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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:** October 24, 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, Katy Bordonaro, Anita Brandt, William Bray, Heather Campbell, Denise Collins, Tom Connor, Terri Cude, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Dodge Landesman, Edward Ma, Alexander Meadows, Judy Paul, Lois Rakoff, Robin Rothstein, Rocio Sanz, Shirley Secunda, Federica Sigel, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth

**BOARD MEMBERS EXCUSED:** Richard Caccappolo, Lisa Cannistraci, Coral Dawson, Jo Hamilton, Florent Morellet, Robert Riccobono, Maury Schott, Chenault Spence, Richard Stewart, Shannon Tyree, Elaine Young

**BOARD MEMBERS ABSENT:** 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 and Joshua Cole, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman, Man. Borough President Scott Stringer's office; Sarah (Malloy-Good) Sinchala, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Fred Merger, Claudia Ki, Steve Love, Paul Farr, Adam Goode, Steve O'Neil, Shana Jacques, Tyler Hawking, Pier Consagra, Jerry Delakas, Tom Crimmins, Jerome Polanco, Marco Ciocca, Andrea Estanislao, Brian Chan, Carmen Li, Meredith Nowikowski, Nailah Kettres, Shann Ali, Lilly Zheng, Aaudia Ig, Sandy Wang, Amy Yang, Komi Wu, Anana Lee, Elise Wagner, Marcello Porcelli, Antoinette Janechi, Martin Sweeney, Andy Luo, Sante Scardillo, Stephanie Chen, Kelly Liang, Maria Bermeo, Brikena Zeneli, Ivan Chang, William Chung, Susanna Chan, Martin Tessler, Ashley Genaro, Kyra Plitt, Zack Winestine, Chloe Rottenberg, Renee Monroe, Richard Cook, Adam Taubman, Alexandra Kelly, Daniel Miller, Jeffrey Rowland, Arlene Peralta, Judie Kuang, Debbie Ibrahim, James Wanderstock, Andrew Berman, Roy Ibsala

## MEETING SUMMARY

Meeting Date –October 24, 2013  
Board Members Present – 38  
Board Members Excused–11  
Board Members Absent - 1

### I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
LANDMARKS AND PUBLIC AESTHETICS	4
LAND USE & BUSINESS DEVELOPMENT	11
PARKS/WATERFRONT	15
PERSONNEL	16
SIDEWALKS/STREET ACTIVITIES	16
SLA LICENSING	19
TRAFFIC AND TRANSPORTATION	53

### II. PUBLIC SESSION

#### Non-Agenda Items

##### Food Truck Vendors

Pier Consagra and Paul Farr, spoke against food truck vendors who are illegally parking in front of metered zones along Broadway.

Renee Monroe spoke regarding the food vendor issue.

##### MPIA Harvest Fest

Meredith Nowikowski invited everyone to the MPIA Harvest Fest.

##### Thanksgiving at Le Souk

Terri Cude announced that the restaurant will again be serving free Thanksgiving dinners to the community.

##### Village Care Awards

Rocio Sanz announced that Maria Derr would be receiving an award at an upcoming special event.

##### Montessori School Pre-Kindergarten Program

Marco Ciocca announced the addition of a pre-school program in the school.

### NY Public Library

Alex Kelly announced the creation of the Greenwich Village Oral History Project and encouraged everyone to participate with their own stories.

### Jerry Delakas-Newsstand at Cooper Square

Martin Tessler spoke in favor of retaining Mr. Delakas' newsstand at the Cooper Sq./Astor Pl. location.

### Upcoming Events

Lois Rakoff invited everyone to the annual Edgar Allan Poe Room event. She also announced that the Friends of LaGuardia would be honoring Boro President Scott Stringer, the CB2 staff (including Gloria Harris posthumously) and Paul Colby, from the Bitter End, for Citizens of the Year.

### **Landmarks & Public Aesthetics Items**

#### 151 Mercer St. Application is to demolish the existing building and construct a new 5-story building

Adam Taubman, representing the applicant, spoke in favor of the proposed demolition and new construction.

#### 32 Prince St. aka 233-241 Mott St. - Old St. Patrick's Convent and Girls' School

Sante Scardillo spoke against the Landmarks Committee resolution recommending approval.

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

#### 156-162 Leroy St. Application to BSA to permit construction of a new building with retail use on the ground floor and residences on the 2<sup>nd</sup> through 12<sup>th</sup> floors on a zoning lot with area of 28,362 square feet

Andrew Berman and Zack Winestine spoke against the proposed variance application.

Daniel Miller spoke in favor of the proposed variance application.

#### 300 Lafayette St. (BP Station on Houston St.). Application to CPC for development of a 7-story building

Richard Cook spoke in favor of the Special Permit application.

### **Sidewalks/Street Activities Items**

#### RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring St., with 14 tables & 30 seats

Jeffrey Rowland, Debbie Ibrahim, James Wanderstock, and Antoinette Janechi, Jeffrey Rowland, Debbie Ibrahim, James Wanderstock, Antoinette Janechi, and Roy Ibsala spoke in favor of the sidewalk café renewal.

### **III. ADOPTION OF AGENDA**

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

Celine Mizrahi, Congressman Jerrold Nadler's office

Joshua Cole and 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) Sinchala, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

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

## **V. ADOPTION OF MINUTES**

Distribution of September minutes.

## **VI. EXECUTIVE SESSION**

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

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

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

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

**1 - LPC Item: 14 - 102 Greene Street** (Spring/Prince) - SoHo-Cast Iron Historic District A store and loft building designed by Henry Fernbach, built in 1880-81, and altered in 1941. Application is to reconstruct the missing top two floors of the building and construct a rooftop addition and bulkhead. Zoned M1-5A

**Whereas**, the proposal to reconstruct the missing top floors in cast iron is welcomed, and we trust the cast iron is consistent in quality and detailing with the existing cast iron; and

**Whereas**, the plan to install appropriate style windows is commendable and

**Whereas**, the proposed roof structures cannot be seen from the street; now

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

Vote: Unanimous, with 38 Board members in favor.

**2 - LPC Item:15 - 102 Greene Street-SoHo-Cast Iron Historic District.** A store and loft building designed by Henry Fernbach, built in 1880-81, and altered in 1941. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5A

**Whereas**, the scope and benefit of the proposed work clearly serve a preservation purpose and more than justify the application for an Modification of Use; but

**Whereas**, our willing approval of the landmarking portion of this application should in no way be construed or inferred to influence any future community board decisions on the zoning aspect of the application; now

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

Vote: Unanimous, with 38 Board members in favor.

**3 - LPC Item:16 - 32 Prince Street, aka 233-241 Mott Street** - Old St. Patrick's Convent and Girls' School-Individual Landmark. A late Federal style institutional building built in 1826 with associated later additions. Application is to demolish a building and additions, construct a new building, rear and rooftop additions, alter window openings, install new doors, a barrier-free access lift, rooftop mechanical equipment, replace windows and alter the areaway. Zoned C6-2

**Whereas**, we approve the demolition of the 1950s building on Mott Street as well as the removal of the additions in the rear courtyard that restores the H-shape configuration of the original courtyard; and

**Whereas**, the restoration work is commendable and will be an improvement; and

**Whereas**, the proposed new Mott Street building will have a glowing glass facade. This is a well-designed, beautiful work of architecture. However, it is disharmonious with the campus and the surrounding Little Italy Special Zoning District; it is basically a glass intrusion in a neighborhood of bearing-wall masonry; and

**Whereas**, several representatives of neighborhood groups attended and expressed similar dismay at the glowing glass structure; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of demolition of the Mott Street building and removal of the rear-yard additions, but requests a reworking of the glass building.

Vote: Unanimous, with 38 Board members in favor.

**4 - LPC Item:17 - 324 Lafayette Street, aka 159-165 Crosby Street-NoHo Historic District** A Renaissance Revival style store and warehouse building designed by Horenburger & Straub with Martin Johnson and built in 1897. Application is to install awnings and light fixtures, alter the fire escape and install HVAC equipment.

**Whereas**, the awnings are acceptable but the light fixtures, at 72"x18", are way too big, draw attention to themselves and detract from the building; and

**Whereas**, the work on the Crosby Street side is not objectionable, but the unsightly HVAC unit should be shrouded; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the awnings but not the multitude of huge, distracting, light fixtures 72"x18" in dimension; and, further, recommends that the unsightly HVAC mechanicals in the rear be shrouded.

Vote: Unanimous, with 38 Board members in favor.

**5 - LPC Item:18 - 35 Grove Street**, aka 33-37 Grove Street – Greenwich Village H.D. An apartment house with Victorian Gothic influences, designed by F. T. Camp, built in 1888. Application is to legalize the removal of historic fabric and facade alterations performed without Landmarks Preservation Commission permit(s).

**Whereas**, to lift a violation we need sufficient documentation to justify legalization. However, nothing was presented to enable us to legitimize the violations.

The two stoops could have been restored instead of being destroyed. The fact that concrete is proposed as the replacement for the destroyed brownstone troubles us, particularly when the request for legalization is just based on the opinion of the applicant that it will “look good”; now

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

Vote: Unanimous, with 39 Board members in favor.

**6 - LPC Item:19 - 446 West 14th Street**-Gansevoort Market Historic District A Moderne style market building designed by H. Peter Henschien and Axel S. Hedman and built in 1936-37. Application is to install canvas wall signs, and a hanging sign

**Whereas**, the proposal for artwork will enhance the area, but we insist that wording be included in the LPC permit to prevent it from morphing into an advertising or commercial sign at a later date; and

**Whereas**, the quality of a hand-painted mural is far preferable to the canvas medium proposed, and would evoke the cherished “ghost” signs; now

**Therefore, be it resolved** that CB#2, Man. recommends general approval of this application, but requests strong language in the LPC permit to prevent future morphing into advertising signage, and, further, we would prefer a hand-painted mural instead of the canvas medium proposed.

Vote: Unanimous, with 38 Board members in favor.

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

**7 - 151 Mercer Street** – SoHo-Cast Iron Historic District. A two-story brick garage building built in the mid-twentieth century. Application is to demolish the existing building and construct a new five-story building.

**Whereas**, the upper floors of the original building were removed, leaving the ground floor and then the building was converted to a garage. This one story building is to be demolished; and

**Whereas**, examples of similar non contributing buildings in the district have been approved by LPC for demolition in connection with new buildings on the site; and

**Whereas**, a five story, as of right building will be constructed on the lot; and

**Whereas**, the ground floor storefront is all glass with no wood bulkhead, frames or sash at the doors nor at the display windows which is not typical to the SoHo district; and

**Whereas**, the height of the first floor is higher with regular, shorter floors on the upper floors in the manner of cast iron buildings and is typical to the district, and a modern, open cornice at the street facade; and

**Whereas**, there will be electrically operated shutters on the front facade meant to echo the shutters on cast iron buildings in the district; and

**Whereas**, awnings, which have no historical precedent, are proposed for the ground floor; and

**Whereas**, the windows are deeply recessed with very narrow baffles clad in core ten-rusted steel separating the windows. Every window opening is floor to ceiling glass, divided horizontally into three parts with an operable lower hopper, an upper awning and a fixed middle window pane (not a double hung window, with a solid infill from the floor to the window sill which is typical in this area). This glass infill creates a high ratio of glass to solid material; and

**Whereas**, there is an interior illuminated sign on the sign band above the ground floor; and

**Whereas**, there was a comment from a neighbor that the openness ratio is extremely high in this proposed street facade; and

**Whereas**, the secondary facades are in common brick with simple windows on the rear facade typical of windows in the district; and

**Therefore be it resolved** that the demolition of the existing structure be approved; and

**Be it further resolved** that the overall design, the recessed depth of the windows and the shutters be approved; and

**Be it further resolved** that it order to achieve greater harmony with the streetscape and respect for the cast iron design of the buildings in this area that the ratio of solid construction to glass throughout the building's street facade and especially with respect to the ground floor, be increased; and

**Be it further resolved** that the awnings and illuminated sign be denied.

Vote: Unanimous, with 38 Board members in favor.

**8 - LPC: 20 - 22 Bond Street, aka 25 Great Jones Street-NoHo Historic District Extension.** A construction site with a partially-constructed building. Application is to alter the massing and revise the design of the building.

**Whereas**, the partly constructed building was approved as a hotel property before designation; and

**Whereas**, it is now proposed that it be designed for use as condominium apartments; and

**Whereas**, the height will diminished by four floors and the volume be redistributed to the front of the lower seven floors on the street side and a seven foot extension of all floors on the rear facade, which is a considerable improvement in the massing; and

**Whereas**, the entrance is on Bond Street with a metal three story screen, and a tree planted and visible at the second floor level above the solid entrance and a ground floor square plate glass window for the display of public art; and

**Whereas**, the Great Jones Street wall is approximately the height of the adjoining buildings; and

**Whereas**, the store front on Great Jones Street has a shallow awning with a display windows to the ground level, and

**Whereas**, the west facade lot line masonry wall to be painted as a “canvas” for a work of public art by Jose Parla; and

**Whereas**, the highly visible south facade of the tower is glass with sunshades and balconies; and

**Whereas**, Zella Jones of NoHo- Bowery stake holders reported that the organization has had extensive discussions with the developers and they approve of the current design; and

**Whereas**, numerous neighbors spoke with various concerns, most of which were clarified and became moot; and

**Whereas**, the Bond Street entrance, which reads as a three story fence with a ground floor square display window, is without historic reference and is out of harmony with the neighborhood; and

**Whereas**, the high ratio of openness of the facades -that is more glass than solid -is extreme for the neighborhood; and now

**Therefore be it resolved** that the overall design and the party wall art work be approved, and

**Be it further resolved** that the design of the Bond Street entrance be modified to make it more harmonious with the neighborhood and less foreboding.

Vote: Unanimous, with 38 Board members in favor.

**9 – LPC: 21 - 37 West 10th Street-Greenwich Village Historic District.** A Greek Revival style townhouse built in 1838-39 and altered in the 1920's. Application is to excavate the areaway, alter the facade and construct a stoop.

**Whereas;** the application was previously presented with a an entry below grade; and

**Whereas;** the revised proposal is to construct a stoop and parlor floor entry in the style of the intact stoop at 43 West 10<sup>th</sup> Street; and

**Whereas;** the iron work and bottom of the steps appear unfinished and truncated because of the decision to keep the stoop within the property line, contrary to the numerous examples in the district, and

**Whereas;** the window lintels are proposed to be kept in white which is without precedent and is jarring against the facade and does not match the proposed brownstone entry, now

**Therefore be it resolved** that the stoop, areaway excavation and necessary reconfiguration of the areaway steps be approved, and

**Be it further resolved** that the iron work at the stair, which is not correct for the period, is flimsy and lacks a newel post and the compressing of the main steps behind the sidewalk lot line be denied, and

**Be it further resolved** that the lintels be in the correct brownstone to match the stoop and entry surround.

Vote: Unanimous, with 38 Board members in favor.

**10 – LPC: 22 245 West 11th Street**-Greenwich Village Historic District. A transitional Greek Revival style rowhouse built in 1851. Application is to demolish existing rear yard additions, construct rooftop and rear yard additions, demolish and reconstruct a rear yard shed, paint windows, and excavate the cellar.

**Whereas;** the proposal is to restore brownstone headers and sills on the facade; and

**Whereas;** there is construction proposed on the roof that is minimally visible from the street; and

**Whereas;** the English basement floor is to be extended minimally creating a terrace at the parlor level; and

**Whereas;** the upper two floors are to have enlarged window openings with a terrace off of the next to top floor, and

**Whereas** the rear extensions and rear original wall are to be removed and replaced with a facade almost entirely of glass and the full height of the building, extends three stories into the garden, has virtually no delineation of the floors, has no resemblance to the rhythm of the original and completely intact rear facade (now partially hidden behind later extensions), makes no acknowledgment of the window placement which illustrates the “dog leg” stair returns, and has no historical reference; and

**Whereas;** there is excavation to the garden which is of minimal depth and does not extend to the property line; and

**Whereas,** though it is mentioned in the application, no cellar excavation proposed; and

**Whereas,** a garden shed that does not appear to be of construction as recent as was represented by the applicant; and now

**Therefore it be resolved** that the front facade work, roof alterations and additions be approved; and

**Be it further resolved** that the demolition of the extensions be approved; and

**Be it further resolved** that the rear facade work be denied because it involves considerable destruction of historical material and replacement with a modern facade that has absolutely no historic reference or justification for the excessive amount of glass; and

**Be it further resolved** that the demolition of the garden shed be denied unless it is established by the Commission staff that it was constructed after designation.

Vote: Unanimous, with 38 Board members in favor.

**11 – LPC: 23 - 27 E. 11th St.** Greenwich Village Historic District . A Greek Revival style townhouse built in 1845. Application is to raise the roof, construct a rooftop bulkhead and rear yard addition, alter the front façade, and excavate at the cellar and rear yard

**Whereas**, the 1040 tax photographs shows the facade in pristine order; and

**Whereas**, the facade will be restored, apart from the balcony, to its original state; and

**Whereas**, the existing extension covered in wood that extends the back facade to be in line with an original one window brick extension is to be restored; and

**Whereas**, there are minor changes to the windows and doors on the upper floors of the rear facade; and

**Whereas**, the roof will be raised on the front and back, a new stair bulkhead and a deck with only the chimney flues extension visible from the street; and

**Whereas**, there is considerable excavation of the garden that is of minimal depth and does not extend to the property line; and

**Whereas**, the cellar is to be excavated 3'-10" and there is to be an 8" excavation to the unexcavated area behind the English basement; and now

**There for be it resolved** that the application be approved except for the addition of the balcony to the front facade is denied.

Vote: Unanimous, with 38 Board members in favor.

**12 – LPC: 24 - 51 West 8th Street**-Greenwich Village Historic District. An apartment house with a commercial ground floor built in 1877. Application is to legalize the installation of a storefront, residential entrance door, and roll-down security gate without Landmarks Preservation Commission permit(s) and to Community District 2

**Whereas**, the awning, gate, front door, and certain windows were installed without permission; and

**Whereas**, the proposal is to legalize the roll down gate and replace the awning in a similar color and canvas; and

**Whereas**, the proposal is to legalize the existing door; and now

**Therefore be it resolved** that the new awning is approved; and

**Be it further resolved that**, if a security gate is to be used, that it be behind the window and not visible when it is rolled up and that the door and window legalization be denied.

Vote: Unanimous, with 38 Board members in favor.

**13 – LPC: 25 - 607 Hudson Street** -Greenwich Village Historic District. A no-Federal style hotel building designed by Ralph Townsend and built in 1905. Application is to construct a pergola and acoustic walls at the roof.

**Whereas**, the pergola is extensive and much more than minimally visible from the street south of the property; and

**Whereas**, the acoustic wall is in a light colour and, though visible, covers the unattractive air-conditioning equipment which is a great improvement; therefore

**Therefore it resolved** that the acoustic wall be approved and that the pergola be denied.

Vote: Unanimous, with 38 Board members in favor.

**14 – LPC: 26 - 402 West 13th Street**-Gansevoort Market Historic District. A building designed by Sherida E. Paulsen and built in 2010. Application is to construct a rooftop addition. Zoned M1-5

**Whereas**, the application is to install a 10’ x 8’x 10 ‘ high toilet on the roof for the convenience of employees using the rooftop deck; and

**Whereas**, the mockup shows that the additions is more than minimally visible from several vantage points; and

**Whereas** the applicant represented that a building is to be built that will block the view from he most visible point and approvals are not given on the speculation that a future building will block the view of additions; therefore

**Therefore be it resolved** that denial is recommended for the application.

Vote: Unanimous, with 38 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 300 Lafayette Street (BP Station on Houston St.). ULURP Nos. N 140092 ZRM, N 140093 ZSM, N 140095 ZSM, N 140096 ZSM, CEQR No. 77DCP091M.** An application to the City Planning Commission to facilitate development of a seven-story commercial building within an M1-5B zoning district and within the Soho Cast Iron Historic District Extension. The application seeks the following actions: a zoning text amendment to Section 74-712 and special permits pursuant to Section 74-712 as amended to 1) allow Use Group 6 retail and office uses below the second story, 2) modify height and setback requirements; and 3) to allow retail uses in Use Group 6 and 10A with no limitation on floor area per establishment.

### **Whereas:**

1. The application was presented to the committee by Marcello Porcelli and Adam Good of Larga Vista (the applicant), Rick Cook and Fred Metzger of Cook + Fox (Architect), Elise Wagner of Kramer Levin, and Julie Greenberg of Kasirer Consulting LLC.
2. The proposal is for a seven-story building with retail and office uses.
3. The current use of the site is primarily a large gas station.
4. Two one-story buildings will be demolished.
5. The CB2 Landmarks Committee recommended approval of the certificate of appropriateness.

6. The text amendment will affect only one site in CB2.
7. There is a credible planning rationale for allowing ground level retail on a lot facing two wide streets.
8. The applicant agrees to accept a stipulation prohibiting eating and drinking establishments.
9. The building will include up to 32,600 gsf of retail on three floors, which far exceeds the ideal size of a single retail establishment.
10. Large retail establishments are common in the area, mostly on Broadway, including very large stores such as REI, across the street on Lafayette.
11. The anticipated retail will be a single high-end destination retail use.
12. The building will also include up to 49,500 gsf of office use.
13. Increasing office use in the neighborhood will improve the mix of daytime uses in the area and hopefully cause local eating and drinking establishments to be less dependent on late night uses that are a nuisance for residents in the area.
14. The Houston Street sidewalk is experiencing crowding now because of the midblock location of a heavily used subway stair, and the inclusion of destination retail will make it worse.
15. The project includes an innovative approach, recommended by neighbors, to allow pedestrian movement on both sides of the stair.
16. The retail and office entrances are well-located to reduce the impact of the building on sidewalk crowding, but the retail entrance may be more appropriately located at the intersection of the two wide streets rather than on Crosby Street which includes nearby residential buildings.
17. The applicants met with groups of neighbors prior to finalizing the application.
18. Residents speaking at the hearing generally approved of the project and the building design and the project is supported by the Broadway Residents Coalition.
19. The project is a significant improvement over the gas station which is the dominant current use.
20. The accessory signage is not excessive and the unattractive massive billboards will be eliminated.

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

:

1. Supports the text amendment the Zoning Resolution, making it possible to improve the uses on this site under 74-712, **which applies only to this site.**
2. Supports retail use of the ground floor but prefers reduction of total retail use in favor of greater office use and requests consideration of relocation of the retail entrance from Crosby to Lafayette.
3. Sustains its prior positions regarding building design taken in consideration of the application to the Landmarks Commission to the extent that the modification of height and setback regulations are reflected in that application.
4. Requests special design of construction fences and sidewalk bridges to avoid sidewalk congestion near the subway entrance during construction, with all construction operations from the Lafayette Street side only, especially given the likely simultaneous construction on the west side of Crosby Street.

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

**2. 2 Cooper Square. Application 219-13-BZ to the Board of Standards and Appeals** for a special permit pursuant to ZR 73-36 to permit a physical culture establishment to be operated at Crunch Fitness within an existing sub-cellar, cellar, and ground floor of a fifteen-story mixed use building located in an M1-5B zoning district.

**Whereas:**

1. The applicant was represented at the meeting by Todd Dale or Eric Palatnik, PC.
2. The application is for a Crunch Fitness center.
3. The applicant stated that design for renovations will assure appropriate sound attenuation to protect other tenants.
4. The hours of operation will be Monday through Saturday 5:00 AM – 11:00 PM and Sunday 7:00 AM to 9:00 PM.
5. Between 750 and 900 visits per day are anticipated.
6. The building has no outstanding DOB or ECB violations.
7. The application is for a 10-year permit which is the maximum allowed.
8. The findings required for issuing this permit have been met.
9. There are no foreseeable adverse affects to privacy, quiet, light and air in the neighborhood.
10. Construction and operations will have no foreseeable adverse impacts on planned public improvement projects.
11. The use in the proposed location will not impair the essential character or future use or development of the surrounding area.
12. The facility will provide opportunities for physical exercise including classes and instruction.
13. No one spoke for or against this application.

**Therefore it is resolved** that CB#2, Man. has no objection to the issuance of the requested special permit.

Vote: Unanimous, with 38 Board members in favor.

**3. 156-162 Leroy Street (east side of West Street extending from Clarkson to Leroy).** An application to be filed with the Board of Standards and Appeals pursuant to ZR 72-21 to permit construction of a new building with retail use on the ground floor and residences on the second through twelfth floors on a zoning lot with area of 28,362 square feet in an M1-5 zone.

**Whereas:**

1. The application was first heard at the July Land Use committee meeting and continued at the September meeting but action by the full community board was delayed at the request of the applicant.
2. The application is for a variance to allow a 12-story luxury condominium residential building with 77 apartments on floors two through 12 and minimal retail on the ground floor.
3. The apartment layout, while directed to a luxury market, avoids the tendency toward huge overly-exclusive units that would reinforce the lack of vitality of the pedestrian environment in the area.
4. The lot affected by the variance occupies approximately half of the block and existing structures on the lot are either vacant or occupied by marginal uses including a “gentlemen’s club”.
5. Most of the rest of the block is occupied by a single structure used by FEDEX for package handling.
6. Adjacent blocks also include large FEDEX and UPS facilities with active all-night trucking uses.
7. Pier 40, immediately across West Street from the site, includes lighted sports fields used late at night.

8. In the past, new residential uses in this area when allowed by variance have created some conflict with conforming uses of adjacent areas when new residents complained about trucking and other activities they perceive as nuisances.
9. Some of the nearby uses may be considered objectionable by future occupants of luxury dwellings creating a potential impact on conforming and/or desirable uses.
10. The application seeks a 5.0 FAR, equal to the existing FAR for non-residential uses in this M1-5 zone.
11. There is no residential FAR in an M1-5 zone so the underlying commercial 5.0 FAR is not a consideration when an application for a variance to allow residential use is considered.
12. The appropriate standard for determination of residential FAR is that it be the minimum variance needed for a viable project.
13. Financial analysis provided with the application indicates that as-of-right development of a 22-story hotel offers insufficient return on investment, but the analysis does not evaluate possible lesser variances such as a lower FAR with larger residential units.
14. One Morton Square, one block to the north, is a full-block 15-story residential development based on a variance granted by the BSA in 2001 allowing an FAR of 6.32, however values for residences in the area have increased substantially since that development was completed.
15. A 2003 CPC report argues for retention of the current zoning on blocks including this one, as follows: "South of Leroy Street the blocks continue to have a strong industrial and commercial presence. Retention of the M1-5 zoning is recommended in order to ensure continued space for nonresidential activities and to reduce the potential for conflicts with industrial and other commercial activities."
16. Recent variances and rezoning of adjacent areas have increased the infiltration of residential uses and the area has an increasingly residential character.
17. The building design incorporates required storm hardening, including location of vulnerable mechanical systems on the top floor.
18. Plantings between the West Street sidewalk and the structure will make this block more attractive to pedestrians and encourage the use of neighborhood streets for access to Hudson River Park.
19. Perhaps because of its distance from more intensely used areas and also the continuing trucking use, the area has not established successful retail uses and pedestrian traffic is minimal on many streets, a detriment to the nearby residential areas.
20. The Hudson River Park project has greatly increased the value of nearby residential properties and its continued success is critical to the improvement of foot traffic and neighborhood vitality of large areas of the far west side.
21. Recreational use of Pier 40 represents a unique and essential neighborhood resource and an indispensable opportunity for improvement of quality of life for residents in our district and beyond.
22. Committee members noted the value Hudson River Park has brought to the site and requested consideration by the developer of a substantial donation to Hudson River Park given the enhancement of the value of the property based on its proximity to the park.
23. The Hudson River Park Trust informed the board that an agreement reached between the applicant and the Friends of Hudson River Park guarantees a substantial contribution to the park upon approval of residential use of the site, to be used toward rehabilitation of Pier 40.
24. CB2 has not heard or received objections to residential use on this site other than concern over whether a variance is the appropriate means to achieve a zoning change because the hardship and uniqueness findings are not well-documented.

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

1. Recommends approval of the variance to allow residential use on this site based on the proposed apartment configuration of 77 units, but given the need of this neighborhood for street level vitality, would not support a reconfiguration with fewer units and would not concur that such change would reduce the impact of the variance on neighborhood character and nearby conforming uses.
2. Commends the applicant for its contribution to Friends of Hudson River Park, recognizing the importance of the Hudson River Park and Pier 40 for the neighborhood as a whole and for the success of residential development in the immediate area.
3. Commends the applicant for proposing an attractive building with a height similar to One Morton Square, and for using extensive plantings to provide an attractive pedestrian environment along West Street where the necessary flood hardening could worsen the harsh traffic-dominated ambiance.
4. Requests, as always, that the Board of Standards and Appeals review the financial analysis to assure that the FAR allowed conforms to the requirement for a minimum variance.
5. Requests that final approval of the application require inclusion in the condominium offering plan of descriptions of the surrounding uses including conforming high volume trucking uses and lighted sports fields at Pier 40.

Vote: Passed with 22 Board members in favor, 14 in opposition (K. Berger, C. Booth, K. Bordonaro, T. Connor, M.P. Derr, D. Diether, C. Dwyer, R. Ely, J. Frost, J. Geballe, D. Landesman, E. Ma, A. Meadows, L. Rakoff, R. Rothstein) and 1 abstention (S. Sweeney).

**PARKS/ WATERFRONT**

**A resolution favoring a proposal for temporary art installation at Father Fagan Park.**

**Whereas:**

1. The artist Anthony Heinz May presented the proposal to the committee. Mr. May was introduced to us (via email) and selected by the Parks Department's public art coordinator, Jennifer Lantzas, but she was unable to attend this meeting.
2. The art will be presented for a period from November, 2013 through May, 2014 (installation beginning November 1st; de-installation culminating by end of May). This schedule is dependent on the artist raising the funds he anticipates requiring for this project (about \$15K via Kickstarter.com).
3. The piece, "*DISANGEOPIA*", "deals in physical deconstruction of the natural landscape via a process of modular fragmentation. Modules (cubes) of material are taken from recycled/discarded trees and abstractly rearranged to expose a digitization of nature."
4. The artist will install at start, remove at end, and monitor the installation for any damage or issues. He will make repairs if any significant problems arise, but natural, evolutionary degradation is expected and will typically not be adjusted.
5. The artist was very receptive and responsive to safety concerns raised by neighbors and committee members.
6. The planned rehabilitation / renovation of Father Fagan Park has been delayed for 6 months, and so will not interfere with this installation.

**Therefore it is resolved** that CB#2, Man. approves this proposal for a temporary installation by artist Anthony Heinz May and appreciates the ongoing efforts of the Parks Department to install interesting art in our community parks.

Vote: Unanimous, with 38 Board members in favor.

## PERSONNEL

### **Resolution to Hire a Community Assistant**

**WHEREAS**, the CB2 office posted the job vacancy notice for the position of Community Assistant on the Cityjobs website, the CB2 website, and notified local universities of the vacancy;

**WHEREAS**, the CB2 office received forty-one résumés in response to its solicitation; and

**WHEREAS**, after a review of the résumés, the Personnel Committee interviewed five candidates and invited three candidates to return for a second interview; and

**WHEREAS**, after a review and discussion of the qualifications of the candidates, it was decided to offer the position to Syed Ali;

**THEREFORE**, CB2 recommends that Syed Ali be hired for the position of Community Assistant.

Vote: Unanimous, with 38 Board members in favor.

## SIDEWALKS/STREET ACTIVITIES

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

#### **1. PQ 550 Hudson, Inc., d/b/a Le Pain Quotidien, 550 Hudson St., with 13 tables & 26 seats, DCA # 1274769**

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

**Whereas**, this café has been operated for several years by this applicant with continuing issues with moving all seating that should be on the Perry side of the building to the Hudson side, and

**Whereas**, the improper layout results in no service aisle being maintained resulting in most service occurring from the public sidewalk and the blockage of a Siamese connection that requires 3' clearance, and

**Whereas**, these issues have consistently occurred almost since day one of this café's operation and despite multiple commitments from the applicant's representatives over the years to correct this issue, there has been no apparent effort made by the applicant to do so, and

**Whereas**, as it appears that the applicant does not wish to seat patrons on the Perry St side of the building, so has moved all seating approved there to the Hudson sidewalk and shows no interest in correcting this, the committee feels the only solution is to remove that seating from the license,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **PQ 550 Hudson, Inc., d/b/a Le Pain Quotidien, 550 Hudson St., with 13 tables & 26 seats, DCA # 1274769**

**UNLESS all seating shown on the Perry St. side of the building – 5 tables & 10 seats – is removed from the café, thereby reducing the seating to the 8 tables & 16 seats that can be legally accommodated on the Hudson St. sidewalk**

VOTE: Unanimous, with 38 Board members in favor.

**2. RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring St., with 14 tables & 30 seats, DCA #110199**

**Whereas**, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant and her representative, James Wanderstock, were present, and

**Whereas**, this café has been operated for several years by this applicant with continuing issues of mis-seating on both sides of the cafe, and

**Whereas**, the seating on Spring St. often removes the required service aisle, and

**Whereas**, as the sidewalk on Thompson St is less than 12' wide the seating here is allowed only because the café is grandfathered, and consists solely of 2-seat tables with tables and chairs immediately against the façade, and

**Whereas**, the applicant has continually seated 4-seat and even 6-seat tables on Thompson St. whenever they desire to seat large parties, and the committee sees no willingness on the part of the applicant to cease this practice, and

**Whereas**, a member of the community supported the café as a important magnet for activity on a too-often deserted block, and

**Whereas**, while the committee recognizes the value of cafes in our neighborhoods, it also recognizes that operators who do not follow their license restrictions encourage other operators to do the same,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring St., with 14 tables & 30 seats, DCA #110199**

**UNLESS the applicant seats the café only as shown on the approved plans**

VOTE: Unanimous, with 38 Board members in favor.

**FYI Renewals:**

**Whereas**, the renewals below were posted on the CB2 Manhattan website and there were no community members requesting these applications be heard, and

**Whereas**, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation,

4. SBAFO NYC, LLC, d/b/a Lievito Pizzeria, 581 Hudson St., with 9 tables & 20 seats, DCA # 1381707

5. SUD 123, Incorporated, 178 Mulberry St., with 9 tables & 19 seats, DCA# 1382366

6. 64 Greenwich Restaurant d/b/a The Meatball Shop, 64 Greenwich Ave., with 4 tables & 9 seats, DCA # 1385289

7. J.P.G., LLC, d/b/a Phillip Marie, 569 Hudson St., with 9 tables & 18 seats, DCA # 1003313

8. PQ Union Square d/b/a Le Pain Quotidien, 801 Broadway, with 19 tables & 38 seats, DCA # 1380933
9. Akram Restaurant Management, Inc. d/b/a Da Gennaro, 129 Mulberry St., with 19 tables & 38 seats, DCA# 1249523
10. La Mela Ristorante, 167-171 Mulberry Street, with 9 tables & 19 seats, DCA# 1274929
11. Caffè Dante, Inc., d/b/a Caffè Dante, 81 MacDougal St., with 7 tables & 14 seats, DCA #1274769
12. PGT Restaurant Corp., d/b/a Slainte, 304 Bowery, with 8 tables & 16 seats, DCA#1318806
13. Canteloupe LLC, d/b/a Lovely Day, 196 Elizabeth St, with 2 tables & 5 seats, DCA# 1260966
14. Schatzi Corp. d/b/a Wallse, 342-344 West 11th St., with 8 tables & 16 seats, DCA #1257073

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate an Unenclosed sidewalk café for the above applicants

VOTE: Unanimous, with 38 Board members in favor.

**Applications for Street Activities Permits:**

**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**, community groups were notified and the applicant was present regarding the first application below, and

**Whereas**, the remaining item – noted as **FYI – Renewals** below – have been held for 3 or more years, and after the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them, so CB#2, Man. has no issue with these applications,

**15. 11/19/13 Balenciaga Flagship Store Opening, Wooster St. bet W. Houston St. & Prince St.**

**Whereas**, the applicant representatives, Jihye Song and Chuck Garelick, appeared before the committee, and

**Whereas**, the representatives stated that the application has been subsequently corrected and the event (and the client’s 2 stores) is on Mercer St bet W. Houston & Prince St, not on Wooster St as originally filed, and

**Whereas**, the street closure (actually 2 separate ones) is primarily intended for erection and disassembly of an 18’ high canopy over the street and to allow for safe crossing of the street of patrons going between subsequent events at the two Balenciaga stores, and

**Whereas**, the application requested setup to begin at 7am, but the committee as always requested setup start no earlier than 8am, and the representatives agreed, and

**Whereas**, the applicant offered two options for the teardown of the canopy: that night after the completion of the event around 11pm (which would likely take to 1am) OR; the next morning from 8am to 10am, and

**Whereas**, the committee felt that due to the lateness of the event end, disassembly of the canopy the next morning would be less disruptive to the residents of the block,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on **Mercer St. bet W. Houston St. & Prince St.**

**CONDITIONAL UPON the conditions noted in Whereas 4, 5 and 6**

Vote: Unanimous, with 38 Board members in favor.

**FYI Renewals:**

**16. 12/8/13 Feast of the Immaculate Conception 2013, W.14th St. bet. 8th & 9th Avenue**

Vote: Unanimous, with 38 Board members in favor.

**SLA LICENSING**

**1. 5oz. Factory 24 West 8th St., LLC, d/b/a 5oz. Factory, 24 West 8th St. 10011 – New B/W**

**Whereas**, the applicant appeared before the CB2 SLA hearing committee; and,

**Whereas**, this is a quick service restaurant focused on serving unique Wisconsin frozen custard and grilled cheese sandwiches using all Wisconsin Dairy; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building located on W.8th Street between 6th Avenue and MacDougal Street (Block #551/lot #22), with a 1,900 sq. ft. premise (1,000 sq. ft. on ground floor and 900 sq. ft. in basement – no patron use of basement) which has 3 tables and 12 seats and no bar, service is counter service only and the maximum occupancy is 50 people, there is no sidewalk café and no backyard garden; and,

**Whereas**, the applicant states that the hours of operation will be Sunday from 12:00 p.m. to 10:00 p.m. and Monday through Wednesday from 11:30 a.m. to 11:00 p.m. and Thursday and Friday from 11:30 a.m. to 12:00 a.m. and Saturday from 12:00 p.m. to 12:00 a.m.; there will be quiet background music only; and 1 42” T.V to be used for televised Wisconsin related events including sports; and,

**Whereas**, this location at one time did have an ABC license as a Wine Store but has never been licensed to serve beer and wine as part of a retail restaurant operation; and,

**Whereas**, this is just one of four SLA applications for CB#2, Man. for this date of October 8th, 2013 on this block of West 8<sup>th</sup> Street between 5<sup>th</sup> Ave and 6<sup>th</sup> Ave and there are already 10 licenses within 500 ft., many issued just within the last number of years and there are several currently pending OP licenses on this block alone; and

**Whereas**, the West 8th Street Association sent correspondence that does not support this application and states:

**“The operators of 5 Oz. Factory are known to us and have excellent community relationships. Their shop is primarily a custard shop that also sells sandwiches. We do not think that this menu supports the granting of a license, particularly as it means expanding the roster of licensed locations.**

**Out of our desire to support the existing business, and recognizing that alcohol was incidental to their regional cuisine concept and not central to their business plan, we sought to come to terms with 5 OZ. Factory, but could not reach agreement on televisions and hours. The management would like to preserve the option of expanding hours, whereas we believe that early morning hours for an alcohol- serving custard shop would be inappropriate for the block and that televisions in serving locations risk degeneration into sports bars.”** and,

**Whereas**, at CB2’s SLA Licensing Committee meeting on October 8<sup>th</sup>, 2013, in light of the West 8<sup>th</sup> Street Block Association’s concerns, the applicant agreed to the hours of operation that were suggested by the West 8<sup>th</sup> Street Block Association and also agreed to having one TV only limited to 42” that would be utilized to only show directly related Wisconsin programming in support of their “Wisconsin” theme; and,

**Whereas**, CB#2, Man. continues to have 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**, CB#2, Man. and the community have great concerns that applicants are using the Beer and Wine license as a ploy to be licensed by the SLA and change the status of an unlicensed location where there is great community opposition, often with the plans to quickly upgrade to a full On-Premise license; 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 tavern wine license and the stipulations are as follows:

1. The hours of operation will be from Sunday from 12:00 p.m. to 10:00 p.m. and Monday through Wednesday from 11:30 a.m. to 11:00 p.m. and Thursday and Friday from 11:30 a.m. to 12:00 a.m. and Saturday from 12:00 p.m. to 12:00 a.m.
2. The premises will be operated as a “gourmet quick service restaurant serving unique Wisconsin frozen custard and grilled cheese sandwiches using all Wisconsin dairy”
3. Music will be background only.
4. The applicant will not seek a DCA Cabaret License.
5. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be no backyard garden.
7. There will only be 1 television 42 inches in size or smaller which will only be used to show Wisconsin related programming, occasionally including sports, the TV Volume will be either be off or at a very low background level.
8. There will be no “stand up bar”, only a service bar.
9. The applicant agrees to waive their right to ever upgrade to a full on-premise liquor license at anytime in the future.
10. The applicant will also agree to all stipulations discussed and agreed to with the West 8<sup>th</sup> Street Block Association as follows (excluding with one exception the provision of no Televisions:

1. Method of Operation
  - a. *The establishment is a sandwich and custard shop selling Wisconsin themed food specialties. It is seeking a beer and wine license solely for the purpose of featuring **Wisconsin produced craft beers and wines only** in furtherance of its concept.*
  - b. *The establishment is not a bar, will have no physical bar; the main purpose of the business is not the sale of alcoholic beverages and they will not sell alcoholic products not related to their Wisconsin theme.*
  - c. *There will not be televisions in the space.*
  - d. *There will be no rope-lines, bouncers, or outside holding are for patrons.*
  - e. *Any alteration in the character of concept of the establishment will be brought to the community board for approval.*
2. Hours

*The establishment will continue to close by 11:00 p.m. Sunday through Wednesday, and by Midnight other nights.*
3. Windows

*The establishment will not have operable windows facing the street.*
4. Patron Noise

*The operator will use persuasion, reminders, etc. to encourage patrons keep their voices down on the street as they come and go, smoke, etc. and respect the residents' right to quiet homes.*
5. Music

*The operator stipulates that there will be no live music, DJ or DJ booth and that background music will be played at a soft level so as not to permeate into adjoining apartments and spaces.*
6. Garbage
  - a. *The operator will work with the Village Alliance BID to coordinate the carter and the time of daily trash pick-up to minimize the number of noisy garbage trucks on the block.*
  - b. *The operator will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash.*
  - c. *The operator will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems for the residents.*

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for a new tavern wine license to **5oz. Factory 24 West 8th St., LLC, d/b/a 5oz. Factory, 24 West 8th St. 10011**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 11<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Passed, with 37 Board members in favor, and 1 abstention (S. Secunda).

## **2. Laksa, Inc., 25 West 8th Street 10011– Transfer of an OP**

**Whereas**, the applicant appeared before the committee to present a transfer from Sushi Yawa, Inc. to Laksa, Inc.; and,

**Whereas**, this application is for a transfer of an On Premise license (#1208127) in a mixed-use building, located on West 8th Street between 5th Avenue and MacDougal Street (Block #572/lot #54), for a 1,400 sq. ft. premise with 20 tables and 46 seats and 1 sushi bar with 2 seats and 1 bar with 6 seats and the current maximum occupancy is 74; there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation are Sunday from 1:00 p.m. to 11:00 p.m and Monday to Thursday from 11:30 a.m. to 11:00 p.m. and Friday from 11:30 a.m. to 11:30 p.m. and Saturday from 1:00 p.m. to 11:30 p.m.; 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 only 1 television; and,

**Whereas**, the West 8th Street Association submitted a letter in support of this transfer with the stipulations that the method of operation and character of the restaurant will remain as it has been, that they will close by 11:00 p.m. Sunday through Thursday and by 11:30 p.m. Friday and Saturday nights and that they will not install opening or operable windows in the front, or ever use them if they exist.

**Whereas**, the applicant also submitted a petition with 14 signatures in support; and,

**Whereas**, there were no community members in opposition of this transfer; 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 On-Premise Restaurant license and the stipulations are as follows:

1. The Method of Operation and character of the restaurant will remain as it has been, a quiet sushi restaurant.
2. The hours of operation will be Sunday from 1:00 p.m. to 11:00 p.m and Monday to Thursday from 11:30 a.m. to 11:00 p.m. and Friday from 11:30 a.m. to 11:30 p.m. and Saturday from 1:00 p.m. to 11:30 p.m.
3. They will not install opening or operable windows in the front, or ever use them if they exist.
4. There will be no scheduled performances or events with a cover charge, no live music and no DJ's, no outside promoters.
5. Music will be quiet background only.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of the transfer of an On Premise license for **Laksa, Inc., 25 West 8th Street 10011** unless the conditions agreed to by applicant relating to the 7th “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

## **3. Slice & Co. Brick Oven Pizza, 95 MacDougal St – Renewal of Beer and Wine**

**Whereas**, the applicant appeared before the committee due to multiple request from the community; and

**Whereas**, this application is for the renewal of a Beer and Wine license (1265731) in a mixed-use building (block #542/lot #53) on MacDougal Street for a 650 s.f. restaurant with 3 tables and 7 seats and 1 food counter with 4 seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are from Sunday through Wednesday from 10:00 a.m. to 2:00 a.m. and Thursday from 10:00 a.m. to 3:00 a.m. and Friday and Saturday from 10:00 a.m. to 5:00 a.m.; there is no sidewalk, no backyard garden and music will be background only; and,

**Whereas**, there have been significant issues with this location since the new operators took over with \$2 beers and \$1 pizza slices being sold and taken out to the streets to eat and drink, the applicant has changed their menu, prices and method of operation since opening the establishment including changing the sign on the front of the establishment to include a brightly lighted awning which advertises in large block print over 1.5 feet in height "\$1 Pizza, \$2 Beer"; and,

**Whereas**, there have been complaints and observations by committee members that beer has been taken out in plastic cups from the premises (beer is only served in bottles and plastic cups – no actual glassware) and not in closed containers and the staff has not been managing the clients illegal removal of beer from the premises because they are unable to closely view and monitor the door from the rear of the premises where the order counter is located; and,

**Whereas**, there have been complaints of loud music because the windows of the establishment are kept open during all hours of operation including up until 5 am on weekends and that the music is beyond city noise code allowance and also inconsiderate considering there are 'tenement' style residential units above every single establishment on the block; and,

**Whereas**, there is question as to the availability or legal setup of a public bathroom at this location which is only accessible through the kitchen area but is required with any SLA license; NYC requirements only require establishments to have a bathroom if there are 20 or more seats which this establishment does not have, but because the SLA requires a public bathroom – the licensee states patrons may use the bathroom at the rear of the Kitchen area, however in order to access this bathroom patrons must walk through the kitchen, prep area and food storage area which violates NYC Health/DCA regulations for a public bathroom for purposes of public use (it appears this single bathroom is in actuality an employee bathroom and in order to access the bathroom the staff of the establishment must raise a service counter in order for the public to pass behind the food service counter); and

**Whereas**, CB#2, Man. and the community have been working hard to find a balance for both operators and residences in this neighborhood with very little support from the bar operators, particularly in consideration of loud music which is easily remedied by simply closing open doors and windows at a minimum; and,

**Whereas**, the applicant had originally agreed to a set of stipulations in negotiation with the community and agrees to continue to follow those stipulations which are:

**Whereas**, the licensee agreed to executed a stipulations agreement with CB#2, Man. in the interest of being a good "neighbor" that they agreed would be attached and incorporated in to their existing method of operation on their SLA Beer and Wine Restaurant license and the stipulations are as follows:

1. Hours of operation are Sunday through Wednesday from 10:00 a.m. to 2:00 a.m. and Thursday from 10:00 a.m. to 3:00 a.m. and Friday and Saturday from 10:00 a.m. to 5:00 a.m.
2. Alcohol service MUST stop at 4 a.m. on Friday and Saturday.

3. A doorman/security person will be in place Thursday to Saturday to monitor customers trying to leave with open containers of beer (i.e. a staff member or “security” will be placed at the entrance of the establishment).
4. All windows will be closed by 10 p.m. every night.
5. There will be no music on Friday and Saturday nights.
6. Speakers in front will be turned to face inward and reduce music being sent out into the streets.
7. Music will be QUIET BACKGROUND music only.
8. Will not exceed New York City noise codes.

**Whereas**, these concerns such as noise and open containers of beer have existed for a long time and CB#2, Man. respectfully request that the SLA consider the renewal contingent on every stipulation being strictly adhere to in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends denial of the renewal of an On Premise license for **Slice & Co. Brick Oven Pizza, 95 MacDougal St** unless the conditions agreed to by applicant relating to the 10th “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license; and

**THEREFORE, BE IT FURTHER RESOLVED** that CB2 Man. requests that the Liquor Authority verify that this restroom in fact meets the require of a public bathroom in conjunction with the appropriate New York City agency which oversees “public bathroom” requirements, or require the Licensee to verify with correspondence from a NYC City Agency that the available bathroom complies with requirements for a “public bathroom”

Vote: Unanimous, with 38 Board members in favor.

#### **4. DoJo Restaurant, inc., 14 W. 4th Street 10012 – alteration to license**

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

**Whereas**, the alteration to this license is to add a bar to the existing space downstairs; and,

**Whereas**, this application is for the alteration of the On Premise license (#1025074) for a premise located in a commercial use building located on 4th Street between West 4th and Mercer Street (Block #535/lot #7501), for a 2,400 sq. ft premise (700 sq. ft. in basement) with 47 tables with 77 seats and 1 bar with 10 seats on the first floor and 10 tables and 28 seats and 1 bar with 14 seats in the basement floor and a sidewalk café with 10 tables and 28 seats; the proposed occupancy will be 140 and the maximum occupancy is currently 128 people; and,

**Whereas**, the hours of operation for the restaurant are Sunday from 10:00 a.m. to 12:00 a.m. and Monday to Thursday from 12:00 p.m. to 1:00 a.m. and Friday from 12:00 p.m. to 2:00 a.m. and Saturday from 10:00 a.m. to 2:00 a.m., the establishment is a full service Japanese restaurant, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV’s; and,

**Whereas**, CB#2, Man. requests that documents be presented to the SLA which include but are not limited to a corrected Public Assembly Permit as well as a new Certificate of Occupancy both of which were not submitted or updated to CB2; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their existing method of operation on their SLA On-Premise Restaurant license and the stipulations are as follows:

1. Hours of operation are from Sunday from 10:00 a.m. to 12:00 a.m. and Monday to Thursday from 12:00 p.m. to 1:00 a.m. and Friday from 12:00 p.m. to 2:00 a.m. and Saturday from 10:00 a.m. to 2:00 a.m.
2. Applicants will operate and advertise as a full service “Japanese Restaurant” only.
3. There will be no nightclub or after hours events, no cabaret or cabaret license.
4. There will be the same food service available in the basement that exist on the ground floor.
5. There will be background music only.
6. There will be no D.J.s, live music or promoted events.
7. The applicant will obtain a revised Certificate of Occupancy to include patron use in the basement and will obtain a new or revised Place of Assembly Permit for the total occupancy of the premises.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the alteration of the existing On Premise license for **DoJo Restaurant, inc., 14 W. 4th Street 10012**. unless the conditions agreed to by applicant relating to the 6th “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

#### **5. Gotham Rose, LLC, d/b/a Ariana, 138-142 W. Houston St. 10012 – New OP**

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

**Whereas**, this application is for a new On Premise license in a mixed-use building, located on West Houston between Sullivan and MacDougal Street (Block #526/lot #79), for a 2600 sq. ft. premise 2,100 on ground floor and 600 in cellar), there will be 31 tables 78 seats and 1 bar with 10 seats and outside within the property line are 3 tables with 6 seats, and a maximum proposed occupancy of 115; there is no sidewalk café and no backyard patron use but there will be doors that open to a backyard that is part of the MacDougal/Sullivan Gardens; and,

**Whereas**, the hours of operation are Sunday to Wednesday from 8:00 a.m. to 12:00 a.m. and Thursday to Saturday from 8:00 a.m. to 2:00 a.m. however the outside seating will be closed and removed at 10:00 p.m. daily; this will be a quiet Russian restaurant; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge and use of TV’s; and,

**Whereas**, the applicant must amend the Certificate of Occupancy to reflect proposed occupancy and get a Place of Assembly Permit; and,

**Whereas**, the applicant submitted a petition with 27 signatures in support; and,

**Whereas**, the local neighborhood association known as the Bleecker Area Merchants’ & Residents’ Association met with the applicant and together agreed to a series of stipulations; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their existing method of operation on their SLA On-Premise Restaurant license including stipulations agreed to with the Bleecker Area Merchants’ and Residents’ Association and the stipulations are as follows:

1. The restaurant will be advertised and operated as a quiet Russian restaurant.
2. The hours of operation will be Sunday to Wednesday from 8 am to 12 am (midnight) and Thursday to Sunday from 8 am to 2 am. At closing all patrons will have left the premises.
3. The existing rear yard will not be for patron use and there will be no patrons in this area at anytime.
4. All doors and windows will be closed at 9 pm every night. The only rear doors that will be opened in the rear area facing the rear yard are the doors on the east side of the restaurant. The center rear doors and doors on the west will never remain open.
5. There will be no dj's, live music, promoted events, events for which a cover fee is charged or scheduled performances.
6. There will be no televisions.
7. All outdoor tables in the front of the establishment within the property line will be promptly removed at 10 pm each night and the area closed to patrons.
8. There will be an amended Certificate of Occupancy to reflect the increase in number of patrons.
9. There will be a new Place of Assembly Permit in place prior to operating.
10. All stipulations agreed to with Bleecker Area Merchants' and Residents' Association will be incorporated into this stipulations agreement and adhered to.

**Whereas**, the stipulations agreed to with the Bleecker Area Merchants' and Residents' Association are as follows:

1. **Hours of Operation:** The Establishment shall operate from **8:00 AM to 12:00 AM Sundays through Wednesdays** and from **8:00 AM to 2:00 AM Thursdays through Saturdays**.
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents necessary for legal operation.
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 (including a host, and if necessary, a security person) shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. **Manager:** The Operators shall have an English-speaking manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs or live music. The doors will be closed when music is playing.
6. **Television:** The Operator shall have no televisions or projection screens in the Establishment.

7. **Outside Tables:** The Operators may have tables outside without a sidewalk license in the space immediately in front of their establishment which is part of the setback to their building. The Operators will remove any tables they may use in that area by 10:00 PM.
8. **Cellar:** The cellar will be used for storage only and no customers will be allowed in it.
9. **Backyard:** The backyard will not be used by customers or staff and the Operators shall reach out again to the Sullivan Gardens block association to discuss the times the back door is open and to set a sound limit. The back doors shall close no later than 9:00 PM.
10. **Full Menu:** The Establishment's full restaurant dinner menu shall be available in the evenings until closing and no other tapas-style or "bar food" style menu shall be offered.
11. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible.
12. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. The Operators agree that any neon signage will be muted.
13. **Windows & Doors:** All windows and doors will be closed by 9:00 PM.
14. **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.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved.
16. **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.
17. Any noise complaints by the MacDougal/Sullivan Gardens Association regarding open doors to the garden space will result in permanently keeping all doors closed at all times.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new On Premise license for **Gotham Rose, LLC, d/b/a Ariana, 138-142 W. Houston St. unless** those conditions and stipulations agreed to by the applicant relating to 7<sup>th</sup> & 8th "whereas" clauses above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 38 Board members in favor.

**6. Chipotle Mexican Grill, 88 University Pl. aka 24 E. 12th St. 10001 - New OP**

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

**Whereas**, this application is for a new On Premise license in a commercial building, located on 12th Street between 5th Ave. and University Pl. (Block #569/lot #24), for a 2,630 sq. ft. premise with 10 tables and 31 seats 20 counter 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 from 11:00 a.m. to 10:00 p.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**, 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's representative did meet with the neighborhood associations but is not authorized to sign any agreements with those associations; and,

**Whereas**, the entrance to this establishment is on 12th Street, which is a mixed-use commercial/residential community which has been organized against the spreading of liquor licenses in this area along with its' sister organization the 13th Street Block Association who also have been submitting unprecedented charting of the outrageous increase of SLA's newly licensed location in the last number of years in this area; and,

**Whereas**, chain store corporations, in particular this one, have overwhelmed Greenwich Village and immediate nearby areas with over a dozen On Premise licensed locations, many of which have never had on-premise licenses at those locations, let alone beer and wine licenses before, all in the name of corporate consistency which runs counter to hearing each location and application as a unique scenario in regards to the 500 ft. rule; and,

**Whereas**, the only reason why this applicant applies for the full On Premise license is to be able to sell bottles of beer and canned Margaritas with their take out Mexican food; and,

**Whereas**, there are already 3 similar style restaurants within blocks of this location rendering this application to serve absolutely no public interest not to mention the 3 Chipotle restaurants that already exist within blocks of this application; and,

**Whereas**, CB#2, Man. wonders if McDonald's or Taco Bell deems the need to serve some similar concoction in a can will the Liquor Authority will see fit to support their liquor licenses at all their locations within New York City and the state; and,

**Whereas**, CB#2, Man. is very concerned that precedent has been set with Chipotle, that may be irreversible if we are so deluged with fast food chains and their potential to sell Liquor at their take out window (!); and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their existing method of operation on their SLA On-Premise Restaurant license, the stipulations are as follows:

1. The hours of operation will be 11:00 a.m. to 10:00 p.m. 7 days a week
2. 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..
3. All doors and windows will be closed at all times.
4. Will not use any backyard garden space or sidewalk café

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new On Premise license for **Chipotle Mexican Grill, 88 University Pl. aka 24 E. 12th St. 10001** **unless** those conditions and stipulations agreed to by the applicant relating to 13th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Passed, with 27 Board members in favor, 10 in opposition (S. Aarons, K. Berger, T. Bergman, H. Campbell, D. Diether, C. Dwyer, R. Ely, J. Frost, A. Kriemelman, S. Sweeney) and 1 abstention (S. Secunda).

**7. Mr. Jonesing, LLC, (fka 9 GJ Bar & Restaurant Inc.), d/b/a Acme Bar & Grill, 9 Great Jones St. 10012 – Transfer OP**

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

**Whereas**, this application is for the transfer of an On Premise license in a mixed-use building, located on Great Jones Street between Lafayette and Broadway (Block #530/lot #12), for a 3,800 sq. ft. premise with 25 tables and 72 seats and 1 bar with 16 seats on the ground floor and 30 tables with 61 seats and 1 bar with 10 seats in the basement and a maximum occupancy of 201; there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation are Sunday from 10:00 a.m. to 2:00 a.m. and Monday and Tuesday from 11:00 a.m. to 2:00 a.m. Wednesday to Friday from 11:00 a.m. to 4:00 a.m. and Saturday from 10:00 a.m. to 4:00 a.m.; 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**, there were no community members in opposition to this application; and

**Whereas**, the NoHo Bowery Stakeholders has a Memorandum of Agreement which has been signed by this operator; 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 On-Premise Restaurant license, which states that all previously agreed to stipulations by **9 GJ Bar & Restaurant, Inc.** the previous licensee, will be incorporated in to the method of operation on this license and all stipulations agreed to with the Noho Bowery Stake Holders via a Memorandum of Understanding will also be incorporated into the Method of Operation; and,

**Whereas**, the stipulations agreed to with the Noho Bowery Stakeholders via a Memorandum of Understanding are as follows:

*Whereas, the parties are desirous of a continued method of operation for the restaurant which will allow Acme’s business to succeed without causing inconvenience or nuisance to the neighbors and residents of the surrounding area. Towards that end, certain points have been agreed upon and continue with the new license and revised corporate ownership, which are as follows:*

- 1. That today the parties exchanged contact information as well as the phone numbers for the General Manager of ACME, as the contact accessible, at any time during the operation of the premises from opening to 4:00 a.m. Monday through Sunday. The person or persons connected with these phone numbers-will, take immediate*

*responsibility for neighbor/neighborhood issues that arise, including but not limited to: crowd control associated with the restaurant and its patrons and disorderly conduct by patrons on the public right of way fronting the premises. Non-emergency issues such as garbage and sanitation will be resolved within 48 hours of notice.*

*This contact information will also be utilized to exchange information regarding any special events planned either by the neighborhood or operator that will impact the normal conditions of business, residency or living.*

*Should these contacts or their phone numbers change, both parties agree to immediately notify each other with substituting information.*

*2. ACME agrees to provide, at its own expense, a means and protocol for garbage storage and collection that:*

*1) Prevents vermin access*

*2) Will not cause refuse to escape from its container - solid or liquid-or be left on the street'*

*3) Will be picked up before 3 AM when restaurant personnel are available to speedily assist in its removal by a carting company and to clean up any residual garbage; or after 6 AM when restaurant personnel will soon be available to collect solid containers left on the street (should this be the storage option utilized), and sweep and wash down the sidewalks by 8AM daily.*

*3. ACME agrees to maintain an exterior video camera for the purpose of monitoring sidewalk traffic, conditions, and patron activity for all hours of operation. Acme further agrees to provide personnel whose principal function it is to regularly monitor said video camera'*

*At any time that the premises reaches or anticipates reaching a capacity of 125 persons or greater, dedicated security personnel will be employed at a ratio of one per 75 persons present' such security personnel will be employed between the hours of 10: PM to 4: 15 AM (or until the last patron has left Wednesday through 4:15 AM Sunday morning.*

*The use of velvet ropes or outside waiting lines will be discouraged at all times. In the event of the need for outside congregation of patrons -by virtue of a planned or spontaneous events or circumstance, said security personnel will be physically present on the sidewalk to manage and oversee said congregation to assure that residential neighbors and other pedestrians have right of way as well as relief from extraordinary noise or other environmental or physical hazards that may arise as a result of Acme's operation of the business'*

*4. ACME warrants that the restaurant is legally configured for restaurant use, and will remain for the full period of this license and any subsequent renewals by these corporate owners, set-up in the following manner.*

*The current configuration of the restaurant is as follows:*

*Ground floor      25 Tables  
                             72 Seats  
                             16 Bar Stools*

*Below Grade Cellar Space      30 Tables  
                                                     61 Seats  
                                                     10 Bar Stools*

*ACME further warrants that at no time will there be less seating except for the private party requiring less seating (ground floor) and that the public assembly stated for this and subsequent liquor license renewals will be for no more than 159 patrons. Any changes in patron capacity, seating and/or use will be duly set forth in an Alteration Application for review by the Community Board and submitted as prescribed by the New York State Liquor Authority.*

*If during the period covered by the SLA license, Acme shall substantially abide by the above provisions and shall not cause undue inconvenience or discomfort to residents and businesses in the area, NoHo-Bowery Stakeholders, Inc agrees not to oppose renewal of said SLA license. Both parties agree to continue a dialogue and continue to work together to insure a mutually harmonious existence for all and have affixed their signatures on page 3 of this document,*

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the transfer of an On Premise license for **Mr. Jonesing, LLC, fka 9 GJ Bar & Restaurant Inc., d/b/a Acme Bar & Grill, 9 Great Jones St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 38 Board members in favor.

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

**8. An Entity to be formed by Starr Restaurant Group, 222 Bowery 10012 - New OP**

**Whereas**, the applicant appeared before CB2’s SLA Licensing Committee on October 8<sup>th</sup>, 2013; and,

**Whereas**, this application is for a new On Premise license in a previously unlicensed location for an approachable take on a Manhattan steak house combining classic warmth and charm with a contemporary and affordable menu; and

**Whereas**, after CB2’s SLA Licensing Committee had voted on a recommendation to present to the Full Board of CB#2, Man. recommending denial, but prior to CB2, Manhattan’s October Full Board meeting, the applicant’s attorney requested to **withdraw the application** and should they choose to do so will return to CB#2, Man. in the future with a “substantively” revised application after performing additional community outreach;

**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 **An Entity to be formed by Starr Restaurant Group, 222 Bowery 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**9. 161 Mulberry Restaurant, LLC, d/b/a Italian Food Center, 161 Mulberry ST. 10013 – Alteration**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the committee requested that the applicant layover this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for the alteration to the Beer and Wine or On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **161 Mulberry Restaurant, LLC, d/b/a Italian Food Center, 161 Mulberry 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 38 Board members in favor.

**10. LLC to be formed/Donny Chao, 88 University Pl 10013**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed alteration to a new Beer and Wine license for **LLC to be formed/Donny Chao, 88 University Pl 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 38 Board members in favor.

**11. Don Borelli, on behalf of entity, 26 West 8th St., Basement Store 10011**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the committee requested that the applicant layover this application from consideration until further defined plans on the method of operation are completed; and

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed new Beer and Wine license for **Don Borelli, on behalf of entity, 26 West 8th St., Basement Store 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**12. Meteor Goods, Inc. d/b/a Café Mercado, 648 Broadway 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed new Beer and Wine license for **Meteor Goods, Inc. d/b/a Café Mercado, 648 Broadway 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**13. Taqueria y Cafeteria "La Universitaria" 815 Broadway 10003**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the attorney requested to layover/withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed new On Premise license for **Taqueria y Cafeteria "La Universitaria" 815 Broadway 10003** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. Chef Club NY, Inc., d/b/a Chef's Club by Food & Wine, 295 Lafayette St. 10012**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the committee requested that the applicant layover this application from consideration until further defined plans on the method of operation are completed; and

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed new On Premise license for **Chef Club NY, Inc., d/b/a Chef's Club by Food & Wine, 295 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. ESS US1, LLC, d/b/a Heimat, 188 Bowery a/k/a 2-4 Spring St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the attorney requested to layover/ withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the new On Premise license to **ESS US1, LLC, d/b/a Heimat, 188 Bowery a/k/a 2-4 Spring St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**16. Sagardi USA, LLC, d/b/a Sagardi, 222 Bowery 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 8th, 2013, the attorney requested to layover/ withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the new On Premise license to **Sagardi USA, LLC, d/b/a Sagardi, 222 Bowery 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**17. JEC II, LLC dba Bagatelle, 2-8 9<sup>th</sup> Ave. aka 1 Little W. 12<sup>th</sup> St. (OP license renewal SN#1143611)**

**Whereas**, the applicant was requested to appear before CB2's SLA Licensing Committee in regards to the renewal of their liquor license, Serial Number 1143611; and,

**Whereas**, a number of residents in the immediate area spoke to concerns that had also been raised the last time the licensee appeared before CB#2, Man. for an alteration application and spoke of issues related to noise, loud music, loud brunch parties, congregating issues in front of the premises, and many phone calls to the operators to reduce the music levels and address other issues; and,

**Whereas**, there was a general acknowledgement from residents that the licensee has been improving their operation and the effects on quality of life issues had been reduced; and,

**Whereas**, the Operators representative and manager of the premises gave an update on their progress to installing double sound proofed windows and explained the challenges they were working around in order to complete the installation and discussed the progress on the installation of a sound mitigating vestibule that is being installed; and,

**Whereas**, the applicant executed an additional stipulations agreement with CB2 that they agreed would be attached and incorporated in to their existing method of operation on their SLA on-premise license through this renewal application, which is in addition to any and all existing stipulations, the additional stipulations are as follows:

1. The premises will be advertised and operated as a sophisticated French restaurant
2. The hours of operation for the interior of the premises will be from 11 am to 2 am seven days a week. No Patrons will remain in premises after closing.
3. The hours of operation for the exterior outdoor area (sidewalk café) will be from 11 am to 12 am seven days a week. No patrons will remain in area after closing.
4. The sidewalk café will be operated no later than 12 am – seven days a week.
5. The Licensee will install soundproofing as discussed and previously agreed to.
6. All doors and windows will be closed by 10 pm every night – no exceptions.
7. The Licensee will continue to and adhere to and reiterate stipulations executed on February 13, 2013 and all other existing stipulations.
8. The Licensee will maintain exterior security at all times.
9. The Licensee will continue sound mitigation efforts, which are greatly appreciated by the community.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal application for **JEC II, LLC dba Bagatelle, 2-8 9<sup>th</sup> Ave. aka 1 Little W. 12<sup>th</sup> St. (OP license renewal SN#1143611)**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the existing “Method of Operation” on the existing on premise restaurant liquor license.

Vote: Passed, with 35 Board members in favor, and 3 in opposition (S. Aarons, A. Meadows, R. Sanz).

**18. 13<sup>th</sup> Street Entertainment, LLC d/b/a Kiss & Fly (fc – Gotham, Beaumarchais, VIP Room), 409 W. 13<sup>th</sup> St. (alteration to include cellar with additional bar)**

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an alteration to an existing on-premise cabaret liquor license SN#1151802 for an “existing multi-use establishment (restaurant, bar)” to (1) change the DBA name of the establishment (2) change the configuration of tables and chairs on the ground floor and basement (3) convert one service bar in the rear ground floor area to a “stand up” bar with no seats (resulting in 3 ‘stand up’ bars total)(4) reduce the total occupancy to 545 persons from 800+/-; and,

**Whereas**, this application is for an alteration to a currently licensed location located in a commercial use building on 13<sup>th</sup> Street between Washington St. and 9<sup>th</sup> Avenue on the ground floor and basement for an 10,000 sq. ft. premise (5,000 sq. ft. per floor, patron use throughout) the new configuration would continue to have 44 tables and 187 seats located on both floors, there would now be 3 ‘stand up bars’ and 12 bar seats for a total of 199 interior seats distributed throughout the premises as indicated on the seating diagram presented, there will continue to be a sidewalk café with 18 seats, there is an existing Certificate of Occupancy and total occupancy of the premises will be reduced to 545 persons and there will be changes to the existing Place of Assembly Permit; and,

**Whereas**, the hours of operation will continue to be from 11 am to 4 am seven days a week, music will be continue to be from dj and ipod/cd’s at background and entertainment levels, there is existing soundproofing and sound mitigation in place, there will be no promoted events, no scheduled performances, no cover fees, no velvet ropes, no movable barriers, the traffic and crowd control measures will be maintained; and,

**Whereas**, the applicants performed community outreach and an agreement on additional stipulations was reached during the meeting which ameliorated some of the community concerns but not all; and,

**Whereas**, there were specific concerns raised by residential members of the community which related to (1) noise and music emanating from the premises (2) that this location in particular was on of the “top 3” creators of quality of life issues in the Meatpacking area and specifically is a direct contributor to drunk patrons, screaming, other noise, well dressed women walking shoeless later in the evenings stumbling along the cobblestone streets, public urination, intoxicated disoriented patrons wandering residential areas after exiting the premises well into the late hours and early morning hours (3) that this location by virtue of it’s size is a major contributor to existing traffic issues which the City DOT and NYPD continue to try to mitigate by experimenting with different solutions, the problems which are ultimately simply result of too many licensed premises in an area not designed to handle the traffic flow (4) that while this establishment is 2 blocks away from residential areas, it is a major contributor to quality of life complaints and issues and has been for some time (5) this location has a high crime rate as evidence by being tied for first place for licensed premises for the first quarter of 2013 for grand larcenies in the 6<sup>th</sup> Precinct (6) that not withstanding the quality of life issues that are created by the premises, the high number of thefts at the premises ties up NYPD resources when the establishment could and should take significant measures to reduce the incidents of theft within their location through proactive measures; 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 on-premise license through this alteration application and in addition to any and all existing stipulations, the additional stipulations are as follows:

1. The hours of operation will be from 11 am to 4 am seven days a week.
2. There will be 17 security staff persons working Thursday to Saturday.
3. Music will not be audible beyond 15 feet of the exterior space.
4. All doors and windows will be closed at all times when music is playing and regardless of music, doors and windows will always be closed by 9 pm seven days a week – no exceptions.
5. The restaurant in the front half of the upper floor will always be closed by 2 am seven days a week (see premises diagrams).
6. The outdoor space (sidewalk café) will be closed at midnight (12 am) seven days a week.
7. The operator will use best practices to manage all outdoor areas and sidewalks at closing hours so as to produce as minimal as possible an impact on the surrounding community.

**Whereas**, there are 35 on-premise liquor licenses within 500 feet and 3 pending licenses, many of which like this location are multi-floor multi venue locations; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alteration application for **13<sup>th</sup> Street Entertainment, LLC d/b/a Kiss & Fly (fc – Gotham, Beaumarchais, VIP Room), 409 W. 13<sup>th</sup> St., unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the on-premise cabaret liquor license.

Vote: Unanimous, with 38 Board members in favor.

**19. Rapha Racing, LLC, 64 Gansevoort St. 10014 (new TW – previously unlicensed location)**

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new tavern wine license for a previously unlicensed location for a “small cycling clothing brand which will operate a mixed use café/clothing store” which will “air live bicycle races in the mornings”; and

**Whereas**, this application is for a previously unlicensed location located in a commercial use building on Gansevoort St. between Greenwich St. and Washington St. on the ground floor for an 2,900 sq. ft. premise (1,700 sq. ft. for patron use on ground floor and 1,200 sq. ft. on second floor – no patron use – offices only) with 5 tables and 24 seats and 1 stand up bar with 0 seats, there is no outdoor area or sidewalk café or any outdoor seating, there is a Certificate of Occupancy but it is unclear if this “use group 6” retail and eating and drinking use is allowable at this location because of a restrictive declaration on this property and is addressed in the stipulations; and,

**Whereas**, the hours of operation will be 7 am to 8 pm seven days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be a small sound system consisting of 6 speakers, 4 located in the café area and 2 in the retail area, amplification will be from a “home stereo” type amplifier and there will be no sub woofers, there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 3 T.V.’s, 1 of which will be a projection television against the back wall of the location, and two smaller televisions, one of which will be in the café area and one in the retail area, the televisions will only be used to showcase bicycle races and bicycle related events; and,

**Whereas**, the applicants performed community outreach, met with local residents and have contacted local neighborhood organizations and there were discussions of stipulations which the applicant and community presented at CB2’s SLA Licensing Committee meeting and agreement was reached during the meeting; and,

**Whereas**, there were specific concerns raised by residential members of the community which related to (1) noise and music emanating from the premises, especially from the rear of the premises through the existing brick walls which forms a part of a interior “donut” which is bordered on the southern side by residential neighbors who have experienced noise related issues from previous uses at this locations (2) concerns that there be absolutely no use of any outdoor terraces, rooftops and that the skylight remained closed at all times (3) that there is insufficient soundproofing or noise abatement measures in the premises (4) that this use is in direct violation of a restrictive land use declaration for this property and any purported allowable uses have not been properly recorded with the city (5) there have been no filings with the NYC Department of Buildings for any changes to the building since the mid 1990’s (6) the existing Certificate of Occupancy states there is a maximum occupancy of 15 persons and because of the existing

restrictive use declaration any use of up to 74 persons as is generally the case for these uses is in question because this use is specifically not currently allowed or registered with the city (7) there were concerns also that there may be a sidewalk café or benches on the exterior (8) there were concerns that because of the time difference of most European bicycling events that like world cup events large crowds would gather at nontraditional times creating significant quality of life issues from cheering and congregating at nontraditional hours (9) there were concerns that by incorporating a beer and wine licensed venue into a retail space that the success of this venture may be determined by revenues generated from eating and drinking uses and not the main venture which is the retail cycling clothing aspect of the business (10) there were concerns expressed that the applicant could not guarantee that the premises would be completely soundproofed (11) that licensing a mixed use retail and café location is a terrible precedent for this immediate area that is overrun with large licensed venues; 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 tavern wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a small retail cycling clothing store with very small café.
2. The hours of operation will be 7 am to 8 pm seven days a week – hours will never be later. At closing no patrons will remain on the premises.
3. There will be no backyard garden.
4. The applicant will never seek a DCA Cabaret License.
5. There will be no more than 5 tables and 24 seats in interior of premises.
6. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
7. There will be no use of the 2<sup>nd</sup> floor for patrons.
8. There will be no use of the terrace space ever.
9. Skylight will remain closed at all times.
10. There will be a sound test conducted with immediate abutting neighbors and high levels set so as to never create an impact to residential tenants.
11. There will be no special events or events after 8 pm.
12. There will be no outdoor seating (i.e. no benches, chairs or sidewalk café)
13. There will be no subwoofers in the premises – only 6 speakers, 4 in rear area and 2 in retail area all set to same volume.
14. There will be three televisions, one of which will be a projection tv against the rear wall and two smaller televisions, one located in the retail area and one in the café area.
15. The “restrictive declaration” will be reviewed by New York City Council Land Use staff and they will confirm 2003 Amendments are valid and Landlord/Applicant will properly record the Restrictive Declaration and/or 2003 Amendments with proper City Agency.
16. Music will be quiet background only from an ipod dock (i.e. no active manipulation of music – only passive prearranged music).

**Whereas**, by means of illustrating this area, there are 32 on-premise liquor licenses within 500 ft. and several pending licenses; many of those licenses are for multi floor and multi venue locations; and,

**Whereas**, CB#2 Man. cannot stress enough that unless this use at this location is actively confirmed by registering a change in the “restrictive declaration” which should appear on the Certificate of Occupancy or on other properly recorded city documents which are presented to the Liquor Authority and ***dated in the year 2013 that this license should be denied***; and,

**Whereas**, CB#2, Man. requests that should this recommendation be used by this applicant or any future applicant at this locations for any changes to this application or other use than the specific use outlined here and specific parameters and stipulations that the Liquor Authority give no weight to the concept that this location has been “previously licensed” or is “currently licensed” as this recommendation is based on a very specific and unique set of circumstances; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new tavern wine license to **Rapha Racing, LLC, 64 Gansevoort 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 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the Tavern Wine License.

Vote: Unanimous, with 38 Board members in favor.

**20. PHIL3PO, LLC, d/b/a Taureau La Sirene, 558 Broome St. 10013 (new OP – previously unlicensed location)**

**Whereas**, the applicant reappeared before CB2 Manhattan’s SLA Licensing Committee after having been requested to perform additional outreach to surrounding residential tenants; and,

**Whereas**, this application is for an on-premise restaurant liquor license for an existing restaurant that has been operating for a number of years, but which has not been previously licensed, for a restaurant that’s “focus is on French Homemade Styles and Quality Ingredients paired with friendly, professional service; [The Menu] specializes in cuisine from the South of France as well as a large variety of Fondues”; and,

**Whereas**, this application is for a previously licensed restaurant wine location (portion of the premises) located in a mixed use commercial/residential building on Broome St. between Varick St. and 6th Avenue on the ground floor and cellar for a 1,200 sq. ft. premise with 27 tables and 64 seats and no stand up bar and 1 service bar only, there is no sidewalk café or rear yard or other outdoor area, there is an existing Certificate of Occupancy; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 5 pm to 12 am, and Saturday to Sunday from 11 am to 3:30 pm and then 5 pm to 1 am, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no televisions; and,

**Whereas**, the applicant performed community outreach and presented a petition in support with 30 signatures from immediately abutting buildings and the building in which the premises is located, no one appear in support or opposition; 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 on-premise restaurant liquor license and the stipulations are as follows:

1. The premises will be operated and advertised as a French restaurant.
2. The hours of operation will be Sunday to Thursday from 5 pm to 12 am, and Saturday to Sunday from 11 am to 3:30 pm and then 5 pm to 1 am. No patrons shall remain after closing.
3. There will be no backyard garden.
4. The applicant will never seek a DCA Cabaret License.

5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Music will be background only.
7. At stated closing hours – no patrons shall remain in the premises.
8. The applicant states one exception to hours of operation, which will be on New Years Eve only, and on that day the hours of operation will be from 6 pm to 2 am.

**Whereas**, there are 6 on-premise liquor licenses within 500 feet; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise restaurant liquor license for **PHIL3PO, LLC, d/b/a Taureau La Sirene, 558 Broome St. 10013, unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the on-premise restaurant liquor license.

Vote: Unanimous, with 38 Board members in favor.

**21. Adoro Lei, LLC, 287 Hudson St. 10013 (New OP – Previously licensed location)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” of an on premise liquor license for an “Italian American Bistro specializing in Napolitano style pizza”; and,

**Whereas**, this application is for a currently licensed location in a mixed use building located on Hudson St. between Spring St. and Dominick Street for a roughly 3,450 sq. ft premise (Ground Floor 1,889 sq ft and basement 1,561 sq ft – no patron use except bathrooms) with 20 tables and 52 seats and 1 stand up bar with 8 seats for a grand total of 60 interior seats, there is no backyard garden and there is no sidewalk cafe, there is an existing Certificate of Occupancy which states the maximum occupancy is 74; and,

**Whereas**, the hours of operation will be Sunday from 11 am to 10 pm, Monday to Thursday from 11 am to 1 am, and Friday to Saturday from 11 am to 4 am, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), the current applicant will also upgrade and expand the existing soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be one television sized 40 inches or smaller (no projection tv or other types of tv’s); and,

**Whereas**, the applicant performed community outreach and presented a petition with 180 signatures, but the petition did not provide an address or hours of operation and many signatures appeared to be from those who work in the area; and,

**Whereas**, the head of a local community organization appeared in support of the application; 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 premises will be advertised and operated as an Italian Restaurant specializing in Pizza.
2. The hours of operation will be Sunday from 11 am to 10 pm, Monday to Thursday from 11 am to 1 am, and Friday to Saturday from 11 am to 4 am.
3. There will be no backyard garden.
4. The applicant will never seek a DCA Cabaret License.

5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Music will be background only.
7. All doors and windows will be closed at 10 pm seven days a week – no exceptions.
8. Soundproofing will be updated and improved over existing soundproofing.
9. There will only be 1 television, which will be no larger than 40 inches in size.
10. There will be no patron use of basement except for restrooms.

**Whereas**, there are 11 on-premise liquor licenses with 500 feet of this location; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a transfer of an existing on-premise restaurant liquor license for **Adoro Lei, LLC, 287 Hudson St. 10013** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

## **22. International Hospitality Concepts, LLC, d/b/a Loteria, 84 7<sup>th</sup> Ave. South 10014**

**Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for an “upscale, casual Mexican restaurant with a strong focus on Chef-driven cuisine”; and,

**Whereas**, this application is for a previously licensed location in a mixed use building located on 7<sup>th</sup> Avenue South between Grove St. and Barrow St. for a roughly 2,400 sq. ft. premise on two floors (1,200 sq. ft. on the ground floor which includes an approximately 250 sq ft. enclosed sidewalk café and 1,200 sq. ft. in the basement for accessory use storage use) with 22 tables and 44 seats (of which 11 tables and 22 seats are in the enclosed sidewalk café) and 1 bar with 5 seats for a grand total of 49 seats, there will be one stand-up bar only, there is only an enclosed sidewalk café and no other outdoor areas for patrons, the Certificate of Occupancy indicates there is a maximum allowable occupancy of 49; and

**Whereas**, the hours of operation will be 8 a.m. to 2 a.m. 7 days a week, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), a Bose system with multiple small speakers will be utilized, there will be no music in the enclosed sidewalk cafe, there are operable sliding glass doors around the enclosed sidewalk café which will be closed by 10 p.m. every night, 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 performed limited community outreach but the owner of the building in which the applicant will be located appeared and stated she lived directly above the premises, and

**Whereas**, one of the principals is also a principal in a restaurant located in Chelsea; 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 premises will be advertised and operated as an upscale casual Mexican restaurant.
2. The hours of operation will be from 8 am to 2 am seven days a week. No patrons shall remain at closing.

3. There will be no backyard garden.
4. The applicant will never seek a DCA Cabaret License.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Music will be background only.
7. All doors and windows will be closed at 10 pm seven days a week including all enclosed sidewalk café windows – no exceptions.
8. There will be no speakers within the enclosed sidewalk café.
9. There will be no outdoor benches.
10. The rear door will remain closed at all times.

**Whereas**, there are 35 on-premise liquor licenses with 500 feet of this location;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new restaurant wine license for **International Hospitality Concepts, LLC, d/b/a Loteria, 84 7<sup>th</sup> Ave. South 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

### **23. Doppio Hudson Street, LLC, 581 Hudson St. 10014**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” of an on premise liquor license for a “Italian Bistro Pizzeria that will focus on gourmet pizzas and traditional Southern Italian cuisine”; and,

**Whereas**, this application is for a currently licensed location in a mixed use building located on Hudson St. on the corner of Bank St. for a roughly 850 sq. ft. premise with 10 tables and 20 seats and 1 stand up bar with 4 seats for a grand total of 24 interior seats, this application also includes a currently licensed sidewalk café which has 9 tables and 20 seats, there is an existing Temporary Certificate of Occupancy which continues to be kept current; and,

**Whereas**, the hours of operation will be from 11 am to 12 am (midnight) seven days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no music in the sidewalk café, 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 one television sized 42 inches or smaller (no projection tv or other types of tv’s); and,

**Whereas**, the applicant performed community outreach and presented a petition with signatures from the surrounding area; and,

**Whereas**, the principles are also principles in several licensed establishments located in Connecticut and New York; 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 premises will be advertised and operated as Italian Bistro Pizzeria.

2. The hours of operation will be from 11 am to 12 am (midnight) seven days a week. No patrons shall remain at closing.
3. There will be no backyard garden.
4. The applicant will never seek a DCA Cabaret License.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Music will be background only.
7. The sidewalk café will close Sunday to Thursday at 10 pm and Friday and Saturday at 11 pm. No patrons will remain in area after closing.
8. There will only be one television 42 inches or smaller.

**Whereas**, there are 15 on-premise liquor licenses with 500 feet of this location; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of an existing on-premise restaurant liquor license for **Doppio Hudson Street, LLC, 581 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 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**24. Entity to be formed by Jody Williams (Fifty One Merchants LLC), 49-51 Grove St. 10014**

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present a “transfer” application for an on-premise restaurant liquor license for a “neighborhood restaurant focusing on lunch and dinner”; and

**Whereas**, this application is for a previously licensed location located in a mixed use commercial/residential building on Grove St. between Bleecker St. and 7th Avenue South.. on the ground floor and cellar for a 1,892 sq. ft. premise (1,400 sq. ft. for patron use on ground floor and 492 sq. ft. in cellar – no patron use) with 17 tables and 55 seats and 1 stand up bar with 10 seats for a total of 65 interior seats, this application also includes a sidewalk café with 9 tables and 16 seats, there is no Certificate of Occupancy for this location, but there seems to be an existing Letter of No Objection for this location that was issued to a previously licensed entity; and,

**Whereas**, the hours of operation will be Sunday from 12 pm to 12 am and Monday to Saturday from 12 pm to 2 am, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be a small sound system consisting of 4 Bose speakers, and there an existing professionally installed spring board ceiling, there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no televisions, there are 6 existing French doors which will be closed by 10 pm each night; and,

**Whereas**, the applicants performed community outreach and a letter in strong support was received from the Grove Street Block Association; and,

**Whereas**, both principals own and operate other Restaurants within CB2 Manhattan with no known problems, one of which is located in close proximity to this establishment, and one of the principals lives in the immediate neighborhood; 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 on-premise restaurant liquor license and the stipulations are as follows:

1. The premises will be advertised and operated as a neighborhood restaurant focused on lunch and dinner
2. The hours of operation will be Sunday from 12 pm to 12 am and Monday to Saturday from 12 pm to 2 am.
3. The premises will not be operated as a nightclub or disco; the applicant will never seek a DCA Cabaret License.
4. There will be no backyard garden.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. All doors and windows will be closed by 10 pm every night without exception.
7. Music will be Quiet Background Only.

**Whereas**, there are 33 licensed on-premises liquor licenses within 500 ft of this location;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a “transfer” of an on-premise restaurant liquor license for an **Entity to be formed by Jody Williams (Fifty One Merchants LLC), 49-51 Grove 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 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the on-premise restaurant liquor license.

Vote: Unanimous, with 38 Board members in favor.

#### **25. Spunto, Inc. d/b/a Spunto, 65 Carmine St. 10014**

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an “upgrade” application to an on-premise restaurant liquor license for a “family style Italian restaurant at the location since 2/2009”; and,

**Whereas**, this application is for a current licensed restaurant wine location located in a mixed use commercial/residential building on Carmine St. between Bedford St. and Bleecker St. on the ground floor and cellar for a 3,800 sq. ft. premise (1,900 sq ft for patron use on ground floor and 1,900 sq. ft. in cellar – no patron use) with 18 tables and 38 seats and 1 stand up bar with 12 seats for a total of 50 interior seats, this application also includes a sidewalk café with 14 tables and 28 seats, there is an existing Certificate of Occupancy for this location; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11 am to 11 pm and Friday to Saturday from 11 am to 12 am (midnight), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no televisions; and,

**Whereas**, the applicants performed community outreach 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 on-premise restaurant liquor license and the stipulations are as follows:

1. The premises will be advertised and operated as a family style Italian restaurant.
2. The hours of operation will be Sunday to Thursday from 11 am to 11 pm and Friday to Saturday from 11 am to 12 am (midnight). No patrons will remain after closing.
3. The premises will not be operated as a nightclub or disco; the applicant will never seek a DCA Cabaret License.
4. There will be no backyard garden.
5. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. There will be no French doors or windows.
7. All doors and windows will be closed all times.
8. Music will be Quiet Background Only.
9. There will be no music in any exterior area.
10. The sidewalk café will be closed at 10pm 7 days a week. No patrons shall remain in area after closing.

**Whereas**, there are 29 on-premise liquor licenses within 500 feet of this location;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an “upgrade” to an on-premise restaurant liquor license for **Spunto, Inc. d/b/a Spunto, 65 Carmine St. 10014**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the on-premise restaurant liquor license.

Vote: Unanimous, with 38 Board members in favor.

## **26. Momo Caffè, Inc., 150-152 West 10<sup>th</sup> St. 10012**

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee; and,

**Whereas**, this application is for a “family restaurant that focuses on Italian/Mediterranean food”; and,

**Whereas**, this application is for a beer and wine restaurant license in a previously licensed location for an approx. 756 sq. ft. premise (396 sq. ft. ground flr., 360 sq. ft. basement – no patron use) located on the first floor of a five story mixed use building located on the corner of West 10<sup>th</sup> St. and Waverly place with 9 tables and 18 seats, 3 window seats, and 1 bar with 7 seats for a total of 28 seats and a maximum legal capacity of 40 as described on the Certificate of Occupancy, there is no sidewalk café or outdoor seating area; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 7 am to 11 pm and Friday to Saturday from 7 am to 12 am, music will be quiet background only consisting of music from a jukebox (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be one television no larger than 46 inches; and,

**Whereas**, the applicant performed community outreach and reached an agreement with the Mid West 10<sup>th</sup> Street Block Association dated 9/16/2013; 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 liquor license and the stipulations are as follows:

1. The premises will be advertised and operated as a family restaurant.
2. The hours of operation will be Sunday to Thursday from 7 am to 11 pm and Friday to Saturday from 7 am to 12 am. No patrons will remain after closing.
3. The premises will not be operated as a nightclub or disco; the applicant will never seek a DCA Cabaret License.
4. There will be no backyard garden.
5. There will be no sidewalk café.
6. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. **The applicant/licensee agrees to waive the right to upgrade to a full on-premise license at anytime in the future.**
8. The applicant/licensee agrees to incorporate all stipulations agreed to with the Mid West 10<sup>th</sup> Street Block Association dated 9/16/2013 in their stipulations agreement with CB2 Manhattan.
9. There will be only one tv, which will be no larger than 46 inches. There will be no other tv's.

**Whereas**, the stipulations agreed to with the Mid West 10<sup>th</sup> St. Block Association dated 9/16/2013 are as follows:

**STIPULATIONS FOR MOMO CAFFE, INC.**  
**AT 150-152 WEST 10<sup>TH</sup> STREET**

*The undersigned, Tom Martini, hereby agrees on behalf of the hereinafter defined Operator, that an approval of an on-premises beer and wine license by the New York State Liquor Authority shall be subject to compliance by Momo Caffè West Village Corporation ("the Operator") with respect to its operation of a premises located at 150-152 West 10th Street (the "Establishment") with the following stipulations. These stipulations are subject to and conditioned upon the recommendation of Manhattan Community Board 2 to approve this application:*

1. ***Hours of Operation:*** *The Establishment shall be open from 12:00PM until 11:00PM from Sunday through Thursday and from 12:00PM until midnight on Friday and Saturday.*
2. ***Certificates, Permits and Related Documents:*** *The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.*
3. ***Traffic:*** *The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.*

4. **Manager:** *The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.*
5. **Music:** *The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.*
6. **Soundproofing:** *The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.*
7. **Sidewalk Café:** *The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10<sup>th</sup> Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10<sup>th</sup> Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.*

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

*The above-mentioned terms of this agreement are to be added to the stipulations of Manhattan Community Board 2 if it approves the SLA application for a restaurant wine license at 150-152 West 10th Street filed by the Operator.*

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a “transfer” for a restaurant wine license for **Momo Caffe, Inc., 150-152 West 10<sup>th</sup> St. 10012**, **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> and 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the on-premise restaurant liquor license.

Vote: Unanimous, with 38 Board members in favor.

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

**27. God Save The King, LLC dba Provocateur Night Club, 18 Ninth Ave., Store #2 (on-premise Renewal SN1234694)**

**Whereas**, the licensee was requested by CB#2, Man. to appear before CB2’s SLA Licensing Committee on October 10<sup>th</sup>, 2013 to address concerns in regards to the renewal of their existing on-premises liquor license Serial Number 1234694 and,

**Whereas, the licensee failed to appear before the committee;** and,

**Whereas**, there is an existing **adverse licensing history** as evidenced by a number of violations and charges that have issued and upheld by the Liquor Authority; and

**Whereas**, there are a number of violations that have been issued by the New York City Department of Buildings including violations related to maintaining a current “Place of Assembly” Permit which is of significant concern given the direct impact on public safety should procedures relating to that permit not be in place and maintained; and,

**Whereas**, members of the community brought up specific concerns regarding the Licensee stating and presenting evidence that they are not adhering to stipulations agreed to with the Liquor Authority at the issuance of this license and which are on file as conditions in the “method of operation” and specifically that the **Licensee is actively violating the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> stipulations** by not maintaining a “sound proofed” premises, by operating with retractable roof in an open position and by operating over an extended period without all NYC permits and certificates in place; and,

**Whereas**, the existing stipulations as agreed to by the applicant in December 2008 and which are on file with the Liquor Authority and are listed as a condition of their license are as follows:

1. The applicant has agreed to install a double door entrance to reduce volume and noise levels.
2. The applicant has agreed to not install or place a dedicated dance floor in the establishment.
3. The applicant has agreed to implement proper crowd control and security measures that are distinctly separate from the current licensed establishment’s entry station.
4. The applicant has agreed to community outreach, including but not limited to six monthly meetings with neighboring residents following its opening.

5. The applicant has agreed to fully enclose and properly sound proof the entire licensed establishment prior to the use of the On Premise license; the current operation will cease during this period.
6. The applicant has agreed to keep the ceiling closed at all times unless authorized by CB#2, Man.
7. The applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit; all certificates, permits and related documents will be provided to CB#2, Man. prior to the use of the On Premise license; and,

**Whereas**, a number of residents raised the complaint that they had been directly contacting the establishment and members of the staff and manager as has been suggested by the Liquor Authority and yet the licensee *failed to correct the blatant violations of their stipulations agreement and failed to act as a “good neighbor” and furthermore despite a recent meeting in the past month directly with the principle of this establishment Michael Satsky and a manager Michael Kenny and 3 members of the community, the Licensee continues to operate on a regular basis with their retractable roof in an open position between the hours of 10 pm and 4 am which the licensee is fully aware is a violation of their agreed upon stipulations* and that this causes a tremendous impact on the quality of life of area residents including those who live directly across the street and those who look down on the premises; and,

**Whereas**, the Licensee has not appeared before CB2’s SLA Licensing Committee to discuss or request to change the existing stipulations regarding operation of the retractable roof in any position other than closed; and,

**Whereas**, members of the community appeared and expressed these significant concerns and felt that this matter should be (1) further investigated, (2) the Licensee fined for each separate occurrence on each night that these violations have occurred in regards to operations with the retractable roof in an “open” position (3) steps should be implemented to ensure that these violations do not continue to occur (4) that it should be reiterated that if these stipulations were not in place the establishment would not have met the public interest or public benefit and the licensee would not have been issued from the inception; and,

**Whereas**, CB#2, Man. agrees with members of the community; and,

**Whereas**, the Licensee should also present to CB#2, Man. and the Liquor Authority all permits, certificates and licenses prior to the renewal of this License to demonstrate that they are in place and current and should present procedures to show that they will maintain complete compliance with all stipulations going forward; and,

**Whereas**, the licensee appears to be operating without a NYC DCA Cabaret License and yet promotes dancing within the establishment; and,

**Whereas**, CB#2, Man. and members of the community will provide evidence directly to the Liquor Authority showing violations of the existing stipulations agreement;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the renewal application for **God Save The King, LLC dba Provocatuer Night Club, 18 Ninth Ave., Store #2 SN1234694** until such time that the aforementioned issues are thoroughly investigated, properly resolved and all charges and fines addressed, and furthermore that it is determined that these ongoing violations are not a reason for permanent non-renewal or revocation of the on-premise liquor license.

Vote: Unanimous, with 38 Board members in favor.

**28. The Vagabond Tapas Café, LLC, d/b/a Vagabond Tapas Café, 7 Cornelia St. 10014 (b&w - withdrawn by applicant-will resubmit at a later date)**

**Whereas**, prior to this month's CB2's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's representative requested to **withdraw** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that 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 **The Vagabond Tapas Café, LLC, d/b/a Vagabond Tapas Café, 7 Cornelia 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 38 Board members in favor.

**29. 230 Bleecker Corp. d/b/a Cotenna, 21 Bedford St. 10014 (b&w - attorney requested layover)**

**Whereas**, prior to this month's CB2's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that 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 **230 Bleecker Corp. d/b/a Cotenna, 21 Bedford St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**30. Ten Westside Corp., 10 Hudson Sq. 10013 (b&w – attorney requested layover)**

**Whereas**, prior to this months CB2's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that 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 **Ten Westside Corp., 10 Hudson Sq. 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 38 Board members in favor.

**31. Fortuna Realty Hotel SoHo, LLC, 523-525 Greenwich St. 10013 (Layover – Hotel License with Rooftop)**

**Whereas**, at this month's CB2's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's 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 after having performed additional community outreach and clarifying their hours of operation and method of operation;

**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 **Fortuna Realty Hotel SoHo, LLC, 523-525 Greenwich 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 38 Board members in favor.

**32. MHA d/b/a Matty's NYC, 135 7<sup>th</sup> Ave. South 10014 (attorney requested layover)**

**Whereas**, prior to this month's CB2's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's representative requested to **layover** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **MHA d/b/a Matty's NYC, 135 7<sup>th</sup> Ave. South 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**33. Entity to be formed by Dario Wolos, 59 Charlton St. 10014**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on October 10<sup>th</sup>, 2013, the applicant's representative requested to **layover** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by Dario Wolos, 59 Charlton 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 38 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in support of Wayfinding signage on Varick & W. Houston Sts., Spring & Hudson Sts., Spring & Varick Sts., and Varick & Canal Sts.**

**Whereas** the NYC Department of Transportation (DOT) has been working with the Hudson Square Connection Business Improvement District (Hudson Sq. BID) to identify sites within the BID's neighborhood that are in need of (and appropriate for) Wayfinding signage to direct pedestrians to their destinations, orient those who often are unfamiliar with the surroundings, and provide a framework of information on the environs (such as places of interest, landmarks, transportation and other facilities, as well as walking time) to help people navigate through the area; and

**Whereas** DOT and the Hudson Sq. BID walked the whole area intensively, studying both space and users and assessing pedestrian traffic, and thoroughly researched examples of wayfinding systems in both U.S. and international cities, looking to where signs would be most useful (such as at gateways, subway hubs and major destinations) while concentrating foremost on choosing locations with substantial sidewalk clearance and spacing of street furniture to avoid crowding and clutter; and

**Whereas** as a result of this extensive study, four sites within the Hudson Sq. BID have been identified for Wayfinding "Area" signs (2'10" wide/8'5" high, the medium size of the three-size signage system, deemed to best fit the surrounding context) at: Southeast corner of Varick & W. Houston Sts., Southeast corner of Spring & Hudson Sts., Southeast corner of Spring & Varick Sts., and Northwest corner of Varick & Canal Sts.; and

**Whereas** the NYC Public Design Commission has specified the need for one standard citywide wayfinding system, and the proposed signage is in keeping with this system, thereby promoting clarity and mutual understanding of directional information citywide; and

**Whereas** committee members shared their own positive observations of the wayfinding system in London, where the signage has served as a model for New York City's system and has been highly successful in helping people find their way, and of the new wayfinding signage in Chinatown (in CB3) where it is not only constantly used, but also has displaced illegal vendors, while wayfinding systems in other U.S. cities have also been shown to be successful in guiding people and promoting security; and

**Whereas** the Hudson Sq. BID will be responsible for maintenance of the signage, paying a fee to DOT for regular monthly cleanings, such as of graffiti, and repair, as well as on-call services with a one to three-day response time, and maps will be updated as necessary; and

**Whereas** a variety of new types of street furniture have been recently introduced by the City (such as new phone booths, muni meters and the wayfinding signage), with community concern for the clutter these many separate installations can create; and

**Whereas** to address this potential clutter, community members have suggested merging some of these amenities together, and have put forth a concept that would incorporate wayfinding signage into what is now a sizable blank space in the new muni meter stanchions (example attached), thereby taking up less sidewalk space;

**Therefore be it resolved** that CB#2, Man. supports installation of Wayfinding signage on the Southeast corner of Varick & W. Houston Sts., Southeast corner of Spring & Hudson Sts., Southeast corner of Spring & Varick Sts. and Northwest corner of Varick & Canal Sts.; and

**Be it further resolved** that CB#2, Man. asks DOT to review and consider the proposal for incorporating wayfinding signage into the new muni meter stanchions (example attached) in appropriate locations; and

**Be it finally resolved** that CB#2, Man. encourages coordination among New York City agencies in the design and placement of street furniture.

Vote: Unanimous, with 38 Board members in favor.

## **2. Resolution in support of proposal to create a bicycle lane with or without a modest buffer on the north side of Spring St. bet. Washington & Hudson Sts.**

**Whereas** a proposal on the part of members of the local community was put forth requesting a bicycle lane (with or without a buffer) on the north side of Spring St. bet. Washington & Hudson Sts. to create a much needed west-east connection for the bicycle lanes going north-south on Washington St. and south-north on Greenwich and on Hudson Sts.; and

**Whereas** bicycle use and pedestrians have increased in this locale, while vehicular traffic has become increasingly disorganized and hazardous to both bicyclists and pedestrians as well as to vehicle drivers themselves; and

**Whereas** a bicycle lane can help channel vehicular traffic into a more clearly defined area and a smoother, more orderly and safer flow; and

**Whereas** a demarcated bicycle lane provides safer passage for bicyclists and, in doing so, encourages bicyclists to use and stay within that lane, further organizing traffic and adding to pedestrian safety; and

**Whereas** letters in favor of the proposed bicycle lane were received from members of the local community (an area of increased residential use and many more children), including from building Board presidents at 315 Hudson St., 330 Spring St., 488 Greenwich St., and 533 Canal St.; and

**Whereas** preference was expressed by the proposal representative for a standard bicycle lane next to curbside-parked cars, however, protected bike lanes have been shown to provide even safer bicycling passage, encouraging greater use, and can better organize traffic, from parked and moving vehicles to bicycles to pedestrians, such as in the use of floating parking as a buffer; and

**Whereas** it was suggested that, since the segment of Spring St. east of Hudson to Varick St. is also disorganized and hazardous, it might be beneficial to extend the proposed bike lane up to Varick St.;

**Therefore be it resolved** that CB#2, Man. supports the installation of a bicycle lane on the north side of Spring St. from Washington to Hudson Sts.; and

**Be it further resolved** that CB#2, Man. asks that DOT weigh the possibility of a protected bicycle lane at the proposed location compared to a standard bicycle lane; and

**Be it finally resolved** that CB#2, Man. suggests that the possibility of extending the bicycle lane up to Varick St. also be investigated.

Vote: Unanimous, with 38 Board members in favor.

**3. Resolution in support of request to co-name the southwest corner of Charles & Bleecker Sts. after Officer Brian Murray of the NYPD Bomb Squad.**

**Whereas** Charles St. bet. Bleecker and Hudson Sts. is the primary work place location of the NYC Police Department's (NYPD) Bomb Squad; and

**Whereas** the NYPD Bomb Squad on Charles St. has long been actively engaged as a member of the local community, including Squad people interacting with neighbors and their children who visit and often stop to admire the Squad's dogs; and

**Whereas** the NYPD Bomb Squad has requested that the southwest corner of Charles and Bleecker Sts. be co-named for Officer Brian Murray, a Bomb Squad member who was killed in 1976 at the NYPD's Rodman's Neck explosive range while disarming a bomb that exploded and had been originally planted in Grand Central Station by Croatian terrorists and removed by Officer Murray, thereby saving hundreds of lives; and

**Whereas** a petition in favor of the co-naming was submitted with over 100 signatures from residents of Charles, Bleecker and Hudson Sts. and the surrounding neighborhood, and the Charles St. Block Association has also indicated its support; and

**Whereas** this request completely meets CB#2's Street Co-Naming Guidelines;

**Therefore be it resolved** that CB#2, Man. supports co-naming the southwest corner of Charles & Bleecker Sts. after Officer Brian Murray of the NYPD Bomb Squad.

Vote: Unanimous, with 38 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan