hearing, 7 residents appeared to speak in opposition complaining of issues in regards to kitchen venting and smoke from heavy reliance on grilling and the detrimental impact that this was having on surrounding residential units in the rear that did not exist prior to the change in the style of food of this restaurant from Italian food which did not rely on the grill to American food and the heavy reliance on the grill, that the basement has been operated as a lounge and nightclub separately “branded” Janis with Dj’s and Live music at various points in time, that because of the late night operations which did not exist when this was operated as an Italian restaurant there are groups of people constantly loitering in front of the premises and around the exterior of the stairway which does not occur around other premises on the block, that there is constantly noise at night from patrons when the establishment is busy at night and after there weekend brunch events, that there are often lines of people waiting to enter the establishment in the evenings, that there have been advertisements of live music, poetry readings and lounge style events in the basement, that there has been dancing and dj’s at points in time in the basement, that the overcrowding that occurs within the establishment and on the street creates a situation where residents need to walk into the street to pass the establishment in this residential area for which this is a grandfathered use and that this did not happen when the establishment was operated as Café Torino, an Italian restaurant and that this “bait and switch” has significantly deteriorated the quality of life on the street and has made it very difficult to balance the grandfathered commercial use against the residential character of this area; and,

Whereas, the applicant denied that there had ever been a lounge, live music or dancing in the basement, despite advertisements on their Facebook page, that the smoke issues were not there fault because the venting was in compliance with the law and it just happens that the building within which they are located is lower than the surrounding buildings and that the adjoining buildings would not allow them to attach venting to their buildings to bring it above the adjoining buildings; and,

Whereas, it appears that there are numerous significant issues that are listed in the proceeding Whereas clauses and because the current shareholder who is increasing the number of shares he owns in the business to 86% from 56%, CB#2, Man. respectfully requests that the Liquor Authority review the character and fitness aspects of the applicant who appears to have operated in contradiction to the law and the previously stated method of operation from which this license was originally transferred;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the corporate change request application for **AJD-NYC, Inc. d/b/a De Santos, 139 W. 10th St. 10014**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests the Liquor Authority review the above noted details and consider **recalling** or canceling either part or all of **this license** until the applicant can *demonstrate in an affirmative fashion* that use of the rear yard is permitted and that the interior occupancy and floor plans as presented are in fact legal and permitted with documentation that is current and dated after 2/11/2012.

Vote: Unanimous, with 37 Board members in favor.

24. John Dory, LLC d/b/a Market Table, 54 Carmine St. 10014 (upgrade to OP)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an upgrade to an existing beer and wine license (SN 1190057) to a full on-premise license for a “seasonal American restaurant that will focus on customer service and value”; and,

Whereas, this application is for an upgrade of an existing restaurant wine license in a mixed use building located on Carmine St. at the intersection of Bedford St. and Carmine St. in a previously unlicensed location for on-premise liquor for a roughly 1,200 sq. ft premise on one floor with 23 tables with 52 table seats, 1 stand up bar with 7 bar seats for a total of 59 seats and the maximum occupancy is 60 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 10 a.m. to 10 p.m., Monday to Thursday from 11 a.m. to 11 p.m. and Friday and Saturday from 10:00 a.m. to 12 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), the applicant has installed soundproofing consisting of corkboard on the top of the ceiling and inserted foam between floor joists, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and,

Whereas, the applicant presented a petition from local residents with 90 signatures and no residents appeared or submitted letters of opposition, and,

Whereas, the applicant holds 2 other liquor licenses located in CB2, Man. and this restaurant which is currently in operation for a number of years has received no complaints; and,

Whereas, there are at least 27 on-premise licenses within 500 ft, and CB2 respectfully requests that a 500 ft hearing be conducted; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA on-premise liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation are Sunday from 10 a.m. to 10 p.m., Monday to Thursday from 11 a.m. to 11 p.m. and Friday and Saturday from 10:00 a.m. to 12 a.m. At closing time all patrons will have vacated the premises.
2. The premises will be advertised as a full service American Restaurant
3. There will be no sidewalk café.
4. All doors and windows will be closed at 10 p.m. every night without exception.
5. There will be no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an upgrade to a full on-premise liquor license for **John Dory, LLC d/b/a Market Table, 54 Carmine 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 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

25. The Marrow Restaurant, LLC d/b/a The Marrow 99 Bank St. 10014 (addition of space)

Whereas, the licensee appeared before CB#2, Man.’s SLA Licensing committee to present an application to add 1 table and 20 seats in the basement for a private dining room to an existing on-premise liquor (SN 1266010) for a “contemporary German and Italian neighborhood restaurant”; and,

Whereas, the licensee agreed to the following stipulation via an executed CB2 Stipulations agreement which they agreed to submit to the Liquor Authority to be incorporated into the existing “method of operation” on their SLA on-premise liquor license as an addendum.

Whereas, the additional stipulation is as follows:

1. The basement portion of the premises will have only 1 table and 20 seats and will be operated as a private dining room only and will not be utilized in any fashion for patrons until an amended Certificate of Occupancy is issued by the NYC Department of Buildings indicating that such use is legal.

Whereas, there are no other changes to the existing operation; and,

Whereas, CB#2, Man.’s original recommendation to the Liquor Authority dated July 31, 2012 is as follows:

At its Full Board meeting on July 19, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. The Marrow Restaurant, LLC, 99 Bank St. 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood restaurant serving a meat menu” with a full food menu for a full service, sit down restaurant in a residential cooperative building for a premise located on the first floor and basement with patron use of the first floor and food storage, food prep and restrooms in the basement with 28 tables and 62 seats and 1 bar with 11 seats for a total of 73 seats, there will be no open French doors or open windows in the premise and there will be no outdoor areas where alcohol is served; and,

Whereas, the applicant states that the hours of operation are Sunday from 11 am to 12 am, Monday to Thursday from 11:30 am to 12 am, and Friday to Saturday from 11:30 am to 1:00 am; at the end of the hours of operation, no patrons will remain in the premise, 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, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, there will not be a sidewalk café application and there will be no outdoor seating of any kind; and,

Whereas, the applicant clearly stated that the footprint covered by this application and as described in the applicant's diagrams is exactly the same as the last licensee, Paris Commune, with the exception that a new handicap accessible bathroom will be added to newly acquired space on the ground floor; and,

Whereas, the ground floor of the location has allowable patron use for eating and drinking according to the Certificate of Occupancy, the basement space does not; the applicant will be applying to alter the Certificate of Occupancy to allow patron use of the basement portion of the premise and after a revised Certificate of Occupancy has been issued showing allowable patron use of the basement portion of the premise, the applicant will return to CB2's SLA Licensing Committee prior to any use of the basement area for patrons for a recommendation to the NY State Liquor Authority; and,

Whereas, the applicant has agreed to the following stipulations:

- 1. The applicant will limit its closing hours to 12:00 a.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday.*
- 2. The applicant will return to CB2's SLA Licensing Committee prior to patron use of the basement area and furthermore will not use the basement for patron eating and drinking use until the applicant has obtain an amended Certificate of Occupancy from NYC Department of Buildings showing specifically that eating and drinking use is allowed in the basement (at the time of this application, eating and drinking use is only allowable on the ground floor and no patron use is permitted in the basement), at that time, the applicant will present an additional 1 table and 20 seats in the basement; and,*
- 3. All Doors and windows will be closed by 10 pm (there are currently no operable windows).*
- 4. The premise will be operated as a full service restaurant only.*
- 5. Music will be quiet background music only.*
- 6. The applicant will abide by and adhere to all the information as presented in CB2, Man.'s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.*

Whereas, the applicants also have two other restaurants within the confines of CB2 Manhattan, Perilla Rest LLC, 9 Jones St. and Chili Tam LLC dba Kin Shop at 469 6th Avenue; and,

Whereas, the applicant had reached out to members of the community and held a number of "open houses" over the course several weeks at the location and presented many letters as well as a petition in support and over 18 members of the community appeared at CB2's SLA Licensing committee in support of the application with no letters or persons appearing in opposition; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends ***denial*** of a new on-premise liquor license for ***The Marrow Restaurant, LLC, 99 Bank St. 10014*** ***unless*** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration to the existing on premise liquor license SN1266010 for **The Marrow Restaurant, LLC d/b/a The Marrow 99 Bank 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 3rd “whereas” clause above are further incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

26. Nourish NYC, LLC d/b/a TBD (Nourish Kitchen & Table), 95 Greenwich Ave. 10011 (New B&W)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new beer and wine license for a “gourmet takeaway food shop and café, highlighting seasonal ingredients and local purveyors” that will “aim to bridge the gap between healthy eating and incredibly delicious food” that also “hope[s] to serve the neighborhood as its “kitchen away from home”; and,

Whereas, this application is for a new beer and wine license in a previously unlicensed location, located in mixed use building located on Greenwich Avenue between Bank St. and West 12th St. for a 585 sq. ft premise with 1 tables with 12 seats, and 1 window and chef’s counter 7 seats for a total of 19 seats and the maximum proposed maximum occupancy of 30 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 7:30 a.m. to 10:00 p.m., Monday to Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) from small speakers, the applicant has not installed soundproofing, 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 no T.V.’s; and,

Whereas, the applicant performed little to no outreach, even though the immediate area has two active neighborhood associations and no one appeared in opposition or support; and,

Whereas, this location has never been previously licensed for the sale of any type of alcohol and CB2 has concerns about the loss of retail stores that support the daily needs of residents and a diverse retail mix and a growing concern that too many locations have or will become licensed which is causing quality of life issues; and,

Whereas, by point of illustration, there are 11 on-premise licenses within 500 ft. of this location; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA beer and wine license; and,

Whereas, the stipulations are as follows:

1. The applicant will not upgrade to a full on-premise license in the future.
2. The hours of operation will be Sunday from 7:30 a.m. to 10:00 p.m., Monday to Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m. At closing time all patrons will have vacated the premises.

3. The applicant has agreed to all answers as indicated in CB2, Man.'s Liquor License Questionnaire.
4. There will be no sidewalk café or backyard garden.
5. All doors and windows will be closed at 10 p.m. every night without exception.
6. There will be no d.j.'s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.
- 7.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **Nourish NYC, LLC d/b/a TBD (Nourish Kitchen & Table), 95 Greenwich Ave. 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 8th "whereas" clause above are incorporated into the "Method of Operation" on the SLA beer and wine license.

Vote: Unanimous, with 37 Board members in favor.

27. Entity to be formed by Yao Qin (BGH Dining Inc.) dba Jinya Ramen Bar, 24 Greenwich Ave. 10011 (New B&W)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application for a beer and wine license for a "Japanese noodle shop based out of Los Angeles" that "plans to serve traditional Japanese noodle dishes to the West Village community"; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a previously licensed location, for a 2,271 sq. ft premise (1st floor 1,646 sq ft, and basement for non-patron use 625 sq ft) with 13 tables with 47 seats, 1 bar with 9 seats, and a food counter with 11 seats for a total of 67 seats and the maximum proposed maximum occupancy is less than 75 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 11 a.m. to 10:30 p.m., Monday to Thursday from 11:00 a.m. to 11:30 p.m. and Friday and Saturday from 11:00 a.m. to 12:30 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from small speakers, the applicant has installed soundproofing between the ground floor and second floor, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 1 T.V.; and,

Whereas, the applicant presented a petition with 138 signatures in support and the local neighborhood association, the Mid West 10th Street Block Association, presented an executed stipulations agreement with the applicant; and,

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

Whereas, the stipulations are as follows:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.

2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. If installing this double door vestibule proves to be impossible within the legal constraints of the NYC buildings code or otherwise impracticable, the Operator agrees to take other comparable noise reducing measures. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in “Hours of Operation,” except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in “Soundproofing” will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a beer and wine license for **Entity to be formed by Yao Qin (BGH Dining Inc.) dba Jinya Ramen Bar, 24 Greenwich Ave. 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 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 Board members in favor.

28. Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011 (Transfer B&W)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application for a beer and wine license for a "small restaurant which will specialize as a raw bar"; and,

Whereas, this application is for a new Beer and Wine license via a "transfer" application (existing license SN 1243995) in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a currently licensed location, for a 354 sq. ft premise on one floor with 6 tables with 12 table seats, no bars and no bar seating, for a total of 12 seats and the maximum occupancy is 15 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and

Whereas, the hours of operation will be Sunday to Thursday from 8 a.m. to 12 a.m. and Friday and Saturday from 8:00 a.m. to 1 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from 2 small speakers, the applicant has not installed additional soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

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

Whereas, the stipulations are as follows:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.

5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.
8. **Front Door:** The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM.

If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.

10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 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 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 Board members in favor.

29. Eater Eats Crow, LLC d/b/a Sel et Gras, 131 7th Avenue South, 10014-(upgrade to OP)

Whereas, the applicant appeared before the committee again requesting an upgrade to the existing restaurant wine license (SLA Serial # 1261220) that has been in place for approximately 10 months after first appearing in July 2012 and then September 2012; and,

Whereas, in September 2012, just prior to CB2’s Full Board meeting, the applicant’s attorney withdrew an application that had been recommended for denial to the Full Board of CB2 by CB2’s SLA Licensing Committee that was substantively the same, except that there were an additional 4 tables and 14 seats in the outdoor sidewalk café than what is described below and the concerns of the committee and members of the community remain unchanged at this time; and,

Whereas, this application is for an upgrade to an existing restaurant wine license (SLA Serial # 1261220) that has been in place for 10 months for a “French coffee specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens” located in a 2 story mixed residential/commercial building on the corner of West 10th Street for a 1500 sq ft premise (1000 sq ft ground floor, 500 sq ft basement – no patrons) with 12 tables and 26 table seats and 1 stand up bar with 6 seats for a total of 32 interior seats and for an outdoor sidewalk café with 10 tables and 28 seats; and,

Whereas, the applicant stated that the hours of operation would be Sunday from 8 a.m. to 12 a.m., Monday from 8 a.m. to 1 a.m., and Tuesday-Saturday from 8 a.m. to 2 a.m., the applicant stated that they would stop service on the sidewalk café at 12 a.m. seven days a week, would close all doors and windows by 10 p.m., that the kitchen would be open until close and was willing to stipulate to the foregoing items; and

Whereas, the applicant further stated that music would be quiet background only generated passively from ipod/cd’s, that there would never be a dj or live music, that there would be no tv’s, that the sound system would consist of ipod generated small speakers with sound proofing in the ceiling, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged and no private parties; and,

Whereas, in March 2013, 3 speakers spoke in support and in September 2012, 5 speakers spoke in support, 1 of whom lives in the immediate community, and a petition was presented in July 2012 with over 500 signatures in support gathered from people on the street and numerous letters of support were submitted to CB#2, Man. via email in support generally stating their pleasure that this restaurant had opened and some additional letters were submitted in March 2013; and,

Whereas, 2 speakers spoke in opposition in March 2013, no speakers in opposition appeared at the September 2013 meeting, but 4 appeared at the July 2013 meeting in opposition and CB2 received numerous emails in opposition in July and September 2012 and in March 2013; and,

Whereas, those in opposition were disappointed that the original restaurant wine license was not heard at a public meeting at CB2, that operation for only 10 months in a previously unlicensed location was not a reason that demonstrated public interest to approving an upgrade, that the involvement of the applicant’s long term boyfriend, Jason Hennings (self described by applicant in July 2012), who is identified on a NYC Department of Buildings filing for this premise as the Owner/Lease Holder and whose signature appears on the same document under a statement that “I hereby state the information on this form is correct and complete to the best of my knowledge” (Link: <http://a810-bisweb.nyc.gov/bisweb/BScanJobDocumentServlet?requestid=5&passjobnumber=120933115&passdocnumber=01&allbin=1010837&scancode=SC100219012>) and who identified himself to a reporter and in the press as the owner of this establishment (Link: <http://www.dnainfo.com/new-york/20120223/greenwich-village-soho/diablo-royale-owner-opening-french-restaurant-long-vacant-village-space - ixzz26OCiLPKv>) which was confirmed with the reporter by a member of the public, is of great concern to members of the community given his disciplinary history with the Liquor Authority (he is a principle in Serial Numbers 1190644, 1206239 and 1166320) and his operations at one of his locations nearby, Deviled Foods LLC, dba Diablo Royale which has received complaints, there was also great concern regarding the large number of outdoor seats versus the indoor seats, that the petition that was originally submitted in July 2012 contained names of people who did not reside in the buildings stated on the petition, that the area was oversaturated with 31 full on premise licenses within 500 ft, that

there was no community outreach performed when the original beer and wine license was sought, and that it was too soon to ascertain the potential impact of a sidewalk café of this size in this area in relation to the small number of seats inside because the location had just opened and has been open for a full spring, summer and fall season; and,

Whereas, CB#2, Man. understands why members of the community may be in support of this application, however after careful consideration, the short duration of the existing operation with a restaurant wine license in a previously unlicensed location is not sufficient cause to consider approving an upgrade to a full on-premise license, especially because the applicant did not start off by applying for a full on-premise license, this area already has 31 Full On-Premise licenses within 500 ft, which is a number that places a significant burden on the applicant to demonstrate public interest, simply operating a “French coffee specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens” does not serve the public interest, the impact on the existing noise level would be significant by granting a full liquor license to an establishment that runs close to 50% of their business of seated patrons outside on the sidewalk, the class and character of existing licenses provides for similar delicious cuisine of all sorts and French café’s are certainly not unique in the Village or CB2, adding the number of patrons as they turn over through the course of the evening in warmer months would also impact vehicular traffic and parking in the area which is already over burdened, and in particular, cabs stopping to pick up and drop of patrons can and will cause additional traffic conditions in an already popular area, and furthermore, CB#2, Man. is not in a position to verify the involvement of Mr. Hennings in this application, but it is of concern that he has presented himself to both the New York City Department of Buildings on Official Filings as an Owner/Lessee and presented himself in the Press as an Owner, and while it is not clear to CB2 what the disciplinary history is, it is well known that he has a very contentious relationship with the SLA, CB2 is also not in a position to properly ascertain whether or not the applicant’s statements that Mr. Hennings is not in fact the owner or lessee and that she is both the owner and lessee are accurate; and,

Whereas, CB#2, Man.’s Sidewalk’s and Street Activities Committee and CB#2, Man.’s Full Board did recommend approval to New York City’s Department of Consumer Affairs (DCA) for a sidewalk café that included more seats on the exterior than the interior of the premise, that recommendation relies on an entirely different set of criteria as defined by the DCA which leaves very little room for CB2 to recommend anything less than the number of seats available in the proscribed DCA regulations which is completely different than the criteria for recommending whether or not the sidewalk café should be approved for a full liquor license, or any SLA license at all and that approval in and of itself is not a reason to not take into account what the effect of serving alcohol will have on the public interest and quality of life in the area; and,

Whereas, CB#2, Man. also has substantial concerns that upgrading the licenses of “small plate” restaurants before they have operated for some time has, in effect, increased the number of “bars” which are supposed to be operating as restaurants with alcohol as *ancillary* to their food business but instead operate with *food* as ancillary to their bar and many of them contribute greatly to quality of life issues in the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for the application to upgrade to a Full Restaurant OP License for **Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7th Ave. South 10014.**

Vote: Unanimous, with 37 Board members in favor.

30. Howard Kagan or Company to be formed (Chelsea Opera House, LLC, Comet Opera, LLC and Variety Worldwide Miami, LLC), TBD (Natasha, Pierre and the Great Comet of 1812), 437-451 West 13th Street - NW corner Lot W. 13th St. Washington St. (New Summer Seasonal OP)

Whereas, the applicant, their attorney and representative and various staff involved with the operation of the premises appeared before CB#2, Man.'s SLA Licensing committee to present an application for a "seasonal supper club operating from May/June to mid-September presenting a full length theatrical production of an opera based on the principle love story in Leo Tolstoy's War and Peace; The supper club will offer Russian themed acts before and after the theatrical presentation to accompany the restaurant service with Russian and Eastern European styled cuisine complimented by wine and cocktails" in a temporary soundproofed "tent" structure with food prepared off the premises; and,

Whereas, this application is for a new seasonal license for a temporary structure to be erected on an empty lot to be operated only through mid September 2013 located in a commercial district surrounded by residential areas on the North West corner of West 13th St. and Washington St for an approximately 6,000 square foot premise on the ground with 35 tables with 199 table seats, 1 stand up bar with no seats for a total of 199 seats and the maximum occupancy is 300 of which approximately 80 will be cast musicians and staff, there is no sidewalk café and no use in any unenclosed areas; and,

Whereas, the hours of operation will be Sunday from 12 p.m. to 11:30 p.m., closed Monday, Tuesday and Wednesday from 4 pm to 11:30 pm, Thursday to Friday from 4 p.m. to 12:30 am and Saturday from 12 pm to 12:30 a.m., food will be available at all times, music will be live at entertainment levels in accordance with the theatre production only, the applicant presented a detailed sound study by a qualified sound engineer outlining that the temporary tent structure will be sound proof so that the performance will not violate any provisions of the NYC Sound laws and codes, the applicant has installed soundproofing in the construction of the tent, is utilizing an interior "room with-in a room" in which all performances will take place, and entrances to the interior "room" are offset from the exterior entrances of the temporary tent as some of the sound mitigating procedures in addition to using a professionally designed sound system, there will be no d.j.'s, no private parties, no scheduled performances except as described above or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and music will be performed live only; there will be scheduled performances for the main show and guests will be ticketed; and,

Whereas, the applicant provided a traffic study and said they would follow the recommendations and make adjustments as need to mitigate traffic issues and would have dedicated staff to direct both pedestrian and vehicular traffic; and,

Whereas, there will only be one entrance/exit utilized for regular ingress and egress of patrons and there will be coordinated deliveries and trash pickups in a service corridor/driveway that is within the empty lot on which the production is situated so that no on-street parking will ever be utilized for trash or food pickup's and deliveries or other truck deliveries.

Whereas, there will be 6 performances each week at, 1 each day at 8:00 p.m. ending no later than 10:30 p.m., and 2 performances at early times, 1 each on Saturday and Sunday; and,

Whereas, the applicant met and communicated with local representatives of the neighborhood, and took into account into their plans many of the concerns presented as they related to traffic, noise, loud patrons etc.; and,

Whereas, there are at least 12 on-premise licenses within 500 ft, most with very large occupancies, multiple licenses and late night operating hours and this area is a regular source of quality of life issues for the community in particular as it relates to noise, traffic, parking, and other quality of life issues and CB2 respectfully requests that a 500 ft hearing be conducted should members of the community choose to voice their concerns to the Liquor Authority directly; and,

Whereas, the applicant submitted a detailed and comprehensive 500 foot statement; and,

Whereas, there is only 1 bar located in the “lobby” area as indicated in the plans from which all service will occur and from which all table service will be provided, there will be no food or alcohol service during the main performance

Whereas, several letters were received expressing concern and caution regarding the impacts this seasonal license could have in the area, and concerns were raised by a member of the community on the traffic impacts and on the effectiveness of the soundproofing of the temporary “tent” structure which his research by calling the manufacturer of the main soundproofing material indicated it was not very effective for bass levels below 100 hz, with which the applicant’s sound engineer did not agree; and

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA on-premise seasonal liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday from 12 p.m. to 11:30 p.m., closed Monday, Tuesday and Wednesday from 4 pm to 11:30 pm, Thursday to Friday from 4 p.m. to 12:30 am and Saturday from 12 pm to 12:30 a.m., At closing time all patrons will have vacated the premises.
2. The applicant will adhere to all details outlined in materials presented to CB2 on March 14th all statements within CB2’s SLA Licensing Questionnaire and additional details provided during CB2’s SLA meeting on March 14th, 2013.
3. The applicant will adhere to all recommendations as provided in the sound report from Acoustilog, Inc.
4. The premises will be operated and advertised as a Theatrical Supper Club.
5. The premises will not operate as a nightclub/disco.
6. The premises will install soundproofing.
7. The last main theatrical event, which begins at 8 pm, will end no later than 10:30 p.m. on all evenings.
8. The applicant will provide a manager and principles contact info to members of the community if requested to do so.
9. The applicant will not have variety acts outside of the main performance space, the “room within a room”
10. The applicant will not allow any additional or new customers on any evening after 8:30 p.m. (1/2 hour after the last main theatrical event is scheduled to begin).
11. There will be no patron dancing.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a seasonal license for **Howard Kagan or Company to be formed (Chelsea Opera House, LLC, Comet Opera, LLC and Variety Worldwide Miami, LLC), TBD (Natasha, Pierre and the Great Comet of 1812), 437-451**

West 13th Street, 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 13th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

31. PR Grand Hotel Restaurant, LLC, TBD, 23 Grand St. 10013-(cellar) (Corporate Change)

32. PR Grand Hotel Restaurant, LLC, TBD, 23 Grand St. 10013-(ground floor) (Corporate Change)

33. PR Grand Hotel Leaseco, LLC, & James Hotel Mgt. LLC, TBD, 27-31 Grand St. 10013 (17 floors) (Corporate Change)

34. PR Grand Hotel Bar, LLC, TBD, 27 Grand St. 10013-(rooftop) (Corporate Change)

Whereas, the four above licenses were heard as a block; and,

Whereas, the applicants and attorney appeared before CB#2, Man.’s SLA Licensing committee to present an application for a corporate change for the above referenced licenses represented by the Liquor Authority Serial Numbers: 1244592, 1244493, 1244594, and 1244584; and,

Whereas, there were no other changes to any portion of any of the existing licenses since last presented to CB#2, Man. in January 2010 and March 2010; and,

Whereas, the original licenses were governed by an extensive set of stipulations executed with a community group and stipulations with CB#2, Man. both of which were to be incorporated into the “method of operation” on the existing licenses; and

Whereas, the applicant agreed to an additional stipulation in March 2013 that they agreed that they would submit to the SLA in order for it to be incorporated into their method of operation, which states:

1. The applicant will adhere to the previously agreed upon Amended and Restated Memorandum of Understanding with the Moondance Community Group dated March 3, 2010, as amended by that certain First Amendment to Amend and Restated Memorandum of Understanding dated as of October 11, 2010 (the “Community Agreement”) and specifically the Applicant and other current applicants will abide by the conditions set forth in the Community Agreement from and after the date on which PR Grand Hotel Leaseco LLC acquires the hotel.

Whereas, below are the two previous resolutions passed by CB2 in January and March 2010 referencing the above 4 existing liquor licenses:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street (Thompson and 6th Avenue), NYC

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

Whereas, this application is for On Premise licenses for an upscale Hotel Lobby Bar, Cellar Floor Restaurant and Rooftop Bar collectively 5,600 s.f. (Hotel Bar is 1,000 s.f., Ground Floor Restaurant is 2,400 s.f. and Rooftop Bar is 2,200 s.f) on Grand Street between Thompson and 6th Avenue; and,

Whereas, this application is for 20 table seats with a maximum legal capacity of 50 persons for the Hotel Lobby Bar; and 85 table seats, 1 bar with 12 bar seats and a maximum legal capacity of 92 persons for the Cellar Floor Restaurant; and 50 table seats, 1 bar with 15 bar seats and a maximum legal capacity of 150 persons for the Rooftop Bar; and,

Whereas, the applicant stated the hours of operation are 7:00 a.m. – 12:00 a.m. Sunday – Wednesday and 7:00 a.m. – 1:00 a.m. Thursday – Saturday for the Hotel Lobby Bar and Cellar Restaurant; and 7:00 a.m. – 1:00 a.m. Sunday – Wednesday and 7:00 a.m. – 2:00 a.m. Thursday – Saturday for the Rooftop Bar; there will not be a sidewalk café application and no backyard garden; music will be background and live only for the Cellar Floor Restaurant; and music will be background and DJ only for the Hotel Lobby Bar, and,

Whereas, the applicant has reached out to members of the community prior to presenting this application; and,

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

1. The applicant has agreed to no amplified music of any kind in any of the outdoor areas.
2. The applicant has agreed that during evening hours the restaurant exit will be on 6th Avenue; and the applicant will direct its customers to this exit.
3. The applicant has agreed to have a taxi line on 6th Avenue to reduce traffic on Grand Street.
4. The applicant has agreed to conduct sound tests on the Rooftop Bar.
5. The applicant has agreed to community outreach measures including but not limited to hosting a monthly meeting with nearby residents.
6. The applicant has agreed to not have any advertisement signs on the Hotel.
7. The applicant has agreed to have food service available during all hours of operation.
8. The applicant has agreed to not seek or apply for a Cabaret License.
9. The applicant has agreed to arrange a discussion with acoustical consultants to address soundproofing for the neighboring building.

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

Whereas, several members of the community appeared to express their willingness to work with the applicant under the proposed operating guidelines; and,

Whereas, the applicant has executed an agreement with the community, and that agreement is attached;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for ***BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street***, unless the conditions agreed to by applicant relating to the sixth and seventh “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 35 Board members in favor and 2 in opposition (D. Diether, I. Dutton).

AND

At its Full Board meeting on March 18th, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St. (Thompson and 6th Avenue), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for On Premise license for a 3,100 s.f. (700 s.f. interior and 2,400 s.f. exterior) Plaza Café in an upscale Hotel on Grand Street between Thompson and 6th Avenue with 130 table seats, 1 bar with 30 bar seats and a maximum legal capacity of 191 (60 persons interior and 131 persons exterior); and,

Whereas, the applicant stated the hours of operation for the proposed Plaza Café Lower Terrace are Sunday - Wednesday from 7:00 a.m. – 12:00 a.m. and Thursday – Saturday from 7:00 a.m. – 1:00 a.m.; and the hours of operation for the proposed Plaza Café Upper Terrace are Seven Days a Week from 7:00 a.m. – 11:00 p.m.; there will not be a sidewalk café application but will include a backyard garden; music will be background for the interior space only and no amplified music of any kind for the exterior spaces; and,

Whereas, the applicant has reached out to members of the community prior to presenting this application; and,

Whereas, the applicant has agreed to all the stipulations in the fully executed Memorandum of Understanding with members of the community and attached herein; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for ***BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St.***, unless the conditions agreed to by applicant relating to the fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the corporate change applications to the existing on premise liquor licenses covered under **Serial Numbers: 1244592, 1244493, 1244594, and 1244584, 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 5th “whereas” clause above are further incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 36 Board members in favor, and 1 in opposition (D. Diether).

35. Famous Ben’s of 14th Street Corp. d/b/a Famous Ben’s, 2 West 14th St. 10011 (New B&W)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application for a new beer and wine license for a “an old world pizzeria serving the neighborhood families and friends with the finest pizza in the city” that is currently operating; and,

Whereas, this application is for a new beer and wine license for a restaurant in a previously unlicensed location in a commercial building located on 14th Street near 5th Ave. Avenue for an approximately 3000 sq. ft premise (2,000 sq ft 1st floor, 1,000 sq ft basement – no patron use) with 8 tables and 16 table seats and 10 counter seats with no bars for a total of 26 seats and the maximum proposed maximum occupancy of 40 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 12:00 p.m. to 10:30 p.m., Monday to Wednesday from 11:00 p.m. to 11:00 p.m., and Thursday to Saturday from 11:00 a.m. to 12:30 a.m., there will be no music the applicant has not installed soundproofing, 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 no T.V.’s; and,

Whereas, the applicant presented a petition with 135 signatures in support; and,

Whereas, this location has never been previous licensed for the sale of any type of alcohol and CB2 has concerns about the loss of retail stores that support the daily needs of residents and a diverse retail mix and a growing concern that too many locations have or will become licensed which is causing quality of life issues; and

Whereas, by point of illustration, there are 8 on-premise licenses within 500 ft. of this location; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA beer and wine license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday from 12:00 p.m. to 10:30 p.m., Monday to Wednesday from 11:00 p.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:30 a.m., at closing time all patrons will have vacated the premises.
2. The premises will not offer “pitcher service” for beer.
3. The premises will be operated and advertised as a pizzeria restaurant.
4. There will be no music, no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **Famous Ben's of 14th Street Corp. d/b/a Famous Ben's, 2 West 14th 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 8th "whereas" clause above are incorporated into the "Method of Operation" on the SLA beer and wine license.

Vote: Unanimous, with 37 Board members in favor.

36. A Peaceful Corner Inc., 393 Canal St. (aka 8 Thomson St.) 10013 (Transfer OP)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a "transfer" of an existing full on premise license (SN 1217920) for a "full service Japanese Restaurant and Sushi Bar with Karaoke rooms primarily serving the Japanese community"; and,

Whereas, this application is for the transfer of an existing full on-premise license for a premise on the 2nd floor in a commercial use building located on Canal St. between Thompson St. and West Broadway for a roughly 2,200 sq. ft premise with 10 tables with 36 table seats, 1 stand up bar with 7 bar seats and 22 seats in karaoke rooms for a total of 65 seats and the maximum occupancy is 74 people as stated in a letter of no objection, there is no sidewalk café, no backyard use and no outdoor areas; and,

Whereas, the hours of operation will be Sunday to Thursday from 12 p.m. to 3 a.m. and Friday – Saturday from 11:00 a.m. to 4 a.m., music will be from computerized karaoke at entertainment levels, there are no plans to add additional sound proofing, there will be no d.j.'s, no promoted events, there will be private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 5 T.V.'s and there will be several private karaoke rooms; and

Whereas, the applicant was previously a principal in a previous entity BINY Enterprise Inc. at this location which was licensed with a similar method of operation and was licensed in April 2001 prior to the current licensee from whom he is "transferring" the license, and,

Whereas, no one appeared in opposition; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the "method of operation" on their SLA on-premise liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday to Thursday from 12 p.m. to 3 a.m. and Friday – Saturday from 11:00 a.m. to 4 a.m. At closing time all patrons will have vacated the premises.
2. The premises will be advertised as a Japanese Restaurant and Karaoke.
3. The licensee will operate the kitchen until closing.
4. The licensee will not operate a nightclub or disco or apply for a DCA Cabaret license.
5. There will be no d.j.'s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.
6. The licensee will continue the current method of operation with new hours of operation as described above.
7. Music will be background and karaoke only.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the “transfer” of a full on-premise liquor license for **A Peaceful Corner Inc., 393 Canal St. (aka 8 Thomson St.) 10013**, **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 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

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

37. Doozo Restaurant, Inc., 216 Thompson St. 10012 (SN 1210126) (corp change - attorney requested layover)

Whereas, prior to this month’s CB2, Man.’s SLA Licensing Committee Meeting #2 on March 14th, 2013, the applicant’s representative requested to **layover** this application for a **corporate change** and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of corporate change, proposed liquor license, alteration, upgrade or changes to any existing license for **Doozo Restaurant, Inc., 216 Thompson St. 10012 (SN 1210126)** 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 47 Board members in favor.

38. The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014 (attorney requested layover)

Whereas, prior to this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on March 14th, 2013, the applicant’s representative 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; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, alteration, upgrade or changes to any existing license for **The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in response to MTA NYC Transit proposal to add a new north-south bus route to the far west side of Manhattan, starting in Hudson Square, going through Chelsea and ending at W. 57th St.

Whereas MTA NYC Transit is proposing a new bus route on the far west side of Manhattan from 59th St. to Spring St., using Washington (going south) and Greenwich (going north) Sts. from Spring St. to 14th St. in Community Board 2, Manhattan (CB2) with a layover on Greenwich St. just north of Spring St. and a turnaround from Washington St. across Spring St. to Greenwich St.; and

Whereas the buses are proposed to run every 30 minutes, from 7 a.m. to 10 p.m., seven days a week, with stops spaced approximately every 3.5 blocks (750 ft.) and intentions to locate stops, where necessary, to match crosstown connections; and

Whereas traffic conditions on Spring St. are already problematic with vehicular congestion and conflicts, including drivers using the street as a shortcut to the Holland Tunnel; and

Whereas the proposed layover area on Greenwich St. is at the site of a new hotel, where buses would interfere with its loading zone and curbside operations, where new residential conversions are expected, near where traffic lines up for the FECS facility and with UPS truck bays; and

Whereas the proposed northbound bus route on Greenwich St. is strongly opposed by both residents and businesses who cite the narrowness of the street and its potential with a bus added for exacerbated vehicular dangers, damaging fumes and noise and have expressed their preference for a northbound route on the east side of West St. that would better serve people's needs for access on the far west side and to the Hudson River Park, including Pier 40; and

Whereas community preference has been expressed for having the new bus lay over at Pier 40, which MTA NYC Transit discussed with the Hudson River Park Trust people who were favorable to the idea of having the bus stop there but uncertain about the resolution of Pier 40 physical conditions and the time frame for repairs, and thus unwilling to commit; and

Whereas MTA NYC Transit has indicated that Washington St. north of Spring St. was considered as a layover option, but construction going on there now rules out this possibility; and

Whereas the general consensus is that a north/south bus serving the Hudson River Park area is needed and, with stops connecting to crosstown buses such as the M8 and the M21, can afford more access along the waterfront park and to Pier 40, while the east-west M21 connection going east on Houston St. can provide subway access from this new route to the #1 on Houston and the C and E on Van Dam St. just 2 blocks south of Houston (precluding the need for the proposed route to go as far south as Spring St. for subway connections). The possibility of combining the M21 with the new bus route has been suggested to provide further convenient access; and

Whereas a frequency of service limited to every 30 minutes is insufficient for riders' needs and would discourage people from using the bus because of long waits; and

Whereas while a new bus route is generally welcome, M8 bus service on weekends and in late evenings still has not been restored despite CB2's many requests to reinstate these crucial services, and such services have been restored on many other routes;

Therefore be it resolved that CB2 supports the concept of a new north-south bus route on the far west side, but asks that the following options for its operation in the CB2 area (south of W. 14th St.) be considered:

- Route the bus north on West St. (east side) instead of on Greenwich St.
- Have the bus turnaround on Houston St. instead of on Spring St. and the layover on Houston St. just before West St.
- If the turnaround must be on Spring St. (a much less desirable option), have the bus layover on Washington St. once construction is done.
- Examine the possibility of combining the M21 with the new bus route.
- Increase frequency of service to at least every 20 minutes.
- Extend service to 1:00 a.m., the same time that the Hudson River Park closes.; and

Be it further resolved that CB2 recommends that Pier 40 become the permanent layover site for the proposed bus route as soon as conditions allow for that possibility and urges MTA NYC Transit to pursue this option; and

Be it further resolved that CB2 thanks MTA NYC Transit for the opportunity to comment on this new route and requests that MTA NYC Transit return to CB2 to present their final plan (including selected bus stops) prior to implementation; and

Be it finally resolved that CB2 again requests that M8 bus service on weekends and in late evenings be restored very quickly.

Vote: Passed, with 35 Board members in favor, 1 against-(R. Stewart), and 1 abstention-(K. Berger)

2. Resolution in response to presentation on reconstruction of 9th Ave. Gansevoort Plaza

Whereas the NYC Dept. of Transportation's (DOT) preliminary urban design plan for reconstruction of the Gansevoort Plaza area was presented to Community Board 2, Manhattan (CB2), including furnishings, lighting, cobblestones, plantings and general use of materials recommended to convey the place's feel and character, and CB2 thanks DOT for this presentation; and

Whereas proposed elements of the plan include:

- Bringing cobblestones to the intersection of 9th Ave. and W. 14th St. (a thermal finish is being examined to ascertain if it can prevent slipperiness yet preserve the historic appearance).
- Installing new crosswalks at the entrance to 9th Ave. from Greenwich Ave., to be done in granite with bands of cobblestones (for less slipperiness and in keeping with the historic look), and resetting existing granite block crosswalks, all cut in smaller blocks horizontally and thicker vertically than the deteriorating and dangerous granite slab crosswalks in Soho, to avoid their cracking and their threat to safety.
- Putting in smaller planters to give scale and character, that are deeper and squarer than the current ones (like those in DUMBO), with plantings more garden-like than those on the Highline, but using few trees in response to the community's desire to retain the area's old industrial feel.
- Installing lighting with a black pole and luminaire in an updated Cobra style (to fit the industrial scheme) and using a standard NYC DOT bench.
- Moving the one historic Bishop's Crook light currently on the north side of Gansevoort St. just west of Hudson St to a more prominent place around the corner.

- Keeping the space open from building wall to building wall as it is (rather than pulling lights out to the new functional space).
- Building a low curb at the plaza (rather than bollards) to preserve openness and a historic feel and provide comfortable access.; and

Whereas, as previously presented, a new pedestrian public space is proposed by widening the eastern sidewalk to a new extended curb while preserving the original sidewalk curb there to delineate the old historic space, with cobblestones on the new area and concrete still on the old sidewalk, and Community Board 2, Manhattan (CB2), though generally supporting the concept, has asked that this alignment be tested first with temporary planters and/or bollards or other delineators to assess if it works in concert with the need to reduce congestion; and

Whereas there is concern that this extended east side sidewalk area may invite extensive sidewalk café usage; and

Whereas the Gansevoort Plaza area has a unique industrial history and character that calls for a unique approach to the design and frequency of use of planters, and those that have been presented appear more generic in design and spacing than would an authentic reflection of this place; and

Whereas it's preferable to keep the one Bishop's Crook light in its current location on the north side of Gansevoort St. where it historically belongs, rather than moving it for a faux historic effect;

Therefore be it resolved that CB2 supports a great many of the urban design approaches and elements proposed by DOT, including restoring old cobblestones and installing new ones as well as granite-cobblestone crosswalks, the updated Cobra lighting and the standard DOT bench, preserving the wall-to-wall outdoor space, using the low curb instead of bollards, and keeping trees sparse; and

Be it further resolved that CB2 asks DOT to re-evaluate the design, frequency and alignment of planters in terms of reflecting the unique character of the area and of the need to minimize the amount of plantings in keeping with the place's industrial flavor; and

Be it further resolved that CB2 requests that the Bishop's Crook light be kept in its current location on the north side of Gansevoort St.; and

Be it further resolved that CB2 asks DOT to address the concern that the extended eastern sidewalk may invite extensive sidewalk café use, and develop rules and procedures and/or other approaches to prevent this from happening; and

Be it finally resolved that although CB2 generally supports the concept of the proposed alignment of the moved out eastern curb extending from the original preserved curb, CB2 again asks that it be tested in advance of implementation with temporary planters and/or bollards or other delineators to assess if it works in concert with the need to reduce congestion.

Vote: Passed, with 36 Board members in favor. And 1 against-(T. Bergman).

3. Resolution of approval and in support of continuing the "Street Seats" program at Local (Local Shop Inc.), 144 Sullivan St. bet. Houston and Prince Sts.

Whereas Local has been participating in the NYC Department of Transportation's (DOT) "Street Seats" program for two years, using benches and a small table constructed of sturdy cedar on a decking platform

set in the street bed (approximately two parking spaces) along with a large umbrella, planters, sea grass and street-side barrier wall, providing both a buffer from the street and enhancement of the setting; and

Whereas Local's "Street Seats" space is open to and used by not only the restaurant's patrons, but also by their neighbors and passersby who stop to rest and socialize; unobtrusive signage is posted indicating that it's a public space as well as that no smoking or alcohol is allowed; and

Whereas Local's hours are 7:30 am-6:00 pm, sometimes later in the summertime; the "Street Seats" outdoor space closes no later than 9:00 pm and operates from April 15th to October 14th, after which its components are stored; and

Whereas Local's proprietors hose and clean the space everyday and bring in the space's furniture daily for overnight storage, barring passage to the space with a rope and sign that have never been violated; there have been no vermin or vandalism, and security is further enhanced by friendly neighbors' "eyes on the street," while no complaints of noise have ever been received; and

Whereas Local welcomes and encourages their neighbors to participate in what they regard as a common, shared space as part of the local life on this small, friendly street where apartments are small and there are no stoops or open space, and a great many residents on the street came to support continuing the "Street Seats" program, citing what a "respite it is from the city," "how it promotes community and neighborhood spirit," its place as a "community meeting point," a "sanctuary," an "oasis" and "for conversation," in addition to the submission of a petition with over 400 signatures and more than a dozen letters of support;

Therefore be it resolved that Community Board 2 Manhattan (CB2) fully approves and supports continuing the "Street Seats" program at Local (Local Shop Inc.), 144 Sullivan St. bet. Houston and Prince Sts.; and

Be it further resolved that CB2 recommends extending the duration for operating the "Street Seats" program at Local beyond the typical April 15th to October 14th time frame to as long as the weather permits.

Vote: Passed, with 21 Board members in favor, and 12 against-(T. Bergman, C. Booth, P. Consagra, T. Cude, M. Derr, D. Diether, A. Kriemelman, B. Riccobono, R. Sanz, F. Sigel, R. Stewart, S. Sweeney).

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan