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



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

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

FULL BOARD MINUTES

DATE: July 18, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Richard Caccappolo, Heather Campbell, Tom Connor, Terri Cude, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Jonathan Geballe, Sasha Greene, Anne Hearn, Susan Kent, Edward Ma, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: William Bray, Lisa Cannistraci, Denise Collins, Coral Dawson, Cristy Dwyer, Robin Goldberg, David Gruber, Chair; Jo Hamilton, Jeanine Kiely, Arthur Kriemelman, Florent Morellet, Maury Schott, Sean Sweeney

BOARD MEMBERS ABSENT: Katy Bordonaro, Dodge Landesman, Alexander Meadows, Arthur Z. Schwartz

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

GUESTS: Celine Mizrahi, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Yume Kitasei, Council Member Margaret Chin's office; Mark de Solla Price, Vinny Allegrini, Thomas Lamia, Susan Lamia, Patrick Tartary, Augustine Hope, Andrea Swalec, Jack Lester, Noreen Healey, David Chester, Mickie McGee, Jackie Blank, Donna Raffey, Darlene Lutz, Jim Fouratt, Kevin McGrath, Catherine Lee, Albert Ahronheim, Wes Wilkos, Jennifer Spano, Pete Davies, Damian West, Bridget O. Driscoll, Julie Nourk-Lederer, Richard Lobel, Joseph Manoleas, Dino Fusco, Joanna Fantozzi, Terry Emmons, Meredith Nowikowski

MEETING SUMMARY

Meeting Date – July 18, 2013
Board Members Present – 33
Board Members Excused – 13
Board Members Absent – 4

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH	4
LANDMARKS AND PUBLIC AESTHETICS	5
LAND USE & BUSINESS DEVELOPMENT	12
PARKS/WATERFRONT	13
SIDEWALKS/STREET ACTIVITIES	15
SLA LICENSING	18
TRAFFIC AND TRANSPORTATION	54

II. PUBLIC SESSION

Non-Agenda Items

MeatPacking Improvement Association

Meredith Nowikowski made announcements regarding several events in the MeatPacking District.

Straus News-Our Town/Downtown

Joanna Fantozzi introduced herself as a new reporter that will be covering the downtown area.

Broadway/SoHo

Pete Davies spoke regarding this topic.

NYU/Bike

Jim Fouratt spoke regarding these topics.

9/11 Health

Jennifer Spano updated everyone on the program.

Landmarks & Public Aesthetics Items

130-130 7th Ave. South. Application to demolish the existing building and to construct a new building
Terry Emmons, Wes Wiklos, Jack Lester, Gilda Lavallo, Susan Lamia, and Mark de Solla Price, spoke against the proposed Landmarks application.

Tom Lamia spoke in favor of the committee's resolution and against the project.

Augustine Hope spoke in favor of the proposed application.

Land Use and Business Development Items

120-140 Ave. of Americas (aka 72-80 Sullivan St.). BSA application requesting modification of use and parking regulations to facilitate development of 4 residential townhouses and a mixed-use building
David Chester and Micki McGee spoke against the proposed request for modification.

SLA Licensing Items

Mile End Sandwich, 53 Bond St.

Michael McMahon spoke against the proposed beer and wine license and any future sidewalk café application.

Le Palais De Michelangelo, 1-3 Little West 12th St.

Donna Raffey spoke against the proposed liquor license.

Zack Winestine spoke in favor of the resolution recommending denial of the liquor license.

Noreen Healey and Kevin McGrath, representing the applicant, and Patrick Tarter, spoke in favor of the proposed liquor license.

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

Dino Fusco spoke against the proposed beer and wine license, which was on the agenda last month.

Traffic and Transportation Items

Proposal by DOT for installation of bicycle facilities at the following locations: Broome St from W Broadway to Varick, Varick from Broome to Canal

Darlene Lutz spoke regarding the proposed installations at Varick St.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Celine Mizrahi, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

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

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

Allie Nudelman, Council Speaker Christine Quinn's office

Yume Kitasei, Council Member Margaret Chin's office;

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

V. ADOPTION OF MINUTES

Adoption of May minutes, and distribution of June minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Support For Assembly Bill (A6863) To Require The Monitoring And Mitigation Of Radon In Gas Supplied To All NYC Customers

Whereas, Radon is recognized to be the leading cause of lung cancer in nonsmokers, and the second leading cause after smoking; and

Whereas, the World Health Organization and the U.S. Department of Environmental Protection have established levels of Radon exposure that are hazardous; and

Whereas, the main source of potential exposure to Radon in New York City is the domestic gas supply; and

Whereas, Radon is contained in shale gas, and potentially occurs in greater levels in gas from Marcellus Shale wells; and

Whereas, new pipelines are being constructed to bring more shale gas, especially from Marcellus Shale wells, into the domestic gas supply of New York City; and

Whereas, lengthier transmission times allow for a greater breakdown and diminution of the Pico-Curies of Radon in the gas, but transmission times from the Marcellus Shale wells are measured in hours rather than days as is the case with gas from sources in the South; and

Whereas, gas distributors are unwilling or unable to predict the level of Radon that will be delivered to New York City residents as the percentage of gas from Marcellus Shale wells increases in the domestic gas supply; and

Whereas, Assembly Member Linda Rosenthal has recognized the need to monitor and mitigate against Radon coming into the homes of New York City residents and has introduced legislation in the State Assembly (A6863), with same-as legislation introduced in the State Senate by Senator Diane Savino; and

Whereas the proposed legislation would require monitoring of the domestic gas supply for Radon and mandate mitigation to prevent New York City residents from being exposed to Radon through the domestic gas supply; now

Therefore be it resolved that CB#2, Man. supports the Assembly Member’s legislation and requests its passage out of the Assembly Health Committee and urges all Assembly Members and State Senators to vote in favor of the legislation; and

Be it further resolved that CB#2, Man. urges passage of similar legislation, or a resolution supporting the A6863, by the New York City Council; and

Be it further resolved that CB#2, Man. urges all Community Boards throughout the City to support the legislation for the protection of all New Yorkers from the dangers of Radon in the domestic gas supply.

Vote: Unanimous, with 33 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:23 – 240 Lafayette Street (Spring/Prince) SoHo Cast Iron Historic District Extension A dwelling originally built c. 1809-16 and remodeled and enlarged in the Italianate style by John B. McIntyre in 1873. Application is to legalize the installation of signage and lighting without Landmarks Preservation Commission permit(s).

Whereas, this company recently presented identical design elements for its Bleecker Street store in an effort to usurp our historic district with its corporate brand and we rejected it. Now they come again. Instead of expecting the historic district to adopt to them, they should adopt to the historic district; and

Whereas, this application interrupts the cornice with its huge, bright white painted sign; its interior illuminated signage has no precedent in the Cast-Iron District; and the storefront detailing detracts from the character of the building; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application due to the applicants’ continuing failure to modify its corporate branding to adopt to our historic districts, as well as for its obscuring of the cornice, the interior-illuminated signage, and the huge, bright, white sign-band.

Vote: Unanimous, with 33 Board members in favor.

2 - LPC Item:24 - 134 Grand Street, aka 23-29 Crosby Street-SoHo-Cast Iron H. D. Extension A Second Empire style warehouse building designed by William Field & Son and built in 1869. Application is to alter the ground floor.

Whereas, the proposed alterations will add to the building and the historic district; now

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

Vote: Unanimous, with 33 Board members in favor.

3 - LPC Item: 25 - 375-379 Lafayette Street, 30 Great Jones Street, and 32-38 Great Jones Street- NoHo Historic District Extension A parking lot. Application is to amend Certificate of Appropriateness 13-0850 to construct a new parking attendant booth with ticket machines, and to install bollards and a bike rack.

Whereas, the proposed construction is appropriate for a parking lot; now

Therefore, be it resolved that CB#2, Man. has no objection to this application.

Vote: Unanimous, with 33 Board members in favor.

4 - LPC Item:27 - 94 Greenwich Avenue (12th/13th) - Greenwich Village Historic District. A late Federal style house built in 1829-30, altered in the mid-nineteenth century with the addition of a third floor, altered again with the installation of a storefront at the ground floor. Application is to replace storefront infill.

Whereas, the proposal is attractive, and, indeed, eclectic; but

Whereas, eclecticism should not be used as an invitation to dissonance; and

Whereas, this being a period building gives more reason that it should be maintained, not altered; and

Whereas, the half-round elements are not typical of Greenwich Village and draw undue attention; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application because it draws undue attention to itself and detracts from the building and district, eclecticism notwithstanding.

Vote: Unanimous, with 33 Board members in favor.

5 - LPC Item:28 - 13 8th Avenue @ W. 12 - Greenwich Village Historic District. A vernacular Greek Revival style rowhouse with a commercial ground floor built in 1845. Application is to construct a rooftop addition. Zoned C1-6

Whereas, the rooftop addition will be visible in this row of townhouses that have a pristine view preserved above the cornice line; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application because it disrupts the unbroken view above the cornice line in this row of townhouses.

Vote: Unanimous, with 33 Board members in favor.

5 - LPC Item:28 - 13 8th Avenue @ W. 12 - Greenwich Village Historic District. A vernacular Greek Revival style rowhouse with a commercial ground floor built in 1845. Application is to construct a rooftop addition. Zoned C1-6

Whereas, the rooftop addition will be visible in this row of townhouses that have a pristine view preserved above the cornice line; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application because it disrupts the unbroken view above the cornice line in this row of townhouses.

Vote: Unanimous, with 33 Board members in favor.

6 - LPC Item:29 - 349-353 West 12th Street -Greenwich Village Historic District. Three Italianate style rowhouses built n 1869-70, and later modified for commercial uses at the ground floor. Application is to modify door openings and install a railing on the loading dock.

Whereas, the proposed work will improve the building; but

Whereas, as part of the work, the bricks above the double doors should be replaced with another design elements such as a transom, signage, or paddling; and

Whereas, the railing proposed should be more industrial-looking and not a replication of the modern railing on the roof; now

Therefore, be it resolved that CB#2, Man. recommends of approval this application, but suggest the bricks above the double doors be replaced with an appropriate design element and that the railing have a more industrial, less residential, appearance.

Vote: Unanimous, with 33 Board members in favor.

7A - LPC Item:30 - 130 7th Avenue South (W 10th/Charles)-Greenwich Village Historic District
A commercial building designed by Scacchetti & Siegel and built in 1937. Application is to demolish the existing building and to construct a new building. Zoned C2-6

Whereas, although the applicant made a well-prepared presentation, some 40 people attended to object to the bulk and height of the building and its effect on the doughnut, with not a single person in favor of it; and

Whereas, the two-story glass penthouse is too grandiose for the neighborhood. The glass becomes too important an element, particularly at night, when interior illumination will project outward; and

Whereas, although we agree with the applicant that many tall buildings are present on Seventh and Eighth Avenues at the gateway of Greenwich Village, this location is in the heart of the historic district; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application unless the glass penthouse be reduced in height and bulk, regardless of it being as-of-right, and because its footprint is so small anyway to justify the intrusion into the sky plane.

Vote: Failed: Unanimous, with 33 Board members in favor. Please see the substitute resolution below.

7B - LPC Item: 30 - 130 7th Avenue South (W 10th/Charles)-Greenwich Village Historic District
A commercial building designed by Scacchetti & Siegel and built in 1937. Application is to demolish the existing building and to construct a new building. Zoned C2-6

Whereas, although the applicant made a well-prepared presentation, some 40 people attended to object to the bulk and height of the building and its effect on the doughnut, with not a single person in favor of it; and

Whereas, the two-story glass penthouse is too grandiose for the neighborhood. The glass becomes too important an element, particularly at night, when interior illumination will project outward; and

Whereas, the glass infill on the south end of the building and the balconies are not in harmony with the neighborhood and have no historical reference, and

Whereas, although we agree with the applicant that many tall buildings are present on Seventh and Eighth Avenues at the gateway of Greenwich Village, this location is in the heart of the historic district; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application unless the overall height of the building be reduced to align with the adjacent neighboring building to the west on 10th Street; and

Be it further resolved that the glass penthouse be eliminated and that the glass infill in the southern part of the building be changed to masonry and that the balconies be eliminated; in that all of these elements are not in keeping with the character of the neighborhood, be eliminated.

Vote: Unanimous, with 33 Board members in favor.

8 - LPC Item:31 - 241 Bleeker Street-Greenwich Village Historic District Extension II. A rowhouse built in 1829 and altered in the Italianate/neo-Grec style between 1876 and 1885. Application is to install storefront infill and signage.

Whereas, the signage and lighting plan is tasteful and will not detract from the building; but

Whereas, this is a chance to reshape the retail appearance of the ground-floor storefronts in this relatively new historic district; and

Whereas, although we understand the desire for a large display window, a window this large is inconsistent with an 1829 building. Installations of a permanent nature should not be based on the wishes of revolving retail tenants; now

Therefore, be it resolved that CB#2, Man. recommends approval of the signage but recommends fenestration that is more in style, symmetry and proportion for this 1829 building.

Vote: Unanimous, with 33 Board members in favor.

9 - LPC Item:32 - 30 Carmine Street-Greenwich Village Historic District Extension II. An altered neo-Grec/Queen Anne style tenement building with commercial ground floor, built in 1886. Application is to modify ground floor infill.

Whereas, the retractable awning is welcomed and the proposed infill will not detract from the building or the district; now

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

Vote: Unanimous, with 33 Board members in favor.

10 - LPC Item:33 - 29 Carmine Street -Greenwich Village Historic District Extension II. A vacant lot. Application is to install a new fence gate

Whereas, the new fence is an improvement and the picket fence is attractive; but we recommend either extending the height of the fence or adding a decorative iron element above the horizontal steel element, in order to give it a lighter note and an historical feel; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application with the suggestion that the picket fence be lengthened or a decorative element be placed above the horizontal beam to give it a lighter, historical reference.

Vote: Unanimous, with 33 Board members in favor.

11 - LPC Item:34 - 420 West 14th Street (9th Ave/Washington) - Gansevoort Market Historic District
A neo-Classical style store and loft building designed by Thomas H. Styles and built in 1903-04.
Application is to install signage and to amend Certificate of Appropriateness 11-1354 to create a master plan governing the future installation of storefront infill.

Whereas, the proposed signage and storefront infill work will enhance the building; now

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

Vote: Unanimous, with 33 Board members in favor.

2ND LANDMARKS MEETING

12 - Item 13 - 34 King Street - Charlton-King-Vandam Historic District. A Greek Revival style rowhouse built in 1846. Application is to construct rooftop and rear yard additions. Zoned R6

Whereas, a prior version of this application was heard on May 28 and there have been a number of positive modifications; and

Whereas, The bulkhead is pitched and located toward the back of the building so that a small portion (approximately 5") is visible from King Street; and

Whereas, The required safety railing on the roof is not visible; and

Whereas, The front facade, entryway, areaway, bluestone sidewalk will be restored and front facade windows replicated; and

Whereas, A new light fixture, concealed security camera and bell panel, not visible from the street, will be installed; and

Whereas, the rear extension of the basement and parlor floor is 22' feet and parlor and third floors extend 11' feet and the top floor facade will be reconstructed as existing with salvaged materials; and

Whereas, The rear cornice will be entirely in brick; and

Whereas, The entire original fabric of the rear facade is being destroyed and replaced with a modern design in steel and glass which is out of keeping with the historic character of the building and the district and imposes itself into the “doughnut” in an intrusive way; now

Therefore be it resolved, that denial of this application is recommended with respect to the rear facade unless the original facade is retained on the rear third and fourth floors and that the extension of the basement and parlor floors be modified to be more in keeping with the historic character of the house and the district.

Be it further resolved that the roof modifications, the rear cornice and the restoration of the front be approved.

Vote: Unanimous, with 33 Board members in favor.

13 - Item 14 - 520 Broadway-SoHo-Cast Iron Historic District A Beaux-Arts style store and loft building designed by Buchman & Fox and built in 1900-01. Application is to replace storefront infill.

Whereas, new infill in ground floor, work on second floor windows, and modification of skylight not visible from any public thoroughfare; and

Whereas, the ground floor columns behind the infill are to be moved to the extreme north and south edges of the infill area; and

Whereas, stainless steel frame and glass infill with a bulkhead 18 1/2 inches high is to be installed; and

Whereas, the historic photograph presented by the applicant shows transom areas above the entrances and above the infill areas which are lost in the present design; and

Whereas, the second floor window frames are to be coated to match the stainless steel on the ground floor; and

Whereas, the signage consist of 6” letters on lower part of show windows and 16” letters on the sign band above the entry, both in metal; and

Whereas, the rear skylight will be, uncovered raised 3 feet for 20’ of its length and the remaining portion will be uncovered and restored; and

Whereas, the historic shutters on the rear facade will remain in place and closed and third floor windows will be bricked up behind the shutters; and

Whereas, there is concern, based on the same firm’s existing SoHo location, that the evening lighting not be so bright that shop calls undue attention to itself; now

Be it resolved that, the application is recommended for approval except that the signboard be modified to reference the transoms which occupied this area and that the size of the letter in this area be reduced.

Vote: Unanimous, with 33 Board members in favor.

14 - Item 15 - 152-154 Spring Street-SoHo-Cast Iron Historic District A dwelling built in 1819 and a store and loft building designed by Louis Sheinhart and built in 1911. Application is to construct rooftop and rear yard additions and replace storefront infill. Zoned M1-5A

Whereas, The facade for 152 Spring is now gray; and

Whereas, the proposal is to paint the facade above the storefront cream, a sample of which was shown to the Committee; and

Whereas, a shed dormer, covered with slate will be build on the rear, that is in keeping with the building and district and is not visible from the street; and

Whereas, The second floor will be extended 20 feet to the rear in line with the ground floor and the windows in the extension will be aligned; now

Be it resolved. That the application be recommended for approved.

Vote: Unanimous, with 33 Board members in favor.

15 - Item 16 - 150-152 Prince Street-SoHo-Cast Iron Historic District Extension A Renaissance Revival style store and tenement building designed by Pasquale Sauria and built in 1906-07. Application is to install storefront infill and signage.

Whereas, the corner store proton of the building, also occupied by the applicant, has been resorted to resemble original corner front from the historic 1930 photograph submitted by the applicant and was approved by the Commission in 2012; and

Whereas, the same design of the infill will be extended to the west 12 feet into an area now covered with screening and an additional storefront to the west 18 1/2 feet; and

Whereas, a blade sign 24 inches in diameter will be installed to match an approved existing blade sign on the corner store; now

Therefore be it resolved, that this proposal is recommended for approval.

Vote: Unanimous, with 33 Board members in favor.

16 - Item 17 - 31 Bond Street-NoHo Historic District Extension A Renaissance Revival style store and loft building designed by De Lemos & Cordes and built in 1888-1889. Application is to alter the existing storefront infill, remove the rear shaft extension and install new windows, and construct a rooftop addition. Zoned M1-5B

Whereas, The applicant did not appear before the Landmarks Committee of Community Board #2, Manhattan which is the obligatory first step before appearing before the Landmarks Commission for a hearing on the application, now

Be it resolved, That the application be denied until such time as the applicant appears before the Committee.

Vote: Unanimous, with 33 Board members in favor.

17 - Item 18 July 23, 2013 - 35 West 8th Street-Greenwich Village Historic District A rowhouse built in 1845 and altered in the early 20th century to accommodate storefronts at the first and second floors. Application is to alter the ground floor and install storefront infill, signage, and an awning.

Whereas, The application proposes to extend a previously approved infill seven feet to the east; and

Whereas, The continuation of the previously approved infill is harmonious with the building and the district; and

Whereas, The applicant proposed a fixed awning in red canvas with lettering and lighting within, however, the committee recommends a retractable awning; and

Whereas, There will be a blade sign 18”X 24” that will be attached in a way that it does not disturb historic fabric; and

Whereas, The sign band, presently plain, will have lettering; now

Therefore be it resolved that this application is recommended for approval

Vote: Unanimous, with 33 Board members in favor.

18 - Item 19 - 30 Carmine Street-Greenwich Village Historic District Extension II An altered neo-Grec/Queen Anne style tenement building with a commercial ground floor, built in 1886. Application is to modify ground floor infill.

Previously heard by the Committee

LAND USE AND BUSINESS DEVELOPMENT

31 Bond Street (south side between Lafayette and Bowery). Application #176-13 BZ to the Board of Standards and Appeals pursuant to ZR 72-21 to permit retail on the first floor and residences on the second through sixth floors of an existing building in an M1-5B zone in the NoHo Historic District.

Whereas:

(Regarding application information.)

1. The existing 6-story building has been vacant since May 2010 and had previous conforming uses by the Kampo Cultural Center including galleries, studios, offices, classrooms, and Joint Live Work Quarters for Artists.
2. The application seeks a variance to allow residential uses on floors 2-6.
3. An existing extension at the rear of the building would be removed and the floor area would be re-configured as a 314 square foot penthouse with no elevator access.
4. Upon removal of the extension, the building depth would be 106 feet, which exceeds the maximum allowable depth of 100 feet, requiring a minimal waiver.
5. The application further seeks a variance to allow retail use of the ground floor.
6. The existing FAR of 5.4 exceeds the allowable FAR of 5.0.
7. A concurrent application is under review for a Certificate of Appropriateness from the Landmarks Preservation Commission.
8. The proposed FAR would remain 5.4, which is stated in the application to be equal to the minimal floor area required for feasible development.

(Regarding applicant statements and community response.)

1. The applicant was represented at the hearing by Richard Lobel of Sheldon Lobel and Lisa Monteleone of BAM Design.
2. The application contends that unique conditions of the property create hardships that preclude reasonable return from development in conformance with allowed uses.
3. Some conditions cited for uniqueness, such as the narrowness of the building, are not unusual for the area, let alone unique, and the connection between uniqueness and inability to obtain a reasonable return from conforming uses is not convincing.
4. The application includes analyses of office use, hotel use, and the proposed mix of retail and residential use.
5. No analysis was provided for the feasibility of development with a lesser variance for a mix of residential and conforming uses on floors 2 through 6 and retaining conforming use on the ground floor.
6. The site is located on a block of Bond Street where residential values are very high so a limited amount of residential use can provide substantial project income;
7. A adjacent building to the east has a high quality and apparently successful ground floor conforming use.
8. The applicant agreed to restrict retail use so that eating and drinking establishments would not be allowed.
9. Letters were received from NoHo Bowery Stakeholders and NoHo Neighborhood Association.
10. In the letters, and in testimony, these organizations generally support the application, while objecting to eating and drinking establishments and also expressing concern regarding the loss of artistic character in the neighborhood as a result of the requested variances.

Therefore it is resolved that CB#2, Man.

1. Does not object to a variance allowing residential use but requests that the variance be approved only on a floor by floor basis to allow what is needed for a reasonable return on investment, and that other floors be retained for conforming uses;
2. Recommends denial of the proposed retail use of the ground floor so that studio, gallery, and performance uses will be encouraged and the building will retain a street level contribution to the artistic character of the neighborhood, but the 25' width cited is not unique, 17 other buildings on block 529 are 25' or less in width.
3. Requests that the BSA thoroughly review whether both requested variances are required for a reasonable return in light of the very high value of residential use on this street;
4. Does not concur with an assumption that the minimal variance should necessarily support continuance of the existing overbuilt floor area or that a use variance need necessarily apply to all floors;
5. Requests that if ground floor retail use is allowed, contrary to this recommendation, that eating and drinking establishments be prohibited.

Vote: Unanimous, with 33 Board members in favor.

PARKS/ WATERFRONT

1. **A resolution to support the updated design of the reconstruction of Father Fagan Park**

WHEREAS,

- 1) This committee and the CB#2, Man. Full Board passed a resolution urging the Parks Dept to reconstruct Father Fagan Park and requesting capital for this effort in March, 2011, and
- 2) Council Speaker Quinn allocated full funding to this end soon afterwards, and
- 3) The Parks Dept presented and the community reviewed initial designs at a scoping meeting and suggested changes and additions were captured and an updated design was pledged, and
- 4) The Parks Dept presented an updated design to this committee and members of the local community and this updated design was very well received, and
- 5) This neighborhood continues to demonstrate their support of this park and of this renovation project, so

THEREFORE, BE IT RESOLVED that CB#2, Man. after reviewing the updated designs presented by the Parks Dept for the reconstruction of Father Fagan Park and confirming that they conform to that which was requested by the community, requests that this project proceed and offers thanks and urges continued collaboration by all involved city agencies (Parks along with DOT and DEP) to this end.

Vote: Unanimous, with 33 Board members in favor.

2. A resolution to endorse New Yorkers for Parks' platform aimed at making Parks a priority of candidates running for office during the 2013 NYC election

WHEREAS,

- 1) New Yorkers for Parks (NY4P), the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods, is undertaking a campaign during the 2013 New York City election year to make parks a priority among Mayoral and City Council candidates running for office in 2013, and
- 2) NY4P is calling for an overhaul of how the Parks Department is funded: calling for the Parks Department to have its own discretionary capital budget, so it no longer need rely on discretionary allocations from City Council Members and Borough Presidents - an inefficient and potentially politicized process that prevents Parks from planning for long-term capital maintenance and improvement of parks system-wide; and
- 3) NY4P is calling for the Parks Department maintenance budget to be increased, and that funding for its core functions be baselined – meaning automatically renewed - in its annual expense budget; and
- 4) NY4P pointed out that Parks provides an essential city service - especially considering the role it plays maintaining the city's trees and clearing them after major storms – and should be budgeted in the same way as other essential services, whose mandated staff cuts are half that of other agencies; and
- 5) NY4P is calling, as part of a greater request for transparency and efficiency, for more detailed reporting of capital and maintenance costs for individual parks, in order to more effectively allocate resources throughout the parks system; and
- 6) NY4P is recommending that Parks study models provided by other capital project agencies – such as the Department of Design and Construction, the Economic Development Corporation, and the School Construction Authority – and adopt best practices from each in the interest of efficiency and cost-effectiveness in creating a pipeline of capital projects; and
- 7) NY4P is calling on public-private partnerships with Parks to report annual budget information in a simple and consistent manner to be shared on the Department's website; and
- 8) NY4P reiterated the essential role of the city's scarce parklands and admonished the City not to alienate any of these as sites for development; and
- 9) NY4P is calling on New York State and New York City, in cases when parkland is to be alienated, to notify the public with at least 30 days' notice, and to designate an equal amount of proximate new parkland of the same quality and character to replace any alienated parkland; and

10) NY4P is recommending that Parks collaborate with other City agencies to maximize neighborhood open space and citywide environmental benefits, including better signage, pedestrian safety, and crime prevention; and

11) NY4P is calling upon the City to be more proactive in involving neighborhood residents in long-term plans for local park and in fostering volunteer stewardship and “friends of” groups for every park in the city; and so

THEREFORE, BE IT RESOLVED that CB#2, Man. shares NY4P’s interest in raising awareness in this election year about the importance of parks to the residents of this and all other New York City communities, and understands how undervalued our parks are in government funding and policy making, and so endorses (adds its name as an endorser of) NY4P’s Parks Platform 2013.

Vote: Passed, with 22 board members in favor, and 12 against (Berger, Frost, Riccobono, Hearn, Young, Rakoff, Sanz, Connor, Spence, Diether, Cude, and Rothstein).

SIDEWALKS/STREET ACTIVITIES

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

1. Caswell/Pearson Enterprises, LTD., d/b/a La Carbonara, 202 West 14th St. (btw 7th Ave & 8th Ave), with 3 tables & 12 seats, DCA# 1186385

Block:618 Lot:31 Lot Frontage:25' Lot Depth:103.25 Year Built:1910(estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:6 Total # of Units:8 Zoning:C6-2A

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, and

Whereas, the committee noted to the applicant the use of 2 tall planters at the corner of the café that are well more than 30” high and not on the approved drawing, as well as an illegal A-frame sign, both of which the applicant agreed to remedy,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Caswell/Pearson Enterprises, LTD., d/b/a La Carbonara, 202 West 14th St. (btw 7th Ave & 8th Ave), with 3 tables & 12 seats, DCA# 1186385**

VOTE: Unanimous, with 33 board members in favor

2. La Meridiana, LTD., d/b/a Numero 28, 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA # 1133014

Block:527 Lot:69 Lot Frontage:50' Lot Depth:75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:26 Total # of Units:28 Zoning:R7-2 ;
Commercial Overlay:C1-5

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

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

Whereas, the committee noted the applicant has added planters bordering the café that are not on the approved plans and cause the café to take up well over half of the sidewalk, and

Whereas, the table arrangement which is not configured to the architectural plan, blocks the required service aisle to several tables requiring service from the public sidewalk, and

Whereas, Mr. Kelly committed to tell the applicant the planters must be removed from the sidewalk and the table arrangement returned to that which is on the approved plans,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **La Meridiana, LTD., d/b/a Numero 28, 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA # 1133014**

UNLESS the applicant removes all planters from the café border and returns the café seating to the arrangement shown on the approved plans

VOTE: Unanimous, with 33 board members in favor.

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

3. St. Helene, LLC, d/b/a Chez Sardine, 183 West 10th St. (btw W 4th St & 7th Ave S), with 2 tables & 4 seats, DCA # 1467633

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 was present, and

Whereas, the Community Board office requested the committee ensure the sidewalk in the area in which this café was proposed was a minimum of 12' and upon 2 separate occasions the committee chair determined the sidewalk in the area of the proposed café was in fact only 11' 10" wide, 2" less than the 12' minimum sidewalk width required for a sidewalk café under the NYC Zoning Code,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **St. Helene, LLC, d/b/a Chez Sardine, 183 West 10th St. (btw W 4th St & 7th Ave S), with 2 tables & 4 seats, DCA # 1467633**

VOTE: Passed, with 32 Board members in favor and 1 recusal (Aaron).

4. P12 New York, LLC. d/b/a Ribalta, 48 East 12th St. (btw University Pl & Broadway), with 7 tables & 14 seats, DCA# 1467798

Block:563 Lot:31 Lot Frontage:42.08' Lot Depth:132.17 Year Built:1900 Number of Buildings:1;
Number of Floors:14 Residential Units:0 Total # of Units:15 Zoning:C6-1

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

Whereas, this café is proposed for a site with a sidewalk width of 12'5" which has no legal obstructions further limiting the size of the cafe, with a café depth of 4'5" and length of approximately 26'7", and

Whereas, the café lies over a sidewalk vault, which must remain closed during café operation, and to maintain the required 8' clear path, no border planters can be used in this cafe,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **P12 New York, LLC. d/b/a Ribalta, 48 East 12th St. (btw University Pl & Broadway), with 7 tables & 14 seats, DCA# 1467798**

VOTE: Unanimous, with 33 board members in favor.

5. 1 Perry St. Restaurant, Inc. d/b/a Yerba Buena, 57 Greenwich Ave (NW corner Perry St), with 9 tables & 18 seats, DCA #1467945

Block:613 Lot:61 Lot Frontage:29.08' Lot Depth:70 Year Built:1901(estimated)
Number of Buildings:1; Number of Floors:4 Residential Units:5 Total # of Units:6 Zoning:C2-6

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

Whereas, this café is proposed for a site with a sidewalk width of 17'3" which has no legal obstructions further limiting the size of the café other than a light post at the east end which causes a small scallop at that corner of the café, with a café depth of 8'7 ½" and length of approximately 17'6", and

Whereas, the café plan called for two different table sizes and the committee requested the applicant use a common table of 22" x 22" and the applicant agreed to make that change, slightly reducing the café depth of 8'6", and

Whereas, the applicant also agreed to move the inside tables a bit more to the west to better ensure access to the main entrance to the restaurant,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **1 Perry St. Restaurant, Inc. d/b/a Yerba Buena, 57 Greenwich Ave (NW corner Perry St), with 9 tables & 18 seats, DCA #1467945**

CONDITIONAL UPON the applicant supplying a new print showing the single table size of 22" x 22" as noted in **Whereas 3**.

VOTE: Unanimous, with 33 board members in favor.

6. Applications for Street Activities Permits

- 9/8/13 NYU Catholic Center Luau, Thompson St btw Washington Square South & W 3rd St. (new event)

Whereas, the applicant did not appear before the committee as requested,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this block party on **Thompson St btw Washington Square South & W 3rd St.**

Vote: Unanimous, with 33 Board members in favor.

- **9/14/13** **Morton Street Block Party, Morton St. btw Greenwich St. & Washington St. (new event)**

WITHDRAWN BY APPLICANT

(FYI)-Renewals:

Whereas, CB#2, Man. attempts to determine within its ability that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both, and

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of the renewal street fairs below

- **10/5/13** Bedford Downing Block Assoc. Sidewalk Sale, Downing St btw 6th Ave & Bedford St.
- **10/31/13** NYU and CB2 Children’s Halloween Parade, LaGuardia Pl. btw Washington Square South & W 3rd St.

Vote: Unanimous, with 33 Board members in favor.

SLA LICENSING

1. Toto Sushi, Inc. d/b/a Toto Sushi, 216 Thompson St – Corporate Change

Whereas, the principals appeared before the committee; and,

Whereas, this application is for a Corporate Change for a Beer and Wine license (#1210126) in a mixed-use building located on Thompson Street between 3rd St. and Bleecker (Block #537/lot #5), with a 2,700 sq. ft. premise with 15 tables and 30 seats, 1 sushi bar with 8 seats and the maximum occupancy is 74 people, there is no sidewalk café and no backyard garden; and,

Whereas, the applicant states that the hours of operation will continue to be Sunday from 12:00 p.m. to 11:00 p.m. and Monday through Thursday from 11:30 a.m. to 11:00 p.m. and Friday and Saturday 11:00 a.m. – 12:00 a.m.; the establishment is a Family/Sushi restaurant focused on serving lunch and dinner, there will be quiet background music only, there will be no scheduled performances or events with a cover charge, private parties or promoted events but will have 1 TV; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are from Sunday from 12:00 p.m. to 11:00 p.m. and Monday through Thursday from 11:30 a.m. to 11:00 p.m. and Friday and Saturday 11:00 a.m. – 12:00 a.m.
2. Will operate a full service restaurant only with a focus on Sushi.
3. Will close all doors and windows at all times.
4. Will not have D.J.’s, live music, promoted events, or events with a cover charge or performances.

5. Will have background music only.
6. Will continue previous method of operation as described above.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the Corporate Change for a Beer and Wine license for **Toto Sushi, Inc. d/b/a Toto Sushi, 216 Thompson St** **unless** those conditions and stipulations 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 33 Board members in favor.

2. New Restart, Inc. d/b/a Taormina, 145-147 Mulberry St. 10013 - Alteration to Beer and Wine

Whereas, the principals appeared before the committee; and,

Whereas, this application is for the alteration of the current Beer and Wine license (#1234518) to add 1 additional bar/pizza counter with 10 seats in a mixed-use building, located on Mulberry Street between Grand and Hester (Block #236/lot #7502), with a 9,804 sq. ft. premise (4,704 on 1st floor and 5,100 in Basement) first floor has 34 tables and 124 seats and the basement has 24 tables and 48 seats for a total of 58 tables and 172 seats and 1 currently existing bar on the first floor with 10 seats and 1 new bar on the first floor with an additional 10 seats, there is also one service bar in the basement and the maximum occupancy of 306 people, there is a sidewalk café with 16 seats but no backyard garden; and,

Whereas, the applicant states that the hours of operation will continue to be Sunday through Thursday from 12:00 p.m. – 1:00 a.m. and Friday and Saturday from 12:00 p.m. to 2:00 a.m.; the establishment is a full service Italian restaurant, there will be quiet background music only, there will be no scheduled performances or events with a cover charge, private parties or promoted events but will have 1 TV; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are from Sunday through Thursday from 12:00 p.m. – 1:00 a.m. and Friday and Saturday from 12:00 p.m. to 2:00 a.m.
2. Will operate a full service restaurant only.
3. Will not have D.J.’s, live music, promoted events, events with a cover charge or performances.
4. Will have background music only.
5. This is to add the pizza counter with 10 additional seats only.
6. All previous stipulations are still in effect.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the Beer and Wine license for **New Restart, Inc. d/b/a Taormina, 145-147 Mulberry St. 10013** **unless** those conditions and stipulations 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 33 Board members in favor.

3. Rockin’ Raw, LLC, 171 Sullivan St., 10012 – New Beer and Wine

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

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Sullivan Street between Houston and Bleecker (Block #525/lot #1), for a 650sq. ft. premise, there would be 9 tables 20 seats and no bar, and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation are 12:00 p.m. to 11:30 p.m. 7 days a week; this is a full service Vegan restaurant; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge; and,

Whereas, this is another location within CB#2, Man. 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, this applicant has already been operating without a license and no service of any alcohol and has been a unique addition to the community and their hours of operation offer a low impact on the community; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are 12:00 p.m. to 11:30 p.m. 7 days a week
2. Will operate a full service Vegan restaurant only.
3. Will not have D.J.'s, live music, promoted events, events with a cover charge or performances.
4. Will have background music only.
5. Will not have TVs.
6. Will not have a sidewalk café and no backyard garden.
7. Will have no bar in the restaurant.
8. Will not have French doors or windows.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the alteration of the Beer and Wine license for **Rockin' Raw, LLC, 171 Sullivan 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 33 Board members in favor.

4. Mile End Sandwich, 53 Bond 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 Commercial building, located on Bond Street between Bowery and Lafayette (Block #529/lot #35), for a 1,275 sq. ft. premise with 1 table and 25 seats and no bar and a maximum occupancy of 68; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation are from 10:00 a.m. to 12:00 a.m. 7 days a week; music will be background only, there will be no scheduled performances or events with a cover charge, no live music and no DJ's, no outside promoters and no use of any televisions; and,

Whereas, the applicant submitted a petition with 271 signatures in support of the new beer and wine license; and,

Whereas, the NoHo Bowery Stakeholders submitted a letter in objection to this application stating that the neighboring residents have objected before with a petition of over 120 signatures and CB2 previously denied the request for the Beer and Wine license; and,

Whereas, there is concern that this location or “lot” number now has two restaurants at this location and that the other location will be applying to add a sidewalk café to their already existing license with the SLA; and,

Whereas, there was no license at this “lot” number or location before and if approved will now have TWO (2) SLA licenses where there was once none; 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 has been operating for 14 months and since CB2’s last denial for a Beer and Wine the applicant has received a current Certificate of Occupancy; and,

Whereas, CB#2, Man. would like clarification from the Department of Buildings as to whether this new Certificate of Occupancy is for this space only or for both spaces at this location Block #529/lot #35; and

Whereas, the applicant has reduced their closing hours to midnight which is more in keeping in this residential neighborhood; and,

Whereas, the applicant agreed to the following stipulations:

1. Will operate a full service restaurant / Jewish Deli serving sandwiches and Jewish comfort foods.
2. Will never upgrade to a Full On-Premise license
3. The hours of operation will be 10:00 a.m. to 12:00 a.m. 7 days a week.
4. Music will be background only, there will be no scheduled performances or events with a cover charge, no outside promoters, no live music and no DJ’s or need for a Cabaret license.
5. Will never apply for a sidewalk café.
6. There will be no changes to the method of operation if any Corporate Changes occur and any corporate change must come before CB2, Manhattan.

Whereas, CB#2, Man. would like it to be noted that the signed stipulation agreement was done by the operator and not by any principals; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Beer and Wine license for **Mile End Sandwich, 53 Bond St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 12th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 33 Board members in favor.

5. Bleecker Street Holdings, LLC, 50 MacDougal St. 10012 - New Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a friendly and casual restaurant focused on serving Chicago-style pizza; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building located on Bleecker Street between Houston and Prince Street for a 680 sq. ft. premise with 10 tables with 20 seats and 1 bar with 10 seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; and

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

Whereas, the applicant submitted a petition with 45 signatures in support and will be operating under less hours and closing earlier than the previous operator; and,

Whereas, there was no opposition from the community; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are Sunday from 9:00 a.m. to 11:00 p.m. and Monday and Tuesday from 9:00 a.m. to 12:00 a.m. and Wednesday to Saturday from 9:00 a.m. to 1:00 a.m.
2. Will operate as a full service restaurant.
3. All Doors and Windows will be closed by 10:00 p.m.
4. Music will be background only.
5. There will be no DJ's, no outside promoters, no velvet ropes, no movable barriers and no TV's.
6. There will be no sidewalk café or outside tables on raised platform.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the New Beer and Wine license for **Bleecker Street Holdings, LLC, 50 MacDougal 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 33 Board members in favor.

6. YN Wine Bar d/b/a YN, 227 Mott St. 10012 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade to an On Premise license from a Beer and Wine License (#1258978) and an alteration to the hours of operation in a mixed-use building, located on Mott Street between Prince and Spring Street (Block #494/lot #26), for a 4,65 sq. ft. premise with 4 tables and 12 seats and 1 bar with 15 seats and 1 window table with 2 seats; a maximum occupancy of 30; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday through Thursday from 8:00 a.m. – 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 2:00 a.m. (the hours of operation were Sunday from 10 a.m. – 12 a.m. and Monday to Wednesday from 4 p.m. to 12 a.m. Friday from 4 p.m. to 2 a.m. and Saturday from 10 a.m. to 2 a.m.); music will be background only, there will be no DJ or live music, no scheduled performances and no outside promoters but will have private parties; and,

Whereas, this is a wine bar with a limited bar menu which does not represent the type of menu needed for a full service restaurant which the operator claims they have become; and,

Whereas, CB#2, Man. has no problem with the change in the hours of operation to earlier opening hours as an alteration to the current Beer and Wine license; and,

Whereas, CB#2, Man. does not agree to the upgrade to a full On Premise license; and,

Whereas, CB#2, Man. and the community have great concerns that applicants have been using the Beer and Wine license as a ploy to change the status of the beer and wine license to an on-premise license in an area where there is great community opposition to any additional on-premise licenses; and

Whereas, there are 25 On Premise licenses within 500 ft of this location and an upgrade to a full On Premise does not serve the community in any way; and,

Whereas, the applicant was not able to provide any public benefit or interest to explain why upgrading this license which essentially consists of one long bar only for seating to an on-premise license serving minimal food because the premises “is quickly turning into a restaurant” as stated to CB#2, Man.; and,

Whereas, this neighborhood, commonly referred to as “Nolita” by the real estate industry is the poster child of a residential neighborhood with a commercial overlay that has become oversaturated with full on-premise licenses and beer and wine licenses in the last 10 years at an exponential rate and adding even one more full on-premise license which has no public benefit or interest will only serve to further exacerbate quality of life issues, traffic conditions, noise and will only invite additional issues which regularly follow premises which are not full food serving entities which have had beer/wine licenses and upgrade to full on-premise licenses of which there are many, many examples in the immediate area and which are now almost “grandfathered” due to lack of enforcement or misstatements in license applications as to the extent of food service; and,

Whereas, the presumption is on the applicant to prove a public interest which was clear to CB#2, Man. did not exist as occasional “customer requests” do not rise to public interest nor does a wine bar with food which is “quickly turning into a restaurant” as stated rise to the public interest despite any proposed hours of operation or any other “perceived” mitigating factors as there are plenty of similarly styled establishments throughout the area which serve similar minimal food and serve “quality wines and spirits”; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the upgrade from a Beer and Wine license to a Full On Premise license for **YN Wine Bar d/b/a YN, 227 Mott St. 10012.**

Vote: Unanimous, with 33 Board members in favor.

7. Mafray Corp., 45 W. 8th Street 10011 – New/ transfer OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a commercial building for a 1,633 sq ft. premise on 8th Street between 5th Avenue and 6th Avenue (block # 572/lot # 66), there will be no sidewalk café and no use of a backyard garden, there will be 19 tables and 38 seats and 1 bar with 12 seats and a proposed occupancy of 50 or less and the maximum occupancy for the premise is 74; and,

Whereas, the applicant indicated that the hours of operation would be Sunday to Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:00 a.m.; music will be background only, there will be no DJ or live music, no scheduled performances, no outside promoters and no private parties and will have only 1 TV; and,

Whereas, the applicant did meet with the 8th Street Association who appeared during the CB#2, Man. hearing and was in support of this application but did not have time to put an agreement together; and,

Whereas, the applicant did submit a petition with 57 signatures in support; and,

Whereas, 8th Street has a zoning law that prohibits windows or door systems to be open at anytime and the applicant has agreed to keep all doors and windows closed at all times; and,

Whereas, the applicant has agreed to the following stipulations with CB#2, Man.:

1. Will only operate as full service Peruvian restaurant.
2. Hours of operation are Sunday to Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:00 a.m.
3. Will not seek a Cabaret license.
4. Will not have a sidewalk café.
5. Music will be background only and not audible from outside.
6. Doors and Windows will be kept closed at all times.
7. Will not have more than 1 -42inch TV inside.
8. There will be no DJ's, no outside promoters, no velvet ropes, no movable barriers

Whereas, there was no opposition from any community members; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the New or Transferred full OP license for **Mafray Corp., 45 W. 8th Street 10011, 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 33 Board members in favor.

8. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 504 6th Avenue aka 68-70 W. 13th St. 10011 – New OP

Whereas, a representative of the corporation appeared before the committee; and,

Whereas, this application is for a New OP in a mixed-use building, located on the corner of 6th Avenue and 13th Street (Block #576 / lot #10), with a 2,420 sq. ft premise with 14 tables and 45 seats and no bar and the maximum occupancy of 118 people, there is no sidewalk café and no backyard garden; and,

Whereas, the applicant states that the hours of operation will be Sunday through Saturday from 11:00 a.m. – 10:00 p.m.; there will be quiet background music only, there will be no scheduled performances or events with a cover charge, private parties or promoted events and no TV; and,

Whereas, CB#2, Man. does not support the licensing of fast food restaurants but recognizes that other Chipotle locations carry a full OP so that they may serve Margaritas’ in a can at the POS (point of sale) and does not have a bar of any kind; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are from Sunday through Saturday from 11:00 a.m. – 10:00 p.m.
2. Will not have D.J.’s, live music, promoted events, events with a cover charge or performances.
3. Will have background music only.
4. Will not have a sidewalk café or backyard garden.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the Beer and Wine license for **Chipotle Mexican Frill of Colorado, LLC d/b/a Chipotle Mexican Grill, 504 6th Avenue aka 68-70 W. 13th St. 10011**, **unless** those conditions and stipulations 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 33 Board members in favor.

9. Shipwrecked Bar & Grill, Inc. d/b/a Wicked Willy’s, 149 Bleecker St. 10012 – alterations to OP

Whereas, the principal owner appeared before the committee; and,

Whereas, the alteration application to the current OP License, which the licensee stated was requested by the SLA, is to reflect changes made to the existing layout since the existing license was issued, which is to move the stage as shown on the floor plan from the rear of the premise 15 ft forward towards the front so as to be consistent with the actual physical layout of the premises which has been the same since the inception of the license and accompanying the move of the stage there will be a reduction in 6 tables seats; and,

Whereas, this application is for the alteration to the current OP (#1179433) in a mixed-use building, located on Bleecker St between LaGuardia Place and Thompson Street (Block #537/lot #36), with a 3,700 sq. ft premise with 19 tables and 62 seats and 1 bar with 9 seats and the maximum occupancy of 120 people, there is no sidewalk café and no backyard garden; and,

Whereas, the applicant states that the hours of operation are Sunday through Saturday from 1:00 p.m. – 4:00 a.m.; there is background music, amplified music, live music and live d.j.’s, there are scheduled performances, there are events for which there are cover charges, there are private parties, there are no promoted events and there are 8 TV’s; and,

Whereas, CB#2, Man. feels that if this one issue is corrected in order to conform to the original license that other concerns be addressed and added as stipulations to the license as they differ dramatically from both the applicant’s original presentation to the Liquor Authority and to CB#2, Man.: and

Whereas, CB#2, Man.’s original resolution as presented to the Liquor Authority in April 2006 based on the applicant’s representations to CB2 Manhattan is as follows:

“4. Shipwrecked Bar & Grill, Inc., 149 Bleecker Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this is an application for transfer of an on Premise license in a 2500 s.f. restaurant/bar, pursuant to purchase of the business, operating as *Asylum* for approximately thirty years, located between LaGuardia Place and Thompson Street, in a mixed use building, with 58 table seats and 1 bar with 14 seats; and

WHEREAS, the applicant stated that the hours of operation are 4:00 p.m. – 2:00 a.m. Sunday through Wednesday, and 4:00 p.m. – 3:30 a.m. Thursday through Saturday; music is background and occasionally live; there will be no sidewalk café nor a backyard garden; no changes to the operation, other than moderate cosmetic freshening of the premises, are planned; and

WHEREAS, no one from the community appeared in opposition to this application; the principals of the applicant live directly across the street from the operation, and the local community group and 6th Precinct council spoke in favor of the applicant; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to ***Shipwrecked Bar & Grill, Inc., 149 Bleecker Street, NYC 10012.***
Vote: Unanimous, with 40 Board members in favor.”

Whereas, at the time of the original application to CB2, Man. the licensee submitted a detailed and substantial pub style food menu including appetizers such as chicken strips, wings and onion rings and a vegetable platter, Salads, Soup, Entrees such as Chicken Francese, Grilled Salmon, Shrimp Scampi, Filet Mignon, Chicken Alfredo and Desserts, the application diagram indicated a food prep/kitchen area; and

Whereas, the applicant further represented to Liquor Authority on their license application to the Liquor Authority that there would be no sidewalk café used for the sale or consumption of alcoholic beverages (G:2 e.), that there is a “kitchen prep” area on the ground floor (G: 3 b.), that the maximum occupancy is 74 (G: 3 f.), that there is a kitchen or food preparation area (G: 5 a.), the application includes a detailed food menu, the premises will have music (H: 2.) which is described solely as “background mostly; occasional live performance, the premises will not permit dancing (H: 3.), that the hours of operation are Sunday to Wednesday from 4 p.m. to 2 a.m. and Thursday-Saturday from 4 p.m. to 3 a.m. (H: 4), that the regular staff will be comprised of 1 Cook, 1 Assistant, 1 Dishwasher, 1 Bartender, 2 Waitresses, 1 Porter, 1 Owner/Manager and 1 Asst. Manager (H: 7.) , there will be no security (H: 8); and,

Whereas, the existing license and method of operation significantly differs from that provided in the current CB2 Questionnaire and that provided by the applicant, namely:

1. There has been no food service at the establishment for many years, possibly since opening in 2006 and food service on a very limited menu consisting of burgers was only instated 3 months ago according to the licensee.
2. As a consequence of not having food service as described in their original application to the Liquor Authority, the description of employees at the premises is incorrect.
3. The licensee states he employs anywhere from 2-3 security guards during the week and 5 to 6 on the weekends whereas the Liquor Authority's application states zero (0).
4. The licensee states in his original application to the Authority that there is no sidewalk café when in fact the licensee has an enclosed sidewalk café for which he has paid no fees to the city, which is illegal as evidenced by tickets issued by the Department of Consumer Affairs and by correspondence dating back as far as 1996 to CB2's District Office from the DCA, and the licensee has illegally served alcohol in this area since 2006 and he has not notified the Authority that this area is inappropriately designated on his diagramed premises nor brought this to the attention of the Authority within the designated time period after having been informed by receiving citations from DCA that this area is not to be used at all, let alone the service of alcoholic beverages,
5. The licensee regularly has live music, live d.j.'s, dancing, music at entertainment volumes, all of which are contrary to the music section on the Liquor Authority application which states only background music and occasional live performances.
6. The licensee stated at the time of the application to the Liquor Authority that the maximum occupancy would be 74 but at the present the maximum occupancy is 120 persons, significantly more.
7. The premises is open until 4 a.m. 7 days a week contrary to what the applicant originally presented to CB2, Man. and upon which it based its recommendation to the Liquor Authority in 2006.
8. The premise has regularly hosted beer pong tournaments in the past and other drinking games promoting drunkenness.
9. The premises has a high incidence of thefts as reported to the 6th Precinct and in the 1st quarter of 2013 ranked among the top ten licensed eating and drinking establishments in the 6th Precinct with Grand Larcenies.
10. The premises advertises and entices customers from the surrounding neighborhood by driving a 6 passenger pedal-powered bicycle styled golf cart from which employees of the establishment offer free drinks to people to entice them to be taken to the premises. The pedal powered vehicle is dressed in grass skirts and promotes drinking to excess through multiple signs and has previously had speakers, which blared loud music throughout the neighborhood but the music seems to have ceased.
11. The premises regularly illegally reserves a parking space in front of the establishment for the aforementioned pedal-powered golf cart style vehicle with a metal barricade in the street with advertising for the premises on the barricade in direct violation of Title 34 Department of Transportation, Chapter 4 Traffic Rules SS 4-08 (n)(7) which states "Unofficial reserving of parking space. It shall be unlawful for any person to reserve or attempt to reserve a parking space, or prevent any vehicle from parking on a public street through his/her presence in the roadway, the use of hand-signals, or by placing any box, can, crate, handcart, dolly or any other device, including unauthorized pavement, curb or street markings or signs in the roadway"
12. The current floor plan as described in this alteration application in fact represents the floor plan the applicant has been utilizing since the inception of his license in 2006 and is a direct result of the licensee's failure to properly submit accurate floor plans at the time the license was applied for.

13. It is unclear, but it may be the case that the licensee is offer drinks for less than ½ off their pricing during non-happy hours

Whereas, the floor plan continues to show an illegally enclosed sidewalk café **with seating** for which the licensee has been cited for violations by the Department of Consumer Affairs and the illegal use of a parking space directly in front of the establishment where they continue to place a bicycle with advertisement; and

Whereas, the licensee stated that having 6 security guards on the weekends was cheaper than insurance but was unable to explain why a tavern as described to the liquor authority would need such a high ratio of security to customers; and,

Whereas, the licensee indicated he was aware that the enclosed sidewalk café was not legal to use yet had had made no attempts to notify the Liquor Authority or to remove or legalize the structure; and,

Whereas, the licensee explained that he began to illegally hold the parking space in front of the premises during Con Edison work on the street in the past and felt it was safer for pedestrians in front of his establishment to have the barricade despite a row of parked cars given the high level of congestion in front of his premises and that it also provided a place for his customers to smoke in the street; and,

Whereas, members of the committee think it is fairly clear from both CB2's original resolution and the original application to the Liquor Authority that this operator is no longer operating in compliance with his stated method of operation and has suffered significant method of operation drift; and,

Whereas, there were 2 community members in support of this applicant and explained that the illegally enclosed sidewalk café was inherited by this operator and this enclosed sidewalk café causes a bottleneck of pedestrians and the operator is using the bike and parking space to give more allowance for pedestrians to get by and to provide a smoking area in the street off the sidewalk which while perhaps illegal they had no issues with; and,

Whereas, the BAMRA (Bleecker Area Merchant's and Resident's Association) Resident Chair suggested working out these issues with the operator who is a member of BAMRA but there was no agreement to do so finalized at the presentation; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the full On Premise license for **Shipwrecked Bar & Grill, Inc. d/b/a Wicked Willy's, 149 Bleecker St. 10012**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that the Liquor Authority require that the licensee address all the aforementioned issues and submit a revised alteration application to the Liquor Authority after re-notifying CB2, Man. and resubmitting a new alteration application to CB2 and appear before CB2's SLA Licensing Committee and furthermore that the licensee explain how they will address the unlicensed enclosed sidewalk café and the issues with illegally reserving parking spaces in order to promote their establishment; and,

THEREFORE BE IT FURTHER RESOLVED that should the aforementioned issues be dealt with directly with the Liquor Authority that this matter be placed on the calendar for a regularly scheduled meeting of the Commissioners of the Liquor Authority.

Vote: Unanimous, with 33 Board members in favor.

10. RV Partners, RV Partners, Inc. d/b/a Bombay Duck, 190 Bleecker St. 10012 – New Beer and Wine

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

Whereas, this application is for a family owned and operated Indian style restaurant; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Bleecker Street between MacDougal and 6th Avenue (Block #526/lot #24), for a 900sq. ft. premise, there would be 8 tables 16 seats and 2 stools at a front window counter and no bar, and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation are Sunday to Wednesday from 11:00 a.m. and Thursday from 11:00 a.m. to 2:00 a.m. and Friday and Saturday from 11:00 a.m. to 4:00 a.m. but all alcohol service will be stopped by 2:00 a.m.; this is a full service Indian restaurant; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge; and,

Whereas, this is another location within CB#2, Man. that has never been license 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 agreed to the following stipulations:

1. Hours of operation are Sunday to Wednesday from 11:00 a.m. and Thursday from 11:00 a.m. to 2:00 a.m. and Friday and Saturday from 11:00 a.m. to 4:00 a.m.
2. Will operate a full service Indian restaurant only.
3. Will not have D.J.'s, live music, promoted events, events with a cover charge or performances.
4. Will have background music only.
5. Will not have TV's.
6. Will not have a sidewalk café and no backyard garden.
7. Will have no bar in the restaurant.
8. Will close all doors and windows by 6 p.m. daily.
9. Will stop serving alcohol on Friday and Saturday by 2:00 a.m.
10. Agrees with CB2, Man. to all stipulations executed with the BAMRA (Bleecker Area Merchant's and Resident's Association) which are as follows:

1. **Hours of Operation:** The Establishment shall operate from **11:00 AM to 11:00 PM Sunday through Wednesday** and shall operate from **11:00 AM to 2:00 AM on Thursday** and shall open at **11:00 AM on Friday and Saturday** and cease alcohol sales by **2:00 AM on Friday and Saturday, but may continue to operate with food sales only after 2:00 AM on Friday and Saturday.**
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
3. **Traffic:** The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons

or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.

4. **Manager:** The Operators shall have an English-speaking manager or Owner 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 from an ipod or like device with small speakers 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 and shall not exceed NYC noise codes at any time.
6. **Television:** The Operators shall have one television in the Establishment played at a volume level low enough that it cannot be heard outside the establishment and Operators agree that no organized events with regard to the use of their television shall be advertised or occur within the establishment.
7. **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. Operator shall use no neon signage.
8. **Windows/Doors:** Establishment doors shall remain closed except for a few hours in the afternoons, but will always be closed by 6 p.m.
9. **Signage/Awning:** Operators shall install retractable awning and a flag.
10. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
11. **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 if necessary.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Beer and Wine license for **RV Partners, RV Partners Inc. d/b/a Bombay Duck, 190 Bleecker 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 33 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. 226 Arbor Bistro, Inc., 226 West Houston St. 10014

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the committee requested that the applicant layover the application from consideration until the operator could return to New York City and meet with the committee; 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 **226 Arbor Bistro, Inc., 226 West Houston 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 33 Board members in favor.

12. 31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the applicant's attorney requested to lay over the application from consideration; and,

Whereas, this application is for a Corporate Change; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones 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 33 Board members in favor.

13. Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond Street 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the committee requested that the applicant layover the application from consideration until the operator could return to New York City and meet with the committee; and,

Whereas, this application is for the alteration of the Beer and Wine license to include a sidewalk cafe;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed alteration to the Beer and Wine license for **Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond Street 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 33 Board members in favor.

14. Il Giglio NY CTM Corp. d/b/a Susanna, 182 Bleecker St. 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the committee requested that the applicant layover the application from consideration until the operator could return to New York City and meet with the committee; 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 **Il Giglio NY CTM Corp. d/b/a Susanna, 182 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 33 Board members in favor.

15. PPF Holdings, LLC, d/b/a McCoy's, 89 MacDougal St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 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 **PPF Holdings, LLC, d/b/a McCoy's, 89 MacDougal St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

16. Housings Works Food Service Corp. d/b/a Housing Works Used Book Café, 2126 Crosby St 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine license for **Housings Works Food Service Corp. d/b/a Housing Works Used Book Café, 2126 Crosby 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 33 Board members in favor.

17. James Huddleston or entity to be formed, 173 Mott St. 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 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** any proposed On Premise license to **James Huddleston 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 33 Board members in favor.

18. The Juke Group, LLC, 170 Mott St. 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 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** any proposed On Premise license to **The Juke Group, LLC, 170 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 33 Board members in favor.

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

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 2013, the applicant's attorney requested to withdraw 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 **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 33 Board members in favor.

20. Pacific 4, LLC, d/b/a The Broome, 431 Broome St., 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 9th, 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 **Pacific 4, LLC, d/b/a The Broome, 431 Broome 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 33 Board members in favor.

21. Little Rest. Twelve, Inc. d/b/a Ajna Bar, 25 Little W. 12th St. 10014 (reconfiguration of space SN1159274)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing on premise license, Serial Number 1159274, for an existing full service restaurant and lounge to reduce and reconfigure the seating arrangements, the license is currently in safe keeping as a consequence of a gas leak and the operators have chosen this time to update and refurbish the space; and,

Whereas, the existing operation is located in a commercial use building on Little West 12th St. between Washington St. and Ninth Ave. and is approximately 15,899 sq. ft. with 12,948 sq. ft. on the ground floor and 2,941 sq. ft. in the basement (basement is for accessory use only – no patrons) and advertises and operates as an upscale restaurant, bar and lounge with 77 tables, 524 table seats, 2 bars with 30 seats for a total of 554 seats with a maximum legal capacity of 771 persons; and,

Whereas, the alteration application is to reconfigure the seating arrangements, reduce some table sizes from 4 tops to 2 tops and add some auxiliary seating surrounding support columns and reduce some seating in areas so that there will now be 109 tables, 477 table seats and 2 bars with 18 seats for a total of 495 seats, maximum occupancy of 771 persons will remain unchanged.

Whereas, the applicant stated the hours of operation will be from 5 p.m. to 3 a.m. seven days a week, there is no backyard garden or outdoor area; music is by live d.j., there are no t.v.'s, there will be no live music, there is existing sound proofing and a sound professional has been utilized, included in this alteration are some changes to the entry hallway which will further mitigate sound leakage from the premises, there will be 1 security person Sunday to Wednesday and 4 Thursday to Saturday and additional as needed, there will be no promoted events, no scheduled performances, no outside promoters, but there may be private parties

Whereas, the applicant had reached out to members of the local community and provided a petition with 116 signatures in support from surrounding residents and business owners and while there was no specific opposition, there was some concern as to the traffic conditions that the existing operation creates due to its large size and the number of vehicles entering and exiting the meat packing district; 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 Full Service Restaurant and Lounge/Bar.
2. The hours of operation are from 5 p.m. to 3 a.m. 7 days a week. No patrons will remain after those hours.
3. The premises will not operate as a Nightclub/Disco as defined under NYS ABC laws.
4. The premises will not seek a New York City DCA Cabaret license.
5. The premises will not allow dancing.
6. The only uses of the premises will be for eating and drinking uses.
7. There will be no live music, no promoted events, no events for which a cover fee is charged, no scheduled performances.
8. There will be no French doors or operable windows.
9. The premises will employ security personnel 7 days a week, number will vary as needed.
10. There will be a dedicated security person specifically to address traffic issues and to keep the area in front of the premise clear of stopped vehicular traffic.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration application to the existing On Premise license for **Little Rest. Twelve, Inc. d/b/a Ajna Bar, 25 Little W. 12th St. 10014 (SN1159274)**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA on-premise liquor license.

Vote: Unanimous, with 33 Board members in favor.

22. Rustic Table, LLC d/b/a The Quarter, 522 Hudson St. 10014 (RW SN1266110 – expansion of existing premises)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing restaurant wine license SN1266110 for a full service Mediterranean/New American style restaurant operated by the owners to expand the premises into an adjoining store front in the same building and to reconfigure the seating arrangements within the premises and move the existing bar into the newly acquired space; and,

Whereas, the existing operation is located between 10th street and Charles St. on the ground floor in a 5 story mixed use residential/commercial building in a 650 square foot premise with 13 tables and 32 table seats and 1 bar with 8 seats for a total of 40 seats inside and a DCA licensed sidewalk café with 8 tables and 16 seats; and,

Whereas, the existing hours of operation are 11 a.m. to 12 a.m. Sunday to Wednesday and 11 a.m. to 2 a.m. Thursday-Saturday, there are no tvs, no security personnel, no French doors or windows that open, music is quiet background only from ipod/cds, there is no soundproofing, there will never be dj’s, live music, promoted events or scheduled performances; and,

Whereas, the alteration application is to add additional space to the existing licensed premises via expansion into an adjoining store front in the same building, the existing bar will be relocated from the existing space into the newly acquired space and there will be 4 new tables and 28 seats and 2 additional

bar seats for a new total of 17 tables, 60 seats and 1 bar with 10 seats for a grand total of 70 interior seats and there will continue to be 8 tables and 16 seats in the existing sidewalk café and there will be a future expansion of the existing sidewalk café at a later date; and,

Whereas, the store front premises to be added to the existing licensed premises was previously used as a clothing store and was never previously licensed for use as a eating and drinking establishment; and

Whereas, the store front premises is a separate street address from the existing licensed premises and represents yet another new liquor license for Hudson Street that did not previously exist; and

Whereas, there are numerous licensed eating and drinking establishments on Hudson Street in this area; and

Whereas, the applicant stated that the main entry into the establishment would remain as is in the existing premises and that the corner entrance on the southwest of the newly added premises would be used for emergency egress only; 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 restaurant wine license stating that:

1. The premises will be operated and advertised as a full service Mediterranean/New American Restaurant at all times.
2. The hours of operation will be Sunday to Wednesday from 11 a.m. to 12 a.m. , Thursday to Saturday from 11 a.m. to 2 a.m. No customers will remain in the premises after those hours.
3. All doors and windows will be closed at 9 p.m. 7 days a week.
4. There will be no live music, djs, promoted events, scheduled performances or any events for which a cover fee is charged.
5. The licensee will return to CB2 and submit an additional alteration application to the SLA to add the new sidewalk café area which is in front of the space to be added to the existing license and which is not currently licensed by NYC DCA for a sidewalk café or included within the existing licensed premises.
6. The licensee will post visible hours of operation in the front window of the premises.
7. The licensee will limit the sidewalk café hours of operation of the existing sidewalk café and any new expansion of the sidewalk café to close at 11 p.m. Sunday to Thursday and 12 a.m. (midnight) Friday and Saturday – Service will conclude in those areas at those times and no patrons will remain seated in the sidewalk café.
8. The licensee will adhere to any and all previously agreed to stipulations

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration application to the existing On Premise license for **Rustic Table, LLC d/b/a The Quarter, 522 Hudson St. 10014**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 10th “whereas” clause above are incorporated into the “Method of Operation” on the SLA on-premise liquor license.

Vote: Unanimous, with 33 Board members in favor.

23. Whitehall NYC, LLC, 19 Greenwich Ave. 10014 (on-premise SN 1256879 - alteration)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing on premise license, Serial Number 1256879, to add 4 tables and 8 seats in a New York City Department of Consumer Affairs licensed sidewalk café; and,

Whereas, the applicant has agreed to further incorporate into their existing on-premise license with stipulations the additional stipulations which were executed with the Mid West 10th St. Block Association and dated June 1, 2013 which are as follows:

1. **Hours of Operation:** The sidewalk cafe shall be open Monday through Sunday at the Establishment no earlier than 8:00AM and shall be closed by 11:00 p.m. each day.
2. **Noise Attenuation:** The Operator agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk cafe area including the placement of a retractable awning made of sound mitigating material over the sidewalk café. The placement of this awning is expressly conditioned upon and subject to the Operator's first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof, The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened. No music shall be played.
3. **Sidewalk Cafe Supervision:** The Operator agrees that a full-time manager will be employed to supervise the sidewalk cafe operation so that the operation runs effectively and noise is kept at a minimum.
4. **Sidewalk Cafe Signage:** The Operator agrees to post signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum.

Whereas, the existing operation is located in a mixed use building on Greenwich Avenue between Christopher and West 10th Streets and is approx 1,200 s.f. and advertises and operates as an upscale restaurant with 21 tables, 52 table seats, 1 bar with 14 seats with a maximum legal capacity of 74 persons; and

Whereas, the applicant stated the hours of interior operation are Sunday through Thursday from 10:00 a.m. to 12:30 a.m. and Friday and Saturday 10:00 a.m. to 2:00 a.m.; there is no backyard garden; music is iPod/CDs at background levels only; and,

Whereas, the applicant had reached out to members of the community; and,

Whereas, the applicant has previously agreed to the following stipulations to be attached to their original on-premise liquor license and incorporated into the method of operation as agreed to with CB#2, Man. and the Mid West 10th Street Block Association:

The Licensee will limit its closing hours to 12:30 a.m. on Weekdays and 2:00 a.m. on Weekends.

The Licensee will obtain all required certificates, permits and related documents including a letter of no objection from NYC Department of Buildings prior to opening the establishment.

The Licensee will ensure that there will be no less than 3 staff managers on duty at all times

The Licensee will have a General Manager on duty during all hours of operation who is capable of adequately communicating with residents of the community.

The Licensee will hire a certified acoustical consultant to make recommendations to meet or exceed the current New York City Noise Code guidelines for residential areas. The applicant will use best efforts to soundproof the establishment.

The Licensee will not permit any doors or windows of the establishment prior to the opening of the establishment and no later than 9:00 p.m. daily.

The Licensee will not have DJs, Live Music or outside promoters in the establishment.

The Licensee will not post signage on discounted drink promotions of any kind.

The Licensee will work with the community and local FDNY Squad 18 Firehouse to determine and address traffic congestion and noise issues that are identified.

The Licensee will not host third party private events.

The Licensee will not store garbage or garbage dumpsters outside the establishment. The applicant will place refuse at the curb at the latest time possible before pick up.

The Licensee will hold monthly meetings with representatives of the community during the first six months of operation and quarterly thereafter to address any issues raised by the community.

The Licensee will notify the Community Board in the event of a change of ownership.

Whereas, the applicant is currently operating another bar/restaurant establishment d/b/a Highlands a few blocks from the proposed establishment; and,

Whereas, no one appeared in opposition from the community for this alteration application and appropriate community outreach was performed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an alteration application to incorporate a sidewalk café with 4 tables and 8 seats to the existing On Premise license for **Whitehall NYC, LLC, DBA Whitehall, 19 Greenwich Ave. 10014 (SN 1256879)**, **unless** those conditions agreed to by applicant relating to the third and seventh “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 33 Board members in favor.

24. Sushi Nakazawa, LLC, 23 Commerce St. 10014 (New Restaurant Wine)

Whereas, the applicant appeared for the third time before CB2’s SLA Licensing Committee for a new restaurant wine license application after having been unprepared the first time and having been asked to perform additional community outreach the second time given that the location had not been previously licensed; and,

Whereas, the applicant presented an application to the Liquor Authority for a new restaurant wine license for an “family restaurant which will serve Japanese food”; and,

Whereas, this application is for a previously unlicensed location in a mixed use building located on Commerce Street between 7th Ave and Bedford St for a roughly 1,200 sq. ft. premise on two floors (600 sq. ft. ground floor, 600 sq. ft. basement) with accessory use in the basement with 5 tables and 20 seats, for a grand total of 20 seats, there will be one service bar only, there will be a sushi bar with no seats, there is no sidewalk café and no outdoor areas for patrons, there is no Certificate of Occupancy, but the applicant states the maximum allowable occupancy will be 30 and they will present a letter of no objection to the Liquor Authority prior to operating the premises as a eating and drinking establishment; and

Whereas, the hours of operation will be 5 p.m. to 12 a.m. (midnight) 7 days a week, music will be quiet background only consisting of music from ipod/cds (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, there has never been any other licensed eating and drinking establishments on Commerce Street between 7th Avenue and Bedford Street before this application was heard; and,

Whereas, this store front was previously operated as a hair dresser and not open past 7:00 PM on any weekend or weekday; and,

Whereas, Commerce Street between 7th Avenue and Bedford Street is very narrow street with parking on one side only, located in a purely residential block in the heart of a Historic District in the West Village; and

Whereas, the applicant presented a petition with some residential signatures in support and also provided copies of emails to local block associations, no opposition was recorded, and,

Whereas, the applicant affirmed, after significant inquiry and questioning, that there would be no kitchen installed in the premises at any time in the future, that a kitchen would not be needed because they would only be preparing and serving sushi requiring only an electric rice cooker, that no new HVAC systems would be installed and that they would be using the existing systems that currently exist at the premises, that they would not install any stoves, stove tops, cook tops or other cooking or ventilation systems to the premises as no cooking would take place in the premises for as long as applicant operated its eating and drinking establishment; 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 Family Restaurant serving Japanese Food/Sushi.
2. The hour of operation will be 5 p.m. to 12 a.m. (midnight) 7 days a week. No patrons will remain after those hours.
3. There will be no French doors or windows – all windows are inoperable.
4. There will be no live music, djs, 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, applicant stated there are no plans for music at this time.
6. The applicant will place garbage out on the street just prior to pickup given the nature of the organic fish waste and will take all steps to make sure garbage is properly sealed.
7. The applicant will not build or operate a full service kitchen.
8. The applicant will not alter or building a new HVAC system for the premises and will use the existing systems currently existing.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Sushi Nakazawa, LLC, 23 Commerce 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 10th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 33 Board members in favor.

25. Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 Christopher St., 10014 (Transfer of restaurant wine – old SN1252014)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present a “transfer” application for an existing restaurant wine license for a Sushi Restaurant; and,

Whereas, this “transfer” application is for a previously licensed location in a mixed use building located on Christopher St., between Bleecker St. and Bedford St., for a roughly 900 sq. ft. premise on the ground floor with 6 tables and 14 seats, 1 sushi counter with 10 seats and one stand up bar with 5 seats for a grand total of 29 seats, there is no sidewalk café and no outdoor areas for patrons, there is no Certificate of Occupancy, but the applicant states there is “letter of no objection” for the use and they will present this to the Liquor Authority; and

Whereas, the hours of operation will be 12 p.m. to 11 p.m. 7 days a week, music will be quiet background only consisting of music from ipod/cds (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 letter from the local block association and no opposition was recorded, 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 restaurant wine license stating that:

1. The premise will be advertised and operated as a Sushi Restaurant.
2. The hour of operation will be 12 p.m. to 11 p.m. 7 days a week. No patrons will remain after those hours.
3. There will be no French doors or windows – all windows are inoperable.
4. There will be no live music, djs, 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 rear door to the premise will not be utilized.
7. There will be no t.v.s.
8. There will be no outdoor areas for patrons.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 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 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Passed, with 33 Board members in favor.

26. Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014 (New Restaurant Wine)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present a new restaurant wine license for a “charming café that offers customers exceptional coffee, croissants and quiches. The café has a casual atmosphere and attracts local residents and well as customers who will travel for a great cup of coffee”; and,

Whereas, this application is for a **previously unlicensed location** in a mixed use building located in R6 Residential Zoning on the corner of Christopher St. and Gay St. (southern side) for a roughly 1,500 sq. ft. premise on two floors (1,000 sq. ft. ground floor, 500 sq. ft. cellar – accessory use only in basement – no patrons), with 16 tables and 36 seats, one stand up bar with no seats, 1 couch that seats three people and 2 chairs on the southeast wall of the café for a grand total of 36 interior seats, the application also includes 4 tables and 8 seats in an unlicensed sidewalk cafe, there is an existing Certificate of Occupancy; and,

Whereas, the hours of operation will be from 6 a.m. to 1 a.m. 7 days a week, music will be quiet background only consisting of music from vinyl records but no d.j. (i.e. no active manipulation of music – only passive prearranged music on complete records), there will be live music several days a week, there are two large sets of operable French windows which may violate Landmark Regulations, there are currently illegal benches placed on Gay St. underneath the operable windows, there will be no d.j., no promoted events, no private parties, no cover fees, no velvet ropes, no movable barriers, there will be no T.V.s; and,

Whereas, the applicant did present copies of 2 emails indicating outreach to some community block associations, it was unclear what information was provided regarding the operation with the exception that a wine license was being applied for without any details or facts regarding the hours of operations, or the outdoor seating, live music etc. which could easily be very confusing as the existing operating café closes at 9 p.m.; and,

Whereas, CB#2, Man. found that this application was not complete or sufficient and had other concerns in that portions of the premise are, in fact, not legal to license and elements of the existing construction of the location may violate local laws; and,

Whereas, CB#, 2 Man. is specifically concerned that:

1. This location is *not eligible* to have a sidewalk café because it is located within an R6 residential zoning in which sidewalk cafes are not allowed, yet this application, as submitted and presented to CB#2, Man., includes such a café that would be illegal and is in the process of submitting an application that materially misrepresents the fact that a sidewalk café is in fact legal at this location when it is not.
2. The operator has at least 3 illegal benches placed along the Gay St. façade of their establishment as shown in picture provided by the applicant to CB#2, Man. and observed by members of the Committee.
3. The two very large operable French windows on the Gay St. side replacing previous existing inoperable plate glass windows appear to have been installed without New York City Landmarks Preservation approval at variance with the existing Landmark Preservation Commission regulations and no department of buildings filings have been filed in many years and these windows appear new, nor has the applicant appeared before CB2, Man.'s Landmarks Committee to present this significant change as require by the New York City Landmarks Preservation Commission. CB2, Man. takes violations of Landmarks regulations very seriously as these designation help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character has been recognized and protected.
4. The operator stated that he would close his windows at midnight even though he would have scheduled live music in the establishment several days a week. It is inappropriate to have live music in an open air environment with large windows in a Residential District and it is unclear

whether even if commercial use is allowed in this location if scheduled musical performances are allowed under zoning regulations.

5. The operator stated he could not close his windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.
6. Community Outreach was limited and occurred during the July 4th Holiday Week when many residents were out of town or on vacation.
7. This location has only been open for 3 months.
8. The hours of operation for this coffee shop are beyond what most coffee shops operate in the West Village who also have beer and wine licenses which would beg the question as to how the “late night operation” with live music and open windows would operate and the quality of life impact this would have without further details on the proposed operation.
9. CB#2, Man. does not believe that waiving the requirement for having two bathrooms is in the public benefit as the number of customers transiting through “coffee shops” is very high, and as is well known, many customers do use the restroom facilities and having only one restroom is not beneficial to the establishment or to the public in general given the lack of public restrooms in New York City and in this area specifically.

Whereas, a local resident who appeared to speak regarding this establishment, despite the limited time outreach was performed over a holiday week and who only noticed a posting in the community area voluntarily posted by CB#2, Man. raised several concerns including that another licensed establishment that the applicant owns and operates around the corner, Olio (SN1239338), has flagrantly violated New York City Sidewalk Café Laws by both operating their sidewalk café well beyond the hours mandated by law and by having many more tables and chairs than allowed on their sidewalk café license and for placing tables and chairs in front of other establishments beyond their licensed area after those establishments have closed, namely the flower shop next door, the resident also pointed out that outside this establishment that is seeking a wine license there are already 3 large illegal benches, that he was very concerned about having windows open late into the evening and would prefer to have them shut at 8 p.m. in this residential area and felt that many in the adjoining buildings would have serious concerns if there were live music with open windows and that basically this would be forcing people who live in the immediate area to essentially have this operator in their living rooms and bedrooms with their music and that the illegal benches are essential a breach of the trust of the public space known as the sidewalk and street and that while this may be a legal use for the interior of this commercial space this is still first and foremost a residential neighborhood that is mostly quiet and free from the hustle and bustle of the nearby avenues and that perhaps this operator could revise their plans and come back to the community with that new plan which does not infringe on the public areas of this residential community; and,

Whereas, many members of the Board of CB#2, Man. have observed that this operator has improperly operated his sidewalk café at Olio around the corner on many, many occasions in the past and that he has extended the seating to in front of adjoining business after the other businesses are closed (despite the applicants claim at the hearing that this has only happened twice – which was met with utter disbelief) and operated beyond legal hours and both the Chair of CB2’s Sidewalk’s Committee and CB2’s District Manager are both aware of and have observed this condition along with both co-chairs of CB2’s SLA Licensing Committee on numerous occasions; and,

Whereas, the operator seemed unaware that his completed CB2 Questionnaire and the Copy of the Liquor License application to the Liquor Authority contained material misrepresentations as to the licensable area and possibly to the fact that the operable windows on the Gay Street side were illegal installed; and,

Whereas, at the time of the applicants presentation before CB#2, Man. the applicant and his representative began to change material aspects of this application “on the fly” to try and receive a positive recommendation from CB2 to the Liquor Authority; and,

Whereas, CB#2, Man. can only rely on the accuracy of materials presented by the applicant as being valid, but in this case after some research after the CB2 presentation it appears that the information presented, whether intentional or not, indicates an operator who has not properly researched their business and the local regulations, or an operator who may be intent on operating outside the intent of the law, or simply an operator ignoring the law through ignorance; and,

Whereas, CB#2, Man. requested that the applicant re-envision his plan for the business in terms of operating within a residentially zoned community and return to CB#2, Man. at a later date with an accurate, completed CB2 Questionnaire and a copy of their application to the Liquor Authority reflecting that information; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014**; and,

THEREFORE BE IT FURTHER RESOLVED that should this applicant proceed to the Liquor Authority directly, that CB#2, Man. respectfully requests that this applicant be required to return to CB2’s SLA Licensing Committee to address the aforementioned issues and most importantly provided the correct facts so that CB2 can formulate a proper recommendation and that the concerns of the Community can be fully heard and that should the Liquor Authority decide not to do so that this application be placed directly in front of the Commissioners of the Liquor Authority at a regularly scheduled meeting for determination.

Vote: Unanimous, with 33 Board members in favor.

27. Mark Sy Ventures, LLC, d/b/a Vien NYC, 220 Varick St., 10014 (New Restaurant Wine)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present a new restaurant wine license for a “quick serve restaurant concept that serves light, healthy Southeast Asian inspired cuisine”; and,

Whereas, this application is for a previously unlicensed location in a commercial building located on Varick Street on the corner of Downing St for a roughly 780 sq. ft. premise on two floors (390 sq. ft. ground floor, 390 sq. ft. basement) with accessory use in the basement with 2 tables and 10 seats, one stand up bar with no seats for a grand total of 10 seats, there is no sidewalk café and no outdoor areas for patrons, there is an existing Certificate of Occupancy; and,

Whereas, the hours of operation will be 11 a.m. to 10 p.m. 7 days a week, music will be quiet background only consisting of music from ipod/cds (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, there is a pickup window which will not be used to place orders and will remain closed unless delivering food to customers; and,

Whereas, the applicant presented a petition with 65 residential signatures in support and also contacted local block associations, no opposition was recorded, 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 Southeast Asian inspired Restaurant.
2. The hour of operation will be 11 a.m. to 10 p.m. 7 days a week. No patrons will remain after those hours.
3. There will be no French doors or windows – all windows are non-operable.
4. There will be no live music, djs, 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. No customers will place orders at take-out window and it will be utilized for pick up only. Take out window will be closed when not in use.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Mark Sy Ventures, LLC, d/b/a Vien NYC, 220 Varick 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 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 33 Board members in favor.

28. Entity to be formed by Jason Soloway, 235 West 12th St. 10014

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present a “transfer” application for an existing restaurant on-premise license (existing license SN1260043) for an “American Bistro serving seasonal ingredients in small and medium sized plates for lunch, brunch and dinner”; and,

Whereas, this “transfer” application is for a previously licensed location in a mixed use building located on West 12th St between Greenwich Ave and West 4th St for a roughly 750 sq. ft. premise, 450 sq. ft. on the ground floor and 300 sq. ft. in the basement (basement for accessory use only – no patrons) with 16 tables and 32 seats, 1 stand up bar with 6 seats for a grand total of 42 interior seats, there is an existing sidewalk café that is properly licensed for 3 tables and 7 seats that is included in this application, there is an existing Certificate of Occupancy; and,

Whereas, the hours of operation will be Sunday to Wednesday from 8 a.m. to 12:30 a.m. and Thursday to Saturday from 8 a.m. to 1 a.m., music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors, there is existing sound proofing, there will be no d.j., no promoted events, there may be 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 letter and signed and executed stipulations agreement with the local block association and no opposition was recorded, and,

Whereas, the applicant executed a stipulations agreement with the Middle West 12th St. Block Association and stipulated with CB#2, Man. that they would adhere to those stipulations and that they would be attached and incorporated in to their method of operation on their SLA restaurant on-premise license and the stipulations as extracted from the original agreement are as follows:

1. Hours of Operation: On Sunday through Wednesday, the Establishment shall be open from 8:00 a.m. to 12:30 a.m.; and on Thursday, Friday and Saturday, the Establishment shall be open from 8:00 a.m. to 1:00 a.m. All patrons will be out by closing time.
2. Certificates, Permits and Related Documents: The Operator shall obtain all required certificates, permits and related documents and shall remain in compliance with all necessary governmental codes including the Department of Buildings, Landmarks, and the Fire Department.
3. Soundproofing: The Operator shall ensure that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use its best efforts to ensure that noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds the New York City noise code.
4. Sanitation: The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not place refuse at the curb. The Operator shall arrange trash pick-up between the hours of 8:00am and 6:00pm.
5. The Front Door: The Operator shall not operate any outdoor speakers or sound amplification and shall deliberately direct any sound outside of the Establishment.
6. Doors and Windows: The Operator shall not permit any doors or windows to be open prior to the opening of the Establishment as specified in "Hours of Operation" and after 8:00 p.m. on each day of operation. Any alterations to the existing doors/windows (or other physical aspect of the surrounding storefront) must be submitted for review to the required City agencies (DOB, LPC local Community Board Landmarks Committee) prior to any work being undertaken.
7. Music: The Operator shall not permit DJs, live music or outside promoters (including promotional parties) in the Establishment. Any recorded music shall be background only.
8. Party Bus: The Operator shall not permit the entry of patrons arriving via a "party bus."
9. Security: The Operator shall have a general manager and/or a manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation.
10. Lighting & Signage: The Operator shall not use signage on the Establishment that will be lit by neon lighting or any bright lighting beyond 10:30 p.m. Any additional lighting or permanent signage (or other physical aspect of the surrounding storefront) must be submitted for review to the required City Agencies (DOB, LPC and local Community Board Landmarks Committee) prior to any work being undertaken.

The Operator also agrees to not have "Sandwich Board" advertisement out on the sidewalk in the public walkway impeding the free flow of pedestrian traffic as has been previously noted and observed, but will instead comply with regulations that allow that type of advertisement if it is leaned against the building front and not obstructing the sidewalk.

11. Restaurant: The Operator shall continue to and will always operate the Establishment as a full service restaurant (as defined in Alcoholic Beverage Control law section 3(27)) which they have described as a "Contemporary American Bistro", serving brunch, lunch and dinner and will have a full menu available at all hours of operation until closing that consists of a variety of fresh , seasonal American food with an emphasis on small to medium sized plates, etc. served from 8am (or time of opening) until closing. The menu will at all times be comparable to the menu presented to Community Board 2 and the SLA at the time of the application for a full liquor license. To be clear, the Establishment will not be operated as a bar or tavern now or in the future.
12. Sidewalk Cafe: The Operator will operate the sidewalk cafe in front of the establishment, which consists of 3 tables and 7 chairs, in compliance with all rules and regulations and in compliance with all necessary governmental codes including those enforced by the NYC Department of Consumer Affairs. All tables and chairs will be removed from the sidewalk in compliance with governmental regulations when the sidewalk cafe is not in operation. If the sidewalk cafe is not set up as described in the floor plan submitted to the SLA and within the hours of legal operation, the Operator will not allow patrons to remove alcoholic beverages from the interior of the Establishment or consume beverages in the outdoor area. The Operator agrees not to set up the sidewalk café prior to noon on Sundays and will not serve alcohol in the outdoor area prior to noon on Sundays. To be clear, if the applicant places non-permitted benches in the outdoor area instead of setting up the café in the legally proscribed manner, those benches and the outdoor area will not be utilized for the service or consumption of alcohol and the benches will be removed at the same hours as defined under the "Doors and Windows" which is 8:00 p.m.
13. Change of Ownership: The License shall not be transferable in the event of a change of ownership of the Establishment, unless the Operator first amends its hours of operation such that the closing time of the Establishment is 12:00 a.m. every night. In the event there is a change in ownership, the Operator shall notify the Community Board and the Middle West 12th Street Block association within 60 days prior to any such change.

Nothing herein shall prevent a Subsequent Operator from seeking an amendment to the 12:00 a.m. closing time six months after the Subsequent Operator actually begins to operate the Establishment.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a "transfer" of the existing on-premise restaurant liquor license to **Entity to be formed by Jason Soloway, 235 West 12th 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 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant on-premise liquor license.

Vote: Unanimous, with 33 Board members in favor.

29. The Otheroom, Inc., 143 Perry St. 10014 (upgrade from Restaurant Wine SN#1034250 to Full OP)

Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application to upgrade an existing tavern wine license to a tavern on-premise license for a "neighborhood tavern in existence since September 1997 serving small plates"; and,

Whereas, this upgrade application is for an existing premises in a mixed use building located on Perry Street between Greenwich St. and Washington St. for a roughly 960 sq. ft. premise on two floors (570 sq. ft. ground floor, 390 sq. ft. basement) with accessory use in the basement (no patron use) with 9 tables and 20 seats, one stand up bar with 10 seats, 18 banquet seats for a grand total of 48 interior seats, there is also an existing sidewalk café included in this application with 2 tables and 6 seats, there is an existing Certificate of Occupancy; and,

Whereas, the hours of operation will be Sunday to Monday from 5 p.m. to 2 a.m., Tuesday to Thursday from 5 p.m. to 3 a.m., and Friday to Saturday from 5 p.m. to 4 a.m., music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.s, all doors and windows will be closed no later than 9 p.m. 7 days a week; and,

Whereas, the applicant presented a petition with signatures from local residents in support, no opposition was recorded, the applicant also currently hold 3 other tavern wine licenses in New York City with no known issues and has been operating for similar hours at this location since 1997; 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 neighborhood tavern serving small plates.
2. The hour of operation will be Sunday to Monday from 5 p.m. to 2 a.m., Tuesday to Thursday from 5 p.m. to 3 a.m., and Friday to Saturday from 5 p.m. to 4 a.m. No patrons will remain after those hours.
3. All Doors and Windows will be closed no later than 9 p.m. 7 days a week.
4. There will be no live music, djs, 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 with an existing calibrated sound limiter.
6. The establishment will have security present on the weekends during evening hours of operation

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an upgrade to the existing tavern wine license for **The Otheroom, Inc., 143 Perry St. 10014 (SN#1034250)**, 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 liquor license.

Vote: Unanimous, with 33 Board members in favor.

30. Hornblower New York, LLC d/b/a Serenity Vessel, Pier 40, 353 West St. 10014 (vessel liquor license)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Vessel Liquor license for a 149 foot long vessel for chartered Hudson River cruises docked at Pier 40 with 20 tables, 121 table seats, there are three decks (Main, 2nd, 3rd) and 2 bars with no bar seats with a maximum legal capacity of 650 persons, the vessel is currently holds all USCG permits; and,

Whereas, the applicant stated the hours of operation are 12:00 p.m. to 1:00 a.m. 7 days a week; there will be open air decks; music will be Live DJ only at private parties, otherwise from ipod/cds, all music volumes will be at background levels; and,

Whereas, the applicant has been approved and authorized by the Hudson River Park Trust; and,

Whereas, the applicant has agreed to the following stipulations:

- 1. The applicant will return to CB#2, Man., if requested, to discuss traffic issues as it relates to patrons arriving and departing Pier 40.
- 2. The applicant will have a designated parking facility at Pier 40 for every event

Whereas, the no one appeared in opposition; and,

Whereas, CB#2, Man. continues to have some concerns that the high volume of patrons proposed to arrive by vehicles in a very small window of time (less than one hour prior to sailing) could create issues as most cruises depart at peak hours for usage of the Hudson River Park, and there is a concern that this could impact pedestrians, bicyclists and runners in the heavily trafficked Park because vehicles would have to cross over the park pedestrian, runner and bicyclists paths in order to reach the designated parking area and CB#2, Man. has concerns as to how this might impact the safety of users of Hudson River Park and would like to revisit this issue should any problems arise and the operator agrees that they will return to CB#2, Man. should this become an issues; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Vessel Liquor license for **Hornblower New York, LLC d/b/a Serenity Vessel, Pier 40, 353 West St. 10014, unless** the statements the applicant has presented are accurate and complete, and that all 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 Vessel Liquor license.

Vote: Unanimous, with 33 Board members in favor.

31. Le Palais De Michelangelo (Michelangelo Mamo NYC LLC), 1-3 Little West 12th St., 10013 (new on premise restaurant liquor license)

Whereas, the applicant re-appeared before the committee after first having appeared in April 2011 and May 2011 and there was a subsequent application for this location in this location in the intervening time period from another entity; and,

Whereas, this application is for a “elegant European style restaurant serving fine Mediterranean cuisine” and further described as a “white table cloth Italian dining establishment” and the applicant “seeks to bring a cultured European atmosphere and culinary treats [from two restaurants the principal owns in Cannes, France] to New York; No other restaurant in the area currently provides this type of exceptional ambiance, service and food”; and,

Whereas, this application is for an On Premise license in a commercial building on Little West 12th between 9th Avenue and Hudson Street for a 5,472 sq. ft. (2,800 sq. ft. ground floor and 2,672 sq. ft. cellar with accessory use and wine cellar and 10 seats at 1 table in wine cellar) upscale French restaurant with 33 tables and 97 table seats, 1 bar with 12 seats on the first floor, 5 seats at a food counter on the first floor and 10 seats at a table in the Cellar Level Wine room for a grand total of 124 seats, with a maximum legal capacity of 123 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 10:00 a.m. to 12:00 a.m. (midnight) and Friday and Saturday from 10:00 a.m. to 1:00 a.m.; there will be a sidewalk café application in the future, but it is not included in this application, there will be no other outdoor areas; music is iPod/CDs at background levels only; and

Whereas, the applicant has agreed to the following stipulations:

1. The premises will be operated and advertised as a “European style restaurant”
2. The hours of operation will be Sunday through Thursday from 10:00 a.m. to 12:00 a.m. (midnight) and Friday and Saturday from 10:00 a.m. to 1:00 a.m.
3. The applicant will obtain all required certificates, permits and related including a final Certificate of Occupancy (specifically not a temporary Certificate of Occupancy – the applicant has waived their right to operate with a liquor license with a temporary Certificate of Occupancy issued by the Department of Buildings)
4. All doors and windows will be closed at 9:00 p.m. daily without exception.
5. The applicant will waive its rights to seek a DCA sidewalk café license for a full year from its opening date – meaning the first day of operation.
6. The applicant will not operate as a Nightclub/Disco as defined under New York State Alcohol Beverage Consumption law guidelines.
7. The applicant will not seek a NYC Department of Consumer Affairs Cabaret License.
8. There will not be DJs or Live music.
9. There will be no promoted events, live music, or any event for which a cover fee is charged, or scheduled performances.
10. A sound professional who regularly works in this area and in these types of establishments will be retained to install the sound system and the applicant will follow all recommendations.
11. There will be no bottle service, i.e. no alcoholic beverages with the exception of wine or champagne will be offered or sold to customers, meaning, except for wine and champagne, all drinks will be sold by the glass and be prepared by a bartender or wait staff behind a licensed bar and not in larger vessels than would normally be found in fine dining establishments which do not offer “bottle service” including alcohol in carafes etc. or non standard glassware sizes utilized in fine dining white table cloth restaurants.

Whereas, CB#2, Man. did recommend approval to a similar operation which has the same name of Michelangelo Mamo NYC LLC in May 2011, but which had a different make up of Principals, 2 years and 2 months prior, there has been a intervening application for this location recently for which CB#2, Man. recommended denial based on the impact to this community of a slightly different operation and CB#2, Man. can only assume that from this intervening application and the fact that this license was never issued that this current application which now includes the basement is in fact again a new application because this premise never opened and in fact the premises is no where near being ready for occupancy (still a rudimentary shell) by a tenant, and in support of this, the current applicant continues to claim that all work on the establishment in regards to building filings has been undertaken by the building owner and not any applicants and they have never provided any documentation to show that the applicant has been involved in the build-out of the location nor any evidence of a lease or even any intent of a lease; and the previous application in May 2011 was presented by an entirely different principle who met with the local community and in which discussions the current applicant did not participate, even though he may have been listed as a principal; and

Whereas, the current applicant’s attorney has reached out to members of the community and there was a meeting between the applicant’s lawyer and several members of the community, but not the principle, and therefore many details of the operation were left unclear; and,

Whereas, there are concerns with licensing another establishment in the meat packing district, which is widely understood and has been demonstrated repeatedly to be oversaturated with many licenses, many for multi-floor premises with high occupancy; there is an existing vehicular traffic problem which is acknowledged by New York City's Department of Transportation which is in the midst of a long running traffic evaluation of the area in response to the overwhelming vehicular traffic which extends into the adjoining residential communities whose streets are not equipped to handle the type of evening vehicle volume which descends on this area during peak dining hours and later into the evening through 4 a.m. as a result of the limited entry ways into the Meat Packing District; there is an acknowledged very high volume of pedestrian traffic through the course of the evening and into the early morning hours in the larger area including residential areas due to the high number of patrons who frequent this area and as a result of a lack of adjoining public transportation options and the corresponding lack of for hire vehicles willing to transit this high traffic area; and furthermore the number of existing venues, vehicles, traffic congestion and pedestrians all have a direct impact on the existing noise level in the area which directly impacts the quality of life of area residences in a significant manner; and licensing any additional premises in the area that does not meet the public interest is not acceptable to most in this community, and,

Whereas, CB#2, Man. received over 30 emails in opposition to the establishment before and after the date of this hearing highlighting significant community concern with this application and several people spoke in opposition; and,

Whereas, the communications received and the speakers highlighted a number of areas which would give CB#2, Man. pause in recommending approval for this license including a number of significant elements including the fact that the this premises is unique in the Meat Packing District in that there are residential tenants directly across the street; there are two establishments Bagatelle and Provocateur on both sides of the establishment who routinely violate many NYC ordinances and in fact violate their agreed upon stipulations with CB#2, Man. and the Liquor Authority and further more regularly violate NYC Noise codes and yet there is limited to no enforcement because of lack of resources and residents wonder why another establishment with restrictive stipulations agreed to in the heat to receive a positive recommendation from CB#2, Man. can be adhered to without non-existent enforcement activities; and, simply one more establishment of this size no matter the hours of operation will only serve to reduce quality of life in this area by adding to an already untenable situation; and, residents feel it is implausible that the addition of a "white table cloth Italian restaurant" with a European ambiance is even remotely unique in this area as there are plenty of restaurants with a "European" ambiance and plenty of Italian restaurants within the greater area of all variety of shapes and sizes and simply combining elements of existing establishments does not in it self make this establishment unique or rise to the public interest given the issues in this area in particular; there are concerns that the main principal, Patrick Tartary, who owns or has investment interests in other country's will not be a hands on manager, nor will he reside in the proximity of the establishment to properly oversee the establishment which has been a routine and regular problem with other venues in this area who are managed by employees whose sole responsibility is the generation of revenue and not running a premise in compliance with the established method of operation; and there were concerns that the main principal was not even familiar with the unique are of the Meat Packing District in response to questions posed at the hearing which seemed that he had little knowledge of the immediate area beyond a business plan; and, there were concerns that should this restaurant concept fail, like many other businesses in the area, this business would revert to more of a late night or daytime rowdy crowd based on alcohol service that is not ancillary to food service and that requires a tremendous amount of energy on the part of residents, City and State resources to curtail and address; and, the their was significant concern that the primary principals other endeavors, namely CasaMia and L'ecrin in Cannes, France were mentioned in this application and the exclusions of at least

two other holding which are large nightlife focused venues that were specifically excluded, but in which he has a significant presence on internet searches, namely Palais Club Cannes and Gotha Club in Cannes France, which is noted that were specifically excluded in any form in describing Mr. Tartary's experience or specifically experience in current or past licenses held which would indicate a selective Curriculum Vitae to hide his nightlife involvement and the use of "Le Palais" in the name of this establishment is circumspect; and

Whereas, CB#2, Man. can no longer tolerate even the slightest hint of establishments that may not adhere to stipulations that might somehow rise to the public interest in this particular area if there is no other evidence of adherence to these stipulations beyond "moral suasion" given the lack of actual enforcement and the exacerbation in this particular case that the main principal does not reside in the area, nor does he have any plans to manage this operation in a hands on fashion from a local residency brings this issue to the immediate forefront as this is a unique problem specific to this community which has numerous operations which are managed on a day to day basis without direct oversight from the principals listed on their liquor licenses; and,

Whereas, there are approximately 33 On-Premise Liquor Licenses within 500 feet of this location and 3 pending On-Premise Liquor License applications within 500 feet of this location and therefore this location is subject to the "500 Ft Rule" and no exceptions appear to apply and CB2, Manhattan respectfully requests that a "500 ft." hearing be conducted; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Le Palais De Michelangelo (Michelangelo Mamo NYC LLC), 1-3 Little West 12th St., 10013**; and

THEREFORE BE IT FURTHER RESOLVED that should the Liquor Authority consider finding the issuance of this license in the Public Interest over the recommendation of CB#2, Man. to deny this application, CB2 respectfully requests that the Liquor Authority consider incorporating the stipulations outlined in the 5th "Whereas" clause above as part of the "method of operation" and that further stipulations be considered to address traffic management and mitigation, crowd control, any provisions that would ameliorate outdoor noise from any future sidewalk café application, and noise abatement steps to ensure quality of life is not further disrupted in this community and to also consider any other provisions that would ensure enforcement of any stipulations incorporated into the license is straightforward and that the burden is not placed on the community to document violations but instead on the licensee to operate within the parameters of their license if it is deemed in the "public interest"

Vote: Passed, with 30 Board members in favor, and 3 in opposition (M. Derr, R. Sanz, R. Stewart).

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

32. Yemma Bar Corp., 107-109 Sullivan St. 10012 (OP SN 1025296)

Whereas, the licensee **failed to appear** before CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013 after having notified CB#2, Man. via a "30 day notice" of a corporate transfer and having been placed on CB2's calendar and having been requested to appear on that date; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of corporate change, any proposed on premise liquor license, beer and wine license, alteration, transfer, upgrade or changes to any existing license for **Yemma Bar Corp., 107-109 Sullivan St. 10012 (OP SN 1025296)** 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 33 Board members in favor.

33. Entity to be formed by David Zachary Golper d/b/a Bien Cuit, 35 Christopher St. 10014 (New Restaurant Wine)

Whereas, the licensee **failed to appear** before CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013 after having notified CB#2, Man. via a "30 day notice" of a pending application for a New Restaurant Wine License and having been placed on CB2's calendar and having been requested to appear on that date; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of new restaurant wine license, corporate change, any proposed on premise liquor license, beer and wine license, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by David Zachary Golper d/b/a Bien Cuit, 35 Christopher 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 33 Board members in favor.

34. Le Gans Restaurant, Inc., d/b/a Ryu, 46 Gansevoort St. 10014, aka 842 Greenwich St. – SN 1025594 (Corporate Change - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to **layover** this application for a corporate change and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

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 **Le Gans Restaurant, Inc., d/b/a Ryu, 46 Gansevoort St. 10014, aka 842 Greenwich St. – SN 1025594** 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 33 Board members in favor.

35. Home for Contemporary Theatre & Art, Ltd. d/b/a HERE Arts Center, 145 Ave. of Americas (new beer & wine - applicant requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to **layover** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Home for Contemporary Theatre & Art, Ltd. d/b/a HERE Arts Center, 145 Ave. of Americas** 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 33 Board members in favor.

36. 69 Gans Restaurant, LLC, tbd, 69 Gansevoort St. 10014 (transfer – existing license Gans Wine Concept LLC – SN 1256676 - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to layover this application for a "transfer" application (temporary license filed in conjunction with a new OP license) and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **69 Gans Restaurant, LLC, tbd, 69 Gansevoort 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 33 Board members in favor.

37. WeWork 175 Varick, LLC, d/b/a To be determined, 175 Varick St., 10014 (withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to withdraw this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **WeWork 175 Varick, LLC, d/b/a To be determined, 175 Varick 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 33 Board members in favor.

38. Forks & Parrot, LLC, 517-519 Broome St.10013 (attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to layover this application for a new on-premise liquor

license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Forks & Parrot, LLC, 517-519 Broome 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 33 Board members in favor.

39. Union Bar and Kitchen, LLC d/b/a Union Bar and Kitchen, 300 Spring St. 10013 (withdrawn by attorney, may re-submit at a later date)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 11th, 2013, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license but may resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Union Bar and Kitchen, LLC d/b/a Union Bar and Kitchen, 300 Spring 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 33 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Proposal by NYC DOT to install a painted sidewalk of west side of Mott St betw. Grand and Hester St.

WHEREAS, this proposal is the only area to fall within the borders of Community Board 2 from a much larger study area (primarily in CB1), and

WHEREAS, this proposal comes from NYCDOT's study of the area, after significant outreach by to affected businesses and community groups; and

WHEREAS, pedestrian overflow, safety concerns and traffic congestion that currently exist on Mott Street could be addressed by better traffic management and the creation of additional marked pedestrian space to avoid conflict with vehicles; and

WHEREAS, the introduction of metered parking will provide for a better flow of commercial traffic and lessen double parking; and

WHEREAS, the proposal will divide the Mott roadway with markings into a parking lane (11 ft wide), a travel lane (12 ft wide) and additional painted pedestrian space (5 ft wide); and

WHEREAS, the 5-foot painted sidewalk extension will not take away needed moving lane space, but will allow easier and safer pedestrian activity and ease congestion caused by many people forced to walk in the street; and

WHEREAS NYCDOT did report some concern by some vendors about longer routes to deliver goods, because of parking rule changes; and two audience members expressed general concern about loss of residential parking space in the city;

WHEREAS, however, the proposal provides for no net loss in commercial parking spaces in the immediate area, and the spaces removed from Mott in the affected block between Grand and Hester will be relocated to other blocks on Mott, and divided between loading and metered areas;

THEREFORE BE IT RESOLVED, CB#2, Man. recommends approval of the NYC DOT proposal for Mott Street.

VOTE: Unanimous, with 33 board members in favor

2. Proposal by NYCDOT for new parking regulations: No Standing on Gansevoort St betw Greenwich and Washington Sts, N&S sides, 11 pm – 6 am, 7 days/week.

WHEREAS, this proposal stems from multiple and ongoing neighborhood complaints about honking, congestion and all-night traffic noise in this area of the Meat Market; and

WHEREAS, this proposal also emanates from the 6th Precinct, which seeks to better manage the late-night/early morning traffic crush and which has strongly suggested removing parking, which would ease traffic flow and assist police effectiveness; and

WHEREAS, the problem appears to be created from visitors, not area residents, and the removal of parking will primarily affect these visitors and the drivers who service them, and not our neighbors; and

WHEREAS, this item has been presented previously to the committee in a pre-committee advisory, and was fully supported as a means to relieve nighttime congestion and honking; and

WHEREAS, there were two members of the community, who do not live in the affected area, who were unhappy with the loss of parking spaces; however there was one other comment from a community member with knowledge of the late-night conditions who strongly urged this change in parking;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this proposal to for No Standing of Gansevoort St, N&S sides, 11 pm – 6 am, 7 days a week; and

BE IF FURTHER RESOLVED that CB#2, Man., thanks the 6th Precinct for its assistance in trying to manage and relieve this overnight congestion and noise problem in our community.

VOTE: Unanimous, with 33 board members in favor

3. Proposal by the NYCDOT for installation of bicycle facilities at the following locations: W Broadway from Canal to Houston St; LaGuardia Pl from Houston St to Wash Sq S; Wash Sq S from Wash Sq W to Wash Sq E; Wash Sq E from Wash Sq S to Was Sq N; Wash Sq N from Wash Sq E to Fifth Av; Broome St from W Broadway to Varick, Varick from Broome to Canal (other portions of this Tribeca-Wash Sq route are outside CB2).

WHEREAS, NYCDOT has generated this proposal to facilitate improved management of bicycle traffic around Washington Square Park and between Tribeca and the park, much of which will codify the bicycle traffic which is already observed using the perimeter park roads and traveling north-south in Lower Manhattan; and

WHEREAS, NYCDOT presented a substantial study of the area and the analysis and selection of certain roads for this north-south route for bicycles; and

WHEREAS, the proposed bicycle markings are adapted according to street width and traffic use, so that narrower streets and streets with heavier traffic will have a “shared lane” with painted bicycle demarcations but overlapping a lane still used for traffic, while wider streets will have a delineated or green-painted bicycle lane where there is sufficient room for a 5-foot strip specifically for bicycles apart from motorized traffic, however it will not introduce any bicycle paths which are separated by raised lane markings or dividers; and

WHEREAS, the proposal, if adopted, will not affect, change or modify any residential or commercial parking, or remove vehicle moving lanes; and

WHEREAS, there were two letters and two members of the community expressing concerns or opposition, but primarily for reasons that were not part of this proposal, such as bicycles inside Washington Square Park, or the placement of docking stations, and seeking the stationing of traffic enforcement officers at Varick and Canal; and

WHEREAS, as this proposal will not change or remove parking, and will primarily guide bicyclists and provide a useful north-south route without altering vehicle traffic, thereby causing minimal effect on other transportation options, such as cars, trucks, pedestrians;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this proposal for installation of bicycle facilities around Washington Square Park and north-south to Tribeca; and

BE IT FURTHER RESOLVED, that with regard to Washington Square Park pedestrian crosswalks are clearly indicated where they intersect with bicycle paths and that signs or other markings inform bicycle riders that riding is not permitted on park pathways.

VOTE: Unanimous, with 33 board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan