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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: December 19, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, William Bray, Lisa Cannistraci, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Jonathan Geballe, Sasha Greene, David Gruber, Chair; Susan Kent, Jeanine Kiely, Arthur Kriemelman, Edward Ma, Alexander Meadows, Lois Rakoff, Robert Riccobono, Rocio Sanz, Maury Schott, Arthur Z. Schwartz, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Daniel Ballen, Heather Campbell, Denise Collins, Robert Ely, Joshua Frost, Robin Goldberg, Jo Hamilton, Anne Hearn, Florent Morellet, Judy Paul, Robin Rothstein, Shirley Secunda

BOARD MEMBERS ABSENT: Richard Caccappolo, Dodge Landesman

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

GUESTS: Jacqueline Blank, Congressman Jerrold Nadler's office; 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; Brenda Levin, Valerie White, J.W. Ross, Danny White, Matt Ahumana, Richard Pietromanni, M. Kim-Bodes, Pete Sturman, Alex Kelly, Megan Meagher Triphyn, Marc Epstein, Charlel Tagho, Pete Davis, Paolina Poe-Azcarraga, Noelani Montero, Tristram Cleminson, Paul Croitoroo, Stephanie Pietromonaco, Ashley Haelen, Catherine Jarman, William Rosser, Els Phillips, Andrew Houghton, Cathryn Swan, David Crafa, Jeff Lazar, Robert Score, Maria Prather, Niambi J. Moore, Brooke Schafran, Jonathan Wolfe, Lynn Umlauf, Jud Trophagen, Susan Williams, Victoria De Tiger, Georgette Fleischer, Willow Stelzer, David Rabin, Chris Wright, Tom Padilla, Jennifer Dickson, Andrew Berman, Richard Halpern, Jim Fouratt, Michele Campo

MEETING SUMMARY

Meeting Date – December 19, 2013

Board Members Present – 36

Board Members Excused–12

Board Members Absent – 2

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II. PUBLIC SESSION

Non-Agenda Items

Hudson River Park

Alexander Meadows spoke regarding the park.

New York Public Library

Alex Kelly spoke regarding the Oral History Project program at Jefferson Market Library.

South Village and Air Rights

Andrew Berman spoke regarding these topics.

Short-Term Hotel Use in Class A Multiple Dwellings

Pete Davis and Georgette Fleischer spoke against this.

Washington Square

Jim Fouratt spoke regarding this topic.

Land Use and Business Development Items

688 Broadway-Application to CPC for residential use on floors 2-12 and for retail use below 2nd story of a new building on a vacant lot in NoHo Historic District

Jennifer Dickson spoke in favor of the zoning proposal. Tom Padilla spoke regarding the proposal.

Frank Jarman spoke against the zoning proposal.

Sidewalks/Street Activities Items

P.M.W., Inc. d/b/a Spring Street Natural, 62 Spring St. with 7 tables & 27 chairs, DCA# 1193198

Chris Wright spoke in favor of the sidewalk café renewal application.

SLA Licensing Items

An entity to be formed by Starr Rest. & Joseph Carroll, 222 Bowery

Lynn Umlauf, Michele Campo, Susan Williams, and Richard Halpern spoke against the proposed liquor license application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Jacqueline Blank, Congressman Jerrold Nadler's office

Joshua Cole, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

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

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

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

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

V. ADOPTION OF MINUTES

Adoption of October minutes and distribution of November 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

FIRST LANDMARKS MEETING

1 - LPC Item:11 - 44 Spring Street (s.w. Wooster) - SoHo-Cast Iron Historic District. An empty lot. Application is to construct a new building. Zoned M1-5A

Whereas, the building is in scale and not unattractive; but

Whereas, it has no reference to the Cast-Iron Historic District whatsoever, lacking not only metal but also masonry, two hallmarks of the district. This is a glass box plonked in the middle of SoHo, designed according to the wishes of a client seeking to promote retail, but with absolutely no consideration to the historic district; and

Whereas, the applicant described it as a “non-building”, and a proposal “designed to make the building disappear”. Is that really, really what we seek?; and

Whereas, the second floor is not reduced in height, contrary to the standard reduction in floor heights above the ground floor that is such a feature of this district; and

Whereas, last, but not least, despite promises from the applicant that interior lighting would be subdued, there is absolutely no way to guarantee this – either with this client or a future retailer. The light pollution – a serious and growing environmental and quality-of-life problem – cannot be effectively regulated by the Landmarks Preservation Commission. The unwelcome glare will draw undue attention to the building and detract from the historic district, particularly this corner, which is so quiet, muted and subdued at night; and

Whereas, residents in attendance objected to the alien use of such excessive glazing and the resulting light pollution: reminding us that Wooster and Prince at night is not Broadway and Houston at night; now **Therefore, be it resolved** that CB#2, Man. strongly recommends denial of this application because it renders absolutely no homage to the SoHo Cast-Iron District in style, materials or proportions; and, further, because the unavoidable and unregulated light pollution will profoundly detract from the district, while drawing undue attention to this structure, particularly at the expense of the adjacent Federal houses.

Vote: Unanimous, with 36 Board members in favor.

2 - LPC Item:12 - 439 Lafayette Street (W4/Astor) - NoHo Historic District. A Renaissance Revival style warehouse building designed by D & J Jardine and built in 1889-90. Application is to establish a master plan governing the future installation of painted wall signs. Zoned M1-5B

Whereas, this is a sensible and welcomed plan; now

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

Vote: Unanimous, with 36 Board members in favor.

3 - Item:13 - 585 Hudson Street (Greenwich/Hudson) - **Greenwich Village Historic District** A loft building designed by D & J Jardine and built in 1890. Application is to install mechanical equipment at the courtyard.

Whereas, the installation of the new mechanical equipment as well as the new picket fence will be an improvement; now

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

Vote: Unanimous, with 36 Board members in favor.

4 - LPC Item:16 - 291 West 4th Street-Greenwich Village Historic District. A Federal style house built in 1827-28. Application is to reconstruct the stoop.

Whereas, the stoop reconstruction will benefit the building and the district; but

Whereas, the newel post, which now only features a brownstone base, would originally include a decorative metal piece on top, either a decorative urn or an ornate end-piece for the handrail; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, and respectfully suggests that the applicant consider adding a decorative metal element to the brownstone base, because such an element would likely have been there originally.

Vote: Unanimous, with 36 Board members in favor.

5 - LPC Item:18 - 18 West 11th Street (5th/6th) - **Greenwich Village H.D.**. A brick rowhouse, designed by Hugh Hardy and built in 1979. Application is to construct a new rear facade and a rooftop addition, and excavate at the cellar. Zoned R6

Whereas, although we had already approved this application, the applicant was gracious enough to return voluntarily to show us that now that the leaves have fallen, the proposed rooftop addition is still only very minimally visible; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, even when foliage no longer obscures the proposed addition.

Vote: Unanimous, with 36 Board members in favor.

SECOND LANDMARKS MEETING

6 - LPC Item:7 - 734 Broadway - NoHo Historic District. A neo-Grec style store building designed by D & J Jardine and built in 1872-73. Application is to construct a rooftop addition and install storefront infill. Zoned M1-5B

Whereas, the storefront infill and bulkhead, as described orally by the applicant, are slightly, but significantly, different than what was shown in the renderings, enhancing historical accuracy.

First, the revised storefront proposal will have a bulkhead 16 inches tall, which will align with the top of the base of the pilasters and the door panels, providing harmony to the storefront.

Second, the door, its windows and their materials will be re-proportioned

Third, the shape of the finials will be modified from spherical to something more elongated, in keeping with the finials in the 1910 photo; and

Whereas, removing the fire escape will open up and expose this attractive facade, and removing the shed in the rear yard will not destroy any original material; and

Whereas, some members of the committee felt the rooftop addition should have more masonry and less glass, but most felt the proposal as presented would not greatly detract from the building or the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, with modifications to the storefront and finials as described orally by the applicant to the committee.

Vote: Unanimous, with 36 Board members in favor.

7 - LPC Item:8 - 734 Broadway-NoHo Historic District. A neo-Grec style store building designed by D & J Jardine and built in 1872-73.. 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 M1-5B

Whereas, the scope and quality of the proposed restoration effort is remarkable, and certainly fulfills the spirit of the 74-711 zoning text, while greatly enhancing the building and the district; now

Therefore, be it resolved that CB#2, Man., in recognition of this project's excellent preservation effort, recommends that the Landmarks Preservation Commission issue a positive report to the City Planning Commission regarding Modification of Use, pursuant to Section 74-711 of the Zoning Resolution.

Vote: Unanimous, with 36 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 688 Broadway (east side, between Great Jones and East 4th) Applications C 140055 ZSM and C 140056 ZSM

Applications 140055 ZSM and 140056 ZSM to the City Planning Commission pursuant to 74-712a and 74-712b of the Zoning Resolution to modify use regulations to allow residential use on floors two through twelve and retail use on the ground floor and cellar levels of a new building on a vacant lot in an M1-5B zoning district within the NoHo Historic District, and to modify the height and setback requirements to allow the street wall of the building to rise above the allowed height of 85 feet or six stories, whichever is less.

#1 - A resolution opposing a special permit for a lot created after December 15, 2003, and facilitating unilateral changes to the ownership and use of a jointly-owned private road.

Whereas:

1. The application was presented to the Land Use committee by Mitch Korbey of Herrick Feinstein, George Schieferdecker and Harry Kendall of BKSK Architects and David Schwartz of Downtown Real Estate Holdings;

2. The proposed development is for 41,015 zoning square feet of residential space and 3,970 zoning square feet of commercial space for a total of 44,985 square feet of zoning floor area;
3. The application states that this conforms with a maximum 5.0 FAR based on a lot of 8,998 square feet;
4. However, the lot of this size was created in 2011 through a combination of apportioning and merging of parts of a separate jointly-owned lot (Lot 15) no zoning lot of this size existed at this location until those actions were completed;
5. A Zoning Lot Certification filed for Block 531, Lot 4, on December 3, 2009, describes the lot as a rectangle of 54.5 feet by 130 feet;
6. 74-712 pertains if a zoning lot “as of December 15, 2003 is vacant or has not more than 20 percent of the lot area occupied by existing buildings” so the proposed development substantially exceeds the allowed 5.0 FAR for the lot that did exist at this location prior to that date;
7. The lot area used for this calculation includes 2/3 of the area of an alley that was part of a different lot, Lot 16, before and on December 15, 2003, and thereby defies the language of 74-712 and contorts its intent;
8. Through action by the applicant in 2011, Lot 16 was effectively divided up among adjacent properties through a process that may or may not withstand legal challenge if brought by other owners, but in any case appears inequitable in that the property lines were drawn without consultation or agreement with the other parties;
9. The zoning text provides for an equitable process for such reapportionment that would require either agreement or waiver of rights by all parties-in-interest, but the applicant chose not to follow this process;
10. Furthermore, Lot 16 was deeded in 1806 and 1818 as a private road, and the deed created a permanent restriction such that no building of any size can ever be built on or over it, and reserving it “for all the use and purposes that roads or ways rightfully may or ought to be used but to and for no other use or purpose whatsoever”, thus logically precluding the property from having floor area associated with it;
11. The proposed floor area therefore exceeds the floor area allowed under 74-712;
12. Otherwise, the use modifications appear to meet the requirements of 74-712 including for rear yards, distances between windows and lot lines, dwelling unit floor area, signs, and prohibition of eating and drinking establishments;
13. The proposed use modifications, if floor area is appropriately calculated, would have minimal adverse effects on conforming uses in the surrounding area and would be compatible with the character of the surrounding area;
14. While the building is no larger than some other buildings in the immediate area, 74-712 was added to the zoning text at the recommendation of and with the support of CB-2 Manhattan specifically to regularize the size and uses of buildings that can be constructed on lots that are in M1-5A and M1-5B districts, in historic districts, and are unimproved or improved with buildings covering no more than 20 percent of their lot area, and as such, buildings that exceed the anticipated size based on a 5.0 FAR for the lot size prior to December 15, 2003 should not be considered to compatible with the scale of the surrounding area;
15. Similarly, per the clear intent of 74-712, buildings that exceed the 5.0 FAR for the lot size prior to that date should be assumed to adversely affect structures or open space in the vicinity in terms of scale, location, and access to light and air;
16. In addition to merging the lots for the purpose of increasing available floor area, the project intends to make use of the alley as the main vehicle and pedestrian entrance to the residential building with 14 units;
17. The proposal includes improvements to the alley, but the new use will represent a substantial increase in intensity of use to this narrow, jointly-owned lot, with potential for nuisance from noise and fumes, as well as conflicts with longstanding uses such as retail deliveries and trash collection;
18. The president of the condominium board at 684 Broadway spoke at the hearing to express concerns about impacts increased vehicle traffic in the alley;
19. A significant current use of the alley is for retail deliveries to 866 Broadway which may be incompatible with the planned new use;

20. The proposed uses could not have been anticipated when the alley was laid out well before the advent of internal combustion engines and a major change in use that will impact longstanding prior uses should be based on an agreement between all affected parties;
21. The application refers to an “agreement between the adjacent property owners” but at the hearing the applicant agreed that there is no such agreement, and that the other property owners did not participate in the remapping process or the design of the road renovations or the new gate.

Therefore it is resolved that CB#2, Man. recommends DENIAL of these special permits UNLESS

- a) **The pre-2009 zoning lot is restored and the zoning calculations for the proposed building are based on the zoning lot as it existed prior to December 15, 2003, being a rectangular lot of dimensions 54 feet x 130 feet; and**
- b) **Agreements are executed with owners of other properties privileged with the use of the alley (including 686 and 684 Broadway) specifying work to be performed affecting the property held in common or by others, and responsibilities for maintenance and security of the alley and regulating its use.**

#2 - A resolution favoring accommodations for neighbors if the permits are granted.

Whereas:

1. The proposed building will block 27 large lot line windows on the south side of the adjacent building at 14 East 4th Street (aka The Silk Building);
2. The proposed building will block and render useless 27 HVAC units providing heat, air-conditioning, and ventilation to this building;
3. Representatives of the Silk Building presented a report to the committee demonstrating that 18 units will lose access to light and air if the proposed building is built as planned;
4. The report also detailed objections to the changes to the lot configurations and their concerns about undermining of the foundations of their building;
5. Thirty-four people who identified themselves as owners and/or occupants of “JLWQA” condominium units of the Silk Building signed the guest list and expressed opposition to the application;
6. JLWQA units were allowed in this building as a result of a 1980 Application 864-80-BZ to the Board of Standards and Appeals which was supported by CB-2 Manhattan;
7. The resolution passed by the BSA at that time required that “all interior habitable rooms have light and ventilation in accordance with the Multiple Dwelling Law and Building Code”;
8. To the extent that the current residential habitation of the Silk Building depends on light and air from the lot line windows, such use is not in accordance with the MDL and the Building Code;
9. The requested special permits are not subject to requirements to retain these lot line windows and the applicant has no legal responsibility to mitigate conditions caused by the blocking of the 27 windows and AC units;
10. Nevertheless, it is clear that the loss of use of these windows and AC units will cause substantial hardship and loss to multiple families;
11. The applicant presented a modified foundation plan that appeared to address concerns that foundations of neighboring buildings may be damaged during construction of the cellars;
12. Noho Broadway Stakeholders submitted a statement supporting the application;
13. CB-2 recommended denial of this application for reasons not related to the impacts of this project on light and air or risk of damages to the adjacent foundations;

Therefore it is resolved that CB#2, Manhattan:

- 1. Urges the applicant and affected parties to establish direct communications and make best efforts to reduce harm in the event that this application is approved and specifically, urges the applicant to consider inclusion of an air shaft or partial side yard serving as many Silk Building windows as possible.**
- 2. Urges the relevant city agencies and elected officials to work with the applicant and affected parties and CB#2, Man. in an effort to achieve such outcome.**

Vote: Unanimous, with 36 Board members in favor.

2. 220 Lafayette Street (west side between Broome and Spring)

Application filed with the Board of Standards and Appeals pursuant to 72-21 for a variance to permit addition of two floors to an existing three-story commercial building and conversion to a single-family townhouse on floors two through five with a retail store on the ground floor. The site is in an M1-5B zoning district.

A resolution stating no objections to this application contingent on a stipulation prohibiting eating and drinking establishments

Whereas:

1. The application was presented to the committee by Marvin Mitzner, representing the applicant and property owner Susan Golick;
2. The existing building on the site is a three-story building containing 4,875 square feet of floor area with an FAR of approximately 2.6;
3. The current ground floor use is a retail store, a lawful pre-existing non-conforming use;
4. The M1-5B allows FAR 5.0 but no residential use and no retail use below the level of the second story;
5. The proposed project is for an enlargement adding one floor and a penthouse with a single-family residential use on floors two through five and retail use remaining on the ground floor;
6. The project would result in a total of 6,750 square feet of floor area with an FAR 3.6;
7. A credible case was presented that shallow depth of the lot combined with the underbuilt structure and obsolescence of the building for allowed uses present unique conditions create practical difficulties and cause unnecessary hardship in strict compliance with allowed uses, and there was no indication that such conditions were created by the owner or the predecessor in title;
8. A credible case was made that development in strict compliance with the zoning resolution will not bring a reasonable return;
9. A credible case was made that the variance, if granted, will not alter the essential character of the neighborhood, will not impair the appropriate use or development of adjacent properties, and will not be detrimental to the public welfare;
10. The committee was not presented with evidence indicating that the proposed variance exceeds the minimum necessary to afford relief;
11. Three neighbors spoke, presenting questions about the application and/or expressing opposition;
12. As noted by testimony, the application inaccurately states that the project is not near a public park and the applicant promised to correct the application;
13. Concern was raised in testimony that the additional building height may cause shadows affecting the use of the public park but this was not documented or credible given the lower height of this building compared to nearby buildings;
14. Concern was raised by a resident that views from her apartment would be affected;

15. The property is not within a landmark district;
16. The site is in an area where existing bars and restaurants cause a harmful nuisance to residential life;
17. The applicant's representative stated that the applicant has no objection to a stipulation prohibiting eating and drinking uses in connection with the retail use.

Therefore it is resolved that CB#2, Man. does not object to issuance of this variance if

- a) **a full review of financial analyses by the Board of Standards and Appeals confirms that the proposed variance is the minimum necessary to afford relief; and**
- b) **the variance resolution includes a clause prohibiting any eating and drinking establishment at this site.**

Vote: Unanimous, with 36 Board members in favor.

**3. 110 Greene Street (east side, on a through lot to Mercer Street, between Spring and Prince).
C 140069 ZSM**

Application filed to the City Planning Commission pursuant to Section 74-781 of the Zoning Resolution for a special permit to extend existing retail use allowed under a prior permit to an additional portion of the ground floor in an M1-5A zoning district.

A resolution stating no objection to this application for a special permit if eating and drinking uses prohibited at the site.

Whereas:

1. The application was presented to the committee by Marvin Mitzner, representing the applicant Goldman Properties
2. The site is improved with a 13-story building with a total of almost 170,000 zoning square feet of floor area with a mix of offices and JLWQA units;
3. A statement in the application that the current building includes 24 JLWQA units is inaccurate;
4. In 1991, a special permit was issued to convert portions of the ground floor and cellar to retail use, excluding a smaller portion then occupied by a conforming use;
5. The current application is to convert the remaining portion to retail use;
6. The application included credible evidence that the owner had made an effort, for one year as required, to rent the space for conforming uses;
7. The proposal states that an existing furniture store will be expanded into the cellar and rest of the retail space will be used for a new gallery space;
8. The applicant stated that a café that had occupied part of the retail space will not continue operations in the building;
9. The applicant stated that the applicant will agree to a permanent ban on eating and drinking uses.
10. Residents of the building and neighboring building objected to prior illegal off-hours construction by current occupants the applicant promised to work with neighbors to prevent future illegal construction activities.

Therefore it is resolved that CB#2, Man. has no objection to issuance of this special permit if an effective and enforceable method of banning future eating and drinking use is put in place either by inclusion of a stipulation in the special permit or by recording of a deed restriction by the applicant.

Vote: Unanimous, with 36 Board members in favor.

PARKS/ WATERFRONT

A resolution favoring a proposal for temporary art installation at Duarte Square.

Whereas:

1. The artist Juanli Carrión presented the proposal, called Outer Seed Shadow 01, to the committee. Mr. Carrión was introduced to us (via email) by and selected by Parks Department public art coordinator, Jennifer Lantzas. She was unable to attend this meeting.
2. The exhibit will be installed on May 15, 2014, and will be open to the public for a period of six months commencing on June 15, 2014.
3. The piece is called "Outer Seed Shadow 01" and was described as "an investigation about the diversity of migrant communities and their experiences in New York City through flora." Working with the New York City Department of Parks and Recreation, Mr. Carrión has been interviewing immigrants across the borough about where they are from and he has been asking them to represent their roots through identification of a plant. These plants with origins from around the world will make up a garden art project laid out in the shape of Manhattan and the plants will sit according to where its' immigrant interviewee lives in the borough.
4. Mr. Carrión said his project is being supported by the Horticultural Society of New York, who will help plant and maintain the garden. There will be public programming and workshops involving the garden on Saturdays.
5. The garden will be built off-site and then installed (size: 140 ft. x 300 ft.) in Duarte Square.
6. The artist was very receptive and responsive to noise concerns raised by neighbors and committee members, as the recent Mayoral "Talking Transition" tent used generators that made a great deal of noise. He stated that this project will involve no amplified sound or generators.
7. The planned development of a new residential building with a public school and community center will not start before this installation has been removed and therefore will not interfere with this installation. In addition, the bikeshare station in the square will not need to be moved, nor will the statue of Juan Pablo Duarte, Father of the Dominican Republic, be disturbed. Mr. Carrión has pledged to speak with the Dominican group that looks after the statue to ensure their support.

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

Vote: Unanimous, with 36 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

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

1. Le Basket Inc., 683 Broadway, with 10 tables & 20 chairs, DCA # 1334388

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this café has been operated for several years by this applicant with some issues including the café using more than half of the sidewalk and unacceptable control of trash in the cafe, and

Whereas, according to SLA records this establishment has a restaurant wine license but has never had wait service to the café in violation of NYC Sidewalk Café rules, and

Whereas, Mr. Kelly committed to discussing the addition of wait service with the applicant, but the committee sees no evidence this business, which is a take-out only deli has any intention to provide it, and

Whereas, a representative from a coop building across Broadway was present to state that the coop Board unanimously voted to oppose renewal of the café due to noise and the lax management of it,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Le Basket Inc., 683 Broadway, with 10 tables & 20 chairs, DCA # 1334388.**

UNLESS the applicant provides evidence that there is wait service to the café at all times

VOTE: Unanimous, with 36 Board members in favor.

2. I Malatesta Tratorria Inc., 649 Washington St., with 18 tables & 35 chairs, DCA# 1076713

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

Whereas, this café has been operated for several years by this applicant with few known issues but the property is in an R6 zone with no commercial overlay so a café should never have been approved here, and

Whereas, the applicant was sent a letter by DCA in April 2013 detailing the issue with the zoning and allowing the applicant 100 days to show evidence that a change in zoning had been requested of the Dept. of City Planning, and

Whereas, the committee understands the applicant has filed for a rezoning with DCP and that rezoning is in process with, and sponsored by, DCP which would add a C1-5 commercial overlay to this block of Christopher St. which would include this location, and

Whereas, CB#2, Man. has not received notification from City Planning of a pending application for a zoning change,

Whereas, a resident of this block of Washington St. came to support renewal of the café as it serves admirably to add “eyes on the street” to a corner that sees substantial loitering from traffic to and from the Christopher St Pier,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **I Malatesta Tratorria Inc., 649 Washington St., with 18 tables & 35 chairs, DCA# 1076713**

UNLESS AND UNTIL the property is ultimately included in a rezoning from R6 as noted in Whereas 4

VOTE: Unanimous, with 36 Board members in favor.

3. Spasso, 551 Hudson St., with 11 tables & 22 chairs, DCA# 1382844

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

Whereas, this café has been operated for 2 years by this applicant with some ongoing issues with seating not being set up as approved, and

Whereas, in particular the applicant has used the space furthest west on Perry St not for a table and 2 chairs as shown on the approved plan, but for an illegal service station, and has continued to do so after 2 requests to restaurant managers by the committee chair to have it removed, and

Whereas, as the applicant seems to have no interest in having seating in that space, and since that seating is being illegally moved further east with the rest of the seating on Perry St often leaving just 5-6' of clear pedestrian path, the committee requests that seating be removed from the approved plan,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this **RENEWAL** application for revocable consent to operate an Unenclosed sidewalk café for **Spasso, 551 Hudson St., with 11 tables & 22 chairs, DCA# 1382844**

UNLESS a new plan is filed with DCA removing the most westerly table and 2 chairs on Perry St. from the approved seating as noted in Whereas 4, leaving 10 tables & 20 seats

VOTE: Unanimous, with 36 Board members in favor.

4. P.M.W., Inc., 62 Spring St., with 7 tables & 27 chairs, DCA# 1193198

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

Whereas, this café has been operated for several years by this applicant with few known issues other than illegal planters which still remain on the sidewalk, but the cafe is in an M1-5B zone south of Houston St where cafes are not permitted, and

Whereas, the applicant was sent a letter by DCA in April 2013 detailing the issue with the zoning and allowing the applicant 100 days to show evidence that a change in zoning had been requested of the Dept. of City Planning, and

Whereas, the applicant's attorney provided the committee with a letter sent to DCA in June 2013 challenging this interpretation of the law and contending that under another portion of the code small sidewalk cafes were allowed on this part of Lafayette St (where the café is actually located), and

Whereas, the committee's understanding of that provision is that these locations allow small sidewalk cafes but only "subject to the underlying zoning" which the attorney failed to note in his letter to DCA, and

Whereas, CB#2, Man. has asked for clarification from DCA but has received no indication that the original interpretation of the law is being reconsidered,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **P.M.W., Inc., 62 Spring St., with 7 tables & 27 chairs, DCA# 1193198**

UNLESS the applicant can resolve with DCA and/or DCP the eligibility of a sidewalk café under the location's current zoning

VOTE: Unanimous, with 36 Board members in favor.

5. 567 Hudson Street, Inc., d/b/a White Horse Tavern, 567 Hudson St, with 24 tables & 48 chairs, DCA# 0769952

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

Whereas, this café has been operated for several years by this applicant with continuing issues with the unapproved use of picnic tables which are never removed from the sidewalk when the café is closed, and

Whereas, as the committee pointed out 2 years ago, there is still a discrepancy between the amount of seating shown on the approved plan (from 2005) which shows 64 seats and the consent documentation which lists it as 48 seats and once again requests DCA resolve the issue, and

Whereas, in addition to the use of picnic tables that are not removed from the sidewalk when the café is closed, the applicant also has umbrellas with beer branding on them which is not permitted, and

Whereas, appearance before the community board is an integral part of the sidewalk café approval process, and the applicant neither appeared nor notified the CB2 office of their inability to do so, this revocable consent should not be renewed unless the applicant complies with this portion of the process,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **567 Hudson Street, Inc., d/b/a White Horse Tavern, 567 Hudson St, with 24 tables & 48 chairs, DCA# 0769952**

VOTE: Unanimous, with 36 Board members in favor.

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

6. SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St, with 14 tables & 29 chairs, DCA# 1800-2013-ASWC

Block:644 Lot:43	Lot Frontage:104' Lot Depth:158	Year Built:1908
Number of Buildings:3;	Number of Floors:6 Residential Units:0	Total # of Units:6
Zoning:M1-5		

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

Whereas, this café is proposed for a sidewalk of 18'6" width which has no legal obstruction other than a MUNI Meter just beyond the east end to further limit the depth of the café, and

Whereas, the committee as usual requested the café seating be altered to have all 4-seat tables moved against the façade to control noise and the applicant committed to making this change, and

Whereas, the move of the 2-seat tables to the outer perimeter results in the removal of the eastern-most outer 2-top table, and this the applicant agreed to, and

Whereas, the committee was primarily concerned that this business is, in the applicant’s own words, “not a restaurant but a lounge” with very little food service, and despite the applicant’s assertions may ultimately become nothing more a ‘bar on the street’, and

Whereas, the applicant offered to close the sidewalk café an hour earlier than allowed by DCA – 11pm Mon-Thurs, midnight Fri-Sat, and while DCA will not currently enforce these reduced hours, we encourage the applicants to honor this commitment in any case,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St, with 14 tables & 29 chairs, DCA# 1800-2013-ASWC**

UNLESS the applicant providing DCA with a new plan placing all 4-seat tables against the façade and removing the eastern-most outer table & 2 chairs thereby reducing the total seating to 13 tables & 27 seats

VOTE: Unanimous, with 36 Board members in favor.

7. 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,

- Spunto, 65 Carmine St. (unenclosed), with 14 tables & 28 chairs, DCA # 1325458
- Café Gitane, 242 Mott St. (unenclosed), with 4 tables & 8 chairs, DCA #1011960
- Café Reggio, 119 MacDougal St.(unenclosed), with 4 tables and 8 chairs, DCA# 0782318
- NoHo Star, Inc. d/b/a NoHo Star, 330 Lafayette St. (unenclosed), with 16 tables & 32 chairs, DCA# 0931822
- 110 Varick St. Corp., d/b/a Amelia’s Restaurant Coffee Shop, 110 Varick St, with 12 tables & 24 chairs, DCA# 1312498
- Cornelia Street Café Inc, Cornelia Street Café, 29 Cornelia St, with 6 tables & 14 chairs, DCA# 0786740

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

VOTE: Unanimous, with 36 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 items – 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 CB2 Manhattan has no issue with these applications,

- **2/1/14 Museum of Chinese in America Lunar New Year Family Festival, 215 Centre St. bet Howard & Grand St.**

Whereas, the applicant appeared before the committee, and

Whereas, the event is a Lunar New Year's event of less than 2 hours duration between 10:00 am and noon, and

Whereas, some members of the committee were concerned about the addition of another street closure in the area during this important time on the Chinese calendar, but others noted the short time frame of the event,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this event on **Centre St. bet Howard & Grand St.**

Vote: Unanimous, with 36 Board members in favor.

- **5/10/14 Stonewall Veteran's Assoc./Saint Stephen Our Lady of the Scapular, Greenwich Ave. bet 7th & 8th Aves.**

--- The applicant requested a layover to Jan. for this event ---

- **6/7/14 Old St. Patrick's Cathedral/Saint Stephen Our Lady of the Scapular, University Pl. bet. E 8th & E. 14 St**

Whereas, the applicant's producer, Joe Giovanni of Mardi Gras Productions, appeared before the committee, and

Whereas, the event has been temporarily moved from Broadway to University Pl due to water main and other construction projects along Broadway, and

Whereas, Mr. Giovanni stated that the intent is to ultimately move the event to Lafayette St once water main construction is complete in that area so as to have the event closer to St. Patrick's, and

Whereas, the committee continues to question SAPO's disregarding of the rules in arbitrarily adding a church on E. 29th St as a co-sponsor to an event in CB2,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this event on **University Pl. bet. E 8th & E. 14 St**

Vote: Unanimous, with 36 Board members in favor.

- **6/29/14 Pridefest, Hudson St. bet. Bethune & W.14th Sts. & W. 13th St. bet. 9th Ave. & W. 4th St.**

Whereas, the applicant appeared before the committee, and

Whereas, the event remains essentially the same as in previous years with non-profit organizations on 13th St now that construction on Seravalli Park is completed, and

Whereas, the organizers were concerned about an major influx of street vendors encroaching on the event's approved location, and the committee noted this was an enforcement issue to be discussed with the 6th Precinct and encouraged them to begin discussion with the Precinct well ahead of the event,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this event on **Hudson St. bet. Bethune & W.14th Sts. & W. 13th St. bet. 9th Ave. & W. 4th St.**

Vote: Unanimous, with 36 Board members in favor.

FYI Renewals:

- **3/29-12/21/14 Our Lady of Pompeii Church Flea Market, Bleecker St. bet. Carmine & Leroy Sts.**
- **9/20/14 Broadway Autumn Fair C.O.R.E./Union Square Partnership, Broadway bet. Waverly Pl & E. 14th St.**

NOTE: we once again urge SAPO to modify this event to end at E. 8th St on the south in order to prevent conflict with the M8 bus route

10/18/14 P.A.L./Union Square Partnership Fair, University Pl. bet. Waverly Pl. & E. 14th St.

NOTE: we once again urge SAPO to modify this event to end at E. 8th St on the south in order to prevent conflict with the M8 bus route

Vote: Unanimous, with 36 Board members in favor.

SLA LICENSING

1. La Popular Nolita LLC d/b/a Antojeria La Popular, 50 Spring Street 10013 (existing beer and wine license (RW SN1265577) seeking alteration to extend operating hours and add live unamplified music)

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant operates a family style Mexican restaurant at 50 Spring Street between Mulberry and Lafayette Streets in a subterranean storefront with an existing beer and wine license and who appeared before CB2's SLA Licensing committee to present an application to extend its existing operating hours and add live unamplified music for its patrons from Wednesday through Saturday; and

Whereas, the applicant currently operates from Monday through Sunday from 12 pm through 11 pm but now seeks to extend its operating hours and add live music, albeit unamplified and acoustical only between the hours of 8pm and 11 pm from Wednesday through Saturday and with ½ hour breaks every hour; and

Whereas, there is no sidewalk café and no outdoor dining, the premises currently operates with 12 tables, one bar with 6 seats and 32 total seats and operates as a full service restaurant; and

Whereas, the applicant has been operating the business with a sidewalk take-out window without approval that was never presented to CB2 or to the Liquor Authority, but has agreed to remove and seal the window in the immediate future and further agrees never to operate a take-out window at the premises again; and,

Whereas, the new hours of operation will continue to be from 12 pm to 11pm Sunday through Wednesday and from 12 pm to 1 am Thursday through Saturday (extension of hours Thursday to Sunday), music will be background only when there is no live music being played, there will be no promoted events, DJs, no scheduled performances, no cover fees, no velvet ropes, no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food will be served at all hours of operation, there will no TVs and all doors and windows will be closed at all times seven days a week; and

Whereas, two members of the public appeared in opposition to the extension of hours at the premises, citing an oversaturation of liquor licenses in the neighborhood and excessive late night noise and also pointed out that the applicant had been violating their existing stipulations agreement by operating with doors and windows open when they had agreed to keep doors and windows closed at all times; and

Whereas, the applicant previously agreed and continues to agreed never to seek to upgrade to a full OP license at any time in the future at these premises; and

Whereas, the applicant executed an additional stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA restaurant wine license in addition to any existing stipulations as follows:

1. Hours of operation will be from 12 am to 11 pm Monday through Wednesday and from 12 am to 1 am Thursday through Saturday.
2. Music will be from ipod/cd's at background levels only.
3. Live music will be unamplified and acoustical limited to the hours of 8 pm through 11 pm Wednesday through Saturday with ½ hour breaks every hour.
4. There will be no promoted events or scheduled performances.
5. The take out window will be removed immediately and all storefront windows will be sealed at all times in the future;
6. There will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages.
7. There will no TVs.
8. Will not add cooking that requires venting.
9. Will not expand beyond the proposed premises.

10. There will no future application for an upgrade to a full OP license at these premises.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the beer and wine license for **La Popular Nolita LLC d/b/a Antojeria La Popular, 50 Spring Street 10013** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 8th “whereas” clause above are incorporated into the “Method of Operation” on the beer and wine license.

Vote: Unanimous, with 36 Board members in favor.

2. 128 Billiard, Inc. d/b/a Tropical 128, 128 Elizabeth Street 10013. (existing OP SN 1252940 – seeking alteration to expand OP license for Billiards Hall into basement of premises)

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant is seeking an alteration of an existing on premise liquor license that is currently operating as a Pool/Billiards Hall and accessory Lounge on the first floor and plans to expand the OP license and business into the basement premises; and

Whereas, the basement was previously used for storage and boilers and the current Certificate of Occupancy for the first floor premises identifies the description of use as a Billiard Parlor (Zoning Group 8) with a maximum occupancy of 74 and the basement for use of storage and boilers only; and

Whereas, the premises currently utilize six billiard tables, one bar seating 20 people, 15 tables with 56 seats in a 2570 SF space (original plans on file indicate 8 Billiards tables);

Whereas, the applicant presented plans for the combined basement and first floor and sought to increase total occupancy from the current occupancy of 74 to a combined occupancy of 268 for the first floor and basement, requiring a Public Assembly permit; and

Whereas, the plan for the basement included only two billiard tables (removing 2 of 6 billiards tables on the ground floor and moving the two to basement) with one bar with 16 seats and 20 tables with 80 seats in a 1920 SF space;

Whereas, the applicant performed no community outreach, failed to fully complete the CB2 questionnaire, including the operator’s stated hours of operations, the applicants plan for the type of music/entertainment or promoted events; and

Whereas, the applicant had no plans for security at the premises but was purposing to alter his method of operation to operate as a restaurant and night club/cabaret in the basement and requested hours of operation until 4am seven days a week during his presentation; and

Whereas, the applicant admitted during questioning by members of this Committee that his current business operation was open, at times, until 4am on certain nights in violation of the current method of operation for the premises, which requires the operator to close at 2am and to which there is a signed and notarized stipulations agreement; and

Whereas, members of the Committee and members of the Public in attendance were very concerned about (a) the proposed **dramatic** increase in occupancy proposed for the premises (1st floor from 74 to 133 and Basement from 0 to 135 for a total occupancy of 268 – an increase of 194 persons or more than an

addition of 2.5 times the existing occupancy), (b) the addition of only two billiard tables in the basement for what is supposed to be a Billiards hall with accessory use with a proposed occupancy of 135 in this new basement space – the billiards tables would be moved from another part of the existing establishment representing no increase in pool tables, (c) the proposed use of only six billiard tables total in the whole premises, in contradiction of the applicants current occupancy and use as a billiard parlor which is their method of operation, (d) the failure to address security for a location with occupancy of 268 operating until 4 am, (e) the extreme saturation of late night bars, night clubs, multi-floor venues and OP licenses in the surrounding area (f) the admissions of the applicant the licensee was currently operating until 4am in violation of the current hours of operation permitted at the premises by the SLA via a stipulations agreement, (g) that there are already a total of 4 (Four) licensed premises within this building, 3 of which are On Premises Licenses and which all already clearly support the neighborhood and hotel’s needs – the premises is located within a hotel (h) the impact on vehicular traffic and parking in this area throughout the hours of operation of the establishment (i) the impact on noise and quality of life issues in general as a result of this method of operation and hours of operation (j) the use of the basement as a “cabaret” as indicated on NYC Department of Buildings filing in the basement which was not clearly presented nor explained when this should be a billiards hall (k) the clear and distinct separate entrances to the basement which appears will be operated separately (l) the concerns of long ongoing opposition of CB2 regarding this operation under the current principle which have been documented in resolutions to the Liquor Authority regarding various license applications over time notwithstanding the previous recommendation for approval with stipulations to the Liquor Authority, the stipulations which are currently being violated (m) it does not appear that the licensee has established or presented any public interest or benefit; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **128 Billiard, Inc. d/b/a Tropical 128** on its application seeking an alteration of its existing method of operation to expand into the basement of the premises, extending its hours and operating as a night club/cabaret.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (R. Sanz).

3. Toby’s Public House II LLC d/b/a Tobi’s Public House, 86 Kenmare St.10012 (existing beer and wine – seeking alteration for extended hours)

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for an alteration to extend hours for an existing beer and wine license at 81 Kenmare Street located at the corner with Mulberry Street; and

Whereas, the applicant operates a 2200 SF brick oven Restaurant, having 12 tables with 28 seats, 1 bar with 11 seats and 7 window/ledge seats, windows that open out to the sidewalk, two TVs, with background music only, serving craft beers, operating a sidewalk café but located in a mixed use building with 30 residential units located above; and

Whereas, the applicant currently operates from Monday through Wednesday from 12 pm through 12 pm and from Thursday to Saturday from 12 pm until 1 am, but now seeks to extend its operating hours to 2 am seven days per week; and

Whereas, this applicant originally appeared before CB#2, Man. with a request for a Full On Premise License and also a 4:00 a.m. closing and was recommended for denial to the SLA by CB#2, Man., and thereafter the SLA subsequently denied the full on-premise license for these premises; and,

Whereas, the community previously submitted a petition against the original application with 84 signatures of which 26 were from the same building representing 22 of the 27 apartments in the building, 22 were from the building across the street and 15 from the adjacent building; and

Whereas, the community clearly stated that they were opposed to any license at this location and cited overwhelming saturation in this neighborhood and the proliferation of late night venues; and

Whereas, despite overwhelming opposition the applicant continued pursuing this location and built out the space without having received a liquor license and thereafter applied in January 2012 for a beer and wine license before CB#2 Man.; and,

Whereas, previously this location had never operated as a eating and drinking establish and previously operated as a dry cleaner and desert business, there was continuing opposition by the residents living in the building and surrounding area to the beer and wine license at a location where already there are 37 licensed establishments within 500 feet of 86 Kenmare Street; and

Whereas, this applicant previously told CB#2 Man. that there would be no sidewalk café in January 2012 but has since opened a sidewalk café with six tables and four seats;

Whereas, this applicant provided CB#2 Man. with a petition in favor of the current application with 48 signatures but from no one living in the immediate area;

Whereas, CB#2 Man. adopted a resolution at its full board meeting on January 19, 2012 to this applicant denying the beer and wine license unless the applicant agreed to certain stipulations, including:

1. Hours of operation are Sunday through Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday through Saturday from 12:00 p.m. to 1:00 a.m.
2. All garbage will be collected before midnight or after 8 a.m.
3. No food or other deliveries before 8 a.m.
4. Applicant agrees that their license is non-transferable without prior written consent from CB#2, Man. and the SLA.
5. All soundproofing completed and filed with Department of Buildings.
6. Signage requesting customers to not smoke in front of location and to respect the neighbors by keeping noise down will be posted outside.
7. Operator agrees to keep the sidewalks clear and clean up to 6 inches into the street.
8. Operator agrees to maintain quarterly meetings with any interested parties during the first year of operations. General Manager will be contact person during hours of operation and can be contacted by phone or email in case of complaint or emergency.
9. Air conditioners and cooking vents will be properly installed and up to code by D.O.B. standards or better.
10. Operator will cooperate with the neighbors of 86 Kenmare and take all reasonable steps to continue the quality of life on that block.
11. Operator agrees to appear before CB#2, Man.'s SLA committee at any time per their request.
12. Will offer stroller locks for outdoor parking and indoor and also have canine hitches attached to building.
13. All doors and windows will be closed no later than 9:00 p.m.
14. Operator agrees to NOT participate if the Mulberry Mall becomes extended.

Whereas, two members of the surrounding community, including one representative from the residential building directly above the premises, voiced their continuing concerns about the extension of hours until 2 am seven days a week for a pizza restaurant and spoke in opposition;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **Toby's Public House II LLC d/b/a Tobi's Public House** on its application seeking an alteration of its existing method of operation to extend its hours to 2am seven days a week.

Vote: Unanimous, with 36 Board members in favor.

4. NY Barbuchi Indian Restaurant, Inc., 90 West 3rd Street 10012 (application for beer and wine license as previously licensed location)

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new beer and wine license at a previously licensed location for an family restaurant serving Indian food at 90 West 3rd Street between Sullivan and Thompson Streets in a mixed use building; and

Whereas, the space is 800 SF, there are currently 12 tables and 36 seats, no TVs and no Bars, music will be background only and the method of operation will remain the same as it currently exists;

Whereas, there are no known complaints regarding the operation of these premises as a restaurant and no one from the public appeared in opposition to the application; and

Whereas, the hours of operation will continue to be from 12pm to 11 pm from Sunday through Thursday and from 12 pm to 12 am Friday and Saturday and will continue to operate as a full service restaurant with no sidewalk café; 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 Beer and Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as an Indian Restaurant.
2. The hours of operation will be 12 pm to 11 pm Sunday through Thursday and 12 pm to 12 am Friday and Saturday.
3. There will be no backyard garden or sidewalk café.
4. The applicant will not operate a disco, nightclub or seek a DCA Cabaret License.
5. The applicant will close all exterior doors or windows at all times except of ingress and egress.
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 televisions.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Beer and Wine license to **NY Barbuchi Indian Restaurant, Inc., 90 West 3rd Street 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Beer and Wine License.

Vote: Unanimous, with 36 Board members in favor.

5. Potatopia 6th Avenue LLC d/b/a Potatopia at 378 Sixth Avenue 10014 (New Beer and Wine License, previously unlicensed).

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license for a fast food restaurant with a potato based product at a previously unlicensed location in a commercial building on Sixth Avenue near the intersection of Waverly Place for a total of 770 SF with one table with 10 seats and one food bar with two seats in a proposed occupancy of 35; and,

Whereas, the applicant stated the hours of operation on Sunday from 11am to 11 pm, Monday through Wednesday from 11 am through 12 am, Thursday from 11am to 1am and Friday and Saturday from 11 am until 2 am, there will be no sidewalk café and no backyard garden; music will be background only: and,

Whereas, the applicant agreed to never seek a full OP license at the premises, that there will be no TVs, conducted community outreach and provided the Committee with a petition with 91 signatures and approximately 30 signatures from people living in the general vicinity of the location: and

Whereas, the applicant sought the beer and wine license for the stated purpose of serving four draft beers and a limited choice of wine by the glass; and

Whereas, the premises were previously operated as a Supercuts Store;

Whereas, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA Beer and Wine license and the stipulations are as follows:

1. The premises will be advertised as a restaurant with a potato based concept.
2. The hours of operation will be Sunday from 11am to 11 pm, Monday through Wednesday from 11 am through 12 am, Thursday from 11am to 1am and Friday and Saturday from 11 am until 2 am.
3. There will be no backyard garden or sidewalk café.
4. Only glassware and no paper cups will be used.
5. Will never seek to upgrade to full OP license.
6. The applicant will not operate a disco, nightclub or seek a DCA Cabaret License.
7. The applicant will close all exterior doors or windows at all times except of ingress and egress.
8. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
9. There will be no televisions.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Beer and Wine license to **Potatopia 6th Avenue LLC d/b/a Potatopia at 378 Sixth Avenue 10014 unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Beer and Wine License.

Vote: Unanimous, with 36 Board members in favor.

6. Ramen Lab Holdings LLC. d/b/a Raman Lab New York, 70 Kenmare Street 10012 (New Beer and Wine License, previously unlicensed).

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license at a previously unlicensed location to create a Raman Noodle Shop with counter service only in a mixed use six-story building on Kenmare Street between Mulberry and Mott Streets; and

Whereas, the location was previously occupied by a Chinese Restaurant which was later subdivided and expected to be renovated into a 225 SF space with one counter with 12 seats in a proposed occupancy of 20; and,

Whereas, the hours of operation will be from 11 am to 12 am Monday through Thursday and from 11 am to 1 am Friday and Saturday, music will be from ipod/cd's at background levels only, there will be no sidewalk café, there will no TVs and all doors and windows will be closed at all times except for egress and ingress; and

Whereas, the applicant agreed not to seek to upgrade to a full OP license at any time in the future at these premises; and

Whereas, the applicant executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. Hours of operation will be from 11 am to Midnight Monday through Thursday and from 11 am to 1 am Friday and Saturday.
2. Music will be from ipod/cd's at quiet background levels only.
3. There will be no sidewalk café.
4. There will no TVs.
5. Will not seek to upgrade to a full OP license in the future.
6. Will operate as Ramen Noodle Shop only.
7. Will manage any service lines into the Shop from the sidewalk.
8. Will not place benches or sandwich boards on the public sidewalk.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the beer and wine license for **Ramen Lab Holdings LLC. d/b/a Raman Lab New York, 70 Kenmare Street 10012** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6th "whereas" clause above are incorporated into the "Method of Operation" on the beer and wine license.

Vote: Unanimous, with 36 Board members in favor.

7. Starr Rest. & Joseph Carroll, 222 Bowery 10012, an entity to be formed later (New OP in previously unlicensed space)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a previously unlicensed location to operate a steak house restaurant on ground floor and cellar space in a mixed use five story 1884 Landmark building at 222 Bowery between Prince and Rivington Streets; and

Whereas, the building was the first modern branch of the YMCA and later a redoubt of New York bohemians, is located next door to the Pearl and Ash Restaurant which currently has a beer and wine license and there are already 29 licensed establishments within 500 feet of 222 Bowery; and

Whereas, the applicant will also be making changes to the facades of the building and will be submitting those changes to NYC Landmark Preservation Commission; and

Whereas, the space is currently occupied and used by Green Depot, an environmentally friendly retail supply store for building products and kitchen equipment; and

Whereas, the applicant provided the SLA Committee with a letter of intent from the Landlord which identifies a space with 3,875 SF on the ground floor and 4,945 SF on the basement level for a combined space of 8,820 SF; and

Whereas, the applicant and its landlord will be applying for a Public Assembly permit and for a change in the Certificate of Occupancy due to a change in use and increase in occupancy to approximately 160; and

Whereas, the applicant will be performing a full renovation of the space to add a full kitchen and new HVAC systems, bathrooms and new natural gas lines; and

Whereas, the applicant agreed to install sound proof using a sound engineer for sound attenuation of the restaurant space from the upstairs spaces, is planning on installing a sub ceiling with isolation hangers and insulation; and

Whereas, the applicant pledges to design a restaurant to maintain the original history, character and charm of the building and interiors of the Landmarked building; and

Whereas, the applicant(s) are experienced Restaurateurs and one is the founder of Starr Restaurants, who have opened many restaurants in Florida, Philadelphia, New Jersey and New York over the last 19 years, including the Café Storico located in the New York Historical Society; and

Whereas, there will be 37 tables and 126 seats, 1 bar with 12 seats and 1 food counter with 8 seats for a total of 146 seats, no sidewalk café, no French doors or windows, no backyard garden, music will be ambient background only using surface mounted speakers independently fastened to non-structural building components and there will be no TVs; and

Whereas, the hours of operation will be Sunday through Wednesday from 11 am to 1 am and Thursday through Saturday from 11 am to 2am and the operator agreed to close all doors and windows except for ingress and egress at all times, there will be chef and assistant chefs will be present all hours of operation; and

Whereas, the applicant conducted a traffic study for existing traffic volumes on Bowery between Rivington and Prince Street over five days in October/November 2013 and estimated peak hour trips generated by another 80 seat restaurant located nearby at 218 Lafayette Street (Osteria Morini) and concluded that the proposed project would not have any noticeable effect on traffic patterns on the Bowery at this location; and

Whereas, the applicant did perform outreach, submitted a petition in favor of the Restaurant with 64 signatures, most of who reside near the location and where the applicant submitted a NYS Liquor License Application with a “Public Interest/ 500’ Rule Statement”; and

Whereas, there was a representative from the Bowery Block Association and four long-time residents who live in the area, including those directly across the street and one that lived in the Residential Cooperative directly above the premises, who voiced concerns about congestion, the over-saturation of liquor licenses on this block, that the proposed Restaurant will not provide any Public Interest to the surrounding community where there is an on-going erosion of day time businesses but where new night clubs have recently opened (Finale and The General at 199 Bowery and Katra at 217 Bowery) creating existing concerns of late night congestion and late night noise in the area; and

Whereas, the applicant executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. The premises will be advertised as a full service restaurant with a full kitchen and operated as a steak house restaurant.
2. The hours of operation will be from Sunday through Thursday 11 am to 1 am and Thursday through Saturday 11 am to 2 am Friday and Saturday.
3. There will be no dining or alcoholic beverages served in the basement.
4. There will be no application for cabaret license at the premises.
5. Last Seating will be at 12 am seven days a week.
6. Host and Staff will monitor entrance and address any pedestrian or traffic congestion issues that may arise.
7. Food will be available during all hours of operation.
8. Will amend and/o obtain all necessary Certificates of Occupancy or letters of no objection for the proper use and occupancy of the premises as an eating and drinking establishment and obtain a Public Assembly permit before operating the business.
9. There will be no sidewalk café.
10. Will insure that all new HVAC or other installed mechanical systems supporting the new restaurant will be in full compliance with existing laws and further pledges to install silencers or build sound barriers as needed around such systems to reduce sound disturbances that may arise in the future.
11. Will install sound proof using a sound engineer for sound attenuation of the restaurant space for the benefit of the upstairs residents and neighbors and will install a sub ceiling with isolation hangers and insulation attenuate sound to the upstairs of the building.
12. Music will be ambient background only using surface mounted speakers independently fastened to non-structural building components.
13. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged and the premises will not be operated as a night club.
14. There will no TVs.
15. There will be no backyard garden
16. Will close all doors and windows at all times except for egress or ingress.
17. Upon request, will provide residents and CB2. Man. with a telephone number and will directly address any congestion or congregation issues or concerns.

Whereas, after CB2's SLA Licensing Committee meeting, two residents and shareholders of the building submitted correspondence to CB2 stating that the proposed restaurant violates the original shareholder agreement dated 1987 as it relates to food preparation in the proposed location; residents of the building also appeared at CB2's December 2013 Full Board Meeting stating the same; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the full OP license for **Starr Rest. & Joseph Carroll, 222 Bowery 10012, an entity to be formed later unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 17th “whereas” clause above are incorporated into the “Method of Operation” on the OP license; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests that the Liquor Authority, prior to considering approval of this application, request clarification from the building’s Co-Op board, 222 Bowery Owners Corp., as to whether this use is allowed pursuant to the building’s shareholder agreement.

Vote: Unanimous, with 36 Board members in favor.

8. Aisha Sharpe or Corp. to be formed, 18 King Street 10014 (New OP license in previously licensed space)

Whereas, the applicant appeared before the committee; and

Whereas, this is a transfer of a neighborhood café/restaurant specializing in healthy comfort food and craft cocktails; and,

Whereas, this application is for the transfer of an On Premise license in a six story mixed-use building, located on King Street at the corner with 6th Avenue, for a 1,100 sq. ft premise with 21 tables and 53 seats, 1 bar with 14 seats and a sidewalk café with 10 tables and 20 seats and a maximum occupancy of 73; there is no backyard use; and,

Whereas, the hours of operation are Sunday to Wednesday from 9:00 a.m. to 1:00 a.m. and Thursday to Saturday from 9:00 a.m. to 2:00 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, the applicant submitted a petition with 43 signatures and 12 letters in support of this application and 1 community member who spoke in support as well; and,

Whereas, the applicant executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. The premises will be advertised and operated as a neighbor café/restaurant
2. The hours of operation will be from 9 am to 1 am from Sunday through Thursday and from 9 am to 2 am Friday and Saturday.
3. Music will be from ipod/cd’s at quiet background levels only.
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. The sidewalk café will operate no later than 10 pm on weekdays and 11 pm on weekends.
6. There will no TVs.
7. Will install soundproofing.
8. Will close all doors and windows by 9 pm every night.
9. The kitchen will be open until closing and food available until closing.
10. Premises will open at 9 am, seven days a week and serve breakfast.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the beer and wine license for **Aisha Sharpe or Corp. to be formed, 18 King Street 10014** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the beer and wine license.

Vote: Unanimous, with 36 Board members in favor.

9. Greene Street Enterprises Inc. d/b/a The “White Oak Tavern”, 21-23 Waverly Pl. 10003 (New OP license in previously licensed space)

Whereas, the applicant appeared before the committee; and

Whereas, this application is for a new OP license at a previously licensed location to operate a neighborhood focused restaurant and bar serving lunch, dinner and brunch in a six-story mixed use building at 21-23 Waverly Place at Greene Street; and

Whereas, the location was previously occupied by Murphy & Gonzalez, the interior furnishings will be upgraded but no change in occupancy, egress or use will be changed, there will be 24 tables and 72 seats with one bar with 22 seats, there will be new signage and the existing windows and sound system will remain, acoustic bait insulation to be installed in the ceiling, there will be three TVs; and

Whereas, the hours of operation will be from 11 am to 2 am Sunday through Tuesday and from 11 am to 3 am Wednesday through Saturday, music will be from ipod/cd’s at background levels only, there will be no sidewalk café, all doors and windows will be closed by 9 pm every night; and

Whereas, there will be no live music, no promoted events, DJs, no scheduled performances, no cover fees, no velvet ropes, no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food will be served at all hours of operation, TVs will not exceed 50 inches in width and there will be security Thursday through Saturday from 10 pm to closing; and

Whereas, the applicant executed a stipulation agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA OP license as follows:

1. Hours of operation will be from 11 am to through Saturday.
2. Music will be from ipod/cd’s at quiet background levels only.
3. There will be no sidewalk café.
4. There will only be three TVs no greater than 50 inches in width.
5. Will operate as neighborhood restaurant and bar only.
6. Will have security Thursday through Saturday from 10 pm until closing.
10. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the full OP license for **Greene Street Enterprises Inc. d/b/a The “White Oak Tavern”, 21-23 Waverly Pl. 10003** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the beer and wine license.

Vote: Unanimous, with 36 Board members in favor.

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

10. Ciao Stella Corp. d/b/a 206 Lounge, 206 Sullivan Street 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on December 10th, 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 **Ciao Stella Corp. d/b/a 206 Lounge, 206 Sullivan Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

11. ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 10014

Whereas, during this month's CB2 SLA Licensing Committee meeting on December 10th, 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 **ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 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 36 Board members in favor.

12. Job's Landing, Inc., d/b/a The Little Fox Café, 62 Kenmare St. 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on November 12th, 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 **Job's Landing, Inc., d/b/a The Little Fox Café, 62 Kenmare 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 36 Board members in favor.

13. FAL Foods USA Broadway, LLC d/b/a Brazilia, 684 Broadway 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 10th, 2013, the attorney requested to layover 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 **FAL Foods USA Broadway, LLC d/b/a Brazilia, 684 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 36 Board members in favor.

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

Whereas, prior to this months CB2 SLA Licensing Committee meeting on December 10th, 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 36 Board members in favor.

15. Paperplanes, LLC d/b/a Paperplanes Restaurant & Bar, 204 Elizabeth Street 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 10th, 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 application for an OP or Beer and Wine license for **Paperplanes, LLC d/b/a Paperplanes Restaurant & Bar, 204 Elizabeth Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and

requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

16. The Coachmakers, LLC, 177 Mott Street 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 10th, 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 application for an OP or Beer and Wine license for **The Coachmakers, LLC, 177 Mott Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

17. WHANY, LLC d/b/a Café Wha, 115 MacDougal Street 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 10th, 2013, the attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed application for an OP or Beer and Wine license for **WHANY, LLC d/b/a Café Wha, 115 MacDougal Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

18. English Road, LLC, 90 West Houston Street 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on December 10th, 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 application for an OP or Beer and Wine license for **WHANY, LLC d/b/a Café Wha, 115 MacDougal Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA

send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

19. Black & Tan Restaurant Group LLC d/b/a Village Lantern, 167 Bleecker Street 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 10th, 2013, the attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed application for an OP or Beer and Wine license for **Black & Tan Restaurant Group LLC d/b/a Village Lantern, 167 Bleecker Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

20. Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014 (Alteration TW SN#1261312)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing tavern wine license to extend the hours of operation and to add a sidewalk café with 6 tables and 12 seats for a "small neighborhood café and bar (beer and wine only)"; and,

Whereas, in September 2012 CB#2, Man. passed the following resolution, which stipulations remain in effect except as modified below:

14. Upright Holdings 547 LLC , formerly known as Naum Medevoy, TBD, 547 Hudson St. New York, NY 10014 (SLA Serial Number 1261312)

Whereas, the applicant re-appeared before the committee for reconsideration after appearing before the New York State Liquor Authority for a tavern wine license; and,

Whereas, the applicant, the applicant's attorneys, members of the community and the Co-Chair of CB2's SLA Licensing Committee meet several times and had extensive discussions regarding the particulars of the establishment, the method of operation and the impact the issuance of this license would have; and,

Whereas, following CB2's SLA Licensing Committee meeting on August 14th, 2012 where the committee had a tie vote on recommending a "deny" "unless" resolution the applicant and members of the community met one last time and subsequently came to a mutually satisfactory agreement; and,

Whereas, the particulars of this agreement are embodied in a set of stipulations which all parties have agreed to request be incorporated into the “method of operation” with the SLA for the applicant’s tavern wine license and which will serve to modify the original presentation of this application to CB2 Manhattan as outlined in the original resolution dated December 15th, 2011 and sent to the Liquor Authority on December 22, 2011 and the applicants original license application submitted directly to the Liquor Authority; and,

Whereas, the stipulations which are requested to be incorporated into the “method of operation” for the applicants tavern wine license are:

- 1. Closing time: 11pm Sunday through Thursday; Friday and Saturday and national holidays 1 am.*
- 2. No commercial use of backyard including no customer or staff access, except as necessary for repair of air conditioning equipment and exterior building maintenance.*
- 3. Windows and front door to remain closed at all times.*
- 4. The Operator shall not have DJ’s, use outside promoters, have karaoke or allow promoted third-party events at the Establishment. This does not preclude the operator from using PR firms to promote their own business.*
- 5. The operator shall play only background level music inside the establishment and shall not direct any music outside of the establishment. Only occasional live acoustical music with no amplification, either for instruments or voice occurring between the hours of 10 a.m. and 5 p.m. during brunch service. There will be no scheduled performances or performances for which a cover fee is charged.*
- 6. Operators will not apply for a liquor license for two years from the first day of operation pursuant to wine and beer license. This statement in stipulation shall not be construed to imply community support of liquor license at any time.*
- 7. Hours of operation consistent with wine and beer license will at all times be posted in front window.*
- 8. Substantial menu items similar to those offered in afternoon and evening will be offered until closing each night.*
- 9. While operators have no current intention to file for a sidewalk cafe permit, if they do at some time in the future, sidewalk service will end by 9 pm each week night and 10 pm Fridays, Saturdays and national holidays, and no more than 14 seats will be available on sidewalk.*
- 10. Pin ball machines will only be installed in lower level. No pinball machines and other gaming equipment will be available for play on the street level of the establishment.*
- 11. No TV’s available for customer viewing will be installed in establishment.*
- 12. Proper noise suppression on all air conditioning and kitchen ventilation equipment, with inside fan unit for latter, so as to eliminate noise audible outside of establishment. Proper venting of kitchen above roofline if external venting is installed.*

Whereas, the applicant has stated that their agreement to the above stipulations is only provided and on the condition that CB2 recommends approval of the application, subject to these stipulations and that they will not be binding on the applicant without that approval and that once CB2 approves, they will submit these to the SLA as part of the amended method of operation; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends ***denial*** of a new tavern wine license for ***Upright Holdings 547 LLC , formerly known as Naum Medevoy, TBD, 547 Hudson St. New York, NY 10014*** ***unless*** the statements the applicant has presented

regarding this application are accurate and that those conditions and stipulations agreed to by the applicant modifying their application as outlined in the 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA tavern wine license.

Whereas, the new hours of operation as agreed to at CB2’s SLA Licensing Committee in December 2013 are from Sunday to Thursday from 6 am to 12 am and Friday to Saturday from 6 am to 2 am (as well as the evening proceeding National Holidays); and,

Whereas, the applicant also presented a not yet approved or licensed sidewalk café as a part of this alteration, which is unusual for CB2 Manhattan to hear as it has not yet been presented to CB2’s Sidewalks and Street Activities Committee, but the Committee chose to make an exception because the sidewalk café will be for less tables than are allowed as stated by the applicant and the hours of operation of the sidewalk café are less than the normal hours of operation for sidewalk cafés to address concerns of local residents; and,

Whereas, in addition to the existing stipulations as noted above, the Licensee agreed to reaffirm and add stipulations which they agree would be added to their existing “method of operation” on their SLA Tavern Wine License and they are as follows:

1. The hours of operation will now be Sunday to Thursday from 6 am to 12 am and Friday to Saturday from 6 am to 2 am (as well as the evening proceeding National Holidays).
2. The Premises will be advertised as a “neighborhood café”.
3. The sidewalk Café will be operated no later than 9 pm Sunday to Thursday and no later than 10 pm Friday and Saturday.
4. All doors and windows will be closed by 9 pm.
5. The Licensee will resolve complaints in regards to their exhaust ventilation and will redesign and soundproof the exhaust exterior conduit in the rear of the building from the premises to the roof line.
6. The Licensee will not open the sidewalk café for the service of brunch prior to 10 am.
7. The Licensee will now not apply for an on premise liquor license prior to April 2016. This statement in the stipulation shall not be construed to imply community support of liquor license at any time.
8. The number of seats and tables in the sidewalk café will not exceed 6 tables and 12 seats.
9. The applicant agreed verbally to utilize the existing retractable awning to mitigate sound in the sidewalk café should this become necessary.

Whereas, two members of the community appeared in opposition to the extension of hours and the inclusion of the sidewalk café, but one conceded that the operator had been operating as they agreed, had been good neighbors and that they had adhered to the agreed upon stipulations, another resident complained that there were already some benches and tables constructed from reclaimed tree trunks and pictures were provided that also showed illegal placement of “A frame” style advertising which was placed in the public walk way and not leaned up against the building and the placement of potted plants on the sidewalk and there were complaints of customers loitering outside the premises at later hours, there were also complaints by both in regards to the precedent established for later operating hours in this mixed residential area that already has many licensed premises and in regards to venting noises which the licensee is currently trying to correct; and,

Whereas, because the sidewalk café is not currently licensed by the Department of Consumer Affairs, the Licensee will still have to return to CB2 Manhattan to present the new application for a sidewalk café to the Department of Consumer Affairs with a complete application and floor diagrams that conform to Department of Consumer Affairs Regulations; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration as described above to the existing tavern wine license for **Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014 (TW SN#1261312** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Tavern Wine license.

Vote: Passed, with 34 Board members in favor, and 2 in opposition (R. Sanz, M. Schott)

21. La Camelia Mexican Restaurant, Inc. d/b/a La Camelia, 64 Downing St. 10014 (alteration to OP SN1252432)

Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing on-premise liquor license to extend the hours of operation until 2 am Thursday to Saturday for a “small family style Mexican Restaurant” which has been operating for several years at this location; and,

Whereas, this Licensee is located in a mixed use building on Downing Street between Bedford and Varick Street in a 1,196 s.f. restaurant with 17 tables and 42 seats, 1 bar and 10 seats and a maximum legal capacity of less than 74 persons, music will be quiet background only, there is no rear yard garden and no sidewalk cafe; and,

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

Whereas, the applicant executed a stipulations agreement in regards to this alteration with CB2 that they agreed would be attached and incorporated in to their method of operation on their existing SLA on-premise restaurant liquor license (in addition to any existing stipulations) stating that:

1. The premises will advertised and operated as a Mexican Restaurant.
2. The hours of operation will be Sunday to Wednesday from 12 pm to 12 am and Thursday to Saturday from 12 pm to 2 am.
3. There will be no backyard garden.
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Music will be background only.
6. There will be no French doors or French windows.
7. All doors and windows will remain closed at all times (except for ingress/egress)
8. Windows will remain sealed.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration to extend the hours of operation to the existing on-premise liquor license for **La Camelia Mexican Restaurant, Inc. d/b/a La Camelia, 64 Downing St. 10014 (SN1252432)** **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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Tavern Wine license.

Vote: Unanimous, with 36 Board members in favor.

22. Ayza Upper West Inc. d/b/a Ayza Wine & Chocolate Bar, 1 7th Ave. South 10014 (SN1258707) (alteration - change in hours of operation & to include sidewalk café)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing on-premise liquor license to extend the hours of operation by 1 hour each night to now be Sunday to Thursday from 11 am to 1 am and Friday to Saturday from 11 am to 2 am and to add an existing sidewalk café with 18 tables and 36 seats; and,

Whereas, this alteration application is for an existing on premise license for the first floor of a six story building with residential apartments above the ground floor for a 1,150 square foot premise located on the corner of 7th Ave South and Carmine St. for a “wine and chocolate bar” with 20 tables and 40 seats and 1 stand up bar with 6 seats for a total of 46 seats inside and is now **adding a sidewalk café** with 18 tables and 36 seats which will be operated on the 7th Ave South façade only with a maximum interior legal occupancy of 60 persons as stated on the certificate of occupancy offering a full menu similar to their other restaurant on 31st Street; and,

Whereas, the applicant stated the hours of operation for the establishment **will now be** Sunday to Thursday from 11 am to 1 am and Friday to Saturday from 11 am to 2 am., music will be quiet background only, with the specific and only exception noted as occurring on Mondays from 6:30 p.m. to 9:30 p.m. when they will have live jazz from just a guitar, there will be no tv’s, the applicant will not have promoted events, scheduled performances, outside promoters, will not have events for which a cover fee is charged and will not have private parties; and,

Whereas, the applicant had previously met with members of the Carmine Street Block Association and reached an agreement via a stipulations agreement with CB#2, Man. of which there have been no know violations of and no one appeared in opposition; and,

Whereas, the applicant executed an additional CB#2, Man. stipulations agreement to modify the hours of operation, which they agreed would now be incorporated into the “method of operation” on their on-premise liquor license stating that:

1. The premise will be advertised as a wine and chocolate bar.
2. The hours of operation will be Sunday to Thursday from 11 am to 1 am and Friday to Saturday from 11 am to 2 am.
3. The applicant agreed that they will offer a full menu until closing and that the kitchen will remain open until closing.
4. Doors and windows will remain closed at all times except for ingress and egress.
5. There will be no “French” doors or “French” windows.
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 only exception to live music will be unamplified Jazz guitar on Monday’s from 6:30 pm to 9:30 pm.
8. At all other times music will be background only.
9. The exterior sidewalk café will be located on the 7th Avenue South Portion of the façade only.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration to extend the hours of operation to the existing on-premise liquor license and to add a sidewalk café for **Ayza Upper West Inc. d/b/a Ayza Wine & Chocolate Bar, 1 7th Ave. South 10014 (SN1258707) unless** the

statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Passed, with 34 Board members in favor, and 2 in opposition (K. Berger, K. Bordonaro).

23. Jigme & Thotsa Corp. d/b/a Ramen Thupka, 70 7th Avenue South 10014 (new RW, prev lic)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a “corporate restaurant that will focus on Asian noodles and dumplings”; and,

Whereas, this application is for a new restaurant wine license in a previously licensed location; the premises will be in a 1 story commercial building in a mixed use district located on the ground floor on 7th Avenue South between Bleecker and Commerce St. for a roughly 900 sq. ft premise on the ground floor with a 400 sq. ft. mezzanine (no patron use in mezzanine) with 12 tables and 24 seats in the interior, for a grand total of 24 seats, there will be no stand-up bars and all service is by wait staff, there is no sidewalk café included in this application at this time and no other outdoor areas for patrons, there is an existing “Letter of No Objection” issued by the NYC Department of Buildings; and,

Whereas, the hours of operation will be from 11:30 am to 10:30 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 are no operable French doors or operable windows, 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 executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a ramen noodle house.
2. The hours of operation will end at 11 pm 7 days a week.
3. The premises will be operated as a full service restaurant at all times.
4. There will be no rear yard garden.
5. Doors and windows will remain closed at all times except for ingress and egress.
6. There will be no “French” doors or “French” windows.
7. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
8. Music will be background only.
9. This application does not include a sidewalk café.
10. There will be no TV’s.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant wine license for **Jigme & Thotsa Corp. d/b/a Ramen Thupka, 70 7th Avenue South 10014 unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Unanimous, with 36 Board members in favor.

24. The Vagabond Tapas Café, LLC, d/b/a Tokyo Tapas Café, 7 Cornelia St. 10014 (RW Transfer)

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 a restaurant wine license for an “existing café known as the Vagabond Tapas Café”, the operation will “focus on more healthy foods” but will operate in the same manner as the existing operation; and,

Whereas, this application is for a “transfer” of an existing restaurant wine license located in a mixed use residential/commercial building on the ground floor on Cornelia St. between Bleecker and West 4th St. for a roughly 700 sq. ft. premise with 9 tables and 18 seats and 1 stand up bar with 5 seats for a total of 23 seats, there is no sidewalk café and no other outdoor areas for patrons, there is an existing Certificate of Occupancy; and,

Whereas, the hours of operation will be from 11 am to 11 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 also be live acoustic jazz and classical unamplified music in the evenings ending by 10:30 pm as currently exists, there are no operable French doors or operable windows, 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 executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the existing method of operation on the new or “transferred” restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a Café serving health food.
2. The hours of operation will be from 11 am to 11 pm 7 days a week.
3. The premises will be operated as a full service restaurant, specifically a café.
4. The applicant will not seek a NYC DCA Cabaret License.
5. There will be no backyard garden.
6. Doors and Windows will remain closed at all times except for ingress/egress.
7. There will be no dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
8. There will be live music described as classical/jazz acoustical only with no amplification.
9. All live music will end at 10:30 pm every night.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a “transfer” or new restaurant wine license for **The Vagabond Tapas Café, LLC, d/b/a Tokyo Tapas Café, 7 Cornelia St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing/new SLA Restaurant Wine license.

Vote: Unanimous, with 36 Board members in favor.

25. 230 Bleecker Corp. d/b/a Cotenna, 21 Bedford St. 10014 (new OP)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new On Premise liquor license for an Italian Restaurant focused on “Small regional Italian recipes prepared and served in the traditional style, moderately priced with a warm convivial atmosphere”; and

Whereas, this application is for a location which has previously been licensed with a restaurant wine license, but never an on-premise liquor license, in a in a mixed use building on Bedford St. between Downing and West Houston Streets for a 1,800 sq. ft. two story commercial space (900 sq. ft. ground floor/900 sq. ft. basement – no patron use of basement) with 7 tables and 14 seats and 1 bar with 6 seats for a total of 20 seats, there is an existing letter of no objection for eating and drinking uses on the first floor only, there is no rear yard and no sidewalk café; and,

Whereas, the hours of operation will be Sunday to Thursday from 11 am to Midnight and Friday and Saturday from 11 am 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 are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there is only 1 restroom; and,

Whereas, 5 members of the community appeared to express concerns in regards to this application including members of Bedford Downing Block Association stating the oversaturation of licenses in the area, the non-uniqueness of the concept, issues with the previous restaurant wine licensed premises, no community outreach from this applicant, that agreements had been reached with all other licensees in the area, smokers loitering in the area, general noise created by this type of establishment, that this is in fact a residentially zoned area and this is a “grandfathered” commercial use, one resident gave examples of this operator not adhering to stipulations at another location, Aria, which they own located on Perry St. (SN1239342) and lax employees who do not respond to complaints from neighbors; and,

Whereas, during the meeting, the applicant and residents were able to agree to a number of stipulations which allowed them to modify their opposition to tepid support; and,

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

1. The premises will be advertised and operated as an Italian Restaurant with a Restaurant OP license.
2. The hours of operation will be Sunday to Thursday from 11 am to Midnight and Friday and Saturday from 11 am to 1 am.
3. The premises will operate as a full service restaurant and kitchen will be open and menu items available until closing.
4. There will be no backyard garden.
5. Soundproofing will be installed.
6. Doors and Windows will remain closed at all times except for ingress and egress.
7. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. Double glazed windows will be installed and permanently sealed.
9. A “Please respect the neighbors” style sign to be posted.
10. Smokers and any waiting patrons outside will be actively managed to reduce noise.
11. Patrons will be discouraged from smoking in front of residential windows.
12. A new interior staircase will be installed in order to minimize use of the “sidewalk hatch” on the exterior of the premises – no patron use of the basement.
13. The “sidewalk hatch” will not be used unless a hydraulic door dampener is installed to minimize noise.
14. There will be quiet background music only.

15. The owners will be accessible and will respond proactively to complaints.
16. A Full food menu will be available at all times.

Whereas, there are 22 on-premise liquor licenses within 500 ft of this location;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise restaurant liquor license for **230 Bleecker Corp. d/b/a Cotenna, 21 Bedford St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the new on-premise restaurant liquor license.

Vote: Unanimous, with 36 Board members in favor.

26. Union Bar and Kitchen LLC, d/b/a Union Bar and Kitchen, 300 Spring St. 10013 (New OP – Prev Lic.)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new On Premise liquor license for an “upscale yet casual style restaurant which will feature eclectic, flavorful and healthy plates with a Latin, French and Japanese influence together with an oyster and ceviche bar”; and

Whereas, this is an application for a new on premise liquor license in a previous licensed location located between Hudson Street and Renwick Street in a mixed use building in a premise approximately 2,315 sq ft, with 1,485 sq ft. on the ground floor for patron use and approximately 830 sq ft in the basement for ancillary uses but not for patrons, there will be 29 tables and 58 table seats, 1 stand up bar with 10 seats for a total of 68 seats, the maximum occupancy as stated on the Certificate of Occupancy is 70, there will also be a sidewalk café which is included in this application which will have 10 tables and 20 seats; and,

Whereas, the hours of operation will be Sunday from 9 am to 1 am, Monday to Thursday from 11:30 am to 1 am, Friday from 11:30 am to 2 am and Saturday from 9 am to 2 am, the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music only, there will however be live Jazz Trios 4-6 times per month for brunch and occasionally evenings, there currently exists sufficient sound proofing, there will be no dj’s, no live music except as mentioned, there will be 2 tv’s, there will be no security personnel, there may be private parties on occasion (i.e. occasional birthday, anniversary etc.);

Whereas, there are at least 11 licensed premises within 500 feet; and,

Whereas, the applicant provided a letter of support from the Condo Association and presented a petition in support, no one appeared in opposition; and,

Whereas, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Manhattan 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 operated as a “upscale yet casual restaurant”.
2. The hours of operation will be Sunday from 9 am to 1 am, Monday to Thursday from 11:30 am to 1 am, Friday from 11:30 am to 2 am and Saturday from 9 am to 2 am.
3. The premises will be operated as a full service restaurant with kitchen open at all times.
4. There will be no backyard garden.

5. The sidewalk café will be operated no later than 11 pm 7 days a week.
6. All doors and windows will be closed at 10pm 7 days a week.
7. There will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. The licensee will adhere to all NYC noise ordinances.
9. There will be Jazz Trios 4-6 times per month for brunch and occasionally evenings.
10. At all other times there will be quiet background music only.
11. There will be 2 TV's but no sound.
12. The premises will not operate as a sports bar at anytime.

Whereas, because the sidewalk café is not currently licensed by the Department of Consumer Affairs, the applicant will still have to return to CB2 Manhattan to present the new application for a sidewalk café to the Department of Consumer Affairs with a complete application and floor diagrams that conform to Department of Consumer Affairs Regulations; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **Union Bar and Kitchen LLC, d/b/a Union Bar and Kitchen, 300 Spring St. 10013** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 33 Board members in favor and 3 in opposition (M. Derr, R. Sanz, M. Schott).

27. 525 Broome St. Restaurant, 525 Broome St. 10013 (“Transfer” – OP)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a “transfer” of an existing On Premise liquor license for an “farm to table and market inspired restaurant upstairs and a mixology driven cocktail bar downstairs”; and,

Whereas, this application is for a “transfer” of an On Premise liquor license operated under the same previous method of operation as a restaurant in a mixed use building located on Broome Street between Thompson and 6th Avenue with 17 tables, 82 table seats, 2 bars with 23 bar seats for a total of 105 seats and a maximum legal capacity of 224 persons, there will be only cosmetic changes to the establishment and there are no changes in the current method of operation; and,

Whereas, the applicant stated the hours of operation for the restaurant on the ground floor are 5 pm to 1 am Monday to Friday and from 11 am to 1 am Saturday to Sunday; the basement will be operated Sunday to Wednesday from 5 pm to 2 am, Thursday from 5 pm to 3 am and Friday to Saturday from 5 pm to 4 am there will not be a sidewalk café application and no backyard garden; music will be quiet background only from ipods/cd’s and a juke box, there will be no DJ or active manipulation of music; and,

Whereas, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB#2, Manhattan that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be advertised and operated as a Restaurant with Cocktail Bar downstairs.
2. The maximum hours of operation for the premises will be Sunday to Wednesday from 5 pm to 2 am and Thursday from 5 pm to 3 am and Friday to Saturday from 5 pm to 4 am. On Saturdays and Sundays the premises will open at 11 am on the ground floor.

3. The premises will be operated as a full service “farm to table” restaurant with kitchen open and menu items available until closing.
4. The premises will not be operated as a nightclub or disco.
5. The premises will not seek a NYC DCA Cabaret License.
6. There will be no backyard garden.
7. There is no sidewalk café.
8. Doorman/Security will be utilized Thursday to Saturday from 11 pm to closing (close).
9. Doors and windows will remain closed at all times except for ingress/egress.
10. There will be no “French” doors or windows.
11. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
12. Only one entrance/exit door will be used at all times for the entire premises except for ADA compliance or emergency egress.
13. The entire premises will be operated under one name (D/B/A) only.
14. The upstairs of the premises will close at 1 am 7 days a week.
15. Licensee will incorporate stipulations agreed to with American Nut and Screw Condo Association into SLA License with further restrictions as noted in this agreement. Those stipulations are as follows:

Stipulations for Restaurant Tenant at 525-527 Broome Street

1. *Use of the residential entrance will be limited to only access for ADA customers.*
2. *Tenant shall use as its address 527 Broome Street.*
3. *Tenant will install and maintain planter boxes in front of building (boxwood plants preferred - evergreens) as well as maintain and beautify the city tree plant bed.*
4. *Tenant will insure that vent stack is cleaned on a regular basis to prevent grease from damaging property of residents. Any damage caused by the vent stack shall be the responsibility of the Tenant.*
5. *Tenant will insure that vent stack vibration is minimized as much as possible.*
6. *Tenant will not utilize common areas of the building (basement, etc) for any purpose.*
7. *Hours of operations shall be upstairs 11:00 am to 1:00 am, downstairs 5:00 pm to 4:00 am.*
8. *From one hour prior to closing and up until closing, up to fifteen (15) additional customers may be allowed in the restaurant (upstairs and downstairs) beyond the stated seating capacity.*
9. *“Last Call” will be one-half hour prior to closing.*
10. *Water costs will be allocated based on past usage (building water costs with and without restaurant). Tenant can at its sole cost and expense install as separate meter for water usage.*
11. *Tenant will be responsible for cleaning the sidewalk in front of the building on a daily basis with water and bleach at its sole cost. Power washing to occur on at least a monthly basis.*
12. *Tenant will display a discrete sign visible to customer entering the establishment that request that customers respect the restaurant's residential neighbors (see sign at Blue Ribbon)*
13. *Tenant will provide the 525 Broome Street's Board of Owners cell phone numbers and e-mail addresses for the Tenant owners and the general manager of the restaurant*
14. *Garbage pick-up schedule will require the approval of the residential owners of S25 Broome Street. Such approval will not be unreasonably withheld or delayed. All garbage*

- shall be removed through the commercial (rather than the residential lobby). Notwithstanding the forgoing garbage will be placed outside (not near residential entrance) for pick-up no sooner than two (2) hours prior to scheduled pick-up.*
- 15. Tenant will use commercially reasonable efforts to insure that no more than five people will be allowed to congregate in front of the building for the purpose of smoking.*
 - 16. Tenant will not allow its staff to congregate at or near the entrance of the residential units or use the residential entrance for any purpose.*
 - 17. The hostess/host will remain on duty on the main level until the restaurant is closed and all patrons/customers have left premises as a security measure, and to ensure patrons/customers do not congregate in front of the building.*
 - 18. Tenant Will reduce operating hours by one hour in the event that six (6) or more consecutive violations of any single term or condition of the within Stipulations occur within a ninety (90) consecutive period, or (ii) fifteen violations of any of the terms or conditions of the within Stipulations occur within a one-hundred-eighty (180) day consecutive period. Notification of any violation will be made by certified mail, return-receipt requested to Tenant at the location or to any other location here-in-after designated by Tenant, in writing, within fifteen (15) days of such violation.*
 - 19. Each party shall pay of all its costs, expenses and fees incurred in connection with the preparation, execution and delivery of these Stipulations and all other documents relating thereto, including without limitation the costs of professional fees of counsel.*
 - 20. The parties agree that the non-prevailing party shall pay to the prevailing party (i.e. that the party granted final judgement in any litigation or arbitration between the parties arising out of these Stipulations) all costs and expenses of the prevailing party, including reasonable fees and fees for legal services of every kind, incidental or reasonably necessary to the enforcement of any provision hereof.*

Whereas, the applicant presented a petition in support and letters in support; and,

Whereas, there are 19 On-Premise Licenses located within 500 ft of this locations; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a transfer of an on-premise liquor license for **525 Broome St. Restaurant, 525 Broome St. 10013** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 36 Board members in favor.

28. Charlemagne Resto, LLC d/b/a Charlemagne, 679 Greenwich St. aka 139 Christopher St. 10014 (upgrade to OP)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an upgrade to an existing restaurant wine license to a full on-premise restaurant liquor license for a “neighborhood restaurant focused on modern American cuisine”; and,

Whereas, this application is for an upgrade to an existing restaurant wine license to an on-premise liquor license located in a mixed use building in a mixed use district located on the ground floor on the Northeast Corner of Greenwich St and Christopher St for a roughly 1,800 sq. ft premise with 900 sq ft on the ground floor for patron use and 900 sq ft in the basement for no-patron ancillary uses with 20 tables and 40 seats and 1 bar with 10 seats, for a grand total of 50 seats, there is no sidewalk café included in this application and no other outdoor areas for patrons, there is an existing Certificate of Occupancy issued by the NYC Department of Buildings; and,

Whereas, the hours of operation will be Sunday from 11 am to 12 am, Monday from 5 pm to 12 am, Tuesday to Friday from 5 pm to 2 am and Saturday from 11 am 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 are no operable French doors or operable windows, 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 conducted community outreach and presented a petition and separate letters were received in support from area residents; and,

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

1. The premises will be advertised as a neighborhood restaurant with modern American cuisine.
2. The hours of operation will be Sunday from 11 am to 12 am, Monday from 5 pm to 12 am, Tuesday to Friday from 5 pm to 2 am and Saturday from 11 am to 2 am.
3. The premises will be operated as a full service restaurant with the kitchen open and menu items available until closing.
4. There will be no backyard garden.
5. There will be no sidewalk café.
6. There is existing soundproofing.
7. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. Music will be quiet background only.
9. There will be no operable windows.
10. Doors and Windows will be closed at all times except for ingress/egress.
11. There will be no televisions.

Whereas, there are 10 licensed On-Premise Liquor Licenses located within 500 ft of this location; and,

Whereas, this location is located well within 200 ft of the Church of St. Veronica located at 149-155 Christopher St. which is a part of the Arch Diocese of NY and while the applicant's attorney stated the location was not exclusively used as a Church, no evidence was presented; a member of CB2's SLA Committee is a congregant at the Church and was not aware of any current disqualifying uses and **CB2 Requests that the Liquor Authority gather the appropriate facts and determine whether this location is in fact subject to the 200 ft rule;**

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an upgrade to an on-premise liquor license for **Charlemagne Resto, LLC d/b/a Charlemagne, 679 Greenwich St. aka 139 Christopher St. 10014** **unless** the statements the applicant has presented are accurate and complete, and

that those conditions and stipulations agreed in the 5th “whereas” clause above are incorporated into the “Method of Operation” on the new on-premise liquor license as issued by the Liquor Authority *and that this location is not subject to the “200 ft” rule.*

Vote: Unanimous, with 36 Board members in favor.

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

29. Le Gans Restaurant, Inc. d/b/a RYU Restaurant, 46 Gansevoort St. 10014 (SN1025594 Corp Change – Layover)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant’s representative agreed to **layover** this application for a “corporate change” and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed and at that time will also submit an alteration application to properly reflect the existing conditions;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Le Gans Restaurant, Inc. d/b/a RYU Restaurant, 46 Gansevoort St. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

30. Himi NY Corporation d/b/a Hakata Ton Ton, 61 Grove St. 10014 (SN1199405)(corporate change and upgrade) (withdrawn by attorney)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant’s representative requested to **withdraw** this application for a “corporate change” and an upgrade application for a restaurant 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 **Himi NY Corporation d/b/a Hakata Ton Ton, 61 Grove 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 36 Board members in favor.

31. Charlemagne Resto, LLC d/b/a Charlemagne, 679 Greenwich St. aka 139 Christopher St. 10014 (Corporate Change - withdrawn by attorney)

Whereas, prior to this months CB2, Manhattan’s SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant’s attorney requested to **withdraw** this application for a Corporate Change and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

Whereas, a separate application was presented on December 12, 2013 for an upgrade to the existing restaurant wine license for which CB2, Manhattan has a separate resolution not to be confused with this corporate change application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed corporate change for **Charlemagne Resto, LLC d/b/a Charlemagne, 679 Greenwich St. aka 139 Christopher St. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

32. Entity to be formed by Jean Luc Carucci, 152 W. 10th St. (RW transfer) (withdrawn by attorney)

Whereas, prior to this months CB2, Manhattan’s SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant’s representative requested to **withdraw** this application for a “transfer” of a restaurant 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 **Entity to be formed by Jean Luc Carucci, 152 W. 10th St.** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

33. Bruja Verde, LLC. d/b/a 41 Greenwich Ave. 10014 (New OP – Withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant’s representative requested to **withdraw** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

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 **Bruja Verde, LLC. d/b/a 41 Greenwich Ave. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has

forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

34. Entity to be formed by Dario Wolos, 59 Charlton St. 10014 (withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

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 36 Board members in favor.

35. Fitting Room, LLC d/b/a Fitting Room, 163 Charles St. 10014 (New OP – Prev Unlicensed - Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on December 12th, 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 **Fitting Room, LLC d/b/a Fitting Room, 163 Charles 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 36 Board members in favor.

36. Shane Covey for the entity to be determined, 41 Greenwich Ave. (New OP - Withdrawn)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Shane Covey for the entity to be determined, 41**

Greenwich Ave. 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 36 Board members in favor.

37. Figure of 8 Trading LLC, 615 Hudson St. 10014 (New OP – Layover)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on December 12th, 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 **Figure of 8 Trading LLC, 615 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

38. Eater Eats Crow, LLC d/b/a Sel et Gras, 131 7th Ave. South 10014 (Upgrade SN1261220 - Layover)

Whereas, at this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on December 12th, 2013, the applicant's representative agreed to **layover** this application for an "upgrade" application to a full on-premise restaurant liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed and in the interim will endeavor to perform additional contemporary 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 **Eater Eats Crow, LLC d/b/a Sel et Gras, 131 7th 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 36 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of proposal by the Hudson Sq. Connection to install the new City Lights on Spring St. bet. 6th Ave. and West St.

Whereas the Hudson Square Connection Business Improvement District (BID), working jointly with the NYC Dept. of Transportation (DOT) has proposed installing eleven new City Lights on Spring St. bet. 6th

Ave. (Ave. of the Americas) and West St. (nine of them replacing existing street lights and two added where none exist on the western end of Spring St.); and

Whereas the City Light design, with a LED arm and sculpted base, won an international design competition in 2004 for new street lighting for NYC, and the BID has chosen this design after conferring with DOT and reviewing other available street lighting as the most appropriate for the District and for helping to enhance Spring St. (the BID's Main St. corridor) as part of the BID's streetscape improvement project; and

Whereas the new City Light is more energy efficient with less glare than existing street lights, and its softer glow is more pedestrian-friendly; and

Whereas funding for this project has been received from the NYC Council, and the BID is matching these funds;

Therefore be it resolved that CB#2, Man. supports installation of the new City Lights both to replace the existing street lights and add such lighting where none now exists on Spring St. bet. 6th Ave. (Ave. of the Americas) and West St.

Vote: Unanimous, with 36 Board members in favor.

2. Resolution requesting blinking yellow lights, a speed table and a speed hump, an extended slow zone and other safety improvements on Barrow St. bet. 7th Ave. S. and W. 4th St.

Whereas in 2012, the NYC Dept. of Transportation (DOT) implemented improvements at the dangerous intersection of 7th Ave. S., Bleecker and Barrow Sts., which greatly improved pedestrian safety crossing 7th Ave. S., but as is often the case with new enhancements, some adjustments in response to resulting conditions have needed to be made along the way, and we thank DOT for their cooperation in making those adjustments that Community Board 2, Manhattan (CB2) has requested thus far; and

Whereas in response to illegal double left turns being made from 7th Ave. S. into Bleecker St., causing congestion and crashes, and to distinguish the area where left turns (for east bound traffic) could be made, in order to separate traffic and reduce turning speeds, the new installation provided for one left-turn-only lane on 7th Ave. S., defined by markings and flexible delineators; and

Whereas it now has been ascertained that this left-turn-only lane configuration has led to traffic backing up on 7th Ave. S., often for several blocks north where some of the backup forms and is exacerbated by drivers who are unaware that they're in a left-turn lane; and

Whereas this backup has led drivers who are heading to turn left (east) on Bleecker St., or are in the wrong lane, to instead make a hard left on Barrow St. to avoid the congestion; and

Whereas these abrupt turns and highly accelerated speeds by vehicles then proceeding down Barrow St. from 7th Ave. S. to W. 4th St. (facilitated by no parking on either side) greatly endanger the large and vulnerable pedestrian population on this block; and

Whereas the one-block stretch of Barrow St. bet. 7th Ave. S. and W. 4th St. is in a school zone that includes Greenwich House (right at the corner where these swift and hazardous vehicular turns occur) which is the home of a nursery school, a senior center, youth programs, a drug treatment center and a

theater, as well as five restaurants and five residential buildings, all of which produce a tremendous amount of foot traffic that is severely threatened by the numerous and high-speeding vehicles; and

Whereas letters and a petition from neighboring businesses, institutions, residents and other users have been submitted asking for remedies, such as speed humps, to this dangerous situation, with many attesting to the threat from the increase in speeding vehicles on this Barrow St. block and to the close calls they've already had almost being hit by drivers; and

Whereas DOT has approved the implementation in 2015 of a Neighborhood Slow Zone within the West Village in Community District 2 that includes Barrow St. west of 7th Ave. S. in response to an application from a community activist. In Slow Zones, the speed limit is reduced to 20 mph using safety measures such as signs, markings, speed humps and other traffic calming treatments, with priority given to areas with schools, senior centers, daycare centers and small parks; Barrow St. bet. 7th Ave. S. and W. 4th St. is located east of 7th Ave. S., but being in a school zone with a senior center, the area might qualify for an extension of that Slow Zone;

Therefore be it resolved that CB#2, Man. requests that DOT implement the following early action improvements to reduce the danger of the current overflow of speeding traffic on Barrow St. bet. 7th Ave. S. and W. 4th St. and ensure the immediate safety of the many pedestrians who frequent that block:

- Install a flashing yellow beacon at the 7th Ave. S. eastern side of Barrow St.
- Install a speed table (raised crosswalk) across Barrow St. at the 7th Ave. S. eastern side to not only slow down motor vehicles turning into Barrow at the beginning of the block, but also to discourage the vehicles from turning into that street at all.
- Install a speed hump on Barrow St. bet. 7th Ave. S. and W. 4th St. further down the block from the recommended speed table to keep vehicles at a sustained slow speed that otherwise might forge ahead once they pass the speed table.
- Install additional signage further north on 7th Ave. S. (e.g. at Christopher St.) in the left lane stating "Left-turn Lane for W. 4th St. and Bleecker St." to channel drivers heading east to the left lane in advance and to avoid confusion; and

Be it further resolved that in the long term, CB#2, Man. asks that DOT extend the West Village Neighborhood Slow Zone to include all of Barrow St. west of 7th Ave. S.; and

Be it finally resolved that CB#2, Man. also asks that in the long term, other approaches, such as a bulbout (neckdown) at the corner of Barrow St. and 7th Ave. S. on the northeast side, be considered.

Vote: Passed, with 34 Board members in favor, and 2 in opposition (R. Sanz & S. Sweeney).

3. Resolution requesting "No Standing Anytime" sign on the northwest corner of Greenwich St. at Bethune St. covering one parking spot, and to extend the 'No Standing Except Trucks' section a comparable distance on the north end.

Whereas current parking regulations on the northwest corner of Greenwich St. at Bethune St. specify "No Standing Except Trucks Loading & Unloading, 8AM – 6PM, Mon thru Fri" and on the northeast corner specify "No Standing Anytime;" and

Whereas currently the M11 Bus route begins on Bethune Street, and when making the right hand turn onto Greenwich Street to head north, it becomes nearly impossible to clear the turn because of the current parking spot on the northwest corner, especially when it's an accordion type of (articulated) bus, even with the current "No Standing Anytime" sign on the northeast corner; and

Whereas Greenwich Street is extremely narrow and often prone to congestion, having a single lane of traffic, a bicycle path, bicycle racks, commercial truck traffic from D'agostino deliveries, UPS, FedEx and garbage trucks as well as commuter traffic using the street as a major route to the Meatpacking District, all of which form a perfect storm when there is a vehicle parked on the northwest corner, especially during rush hour time, further exacerbating the bus's turning difficulty; and

Whereas often the bus becomes stuck and remains stationery, while traffic backs up on Bethune St., with the bus and the other drivers blowing their horns, sometimes leading to aggressive verbal altercations between bus drivers, delivery drivers, taxi drivers, cyclists and regular drivers;

Therefore be it resolved that CB#2, Man. requests the installation of a "No Standing Anytime" sign on the northwest corner of Greenwich St. at Bethune St. covering one parking spot, and to extend the "No Standing Except Trucks" section a comparable distance on the north end (taking one 'regular' parking spot) to make it easier for the M11 Bus to make a right turn from Bethune Street onto Greenwich Street.

Vote: Unanimous, with 36 Board members in favor.

NEW BUSINESS

Concerning Residential Participation in Current Proposed Meatpacking BID Planning Process

Whereas property owners and business owners in the Meatpacking District have begun the process to form a Business Improvement District for the purpose of improving the streetscape, improving street life, marketing and capital improvements; and

Whereas the website for the effort claims throughout that the BID will unite the community of owners, merchants and residents, and further will be a voice for community; and

Whereas the proposed boundaries are 17th Street (south side) to the north, Horatio Street(north side) to the south, 8th Avenue to the east and Route 9A to the west; and

Whereas these blocks include a significant residential population in both Community Board 4 and Community Board 2 districts; and

Whereas the Steering Committee for this effort includes 2 staff members from the current voluntary business association, MPIA, a consultant, two representatives from CB2 and CB4, and 16 other people, all of whom are associated with businesses and or institutions in the neighborhood; and

Whereas it is important to have community board representation on the Steering Committee, it is essential that there also be residential participation in the planning process, especially because the community board appointments do not live in the impacted area; and

Whereas the BID proposal is to include residents on the future BID board, it is shortsighted to not include them now, before the process goes public in January or February, in order to ensure that all decisions have appropriate input from people who live in the impacted area and who are the most familiar with and affected by, the issues and problems that the BID will address.

Therefore Be It Resolved that CB#2, Man., asks the Meatpacking BID Steering Committee to immediately appoint four local residents who are local to the Meatpacking District or within the impacted area to join them; and

Be It Further Resolved that CB#2, Man. cannot support any effort to establish a BID that does not include local residents' participation in the important early phases of the planning process thru being on the BID Steering Committee.

Vote: Unanimous with 36 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan