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Bob Gormley, *District Manager*



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COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: January 23, 2014
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, William Bray, Heather Campbell, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Susan Kent, Jeanine Kiely, Edward Ma, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Maury Schott, Shirley Secunda, Chenault Spence, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth

BOARD MEMBERS EXCUSED: Richard Caccappolo, Lisa Cannistraci, Denise Collins, Cristy Dwyer, Anne Hearn, Dodge Landesman, Alexander Meadows, Judy Paul, Federica Sigel, Elaine Young

BOARD MEMBERS ABSENT: Jonathan Geballe, Arthur Kriemelman, Arthur Z. Schwartz

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; Man. Borough President Gale Brewer; Sarah Sinchala, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Jeffrey LeFrancois, Council Member Corey Johnson's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Helen Walper, Nina Werman, Nichole Taron, Thomas Jarmusch, Seth Coppock, K.L. Powell, Chantal Jonas, Josh Griffiths, Pascal LeGrand, Stacy Friedberg, C.D. Hammond, Leslie Chin, Iliaria Fusina, Jules Ferree, Sharon Lomotesky, William Palmer, Kourosh Noorbaksh, Louis Raiolo, Jennifer Adler, Barbara Sievert, Laurel Murphy, Rev. Caroline Stacey, Ellen Cornfield, Victoria Bailey, Julio Alberino, Rachel Randolph, Isaac Schulman, Allison Dubvisoon, Thierry Morporgo, John Von Name, Charlie Feitel, Lisa Feitel, Theresa Nygard, Josie Pratt, Bari Musacchio, David Hefferman, Robert McGraw, David Turner, K. Webster, Christine Smith, Dominick Answini, Susan Shoemaker, Petrea Davis, Jan Staller, D. Kepple, Z. Wivtschaffer, Kazusa Jibiki, Daanielle Mayer, Fei Cui, Bill Abramson, Vicki Papdeus, John Benscoter, S. McHale, Eric Calero, Terry Iacuzzo, Edgar Greene, Eva Burkley, Jon Denham, Jeff McMillan, Allie Curreri, Matt Morris, Susan Lamia, Tom Lamia, Kim Kalesti, Alyssa Collura, Eddie Pantulon, James Belzer, Maryann Plunkett, Dina Goldman, Elise Siegel, Shih Chi Wu, Garrett Rittenberg, Bill Salzman, Debra Tozzi, Mari Edwards, Anthony Cepeda, William Robertson, Sean Sheller, Peter Irwin, Robyn Borok, Kim Kadish, Ella London, T. Goldsborough, Renee Green, Atticus Zavaletta, J. Garey, David Kreitman, Carol Stein, Len Mayer, G. Leaf, Connie Chung, Sheila Dugan, Meg Tansey, Hugh Hannemann, Jay O. Sanders, Oliviero Borgna, Michael Murphy, John Antrobus, Spike Wilner, Charles Page, Gary Spindler, Jade Lai,

GUESTS (continued): James Spindler, Leora Morinis, Brenda McNerney, Dana Cranmer, Vera Graaf, Colleen Flood, Andrea Torrens, Irene Anschlowar, Steve Kaufman, Williamson Henderson, Peter Armstrong, Susan Gale, Douglas Gale, Aaron Hill, Arnold Margotin, Eunice Lee, Emily Hellstrom, Jay Maisel, Joseph Reiver, Kathleen Faccini, Jennifer Romine, Josh Bernstein, Adrian Van Schie, Alexandra Van Schie, Frank Capelli, Frank Arisman, Jim Sidorchak, Keri Flaherty, Guy Graff, Winston Vogel, Barbara Yoshida, Michael Varian, Kristin Shea, Marsha Kness, Anthony Gordon, Pam Farr, Reef, Megan Guip, Elizabeth Caron, Adam Woodward, John Errcson, Richard Tobias, Alan Herman, Christine Iu, Andrew Suckling, Zella Jones, Jamie Jensen, Patricia Laraia,, Philip James, Kathleen Tait, Lai F. Wong, Ted Glass, Pete Davies, Tom Pratt, Andrew T. Pratt, Ruth Campbell, Michelle Kiely, Lora Tenenbaum, Ralph Lewis, Catherine Spindler, Tony Rosenthal, Anne Palmer, Adrew Fayad, Lauren Vance, Claudia Ospina, Michael Lerner, Titta Aparo, Patricia Ali, Michael Tower, Catherine Sanbla, Marco R. Ciocca, Anahi Galante, Peter von Mayrhauser, Richard Matarese, Weifang Lin, Andrew T. Avorn, Simone Parker, Steve Cipolla, Emmett McCarthy, Emilie M. Aebi, Judy Kim, Lisay Gray, Jennifer Keller, Maxwell Schoenstein, George Gladstone, Don Oehl, Aaron Booher, Mian Fan, Jeremy Buzzard, Patricia Squillari, John Marino, Gilda Lavalle, Jason Berkeley, S. Kunkel, Courtney Goldsmith, Angela Witte, Cynthia chapin, Ellen Korak, Kaya Bellasis, Stephen Wanta, Katalin Balog, Kristin Arram, Timothy Rosser, Dulcinea Benson, Helena Stewart, Jonathan Stewart, Gene Thompson, Juanli Carrion, Will Rogers, Jean Kid, Mary Foulke, Curtis Kurlig, Carol Lewis, D. Petrizzo, Mike Lawley, Alex Perinatt, Pete Sturman, Carmela Livoti, Bart Baldeo, Ryder Christiansen, Kent Barwick, Phyllis Jenkins, Michael Hudson, Mother Stacey, Sharon D’Lugoff, Richard Murawczyk, Toni Craddock, Richard Flood, Laura Aryeh, Brian Satz, Robert Bryant, George Fontas, Naima Freitas, Eileen Braun, Drew Kurin, Abby Murray, Ian Rosenthal, Michelle Angela, Rich Schoenstein, Laura Murawczyk, Rowland Bellasis

MEETING SUMMARY

Meeting Date –January 23, 2014
 Board Members Present – 36
 Board Members Excused–10
 Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

Temporary Art Installation at Duarte Square

Juanli Carrion spoke regarding Outer Seed Shadow #01

P.S. 41 Concert

Heather Campbell made an announcement regarding the upcoming event.

New York Rising

Connie Chung spoke regarding this topic.

STONEWALL Street Fair

Bill M. Salzman and Williamson Henderson spoke in favor of the annual street fair.

Arts & Institutions Items

Whitney Museum of American Art app to Public Design Commission for a Distinctive Sidewalk Design

Richard Flood, representing the museum, spoke regarding the proposed application.

Landmarks & Public Aesthetics Items

657 Greenwich Street -Application is to construct rooftop and rear additions, and modify openings; and 100 Barrow Street - St. Luke in the Fields -Application is to construct a new building.

Bart Baldwin, Christine Smith, Robert McGraw, Michael Hudson, Phyllis Jenkins, William Robertson, Edgar Greene and Mother Stacey spoke in favor of the applications.

Laura Murawczyk, Ian Rosenthal, Dina Goodman, Kathleen Tait, Andrew Pratt, Drew Kunin, Theresa Nygard, Laura Aryeh, Charlie Feitel, Lisa Feitel, Richard Murawczyk, Aaron Hill, and David Turner, spoke against the applications.

Irene Anschlowar spoke regarding the proposed applications.

130 7th Avenue South-Application is to demolish the existing building and to construct a new building

Marsha Kness, Eva Burkley, Gilda Lavallo, and Susan Lamia.

Tom Lamia spoke in favor of the resolution recommending denial.

Land Use and Business Development Items

Elizabeth Street Garden - A request from a group of residents and business owners asking CB2 to support efforts to preserve a garden and establish its official status as a public green open space

Kent Barwick, Ryder Christiansen, Peter Armstrong, Sharon D'Lugoff, K. Webster, Jay Maisel, Brian Satz, Renee Green, Robert Bryant, Emily Hellstrom, Aaron Booher, Naima Freitas, Eileen Braun, Kim Kalesti, John Bencoter, Emmett McCarthy, Pete Davies, Winston Vogel, Lora Tenenbaum, Stephen Wanta, Frank Capelli, Jeff McMillan, Sheila Dugan, Elise Siegel, Jeremy Buzzard, Michelle Angela, Rich Schoenstein, Jason Berkeley, Anne Palmer, Ted Glass, and Rowland Bellasis, spoke in favor of the garden.

Dr. Vicki Papadeus spoke in favor of the garden preservation and against building on it.
Carmela Livoti spoke against building on the garden.

Toni Craddock spoke regarding the garden.
42 Crosby St. application for 3 special permits for construction of a new building
Lora Tenenbaum spoke against the proposal for additional parking in the garage.

SLA Licensing Items

Fitting Room LLC d/b/a Fitting Room, 163 Charles St. (New OP License – Previously Unlicensed)
Marsha Kness, George Fontas, and Louis Raiolo spoke against the proposed liquor license.

Jan Steller spoke regarding the proposed liquor license.

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;

Gale Brewer, Man. Borough President

Sarah Sanchala, Assembly Member Deborah Glick's office

Jeffrey LeFrancois, Council Member Corey Johnson’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 November minutes and distribution of December minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

ARTS & INSTITUTIONS

Application: The Whitney Museum of American Art is seeking approval by the Public Design Commission (PDC) for a “Distinctive Sidewalk Design” on Gansevoort Street, starting west of the High Line Park and continuing to Washington Street and north on 10th Avenue to the end of their property, involving:

Changing the scoring pattern in the concrete from standard Department of Transportation (DOT) spacing of 5’ to 6’8”

Changing the color of the concrete from the standard DOT typically employs to a slightly different color that matches the paving of the Whitney’s “Largo” (open area) and coordinates with the building facade

Reinstalling the current steel curb face

WHEREAS, the Whitney Museum is a welcome and important addition to the CB2 area, especially the Gansevoort Market neighborhood; and

WHEREAS, no one from the area surrounding the Whitney location attended this hearing or registered any complaints; and

WHEREAS, the Whitney takes up most of the block west of the High Line Park; and

WHEREAS, other parts of nearby blocks and sidewalks in other locations in the CB2 area have changes in sidewalk scoring patterns, materials, colors and curb face; and

WHEREAS, while there was some concern that a sidewalk matching the Whitney’s property might give the impression that the sidewalk is part of the Whitney property, but the stairs and change of grade from the Largo to the sidewalk create a delineation between the private Largo and public sidewalk, and there is a consensus that matching the sidewalk to the Largo scoring pattern and the Whitney’s vertical panels makes the block more visually cohesive; and

WHEREAS, CB#2, Man. was not presented with the final texture of the proposed sidewalk and expressed concern that it be safe especially in freezing conditions and the Whitney representatives stated that plans are for either a fine-broom or a troweled finish and they are committed to working with DOT for an approved finish; and

WHEREAS, there was discussion about the steel curb face and whether matching the sidewalk across the street was a better or worse choice than continuing the granite curb face on the adjacent High Line sidewalk, but since the existing condition is a steel facing, and both steel curbs and granite curbs are found throughout the Meat Market area, there was no objection.

THEREFORE BE IT RESOLVED: CB#2, Man. supports the application by the Whitney Museum of American Art for its proposed Distinctive Sidewalk Design in scoring pattern, color and curb face, deeming it in context with the museum and an attractive finishing point to the block, and

BE IT FURTHER RESOLVED: CB#2, Man. calls upon the Whitney to assure that the texture and final finish of the sidewalk meet or exceed all DOT safety regulations and be selected carefully to assure pedestrian safety.

VOTE: Unanimous, with 36 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:16 - 57-63 Greene Street (Broome/Grand) - SoHo-Cast Iron Historic District. A store building designed by Edward H. Kendell and built in 1876-77. Application is to extend an existing elevator bulkhead.

Whereas, the applicant made a thorough presentation, demonstrating the great deal of trouble it took to make the bulkhead so minimally visible; now

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

Vote: Unanimous, with 36 Board members in favor.

2 - LPC Item:18 - 43 King Street (6th/Varick) Charlton-King-Vandam Historic District. A rowhouse originally built c. 1830, and altered c.1955. Application is to alter the front facade and construct rear-yard and rooftop additions. Zoned R-6

Whereas, the new stoop will be an improvement, as will be a re-introduced Federal-style door with its four wooden panels and five-panel transom; and

Whereas, the proposal for a plain, modern railing and fence was preferred by a slight majority of the committee, while a significant minority would prefer something akin to the Federal style; and

Whereas, reproducing the neighboring building's clapboard for the alley-side of the building is preferred over an alternative material, like parging; and

Whereas, the rear-yard addition will not unduly intrude into the doughnut; its materials are acceptable; and there is a harmony and symmetry to the proposed fenestration; and

Whereas, regarding the rooftop addition, we understand that it will be visible from the alley view, and although the proposed materials are appropriate, we would prefer that the addition be lowered as much as possible so as not to be so visible from the street; and

Whereas, the neighboring property owner expressed his concerns that this project could deleteriously affect his property and investment; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application but prefers a less visible rooftop addition; and there was a question of whether a more ornate front fence and railing might not be preferable to the plain, modern style proposed.

Vote: Unanimous, with 36 Board members in favor.

2ND MEETING

3 - LPC Item:9 - 41 Great Jones Street (Bowery/Lafayette) - NoHo Historic District Extension. A Romanesque Revival style store and loft building designed by the Herter Brothers, and built in 1889-90. Application is to modify the fire escape, areaway, and rear façade, excavate at the rear yard, and construct a rooftop addition. Zoned M1-5B

Whereas, although removal of fire escapes usually enhances the view of a building and is usually recommended, this fire escape is original and ornate.

So, the proposal to remove the stairs from this fire escape so that it is no longer is useful as a fire escape, but merely as a balcony, would not detract from the building or the district; and

Whereas, the restoration of the storefront to its original configuration is welcomed, as is the restoration of other elements on the front facade; and

Whereas, the rooftop addition is barely visible; and

Whereas, the removal of the non-original structure at the rear facade 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:10 - 41 Great Jones Street (Bowery/Lafayette) - NoHo Historic District Extension
A Romanesque Revival style store and loft building designed by the Herter Brothers, and built in 1889-90. 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 restoration and preservation effort is remarkably extensive and significant, and more than worthy of a positive report to CPC; now

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

Vote: Unanimous, with 36 Board members in favor.

5 - LPC Item:11 - 130 7th Avenue South - Greenwich Village Historic District. A commercial building designed by Scacchetti & Siegel and built in 1937. Application is to demolish the existing building and to construct a new building. Zoned C2-6

Whereas, there were quite a few members of the public in attendance, divided between support and disapproval; and

Whereas, members of the committee were split on the aesthetics of the building in general, its materials and style, with the majority voting to recommend denial as currently designed; and

Whereas, the committee felt the building was too high, being the same height as the prior proposal, which was rejected by LPC for that very reason; and

Whereas, we strongly object to the penthouse, not only for its design and visibility, but for its very presence.

Too often of late, we see new buildings designed and marketed with ungainly penthouses, which do not add to the building or the district. They are plopped there as a marketing tool to attract higher profits at the expense of the historic district.

If the developer wishes to maximize the bulk and living units, fine. However, rather than create an awkward and incongruous element that stands out disharmoniously from the rest of the building, these new residential building should be designed with sufficient interior units, not with unsightly rooftop additions; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, particularly because of the height and highly visible penthouse element, which draws undue attention to itself without adding anything of architectural significance.

Vote: Passed, with 35 Board members in favor, and 1 recusal (T. Bergman).

6 - LPC Item: 15 8th Avenue (Jane/W12) - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1845. Application is to alter the front and rear facades, and construct rooftop additions. Zoned C1-6/R7

Whereas, the restoration of the storefront will enhance the building; and

Whereas, the applicant presented evidence of shutter pins on this and another building in this row of houses, which is remarkable in its cohesiveness. However it is hard to know if shutters were original to the building; and

Whereas, several members of the committee liked the idea of reintroducing shutters, but the majority felt having only one building with shutters and the rest without shutters would interrupt the harmony of this row of houses; and

Whereas, the alterations to the rear facade, including the introduction of Juliet balconies, would not detract from the building; but

Whereas, the proposal would introduce a noticeably visible trellis and hedge in front of the garden structure, in order to conceal the bulkhead.

The committee felt that simply moving the rooftop safety fence back a few feet would be a solution to the bulkhead issue, instead of introducing a trendy horticultural solution that is out of context with this 1845 building; now

Therefore, be it resolved that CB#2, Man. recommends approval of the front and rear facade work; disapproves the shutters that would destroy the cohesiveness of this row of townhouses; and recommends the rooftop fence be moved back, instead of adding an inappropriate horticultural element to conceal the bulkhead.

Vote: Unanimous, with 36 Board members in favor.

7 - LPC Item: 100 Barrow Street - - St. Luke in the Fields - Greenwich Village Historic District .A vacant lot within the church complex consisting of a Federal style church attributed to Clement Clark Moore and built c. 1821-22, rowhouses built in 1825-26 and a school building designed by Thomas M. Bell and built c. 1950. Application is to construct a new building. Zoned R-6

Whereas, the community board hearing was packed with both supporters and detractors of this proposal; and

Whereas, the mission of the church may be admirable, but unfortunately missional work is not a criterion for a Certificate of Appropriateness; and

Whereas, we found it a bit incongruous that the applicant related the benefits that the proposal would have for its mission devoted to a narrow slice of the community, but ignored the harm such a tall and poorly designed building would have on the greater community; and

Whereas, the committee felt that, at fifteen stories, the building was too tall; and

Whereas, although the applicant presented renderings with views from the east, with the proposed building obscured by the dominance of the Archives Building – an Individual Landmark outside the district – views from within the historic district looking northeast, which revealed the unobscured scale of the building, were not so readily provided; and

Whereas, although the applicant noted that this building is on the very edge of the historic district, the committee felt that the edges of the district are as important as the center, perhaps more so, since one out-of-scale building on the edge could lead to a domino effect of tall buildings throughout the district’s perimeter; and

Whereas, the design of the building was questioned. The top and bottom portions of the tower, with a balanced ratio of masonry to glass, was fine. However, the window wall in the center was out of context, giving the building the appearance of a “sandwich”, with glass as its filler. We felt there is no need for the vast expanse of glass, except to make the developer’s project more attractive to potential renters, at the expense of the historic district; now

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

Vote: Passed, with 34 Board members in favor, and 2 in opposition (J. Hamilton, J. Kiely).

8 - LPC Item: 657 Greenwich Street - Greenwich Village Historic District. A school building designed by Thomas M. Bell and built in the early 1950s, with an addition designed by Barry Rice and built in 2012. Application is construct rooftop and rear additions, and modify openings. Zoned R-6

Whereas, the rooftop and rear additions are appropriate in style, scale and materials; but

Whereas, we have reservations regarding the yellow palette proposed for the upper story; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, with the exception of the choice of yellow for the palette of the upper story.

Vote: Unanimous, with 36 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. No. 140167 ZSM - 59-61 Thompson Street (west side, between Broome and Spring)

Application filed to the City Planning Commission pursuant to Section 74-781 of the Zoning Resolution to allow retail use on portions of the ground floor and cellar of an existing six story building in an M1-5B zoning district.

Whereas

1. A presentation of this application was made by architects Don Weston and Ray Basile;
2. The presentation was disorganized and answers to various questions from the committee were not adequately answered;
3. Unfortunately, 74-781 requires only that the applicant demonstrate an effort to rent the space for conforming uses, and therefore sets a very low bar in an area which has never really had uses conforming to its manufacturing zoning;
4. The application includes an unconvincing demonstration of effort, including use of many out-of-state agencies and failing to advertise in more known local newspapers;
5. The application is to allow retail use of the cellar and part of the ground floor in an M1-5 district in the South Village and states that the intended use is for eating and drinking;
6. The applicant nevertheless expressed willingness to agree to not allow eating and drinking and subsequent to the hearing submitted a letter to this effect;
7. The project will require substantial alteration, including installation of a new stairway and elevator;
8. The new stairway and elevator will occupy almost all of the new ground floor retail space;
9. Use of the cellar for retail other than eating and drinking as part of a premises with almost no ground floor space appears unlikely to succeed and reduces the credibility of the promise to restrict the use, which is unenforceable unless stipulated in the special permit or the deed;
10. An eating and drinking use or club use of this size on this block would be harmful to the mostly residential quality of the block;
11. The zoning analysis presented to the committee states that the current uses of the cellar are “Mechanical Equipment, Storage & Vacant” but no evidence was presented of any prior use of the cellar other than for mechanical equipment, and the presenters stated that “the cellar was not used for anything before”;
12. According to information obtained during a prior application for this site in 2011 and according to testimony of a resident in the building at the hearing, the basement was excavated at some point prior to 2011, but there is no building permit for such work on record on the DOB web site.

Therefore it is resolved that CB#2, Man. strongly recommends denial of this application unless an enforceable prohibition of eating and drinking use can be put in place such as a stipulation in the special permit or a permanent restrictive declaration.

Vote: Unanimous, with 36 Board members in favor.

2. 42 Crosby Street (northwest corner of Crosby and Broome Streets): Application filed to the City Planning Commission for three special permits, pursuant to (1) Section 74-712(a) of the Zoning Resolution to allow retail use on the ground floor and residential use on floors two through 7 of a seven-story building in an M1-5B zoning district; (2) Section 74-712(b) of the Zoning Resolution to allow an increase in the permitted width of a sun-control device, which is a permitted obstruction in the required setback area; and (3) Sections 13-45 and 13-451 of the Zoning Resolution to allow an accessory parking garage with 10 spaces (1 for each apartment planned for the building – only 2 spaces would be permitted as of right).

A resolution recommending approval of this application for three special permits to allow construction of a new building with residential and retail uses and 10 underground accessory parking spaces.

Whereas:

1. The application was presented by Deirdre Carson, standing in for Jay Segal for the applicant Broome Street Owner LLC;

2. The proposed building would be built on a site currently used as an open commercial parking lot;
3. The building would contain 10 residential units of floors and retail use on the ground floor;
4. The residential uses are allowed under the 74-712a special permit for which the proposed building qualifies based on the Certificate of Appropriateness issued by the Landmark Preservation Commission;
5. The wider sun control device would have no apparent impact on anything affecting the public;
6. The building would include a garage in the cellar with ten accessory parking spaces, exceeding the allowed number of spaces which is two;
7. The parking entrance has been carefully designed for pedestrian safety and to reduce likelihood of congestion on the street caused by cars waiting to enter;
8. The curb cut will be only 12 feet wide, less than one car length;
9. There will be some benefit to the parking by reducing congestion caused by residents double parking to load vehicles;
10. A study of neighborhood parking was presented to demonstrate the required findings for the special permit were met;
11. In December, 2006, CB2 recommended approval of a similar application to increase the number of accessory parking spaces in connection with an application to allow a new building under 74-712
12. One neighbor spoke against allowing an increase in the number of parking spaces because of traffic conditions in the area, particularly on Broome Street which is very close to the garage entrance;

Therefore it is resolved that CB#2, Man.

1. **Recommends approval of the special permit which will allow construction of a new mixed use building at 42 Crosby Street, a significant improvement over the current parking lot use;**
2. **Does not object to the special permits allowing for a wider sun control device and increase in the number of accessory parking spaces to ten.**

Vote: Passed, with 32 Board members in favor, and 4 in opposition (K. Berger, D. Diether, L. Rakoff, S. Secunda).

3. 74 Grand Street (north side between Wooster and Greene Streets). Application No. 318-13-BZ to the Board of Standards & Appeals for a variance of ZR 42-10 and 42-14.D(2)(b) to permit construction of a 12,493 square foot new building with FAR 5 containing Use Group 6 retail and Use Group 2 residential uses on a vacant lot in an M1-5B zoning district in the SoHo Cast Iron Historic District.

A resolution recommending approval of an application for a variance to permit construction of a new building with residential and ground floor and cellar retail uses at 74 Grand Street.

Whereas

1. The application was presented by Judy Gallant of Bryan Cave, representing Freitas, the applicant, who was also in attendance;
2. The proposal is to construct a six-story building on a vacant lot;
3. The building would include four residential units on floors two through 6 and retail on the ground floor and cellar;
4. The proposal is for 5.0 FAR which is equal to the FAR for conforming uses in the M1-5B district within the SoHo Cast Iron Historic District;
5. In this case, the conditions are truly unique;
6. The prior building on the site was a five story loft building with a cast iron façade and with four JLWQA units
7. In 2004, improper excavation at 72 Grand Street caused the foundation of this building to buckle;

8. In 2009, the Department of Buildings ordered demolition of the building subject to approval from the Landmark Preservation Commission;
9. The LPC ordered that the cast iron façade be disassembled and preserved for future use;
10. In 2013, LPC granted a Certificate of Appropriateness for the proposed building;
11. The proposed building will incorporate all the elements of the old façade;
12. The proposed building will not be built as deep as the original building, allowing for a rear yard as required for the residential use;
13. The sixth story will be set back 12 feet and not visible except from the street across the still vacant lot to the west;
14. This unique project brings back, at significant expense, a 19th Century Façade and goes half way to restoring a corner that was destroyed by careless construction activity on the adjacent lot;
15. No one spoke for or against the application.

Therefore it is resolved that CB#2, Man. recommends approval of a new building with residential and retail uses at 74 Grand Street and commends the developer for this contribution to district.

Vote: Unanimous, with 36 Board members in favor.

4. **110 Christopher Street (south side between Bleecker and Bedford).**_ Application No. 16-93 BZ to Board of Standards & Appeals to extend the terms of a Special Permit to allow an existing custom dressmaking store and office in the cellar of an existing multiple-dwelling in an R-6 zone.

A resolution stating no objection to granting an application for renewal of a special permit to allow operation of a dress shop in the cellar of at 110 Christopher Street.

Whereas:

1. The application was presented to the committee by Seven Sulfaro of the Law Offices of Carl A. Sulfaro , representing the applicant;
2. The building is a five story multiple dwelling in an R6 district;
3. This 350 square foot cellar space has direct access from the sidewalk;
4. The space has been continuously used for commercial purposes since a variance was granted by the BSA in 1960;
5. The current custom dressmaking and sales shop employs only two persons;
6. The shop operates daily from 8 AM to 6 PM and is closed on Sundays;
7. The current use has been in place since the granting of a BSA special permit in 1994 and this application is to renew the current permit with no change;
8. There have been no known complaints regarding the current use;
9. No one appeared at the hearing to speak for or against this application.

Therefore it is resolved that CB#2, Man. has no objection to this application to renew of a special permit allowing operation of a small dress making show in the cellar of 110 Christopher Street.

Vote: Unanimous, with 36 Board members in favor.

5. Elizabeth Street Garden (a through lot from Elizabeth Street to Mott Street between Spring and Prince Streets). A request from a group of residents and business owners asking CB2 to support efforts to preserve a garden and establish its official status as a public green open space.

A resolution urging the City to transfer this site to the Parks Department and committing CB2 to work with the City and elected officials to support preservation and creation of affordable housing in the district.

Whereas

1. A public hearing was held on November 4, 2013, at PS 130;
2. Presentations were made by a group of neighbors supporting preservation of the garden and by the Department of Housing Preservation and Development;
3. HPD considers the site to be viable for an affordable housing development of 60 or 70 units;
4. HPD would encourage community input for a Request for Proposals, but many details of the project would emerge based on proposals submitted by private developers;
5. During the first “rent-up”, 50 percent of the units would be reserved for qualified applicants from within CB2;
6. Elizabeth Street Garden is a 20,000 square foot plot of city-owned land on a through lot from Elizabeth Street to Mott Street, between Spring and Prince Streets;
7. In the mid-1970’s, Primary School 21 was demolished and in 1981 part of the lot on which it stood was sold to LIRA Apartments Co. for the construction of 152 units of Section 8 affordable housing now known as 21 Spring Street;
8. The agreement called for development and maintenance by LIRA of a public “recreation area” on the remaining portion of the school site, which remained city-owned, but for unknown reasons this never occurred creating a derelict condition on the site where the garden is now;
9. In April, 1990, CB2 Manhattan recommended in favor of a proposal to lease this debris and weed covered lot to Allan Reiver for use by his company, Elizabeth Street Gallery;

10. Beginning February 1, 1991, the lot was leased on a month-to-month basis for \$4,000 per month to Mr. Reiver, who kept the promise he made to CB2 and-cleaned the lot, planted it with trees, shrubs, and lawns, and maintained it for almost a quarter-century as a unique and attractive location where artifacts are displayed in a park-like setting, some being permanently installed and some placed on display and offered for sale;
11. The city rolled over the lease continuously with no rent increase and the public ownership of the land faded from public attention;
12. Since 2005, when Mr. Reiver purchased the adjacent building where he now lives and operates the Gallery, he voluntarily allowed public access to the garden, albeit on an inconsistent basis and with access through the private gallery;
13. On June 1’ 2013, at a neighborhood “It’s My Park Day” event in DeSalvio Playground-when local families discussed moving their focus to promoting public access to the garden, they learned for the first time that it was on city-owned land and had been designated as a site for affordable housing in conjunction with the SPURA rezoning in September 2012;
14. This group of park advocates has joined with local business owners to form a volunteer initiative to preserve the garden as public green open space;
15. Since then, with the cooperation of the Gallery owner, the volunteers opened the garden daily from noon to 6 PM, with direct public access through the Elizabeth Street gates on Wednesdays and weekends;

16. The group has also organized free community events including movie nights, poetry readings, children's art programs, the planting of 2,000 daffodil bulbs and a Harvest Festival attended by 1500 people;
17. They have organized volunteers to staff, clean, garden, program events, apply for grants, expand outreach to the local community and launched the elizabethstreetgarden.org website in English and Chinese;
18. The November 4 public hearing, was attended by 157 guests, mostly nearby neighbors;
19. Attendees at the hearing demonstrated overwhelming and passionate support for the preservation of the garden, while only four people spoke in favor of affordable housing at the site and one expressed concern about the safety of current sculpture installations;
20. Responding to follow-up questions from the Land Use Committee, the Elizabeth Street Garden volunteers committed to form an independent non-profit organization to preserve the Garden, either under the NYC Parks Green Thumb community garden program or other City jurisdiction;
21. Also responding to follow-up questions, the gallery owner stated his support for creating a public open space at the site;
22. The Elizabeth Street Garden volunteers have a convincing case for a public garden, a clear mission, and significant local support as demonstrated by attendance at the Harvest Festival and the November CB 2 Land Use hearing;
23. The group needs CB2's support to continue their civic contribution and move forward with a permanent structure that takes the garden beyond its current status as a privately controlled site;
24. Little Italy and SoHo, with almost a quarter of the CB2 population, have only three percent of its parkland, virtually all of which is paved;
25. Much of CB2's open space is concentrated in Hudson River Park and Washington Square Park, 1.2 miles and 0.9 miles respectively from the Garden, and this part of our district is characterized by long blocks with narrow streets, small apartments that depend on air shafts for light and air, and none of the small neighborhood squares and green spaces that provide respite in other parts of the district;
26. The Elizabeth Street Garden provides a much-loved urban oasis to the least green part of CB2, the only place where grass grows in the densely built blocks from Canal Street to Houston Street, from the Bowery to West Street;
27. Open space once built on can never be retrieved, and this space is no less precious than others in the district such as LaGuardia Corner Gardens or Jefferson Market Garden;
28. The area around the garden includes the affordable housing at 21 Spring Street, the rehabilitation project for a low-income co-op at 244 Elizabeth Street, and a significant stock of rent-stabilized apartments, many of which are at risk as property owners seeking to take advantage of high market rate rental values are able to terminate the stabilized status, often but not always using legal means;
29. Although this area is densely built, contains few vacant lots, and new construction is limited by the Special Little Italy District, there are significant opportunities to build and preserve affordable housing in our district, including the new Hudson Square Special District, which offers a zoning bonus for new affordable units, as part of future rezoning proposals and other new development, and through greater efforts to preserve the existing affordable housing stock.

Therefore it is resolved that CB#2, Man.

- 1. Supports the permanent preservation of the Elizabeth Street Garden in its entirety as a public open, green space and urges the City to transfer jurisdiction over this lot to the Parks Department;**
- 2. Supports the efforts of the Elizabeth Street Garden volunteers to form an independent non-profit group dedicated to improving the garden, guaranteeing open public access, and providing programming, community events, and opportunities for volunteers;**

3. Commits to an ongoing strategic and activist effort alongside our elected officials and government agencies to expand and preserve affordable housing in the district.

Vote: Passed, with 31 Board members in favor, and 5 in opposition (S. Aaron, D. Ballen, W. Bray, M. Derr, R. Sanz).

SIDEWALKS/STREET ACTIVITIES

App. to Dept. of Consumer Affairs for Newsstand at:

1. On Centre St. near the northeast corner of Canal St.

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

Whereas, there were several emails sent to CB2 strongly opposed to the location for a newsstand due to the fact there are already 5 existing newsstands within a single block of this location and a 6th located just one additional block down Centre St, and

Whereas, the committee could not immediately see any technical problems with the location, we are adamantly opposed to adding yet another newsstand to a congested area that is already literally chock-a-block with them,

THEREFORE BE IT RESOLVED that CB#2, Man. STRONGLY recommends DENIAL of an application for a newsstand on Centre St near the northeast corner of Canal St, DCA# 580-2013-ANWS

VOTE: Unanimous, with 36 Board members in favor.

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

2. 98 Kenmare Restaurant Group LLC d/b/a Maison O, 98 Kenmare St (btw Cleveland Pl & Mulberry St), with 14 tables & 28 chairs, DCA# 2199-2013-ASWC

Block:481 Lot:32 Lot Frontage:100' Lot Depth:100.17 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:30 Total # of Units:32
Zoning:C6-1

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 had been previously approved but has not been operated for at least two years, and

Whereas, according to DCA no changes have occurred in the plan and the blueprint we were provided by both DCA and the applicant was the same plan from 2+ years ago, and

Whereas, this cannot be considered the same café as the façade has subsequently been modified, including:

- Two doors have been added within the café area, neither of which is shown on the print
- The locations of both doors, one of which is the food service access, are shown with furniture blocking them

- The door indicated for food service is no longer accessible by the applicant
- In addition, a fire escape and drop ladder are not shown on the print

Whereas, neither the applicant nor DCA produced a print remotely matching the current conditions of the establishment, it was impossible for CB2 Manhattan to assess this application,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **98 Kenmare Restaurant Group LLC d/b/a Maison O, 98 Kenmare St (btw Cleveland Pl & Mulberry St), with 14 tables & 28 chairs, DCA# 2199-2013-ASWC; and**

FURTHER BE IT RESOLVED that CB#2, Man. requests that DCA require this applicant to file a new application with a blueprint that correctly reflects the current conditions of the café location, and allows for a proper review by CB2 Manhattan as required by law

VOTE: Unanimous, with 36 Board members in favor.

3. Upright Holding 547 LLC d/b/a Upright Holding Brew House, 547 Hudson St (btw Charles St & Perry St), with 6 tables & 12 chairs, DCA# 3028-2013-ASWC

Block:632 Lot:149	Lot Frontage:19'	Lot Depth:90.42	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:3	Total # of Units:4
Zoning: C1-6			

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

Whereas, this café is proposed for a sidewalk of 19'4" width but which has a bicycle rack directly in front that limits the usable sidewalk width to 15'4", and an allowable café depth of 7'8" (half of the unobstructed sidewalk), and

Whereas, the supplied print erroneously showed the bicycle rack 12" from the curb when it is actually 3' from the curb as well as showing the clear path extending to the curb rather than to the "bicycle rack (with bicycles)" as required, and the applicant committed to immediately have his architect correct the print, and

Whereas, the narrower usable sidewalk means the indicated service aisle at the outside of the tables is no longer possible, but tables can be separated enough to use the available 7'8" of space and service can be handled (between diners) from the service aisle shared with entry to the restaurant, and

Whereas, the applicant has agreed as part of their Method of Operation on their SLA license for the sidewalk café to operate the café no later than 9:00pm Sun-Thurs and 10:00pm Fri-Sat,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Upright Holding 547 LLC d/b/a Upright Holding Brew House, 547 Hudson St, with 6 tables & 12 chairs, DCA# 3028-2013-ASWC**

PROVIDED the applicant provides DCA with a new plan correctly showing the location of the bicycle rack and the resulting reduced usable sidewalk and outside food service aisle

VOTE: Unanimous, with 36 Board members in favor.

Renewal/modification app for revocable consent to operate an Unenclosed sidewalk cafe for:

4. 753 Washington Trattoria Inc. d/b/a [none indicated], 753 Washington St. (SE corner of Bethune St), with 12 tables & 26 chairs, DCA# 1382062

Block:635Lot:11 Lot Frontage:20'Lot Depth:55 Year Built:1905(estimated)
Number of Buildings:1; Number of Floors:3 Residential Units:2Total # of Units:3
Zoning:C1-6A

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

Whereas, this restaurant has been operated with a d/b/a of Malaparte for at least 2 years, but there is no d/b/a listed on this application or current license, and

Whereas, this application is for a renewal of an existing café on the Bethune St side of the restaurant and a modification which adds café seating on the Washington St side, and

Whereas, this café modification is proposed for the Washington St side of the restaurant on a sidewalk of 15'2" width but which has a fire hydrant which limits the unobstructed sidewalk width to 13' and street light (with cross signal) which further limits the north end of the café space, and

Whereas, the café modification is dependent on service taking place through a set of folding doors shown on the plan, but that façade modification has not been done and the committee does not typically support applications which are based on non-existent conditions, and

Whereas, the supplied print also shows 3 square tables and 1 round table with one chair angled to allow it to fit within the space requested in the application, and the committee requested the applicant use only one size/shape of table and rearrange or reduce the seating to provide a reproducible café layout that can be realistically set up in daily operation, and the applicant agreed,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **753 Washington Trattoria Inc. d/b/a [none indicated], 753 Washington St. (SE corner of Bethune St), with 12 tables & 26 chairs, DCA# 1382062**

FURTHER BE IT RESOLVED that Community Board 2 Manhattan maintains that this application should have been filed only after the doors required for the additional café seating were installed as the print supplied does not represent the existing conditions at the time the application was filed

VOTE: Unanimous, with 36 Board members in favor.

FYI Renewals:

Whereas, the renewals below were posted on the CB#2, Man. 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,

- 110 Varick St. Corp., d/b/a Amelia’s Restaurant Coffee Shop, 110 Varick St., with 12 tables & 24 chairs, DCA# 1312498
- Pomodoro Restaurant and Pizzeria, Inc., 51 Spring St., with 6 tables & 18 chairs, DCA#0884882
- Rustic Table, LLC d/b/a The Quarter, 522 Hudson St., with 16 tables & 32 chairs, DCA# 1444395

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

VOTE: Unanimous, with 36 Board members in favor.

5. 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 CB#2, Man: has no issue with these applications:

APPROVED

- 1. 3/30/14 Waverly Block Assn., Washington Sq. No. bet. University Pl. & Macdougall St.**

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

- 2. 5/22-6/1/14 Society of St. Anthony of Giovinazzo, Inc./St. Anthony’s Feast, Mulberry St. bet. Broome St. & Spring St.**

Vote: Passed, with 26 Board members in favor, and 10 in opposition (T. Bergman, H. Campbell, C. Booth, R. Ely, J. Frost, R. Goldberg, S. Kent, L. Rakoff, S. Sweeney, S. Tyree).

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

Whereas, despite numerous claims by the representative from Stonewall Veterans, CB#2, Man. still sees no independent evidence that those activities actually occur, and

Whereas, Saint Stephen Our Lady of Scapular is located on E. 28th St. and hence has no “indigenous relationship” whatsoever to any area within or even bordering CB2,

THEREFORE BE IT RESOLVED CB#2, Man. **DOES NOT** support this application for a street fair on the street and date noted above.

Vote: Passed, with 26 Board members in favor, and 10 in opposition (S. Sweeney, S. Wittenberg, T. Connor, R. Goldberg, J. Frost, L. Rakoff, J. Hamilton, J. Kiely, D. Gruber, D. Ballen).

SLA LICENSING

1. **Ciao Stella Corp. d/b/a 206 Lounge, 206 Sullivan Street 10012** (renewal of existing OP license)

Whereas, the Licensee did not comply with the request to return to CB2's SLA Licensing Committee on January 14th, 2014 after stating he would do so on December 10, 2013 in order to continue to address concerns regarding the renewal of his liquor license and the request to submit an alteration application to the Liquor Authority in order to properly amend his existing license to properly reflect the existing method of operation; and,

Whereas, when the licensee (serial #1145855) originally applied for a full OP license in 2003 at these premises and was subject to the 500 Ft Rule, the proposed method of operation to CB 2, the surrounding community and to the SLA was to operate as a Full Service Italian Restaurant with hours of operation from 11 AM to Midnight 7 days a week, there would be 16 tables, 48 seats and 1 standup bar with 6 seats, restaurant use for patrons on the ground floor only and music would be background only with no DJ ; and

Whereas, the storefront/ground floor and basement of these premises now operate as a bar and lounge open from 6 pm until 4 am seven nights a week, there is live music, comedy shows, open mics, DJs and dancing at the premises and is advertised as such and the seating is now lounge style with couches etc. and the basement is used contrary to their stated plans and in violation of the existing letter of no objection which is for patron use on the first floor only; and

Whereas, CB#2, Man. has never been given an opportunity to review the licensee's change in method of operation from Italian Restaurant to Bar/Lounge where live music is being performed; and

Whereas, neighbors who reside in the area have made complaints to CB2 about the licensee's current method of operation, occasional loud noise coming from the establishment in the form of live music and music from dj's and have questioned how the operator could operate as a bar and lounge with live music, dj and dancing on the false pretext that it was originally licensed and operated as an Italian Restaurant until approximately 2 years ago; and

Whereas, the Licensee also operates an unlicensed illegal outdoor sidewalk café immediately in front of the premises in which it also serves alcohol and which is not included within the diagrammed premises; and,

Whereas, the Licensee claims that the outdoor sidewalk café is on his property but according to the Maps of The City of New York President of the Borough of Manhattan Topographical Bureau, the sidewalk width at this location is indicated as 13 feet which would be approximately to the building line and therefore includes no area which would possibly be "private property"; and,

Whereas, the owner and licensee appeared before CB2's SLA Licensing Committee on December 10th, 2013, at which time the committee explained to the licensee that there were certain concerns about the licensee's current method of operation and that the licensee needed to immediately file with the SLA for an alteration of his exiting OP license to operate as a bar and lounge with live music in order to receive CB2's support for the renewal of their existing liquor license and as a result, the licensee agreed to a one month layover of his renewal application with CB 2 to January/2014 to allow the licensee to file the proper paperwork with the SLA so that his application and paperwork to change his method of operation was filed and ready for review; and,

Whereas, the licensee and his representative failed to return to CB2's SLA Licensing Committee at its next meeting on January 14, 2013, failed to communicate with the CB2 Board Office or SLA Committee Chairs at all, failed to file with the SLA its proposed change in operation from a Restaurant to a Bar/Lounge with live music, dancing and outdoor seating areas or to permit CB2 to review the filings or application required to make these changes; and

Whereas, it is clear on the applicants original application to the Liquor Authority that the proposed method of operation was Restaurant with background music from a cd player, that the hours of operation would be Monday to Sunday from 11 am to Midnight, that there would be no security personnel, and that patron seating and use would be on the ground floor only and that no outdoor areas or sidewalk café were included as part of the premises; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the renewal of any OP license to **Ciao Stella Corp. d/b/a 206 Lounge, 206 Sullivan Street 10012 (serial #1145855)**; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that the Liquor Authority further investigate the current Method of Operation of the premises and take any necessary enforcement actions as it deems appropriate; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that the Liquor Authority request that this applicant appear before CB2, Manhattan's SLA Licensing Committee in the future should they file any alterations to their existing license so that CB2 is able to forward an appropriate recommendation to the SLA.

Vote: Unanimous, with 36 Board members in favor.

2. Super Gourmet Food Corp. d/b/a Thunder Jackson's, 169 Bleecker St. 10012 (renewal of existing OP license)

Whereas, the Manager of the licensee appeared before CB2's SLA committee; and,

Whereas, when the licensee (serial #1200248) originally applied for a full OP license in 2007 at these premises, the proposed method of operation identified to CB#2, Man., the Bleecker Area Merchants' & Residents' Association ("BAMRA"), the surrounding community and the SLA was to operate as a Restaurant, focusing on "the dirty burger," which was a specialty of their chef along with crab cakes, fried oysters, baby back ribs, "lollipop lamb chops" and "Louisiana Turtle Head Soup"; and

Whereas, based on those representations of use of the premises as a Restaurant and not a Bar, support for the licensee and a recommendation to the SLA approving the OP license was provided by CB#2, Man.; and

Whereas, within six months to one-year of operating out of these premise, the licensee changed and altered the method of operation for the premises from a Restaurant to a Sports Bar with six TVs, the seating arrangement was altered to accommodate a bar rather than a Restaurant and music blaring through the open windows; and

Whereas, neighbors who reside in the immediate area and BAMRA have made complaints to CB#2, Man. about the licensee’s current method of operation, loud noise coming from the establishment in the form of music and have questioned how the licensee could operate as a Sports Bar on the false pretext that it was to be operated as a Restaurant; and

Whereas, the Manager stated that there are currently 36 seats and one bar with an additional 12 seats within the premises and that there current hours of operation are Sunday through Tuesday until 12:30 am and from Thursday through Saturday until 3:30 am: and

Whereas, the Manager stated that he will be redesigning the menu and replacing the staff in an attempt to ameliorate the current problems relating to noise and loud music coming from the premises; and

Whereas, the licensee executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA OP license into the future as follows:

1. The hours of operation will be from 11:30 am to 1:30 am Sunday to Thursday and 11:30 am to 3:30 am on Fridays and Saturdays.
2. They will operate as a full service restaurant serving American Comfort food.
3. They will not operate as a nightclub/disco as defined by NYS ABC law guidelines.
4. There will not seek a Cabaret license in the future.
5. They will close all doors and windows at 9PM every night.
6. There will be no promoted events or scheduled performances, live music or DJs.
7. They will close all windows during sporting events.
8. They will expand their existing food service.
9. Take significant steps to reduce quality of life issues for the surrounding community and neighbors.
10. Will never advertise as a sports bar or advertise sporting events at the premises.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the existing full OP license on renewal for **Super Gourmet Food Corp. d/b/a Thunder Jackson’s, 169 Bleecker St. 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 On Premises License.

Vote: Unanimous, with 36 Board members in favor.

3. Michael J. Fanelli Inc., d/b/a Fanelli Cafe, 94 Prince Street 10012 (existing OP license seeking corporate change among existing shareholders)

Whereas, the applicant appeared before CB2’s SLA committee; and,

Whereas, the applicant has operated a Pub Restaurant at 94 Prince Street in a mixed-use building between Mercer and Greene Streets for many years and now seeks to transfer shares of ownership among family members; and

Whereas, the current hours of operation are from 10 am to 2 am Monday through Thursday and from 10 am to 4 am on Friday and Saturday, there are 22 tables and 46 seats and one bar with 15 seats; 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 as follows:

1. Music will be background only.
2. There will be no promoted events or scheduled performances.
3. There will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages.
4. There will be no patron use of the basement.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the full OP license for **Michael J. Fanelli Inc., d/b/a Fanelli Cafe, 94 Prince Street 10012** **unless** the statements of the applicant as presented to CB#2, Man. 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 On Premises License.

Vote: Unanimous, with 36 Board members in favor.

4. 161 Mulberry Restaurant LLC d/b/a Italian Food Center, 161 Mulberry Street 10013
(existing full OP license seeking alteration to add service to sidewalk café)

Whereas, the applicant appeared before CB2’s SLA committee; and,

Whereas, this application is to alter an existing OP license to add service to a sidewalk café in a mixed use building on the corner of Mulberry and Grand Streets; and

Whereas, the existing premises are 3,400 SF, occupying the ground floor and basement floors, there are 54 tables and 115 seats and 2 bars with 17 seats; and

Whereas, the applicant initially appeared for a full OP license before CB#2, Man. on June 27, 2012 and an OP license was approved contingent upon the applicant agreeing to incorporate the following stipulations into its method of operation on its SLA OP license:

1. The operating hours will be Sunday to Wednesday from 8 am to 1 am and Thursday to Saturday from 8 am to 2 am and the premises will be closed and no patrons will remain at the closing time.
2. The premises will be operated as a full service restaurant only.
3. The kitchen will be open until the premises are closed.
4. There will be no DJs and No Live Music.
5. All doors and windows will be closed at 10 pm every night of the week.

Whereas, the café is proposed for a sidewalk of approximately 12’ 8” width and 79’ of frontage on Mulberry St and a sidewalk of 17’ 6” width and 16’ 2” of frontage on Grand St with two separate gaps in seating on Mulberry St to allow required clearance for a Siamese connection and a fire escape drop ladder, and the applicant appeared before CB#2, Man. for a sidewalk café license in October/2012; and

Whereas, on October 18, 2012 CB#2, Man. recommended approval to operate the an unenclosed sidewalk café in front of the premises conditional upon the café seating being limited to 19 tables and 40 seats (DCA# 1443292); and

Whereas, the principals of this establishment also own and operate a licensed premise SN1195719, Akram Restaurant Management, Inc. d/b/a Da Gennaro located at 129 Mulberry St. 10013 which has had extensive issues over the years operating their sidewalk café; CB2 resolution excerpts are below:

In June 2011, CB#2, Man. Minutes indicate the follow in regards to Da Gennaro from a Sidewalk and Street Activity Resolution:

Whereas, this café has been noted by several committee members who have documented this with photographs taken at multiple times to consistently violate its seating plan by extending tables to the corner of the building at Hester Street leaving as little as 3 or 4 feet of sidewalk between the tables and the corner streetlight pole, and

Whereas, the restaurant staff has no other way to serve those misplaced tables but use the remaining sidewalk, and

Whereas, there is almost always an additional staff member haranguing pedestrians to eat at the restaurant further blocking the corner and wait staff consistently using the public sidewalk all along the café to serve rather than restricting service to the designated service aisles, and

In July 2011, CB2, Man. Minutes indicate the following in regards to Da Gennaro from an SLA Licensing Committee Resolution:

Whereas, CB#2, Man. 's Sidewalk Café committee and CB#2, Man. 's Full Board took the extraordinary step and denied the expansion of the sidewalk café because the applicant's current operations in the sidewalk café are always in contradiction to the license for the sidewalk café such as not following proper layout, adding additional tables and chairs beyond the approved number and serving from the sidewalk instead of the service isle; and,

Whereas, the applicant sought to operate the sidewalk café until midnight seven nights per week;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **161 Mulberry Restaurant LLC d/b/a Italian Food Center, 161 Mulberry Street 10013** on its application seeking an alteration of its existing method of operation to add service to sidewalk café.

Vote: Unanimous, with 36 Board members in favor.

5. WHANY LLC d/b/a Café Wha, 115 McDougal Street 10012. (existing OP – seeking transfer of partial ownership)

Whereas, the applicant appeared before CB2's SLA committee; and

Whereas, the existing owners are seeking to transfer a 20% portion of their existing ownership to an existing Manager of the business by bringing in the Manager as a new owner while also continuing to maintain an ownership interest in the on-going operations, and do not seek to change or alter the existing method of operation at the premises; and

Whereas, the premises have been operated as a live amplified music venue with scheduled performances at 115 McDougal between Minetta Lane and West 3rd Street since 1977; and

Whereas, the premises currently operates in a 3000 SF space on the first and basement levels of a mixed use building with 89 tables and 229 seats for a total permitted occupancy of 280; and

Whereas, the current hours of operation are from 7pm to 4am seven days per week

Whereas, the applicant also appeared before the Bleecker Area Merchants' & Residents' Association ("BAMRA"); and

Whereas, BAMRA voted 11-0 in favor of approving the instant application provided that certain stipulations be included as conditions of the license and whereas those agreed upon stipulations have also been incorporated into and made a part of the instant resolution; 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 full OP license and the stipulations are as follows:

1. The premises will be advertised and operated as a live music venue.
2. The hours of operation will be from 7 pm to 4 am seven days per week.
3. There will be no sidewalk café.
4. The operators agree to limit the use of the Minetta Street exit and agree that when they use that exit, a security/staff member will stand on Minetta at or near the exit expediting the exiting patrons quickly and quietly out of the premises.
5. There will be no televisions.
6. There will be no operable windows to this establishment that can be opened and doors will remain closed at all times except for egress/ingress.
7. The applicant will have an English speaking manager at all times who can adequately communicate with residents of the community.
8. The applicant will use reasonable efforts to remedy any traffic issues brought to its attention.
9. The applicant shall not place refuse at the curb except as close to pick up times and will make best efforts to coordinate garbage pick times with other nearby commercial establishments.
10. The applicant will maintain communication with their carting company to keep garbage trucks from running into tree guards around nearby tree pits.
11. There will be no illuminated signage or lighting on or within establishment that would adversely affect and unreasonably disturb residents living nearby.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a transfer of an existing full OP license to **WHANY LLC d/b/a Café Wha, 115 McDougal 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 On Premises License.

Vote: Unanimous, with 36 Board members in favor.

6. Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond St. 10012 (existing beer and wine-seeking alteration to add sidewalk cafe)

Whereas, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for an alteration to add service to a sidewalk café for an existing beer and wine license at 55 Bond Street located and Great Jones Streets; and

Whereas, the applicant operates a French style bistro restaurant in a 1500 SF space in a mixed use building, having 21 tables with 42 seats, 1 bar with 9 seats, no TVs, with background music only, seeks to add 14 additional seats and 7 tables outside on the sidewalk; and

Whereas, the applicant currently operates from Sunday through Tuesday from 11 am through 1 am and from Wednesday through to Saturday from 11 am through 2 am; and

Whereas, the applicant executed a stipulations agreement (in addition to any existing agreements with this applicant) 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 a full service French bistro restaurant.
2. The hours of operation will be Sunday through Tuesday from 11 am through 1 am and from Wednesday through to Saturday.
3. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
4. There will be no televisions.
5. There will be no music played outside the restaurant, there will be no waiters' station outside at the sidewalk café, there will be four seat tables placed against the façade of the building, there will be only 7 tables and 14 seats to the sidewalk café and the sidewalk café will close (dark and no patrons) at 11 PM Sunday through Thursday and at Midnight Friday and Saturday.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond St. 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.

7. Il Giglio NY CTM Corp. d/b/a Susanna, 182 Bleecker Street 10012 (application for beer and wine license in a previously unlicensed location)

Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new beer and wine license at a previously unlicensed location for an family style restaurant and Pizzeria at 182 Bleecker Street between Sullivan and McDougal Streets in a mixed use building; and

Whereas, this location has never operated with an OP and/or Beer and Wine license previously; and

Whereas, the storefront premises has a letter of no objection from the Department of Buildings dated October 31, 2013 for an eating and drinking establishment, use group 6 for an occupancy of no more than 74, but was previously occupied by a Red Mango and Currywurst establishment but without any beer and wine or OP license; and

Whereas, the space is 1435 SF, with 785 SF on the first floor and 650 SF in the basement but the basement will not be used for eating and drinking, there are currently 13 tables and 34 seats, one bar with six seats on the first, there will be no TVs and music will be background only; and

Whereas, there will be a backyard garden with 10 tables and twenty seats consistent with prior use of the rear yard by previous operators, the backyard garden will be closed at 9:30 PM, lights out, every night; and

Whereas, the hours of operation the Restaurant will continue to be from 11 am to Midnight seven days per week and will continue to operate as a full service restaurant with no sidewalk café; and

Whereas, the applicant agreed never to seek a full OP license at this location as any point in the future; and

Whereas the applicant performed outreach in the neighborhood, obtained approximately 150 signatures from surrounding neighbors in support of the instant application and further appeared before the Bleecker Area Merchants' & Residents' Association ("BAMRA") for this same purpose; and

Whereas BAMRA voted 13-0 in favor of approving the instant application provided that certain stipulations be included as conditions of the license and whereas those agreed upon stipulations have also been incorporated into and made a part of the instant resolution; and

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

1. The premises will be advertised and operated as a full service restaurant serving pizza.
2. The hours of operation will be 11 am to Midnight seven days per week.
3. The backyard garden will close at 9:30 PM/lights out/no patrons seven days per week and there will only be 10 tables and 20 seats in yard.
4. There will be no sidewalk café.
5. The applicant will not seek a full OP license in the future.
6. There will be no French doors and the applicant will close all exterior doors or windows at all times except of ingress and egress.
7. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
8. There will be no televisions.
9. The applicant will have an English-speaking manager at all times who can adequately communicate with residents of the community.
10. The applicant will use reasonable efforts to remedy any traffic and pedestrian issues brought to its attention and will keep the sidewalk passable at all times.
11. The applicant shall not place refuse at the curb except as close to pick up times and will make best efforts to coordinate garbage pick times with other nearby commercial establishments.
12. There will be no illuminated signage or lighting on or within establishment that would adversely affect and unreasonably disturb residents living nearby.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Beer and Wine license to **Il Giglio NY CTM Corp. d/b/a Susanna, 182 Bleecker 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 39 Board members in favor.

8. 815 Broadway NYC LLC d/b/a The Hummus & Pita Co. at 815 Broadway 10003 (New Beer and Wine License, previously unlicensed).

Whereas, the applicant appeared before CB2's SLA Committee; and,

Whereas, this application is for a new Beer and Wine license for a quick service Mediterranean pita and hummus restaurant in a fast casual environment at a previously unlicensed location in a two story commercial only building on Broadway between E. 11th and E. 12th for a total of 1800 SF with 13 tables and 68 seats, no service bars or food counters with a proposed occupancy of 68; and,

Whereas, this location has never been operated as an eating and drinking establishment in the past and the applicant will be seeking a letter of no objection from the Department of Buildings for an occupancy no greater than 74; and

Whereas the applicant will be changing the storefront façade of the premises to reflect the nature of the business, but there will be no backyard garden and will close all doors and windows by 9PM; and

Whereas, the applicant stated the hours of operation on Sunday from 11am to 11 pm, Monday through Thursday and from 11 am through 12 am Friday and Saturday, music will be background only and there will be no TVs; and,

Whereas, the applicant agreed to never seek a full OP license at the premises; and

Whereas, a representative of the University Place Residents Association (“UPRA”) appeared and demonstrated general support for the applicant’s proposed restaurant and for a beer and wine license at these premises as long as there was no full OP license sought at any point in the future; and

Whereas, the applicant signed to certain stipulations with UPRA dated January 16, 2014 and those stipulation are incorporated herein;

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

1. The premises will be advertised as a pita and hummus restaurant.
2. The hours of operation will be Sunday through Thursday from 11am to 11 pm and from 11 am through 12 am on Friday and Saturday.
3. Applicant must obtain a letter of no objection to operate as an eating and drinking establishment prior to opening.
4. Will never seek to upgrade to full OP license.
5. There will be no bar on the premises.
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 by 9PM 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 **815 Broadway NYC LLC d/b/a The Hummus & Pita Co. at 815 Broadway 10003** **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.

10. **Tava Café LLC. d/b/a Balzem, 202 Mott Street 10012** (New Beer and Wine License, previously licensed location).

Whereas, the applicant appeared before CB2's SLA committee; and,

Whereas, this application is for a new Beer and Wine license at a previously licensed location to create a Mediterranean Restaurant and Wine Bar with a light menu for lunch and brunch in a mixed use six-story building on Mott Street between Spring and Kenmare Streets; and

Whereas, the storefront and basement space is 1400 SF with 1000 SF on the first floor for dining and kitchen and 400 SF in the basement for storage, there will be 17 tables and 46 seats, one bar with 10 seats for a proposed occupancy of 56; and,

Whereas, the applicant provided correspondence from the Department of Buildings dated June 2, 2010 stating it has no objection for an eating and drinking establishment, use group six, non- place of assembly for less than 75 persons on the first floor storefront premises; and

Whereas, the hours of operation will be from 10 am to 12 am on Sunday through Wednesday and 10 am til 1 am Thursday through Saturday, the applicant is installing insulation in the ceiling with two layers of 3/8 inch sheetrock, 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 9 pm every night except for egress and ingress; 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 10 am to Midnight Monday through Wednesday and 10 am to 1 am Thursday 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 no TVs.
5. Doors and windows will be closed by 9 pm every night except for egress and ingress.
6. There will be no A-Frame signage or benches placed on the sidewalk in front of the premises at any time.
11. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
12. The applicant will not operate a disco, nightclub or seek a DCA Cabaret License.
13. The premises will operate as a full service restaurant at all times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the beer and wine license for **Tava Café LLC. d/b/a Balzem, 202 Mott 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.

10. Piacere Enterprises LLC. d/b/a Piacere, 351 Broome St. 10013 (Existing Beer and Wine License seeking upgrade to full OP License)

Whereas, the applicant appeared before CB2's SLA committee; and

Whereas, this application is for an upgrade from an existing Beer and Wine license to a full OP license for an Italian style restaurant in a mixed-use building located on Broome Street between Bowery and Elizabeth Street for a 1,900 SF premises (950 SF for ground and 950 SF for the basement) with 10 tables with 35 seats, 1 bar with 11 seats and a maximum occupancy of less than 74 people; and

Whereas, the hours of operation are from 12 pm to 2 am from Sunday to Wednesday and from 12 pm to 3 am Thursday to Saturday, there are 10 tables with 35 seats, 1 bar with 11 seats inside and 8 tables with 24 seats in a sidewalk café; and

Whereas, the applicant has only been operating with a Beer and Wine License for six months since July/2013 and is requesting to change the class of his existing license; and

Whereas, the applicant has enclosed his sidewalk café with a seasonal enclosure in violation of the existing rules for unenclosed sidewalk cafes; and

Whereas, when the applicant initially appeared for a new beer and wine license before CB#2, Man. in December/2012, CB2 unanimously adopted a resolution on December 20, 2012 recommending denial of the beer and wine license; and

Whereas, despite CB#2, Man. adopting a resolution recommending denial of a beer and wine license at these premises, the SLA nonetheless granted the beer and wine license to this applicant even though this location had never been licensed before; and

Whereas, the reasons for CB 2's initial denial of the beer and wine application at these premises has not changed; concerns regarding the hours of operation, of over saturation and the number of OP and Beer and Wine licenses in this area, including significant multi-floor venues, the major impact on traffic and noise and quality of life issues and noise from late-night operations and from patrons all continue to exist; and,

Whereas, CB#2, Man. has heard a large number of beer and wine and on-premise license applications in this area for previously unlicensed locations in a relatively short period of time including the other unlicensed storefronts in this building; and

Whereas, CB#2, Man. has recommended denying previous applications at this location and in this building because there are already 5 separately-licensed premises in this building alone, which is also a hotel and no establishment has direct entrances to the hotel; there is no need or benefit of having another on-premise liquor license to serve the patrons of the hotel or local residences and

Whereas, CB#2, Man. continues to be concerned that the rapid rate of applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an overwhelming impact on the character of the neighborhood, quality of life issues, traffic and noise concerns; and

Whereas, without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises could be catastrophic for the neighborhood;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **Piacere Enterprises LLC. d/b/a Piacere, 351 Broome St. 10013** on its application seeking an upgrade from a beer and wine license to a Full OP license.

Vote: Unanimous, with 36 Board members in favor.

11. Nilo, Inc. and Viola Consulting, LLC d/b/a Mezzogiorno Associates, 195 Spring St. 10012 (Corporate Change w/Stips to existing RW SN1025131)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a corporate change to an existing restaurant wine license for a full service Tuscan (Italian) Restaurant for changes in principles among family members; and

Whereas, this application is for an existing restaurant wine license in a currently licensed location (SN1025131); the premises is in a mixed use commercial/residential building in a mixed use district located on the ground floor on Spring St. between Thompson St. and Sullivan St. for a roughly 2,400 sq. ft premise with 34 tables and 68 seats and one stand up bar with 6 seats in the interior, for a grand total of 74 interior seats, there is an existing licensed sidewalk café with 11 tables and 22 seats included in this application and no other outdoor areas for patrons, while there is no existing “Letter of No Objection” issued by the NYC Department of Buildings, it is believed that this is a legal use of this location; and,

Whereas, the hours of operation will be from 12 pm to Midnight 7 days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there 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 existing restaurant wine SLA license stating that:

1. The premises will be operated and advertised as a full service Tuscan (Italian) Restaurant.
2. The Hours of Operation will be from 12 pm to Midnight 7 days a week.
3. There will be no backyard garden.
4. The sidewalk café will be operated no later than Midnight 7 days a week.
5. There will be no dj’s, live music, promoted events, any events for which a cover fee is charged or scheduled performances.
6. Music will be quiet background only.
7. There will be no televisions.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the corporate change to the existing Restaurant Wine license SN1025131 for **Nilo, Inc. and Viola Consulting, LLC d/b/a Mezzogiorno Associates, 195 Spring St. 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 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.

12. Le Gans Restaurant, Inc. d/b/a RYU Restaurant, 46 Gansevoort St., 10014 (Corp Change and Alteration to OP SN1025594)

Whereas, one of the principals of the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee this month on January 16th, 2014 after another principal appeared last month in December at which time they were asked in addition to the Corporate Change to present an alteration application to the Liquor Authority as their sidewalk café was not part of their diagramed premises; and,

Whereas, the Licensee’s appearance on January 16, 2014 is to present a corporate change and an alteration application to the Liquor Authority for a “full service restaurant/bar and retail location serving sweets, candies and fashion apparel”; and,

Whereas, the alteration presented was to include the sidewalk café as part the licensed premises; and,

Whereas, the corporate change presented is to add Summer Flower, LLC to become a primary shareholder of Le Gans Restaurant Inc. (roughly 56%) in addition to the existing Entity BGCRRRC Management Group LLC (now roughly 44%); and,

Whereas, the premises is located on Gansevoort St and Greenwich St on the Southwest Corner in an approximately 2000 s.f. premises (900 s.f. on the ground floor and approximately 1,100 sq ft in the basement – accessory use only, no patrons) with 23 tables on the interior and 54 seats in the interior, there is one standup bar with 10 seats for a total of 62 interior seats; this application is to include an additional 8 tables and 16 seats in a Department of Consumer Affairs Licensed Sidewalk Café; and,

Whereas, the premises was presented as an existing restaurant/bar/retail location with hours of operation from 11 am to 1 am Sunday to Thursday and 11 am to 4 am Friday and Saturday, Music is background only, there are no d.j.’s, no live music, no promoted events, no scheduled performances and no outside promoters, security will manage traffic; and,

Whereas, there are a number of discrepancies noted by members of the committee and community as they concern what is currently licensed for the premises:

- (1) The d/b/a name of the existing establishment is Sugar Factory and has been operated under that name for most of 2013 without providing notice to the Liquor Authority; and,
- (2) The Licensee’s current premises does not conform to what was originally presented and licensed for this premises and therefore constitutes method of operation drift as this was supposed to be a restaurant only; and
- (3) The original premises was presented as a restaurant only with 15 tables and 52 seats; No sidewalk café was previously a part of this application for the area in which the licensee could serve alcohol; and
- (4) The original interior layout consisted of one large dining room with one standup bar – the original dining room of the premises is currently now separated into three areas with partitions and is comprised of a dining room, lounge area and retail area;
- (5) The location has never had a retail component as part of the premises and this constitutes a significant change in the method of operation because it tremendously alters the manner in which the premises attracts clientele and alters type of activity that occurs in and around the premises;
- (6) The premises has operated under a variety of d/b/a names since the inception of the license without ever adequately informing the Liquor Authority in a timely manner; and,
- (7) The current licensee has been operating a licensed sidewalk café for most of the warmer months of 2013 which was never included as part of the diagramed premises and which was regularly observed serving alcohol within the confines of the sidewalk café and servers were observed regularly and photographed serving patrons including alcohol from the outside demarcation point of the sidewalk café ie outside the sidewalk café’s service aisles; and,

- (8) The Licensee has been violating DCA regulations on an ongoing basis in the sidewalk café by incorporating a podium at the sidewalk café entrance to greet and seat guests which results in congestion on the sidewalk that is not a part of the sidewalk café; the podium is illegal, is regularly used by the Licensee's own admission, and is not indicated on the sidewalk café plans

Whereas, it is well known and documented to the Liquor Authority that this area has tremendous pedestrian and vehicular issues that have been presented time and time again by the community; and,

Whereas, a number of community residents spoke in opposition to this alteration and letters were received in opposition; the reasons for opposition to this alteration are as follows:

- (1) The Licensee has illegally been serving alcohol in the sidewalk café throughout 2013; at CB2's Sidewalk and Street Activities Committee on March 11, 2013 the Licensee stated that they were aware the sidewalk café was not included as part of their Liquor License area; and,
- (2) The Licensee has been utilizing a podium at the entrance to the Sidewalk Café for the duration of 2013, which is illegal and a violation of DCA Regulations; This was made clear to the Licensee at CB2's Sidewalk and Street Activities Committee meeting on March 11, 2013 by the Chair of the Committee; and,
- (3) The podium at the entrance to the Sidewalk Café is used to greet guests and to hold guests until seating is available and to regulate ingress and egress of patrons which results in significant congestion on the remaining portion of the sidewalk which is the public walkway which as CB2 and the Liquor Authority are well aware is a major issues in the Meat Packing District and also contributes to dangerous conditions as people are forced to walk in the street; and,
- (4) Wait staff serving patrons within the sidewalk café are doing so from the public sidewalk and not in the designated service aisles within the sidewalk café which results in even more sidewalk congestion; and,
- (5) Members of the community met with the Licensee and a manager of the Sugar Factory on August 17, 2013 at which time all of these issues were raised including the illegal service of alcohol in the sidewalk café and so far no corrections have been made even though the Licensee acknowledged some of the problems and issues and he also stated that monitoring the sidewalk in front of his premises was not his responsibility; and,
- (6) Music is increasingly becoming a problem and is audible on the street outside of the premises which in conjunction with open doors/windows until very late hours exacerbates the sound issues;
- (7) The sidewalk café was in use before the premises even had a DCA Sidewalk Café License; and,
- (8) The Licensee has shown no regard to the local community by even trying to mitigate the issues occurring as a result of the operation of the sidewalk café; and,

Whereas, the Licensee stated that these issues raised were not as a result of this establishment and was unwilling to discuss stipulations to assuage the concerns of resolving the forgoing problems; and,

Whereas, it is difficult to understand why the Licensee is unwilling to agree to stipulations which simply reflect the information provided to CB2 and how this is unreasonable, particularly in light of the well- documented and overwhelming issues licensed premises in the immediate area have created which have an ongoing deleterious effect on quality of life for residential members of the community and visitors alike; furthermore it is particularly difficult to understand how this license and entity continues to morph into all sorts of operations under various names throughout the years based on their original license application which included representations as to the type of business and method of operation; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration application and corporate change to the existing license for **Le Gans Restaurant, Inc. d/b/a RYU Restaurant (Sugar Factory), 46 Gansevoort St., 10014, SN1025594**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that the alteration application be placed on the Calendar and Agenda for appearance and decision before the Full Board of the New York State Liquor Authority at a regularly scheduled meeting.

Vote: Unanimous, with 36 Board members in favor.

**13. Thompson Hotel Associates, LLC, d/b/a Sixty Thompson, 60 Thompson St. 10012
(Alteration to incorporate existing licensed area into SN1023302)**

Whereas, the applicant appeared before the committee to present an alteration application to merge an existing on-premise for a restaurant (currently licensed as Cafe Nacional, LLC & Thompson Hotel Associates, LLC d/b/a Thom & Kittichai, SN1117115) into the existing on premise hotel license for Thompson Hotel Associates LLC d/b/a 60 Thompson SN1023302; and

Whereas, the premises is a 12-Story Hotel plus penthouse located on Thompson St. between Broome and Spring St. which is currently identified under the existing license for SN1023302 and will now include the area defined under SN1117115, the overall size of the premises is 52,000 square feet, there are a total of 61 tables and 158 table seats throughout the premises, there are two stand up bars with 14 seats and 12 banquette seats in the front restaurant bar area for a total of 184 seats throughout the premises; there is an existing certificate of occupancy and an outdoor area located on the penthouse level described as a patio; and

Whereas, the hours of operation for the hotel will be 24 hours a day, the hours of operation for the restaurant will be from 7 am to Midnight 7 days a week, the outdoor areas hours of operation will be Monday to Thursday from 11 am to 11 pm and Friday and Saturday from 11 am to Midnight, music will be background only from ipod/cd's, there will be no dj's, live music, promoted events, any events for which a cover fee is charged or scheduled performances, there will be no other changes in the method of operation for either the hotel or restaurant, and any existing stipulations for the hotel and restaurant will remain in effect and incorporated into the existing license; and

Whereas, no community outreach was completed, but as the applicants attorney stated, there will be no changes to any method of operation so this was acceptable to the Committee; 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 existing hotel on premise SLA license stating that:

1. The premises will be advertised and operated as a Hotel with Restaurant.
2. The hours of operation for the restaurant will be from 7 am to Midnight 7 days a week.
3. The Outdoor areas hours of operation will be Monday to Thursday from 11 am to 11 pm and Friday and Saturday from 11 am to Midnight.
4. The premises will not be operated as a Nightclub or Disco.
 1. The premises will not seek a DCA Cabaret License.
 2. There will be no backyard garden.
 3. There will be no dj's, live music, promoted events, any events for which a cover fee is charged or scheduled performances.
 4. There will be no changes in method of operation for either the Hotel or Restaurant.
 5. Any and all existing stipulations for both the Hotel and Restaurant will be incorporated into this new license and stipulation agreement.
 6. There will be no music in any outdoor areas and all music in interior areas will be quiet background only.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration to incorporate the existing on-premise license and licensed area covered by license SN1117115 into the existing on premise hotel liquor license for **Thompson Hotel Associates LLC, d/b/a Sixty Thompson, 60 Thompson St., SN1023302, 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 existing SLA Hotel On Premise Liquor license.

Vote: Unanimous, with 36 Board members in favor.

14. 117 W. 10th St. Corp., d/b/a Café ASEAN, 117 W. 10th St. 10011 (“Transfer”/New RW of existing RW SN1029074)

Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” and new Restaurant Wine License (existing SN1029074) for a full service Southeast Asian restaurant; there will be no changes to the existing method of operation or premises name; and,

Whereas, this application is for a “transfer” of an existing Restaurant Wine License in a currently licensed location (SN1029074); the premises is in a mixed use commercial/residential building in a mixed use district located on the ground floor on West 10th St. between Greenwich Ave. and Patchin Place for a roughly 500 sq. ft premise (and 400 sq ft rear yard garden) with 13 tables and 32 seats, there are no stand up bars, there is one service bar, there are also 10 tables and 20 seats in an outdoor rear garden with retractable tent awning, for a grand total of 52 seats in the interior and exterior, there is no sidewalk café included in this application; and,

Whereas, the hours of operation on the interior will be from 12 pm to Midnight 7 days a week, the rear yard garden will close at 10:30 pm 7 days a week, no patrons will remain in the rear yard after 10:30 pm, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no music in the rear yard, 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 existing lease for the premises will expire prior to the expiration of the Restaurant Wine License, but the applicant stated that they would be renegotiating a new lease; and

Whereas, there were concerns expressed by members of the community in regards to any changes in the existing method of operation from the entity from which this license is being transferred, in particular in regards to the rear yard garden, but those concerns were alleviated by the operator agreeing to close the rear yard garden by 10:30 pm seven days a week and stating there would be no other changes in the current method of operation or hours of operation which are advertised as Sunday to Thursday from 12 pm to 10:30 pm and Friday and Saturday from 12 pm to 11 pm; 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. This is a restaurant wine license.
2. The premises will be advertised and operated as a full service restaurant serving Southeast Asian Cuisine.
3. The interior hours of operation will be from 12 pm to Midnight 7 days a week.
4. **The rear yard garden will be closed at 10:30 pm 7 days a week** – no patrons will remain after 10:30 pm in the rear yard garden.
5. There will be no dj’s, live music, promoted events, any events for which a cover fee is charged or scheduled performances.
6. There will be no stand-up bar, there will be one service bar only.

7. There will be quiet background music only.
8. There will be no music in any outdoor areas or in the rear yard.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the “transfer” for an existing restaurant wine license for **117 W. 10th St. Corp., d/b/a Café ASEAN, 117 W. 10th St. 10011** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the new SLA Restaurant Wine license.

Vote: Unanimous, with 36 Board members in favor.

15. 5. Eater Eats Crow LLC d/b/a Sel et Gras, 131 7th Ave. South (upgrade RW, existing SN1261220)

Whereas, the Licensee appeared before CB2’s SLA Licensing Committee again on January 16, 2014 after appearing on July 2012, September 2012, March 2013, and December 2013 to present an application to upgrade (class change) the current Restaurant Wine License, SN1261220 to a full on-premise license; and

Whereas, the existing premises has been operating for less than 2 years as a “French coffee specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens” located in a 2 story mixed residential/commercial building on the corner of West 10th Street for a 1500 sq. ft. premise (1000 sq. ft. ground floor, 500 sq. ft. basement – no patrons) with 12 tables and 26 table seats and 1 stand up bar with 6 seats for a total of 32 interior seats and for an outdoor sidewalk café with 9 tables and 18 seats; and,

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

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

Whereas, a petition was presented again that was originally presented in *July 2012* with over 500 signatures in support gathered from people on the street and numerous letters of support also submitted in July 2012 were submitted again to CB#2, Man.; the applicant’s attorney stated that *no new letters were gathered in the last 1 and a half years* as the people who had previously written and signed the petition in support had not changed their minds – the petitions are undated, but are physically the same as those presented in July 2012 – and that continually asking those in support for updated letters did not seem necessary; and,

Whereas, no speakers in opposition appeared at the December 2013 meeting, but the application was not placed on the original December Calendar, only appearing on an updated calendar because of the timing of the Holidays, but 4 people appeared at this month’s meeting on January 16th, 2014 in opposition and CB#2, Man. received approximately 15 emails in opposition in addition to the many letters and testimony presented in opposition at the previous appearances of the licensee requesting to upgrade the existing license; and,

Whereas, those in opposition continue to be feel that this applicant returning yet again to ask for an upgrade to the existing license is exhausting the neighborhood and the perseverance to keep coming back and coming back again is simply a tactic to gain approval for an upgrade with no compelling public benefit, they are disappointed that the original restaurant wine license was not heard at a public meeting at CB2, that operation for less than 2 years in a previously unlicensed location was not a reason that demonstrated public interest to approving an upgrade, that the involvement of the applicant's self described long term boyfriend, Jason Hennings, who is identified on a NYC Department of Buildings filing for this premise as the Owner/Lease Holder, is of great concern to members of the community given his disciplinary history with the Liquor Authority (he is a principle in Serial Numbers 1190644, 1206239 and 1166320) and his operations at one of his locations nearby, Deviled Foods LLC, d/b/a Diablo Royale which has received complaints, that the petition that was originally submitted in July 2012 contained names of people who did not reside in the buildings stated on the petition, that the area was oversaturated with 31 full on premise licenses within 500 ft, that there was no community outreach performed when the original beer and wine license was sought, that this neighborhood has already suffered from poorly operated venues including one just across the street which had its liquor license revoked and was subsequently in court for several years before finally being upheld; and,

Whereas, those in opposition continue to be feel that this applicant returning yet again to ask for an upgrade to the existing license is exhausting the neighborhood and the perseverance to keep coming back and coming back again is simply a tactic to gain approval for an upgrade with no compelling public benefit, they are disappointed that the original restaurant wine license was not heard at a public meeting at CB#2, Man. that operation for less than 2 years in a previously unlicensed location was not a reason that demonstrated public interest to approving an upgrade, that the involvement of the applicant's long term boyfriend, Jason Hennings (self described by applicant in July 2012), who is identified on a NYC Department of Buildings filing for this premise as the Owner/Lease Holder and whose signature appears on the same document under a statement that "I hereby state the information on this form is correct and complete to the best of my knowledge" (Link: <http://a810-bisweb.nyc.gov/bisweb/BScanJobDocumentServlet?requestid=5&passjobnumber=120933115&passdocnumber=01&allbin=1010837&scancode=SC100219012>) and who identified himself to a reporter and in the press as the owner of this establishment (Link: <http://www.dnainfo.com/new-york/20120223/greenwich-village-soho/diablo-royale-owner-opening-french-restaurant-long-vacant-village-space - ixzz26OCiLPKv>) which was confirmed with the reporter by a member of the public, is of great concern to members of the community given his disciplinary history with the Liquor Authority (he is a principle in Serial Numbers 1190644, 1206239 and 1166320) and his operations at one of his locations nearby, Deviled Foods LLC, dba Diablo Royale which has received complaints, there was also great concern regarding the large number of outdoor seats versus the indoor seats, that the petition that was originally submitted in July 2012 contained names of people who did not reside in the buildings stated on the petition, that the area was oversaturated with 31 full on premise licenses within 500 ft, that there was no community outreach performed when the original beer and wine license was sought, that this neighborhood has already suffered from poorly operated venues including one just across the street which had its liquor license revoked and was subsequently in court for several years before finally being upheld; and,

Whereas, those in opposition also indicated that they had serious concerns about this application at this time because the premises has been closed for a number of months and the existing RW restaurant is not in Safekeeping and even thought the applicant's attorney stated that their was a flood in the basement and that the Principal was in the later stages of Pregnancy, it was unclear why the premises was not yet open again because there is a clearly qualified manager to operate the premises who appeared at CB2's Meeting and there are also serious reservations because this style of operation like many other "light plate" restaurants in the neighborhood become problems when they receive full on premise licenses and become more of a bar than a restaurant which has significant impacts on quality of life issues in oversaturated neighborhoods particularly over time through "method of operation" drift which is very difficult to enforce but of which numerous example proliferate through the area; and,

Whereas, it is noted that even though the applicant was specifically requested by CB2 to perform additional community outreach at the time of the December 2013 request to layover this application, no outreach by the Licensee occurred to neighboring residential buildings, a limited attempt to reach the Mid West 10th Street Block Association was unsuccessful; the manager of the Licensee also tried to request copies of complaints from the 6th

Precinct; instead of performing new substantive outreach as requested, the Licensee presented yet again of old outdated letters of support and an outdated petition and made a statement that they were not going to do any additional community outreach beyond the outreach performed in 2012; and,

Whereas, it is noted that the applicant has voluntarily reduced significantly the number of outdoor tables in the sidewalk cafe and is willing to close the area at 10 pm 7 days a week in response to CB2's concerns over sidewalk cafes that are more than half the number of interior tables and seats (in this case the legal amount of outdoor seats and tables is substantially higher than the total number of interior seats); and,

Whereas, the applicant was willing to execute a stipulations agreement with CB#2, Man, as they had previously on other occasions 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 full service restaurant described as a French Café (Restaurant OP).
2. The hours of operation for the interior of the premises will be Sunday from 8 am to Midnight, Monday from 8 am to 1 am and Tuesday to Saturday from 8 am to 2 am. No patrons to remain after closing.
3. The kitchen will remain open and menu items available until closing.
4. There will be no rear yard garden.
5. The DCA licensed sidewalk café will close no later than 10 pm seven days a week. No patrons will remain in the sidewalk café after 10 pm and the tables and chairs will be cleared from the sidewalk at 10 pm.
6. All doors and windows will be closed promptly at 10 pm 7 days a week without exception.
7. There will be no dj's, live music, promoted events, any events for which a cover fee is charged or scheduled performances.
8. There will be quiet background music only in the interior of the premises and no music in the sidewalk café.
9. The licensee will post a "please be respectful of our neighbors" sign.
10. There will be no televisions.
11. There will be no more than 9 tables and 18 seats in the sidewalk café at anytime irrespective of the number of tables and chairs that may be permitted in excess of that number by the New York City Department of Consumer Affairs.
12. The licensee/principal will not "transfer" this license to another entity.

Whereas, CB#2, Man. understands why some members of the community may be in support of this application, however after careful consideration, CB#2, Man. feels that there have been no substantive changes over each of the previous presentations to "upgrade" this existing RW License, simply operating this establishment for 2 years with a restaurant wine license in a previously unlicensed location is not sufficient cause to consider approving an upgrade to a full on-premise license, especially because the applicant did not start off by applying for a full on-premise license, this area already has 31 Full On-Premise licenses within 500 ft., which is a number that places a significant burden on the applicant to demonstrate public interest, simply operating a "French cafe specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens" does not serve the public interest, the impact on the existing noise level would be significant by granting a full liquor license to an establishment that runs a significant portion of their business of seated patrons outside on the sidewalk, the class and character of existing licenses provides for similar delicious cuisine of all sorts and French café's are certainly not unique in the Village or CB#2, Man., adding the number of patrons as they turn over through the course of the evening in warmer months would also impact vehicular traffic and parking in the area which is already over burdened, and in particular, cabs stopping to pick up and drop of patrons can and will cause additional traffic conditions in an already popular area, and furthermore, CB#2, Man. is not in a position to verify the involvement of Mr. Hennings in this application, but it is of concern that he has presented himself to both the New York City Department of Buildings on Official Filings as an Owner/Lessee and presented himself in the Press as an Owner, and while it is not clear to CB#2, Man. what the disciplinary history is, it is well known that he has a very contentious relationship with the SLA, CB#2, Man. is also not in a position to properly ascertain whether or not the applicant's statements that Mr. Hennings is not in fact the owner or lessee and that she is both the owner and lessee are accurate; and finally CB#2, Man, feels it is absolutely inappropriate to

consider an upgrade to a full on-premise license for a premise that has been closed for several months and further more for a Licensee who continually returns to request an upgrade when there are no substantive changes to any portion of the application and in particular when no additional new community outreach is performed; and,

Whereas, CB#2, Man. reiterates that there is substantial concerns that upgrading the licenses of “small plate” restaurants in effect increases the number of “bars” which are supposed to be operating as restaurants with alcohol as *ancillary* to their food business but instead operate with *food* as ancillary to their bar businesses and many of them contribute greatly to quality of life issues in the community and this is of particular concern in this case because this premises is currently not even operating and has not placed their license in safekeeping;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the class change/“upgrade” application for an existing restaurant wine license for **Eater Eats Crow LLC d/b/a Sel et Gras, 131 7th Ave. South (existing SN1261220)**.

Vote: Unanimous, with 36 Board members in favor.

16. Fitting Room LLC d/b/a Fitting Room, 163 Charles St., 10014 (New OP License–Previously Unlicensed)

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new On Premise liquor license in a previously unlicensed location for a “bar/lounge concept that offers ‘made to measure’ and tailoring services along with personal shopping and fashion consultancy to its clients”; and

Whereas, this application is for a location which has never been previously licensed for a bar/lounge; the premises is located in the cellar, first floor and second floor with a total of 2,100 sq. ft. (200 s.f. cellar, 500 sq. ft. 1st floor, and 1,600 sq. feet on the 2nd floor) in a mixed use residential 8-story building on Charles Street between West Street and Washington Street with 8 tables and 16 seats, 2 stand up bars with 16 seat and 20 “other” seats comprised of leather chairs and couches for a total of 52 seats, there is an existing Certificate of Occupancy which indicates that the maximum Occupancy is 30 persons but there are plans to modify the Certificate of Occupancy for a proposed maximum occupancy of 75, there is no rear yard, no sidewalk café and no exterior seating; and,

Whereas, the applicant stated that the hours of operation would be Sunday to Wednesday from 1 pm to midnight, Wednesday to Thursday from 1 pm to 1 am, and Friday to Saturday from 1 pm to 2 am, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, there will be private parties, no velvet ropes, no movable barriers, there will be no T.V.’s, there will be no security, there are no plans to install additional soundproofing, ; and,

Whereas, the applicant conducted limited community outreach, including dropping off petitions with doormen at limited adjoining buildings; and

Whereas, the applicant presented a petition with 20 signatures, none from the immediate area and the petition did not identify the method of operation, hours of operation or indicate that it was a bar lounge and the language utilized which was incomplete and would lead someone to believe that this would be a restaurant; and,

Whereas, it seems that one of the principals, Dr. Noaman Sanni, in the application for Fitting Room, LLC is also the owner or investor in the commercial condo in which this premises is proposed to be located which was apparently misrepresented on CB2’s Liquor License Questionnaire as “99 Jane Street LLC” when it appears it should be “Jane Street LLC”; and,

Whereas, the applicant did not provide CB#2, Man. with a copy of CB2’s SLA Licensing Questionnaire prior to the meeting as is requested of all applicants and did not adequately respond to community members prior to the CB2’s SLA Licensing Committee, including a request for information from a member of this Committee well in advance on the January 16, 2014 CB2 SLA Licensing Committee Meeting; and

Whereas, the block on which this proposed establishment is to be located is entirely residential except of for this location and a panoramic picture of the entire side of the block on which the premises is located was presented clearly showing the residential nature of this block; and,

Whereas, a petition in opposition was presented with 41 signatures, many/most from residents on this block, indicating concerns regarding the residential character of the block and the inappropriateness of a bar opening between and across from residential buildings; and,

Whereas, several letters in opposition were also received indicating a direct impact on the existing noise level in this area as has already been witnessed from an art gallery that was located in the space that often held parties, that the impact of smokers and people coming, going and loitering in front of the premises would impact the area, that this area is infrequently patrolled due to its location, that this area already has spill over effects from Hudson River Park during the day which results in residents of this primarily residential block having to clean up trash that is created by transients and some associated trespassing and several instances of crime; and,

Whereas, there were 6 public speakers in opposition to this liquor license application, including 4 local residents and an attorney for the owner and representative of the owner of a 91 unit residential building under construction and near completion located at 150 Charles St. directly across the street; and,

Whereas, the four public speakers who are residents in the immediate area, including one who shares a party wall with the applicant, expressed concerns that this entire block is entirely residential with the exception of this one space which is in a newly constructed building, that it is implausible that the hours of operation indicate any support for the bespoke tailor and fashion consulting aspect of the business and instead that this business will rely on alcohol under operation as a bar lounge for the mainstay of the business, they all indicated it was incomprehensible to understand the public benefit of this type of operation and someone even suggested this might be more appropriate in the garment district, that while this space may be the only “commercial” space on the block, residents are still the primary stakeholders in this area and are deserving of a respite of bars, smokers and the unpleasant quality of life issues that plague surrounding areas and in the immediate area the North/South bound Streets, that this is a corridor for daytime foot traffic to the Hudson River Park which while bringing issues related to quality of life dies down substantially prior to “bar” hours which would have a direct impact on noises levels and quality of life issues, that this premises has recently been an art gallery which has hosted numerous raucous parties including a recent party on Halloween, used as an example, which was clearly audible and present in the adjacent property which shares a common wall and was constructed in 1820 clearly indicating that the soundproofing in the new building is not adequate for this type of use, there were also concerns regarding venting and odors if any type of food preparation is planned, that in order for this business to be successful on its reliance on a bar/lounge operation it can’t help but intrude into the residential context of the area which residents and developers have worked exceedingly hard to maintain, one resident spoke to the large number of autistic children who reside in the area and other children and stated this would have an adverse impact in addition to the immediately located bars on the corner, another resident also voiced concerns that the addition of just this one license would have a significant impact on this residential area, concerns were also expressed in regards to the increase in vehicular traffic in evening hours and the limited available parking in the area; and,

Whereas, the two representatives of 150 Charles Street, the 91-unit entirely residential development directly across the street at 150 Charles St. described the process of creating the environment which was necessary to convert this space into a residential building, which according to CB2 Minutes dates back to June 2007 and included a city wide text change to amend a section of the zoning resolution, and included a provision to maintain the existing facades of the previously commercial building during conversion to residential in order to maintain the character of the area as it became residential on the southern side of the block, and specifically noted were that the facades bordering Charles Street and West Street in

connection with planned development would be maintained and new development in the interior areas would include a setback from the existing building to preserve the character of the area; the development is entirely residential with residential style town houses located on Charles Street, subsequently supporting resolutions of various aspects of this project have recognized “the outstanding nature of this building project and the applicants strong community outreach”; and,

Whereas, the representatives of 150 Charles St. specifically noted that there are no other retail/commercial uses on the block existing or planned, that the 150 Charles St development and other residential developments in the immediate area all worked very hard with the community to preserve the residential character of the area and more specifically this block, approving this type of bar/lounge/retail use would be a detriment to this immediate area, that any approval would be based on an unproved concept and the immediate residential neighborhood would suffer the consequences of the operation of the business and also the death throes of the business and leaving a built out and previously licensed location, that there would be an impact from traffic, litter and smokers, that it could not be ignored the residential character of this block means that there are residences located on the street level in many of the buildings, that it should be particularly noted that the 150 Charles St. development was not as of right and that this resulted in a long running collaboration with the community to build a very high quality development, a part of which was giving up commercial uses on the ground floor and has resulted in a project that has been considered an “outstanding” and “superior” development from the streetscape to the rooftop landscaping, and,

Whereas, one of the representatives of 150 Charles St. who has served on a local Community Board in Brooklyn heading a committee providing recommendations to the Liquor Authority pointed out that there was no reason that a bespoke tailor/made to measure/fashion consulting business would need an on-premises liquor license operating as a bar/lounge with the indicated hours and that if this were a real proposal they might simply apply for a beer/wine license during normal business hours for this type of establishment, that this was precisely why legitimate operators had a tough time presenting businesses because it is implausible that this type of business would succeed in this area and that essentially as a result it should be viewed as a bait and switch as the resulting situation would be a previously licensed location used as a bar/lounge which would make it difficult to turn down for a similar future use as happens over and over; he also clearly pointed out that this was also a unique application, especially for the West Village because this was a 3 story premises spanning the basement, 1st floor and 2nd floor with low occupancy and couch and chair style seating and bars on two floors and that this type of operation could only be expected to survive over the long term with a focus on alcohol as the primary revenue generator as no concrete plans were provides as to the made to order/bespoke tailor/fashion consulting business ; and,

Whereas, it seems to be clear to CB2 Manhattan that experimental businesses such as this that combine retail and full liquor alcohol service with hours more relevant to the alcohol service bar/lounge business are best suited to more appropriate neighborhoods where this mix of operation with a focus on alcohol service might be more appropriate and have less impact on the surrounding immediate community; and,

Whereas, the applicant states that there are 6 licensed premises within 500 ft.;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new on-premise liquor license for **Fitting Room LLC d/b/a Fitting Room, 163 Charles St., 10014**; and

THEREFORE BE IT FURTHER RESOLVED that should this applicant pursue this license application, CB2 respectfully requests that a 500 ft. hearing be conducted and that the item be calendared on the agenda before the Full Board of the State Liquor Authority at a regularly scheduled meeting.

Vote: Unanimous, 36 Board members in favor.

17. Mezzrow, LLC, d/b/a Mezzrow, 163 West 10th St, Basement. 10014 D/U 8-0

Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new On Premise liquor license for a “Piano Bar”/Live Jazz Venue offering live unamplified acoustic jazz; and

Whereas, this application is for a location which was previously a portion of a restaurant that had been licensed with a restaurant wine license, but never an on-premise liquor license (the previous restaurant space has been divided into two spaces, with this application covering the basement portion of the previous restaurant); the premises is located in the basement of a mixed use tenement style building on West 10th Street between Waverly Place and 7th Avenue South with approximately 1,100 sq ft accessible by exterior stairs from West 10th Street with 9 tables and 33 seats and 1 service bar, there is an existing temporary Certificate of Occupancy which indicates that the maximum Occupancy is 40 persons , there is no rear yard, no sidewalk café and no exterior seating; and,

Whereas, there will be scheduled acoustic Jazz performances for which tickets will be sold online only consisting of no more than one acoustic Piano and one acoustic Bass, the hours of operation will be: Sunday to Thursday from 6 pm to 12:30 am (the last performance will begin no later than 10:30 pm) and Friday to Saturday from 6 pm to 2 am (the last performance will begin no later than midnight), at times when there are not live music performances occurring, music will be super 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 velvet ropes, no movable barriers, there will be no T.V.’s; and,

Whereas, the applicant conducted significant outreach both in the community and in the building in which the premises is located and to the local block association, The Mid West 10th Street Block Association and held an open house for residents of the building during which a sound test was also conducted by a professional sound engineer that was attended by a number of individuals and all the apartments on the 2nd floor participated in the sound test; no sound issues were reported, however the applicant will still install professionally supervised soundproofing by a professional sound engineer to ensure that no noise or music is ever heard in the residential apartments above; and,

Whereas, the applicant submitted written letters in support including from some residents of the building in which the premises will be located, in addition to submitting 337 petition signatures from residents of the surrounding area (Greenwich Village/West Village); and,

Whereas, several letters were received and testimony presented in opposition or voicing concerns specifically as they relate to soundproofing in the existing tenement building, to people congregating in front of the premises and the addition of another on premises liquor license in an area already inundated with liquor licenses; the applicant indicated he would take whatever steps were necessary to thoroughly soundproof the establishment, even though sound tests conducted in the currently un-built out location indicated no issues; and,

Whereas, the applicant is also a principal in 183 Rio Restaurant, Inc., d/b/a Smalls Jazz Club, an internationally renowned Jazz Club, also located on West 10th Street across 7th Ave South just a block away; and,

Whereas, testimony was submitted and a number of speakers spoke in support of the applicant and indicated that this Piano Bar/Jazz Space clearly is the type of business for which Greenwich Village is internationally known; 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 a Piano Bar/Jazz bar.

2. The hours of operation will be: Sunday to Thursday from 6 pm to 12:30 am; the last performance will begin no later than 10:30 pm. And Friday to Saturday from 6 pm to 2 am; the last performance will begin no later than midnight.
3. The premises will not be operated as a nightclub or disco.
4. The premises will not seek a DCA Cabaret License.
5. There will be no backyard garden or exterior areas.
6. There will be a doorman/security guard all days the premises are open after 8pm.
7. No one will be allowed to congregate or smoke in the alcove entrance.
8. Doors and window shall remain closed at all times except for ingress and egress. Doors will not remain propped open.
9. The licensee will install soundproofing under direction of a professional sound engineer.
10. There will be no French doors or windows.
11. There will be no dj's or promoted events.
12. There will be live unamplified acoustic Jazz music only from only an acoustic piano and acoustic bass.
13. There will be no more than 40 persons in the premises at any time.
14. There will be a designated manager on the premises during all hours of operation.
15. No Patrons or Musicians will remain in the premises after closing.
16. There will be no televisions.
17. There will be no lines or queuing outside the premises.
18. There will be super quiet background music only when there is no live music.
19. Licensee will post a "please respect the neighbors" type sign.
20. All stipulations agreed to with the Mid West 10th Street Block Association dated 1/17/2014 and 1/20/2014 will be incorporated into this agreement. The Stipulations agreed to with the Mid West 10th Street Block Association are as follows:

1. **Hours of Operation:** *The Establishment shall be open from 6:00PM until 12:30AM from Sunday through Thursday and from 6:00PM until 2:00AM on Friday and Saturday.*
2. **Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.*
3. **Traffic:** *The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear. The Operator shall post a note on the Establishment's website indicating that patrons who are obtaining tickets who are coming to the Establishment in a car shall leave and enter their vehicles at the corner of Seventh Avenue and West 10th Street and not in front of the Establishment.*
4. **Manager:** *The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.*
5. **Music:** *The Operator shall play either quiet background music or unamplified acoustic jazz music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs or outside promoters in the Establishment.*
6. **Soundproofing:** *The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction*

equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to add additional soundproofing material (e.g., gel, sheetrock, etc.) around the space where live music will be performed and by the air shaftways and doors in the Establishment leading up through the building. Additionally, the Operator will take measures to mitigate the sound coming from the metal steps leading down into the Establishment from the street level. Lastly, the Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.

7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café.
8. **Front Door:** The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. If installing this double door vestibule proves to be impossible within the legal constraints of the NYC buildings code or otherwise impracticable, the Operator agrees to take other comparable noise reducing measures. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open. The Operator shall not permit egress of anyone into and out of the hallway door within the building that leads directly into the Establishment except in the case of emergencies.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Provision of Contact Information:** The Operator shall also make available a telephone number where he/she can be reached should residents need to contact him/her about complaints about the Establishment at anytime. This information shall be posted on the Establishment's website.

16. **Events:** *The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.*
17. **Signage:** *The Operating will post signage easily seen by patrons indicating that they should be respectful of the residents of the building by keeping noise at a minimum.*
18. *The above mentioned terms of this agreement are to be added to the stipulations of Manhattan Community Board 2 if it approves the SLA application for an on-premises liquor license at 163 West 10th Street filed by the Operator.*

Whereas, there are 31 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 liquor license for **Mezzrow, LLC, d/b/a Mezzrow, 163 West 10th St, Basement. 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 9th “whereas” clause above are incorporated into the “Method of Operation” on the new on-premise restaurant liquor license.

Vote: Unanimous, with 36 Board member in favor.

18. Pizza of 32 Spring Street Inc., d/b/a Lombardi’s, 32 Spring St. 10012

Whereas, during this month’s CB2 SLA Licensing Committee meeting on January 14, 2014, 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 **Pizza of 32 Spring Street Inc., d/b/a Lombardi’s, 32 Spring St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

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

Whereas, during this month’s CB2 SLA Licensing Committee meeting on January 14, 2014, 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.

20. Mikaku, Inc. 85A Kenmare St. 10012

Whereas, during this month's CB2 SLA Licensing Committee meeting on January 14, 2014, 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 a Beer and Wine;

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 **Mikaku, Inc. 85A 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.

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

Whereas, prior to this months CB2 SLA Licensing Committee meeting on January 14, 2014, the attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** 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.

22. L&L NY5 LLC, 47 Prince St. 10012 (attorney requested layover)

Whereas, prior to this months CB2 SLA Licensing Committee meeting on January 14, 2014, 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 **L&L NY5 LLC, 47 Prince St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

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

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on January 14, 2014, the attorney requested to withdraw the application from consideration and will resubmit at a later time; and,

Whereas, this application is for a new OP 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.

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

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on January 14, 2013, the attorney requested to a layover to withdraw and resubmit the application; and,

Whereas, this application is for a new OP 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 **English Road, LLC, 90 West Houston 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.

25. 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 January 14, 2014, the attorney requested to layover this application, to withdraw the resubmit the application at a later date; and,

Whereas, this application is for a new OP 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 **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.

26. HSP Partners LLC, d/b/a The Cleveland Restaurant, 25 Cleveland Pl. 10013

Whereas, at this month's CB2 SLA Licensing Committee meeting on January 14, 2014, the applicant agreed to withdraw the application for an upgrade from a beer and wine license to a full OP license and subsequently confirmed that application in writing to CB 2; and,

Whereas, this application was to upgrade an existing license from beer and wine to full OP;

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 **HSP Partners LLC, d/b/a The Cleveland Restaurant, 25 Cleveland Pl. 10013** as the applicant has formally withdrawn its current application to CB2 from consideration with the SLA and the SLA must not grant any portion of this application until the applicant has represented their application, if any, in front of CB2's SLA Licensing Committee and CB2 in the future and CB2 has forwarded its recommendation to the SLA and further 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.

27. CGM-GH LLC & Hotel Gansevoort Group LLC d/b/a Hotel Gansevoort and Plunge Bar and Lounge, 18 9th Ave., 10014 LAID OVER AT MEETING

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on January 16th, 2014, the applicant's representative and the applicant's attorney agreed to layover this renewal application and will reappear in February 2013 at CB2's Scheduled SLA Licensing Committee meeting; and

Whereas, of concern were continuing issues with sound emanating from the rooftop venue, "Plunge Bar" located on the top floor of this hotel, which has had ongoing problems with music volumes over the years of its operation; the Licensee addressed many problems in 2012 and significant improvement was observed, however, according to community members, problems began to occur again in the warmer months of 2013; and,

Whereas, both the representative and attorney who appeared at the meeting were not authorized to agree to some requests such as closing the retractable roof at certain times and other steps without first discussing with principals of the establishment and agreed to return after doing so and also meet with members of the community to discuss any other solutions;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the renewal application for **CGM-GH LLC & Hotel Gansevoort Group LLC d/b/a Hotel Gansevoort and Plunge Bar and Lounge, 18 9th Ave.** until the applicant has returned to discuss their renewal and problems identified above 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.

28. Entity to be formed by Jean Luc Carucci, 152 W. 10th St. 10014 (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on January 16th, 2014, 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

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

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on January 16th, 2014, 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

30. Jankman LLC, TBD, 10 Downing St. 10014 (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on January 16th, 2014, 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 **Jankman LLC, TBD, 10 Downing 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. 86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012 (New Op/“Transfer” – Layover)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on January 16th, 2014, the applicant and the applicant’s attorney agreed to layover this application for the “transfer” of 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,

Whereas, the applicant agreed to reach out to the local neighborhood association and building residents which they had not prior to January 16th, 2014 to explain their proposed application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, “transfer” application, corporate change, alteration, or changes to any existing license for **86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

32. Toyota Motor Sales, U.S.A., Inc. or Subsidiary and The Dinex Group as manager, 412 W. 14th St. 10014 (catering included)(New OP – Previously Unlicensed Location - Layover)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on January 16th, 2014, the applicant’s representative requested to layover this application for a new on-premise liquor license and catering 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, catering license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Toyota Motor Sales, U.S.A., Inc. or Subsidiary and The Dinex Group as manager, 412 W. 14th 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

33. LDV Hospitality, d/b/a The Regent Cocktail Club, 17 Thompson St. 10013 (New OP - Layover)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting #2 on January 16th, 2014, 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 **LDV Hospitality, d/b/a The Regent Cocktail Club, 17**

Thompson St. 10013 until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor

34. Whynot My Way LLC, d/b/a Whynot Coffee, 14 Christopher St. 10011 (Class Change/Upgrade to existing RW SN#1272603 - Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on January 16th, 2014, 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 class change/upgrade, on premise liquor license, alterations to the existing beer and wine license, corporate change, transfer, upgrade or changes to any existing license for **Whynot My Way LLC, d/b/a Whynot Coffee, 14 Christopher St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

35. 244 West 14th LLC, d/b/a The Darby, 244 W. 14th St. 10014. (DCA Cabaret License Application - Did not appear – SLA SN#1234820)

Whereas, the Applicant submitted notice to CB#2, Man. regarding their application for a New York City Department of Consumer Affairs Cabaret License; CB2 Manhattan requested the applicant to appear on January 16th, 2014 to present their application for a Cabaret License; and,

Whereas, the applicant did not appear as requested to present their application for a New York City Department of Consumer Affairs Cabaret License;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the New York City Department of Consumer Affairs **deny** any type of Cabaret License for **244 West 14th LLC, d/b/a The Darby, 244 W. 14th 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 Department of Consumer Affairs and requests that the Department of Consumer Affairs send this applicant back to CB2, should this application proceed, 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 request to co-name the southeast corner of W. 8th and MacDougal Sts. (on MacDougal St. bet. W. 8th St. and Washington Sq. N.) “Norman Buchbinder Way.”

Whereas Norman Buchbinder (1922-2007) was deeply and extensively involved in bringing back 8th St., including MacDougal St., from the decay it suffered in the 1970s/80s, originally dedicating his own efforts and funds to spur the renewal of this “Main Street” of Greenwich Village, including hiring, at his own expense, a small staff to photograph every building there, personally researching property ownership and tenants, and writing and phoning all those people to rally support for an initiative to restore the hope and health that 8th St. has achieved today; and

Whereas as a result of Mr. Buchbinder’s efforts, the Village Alliance Business Improvement District (BID) (which now oversees the improvement and continued well-being of 44 square blocks) was established in 1993, with Mr. Buchbinder (who was a property owner there) as its first president, under whom sidewalks were widened, trees planted, and historic lampposts installed, among many other improvements; and

Whereas a long-time resident of 8th St. and tenant of Mr. Buchbinder appeared to speak in favor of the proposed co-naming, describing Mr. Buchbinder’s “hands-on, community-minded” involvement with the street, his continuing presence and daily sojourns there, listening and responding to the people living and working there (“a collaborative approach unusual for a landlord”), and his caring attention to the street; and several occupants of the street were also present in support of the co-naming; and

Whereas a petition in favor of the co-naming was submitted with over 50 signatures from residents of 8th St. and the surrounding blocks, as well as letters of support; and

Whereas this request completely meets CB#2, Manhattan’s Street Co-Naming Guidelines; and

Whereas CB#2, Man. has observed that people are often unfamiliar with those who streets are co-named for, since street signage only indicates a name, and believes that a plaque describing the person’s accomplishments on a building in close proximity would be of great service in clarifying these contributions, and the Buchbinder family applicants have agreed to create and put up a such a plaque;

Therefore be it resolved that CB#2, Man. supports co-naming the southeast corner of W. 8th and MacDougal Sts. (on MacDougal St. bet. W. 8th St. and Washington Sq. N.) “Norman Buchbinder Way;” and

Be it further resolved that CB2 looks forward to the installation nearby of a descriptive plaque of Norman Buchbinder’s contributions to the community at the same time street co-naming signage is put up.

VOTE: Unanimous, with 36 Board members in favor.

2. Resolution in support of Alternate Side Parking (street cleaning rules) on the north side of W. 12th St. bet. West Side Highway & Washington St.

Whereas current parking regulations on the north side of W. 12th St. between the West Side Highway and Washington St. specify No Parking, Monday – Friday, 8 a.m – 6 p.m., restrictions that originally were for accommodating access to commercial parking lots, all of which are now gone; and

Whereas there is now a series of new residential buildings on this block, and residents are requesting that these outdated No Parking regulations be replaced with alternate side parking/street cleaning rules to accommodate their needs; and

Whereas numerous letters of support for, as well as a petition in favor of, alternate side parking (street cleaning rules) on the north side of W. 12th St. bet. West Side Highway & Washington St. have been submitted by residents on W. 12th St. in that area and from the surrounding blocks;

Therefore be it resolved that CB#2, Man. supports the installation of alternate side parking (street cleaning rules) on the north side of W. 12th St. bet. West Side Highway & Washington St.

VOTE: Unanimous, with 36 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan