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Bob Gormley, *District Manager*



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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: May 23, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, William Bray, Heather Campbell, Lisa Cannistraci, Denise Collins, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Cristy Dwyer, Joshua Frost, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Jeanine Kiely, Arthur Kriemelman, Florent Morellet, Judy Paul, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Susanna Aaron, Anita Brandt, Richard Caccappolo, Doris Diether, Susan Kent, Edward Ma, Alexander Meadows, Lois Rakoff

BOARD MEMBERS ABSENT: Robert Ely, Dodge Landesman, Arthur Z. Schwartz

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

GUESTS: Sam Nagourney, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Brad Hoylman's office; Jordan Levine, 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; Pete Davies, Jessica Lappin, Josh Silverstein, Bo Driscoll, Rev. Hectuba Hestia, John Ronan, Joe Iazzetta, Armen Boyanjan, Lora Tenenbaum, Minerva Durham, Shantel Collins, Georgette Fleischer, Jennifer Spano, Sante Scardillo, Mary Johnson, Marna Lawrence, Heather Tierney, Meredith Nowikowski, Anthony Borelli, Jen Hong, Roy Stillman

MEETING SUMMARY

Meeting Date –May 23, 2013
Board Members Present – 39
Board Members Excused–8
Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

9/11 Healthcare Program

Jennifer Spano spoke regarding the expansion of the program.

Announcement

Jessica Lappin made several announcements.

Miscellaneous

Mary Johnson spoke regarding the Washington Square Park Conservancy and various other issues.

Landmarks & Public Aesthetics Items

63 8th Ave. App. to replace signage and legalize installation of storefront infill without LPC permit(s)

John Ronan, the application spoke in favor of the proposed legalization.

Land Use and Business Development Items

36 Bleecker St. Applications to City Planning Commission to modify height and setback regulations and rooftop recreation requirements in the Special Little Italy District and the NoHo East Historic District

Sidewalks/Street Activities Items

WitchsFest USA, Astor Place bet. Broadway & Lafayette St.

Rev. Hectuba Hestia and Shantell Collins, the applicants, spoke in favor of the proposed street event.

SLA Licensing Items

Juicerie, LLC d/b/a The Butcher's Daughter, 19 Kenmare St 10012 – Alteration to add sidewalk café
Heather Tierney, the applicant, spoke regarding the proposed alteration application.

Traffic and Transportation Items

Citi Bike Share in Petrosino Park

Sante Scardillo, Marna Lawrence, Georgette Fleischer, and Pete Davies spoke against the Citi Bike racks being placed in Petrosino Park.

Lora Tenenbaum spoke in favor of “Art in the Park” in Petrosino Park.

Minerva Durham spoke in favor of art in the park, and against the Citi Bike racks in Petrosino Park.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Congressman Jerrold Nadler's office

Robert Atterbury, Senator Brad Hoylman's office

Jordan Levine, 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 March minutes and distribution of April minutes.

VI. EXECUTIVE SESSION

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

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

3. **Election of Nominating Committee**

The Board elected the 2013 Nominating Committee for Officers

The following Board members were nominated for election to CB#2, Man.'s Nominating Committee:

- | | |
|---------------------|----------------------|
| 1. Jonathan Geballe | 5. William Bray |
| 2. Jeanine Kiely | 6. Denise Collins |
| 3. Carter Booth | 7. Chenault Spence |
| 4. Florent Morellet | 8. Arthur Kriemelman |

The following nominees were elected to the Nominating Committee:

- | | |
|-------------------------------------|--------------------------------|
| 1. Denise Collins, Chair (35 votes) | 5. Florent Morellet (30 votes) |
| 2. Carter Booth (33 votes) | 6. William Bray (29 votes) |
| 3. Chenault Spence (31 votes) | 7. Jeanine Kiely (29 votes) |
| 4. Jonathan Geballe (30 votes) | |

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Resolution in Favor of Smoking Disclosures in Multi-Unit Residential Buildings

Whereas, the United States Surgeon General has stated that there is no safe level of exposure to second hand smoke; and

Whereas, legislation (Intro Bill 0833/2012) has been proposed in New York City but never placed on an agenda before the City Council requiring owners and landlords of multiple-unit dwellings to disclose their building's smoking policy to prospective tenants or purchasers; and

Whereas, smoking disclosure policies will allow New Yorkers, including the vast majority who don't smoke, to make an informed choice. They will be able to choose to live in an environment where they will not be routinely exposed to secondhand smoke; and

Whereas, smoking disclosure policies will encourage building owners and coop/condo boards to create and disseminate smoking policies that may not currently exist; and

Whereas, smoking disclosure policies will help to protect the health of children, the elderly and chronically ill who typically spend more time inside their home, thus increasing their exposure to secondhand smoke; and

Whereas, such legislation would not ban smoking or prohibit smoking in private homes; and

Whereas, smoking disclosure policies have already been implemented successfully statewide in Oregon and Maine, and at the municipal level, in Buffalo and Rockland County, NY; and

Whereas, existing laws have addressed similar health hazards such as lead-based paint and radon by requiring disclosure in real estate transaction documents, which has reduced exposure to these health hazards; and

Whereas, a majority of New Yorkers already support smoke-free housing and smoking disclosure policies which will allow them to know whether they're moving into a smoke-free building; and

Whereas, smoking disclosure policies can help landlords avoid tenant complaints and conflicts about secondhand smoke drift;

Therefore be it resolved, CB#2, Man. urges the NY City Council to pass legislation requiring the disclosure of smoking policies in Multiple Dwelling Residential Building in the City of New York.

THE ABOVE RESOLUTION WAS TABLED AND SENT BACK TO THE COMMITTEE.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:12 - 321 Canal Street-SoHo-Cast Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned M1-5B

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

THE ABOVE APPLICANT WAS LAID OVER AND WILL GO BACK TO COMMITTEE.

2 - LPC Item:13 - 323 Canal Street-SoHo-Cast Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned M1-5B

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

THE ABOVE APPLICANT WAS LAID OVER AND WILL GO BACK TO COMMITTEE.

3 -- LPC Item:14 - 327 Bleecker Street, aka 88 Christopher Street-Greenwich Village H.D. A building originally constructed as two-story house in 1832-33, and altered in the 19th and 20th century. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned C1-6

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 39 Board members in favor.

4 - LPC Item:15 - 337-339 West Broadway, aka 54-58 Grand Street –SoHo Cast-Iron H.D. A store building designed by Peter V. Outcault and built in 1885-1886. Application to replace rooftop HVAC equipment and paint the facades.

WITHDRAWN

5 - LPC Item: b16 - 155 Mercer Street (Prince/Houston) -SoHo-Cast Iron Historic District. A fireman's hall building designed by Field & Correja and built in 1854. Application is to install new storefront infill and relocate a flagpole.

Whereas, the overall restoration is highly commendable; and

Whereas, the storefront, even with such a comparatively low bulkhead, makes sense because it evokes the historical open entrance; and

Whereas, a flagpole and flag are part of the application. However, we have great reluctance believing the applicant's claim that the proposed "flag", said to evoke the old firehouse's American flag, might not be used for commercial signage instead.

What retailer would not want to put a large banner announcing the store? However, such a large commercial banner would detract from the building.

Since it is ludicrous for the applicant to express uncertainty regarding how the banner will be used, it should be regulated the same as any other commercial banner or blade sign. That is, a dimension no greater than 2'x3', unless a permit for a larger banner is approved; and

Whereas, since the applicant is leveraging a 74-711 for this restoration, we request a complete restoration. That is, a replica of the original statue of the fireman that had crowned the building be restored.

The original wooden stature was salvaged and is now on permanent display at the New York Historical Society. This shows the importance of the statue in the building's identity as a fireman's hall. The building would be incomplete without it; and

Whereas, we have an 1856 print of the original firehouse with a tree to the side. Since this sidewalk is hollow, it can support the planting of this historical element as part of the restoration; and

Whereas, in no way should approval of this landmarks portion of the 74-711 be construed to mean approval of the zoning portion; now

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

Further, be it resolved that CB#2, Man. notes the applicant chose to omit the most unique, charming and historical element: the statue of the fireman, which is on permanent display at the New York Historical Society. We recommend that a new statue be fabricated and installed at the top of the building, if this is to be a complete restoration worthy of a 74-711 approval.

Further, be it resolved that, if a flagpole and flag are approved for the firehouse, it must be a historical flag, Old Glory, and not an advertising banner for a retailer. If the retailer wishes a large commercial banner, a permit must be obtained; and

Further, be it resolved that CB#2, Man. recommends planting a tree in the concrete sidewalk, adding a mid-19th century elegance to the streetscape, since an 1854 lithograph shows a tree there to the side.

Vote: Unanimous, with 39 Board members in favor.

6 - LPC Item:17 - 155 Mercer Street (Prince/Houston) -SoHo-Cast Iron Historic District. A fireman's hall building designed by Field & Correja and built in 1854. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5A

Whereas, it is refreshing to see an applicant undertake such a significant and magnificent restoration as part of a 74-711 process; now

Therefore, be it resolved that CB#2, Man. recommends that LPC issue a report to CPC relating to a Modification of Use.

Vote: Unanimous, with 39 Board members in favor.

7 - LPC Item:18 - 24 Bleeker Street, aka 309-311 Elizabeth Street-NoHo East H.D. A Colonial Revival style school and rectory building designed by Silvio AMinoli and built c. 1926-27. Application is to install door, a canopy, marquee, and flagpoles and banner.

Whereas, a marquee is characteristic of theater use and this one fits in; and

Whereas, the lighting along Bleeker Street adds to the building and the district; and

Whereas, the back-lit signboard is appropriate; but

Whereas, the proposed electronic signboard is a bit busy. A signboard more in keeping with the style of the building and the period would be better; and

Whereas, regarding the side façade, a member of the public stated that block of Elizabeth Street is desolate and needs lights; and

Whereas, the proposed style of lighting is preferable to what was approved; but

Whereas, the canopy is the wrong style for this building and obscures a lovely and important entrance element; now

Therefore, be it resolved that CB#2, Man. recommends approval of the marquee, and lighting, and a non-electronic signboard, but

Further, be it resolved, that CB#2, Man. recommends a more appropriate canopy on the side, if, in fact, one is needed at all.

Vote: Unanimous, with 39 Board members in favor.

8 - LPC Item: 19 - 718 Broadway - NoHo Historic District. A neo-Classical style store and loft building designed by Thomas Graham and built in 1906-1908. Application is to install storefront and illuminated signage

Whereas, we were slightly confused on what we were presented and what the proposal is. We assume it is board #A001.00, which we prefer to the other one we saw, as it is less mall-like; and

Whereas, we object to the recessed entranceway, because it is non-historical and non-contextual; but

Whereas, the lighting, the sign above the transom, the stone band covering the steel beam, and the cast-stone of the ground floor to simulate limestone are an improvement; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application with the exception of the non-historical and non-contextual recessed entranceway.

Vote: Unanimous, with 39 Board members in favor.

9 - LPC Item: 14 East 11th Street-Greenwich Village Historic District. A Greek Revival style house built in 1839. Application is to construct rooftop and rear yard additions. Zoned R7-2

Whereas, the addition is not visible; and

Whereas, we applaud the applicant's restraint in pulling back the extension just a foot; but

Whereas, there are six levels to the building and five different window configurations. This is too busy and we would like more simplicity; and

Whereas, this destroys all the historic fabric except the fourth floor; now

Therefore, be it resolved that CB#2, Man. recommends approval of the rooftop addition but denial of the rear-yard addition.

Vote: Unanimous, with 39 Board members in favor.

10 - LPC Item:21 - 63 8th Avenue-Greenwich Village Historic District. A service station built in 1976. Application is to replace signage and legalize the installation of storefront infill without Landmarks

Preservation Commission permit(s). Zoned C 1-6

Whereas, the new design is simple and restrained; now

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

Vote: Unanimous, with 39 Board members in favor.

11 – LPC Item:22 - 22 East 14th Street-Bauman Brothers Furniture Store -Individual Landmark

A store and loft building designed by David and John Jardine and built in 1880-81, combining elements of the neo-Classical, neo-Grec and Queen Anne styles. Application is to establish a Master Plan governing the future installation of storefront infill, and to install flagpoles and banners, a canopy and signage.

Whereas, the restoration of the storefront is tasteful, with the modern façade referencing the historical façade. The lighting is not intrusive; but

Whereas, the nice restoration makes the canopy more inappropriate; and

Whereas, two flagpoles on the building are too much; and

Whereas, the aluminum should be as authentic as possible in its replication of the original cast-iron detail; now

Therefore, be it resolved that CB#2, Man. recommends approval most of this application, but recommends denial of two flagpoles and the canopy.

Vote: Unanimous, with 39 Board members in favor.

2ND LANDMARKS MEETING

12 - LPC Item:9 - 337-339 West Broadway, aka 54-58 Grand Street-SoHo-Cast Iron Historic District

A store building designed by Peter V. Outcault and built in 1885-1886. Application to paint facades and legalize the installation of rooftop HVAC equipment and illuminated signage without Landmarks Preservation Commission permits.

Whereas, these buildings are currently a hodge-podge and need a Master Plan; and

Whereas, if LPC had issued a permit for the prior HVAC installation, then we approve this proposal. However, if there were never any permits from LPC, then we would suggest a better solution: namely, in the rear yard; and

Whereas, the prohibition against illuminated signs closer than 18 inches to the front window is a good rule we'd like to see maintained; and

Whereas, there are too many colors proposed. Simply one tone of gray would be more elegant and more in keeping in harmony with the historic district and with the examples presented by the applicant; now

Therefore, be it resolved that CB#2, Man. recommends legalization of the existing HVAC if the prior HVAC was permitted; otherwise the system should be moved into the rear yard, out of sight entirely; and

Further, be it resolved that CB#2, Man. recommends a simple, single shade of gray, instead of the three colors presented and recommends denial of legalization of the interior signage; and

Further, be it resolved that CB#2, Man. recommends LPC consider a Master Plan for these prominent corner buildings.

Vote: Unanimous, with 39 Board members in favor.

13 - LPC Item:10 - 459 Broadway(s.w. Grand) - SoHo-Cast Iron Historic District. A store and loft building built in 1861. Application is to modify the existing fire escape.

Whereas, we regret the trouble the applicant has to go through to obtain a C of O, as well as the unsightly affect this will have on the building; but

Whereas, the applicant succeeded in making the counter-weight ladder as harmonious as possible; now

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

Vote: Unanimous, with 39 Board members in favor.

14 - LPC Item:11 - 110 Prince Street (s.w. Greene) - SoHo-Cast Iron Historic District. A one-story commercial building designed by John Truso and built in 1994. Application is to permanently retain rooftop artwork installed pursuant to Certificate of No Effect 12-3782 as a temporary installation

Whereas, paper tubing is unprecedented and incompatible in style and materials with the Post-Modern building on which it is placed, as well as with the historic district; and

Whereas, when the structure first appeared on the roof a year ago, a call to LPC staff regarding the appropriateness of the object revealed that it was approved as a temporary installation. Fine. That seemed to placate people who questioned the appropriateness of this odd rooftop addition. Now we learn the applicant wants to make it permanent; and

Whereas, although the applicant refers to it as “art” and referenced SoHo’s art heritage as reason to approve it permanently, there is absolutely nothing to indicate that the designer, Shigeru Ban, is actually a working artist. In fact, he proclaims himself and is recognized as an architect. So, to us, this is architecture, not fine art, and should be treated as architecture; and

Whereas, the very first sentence in Mr. Ban’s Wikipedia entry has this to say: he is “most famous for his innovative work with paper, particularly recycled cardboard paper tubes used to quickly and efficiently house disaster victims.”

So although Mr. Ban’s work may be appropriate in Breezy Point or the Jersey Shore to house the unfortunate victims of Hurricane Sandy, it is not appropriate for the Cast-Iron District; and

Whereas, an internet search offered numerous statements that confirmed our initial suspicion that this structure was not installed for the sake of “art”, but rather to brand and promote Camper Shoes, a retail business.

For example, here are some quotes taken from reviews of the grand opening of the installation in May, 2012:

“the latest and greatest retail attraction is a building made of paper”

“this is ‘the celebration of a brand’”

“the building {acts} like a covered bazaar.”

Sorry, but we do not want to encourage a “covered bazaar” branding a business in the historic district; and

Whereas, the architect himself had this to say about his experience: “This was not an easy project,” said Ban, who was challenged by the single-story building’s landmark designation. “There were so many restrictions—unnecessary restrictions”. Indeed.

Finally, one review stated, “asked why he created a peaked roof amidst the square blocks of SoHo, Ban said when he saw the little one-story building, he thought ‘it looked lonely’”; and

Whereas, this structure competes with and detracts from the world-renowned trompe l’oeil mural abutting it, created by a truly famous international artist, Richard Haas; and

Whereas, claims by the applicant that the roof structure is a major tourist draw in SoHo were met with skepticism, if not outright disbelief; now

Therefore, be it resolved that CB#2, Man. strongly recommends that the extension granted this architectural element to remain NOT be extended, and that no consideration be given to its remaining permanently, because it detracts from the building, the district and the renowned Richard Haas mural adjacent to it.

And, further, if the applicant continues to insist that it is an art piece and not a marketing gimmick, then it’s time to rotate the exhibition.

Vote: Unanimous, with 39 Board members in favor.

15 - LPC Item:12 - 85 Mercer Street (Spring/Broome)-SoHo-Cast Iron Historic District. A neo-Grec/Italianate style store building designed by Robert Mook and built in 1872-73. Application is to demolish an existing rooftop addition and construct a new rooftop addition.
Zoned M1-5A

Whereas, the proposed lot-line window is highly visible from the street and untenable in its size, shape, style and placement. If a window is needed, it should be moved to make architectural sense and be reduced in size and should relate to the type and style of the existing windows; and

Whereas, the penthouse is only marginally visible; now

Therefore, be it resolved that CB#2, Man. recommends approval of the rooftop addition, but requests the window be in scale with the existing windows, and be moved to create better architectural sense.

Vote: Unanimous, with 39 Board members in favor.

16 - LPC Item:13 - 321 Canal Street (Mercer/Greene)-SoHo-Cast Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions.
Zoned M1-5B

Whereas, we commend the preserving and re-use of the existing bricks; and

Whereas, the proposed work will greatly help this dilapidated building and contribute to the historic district; now

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

Vote: Unanimous, with 39 Board members in favor.

17 - LPC Item:14 - 323 Canal Street (Mercer/Greene)-SoHo-Cast Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid 19th century to accommodate a commercial ground floor. Application is to disassemble and deconstruct the building to address hazardous emergency conditions. Zoned M1-5B

Whereas, we commend the preserving and re-use of the existing bricks; and

Whereas, the proposed work will greatly help this decaying but significant building and contribute to the historic district; now

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

Vote: Unanimous, with 39 Board members in favor.

18 - LPC Item:15 - 8 Jane Street-Greenwich Village Historic District. A Greek Revival style rowhouse built in 1843. Application to modify the placement and number of flues previously approved pursuant to Certificate of Appropriateness 12-5331

Whereas, the proposal will introduce an additional two flues, is closer to the public view from the street and it is taller; but

Whereas, on the other hand, these changes will not significantly detract from the historic district; now

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

Vote: Unanimous, with 39 Board members in favor.

19 - LPC Item:16 - 64 Perry Street (W4/Bleecker) - Greenwich Village Historic District. An Italianate style rowhouse design by Robert Mook and built in 1866. Application is to construct rooftop and rear yard additions, and excavate the cellar and rear yard. Zoned R6

Whereas, neighbors on the block appeared and expressed displeasure and opposition to this application; and

Whereas, the applicant bought an historical building in an historical district and totally gutted and expanded it in every direction legally permissible; and

Whereas, to a two-story addition, the applicant then wants to add a pergola; and

Whereas, the proposal seeks to destroy the back wall and most of its original fabric; and

Whereas, it is an intrusion into the doughnut; and

Whereas, the cellar work will undoubtedly cause some damage to adjacent buildings, no matter what care is taken; and

Whereas, the cellar extension turns a good portion of the garden into a sterile patio; and

Whereas, the interior demolition destroyed historical material; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application because it is a gross example of lack of respect for the Greenwich Village Historic District.

Vote: Unanimous, with 39 Board members in favor.

20 - LPC Item:17 - 112-114 Perry Street - Greenwich Village Historic District. An apartment house built in 1890-91. Application is to install a canopy, light fixtures, and railings

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 39 Board members in favor.

21 - LPC Item:18 - 767 Washington Street, aka 366 West 12th Street-Greenwich Village H.D. A Federal style house built in 1842. Application is to reconstruct the façade.

Whereas, it would be nice if the applicant provided additional photos taken at the time of designation; and

Whereas, there was some disagreement within the committee regarding whether to permit the replacement of the original and historically accurate "blind" brick window with glazing. After much discussion the majority of the committee steered to wanting the "blind" window retained; and

Whereas, we find it a bit odd that only the upper floors of this 175-year old building are in need for reconstruction, and encourage LPC to verify that there is absolutely no compromised condition on the ground floor; and

Whereas, the Juliet balcony should not be allowed, since it is so incompatible with the building and the district; now

Therefore, be it resolved that CB#2, Man. recommends that the "blind" window on the side be retained; that the Juliet balcony be denied; and that LPC verify whether the ground floor is also not in need of reconstruction; and, if so, require that the reconstruction be done all at once.

Vote: Unanimous, with 39 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

36 Bleecker Street. Applications to the City Planning Commission N130238ZAM and N130239ZCM to modify height and setback regulations and rooftop recreation requirements in connection with an as-of-right residential conversion in a C6-2 zone within the Preservation Area of the Special Little Italy District and the NoHo East Historic District.

Whereas:

(Regarding application information.)

1. The building is currently a vacant 6-story building most recently used for storage.
2. The proposed work will include a full restoration of this 19th Century masonry structure including re-creation from historic photographs of a missing Queen Anne style gable on the Bleecker Street façade.
3. In June, 2012, the CB2 Landmarks Committee commended the restoration proposal but objected to a proposed garage door which the applicant subsequently removed from the plan.
4. In July, 2012, the Landmarks Preservation Commission issued a Certificate of Appropriateness.
5. The project will include 20 condominium apartments and no commercial units.
6. A two-story in-fill structure will be demolished to recreate the original courtyard to the ground level, with most of the removed floor area moved to a 7th floor penthouse behind the recreated gable.
7. The current overall maximum height of the building is 99.5 feet and the maximum front wall height of front façade is 87.67 feet.
8. The 7th floor and the new gable will increase the front façade to 104.25 feet.
9. The existing building is overbuilt and there will be a slight reduction of floor area such that the building will have a 5.5 FAR in this 5.0 FAR zone.
10. The 7th floor will not be visible from the street except for the recreated gable.
11. The impact on light and air for other buildings on the block will be very minor and is necessary for the high quality historic restoration of this handsome building.
12. The required rooftop open space accessible to all occupants is 3,362 square feet;
13. The application for a minor modification seeks to reduce this common area to 2,232 square feet.
14. Alternate common space is proposed in the courtyard on the ground level and in an interior ground floor library.
15. The new courtyard will be a landscaped area for common use and visible from all apartments.
16. The modification to reduce the amount of rooftop common space will if anything reduce the potential for nuisance use of the roof.

(Regarding applicant statements and community response.)

17. A detailed presentation was made by Michael Sillerman of Kramer Levin Naftalis & Frankel, representing the applicant, along with Roy Stillman of Stillman Development International, the project developer.
18. Detailed responses were provided to questions and concerns from the committee and the public.
19. Zella Jones spoke in favor of the application and submitted a letter for NoHo Bowery Stakeholders.
20. A letter supporting the application was received from the NoHo Neighborhood Association.
21. Four residents on Bleecker Street expressed concerns regarding the potential for noise from the rooftop uses, although the proposed modification represents a reduction of the rooftop space.

22. The applicant provided the committee with a copy of the condominium offering plan which limits the use of the common roof to the hours of 10 AM to 10 PM, and prohibits noise, cooking, and business use.

Therefore it is resolved that CB#2, Man.

Appreciates the quality and appropriateness of the project and the thoroughness of the presentation, and recommends approval of this application for 36 Bleecker Street to allow modification of the height and setback regulations and minor modification of rooftop recreation requirements.

Vote: Unanimous, with 39 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

App. to NYCDOT to construct, maintain & use:

1. A planted area on frontage along Lafayette St. and Great Jones St. at 28 Great Jones St. aka 375-379 Lafayette St.

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

Whereas, the project consists of a ‘green’ fence along the two sides of this parking lot, and the proposal is to include additional planting soil under the first foot of the public sidewalk which will be covered by the sidewalk paving and a narrow grating to allow rainwater and runoff to enter, and

Whereas, this proposal goes a long way toward improving this unattractive parking lot while using almost no public sidewalk space,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application to construct, maintain and use a planted area on frontage along Lafayette St. and Great Jones St. at 28 Great Jones St. aka 375-379 Lafayette St.

VOTE: Unanimous, with 39 Board members in favor.

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

2. Macelleria Restaurant, Inc. d/b/a Macelleria, 48 Gansevoort St. (btw Washington St & Greenwich St), with 9 tables & 18 seats, DCA# 1188887

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		

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 many years by this applicant with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Macelleria Restaurant, Inc. d/b/a Macelleria, 48 Gansevoort St. (btw Washington St & Greenwich St), with 9 tables & 18 seats, DCA# 1188887.**

VOTE: Unanimous, with 39 Board members in favor.

3. Gadberry Pizza, Inc. d/b/a Bleecker Street Pizza, 67-71 7th Ave. South (NE corner Bleecker St), with 3 tables & 6 seats, DCA# 1183527

Block:587 Lot:21	Lot Frontage:47' Lot Depth:72.92	Year Built:1925(estimated)
Number of Buildings:1;	Number of Floors:2.5	Residential Units:8
Total # of Units:9	Zoning:C2-6	

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 has been operated for many years by this applicant with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Gadberry Pizza, Inc. d/b/a Bleecker Street Pizza, 67-71 7th Ave. South (NE corner Bleecker St), with 3 tables & 6 seats, DCA# 1183527.**

VOTE: Unanimous, with 39 Board members in favor.

4. ASC, Inc. d/b/a La Nonna, 134 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA#1208521

Block:237 Lot:7501	Lot Frontage:124.75' Lot Depth:101.33	Year Built:1915
Number of Buildings:1;	Number of Floors:6 Residential Units:0	Total # of Units:11
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 many years by this applicant with few known issues other than the signage and menus which continue to be an uncontrolled plague on Mulberry St,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **ASC, Inc. d/b/a La Nonna, 134 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA#1208521**

VOTE: Unanimous, with 39 Board members in favor.

5. Andikiana Corp. d/b/a Silver Spurs Eatery, 490 LaGuardia Pl., with 16 tables & 32 seats, DCA#0941701

Block:525 Lot:56	Lot Frontage:18.75' Lot Depth:98	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:0
Total # of Units:7	Zoning:R7-2	Commercial Overlay:C1-5

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

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Andikiana Corp. d/b/a Silver Spurs Eatery, 490 LaGuardia Pl., with 16 tables & 32 seats, DCA#0941701**

VOTE: Unanimous, with 39 Board members in favor.

6. Riomar Corp. d/b/a Kana, 324 Spring St. (btw Washington St & Greenwich St), with 4 tables & 13 seats, with 4 tables & 13 seats, DCA# 1384241

Block:595 Lot:72	Lot Frontage:20.08' Lot Depth:56	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:3
Total # of Units:4	Zoning:C6-2A	

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, but 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 RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Riomar Corp. d/b/a Kana, 324 Spring St. (btw Washington St & Greenwich St), with 4 tables & 13 seats, DCA# 1384241.**

VOTE: Unanimous, with 39 Board members in favor.

7. 183 Condechi Associates, LLC d/b/a Café Condesa, 183 W. 10th St.(btw W 4th St & 7th Ave S), with 4 tables & 7 seats, DCA# 1390265

Block:611 Lot:1	Lot Frontage:20.08' Lot Depth:80.67	Year Built:1900
Number of Buildings:3;	Number of Floors:5 Residential Units:13	Total # of Units:15
Zoning:C2-6		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representatives, James Wanderstock and Steve Wygoda, were present, and

Whereas, this café has been licensed by this applicant for just two years on a sidewalk that is barely the minimum 12' of width, and

Whereas, due to the width, at the time of initial approval, the committee as well as the office of Speaker Christine Quinn clearly communicated to the applicant that due to the narrow sidewalk there could be nothing on the sidewalk except the approved tables and chairs in order to maintain the required clear path of public sidewalk, and

Whereas, almost immediately after instituting the café the applicant placed several planters on the sidewalk where the required service aisle should be, and

Whereas, the applicant has been cited at least twice by DCA for operating with an improper service aisle due to the planters, yet still has not removed them from the sidewalk,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **183 Condechi Associates, LLC d/b/a Café Condesa, 183 W. 10th St.(btw W 4th St & 7th Ave S), with 4 tables & 7 seats, DCA# 13902**

UNLESS the unapproved planters are immediately and permanently removed from the sidewalk

VOTE: Unanimous, with 39 Board members in favor.

8. 164 Mulberry St. Corp. d/b/a Da Nico Restaurant, 164 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 0949447

Block:237 Lot:7501 Lot Frontage:124.75' Lot Depth:101.33 Year Built:1915
Number of Buildings:1; Number of Floors:6 Residential Units:0 Total # of Units:11
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 licensed by this applicant for with continuing issues that include:

- partially blocking a residential entrance at the south edge of the cafe
- a large podium sign/menu,
- umbrellas that provide substantially less than the required 7' of clearance
- 7' high potted fern,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **164 Mulberry St. Corp. d/b/a Da Nico Restaurant, 164 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 0949447.**

UNLESS the issues itemized in the 2nd Whereas are immediately and permanently addressed

VOTE: Unanimous, with 39 Board members in favor.

9. Molly Picon, LLC, d/b/a Jack's Wife Freda, 224 Lafayette St. (btw Kenmare St & Spring St), with 3 tables & 12 seats, DCA# 1426863

Block:482 Lot:24 Lot Frontage:24.5' Lot Depth:50.33 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:9 Total # of Units:10
Zoning:M1-5B

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

Whereas, this café has been operated for 2 years by this applicant with few known issues, and

Whereas, the committee questions the legality of the café as it is in M1-5B zoning below Houston St. where sidewalk cafes are not allowed, and

Whereas, the applicants contend the café has been continuously licensed for many years by them and previous licensees and is thereby grandfathered, and

Whereas, as at least two other café operators nearby on Lafayette St have recently been notified by DCA that their cafes are non-conforming due to this zoning issue, to ensure fairness to all affected operators, the Board requests that DCA ensure that this café is in fact grandfathered,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Molly Picon, LLC, d/b/a Jack's Wife Freda, 224 Lafayette St.(btw Kenmare St & Spring St), with 3 tables & 12 seats, DCA# 1426863**

UNLESS DCA confirms this café has been continually licensed and is thereby grandfathered to operate in an M1-5B zone below Houston St.

VOTE: Unanimous, with 39 Board members in favor.

10. Francis Louis, LLC, d/b/a Frankie's 570 Spuntino, 570 Hudson St. (SE corner W 11th St), with 11 tables & 32 seats, DCA# 1387557

Block:622 Lot:10	Lot Frontage:49.25' Lot Depth:26.17	Year Built:1901(estimated)
Number of Buildings:1;	Number of Floors:3 Residential Units:2	Total # of Units:3
Zoning:C1-6		

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

Whereas, this café has been operated for 2 years by this applicant with few known issues other than blockage of a Siamese connection and large planters (on casters) that have recently been installed, and

Whereas, the committee pointed out to Ms. Perkins that neither the Siamese nor the planters were shown on the print, and she committed to ensuring that the clearance from the Siamese would be addressed, and

Whereas, Ms. Perkins also indicated that a new print would be filed with DCA, which shows the Siamese connection and includes any planters that can legally be accommodated,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Francis Louis, LLC, d/b/a Frankie's 570 Spuntino, 570 Hudson St. (SE corner W 11th St), with 11 tables & 32 seats, DCA# 1387557**

CONDITIONAL UPON the applicant addressing the non-conforming conditions with the Siamese connection and planters, primarily by providing DCA with a new print showing those two features

VOTE: Unanimous, with 39 Board members in favor.

11. Greenwich Village Bistro, Ltd. d/b/a Greenwich Village Bistro, 13 Carmine St. (btw Bleecker St & 6th Ave), with 9 tables & 18 seats, DCA#1030835

Block:589 Lot:47	Lot Frontage:25' Lot Depth:100	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5 Residential Units:13	Total # of Units:14
Zoning:R7-2		

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

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Greenwich Village Bistro, Ltd. d/b/a Greenwich Village Bistro, 13 Carmine St. (btw Bleecker St & 6th Ave), with 9 tables & 18 seats, DCA#1030835.**

VOTE: Unanimous, with 39 Board members in favor.

12. Apicio, LLC d/b/a Tertulia d/b/a 359 6th Ave. (btw W 4th St & Washington Pl), with 5 tables & 10 seats, DCA# 1414241

Block:592 Lot:19	Lot Frontage:39.25' Lot Depth:85	Year Built:1910(estimated)
Number of Buildings:2;	Number of Floors:4 Residential Units:3	Total # of Units:5
Zoning:R7-2 ;	Commercial Overlay:C1-5	

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, but neither the applicant nor a representative was present, and

Whereas, this café has been operated for 2 years by this applicant and there are issues with planters that are not on the approved plans and a large bicycle/cart hybrid parked in front of the café further restricting the public sidewalk, and

Whereas, CB#2, Man. continues to question the legality of the use of a door that goes through the residential entrance as a service route for the café, 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 RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Apicio, LLC d/b/a Tertulia d/b/a 359 6th Ave. (btw W 4th St & Washington Pl), with 5 tables & 10 seats, DCA# 1414241**

VOTE: Unanimous, with 39 Board members in favor.

13. Red Mulberry, Ltd. d/b/a Sambuca’s, 105 Mulberry St. (NW corner Canal St), with 10 tables & 20 seats, DCA# 1158751

Block:206 Lot:26	Lot Frontage:52.25' Lot Depth:75.67	Year Built:1915(estimated)
Number of Buildings:1;	Number of Floors:5 Residential Units:6	Total # of Units:14
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 many years by this applicant and has had previous issues with over seating to the sidewalk north of the café footprint, but those issues appear to be resolved recently,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Red Mulberry, Ltd. d/b/a Sambuca's, 105 Mulberry St. (NW corner Canal St), with 10 tables & 20 seats, DCA# 1158751**

VOTE: Unanimous, with 39 Board members in favor.

14. 13th Street Entertainment, LLC d/b/a Brasserie Beaumarchais, 409 W. 13th St. (btw Washington St & 9th Ave), with 9 tables & 18 seats DCA# 1324561

Block:646 Lot:49 Lot Frontage:75' Lot Depth:103.25 Year Built:1911
Number of Buildings:1; Number of Floors:3 Residential Units:0 Total # of Units:2
Zoning:M1-5

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

Whereas, this café has been operated for several years by this applicant with few known issues once an illegal platform was removed, and

Whereas, the Board received an email prior to the hearing complaining about loud dance music emanating from the interior on Sunday afternoons, and as the applicant does not hold a NYC Cabaret License, the Board requests DCA ensure that dancing is not occurring in this establishment,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **13th Street Entertainment, LLC d/b/a Brasserie Beaumarchais, 409 W. 13th St. (btw Washington St & 9th Ave), with 9 tables & 18 seats DCA# 1324561.**

VOTE: Unanimous, with 39 Board members in favor.

15. D.E.L., Inc. d/b/a Alexandra, 455 Hudson St. (btw Morton St & Barrow St), with 10 tables & 20 seats, DCA# 1192285

Block:603 Lot:65 Lot Frontage:50' Lot Depth:100.08 Year Built:1920(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:39 Total # of Units:41
Zoning:C1-6

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

Whereas, this café has been operated for several years by this applicant with few known issues other than signage on the sidewalk,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **D.E.L., Inc. d/b/a Alexandra, 455 Hudson St. (btw Morton St & Barrow St), with 10 tables & 20 seats, DCA# 1192285**

VOTE: Unanimous, with 39 Board members in favor.

16. Nilo Inc. & Viola Consulting LLC d/b/a Mezzogiorno Assoc., 195 Spring St (NE corner Sullivan St), with 11 tables & 22 seats, DCA# 0832727

Block:503 Lot:45 Lot Frontage:46.25' Lot Depth:75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:25 Total # of Units:27
Zoning:R7-2 ; Commercial Overlay:C1-5

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

Whereas, this café has been operated for many years by this applicant with previous issues with over seating on the Sullivan St. side of the cafe, but those issues appear to be resolved recently,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Nilo Inc. & Viola Consulting LLC d/b/a Mezzogiorno Assoc., 195 Spring St (NE corner Sullivan St), with 11 tables & 22 seats, DCA# 0832727.**

VOTE: Unanimous, with 39 Board members in favor.

17. ALN Restaurant Inc. d/b/a Giovanna's, 128 Mulberry St (SE corner Hester St), with 13 tables & 28 seats, DCA# 1252281

Block:205 Lot:7502 Lot Frontage:25.83' Lot Depth:50 Year Built:2006
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 many years by this applicant with previous issues of mis-seating and use of illegal signage, and

Whereas, the seating seems to be generally compliant, the applicant was cited by DCA on 5/24/12 for improper signage in the café, and that issue was still present on the committee's recent inspection,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **ALN Restaurant Inc. d/b/a Giovanna's, 128 Mulberry St (SE corner Hester St), with 13 tables & 28 seats, DCA# 1252281**

CONDITIONAL UPON the applicant removing illegal signage from the café and public sidewalk.

VOTE: Unanimous, with 39 Board members in favor.

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

18. Pret a Manger (USA) Limited d/b/a Pret a Manger, 821 Broadway (NW corner E 12th St), with 7 tables and 12 seats, DCA# 1462355

Block:564 Lot:22 Lot Frontage:49.17' Lot Depth:80 Year Built:1907
Number of Buildings:1; Number of Floors:11 Residential Units:1 Total # of Units:11
Zoning:C6-1

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's Vice President, Joseph Iazzetta, was present, and

Whereas, this café is proposed for the corner of Broadway and E. 12th St with a sidewalk width of 17'10" on Broadway (with 12'4" of width to a sidewalk grating) and 15' on W 12th St, and

Whereas, two residents of E. 12th St appeared and expressed concerns with the seating on the sidestreet and the applicant agreed to remove those seats from the plan and provide a new print to DCA showing the reduction of seating to 5 tables and 9 seats, all on Broadway,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Pret a Manger (USA) Limited d/b/a Pret a Manger, 821 Broadway (NW corner E 12th St), with 5 tables and 9 seats, DCA# 1462355**

CONDITIONAL UPON the applicant supplying DCA with a new plan showing the agreed to reduction in seating with the total being 5 tables and 9 seats as noted above

VOTE: Unanimous, with 39 Board members in favor.

19. Pret a Manger (USA) Limited d/b/a Pret a Manger, 350 Hudson St. (NE corner Charlton St), with 13 tables & 26 seats, DCA# 1462339

Block:580 Lot:39 Lot Frontage:200.25' Lot Depth:150 Year Built:1930
Number of Buildings:1; Number of Floors:9 Residential Units:0 Total # of Units:6
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 Vice President, Joseph Iazzetta, was present, and

Whereas, this café is proposed for the corner of Hudson St and Charlton St with a sidewalk width of 18'10" on Hudson and 14'10" on Charlton, and

Whereas, the committee's primary concern with the proposed plan was the layout on Hudson St. that did not maintain a 3' service aisle to some of the pairs of 2-seat tables and also created a potential choke point near the intersection where the depth of the café grew, and

Whereas, in light of those concerns the applicant agreed to reduce the seating on Hudson St by removing 3 tables and 6 seats and shifting 1 table and 2 seats to the north end of the café where there was some additional room, leaving a café depth of approx. 6'3" along its entire Hudson St. length,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Pret a Manger (USA) Limited d/b/a Pret a Manger, 350 Hudson St. (NE corner Charlton St), with 10 tables & 20 seats, DCA# 1462339**

CONDITIONAL UPON the applicant supplying DCA with a new plan showing the agreed to reduction in seating with the total being no more than 10 tables and 20 seats as noted above

VOTE: Unanimous, with 39 Board members in favor.

20. R&G Spring LLC d/b/a Piccola Cucina, 196 Spring St. (btw Sullivan St & Thompson St), with 2 tables & 4 seats, DCA# 1463501

Block:489 Lot:18 Lot Frontage:50' Lot Depth:75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:22 Total # of Units:25
Zoning:R7-2 ; Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, along with a manager of another of the applicant's restaurants, and

Whereas, this café is proposed for premise with a frontage of 11'4" and a sidewalk width of 14'7" which has just 10' of total usable width due to a tree pit with a metal railing directly across from the proposed café, and

Whereas, the applicant had been operating the café illegally for several weeks prior to the committee hearing, and the manager from the applicant's Prince St restaurant claimed they were told by Mr. Kelly that they could do this, a contention that Mr. Kelly denied at which point the manager claimed it was a misunderstanding, and

Whereas, the manager stated that the owner was in Italy dealing with a family health issue and did not know when he would return, and it appears there is not generally a manager present at this restaurant, and

Whereas, the illegal café operation was seating at least 50% more than the proposed plan with seating that was not as shown on the proposed plan which extended further out into the sidewalk and service taking place from the main door which used up even more of the public sidewalk, typically leaving only 3-4', and

Whereas, the proposed plan is entirely dependent on service taking place not through the main entrance but from a set of folding doors in the façade which is currently, and no doubt will continue to be, blocked with an interior table, and this is further doubtful as a workable service route because of a 10" step down to the sidewalk, and

Whereas, the available width for the café of 11'4" is not enough room to fit the 2 tables and 4 chairs while maintaining anything approaching the required 3' service aisle, and

Whereas, while the Board strives to support and work with our small businesses, this is a rare occasion where the committee feels strongly this is a wholly unsuitable location for a sidewalk café, and additionally that this applicant has no real capability of operating even this small café in accordance with the prevailing sidewalk café rules, particularly maintaining anything close to the required 8' of clear pedestrian path, and

Whereas, the Board has photographs of the applicant illegally operating the café again just days after the committee hearing when any claimed 'misunderstanding' about its legality was very clearly debunked,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **R&G Spring LLC d/b/a Piccola Cucina, 196 Spring St (btw Sullivan St & Thompson St), with 2 tables & 4 seats, DCA# 1463.**

VOTE: Unanimous, with 39 Board members in favor.

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

21. Grillade, LLC, 28 7th Ave. South (btw St Luke’s Pl. & Bedford St.), with 7 tables & 14 seats, DCA# 1385577

Block:583 Lot:38 Lot Frontage:34’ Lot Depth:71.83 Year Built:1920(estimated)
Number of Buildings:1; Number of Floors:1 Residential Units:0 Total # of Units:2
Zoning:C2-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Eric Blinderman, and his representative, Steve Wygoda, were present, and

Whereas, this café has been operated for 2 years by this applicant, typically with seating less than that approved, and this application is to reduce the size of the café, and

Whereas, the committee pointed out that the planters being used are roughly 18” wide while they are shown on the plan as 6” wide, and one planter has consistently blocked access to a Siamese connection from which 3’ of clearance must be maintained, and

Whereas, the applicant agreed to immediately ensure the required Siamese clearance and resolve the issues with the planters either by replacing them with 6” wide ones or providing a new plan to DCA showing the current ones in a legal configuration,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL/MODIFICATION application for revocable consent to operate an Unenclosed sidewalk café for **Grillade, LLC, 28 7th Ave. South (btw St Luke’s Pl. & Bedford St.), with 7 tables & 14 seats, DCA# 1385577**

CONDITIONAL UPON the applicant resolving the Siamese clearance issue and replacing the non-complying planters or supplying DCA with an updated print showing the current ones in a legal configuration

VOTE: Unanimous, with 39 Board members in favor.

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

22. Da Silvano Corp, d/b/a Da Silvano, 260 6th Ave (btw W. Houston St & Bleecker St), with 26 tables & 55 seats, DCA# 1187717

Block:526 Lot:11 Lot Frontage:40’ Lot Depth:100 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:31 Total # of Units:32
Zoning:R7-2 ; Commercial Overlay:C1-5

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

Whereas, this café has been operated for many years by this applicant with previous issues primarily attributed to an initial design that had too many seats for reasonable daily operation, and

Whereas, the seating was reduced by about 10% during the renewal process 2 years ago and it appears to have resolved many of the issues that had occurred with the larger amount of seating, and

Whereas, this request is to increase the seating again to roughly the amount that had caused issues with operation, and

Whereas, the Board is particularly concerned with the very large groups of 5 tables pushed together that offer no reasonable way for individual parties to access or exit the middle tables,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this MODIFICATION application for revocable consent to operate an Unenclosed sidewalk café for **Da Silvano Corp, d/b/a Da Silvano, 260 6th Ave (btw W. Houston St & Bleecker St), with 26 tables & 55 seats, DCA# 1187717**

FURTHER BE IT RESOLVED that while the Board might consider a more modest increase in the number of seats, we continue to maintain that this proposal is unmanageable in daily operation and requests the applicant continue to operate the café with the current, and just renewed, amount of seating

VOTE: Unanimous, with 39 Board members in favor.

SLA LICENSING

1. Juicerie, LLC d/b/a The Butcher's Daughter, 19 Kenmare St 10012 – Alteration to add sidewalk café

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of their Beer and Wine license (#1268130) in a mixed-use building located on the corner of Elizabeth Street and Kenmare (Block #478/lot #12), with a 1,500 sq. ft premise with 1 table and 14 seats and 1 bar with 6 seats and two food counters with 14 seats and the maximum occupancy is 74 people, the sidewalk which would be included in this alteration will have 15 tables and 30 seats; and,

Whereas, the applicant states that the hours of operation for the entire cafe will continue to be Sunday from 8:00 a.m. to 10:00 p.m. and Monday to Saturday from 8:00 a.m. to 11:00 p.m. and the sidewalk café will be Sunday to Thursday from 8:00 a.m. to 10:00 p.m. and Friday and Saturday from 8:00 a.m. to 11:00 p.m.; with quiet background music in the interior consisting of background music from ipod, no music in the exterior area; there will be no scheduled performances and private parties; and,

Whereas, CB#2, Man, had requested a review by City Council for this application to the Department of Consumer Affairs due to the size and location of this sidewalk café which the area's City Council Person supported to reduce the number of seats and tables but was unable to be heard due to Hurricane Sandy's disruption of scheduling and the limited time under which the City Council is authorized to act; and,

Whereas, the operator moved forward with the application with a request for 20 tables and 40 seats, which was significantly more seating outside than inside the café which is a serious concern for CB#2, Man.; and

Whereas, CB2's Sidewalks Committee had requested that they substantially reduce their request down to 13 tables and 30 seats and CB2's full board reduced the request even further down to 10 tables and 20 seats; and,

Whereas, the operator presented to the CB2 SLA committee a layout of the sidewalk café with 20 tables and 40 seats but reduced the plan to 15 tables and 30 seats during the CB2's SLA hearing; and,

Whereas, the operator should submit a corrected sidewalk plan to reflect these changes to CB2 and to the SLA; and,

Whereas, there were 8 speakers from the community who spoke in regards to this application - 6 in support, 2 in opposition but 2 of the speakers in support were employees; and,

Whereas, CB#2, Man. has significant concerns regarding this application and at the request of members of the community **requests that the matter be placed before the Commissioners of the New York State Liquor Authority for consideration at a regularly scheduled Full Board Meeting** to consider the objections presented by members of the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request to alter a Beer and Wine license for **Juicerie, LLC d/b/a The Butcher's Daughter, 19 Kenmare St 10012** to include the sidewalk cafe; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that should the Liquor Authority consider approving this sidewalk, that it should not be any larger than 10 tables and 20 seats.

Vote: Unanimous, with 39 Board members in favor.

2. 18 Front, Inc., 18 Spring St 10012 - Alteration to add sidewalk café

Whereas, all three principals appeared before the committee; and,

Whereas, this application is for the alteration of their On Premise license (#1151199) in a mixed-use building located on Spring Street between Elizabeth Street and Mott Street (Block #479 / lot #19), with a 1,200 sq. ft premise with 7 tables and 28 seats and 1 bar with 8 seats and the maximum occupancy is 74 people, the sidewalk which would be included in this alteration will have 2 tables and 4 seats with the condition that the tables be no wider than 1'8" (20"); and,

Whereas, the applicant states that the hours of operation will continue to be Sunday through Saturday 11:00 a.m. – 4:00 a.m. even though these hours differ from what was originally presented to CB2; the establishment is a bar/restaurant, music will be background only, there will be no scheduled performances or events with a cover charge, private parties or promoted events; and,

Whereas, the hours of operation for the sidewalk café will be Sunday from 12:00 p.m. to 10:00 p.m. and Monday through Saturday from 11:00 a.m. to 10:00 p.m.; and,

Whereas, a stipulation agreement was given to the operator, which included the hours of operation for both restaurant and the sidewalk café and included that all windows and doors were to be closed by 10:00 p.m. but no signed agreement was returned to CB2; and,

Whereas, **the current operations do not represent the original application to CB#2, Man. or the Liquor Authority in regards to the method of operation of this entity/corporation** and a change of ownership/principals under the same corporate entity seems to have also occurred without any notification to CB2 perhaps after this requirement was placed in effect with assertions by the licensee's attorney that the changes are in fact legitimate and not out of line even though there are significant deviations from what was originally presented to both CB2 and to the Liquor Authority ; and,

Whereas, 2 community members and a community member that is also a board member of CB2 spoke against this application stating the lack of management to the crowds that hang outside this establishment that are noisy and unruly and that management was disrespectful to any request to control the crowds or noise and that the operation is primarily a bar and drinking establishment and not a restaurant from outward appearances; and,

Whereas, CB#2, Man. has significant concerns regarding this application and at the request of members of the community **requests that the matter be placed before the Commissioners of the New York State Liquor Authority for consideration at a regularly scheduled Full Board Meeting** to consider the objections presented by members of the community and to assess the character of current establishment and whether it conforms to its mandated method of operation prior to considering the alteration application; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** to the alteration to include a sidewalk café to the On Premise license for **18 Front, Inc., 18 Spring St.**

Vote: Unanimous, with 39 Board members in favor.

3. Brown Stew, LLC d/b/a Miss Lilly's Variety & Melvin's Juice Bar, 168 Sullivan St 10012 – alteration to Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration to the current Beer and Wine license (#1265793) in a mixed-use building, located on the corner of Houston and Sullivan (Block #526/lot #75), for a 1,000 sq. ft premise with currently 12 tables 18 seats and no bar, and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, this application is to increase the table seating to one additional or 19 table seats in the original location and add 7 tables and 14 seats to the front area for a total of 19 tables and 33 seats; and

Whereas, a change in the hours of operation have also been requested to reflect the following: Sunday from 8:30 a.m. to 11:30 p.m. and Monday to Wednesday from 7:30 a.m. – 11:30 p.m., Thursday and Friday from 7:30 a.m. to 12:30 a.m. and Saturday from 8:30 a.m. to 12:30 a.m.; music will be background only, there is a d.j., but the primary purpose of the d.j. is to broadcast music to an online internet streaming music station and music will be at background levels only, there will be no scheduled performances or events with a cover charge; and,

Whereas, the applicant has agreed to continue to follow the previous stipulations that is had with CB2 and to include these changes:

1. The applicant has agreed to closing hours to 11:30 p.m. from Sunday through Wednesday and to 12:30 p.m. from Thursday through Saturday
2. The applicant has agreed to close all window facing Sullivan Street by 9:00 p.m. daily
3. The applicant has agreed to use the guest entry/exit to the space on the West Houston street side after 9:00 p.m. daily
4. The applicant has agreed to move lines, if any, to the variety store downstairs
5. The applicant has agreed to post signage in the store that request patrons to respect the surrounding neighbors

Whereas, the applicant did provide a petition in support with 116 signatures; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the renewal of the On Premise license for **Brown Stew, LLC d/b/a Miss Lilly's Variety & Melvin's Juice Bar, 168 Sullivan St 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 39 Board members in favor.

4. 267 Lafayette, LLC d/b/a Bottega Falai, 267 Lafayette St. 10012 - new Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Street between Prince and Spring Street (Block #495/lot #11), for a 750 sq. ft premise with 3 tables and 13 seats 1 counter with 4 seats and no bar and a maximum occupancy of 50; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 8:00 a.m. – 9:00 p.m., Friday and Saturday from 8:00 a.m. to 10:00 p.m.; music will be background only, there will be no scheduled performances or events with a cover charge, no outside promoters and no use of any televisions; and,

Whereas, this is **another** location within CB2 that has **never been licensed by the SLA**; and,
Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, the applicant submitted a petition with 186 signatures in support but CB#2, Man. asks that it is noted that many of these signatures are not from within the neighborhood; and,

Whereas, the applicant agreed to the following stipulations:

1. Basement space will be for storage only, no patron use.
- 2. The operators will NEVER apply for an upgrade to a full On Premise License.**
3. The hours of operation will be Sunday to Thursday from 8:00 a.m. – 9:00 p.m., Friday and Saturday from 8:00 a.m. to 10:00 p.m.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to a Beer and Wine license for **267 Lafayette, LLC d/b/a Bottega Falai, 267 Lafayette St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 7th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 39 Board members in favor.

5. Sayan Media corp. d/b/a City Grit, 38 Prince St. aka 233 Mott St. 10012 - Seasonal Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is a Chef/Owner operated “Culinary Salon” which offers food and culture events anchored by dinners that feature pre-actualized tasting menus around a particular theme or ingredient; and,

Whereas, this application is for a seasonal Beer and Wine license from April 2013 through October 2013 in a commercial building located on the corner of Prince and Mott Street (Block #494 / lot #21), for a 1,750 sq. ft premise with 9 tables with 70 seats and 1 service bar with no seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; no proper building use permits were presented in this location which was formerly a school and not permitted for eating and drinking establishments under zoning use group 6, but the applicant’s attorney stated that appropriate documentation would be presented from the NYC Department of Buildings; and,

Whereas, the hours of operation for the restaurant are Sunday to Saturday from 7:00 p.m. to 11:30 p.m.; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no outside promoters, no velvet ropes, no movable barriers and there will be no TV’s; and,

Whereas, this operation has existed for 18 months with temporary one time event SLA licenses and the attorney stated that the SLA suggested they apply for a seasonal license; and,

Whereas, the applicant uses the kitchen located in the basement for a catering business throughout the year, but has only hosted events on the first floor on a limited basis receiving one time event licenses; and

Whereas, CB#2, Man. supports this suggestion for one (1) season only and suggest that the operator find a more appropriate location for a more permanent program; and,

Whereas, the applicant submitted a petition with 20 signatures in support of this seasonal license; and,

Whereas, there were 3 community members who spoke against this application and specifically indicated that seasonal licenses in a building that has no proper certifications for this use and for which other portions are rented on an ad-hock basis for large events is against the spirit of a stable community and the public interest in NYC at large; and,

Whereas, there is concern by some members of CB#2, Man. and members of the community that the applicant does not have exclusive use of the entire premises presented because it is shared with another retail business during day time hours and that a seasonal license is really not appropriate for an interior location simply to suit the needs of the applicant who has not been able to find an appropriate long term solution for her very unique operation and that the precedent of the use of seasonal licenses in interior normal retail spaces in areas such as this is a poor precedent to set when the community seeks stable operators who want to become a part of the community; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are 7:00 p.m. to 11:30 p.m. 7 days a week
2. The location will be closed no later than midnight – meaning all patrons and staff have left the building by midnight.
3. There will be absolutely no use of the backyard or courtyard area, which was not included in this application by patrons or staff.
4. This will be the only application for a seasonal license – operator agrees not to apply again.
5. Cellar is for staff only – no patrons are to be allowed.

Whereas, CB#2, Man. recognizes that supporting good operators and recognized chefs who have innovative concepts is keeping in the spirit of our community and is willing to support this application but emphatically reiterates that this is not the norm and that CB#2, Man. will not give any benefit to any future applicants for seasonal licenses based on any position taken with this applicant and that this is not a precedent but a unique set of circumstances for this applicant only;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the seasonal Beer and Wine license for **Sayan Media corp. d/b/a City Grit, 38 Prince St. aka 233 Mott St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 9th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 39 Board members in favor.

6. La Vecindad Corp., 116 MacDougal St. – New OP

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

Whereas, this application is for a new On Premise license in a mixed-use building, located on MacDougal Street (Block #540 / lot #07), for a 1,300 sq. ft premise with 10 tables and 40 seats and 1 bar with 8 seats and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday through Saturday from 5:00 p.m. – 4:00 a.m., music will be background, DJ and live music, there will be scheduled performances and there will be outside promoters and private parties; and,

Whereas, this application is for a bar/tavern which will have a “craft cocktail lounge and mixology bar with a focus on classic and vintage style Latin cocktails, a small tapas and piqueo menu, a Latin centric spirit selection and a small but expertly curreted selection of Latin American and Spanish wines”; and,

Whereas, the BAMRA (Bleecker Area Merchants’ & Residents’ Association) previously reviewed this application and voted to deny this application stating “ this is an underground space, with a history of problems with noise from music emanating from the space and loud and unruly customers outside. The Two previous owners had live music and DJ’s, contrary to their SLA license stipulation of “background music only” and contrary to their “method of operation” and that music was the primary source of noise complaints both from residents across the street and residents from apartments above and adjacent to the establishment. The applicant stated that the DJ and live music that he proposes would be “ background” and that there would be no dancing.

No DJ or live music in this space with prior owners (even played contrary to stipulations) has been background and was a regular disturbance and dancing was a regular activity”; and,

Whereas, BAMRA also points out that approving a license that allows Live Music at the very location that has not allowed it before would only make matters worse; and,

Whereas, the applicant submitted a petition with 20 signatures in support but CB#2, Man. asks that it is noted that the petition does not state hours of operation which are until 4 a.m. every day in this highly residential neighborhood; and,

Whereas, the proposed operation which the applicant has not been able to describe thoroughly is located in a long and narrow space with minimal street frontage and a narrow sidewalk which is often blocked by garbage in the evenings making it even narrower for the surrounding residential and commercial

establishments and the establishment is located in a below ground location; as a consequence, there is minimal space for signage to attract customers, any music inside the establishment must be amplified throughout the establishment due to the long and narrow configuration, the manner in which the applicant states that “live music” would be incorporated into the establishment is difficult to imagine without amplification and there is cause for significant concern that even though the live music may be unamplified there will be brass instruments and percussion instruments which by their very nature are loud and in order to be heard throughout the establishment, the music would have to be played above levels at what other locations might be somewhat acceptable if they were non-tenement sound-proofed locations; and

Whereas, this is a tenement building with limited or no existing soundproofing according to the current applicants and according to previous licensees was fully soundproofed, but there have over the years been repeated complaints of loud music emanating from the premises in all directions, it may be considered that part of the issue is that tenement buildings are notoriously difficult to sound proof if even possible with vast resources, but it is inherently irresponsible allow live music, dj’s and dancing in these types of buildings despite what any sound engineer might state given the repeated complaints in similar buildings throughout CB#2, Man. and despite what this applicant states that they may be able to accomplish in the space because the risk to the community is even more quality of life concerns in an already overburdened area, particularly this block of MacDougal St; the applicants plan to install a sound lock vestibule which only allows one door to be open at a time before allowing the other door to open seems impractical at best in this particular location as there is no space for patrons to waiting to enter or exit except on the sidewalk which is already overburdened; and,

Whereas, the applicant was unable to produce any business model or plans or track record to indicate how they will attract premium clients to an upscale mixology bar with no street frontage and located in a basement on a street known for different types of establishments, other than saying they have a following, even though this area that is better known for happy hour specials and inexpensive drinks on a block that as the evenings progress become teeming with young revelers already blocking sidewalks and creating commotions which this higher end clientele would have to wade through for some distance, which most of the target clientele seemingly try to avoid at all costs, and while there are a few similar higher end drink mixology establishments in the extended area, they do not utilize live dj’s, live music, promoted events and private parties and are for the most part on the periphery of the immediate Greenwich Village area where their customers are generally more comfortable in avoiding the chaos that exists on MacDougal St. because that atmosphere does not complement high end mixology establishments and those that enjoy those types of establishments; and,

Whereas, there is concern that the idea of having outside promoted events, scheduled performances and private parties will create an even more chaotic situation as there is virtually no sidewalk space in front of this establishment and there is no way to properly handle the influx and outflow of patrons who typically come and go together for these types of events, and who enter and exit to smoke in large groups, should any lines form, the area will be impassible; additionally, there is a history at this location of having private parties that go on late until the early hours at this location on Sunday, Monday and Tuesday nights which are to some extent the only times this particular community can escape the significant influx of people into this neighborhood and these types of events regularly result in large numbers of people exiting the establishment at 4 am causing disturbances to the residential community through the quality of life issues they cause;

Whereas, the applicant was unable to produce any indication on how they might lessen the impact of vehicular traffic in this area; the lane in front of their establishment is a bike lane in which no stopping or standing is allowed and already the 6th Precinct is unable to keep the bike lane clear on the East side of the street or the no parking lane on the West side of the street clear which creates pandemonium and a

cacophony of car horns and yelling on regular basis as the streets become clogged with vehicular traffic and in particular for hire and taxi services that patrons of higher end establishments regularly utilize and the long stretch vehicles that are utilized by others; and,

Whereas, this location was most recently used contrary to the approved “method of operation” as a private part venue only open on select days of the week and was not routinely kept open; and,

Whereas, while the applicant has shifted their presentation and method of operation to suit the questions of the neighborhood organizations and CB#2, Man., it is still a concept that is primarily based solely around dj’s and live music as a bar tavern concept, which they then said were not really dj’s and that the music would be background only, but in CB2’s experience we know of no establishments that have dj music at what CB#2, Man. considers quiet background levels and CB#2, Man. knows of no venues that have live music at what CB#2, Man. considers quiet background levels, and there are simply no establishments in the immediate area where this is the case and there is absolutely no public benefit in allowing a use which has never been allowed and which in fact was conducted contrary to previous approved method’s of operations for previous licensees and that these uses in this location have caused many ongoing and longstanding issues and quality of life concerns; and

Whereas, until pressed by CB#2, Man. and the local neighborhood association, the applicant emphatically stated that they would not have security because it wasn’t that type of establishment which CB#2, Man. feels that it shows a lack of research into this community as there are no businesses which serve alcohol that do not have licensed and bonded security on this block that are open at even remotely later hours due to the history of issues related to late night revelry in the area whether or not they are related to any one establishment and this alone seems to indicate a lack of experience in running a bar business; and,

Whereas, the last liquor license at this location expired on February 28, 2013 and was not renewed by the Liquor Authority; and,

Whereas, there are over 37 full on-premise liquor licenses located within 500 feet, not including several that are operating under SAPA which are not included within the Liquor Authority Lamp system yet which remain open for business, including a location across the street, and there additionally are probably close to 20 beer and wine licenses if not more within 500 feet; and,

Whereas, CB#2, Man. respectfully requests that a 500 ft. rule hearing be conducted; and,

Whereas, CB#2, Man. has significant concerns regarding this application and at the request of members of the community **requests that the matter be placed before the Commissioners of the New York State Liquor Authority for consideration at a regularly scheduled Full Board Meeting** to consider the objections presented by members of the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to a new On Premise liquor license for **La Vecindad Corp., 116 MacDougal St, 10012.**

Vote: Unanimous, with 39 Board members in favor.

7. West Houston MacDougal LLC d/b/a Bar Veloce, 146 W. Houston St. 10012 – upgrade to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a the upgrade from a Beer and Wine (#804445) to an On Premise license in a **RESIDENTIAL** building, located on the corner of Houston and MacDougal Street, for a 700 sq. ft.

premise with 5 tables and 20 seats and 1 bar with 17 seats and an outside COUNTER with 5 seats that stands within the property line and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday through Saturday from 5:00 p.m. – 3:00 a.m., music will be background only, there will not be outside promoters and private parties; and,

Whereas, the BAMRA (Bleecker Area Merchants' & Residents' Association) previously reviewed this application and voted to deny unless the applicant agreed to stipulations which were written up and given to CB#2, Man. **WITHOUT** the applicants signature; and,

Whereas, BAMRA had requested that the operator close his outside space at 11:00 p.m. and reduce the closing hours of operation earlier in the week in which the operator would not agree with while operating in a RESIDENTIAL building; and,

Whereas, members of CB#2, Man. have personally witnessed the illegal use of this outdoor counter space by having patrons drinking while standing on the public sidewalk on the outside of this outdoor counter; and

Whereas, the applicant submitted a petition with 34 signatures in support but CB#2, Man. asks that it is noted that the petition does not state hours of operation which are until 3 a.m. every night in this highly residential neighborhood and building; and,

Whereas, the applicant did sign a stipulation agreement with CB#2, Man. which is as follows:

1. To close the outdoor counter space by 11:00 pm 7 days a week

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the upgrade of the Beer and Wine license to a full On Premise license for **West Houston MacDougal LLC d/b/a Bar Veloce, 146 W. Houston St. 10012** 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 39 Board members in favor.

8. HSP Partners, LLC d/b/a The Cleveland Restaurant, 25 Cleveland Pl. 10012 – upgrade to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade from the Beer and Wine license (#1266269) to a full On Premise license in a mixed-use building located on Cleveland Place between Spring and Kenmare Street (Block #481/lot #21), for a 800 sq. ft interior and 1,300 sq. ft. in the exterior backyard with 23 tables with 70 seats and no bar; the maximum occupancy is 74 people, there will be no sidewalk café; and

Whereas, the hours of operation for the restaurant are Sunday and Monday from 9:00 a.m. to 10:00 p.m. and Tuesday through Thursday from 9:00 a.m. to 12:00 a.m. and Friday and Saturday from 9:00 a.m. to 1:00 a.m. and the backyard closing hours will be Sunday to Wednesday at 10:00 p.m. and Thursday to Saturday to 11:00 p.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no outside promoters, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, this applicant has been operating with a restaurant wine license for less than 6 months; and,

Whereas, this operator agreed to stipulations with CB#2, Man. back in June of 2012 which included midnight closing hours 7 days a week which is not the same as reported on this application; and,

Whereas, according to community members who came to speak at this hearing, the operator originally stated at the time of their original restaurant wine application that they did not need a full On Premise license and only wanted a Beer and Wine license even though the previous operators did have a full OP that was *revoked* by the Liquor Authority; and,

Whereas, there is still no document provided that specifically states that the use of the backyard is legal which was a requirement placed in the stipulations in June 2012, the only documentation provided, a letter of no objection refers to the interior of the premises and does not include the rear yard which has no alternate means of egress; and,

Whereas, when asked what benefit to the community would this serve the applicant just stated that it was their right to request this upgrade; and,

Whereas, the applicant submitted a petition with 200 signatures in support of a full OP license; and,

Whereas, there were 3 community members who spoke against this application; and,

Whereas, it was clear to CB#2, Man. that the main concerns with this operation where the rear yard use which have been only operated on a limited basis and for which there is no track record of responsible management and no public benefit was stated as a reason for requesting an upgrade and the previous on-premise liquor license was revoked by the liquor authority;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the upgrade from the Beer and Wine license (#1266269) to a full On Premise license for **HSP Partners, LLC d/b/a The Cleveland Restaurant, 25 Cleveland Pl.**

Vote: Unanimous, with 39 Board members in favor.

9. LLC to be formed by David Finnegan d/b/a R Bar, 218-220 Bowery 10012 – transfer of OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of the OP license (#1119873) in a mixed-use building, located on Bowery between Prince and Spring Street (Block #492 / lot #25), for a 3,000 sq. ft. premise with 8 tables and 69 seats and 2 bars with 27 seats and a maximum occupancy of 152; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 6:00 p.m. – 4:00 a.m., Friday and Saturday from 8:00 p.m. to 4:00 a.m.; music will be amplified, there will be no scheduled performances or events with a cover charge, no outside promoters; and,

Whereas, the operator states there will be no change in the method of operation and will continue to follow what is currently on file with the SLA; and,

Whereas, the operator submitted a petition in support with 23 signatures; and,

Whereas, a community member representing a local neighborhood association stated support for this transfer and there was no one in opposition;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the transfer of the OP license for **LLC to be formed by David Finnegan d/b/a R Bar, 218-220 Bowery 10012** **unless** those conditions and agreed to by the applicant relating to 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 39 Board members in favor.

10. Victor Sigoura/Brian Crawford d/b/a 100 Montaditos/100 EM Franchisee LLC, 176 Bleecker St. 10012 – transfer of Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of the Beer and Wine license (#1154756) originally Garden Pizza, Inc.; in a mixed-use building, located on Bleecker between MacDougal and Sullivan Street (Block #526/lot #61), for a 2,500 sq. ft. premise including backyard with 15 tables and 50 seats and 1 bar with 4 seats inside and 8 tables and 20 seats in the backyard and a maximum occupancy of 74; there is no sidewalk café; and,

Whereas, the hours of operation for the interior will be Sunday to Thursday from 11:00 a.m. – 2:00 a.m., Friday and Saturday from 11:00 a.m. to 4:00 a.m. and the backyard will be Sunday to Saturday from 11:00 a.m. to 11:00 p.m.; music will be background only in the interior restaurant, there will be no scheduled performances or events with a cover charge, no outside promoters; and,

Whereas, the operator states that the only changes will be a change in the menu and some cosmetic interior work and better soundproofing but that the method of operation will continue to follow what is currently on file with the SLA; and,

Whereas, there will be plans in the future to add an addition to the back of the building which will decrease some of the outdoor garden space pending the Department of Buildings approval; and,

Whereas, the following stipulations were established with BAMRA (Bleecker Area Merchants’ and Residents’ Association) and the applicant signed a stipulations agreement with CB#2, Man. stating that they would agreed that the same stipulations would be attached and incorporated in to their method of operation on their SLA license which are as follows:

1. **Hours of Operation:** The Establishment shall operate from **11:00 AM to 2:00 AM Mondays through Thursdays** and from **11:00 AM to 4:00 AM Saturday and Sunday**. **Garden hours are to be from 11:00 a.m. to 11:00 p.m. 7 days a week.**
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents. *Currently, no permit or certificate of occupancy exists for the backyard garden, the noise from which caused by the illegal use of the garden by the previous operator, was a disturbance for the residents of the MacDougal/Sullivan street gardens. Operator stipulates that he will not operate in the backyard unless and until use of the garden is permitted by the DOB in writing and any landmark issues are resolved. If backyard use is eventually permitted, Operator will use sound attenuation measures, like a canopy if legal, to keep backyard noise from disturbing surrounding residents.*

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 played without sound.
7. **Sidewalk Cafe:** The Operators waive the right to apply for a sidewalk café license.
8. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible.
9. **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.
10. **Windows & Doors:** Operator will not install French doors, nor change the windows to open to the street. All doors and windows are to remain closed at all times, including those that open to the backyard garden.
11. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by SLA regulations.
12. **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.
13. **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.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the transfer of the Beer and Wine license for **Victor Sigoura/Brian Crawford d/b/a 100 Montaditos/100 EM Franchisee LLC, 176 Bleecker St. 10012** unless those conditions and 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 39 Board members in favor.

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

11. ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 Bleecker St. 10012

Whereas, after this month's CB2 SLA Licensing Committee meeting o May 14th, 2013, the applicant realized that the application was completed incorrectly and requested a layover to the following month; and

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed Corporate Change for **ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 Bleecker St. 10012** until the applicant has presented their application in front of CB2, Man.'s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

12. Doozo Restaurant, Inc., 216 Thompson St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 14th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed Corporate Change for **Doozo Restaurant, Inc., 216 Thompson 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 39 Board members in favor.

13. James Hudolfston or Entity to be formed, 173 Mott St. 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 14th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed On Premise license for **James Hudolfston or Entity to be formed, 173 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

14. Lobster Smack, LLC, 90 W. Houston St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 14th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license for **Lobster Smack, LLC, 90 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 39 Board members in favor.

15. RV Partners, 190 Bleecker St. 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on May 14th, 2013, the committee requested that the applicant layover the application from consideration and do further community outreach to which the applicant agreed; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine for **RV Partners, 190 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 39 Board members in favor.

16. Manhattan Maharaja, TBD, 138 W. Houston St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 14th, 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 On Premise license to **Manhattan Maharaja, TBD, 138 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 39 Board members in favor.

17. Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013

Whereas, at this months CB2 SLA Licensing Committee meeting on May 14th, 2013, the attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

18. Ryan Chadwick d/b/a Norman's Group, LLC, 173 Mott St.

Whereas, after this month's CB2 SLA Licensing Committee meeting on May 14th, 2013 at which CB2's SLA Licensing Committee recommended unanimously to the full board of CB2 that the application be denied, the applicant contacted the CB2 district office and requested that the application be withdrawn from consideration;

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed On Premise license for **Ryan Chadwick d/b/a Norman's Group, LLC, 173 Mott St. or any other license 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 39 Board members in favor.

19. Fosea LLC, Ella Hospitality, LLC d/b/a TBD, 264 Elizabeth St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 14th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed On Premise license for **Fosea LLC, Ella Hospitality, LLC d/b/a TBD, 264 Elizabeth 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 39 Board members in favor.

20. Lucky 13 Associates, LLC, d/b/a Catch, 21-27 Ninth Avenue (at West 13th), 10014 (SN# 1254224 OP Alteration to add outdoor space)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a commercial building on the corner of Ninth Avenue and West 13th Streets for 12,000 s.f. Seafood restaurant d/b/a Catch with 293 table seats and 3 bars with 39 bar seats with a maximum legal capacity of 332 persons; **to add 40 table seats and 14-16 tables in an outdoor dining terrace, and possibly converting the 4th Floor into a Sushi driven establishment although complete information was not provided;** and

Whereas, the applicant stated the current hours of operation for the 4th Floor only are seven days a week from 5:00 p.m. to 4:00 a.m.; there is no sidewalk café and no backyard garden; music is DJ and IPod/CDs at background levels only beginning after the outdoor space is closed; the proposed closing for the outdoor dining terrace is 11:00 p.m. Sunday to Wednesday and 12:00 a.m. from Thursday to Saturday with no music and the terrace “dark” at closing time; and,

Whereas, the applicant has been operating for over 20 months without any known issues; and,

Whereas, the applicant was previously initially approved for this operation by this Community Board in December 2010 by a controversial vote of 21 to 18 for this previously unlicensed space while agreeing to over 15 stipulations including #5 which eliminated use of the outdoor terrace which was very controversial at the time of the original application and remains controversial today and much of the original support for the original application came from those who were satisfied that the stipulations created an establishment in the public interest specifically because no outdoor space would be utilized; All stipulations have been satisfied by the applicants since operating this establishment; and

Whereas, the applicant had agreed as one of the original stipulations, #5, that “there will be no service whatsoever to the outdoor space/terrace on the 4th floor. The applicant has agreed to eliminate the proposed 4th floor terrace from the proposed establishment”; and,

Whereas, it was pointed out that the exchange of approving the original license which added a new establishment in a previously unlicensed location on the upper floors of a building and the impacts of the size of this operation on the area, (in fact one of the largest establishments in the Meat Packing District), was passed narrowly precisely because of the elimination of the outdoor area which to many CB2 members and block association members was thought to be permanent, but which the licensees seems to believe was only temporary; and,

Whereas, the outdoor terrace area only exists because of the unique form of Landmark regulations in the meatpacking district which requires setbacks for visual sight lines from the street level if additional stories are added to existing buildings as they were in this case and the intention was not to add usable outdoor space for eating and drinking establishment use and while that use may be permitted, the intention of the setbacks was strictly for landmarking purposes; and,

Whereas, the applicant presented a substantively similar application to add the outdoor terrace space to CB2 in May of 2012, a resolution which was submitted to the SLA recommending denial with 31 votes in favor and 12 in opposition but which the applicant chose not to pursue with the Liquor Authority; and,

Whereas, prior to the May 2012 application, the applicant had reached out to members of the community including walking them through the proposed outdoor space; and,

Whereas, at the time, several members of the community voiced strong concerns with the proposed outdoor dining terrace; citing concerns that it would create the wrong precedent with outdoor spaces in a saturated neighborhood with required landmark setbacks that were never intended for outdoor eating and drinking use; stating that the applicant was supported by the Community Board including a very close vote with the understanding that the outdoor space would not be used and the impact of this new large restaurant in an area that already suffers from significant quality of life issues and the resulting impact on the surrounding residential community; and,

Whereas, the applicant had hired a professional, licensed Acoustician to run sound tests emanating from the proposed 4th Floor outdoor dining terrace; the study/test (with loudspeaker to reproduce 50 patrons) indicated that the noise could not be heard on the street while complying with NYC Noise Code standards, but tests were not conducted in residential units that are within direct line of sight on elevated floors which is one of the primary sources of concern; and,

Whereas, this application in May 2013 did not include what appeared to be a final floor plan and no additional outreach to the community was conducted as the licensee felt that those who were interested in the neighborhood had had ample time over the course of the last application to view and discuss the space and they indicated that they would proceed to the Liquor Authority with this application; and,

Whereas, the applicant agreed to execute an additional stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The original stipulations will remain in effect.
2. The hours of operation for the outdoor terrace will be Sunday to Wednesday closing at 11 pm and Thursday to Saturday closing at 12 a.m. At closing, the terrace would be dark and all activities will have ended.
3. The licensee will only use the door on the North side of the establishment located to the West of the Standup bar on the upper floor for all non-emergency ingress and egress to the terrace area. The other doors on the eastern side of the building will remain closed at all times.
4. The licensee will erect on the North Side entrance to the terrace a sound vestibule arrangement for the doors so that noise does not escape the establishment from the interior to the exterior.
5. The outdoor area will be for dining only; Only a dining configuration for seating will be utilized in the outdoor area i.e. regular height two and four top tables, there will be no lounge configuration or use of lounge style furniture such as couches or banquette style seating or seats not conducive to sitting at a table for dining purposes.
6. The licensee will not have more than 14-16 tables or 40 seats in the outdoor terrace area.
7. There will not be music outside on the terrace.
8. There will be no speakers in the outdoor terrace.
9. There will be no stand up or service bars in the outdoor terrace.

Whereas, in May 2013, 17 letters in opposition were received and one speaker spoke in opposition; and

Whereas, in May 2012, over 12 persons appeared to support the applicant including a few staff members and 3 appeared to oppose the application, over 8 individual emails were received in support and over 40 individual emails were received in opposition;

Whereas, CB#2, Man. feels that the original stipulation eliminating rooftop dining in exchange for the support of CB#2, Man. for the original license for what is one of the largest venues in the meatpacking district in a previously unlicensed space still stands today despite the operators history of no complaints and the impact of adding new outdoor seating on upper floors of this size within direct line of sight of

residential units which has never existed before has the potential to significantly impact quality of life even beyond the impact of adding this licensed premise to the neighborhood despite the significant number of large multi-license venues in the area and other licensed premises and furthermore that adding this space goes against what was agreed to at the time of the original application and even though sound tests were conducted at street level, none were conducted in the many buildings which have residential units with direct line of sight unobstructed views to the outdoor terrace and who are already affected directly by noise from this area; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to the alteration of an On Premise license for **Lucky 13 Associates, LLC, d/b/a Catch, 21-27 Ninth Avenue**.

Vote: Unanimous, with 39 Board members in favor.

21. ViGu Inc., 628 Hudson Street, 10014 (new RW, previously unlicensed)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing Committee to present an application to the Liquor Authority for a new restaurant wine license for a “Casual Family/café style coffee and sandwich” shop; and

Whereas, this application is for a previously unlicensed for retail consumption location in a mixed use building located on Hudson Street between Horatio Street and Jane Street for a roughly 1,359 sq. ft premise on two floors with 459 sq ft. on the ground floor and 900 sq. ft. in the basement with accessory use in the basement including customer bathrooms and convection ovens and there will be 11 tables and 22 seats and 1 bar with 5 seats on the ground floor, there will only be 1 standup bar on the ground floor, for a grand total of 27 seats, there is no sidewalk café included with this application but one may be applied for in the future, and no other outdoor areas for patrons, there is no certificate of occupancy for the building and no “letter of no objection” was provided showing eating and drinking use on the ground floor or use of the basement for bathrooms and convection ovens which have not existed prior; and

Whereas, the hours of operation will be Sunday to Thursday from 7 a.m. to 10 p.m. and Friday to Saturday from 7 am to 11 pm, 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 are no operable French doors, 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, for illustration there are 26 licensed premises with 500 ft. and 2 additional licenses pending including one next door; and

Whereas, the applicant presented a petition with 86 residential signatures in support, many of which were not from the immediate surrounding buildings, and

Whereas, 14 emails in opposition were received from immediate residential neighbors and several speakers spoke against the applicant; and

Whereas, the main concerns of those in opposition were that this establishment has **no kitchen** but yet says they will be a café serving a menu with “restaurant” wine license and instead will use only simple implements to prepare the most basic of food using Panini presses and convection ovens which do not seem to match the presentation of the method of operation, that there is concern that the applicant’s other licensed premises just two doors away will be used for the preparation of food at this establishment effectively creating an extension of an existing business which the applicant had mentioned to several

members of the community, there is significant concern that yet another non eating and drinking location that formerly served the community is being taken over with a poorly conceived business model for eating and drinking use which will most likely never revert should this business fail, that there are simply too many licensed premises in the area both full op and beer/wine, that the applicants have a hostile relationship with neighbors with their other venue two doors away and with other businesses and have threatened some and not kept to their word thereby creating a significant distrust with members of the local community that the principals will not operate in the manner they state, that their current establishment two doors away and outdoor sidewalk café are run poorly and contribute to lower quality of life in the neighborhood through noise and unruly patrons; and

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as a “coffee shop/Café/sandwich shop”.
2. The hour of operation will be Sunday to Thursday from 7 a.m. to 10 p.m. and Friday to Saturday from 7 am to 11 pm.
3. All doors and windows will be closed at all times and specifically will not be propped open .
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock.
6. **The Licensee agrees to never apply for an on-premise liquor license or to upgrade this license to full liquor at this location.**
7. Licensee agrees that there will be patron use of basement.
8. Licensee agrees that there will be no kitchen in basement, but there will be a bathroom.

Whereas, CB#2 Man. has significant concerns regarding this application and at the request of members of the community **requests that the matter be placed before the Commissioners of the New York State Liquor Authority for consideration at a regularly scheduled Full Board Meeting** to consider the objections presented by members of the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **ViGu Inc., 628 Hudson Street, 10014.**

Vote: Unanimous, with 39 Board members in favor.

22. Even Plate Corp. 82 Christopher St. 10014 (new RW)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for an “Café with focus on Northern European cuisine”; and,

Whereas, this application is for a previously unlicensed location in a mixed use building located on Christopher Street between 7th Ave and Bleecker St. for a roughly 1,200 sq. ft premise on one floor with accessory use in the basement with 8 tables and 16 seats in the interior and 5 counter seats, for a grand total of 21 seats, there will be one service bar only, there is no sidewalk café and no outdoor areas for patrons, the Certificate of Occupancy indicates there is a maximum allowable occupancy of 27; and

Whereas, the hours of operation will be 11 a.m. to 12 a.m. (midnight) 7 days a week, 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 are no operable French doors, 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 with 14 residential signatures in support, none of which were from the building, and,

Whereas, the connection between the accessory area in the basement is via an outdoor entrance in the rear and the applicant said she would take all steps to minimize noise to residential tenants including not allowing employees to loiter or smoke outside, that a door dampening system would be installed to minimize sounds from closing doors and should any problems arise, she would address them immediately; and

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as Café with Northern European Cuisine operating as a full service restaurant only.
2. The hour of operation will be 11 a.m. to 12 a.m. (midnight) 7 days a week.
3. All front and rear doors and windows will be closed at all times and specifically will not be propped open.
4. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock.
6. Licensee will install door dampening system on rear doors (non-slamming door)
7. Licensee will not allow employees loitering or smoking in rear outdoor service area.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of a new restaurant wine license for **Even Plate Corp. 82 Christopher 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 6th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

23. Indie Fork Hospitality, 170 Mercer St. 10012 (New OP – prev licensed location – not transfer)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license (not a transfer) application for a "a Japanese Sushi and Izakaya restaurant"; and,

Whereas, this application is for a previously licensed location in a mixed use building located on Mercer St. between Prince St. and Houston St. for a roughly 1,929 sq. ft premise on the 2nd floor with 15 tables and 58 seats and 1 bar with 17 seats for a grand total of 75 seats, there will be one stand-up bar only and one sushi bar, there is no sidewalk café included in this application, there is no rear yard and no other outdoor areas for patrons, the Certificate of Occupancy indicates there is a maximum allowable occupancy of 152 persons and any use of occupancy above 74 persons will require a place of assembly permit; and,

Whereas, the hours of operation will be Sunday to Wednesday from 11 a.m. to 12 a.m., Thursday-Saturday from 11 a.m. to 2 a.m., music will be quiet background only from a very basic sound system 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 maybe private dining 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 with 167 signatures in support, there were 4 speakers in support and 8 letters in support and the applicant spoke with the local neighborhood association, and,

Whereas, the principal is also a principal in 4 other licensed premises in New York City; and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as a full service restaurant only, a Japanese Sushi and Izakaya restaurant.
2. The hour of operation will be will be Sunday to Wednesday from 11 a.m. to 12 a.m., Thursday-Saturday from 11 a.m. to 2 a.m.
3. All doors and windows will be closed at all times.
4. There will be no French doors or French windows.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. Music will be quiet background only from an ipod dock.
7. Sound curtains will be installed on all windows and soundproofing ceiling tiles will be installed.
8. If there is an issue with traffic and patron drop-offs, it will be addressed immediately
9. There will be no sidewalk café.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new on-premise liquor license for **Indie Fork Hospitality, 170 Mercer St. 10012**. 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 On Premise license.

Vote: Unanimous, with 39 Board members in favor.

24. Step Forward Restaurant, LLC d/b/a Piora, 430 Hudson St. (New OP via transfer)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license via “transfer” application for a “modern American Restaurant with French, Italian and Korean influences”; and,

Whereas, this application is for a previously licensed location in a mixed use building located on Hudson St. between Leroy St. and Morton St. for a roughly 1,400 sq. ft premise on the ground floor with accessory basement use for staff only with 19 tables and 47 seats and 1 bar with 10 seats for a grand total of 57 seats, there will be one stand-up bar only, there is a sidewalk café included in this application which consists of 5 additional tables and 10 additional seats, there is no rear yard and no other outdoor areas for patrons, the Certificate of Occupancy indicates there is a maximum allowable occupancy of 74; and,

Whereas, the hours of operation will be Sunday from 12 p.m. to 12 a.m., Mon-Wednesday from 11 a.m. to 12 a.m. and Thursday to Saturday from 11 a.m. to 2 a.m., music will be quiet background only from a very basic sound system 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 maybe private dining 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 with 13 signatures in support and the landlord lives in the building, and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as a full service restaurant only, a modern American restaurant with French, Italian and Korean influences.
2. The hour of operation will be will be Sunday from 12 p.m. to 12 a.m., Mon-Wednesday from 11 a.m. to 12 a.m. and Thursday to Saturday from 11 a.m. to 2 a.m.
3. All doors and windows will be closed at all times.
4. There will be no French doors or French windows.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. Music will be quiet background only from an ipod dock.
7. The kitchen will be open at all times the premises is operating and a full menu will be served at all times (i.e. no simplified late night dining menu)

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new on-premise liquor license for **Step Forward Restaurant, LLC d/b/a Piora, 430 Hudson St.** 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 On Premise license.

Vote: Unanimous, with 39 Board members in favor.

25. Augusto Cardona or Entity to be formed, TBD, 84 7th Ave. South, 10014 (new OP – prev lic)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for a “full service restaurant serving elevated Tex-Mex cuisine” that “will serve breakfast, lunch and dinner and also offer takeout and delivery,” “there will be an extensive selection of artisan tequilas and mescals offered at the bar as well as a list of proprietary cocktails and non alcoholic beverages [;] the atmosphere will be similar to restaurants we own and operate in the West Village which is a fun, upbeat and warm welcoming atmosphere with a hint of West Village sophistications”; and,

Whereas, this application is for a previously licensed location in a mixed use building located on 7th Avenue South between Grove St. and Barrow St. for a roughly 1,700 sq. ft premise on two floors with 1,200 sq. ft. on the ground floor which includes 250 sq ft. in an enclosed sidewalk café and 700 sq ft in the basement for accessory use storage use with 22 tables and 46 seats (of which 10 tables and 20 seats are in the enclosed sidewalk café) and 1 bar with 3 seats for a grand total of 46 seats, there will be one stand-up bar only, there is only an enclosed sidewalk café and no other outdoor areas for patrons, the Certificate of Occupancy indicates there is a maximum allowable occupancy of 49; and,

Whereas, the hours of operation will be 7 a.m. to 2 a.m. 7 days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), a Sonos system with four speakers with music from an ipod will be used in the premises, there are operable sliding glass doors around the enclosed sidewalk café which will be closed by 10 p.m. every night, there is a plan in place that should patrons waiting be seated congregate, the operator will take their

cell phone numbers and contact them when their table is ready, 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 with 103 signatures in support although it was unclear where many of the signatories resided and several letters of support, and,

Whereas, many of the principals are also principals in 4 other licensed establishments located within CB#2, Man. with no complaints that we are aware of; and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as an “elevated Tex-Mex” full service restaurant only.
2. The hour of operation will be 7 a.m. to 2 a.m. 7 days a week.
3. All windows will be closed at 10 p.m. without exception.
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock.
6. There will be no speakers in the enclosed sidewalk café.
7. Licensee will not have any outdoor benches.
8. The rear door will remain closed at all times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Augusto Cardona or Entity to be formed, TBD, 84 7th Ave. South, 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 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

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

26. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (Corporate Change Application & Alteration Application – Serial # 1266901)

Whereas, at this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant requested to **layover** this application for a Corporate Change Application and an Alteration Application because they were not prepared to make a presentation to CB2 and they will resubmit the application(s) for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **45 Bond Street, LLC d/b/a Circolo, 45 Bond 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 38 Board members in favor.

27. Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 10012 (Layover – New OP)

Whereas, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on May 16th, 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;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 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 39 Board members in favor.

28. Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square, 10014 (Layover – New OP)

Whereas, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on May 16th, 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;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square, 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 39 Board members in favor.

29. Sushi Nakazawa, LLC, 23 Commerce St. 10014 (Layover - New RW)

Whereas, at this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant requested to layover this application for a new on premise liquor license which they said would now be a new application for a Restaurant Wine license because they were not prepared to make a presentation to CB2 and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Sushi Nakazawa, LLC, 23 Commerce 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 39 Board members in favor.

30. Can Carlos NYC LLC, 5 Bleecker St. 10012 (Layover – New RW)

Whereas, prior to this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant’s representative requested to change the 30 day notification from a new on-premise liquor license to a restaurant wine application and to **layover** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Can Carlos NYC LLC, 5 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 39 Board members in favor.

31. 199 Prince Chod, LLC, TBD 199 Prince St. 10012 (“Transfer” Application)

Whereas, at this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant requested to **layover** this application for a New on Premise Liquor License via a “transfer” in order to perform additional community outreach to the local community organization whom they had not contacted, to determine whether or not outdoor space on a raised concrete platform in front of the premises where they wish to place seating was within the property lines or on the public sidewalk, to provided an updated seating plan reflecting information presented in CB2’s SLA Questionnaire and on their application to the Liquor Authority, and to review whether they would accept stipulations on the previous two licensees which specifically included an agreement that two of the three exterior front doors would be closed at all times and they will resubmit the application(s) for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **199 Prince Chod, LLC, TBD 199 Prince St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

32. Entity in which Brian Shehairo is Principal d/b/a Crif Dogs, Corner of Houston & Elizabeth Sts., 10012-(via truck & Portable Bathrooms-Empty lot) (New License)

Whereas, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant's representative requested to **withdraw** this application for a new on premise liquor license or beer and wine seasonal license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Entity in which Brian Shehairo is Principal d/b/a Crif Dogs, Corner of Houston & Elizabeth Sts., 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 39 Board members in favor.

33. Adam Rosatti on behalf of entity d/b/a Burgerfi, 704 Broadway (new rw)

Whereas, at this months CB#2, Man.'s SLA Licensing Committee Meeting #2 on May 16th, 2013, the applicant agreed to **layover** this application for what is now a new restaurant wine license in a previously unlicensed location but which they originally notified CB2 was a new on Premise Liquor License in order to complete a new CB2 SLA Questionnaire with proper details outlining their application to the SLA and to indicate that this application is now for a restaurant wine license and not an on-premise license; additionally the applicant and the building co-op board in which they are located needed additional time to finalize an agreement for which the details and language were not complete at the time of this hearing and the applicant will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Adam Rosatti on behalf of entity 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 39 Board members in favor.

SOCIAL SERVICES AND EDUCATION

Resolution re 75 Morton Street Approved by Social Services and Education Committee, CB2, 5/21/13

Whereas, our public schools in Community Board 2 (CB 2) and neighboring communities to the north and south are overcrowded, with particularly large cohorts now in grades K-3, and

Whereas, there are no public middle schools in CB 2, and only a few small middle schools on the west side of Community School District 2, and

Whereas, charter schools, especially when they are co-located, undercut public education, and the Community Education Council of District 2 (CECD2) and many local parents oppose them, and

Whereas, the brain maturation of young adolescents allows a deeper mastery of science, literature, second language fluency, and intellectual collaboration, and

Whereas, the creative spirit of middle school children allows them to explore the arts, including music, drama, media, as well as the visual arts, and

Whereas, pubescent children need exercise and health care in a safe setting to prevent eating disorders, obesity, drug use, and high risk sexual activity, and

Whereas, many local institutions, including The Whitney Museum of American Art, The Children's Museum of the Arts, Google and others have expressed a desire to enrich the program at 75 Morton, and

Whereas, the community also needs a small District 75 school for 4th-8th grade children who are diagnosed with Autistic Spectrum Disorders (ASD), and

Whereas, hundreds of parents, educators, political leaders, community groups, and others have secured the building at 75 Morton Street as a public, non-charter school, and wholeheartedly support opening a new middle school in September 2015, and

Whereas, the 75 Morton Envisioning Group was formed in January 2013 to develop community consensus and includes parents, educators and administrators from elementary school communities from the west side of Community School District 2 above Canal Street, west to Chinatown, north to 59th Street, and

Whereas, the community has reached consensus regarding grade configuration, building design principles, District 75 programming and a community school model, and

Whereas, enthusiasm for a middle school at 75 Morton includes CB 1, 4, and 5 and

Whereas, the Department of Education and the School Construction Authority continue to welcome community advice regarding the design and program for 75 Morton;

Therefore be it resolved that 75 Morton be renovated to support one mid-size (600-700 students) public middle school and a small (70-100 students) District 75 school for children with ASD, and

Be it further resolved that, in addition to classrooms, 75 Morton should have enlarged windows, improved natural light, and ample space for a full range of school activities, including: a full gymnasium; a half gymnasium/dance/fitness room; a swimming pool; an outdoor play area; a large cafeteria that can seat half of the student body at once; an auditorium with a stage; laboratories for science, technology and language; media, music and sound rooms; a green roof with gardening; a library; resource rooms and workspaces with alcoves; partitioned areas and small rooms for students to work together; and a health clinic with private spaces for treatment and advice regarding sex, drugs, growth, and nutrition; and

Be it further resolved that, the District 75 school include two state-of-the-art sensory gyms, private therapy rooms, its own entrance to the building, and adequate shared facilities with the public middle school to ensure separate scheduling for District 75 students, and

Be it further resolved that the collaboration between the Envisioning Group, CB2, CECD2, SCA, and the DOE continue with consultation and input from everyone as the design and program are refined through a Fall 2015 opening.

Vote: Unanimous, with 39 Board members in favor.

NEW BUSINESS

A RESOLUTION in support of NY State Senate Bill S3077 and NY State Assembly Bill A6073, that propose to amend the ABC Law to require the SLA to make available on its automated public website and database, information pertaining to all operating terms and conditions.

Whereas, the New York State Senate Investigations and Government Operations Committee and New York State Assembly Economic Development Committee have before them, a proposed bill, S3077/A6073, sponsored by New York State Senator Brad Hoylman and New York State Assemblymember Deborah Glick, titled, “An act to amend the alcoholic beverage control law, in relation to requiring the state liquor authority to make available on its automated public license query website and database information pertaining to any conditions it imposes on a licensed premises;” and

Whereas, the purpose of this bill is “to insure that the State Liquor Authority (“SLA”) maintains on its website public information regarding the method of operations of establishments under its jurisdiction;” and

Whereas, Community Boards in New York City, and town councils or other relevant agencies in New York State, have a mandated role to give input to the SLA as to the terms and conditions (“stipulations”) of any new on-premise liquor license, especially those that fall within the parameters of the “Padavan 500’ rule;” and

Whereas, applicants often enter in to agreements, i.e. stipulations, with community groups, that put self-imposed limits on the “Methods of Operation” for their license in regards to such items as hours of operation, live music and DJ’s, dancing, the impact of the establishment on the street, and more; and

Whereas, whenever there is a question about the specific terms of a license, there is no easy way for the public, or even the police, to know what is and is not allowed under the Methods of Operation; and

Whereas, the SLA does maintain a public website with information about every license, but this website does not explicitly and clearly state the Methods of Operation, and so it is necessary to go through the lengthy and cumbersome process of filing a request under FOIA, “(Freedom of Information Act);” and

Whereas, it is essential for the public, the police, and the applicant to know exactly the terms of every license granted by the SLA, in an open and transparent way, to ensure that every licensed establishment operates correctly, and that the law can be appropriately enforced.

Therefore Be It Resolved, that CB#2, Man., supports NY State Senate Bill S3077 and State Assembly Bill A6073, and urges the Senate Investigations and Government Operations Committee and the Assembly Economic Development Committee to authorize these bills to go to the full Senate and Assembly for an immediate vote; and

Be It Further Resolved, that we urge the NY State Senate and NY State Assembly to pass a joint bill into law.

Vote: Unanimous, with 39 Board members in favor.

Respectfully submitted, Keen Berger, Assistant Secretary, Community Board #2, Manhattan