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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** May 22, 2014  
**TIME:** 6:00 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, William Bray, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Tom Connor, Terri Cude, Coral Dawson, Cristy Dwyer, Robert Ely, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Edward Ma, Daniel Miller, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Chenault Spence, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS EXCUSED:** Susanna Aaron, Anita Brandt, Maria Passanante Derr, Doris Diether, Joshua Frost, Jonathan Geballe, Robert Riccobono

**BOARD MEMBERS ABSENT:** Daniel Ballen, Alexander Meadows, Arthur Z. Schwartz

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

**GUESTS:** Celine Mizrahi, Congressman Jerrold Nadler's office Joshua Cole, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Jesse Bodine and Patricia Ceccarelli, Man. Borough President Gale Brewer's office; Sarah Sinchala, Assembly Member Deborah Glick's office, Crystal Feng, 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; Rhea Sohne, Brooke Schooley, Nancy Pasley, Minerva Durham, Terri Howell, Phyllis Knight, Steven Wilson, Jane Crotty, Christina Keppple, Bob Krassa, Nancy Glowinski, Pete Davies, Richard Donovan, Ronald Spaltin, Marna Lawrence, Anne Palmer, Daphne Warrington, Pete Sturman, Debra Zimmerman, Celine Armstrong, Kathy Donaldson, Dave Poster, Lisa Siegma, Russell Horton, Ben Kleinbamm, Roberta Spalter, Josh Bisker, Georgette Fleisher, David Bennis, Kris Haber, Sheila Shong, E. Lewis, Susan Ginsburg, Lusheena Warner, Ellis Yee, Raya Burger, Michael Maharam, Carol Lewis

### MEETING SUMMARY

Meeting Date – May 22, 2014  
Board Members Present – 40  
Board Members Excused– 7  
Board Members Absent - 3

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Free Summer Concerts

Lois Rakoff made an announcement regarding the upcoming free summer concerts in Washington Square Park.

#### Stonewall 45

Susanna Aaron made an announcement regarding the upcoming ceremony for the Stonewall plaque.

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

19 E. Houston St. Application to CPC (a) to allow retail use below 2<sup>nd</sup> floor, (b) to modify height regulations, allow a retail store greater than 10,000 sq. ft. in a new 6-story building  
Anne Palmer and Pete Davies spoke against the proposed application.

### **SLA Licensing Items**

#### RGS Rest., Inc. d/b/a Boots & Saddle, 37 Barrow St.

Brooke Schooley, Nancy Pasley, Dave Poster, and Kathy Donaldson, spoke against the proposed liquor license application.

### **Social Services and Education**

#### Senior Action Day

Sasha Greene made an announcement regarding this upcoming event.

### **Traffic and Transportation Items**

Extending the West Village Slow Zone to 6th Ave., including P.S. 41, other schools and institutions  
Heather Campbell spoke in favor of the extension.

Request to renew P.S. 3 Play Street on Grove St. bet. Bedford and Hudson Sts.  
Lisa Siegma and Russell Horton spoke in favor of the play street renewal.

Mulberry Street Pedestrian Plaza

David Bemis, Kris Haber, Minerva Durham Michael Maharam, Georgette Fleischer, and Marna Lawrence, spoke against the proposal by DOT.

Carol Lewis spoke regarding the proposal.

**III. ADOPTION OF AGENDA**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Celine Mizrahi, Congressman Jerrold Nadler's office

Joshua Cole, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

Crystal Feng, NYC Comptroller's office;

Patricia Ceccarelli, Man. Borough President Gale Brewer's office

Sarah Sinchala, 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 March minutes and distribution of April minutes.

**VI. EXECUTIVE SESSION**

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

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

## STANDING COMMITTEE REPORTS

### LANDMARKS AND PUBLIC AESTHETICS

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

**1 - LPC Item: 341 Canal Street**, aka 11 Greene Street (n.w. Greene) - SoHo Cast Iron H.D. A vacant lot. Application is to construct a new building. Zoned M1-5B

**Whereas**, this was a presentation to show some changes to an application already approved by us and LPC; and

**Whereas**, the increased height of the cornice, the deepening of the windows' depth, and the lowering of the building's height to match the adjacent building's all improve the original design; now

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

Vote: Unanimous, with 40 Board members in favor.

**2 - LPC Item: 687-B Greenwich Street** (West 10th/Christopher) - Greenwich Village H.D. A rowhouse designed by Proposition Architecture and built in 1987 as part of a group of new rowhouses approved under Certificate of Appropriateness 87-0059. Application is to construct a rooftop addition. Zoned R6

**Whereas**, although several committee members did not object to the design and materials of the structure *per se*, it nevertheless violates the guidelines that rooftop additions be minimally visible. The proposed structure stands out glaringly; and

**Whereas**, approval of this structure could set a precedent for others in the group; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application because it stands out so glaringly.

Vote: Unanimous, with 40 Board members in favor.

**3 - LPC Item: 37 West 10th Street** (5th/6th) - Greenwich Village Historic District. A Greek Revival style townhouse designed by Andrew Lockwood and altered in the 1920's. Application is to excavate at the rear yard, alter the rear facade, construct a rooftop bulkhead, and alter a back building. Zoned R6

**Whereas**, as the applicant correctly pointed out, this property represents three different eras of construction: 1820s, the 1860s and the 1920s; and

**Whereas**, the proposal seeks to eliminate and disrespect these distinctions by homogenizing them through the choice of fenestration; and

**Whereas**, although the proposed alteration will not be visible from the street, it nevertheless will result in the destruction of original materials; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application, since it destroys historic material and homogenizes three distinct eras of construction, removing any distinctiveness.

Vote: Unanimous, with 40 Board members in favor.

**4 - LPC Item: 16 - 20 7th Avenue (O'Toole Building) - Greenwich Village Historic District**  
A contemporary institutional building designed by Arthur A. Schiller and Albert Ledner and built in 1962-63. Application is to modify previously approved signage and to install additional signs.

**Whereas**, we congratulate the applicant on the sensitive restoration of this iconic structure; and

**Whereas**, we approve all the requests for signage except for the illumination of the corner sign; but

**Whereas**, the Commission has denied the applicant's request for illumination of the corner sign, and we respect and agree with that decision; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of all the signage except for the illumination of the corner sign.

Vote: Unanimous, with 40 Board members in favor.

**5 - LPC Item: 81 Horatio Street - Greenwich Village Historic District.** A rowhouse designed by William Grant and built in 1870. Application is to construct a rooftop pergola and privacy screens.

**Whereas**, the application will be minimally visible; now

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

Vote: Unanimous, with 40 Board members in favor.

**5 - LPC Item: 19 9th Avenue (Pastis Building) - Gansevoort Market Historic District.** A 19th and early 20th century wagon storage building and stables combined and altered in 1921-22 as a vernacular style garage with stores. Application is to alter the ground floor and construct an addition. Zoned M 1-5

**Whereas**, this proposal presents an attractive structure. However, it is entirely inappropriate for this building, and, more importantly, for this plaza area, which is the linchpin of the historic district; and

**Whereas**, it doesn't speak to other buildings in the district; and

**Whereas**, the ground-floor space will be effectively eradicated, making the entire ground floor a window; and

**Whereas**, the applicant presented no historic precedent in the district for such an expanse of glass; and

**Whereas**, this is an Edward Hopperesque streetscape and this proposal is totally unrelated to that ambience; and

**Whereas**, the proposal compromises one of the most recognizable and appreciated iconic buildings in the district; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application, chiefly because of the harm it does to this iconic building and plaza.

Vote: Unanimous, with 40 Board members in favor.

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

**6 - LPC Item: 69 - 73 Greene Street - SoHo Cast-Iron Historic District.** A pair of store buildings designed by Henry Fernbach and built in 1876 - 77. Application is to remove fire escapes and fire balconies

**Whereas**, nine residents of the block attended the meeting to argue for retention of the historic fire escape; and

**Whereas**, it is very unclear why the applicant is applying at this point to remove the fire escape and balconies. This fire escape is the second means of egress and there were no plans or schedule presented for installing an alternate; and

**Whereas**, furthermore, one building resident questioned how a stairway that the applicant suggested for a second means of egress could be built, since the building is fully occupied; and

**Whereas**, the applicant illegally removed historic fire shutters on the rear facade without LPC permits; and

**Whereas**, the applicant also stated there would be new, different windows installed for market-rate tenants but not for rent-stabilized loft tenants, an irregular approach not conducive for historical accuracy. Indeed the approach at restoring this building seems to be done in a piecemeal fashion; and

**Whereas**, the fire escape, although not original, is historic and adds to the character of the historic district; and

**Whereas**, FDNY Captain Michael Gorman (ret.) submitted a letter highlighting the need for the retention of the fire escape, calling their removal “**indefensible and unconscionable**” and “**insane**”. After all, SoHo has been dubbed “Hell’s Hundred Acres” due to the propensity of its buildings to catch dangerous, massive fires; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application, not only for preservation reasons, but also for the lives and safety of the occupants, who would have no second means of egress, a condition concurred by a FDNY Fire Captain with years of experience; and, further,

**Be it resolved**, before the fire escape be considered, we want to see what the landlord has in mind for the entire facade of the building, including storefront, cornice, windows, shutters, etc. The building cries for a Master Plan.

Vote: Unanimous, with 40 Board members in favor.

**7 - LPC Item: 707 Broadway, aka 2 Washington Place and 270 - 274 Mercer Street - NoHo H.D.** Three nineteenth century buildings combined and redesigned as a Modern style educational facility by Wank Adams Slavin Architects in 1971. Application is to install rooftop mechanical equipment.

**Whereas**, although the computer-generated images show the proposed equipment to be only minimally visible, we have always relied on actual mock-ups to determine the accuracy of the proposal; and

**Whereas**, a mock-up was not able to be constructed in time; and

**Whereas**, it would set a poor precedent to rely on virtual mock-ups; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application because we were not shown an actual physical mock-up.

Vote: Unanimous, with 40 Board members in favor.

**8 - LPC Item:184 7th Avenue South** (11th/Waverly) - Greenwich Village Historic District

An altered commercial appendage to an apartment house designed by Lafayette Goldstone and built in 1908. Application is to replace the front facade.

**Whereas**, we had misgivings on the aesthetics of the cornice, e.g., the dimensions and proportions, particularly its relation to the low, minimal bulkhead. The scale between the cornice and the bulkhead should be resolved, with the cornice made less heavy; and

**Whereas**, we cannot approve an unsightly corrugated wall; now

**Therefore, be it resolved** that CB#2, Man.recommends a reduction in the bulk of the cornice to balance better with the low storefront bulkhead, and also we do not support the idea of a possible unsightly corrugated wall.

Vote: Unanimous, with 40 Board members in favor.

**LAND USE AND BUSINESS DEVELOPMENT**

**C 140299 PPM, C 140300 ZSM, C 140301 ZSM, & C 140302 ZSM-19 East Houston Street on the south side between Broadway and Crosby Street.** An application to the City Planning Commission regarding disposition of city land and for a special permits pursuant to ZR 74-712 (a) to allow retail use below the level of the second floor, ZR 74-712 (b) to modify height regulations, and 74-922 to allow a retail store greater than 10,000 square feet in a new 6-story building in an M1-5B district in the Soho Cast Iron Historic District.

**A resolution recommending denial of the application unless various conditions are met**

***Whereas,***

1. This proposal for a new six story building on city-owned land at 19 East Houston Street was presented to the CB#2, Man. Land Use Committee on April 19 and May 14. The proposal is for a six-story retail and office building. Approvals are required for disposition of city property, for special permits pursuant to the Zoning Resolution 74-712(a), 74-712(b), 74-922, and a waiver of the requirement for a loading berth under 44-50.
2. In recent years, Broadway in SoHo has been deluged by global brand retailers with huge multilevel flagship stores. The fine old buildings survive, but their appearance is more and more transformed by bright lights and advertising in the windows of multiple floors. Broadway is now inundated with pedestrian traffic and the trend is expanding into the narrow streets of the rest of SoHo. The residential character of the neighborhood is drowning, and historic character is at risk of becoming the mere quaint visual backdrop of an urban retail mall. Ironically, the Environmental Assessment for this project points to the flagship stores that have led the trend as the justification for using publicly-held land to expand and intensify it.

In other words, the project is justified because it supports one existing aspect of neighborhood character, no matter that it is an aspect that is destructive to the quality of the iconic mixed-use historic district of SoHo.

3. The EAS is defective because it skirts the full quantitative review required when sidewalk capacity is reduced, in this case by the addition of new subway ventilation grates. Moving the grates from the site to the sidewalk will reduce sidewalk capacity while the building will bring in thousands of new visitors. The applicant and EDC have sought to mitigate the impact of the new grates by persuading the Department of Transportation to allow the widening of the sidewalk. But while the grates will narrow the paved sidewalk by more than five feet, DOT proposes widening it by only two feet, and there is still no plan to do the quantitative analysis required when sidewalk capacity is reduced. The initial application created additional sidewalk obstruction because retail doors swung into the pedestrian flow, a condition that is improved in a new design that provides for recesses and hardware that reduce this obstruction to “a few inches”.
4. This is a small but high-impact site. Across Broadway, in 1973, installation of “The Wall” by Forrest Myers marked the intersection as the gateway to SoHo. Because Houston bends to the north here, the new façade will be highly visible for blocks from the west and north. According to the application, the building design that won approval from the Landmark Preservation Commission sought to “heal the scar” that was created when Houston Street was widened. But in marketing materials released after the LPC approval we see different images of the giant façade, now dominated by brightly lit commercial images from Crosby Street to Broadway on all floors. Ironically, – again! -- if the apparent commercial goals of the applicant are achieved, we will never know if the architect succeeded in his effort to use modern materials and gestures to create a contemporary building that contributes respectfully to the SoHo Cast Iron Historic District. While the uses of the façade suggested in the marketing materials may be illegal, LPC and DOB have failed to effectively enforce these regulations, and windows in landmark districts are increasingly dominated by advertising. It makes more sense to preclude this use in advance than to increase the burden on inadequate enforcement resources.
5. Without adequate explanation, EDC selected this project despite the applicant’s apparent disregard of guidance provided to bidders stating that MTA would not allow the grates to be moved because of impacts on the operation of the existing fan plant and because the cost of likely future upgrade to the plant would be increased. It is unclear whether other bidders or potential bidders were aware that following the guidance was optional. Further, no cost-benefit analysis has been done to weigh the financial benefits of this project to the MTA versus the potential long-term costs of moving the grates. The proposal is at odds with current MTA policy of keeping new ventilation facilities off of sidewalks.
6. The application includes a request for a special permit under ZR 74-712(a) to allow retail below the level of the second floor. This could be appropriate for the site were it not for the harmful impacts of the quantity and quality of the proposed retail on neighborhood character.
7. The applicant originally misinterpreted ZR 44-50 in a determination that a loading berth would not be required. Now recognizing the error, the applicant plans to seek a waiver under 44-55, but it unclear whether the building meets the specific requirement for the waiver which relates to the rule restricting berths within 50 feet of the intersection of street lines. In any case, no good alternative location for loading is offered, and the difficulty of meeting the zoning text requirement points to the over-burdening of a small site in a heavily congested area.

8. The applicant has also applied for a special permit under ZR 74-922 to allow a single retail store exceeding 10,000 square feet in this M1-5 district. But the requirement for the special permit is that there be no loading from a narrow street and the application fails to provide a means of protecting Crosby Street from this use. When the need for loading from Broadway was taken into consideration, DOT reduced the sidewalk widening it would allow from three feet to two feet, reducing the needed relief to pedestrian overcrowding. This put the special permit requirement in conflict with proposed mitigation of the impact of the ventilation grates. Once again, the difficulties point to the problems caused by the intensity of use proposed for this small site in a congested mixed-use area.
9. The goal of this project is to contribute to the City's \$250 million commitment to the MTA's capital improvement program. This is obviously worthy and appropriate and of importance to the whole City, but the character of SoHo cannot and need not be sacrificed. A better process would have established a role for CB#2, Man. during the early stages of the project when the Request for Proposals was written. Still, this is an extraordinary site and its high value can be achieved without creating a glowing commercial beacon at the gateway to SoHo and without inconveniencing and endangering pedestrians.

"The Wall" was threatened because the building owner wanted to use the side of the building for a billboard. When an agreement was reached to preserve it, artist Forrest Myers said: "This is the rare example of a wall that brings people together instead of dividing them." In that spirit,

***CB#2, Man. therefore resolves:***

1. CB#2, Man. recognizes the importance of obtaining funding for essential citywide MTA capital improvement and supports the disposition of this site in connection with that commitment in the context of development that is positive for the district.
2. CB#2, Man. recommends denial of a special permit pursuant to ZR 74-712(a) to allow retail use of the first and cellar floors *unless*
  - a. There will be no freight entrance on Crosby Street
  - b. The applicant agrees to (i) reduction of the transparency of the glass on all floors except the ground floor and (ii) filing a declaration restricting the use of the building windows for advertising and branding by means of displayed objects, images, and signs inside the building, and also limiting the light levels emanating from the building at night;
3. CB#2, Man. recommends rejection of the proposal to move ventilation grates onto the Houston Street sidewalk *unless*
  - a. The sidewalk is widened by an amount such that the width of the concrete portion of the sidewalk at its narrowest point is at least equal to the width of the current sidewalk, and the work is done at the applicant's expense so that the financial value of this project to the City is not reduced;
  - b. The project includes upgrading the existing fan plant to meet current standards AND the applicant provides, prior to City Planning review, a full cost benefit analysis to assess any and all future MTA costs related to moving the ventilation grates including (i) maintenance, repair, and liability related to the new gratings or adjacent sidewalk; (ii) fan plant maintenance and operations; and (iii) fan plant upgrades.
4. CB#2, Man. supports moving the bus stop to a new nearby location if necessary to allow the sidewalk widening;

5. CB#2, Man. does not object to issuance of a special permit pursuant to ZR 74-712(b) to modify applicable height regulations;
6. CB#2, Man. recommends denial of a special permit under 74-922 to allow a retail store exceeding 10,000 square feet, but does not object to a multilevel retail and office project if two or more smaller stores are included.
7. CB#2, Man. recommends denial of the application pursuant to 44-582 for a waiver of the requirement for a loading berth and recommends instead reduction of the project size such that no loading berth is required.
8. CB#2, Man, expresses disappointment that CB#2, Man. was not consulted during the formulation of the objectives for the disposition of city-owned land within the district, and that community needs such as public open space and affordable housing were not included as objectives in addition to funding of MTA capital projects.
9. CB#2, Man. expresses concern regarding the late change to requirements of the RFP allowing the relocation of the ventilation grates and also regarding the lack of opportunity for public review of the location of the replacement site for the MTA facility on East 20<sup>th</sup> Street.

Vote: Unanimous, with 40 Board members in favor.

## **SIDEWALKS/STREET ACTIVITIES**

### **App. to Dept of Consumer Affairs for Newsstands at:**

#### **1. Southeast corner of Varick St & Carmine St.**

**Whereas,**

- a. the area was posted, community groups notified, there were no community members present regarding this application, and the applicant was present, and
- b. while 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 well-served with purveyors of the products a newsstand would sell,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of an application for a newsstand on **Varick St near the southeast corner of Carmine St, DCA# 4605-2014-ANWS**

Vote: Passed, 32 Board Member in favor, 8 in opposition (R. Woodworth, J. Hamilton, K. Bordonaro, D. Gruber, K. Berger, E. Young, J. Kiely, R. Wittenberg).

#### **2. Northeast corner of East 13th St & 5th Avenue**

**Whereas,**

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Muhammed Hafeez, was present, and
- b. the newsstand is proposed for the north side of E 13th St adjacent to the new campus building of the New School, yet a representative of the school provided the committee with two notices of application as required under section 2-64 of Title 6 of the Rules of the City of New York, but one was for a location in

front of 66 W. 12th St, two blocks away, and while the form had the applicant's name on it, he stated he knew nothing about this location, and

c. the other notice was for a location in front of 65 5th Ave, 25 ft south of the southeast corner of 5th Ave & E. 14th St and listed another applicant's name, Mohammed A. Hossain, and

d. it appears to the committee that the New School, as the adjacent property owner, was not properly notified as required under the Rules of the City of New York, and the school is adamantly opposed to a newsstand at this location, and

e. the plan for the newsstand has it sited just 5' from doors into the elevator lobby of the New School building, but Section 2-65 of Title 6 requires "a 15 foot clearance as measured parallel to the curb" from any "entrance to the elevator lobby of a building having non-residential uses above the street level floor and having 16 floors in height or more with a frontage of at least 100 feet on a narrow street or 140 feet on wide streets", and

f. it appears to the committee that moving the newsstand further down the block would create clearance problems to additional doors from main egress stairways and an immediately adjacent loading dock door,

**THEREFORE BE IT RESOLVED** that CB#2, Man. STRONGLY recommends DENIAL of an application for a newsstand on **E 13th St. near the northeast corner of 5<sup>th</sup> Ave, DCA# 5016-2014-ANWS**

VOTE: Unanimous, with 40 Board Members in favor

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

**3. 333 Lafayette, LLC d/b/a Pinche Taqueria, 333 Lafayette St. (SE corner Bleecker St), with 16 tables & 36 seats (1347971-DCA)**

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager and representative, Michael Kelly, were present, and
- b. the committee requested the applicant appear for this renewal to properly discuss the illegal use of a storm enclosure to completely enclose the café during winter of 2013/2014, and
- c. the manager stated that they had paid \$12,000 for the enclosure based on the assurances of the enclosure company that it was a legal usage, which it is not as the license is for an Unenclosed café and by city rules storm enclosures should extend no farther than 18" from the property line, and
- d. the applicant had been previously cautioned by the CB2 office that this was illegal and was subsequently cited by DCA for its use (but apparently only after a previous DCA inspection had found no violation in its use), and
- e. both the manager and Mr. Kelly clearly committed that the enclosure would not be used again,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate a SMALL sidewalk café for **333 Lafayette, LLC d/b/a Pinche Taqueria, 333 Lafayette St. (SE corner Bleecker St.), with 16 tables & 36 seats (1347971-DCA)**

**CONDITIONAL UPON no storm enclosure being used again to enclose any part of the sidewalk café seating; and**

**FURTHER BE IT RESOLVED that DCA add to the sidewalk café rules and contract a section clearly stating that no storm enclosure is allowed to enclose any part of an unenclosed sidewalk café's seating, and that any enclosure used should extend no more than 18" from the façade as dictated in Section 313(c) of Title 27 of the NYC Administrative Code; and**

**FINALLY BE IT RESOLVED that DCA send a letter to all sidewalk café license holders well in advance of the 2014/2015 winter season informing them of this restriction on the use of storm enclosures relative to any area licensed for a sidewalk café to ensure that more café operators, many of whom are small business owners, are not duped by unscrupulous and/or uninformed installers of these enclosures**

VOTE: Unanimous, with 40 Board Members in favor

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

**4. Tatane Corp., d/b/a Fiat Café, 203 Mott St. (btw Kenmare St & Spring St), with 3 tables & 6 chairs (4713-2014-ASWC)**

Block: 480 Lot: 24                      Lot Frontage: 25.5' Lot Depth: 93.92                      Year Built: 1900(estimated)  
Number of Buildings:2;                      Number of Floors:5 Residential Units:16                      Total # of Units:20  
Zoning:C6-2

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Stephane Iacovelli and his representative, Andrew Caraballo, were present, and
- b. the applicant supplied a petition in support of the café with approximately 80 names, but a quick perusal showed many of those were from areas well-removed from this location, and
- c. this café is proposed for a sidewalk of just 12'3" – just 3" wider than the minimum required width – which is not further constrained by any obstructions, and
- d. the supplied print shows all of the seating in a space of only 10'4" and in the considerable number of cafes it has encountered, the committee has consistently found that 10' of space can realistically accommodate no more than 2 tables & 4 chairs, and
- e. at the request of the committee the applicant agreed to reduce the seating to 2 tables & 4 chairs,

**THEREFORE BE IT RESOLVED that CB#2, Man. recommends DENIAL of this NEW application for revocable consent to operate an Unenclosed sidewalk café for Tatane Corp., d/b/a Fiat Café, 203 Mott St. (btw Kenmare St & Spring St) (4713-2014-ASWC)**

**UNLESS the applicant files a new plan with DCA reducing the seating to 2 tables & 4 chairs as noted in the Whereas (e)**

VOTE: Unanimous, with 40 Board Members in favor

**5. Blue Bell Restaurant, LLC, d/b/a Cantine Parisienne, 153 Elizabeth St. (SW corner Kenmare St), with 14 tables & 42 chairs (5354-2014-ASWC)**

Block:479 Lot:29

Lot Frontage:33.67' Lot Depth:94.17

Year Built:2006

Number of Buildings:1;

Number of Floors: Residential Units:0

Total # of Units:1

Zoning:C6-1

**Whereas,**

f. the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Stephane Jauslin, was present, and

g. this café is proposed for a sidewalk of 19'3" and the seating at the façade is partially within 1'6" of space which lies inside the property line, and the plan allows the required clearances to a traffic signal pole at the corner and the subway sidewalk grates that run the entire length of the cafe, and

h. in accordance with its policy to make every effort to limit café noise as much as possible, the committee requested the applicant supply DCA with a modified print placing all the 24"x42" 4-seat tables against the façade and the applicant agreed, and

i. two members of the community appeared to argue against the approval of the café, citing the relatively recent proliferation of cafes on Kenmare St, the extent of traffic on the street and the presence of the sidewalk grate that runs along that section of the sidewalk, and

j. the committee pointed out that the café depth leaves 4'6" clearance to the subway grates, which is more than the required 3' and that there is no provision in sidewalk café law allowing the limiting of café licenses based on either street traffic volume or the number of nearby cafes,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Blue Bell Restaurant, LLC, d/b/a Cantine Parisienne, 153 Elizabeth St. (SW corner Kenmare St), with 14 tables & 42 chairs (5354-2014-ASWC)**

**CONDITIONAL UPON the applicant filing a new plan with DCA moving all 4-top tables against the façade as noted in the Whereas (c).**

VOTE: Unanimous, with 40 Board Members in favor

**6. 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,

- Mouquinho Enterprises, Inc. d/b/a PJ Charlton, 549 Greenwich St., with 5 tables & 10 chairs (#1225847-DCA)
- Think Bleecker LLC d/b/a Think Coffee, 1 Bleecker St., with 10 tables & 20 chairs (#1277645-DCA)
- Bleecker Spaghetti, LLC d/b/a Trattoria Spaghetti, 232 Bleecker St., with 14 tables & 28 chairs (1399534-DCA)
- Serafina Meatpacking, LLC, 7 9<sup>th</sup> Avenue, with 14 tables & 36 chairs (1418637-DCA)
- Lupe's East L.A. Kitchen, Inc., 110 Avenue of the Americas, with 4 tables & 16 chairs (1321335-DCA)

- Il Buco Vineria, LLC d/b/a Il Buco Alimentary & Vineria, 53 Great Jones St., with 6 tables & 12 chairs (1422675-DCA)
- ITM Garden, Inc. d/b/a Revel NYC, 12 Little West 12<sup>th</sup> St, with 13 tables & 28 chairs (1214291-DCA)
- Juicerie, LLC., d/b/a Juicerie, 19 Kenmare St., with 20 tables & 40 chairs (1437537-DCA)
- SOH Peace, Inc., d/b/a Fukurou, 87 MacDougal St., with 7 tables & 14 chairs (1452982-DCA)
- Raro, Inc. d/b/a Rafele, 29 7<sup>th</sup> Avenue South, with 14 tables & 42 chairs (1419407-DCA)
- Cosi, Inc. d/b/a Cosi, 841 Broadway, with 14 tables & 36 chairs (1027305-DCA)
- Toby's Public House LLC, d/b/a Toby's Public House, 86 Kenmare St, with 6 tables & 12 chairs (1431897-DCA)
- Smorgas Chef West Village LLC, d/b/a Smorgas Chef, 283 W 12 St, with 13 tables & 26 chairs (1233131-DCA)

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

VOTE: Unanimous, with 40 Board Members in favor

#### **7. 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

**7/12/14 Bike Blessing and Community Awareness, 155 Ave. of Americas bet. Spring & Broome Sts.**

**Whereas**,

- this event is proposed for the ‘stub’ two blocks of 6<sup>th</sup> Ave which run between Spring St & Broome St and are split by the east terminus of Dominick St., and
- the initial concern of the committee based on the application was that the event was planned for the primary section of 6<sup>th</sup> Ave, and there appeared to be no “indigenous relationship” between the sponsor of record – Abate of NY Brooklyn Alliance – and the blocks, but the event is being co-sponsored by Ducati Triumph New York, a motorcycle dealer located on the north block, and
- the event is proposed as a blessing for motorcycles and riders as well as an educational opportunity for riders and the general public, and includes activities for children, and
- there was concern from some in the community about noise, but it is not clear whether that will be a problem,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event on **the western ‘stub’ blocks of Ave. of Americas bet. Spring & Broome Sts.**

Vote: Passed, with 36 Board members in favor, and 4 in opposition (T. Connor, A. Hearn, S. Russo, M. Schott).

## 8. FYI Renewals:

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

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

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

- **9/20/14** Cornelia Street Block Party, Cornelia St. bet. Bleecker & W. 4<sup>th</sup> Sts.

Vote: Unanimous, with 40 Board members in favor.

- **10/8/14** NYU Wellness Expo, Washington Place bet. Washington Square East & Greene St.

Vote: Unanimous, with 40 Board members in favor.

### **SLA LICENSING**

**1. Sweet 101 LLC d/b/a Baby Grand, 161 Lafayette Street 10013** (existing OP license seeking transfer to new owners – SN1218388)

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

**Whereas**, the applicants seek to operate an existing karaoke bar at 161 Lafayette Street in a five-story commercial at Grand Street with no proposed changes to the existing bar or method of operation of the prior owner; and

**Whereas**, the hours of operation will be from 6 pm to 1 am from Sunday to Wednesday, 6 pm to 2 am on Thursdays and 6 pm to 4am on Friday and Saturday, there is one bar with 8 seats, one alcove with benches and seven stools along an opposing wall, there is one TV and music will be entertainment level but restricted to karaoke only, there is no sidewalk café or backyard garden; and

**Whereas**, there is a basement to the premises but use will be restricted to an office and storage and there will be no patrons, there is a valid certificate of occupancy for an occupancy of 50, one bathroom and one entrance/exit for patrons from the public sidewalk; 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 OP license and the stipulations are as follows:

1. Will make no changes to their existing method of operation operating as a karaoke bar.
2. Will operate from 6 pm to 1 am from Sunday to Wednesday, 6 pm to 2 am on Thursdays and 6 pm to 4am on Friday and Saturday.
3. There will be no bands, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. Will not install new doors or windows that open out to sidewalk.

5. Will close all doors at all times except for ingress and egress and sound will not reach beyond the front door.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of an On-Premise license to **Sweet 101 LLC d/b/a Baby Grand, 161 Lafayette Street 10013** **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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**2. Soho Grand Hotel, 310 West Broadway 10013** (existing hotel OP license seeking alteration to extend licensed premise to include 5,479 sf outdoor space)

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

**Whereas**, the applicant operates a 16 story hotel on West Broadway between Canal and Grand Streets and is seeking to alter its existing OP license (#1023301 exp. June 30, 2015), which applies strictly to the interior of the premises, to add and extend the licensed premises to an exterior 5,479 s.f. side yard that extends from West Broadway to Thompson Street to Canal Street with 32 exterior tables and 100 exterior seats, one exterior bar with 20 seats and two additional exterior bars with 20 additional seats for a total occupancy of 140 seats for patrons in the outdoor space; and

**Whereas**, CB#2, Man. previously recommended approval for issuing an On Premises license to the applicant in May/1996 which specifically applied only to the service of alcohol within the interior premises on the 2<sup>nd</sup> Floor and above and not for any exterior spaces, or exterior spaces on the ground level; and

**Whereas**, the CB#2, Man. resolution from 1996 states that “there is every indication that it will be a benefit to this community to have liquor available to the hotel’s guests on site, so that they need not go out[side] at night and add to problems caused by the over-proliferation of bars and restaurants in the immediate area of the hotel”; and

**Whereas**, the Hotel is zoned M1-5A, a specific type of zoning designation located in the SoHo area where retail use for eating and drinking is not permitted on the ground floor of the premises unless a Special Permit is issued permitting such use by the City Planning Commission; and

**Whereas**, the applicant appeared before CB2’s SLA Committee two times in 2014 but was unable to answer all the questions posed by the Committee at its first meeting in April/2014 regarding whether its proposed use of the outdoor side yard was legal and permitted for eating and drinking, and thereafter requested to postpone its application 30 days for a second appearance before the same Committee for the purpose of providing its Special Permit and to clarify whether the side yard use was legal and permitted; and

**Whereas**, when the applicant reappeared before CB2’s SLA Committee a second time in May/2014 it failed to produce its Special Permit but regardless the Committee was still able to obtain a copy of the Special Permit from other sources; and

**Whereas**, the 1997 Special Permit issued to the Soho Grand only provides permission for retail eating and drinking within the interior of the premises and does not extend to any portion of the exterior premises surrounding the ground floor of the Hotel; and

**Whereas**, the applicant conceded at its second appearance that it had been advised by its zoning lawyer that the Special Permit previously issued to the Soho Grand Hotel in 1997 was limited to retail eating and drinking within the building and did not extend to the exterior portions of the Hotel premises; and

**Whereas**, despite not having a permit or license to operate an eating and drinking establishment in the exterior side yard, and despite not having or ever being issued a On-Premise liquor license from the NYS Liquor Authority to serve alcohol to patrons in the exterior side yard, the applicant further conceded that the side yard area had been improperly operated and advertised as a bar in 2013 as “Gilligan’s” and before that for multiple years as “The Yard” serving alcohol outdoors causing noise and negatively impacting the area and its adjacent residential neighbors for years,; and

**Whereas**, the applicant’s CB2 questionnaire and statements to the CB2 Committee provided a method of operation for the exterior Side Yard which included operating as a full service bar late into the night from 6 pm to 12 am Sunday through Wednesday and from 6 pm to 2 am Thursday through Saturday, and where there are plans for live DJ entertainment and amplified music, promoted events, scheduled performances, private parties, events where a cover fee is charged and outside promoters will be used; and

**Whereas**, there are residential tenement buildings directly adjacent to the Side Yard of the Soho Grand and representatives from the Soho Alliance and a large residential building located directly across the street from the exterior yard appeared in opposition to the application citing concerns with music, crowds and the applicants prior history of illegally operating the side yard without any permits or licensing; and

**Whereas**, no one from the public appeared in support of the applicant and the applicant failed to demonstrate any outreach to the residential buildings located adjacent to the side yard premises; and

**Whereas**, the applicant response to concerns of outdoor music, late night parties and noise emitting from the outdoor space was to offer to install new windows for any neighbor complaining of the noise; and

**Whereas**, in addition to seeking to add the outdoor Side Yard to its existing OP license, the applicant further seeks to alter its interior bars to its Cub Room; and

**Whereas**, when CB2’s SLA Committee offered the applicant to separate the interior portion of its current application from the exterior side yard alteration and withdraw the exterior portion from its application, the applicant declined; and

**Whereas**, evidence was presented that all necessary licenses and permits have not been issued to the applicant to operate an exterior bar for eating and drinking at the Hotel’s exterior ground floor premises, there are significant concerns that there will be an unreasonable increase in the noise level generated by the addition of a 5000 sf exterior bar with live DJ entertainment and amplified music, promoted events, scheduled performances, private parties, events where a cover fee is charged and where outside promoters will be used until 2 am on the weekends and Midnight during the week, greatly affecting the neighbor and Hotel’s adjacent neighbors and further, there is a history and pattern of unlicensed liquor sales at the premises in violation of the NY Alcohol Beverage Control Act; and

**Whereas**, the instant application fails to establish evidence that the public interest would be promoted by altering the existing On-Premises liquor license to extend service to the exterior side yard of the premises creating a late night outdoor bar in excess of 5000 sf; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial for **Soho Grand Hotel, 310 West Broadway 10013** on its application seeking an alteration to its existing OP license to add service to an outdoor side yard in excess of 5000 s.f. on the ground floor (15 tables and 30 seats); and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500 foot hearing because the ground floor premises sought to be combined with the existing license has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 40 Board members in favor.

**3. Tatane Corp. d/b/a Fiat Café, 203 Mott St., 10012** (Existing BW License seeking alteration to add sidewalk cafe)

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

**Whereas**, this application is for an alteration to an existing Beer/Wine license (# 1244106, exp. 7/31/15) to add service to a new 43 sf sidewalk café with two tables and four seats at an Italian Café located at 203 Mott Street between Spring and Kenmare Streets in a 5 story mixed use building; and

**Whereas**, the interior premises is 400 s.f., there will be no changes to the existing interior premises, exterior façade or method of operation, which includes 8 tables and 16 seats and one bar with no seats for overall number of 20 seats of 20; and

**Whereas**, the hours of operation will continue to be from 8 am to 11 pm seven days per week, music will be background only and there are no TVs; and

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

1. Will make no changes to their existing method of operation other than adding service to a sidewalk café.
2. Will operate from 8 am to 11 pm seven days per week.
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. All doors and windows that open out to the sidewalk will be closed by 10 pm daily.
5. The sidewalk café will be closed each night by 11 pm daily.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a Beer/Wine license to **Tatane Corp. d/b/a Fiat Café, 203 Mott 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 BW License.

Vote: Unanimous, with 40 Board members in favor.

**4. Edgewood Realty Management LLC d/b/a Brazilla, 684 Broadway, 10012** (new beer and wine – previously unlicensed location)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a beer and wine license in a twelve story mixed use building in a Landmark Building on Broadway between Great Jones and West 3<sup>rd</sup> Streets; and

**Whereas**, the premises was previously operated as an Au Bon Pain sandwich shop and a pop-up fashion store but never with a license to sell or alcohol but where the applicant has already been operating as a 60 seat casual style Café offering light menu featuring sandwiches, a juice bar, smoothies and ice cream, and will have wait-service and take-out; and

**Whereas**, the total licensed premises is 3,925 s.f. (1<sup>st</sup> floor 2,535 s.f. and basement 1,390 s.f.), there will be no changes to the interior premises but there will be new signage and storefront modifications at the Great Jones entrance, new awnings on Broadway and Great Jones entrances, two total entrances and three exits, with 31 tables and 60 seats, one bar with eight seats for a total patron occupancy of 68, there will be no TVs, with background music only, there will be no sidewalk café or outdoor garden and there are no French doors or windows that will open out; and

**Whereas**, the premises have a current certificate of occupancy that permits for eating and drinking on the first floor and permits accessory storage for eating and drinking in the basement only; and

**Whereas**, the applicant will continue to operate with hours of operation from 7 am to 10 pm Sunday through Wednesday and from 7 am to 12 am from Thursday to Saturday; and

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

1. Will make no changes to their existing method of operation other than adding BW service to the café and will continue to operate as a café with coffee bar.
2. Will operate with hours of operation from 7 am to 10 pm Sunday through Wednesday and from 7 am to 12 am from Thursday to Saturday.
3. There will be no TVs.
4. There will be no operable doors or windows that open out to the sidewalk.
5. 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.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a Beer/Wine license to **Edgewood Realty Management LLC d/b/a Brazilla, 684 Broadway, 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 BW License.

Vote: Unanimous, with 40 Board members in favor.

**5. Trigger House, LLC d/b/a Cantelle SOHO, 462 West Broadway, 10012** (pop up cheese and wine shop until July 6, 2014 only, previously unlicensed location)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a new seasonal beer and wine license for a ground floor space in a five-story mixed use building at 462 Broadway between West Houston and Prince Streets; and

**Whereas**, the license will be limited to the extent that the applicant states that the premises will only be operated temporarily and only as a pop up seasonal cheese and wine shop with the sale of wine incidental to the business, designed to offer patrons selections of wines that will pair with the food selections offered for sale and there will primarily be sampling products in the store, purchasing cheese and other food products to take out and will only remain open through July 6, 2014; and

**Whereas**, the premises have never been licensed for the service of alcohol and were previously operated as an art gallery but the current application is limited and only seeks to operate on a temporary basis for limited purposes until July 6, 2014 and that the method of operation will be a café/cheese shop with two tables and four seats, there will be no TVs, there will be background music except for some private parties, where there may be live music, there will be no sidewalk café or outdoor garden and they will not install French doors or windows; and

**Whereas**, the applicant will operate from 9 am to 9 pm daily seven days per week; 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 BW license and the stipulations are as follows:

1. Premises will be advertised and operated as a temporary pop up cheese and wine shop only and only until July 6, 2014.
2. The license will be temporary and will not renew unless applicant reapplies and reappears before CB2 for any additional licenses to these premises (temporary or otherwise).
3. Will operate from 9 am to 9 pm daily seven days a week.
4. There will be no TVs.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Music will be quiet, background level inside the premises with the exception of occasional live music during private parties but there will be no dj’s, promoted events or scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an Beer/Wine license to **Trigger House, LLC d/b/a Cantelle SOHO, 462 Broadway, 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 temporary BW License.

Vote: Unanimous, with 40 Board members in favor.

**6. Crif Dogs West, LLC d/b/a Crif Dogs, 120 MacDougal Street, 10012** (new Beer Wine license in a previously unlicensed location)

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

**Whereas**, the application is for a new beer and wine license in a 625 s.f. ground floor premises to sell hot dogs in a seven story mixed-use building on MacDougal Street between West 3<sup>rd</sup> and Bleecker Streets, there will be two counters with 12 stools for a total combined occupancy of 20 patrons; and

**Whereas**, the premises were previously operated a Hot Dog Restaurant call “Dogmatic” but not previously licensed for the sale of liquor; and

**Whereas**, the hours of operation will be from 11 am to 4 am seven days a week but the operator has agreed not to serve alcoholic beverages after 2 am; and

**Whereas**, there will be two TVs with no sound, quiet background music only and agreed to close all doors and windows at all times; and

**Whereas**, the applicant agreed to endeavor to control noise from patrons outside and those patrons who may illegally park or idle in front of the premises which is a designated bicycle lane; 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 BW license and the stipulations are as follows:

1. Will not serve alcoholic beverages after 2 am daily.
2. There will be only 2 TVs that will operate without sound.
3. Will not install French doors or windows that open out to sidewalk or otherwise.
4. Will close all doors and windows at all times except for egress/ingress.
6. 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.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an Beer/Wine license to **Crif Dogs West, LLC d/b/a Crif Dogs, 120 MacDougal 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 temporary BW License.

Vote: Unanimous, with 40 Board members in favor.

**7. Oran Corp., d/b/a Soho Thai 141 Grand Street 10013** (transfer and upgrade of existing BW license—#1258414 Exp. 10/31/2015—to On Premise license)

**Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a transfer of existing BW license—#1258414 Exp. 10/31/2015 Grand Green Stone, Inc. d/b/a Thai Angel—to operate a Thai food restaurant in a four story mixed use building on Grand Street between Lafayette and Crosby Streets; and

**Whereas**, no certificate of occupancy was presented indicating retail or eating and drinking use but the applicant had no plans to alter or modify/renovate the existing interior premises and there will be no change in the current method of operation as a Thai food restaurant; and

**Whereas**, the total licensed premises is 1350 s.f., there will a total of 15 s.f. and 46 seats and no bars for a proposed occupancy of 46 patrons, no TVs, with background (quiet) music only, no sidewalk café or outdoor garden; and

**Whereas**, the hours of operation will be from 11:30 am to 11 pm from Sunday to Thursday and from 11:30 am to 12 am on Fridays and Saturdays; 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 OP license and the stipulations are as follows:

1. Premises will be advertised as a Thai food restaurant.
2. Will not operate a sidewalk café or outdoor garden.
3. Will operate no later than 12 am seven days a week.
4. There will no TVs.
5. All doors and windows will be closed by 10 pm every night.
6. 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.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of a full On Premises license to **Oran Corp., d/b/a Soho Thai 141 Grand Street 10013** **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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**8. The Egg Shop LES, LLC d/b/a Egg Shop, 151 Elizabeth Street 10012** (transfer of existing OP license—#1270846 La Quinta Group LLC. d/b/a Piex Exp. 6/30/2015)

**Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a transfer of an existing OP license for a full service restaurant focused around eggs, egg sandwiches and other fare which uses eggs as its central ingredient on the first floor of a six story mixed use building on Elizabeth Street between Kenmare and Broome Streets; and

**Whereas**, the applicant plans to make minor layout changes to the existing interior premises and there will be no change in the current method of operation as a Thai food restaurant; and

**Whereas**, the total licensed premises is 650 s.f., there will a total of 7 tables and 24 seats and one bar with 7 seats for an overall occupancy of 31 patrons, no TVs, with background (quiet) music only, no sidewalk café or outdoor garden; and

**Whereas**, the hours of operation will be from 7 am to 12 am from Sunday to Thursday and from 7 am to 1 am on Fridays and Saturdays; 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 OP license and the stipulations are as follows:

1. Premises will be advertised as a restaurant focusing on eggs.
2. Will not operate a sidewalk café or outdoor garden.
3. Will operate from 7 am to 12 am from Sunday to Thursday and from 7 am to 1 am on Fridays and Saturdays.
4. There will no TVs.
5. All doors and windows will be closed by 9 pm every night.

6. 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.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of a full On Premises license to **The Egg Shop LES, LLC d/b/a Egg Shop, 151 Elizabeth 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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**9. Qifan LLC d/b/a Lumos, 90 W. Houston Street 10012** (new OP license, previously licensed location)

**Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a new OP license to operate a high-end lounge and bar in a three story mixed use building on W. Houston Street between LaGuardia Place and Thompson Street; and

**Whereas**, the total licensed premises is 1200 sf, there will a total of 7 tables and 58 seats and one bar with 0 seats for an overall occupancy of 58 patrons, no TVs, will not be utilizing ropes or movable barriers outside, there will be background music only, no sidewalk café or outdoor garden; and

**Whereas**, the hours of operation will be from 12 pm to 2 am from Sunday to Wednesday and from 12 pm to 4 am Thursday to Saturday; and

**Whereas**, there will be security personnel and a /manager on duty all nights; and

**Whereas**, the applicant met with the Bleecker Area Merchants and Resident's Association ("BAMRA") and agreed to and executed stipulations with BAMRA which are incorporated into 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 OP license and the stipulations are as follows:

1. Premises will be advertised as a high-end lounge.
2. Will not operate a sidewalk café or outdoor garden.
3. There will be no TVs.
4. All doors and windows will be closed at all times except for egress or ingress.
5. All patrons will be gone and out of bar/lounge at time of closing.
6. There will be no bottle service except for wine or champagne.
7. Music will be quiet, background level 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. Security personnel will be assigned to prevent patrons from congregating on the sidewalk in front of the premises during late night hours.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a full On Premises license to **Qifan LLC d/b/a Lumos, 90 W. Houston 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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**10. Domir 2014, LLC d/b/a Tocomeria, 92 W. Houston Street 10012** (transfer of existing OP license—Pear Tree Café Corp. #1238857 exp. 11/30/2014)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a transfer of an existing OP license to operate a kosher Mexican restaurant that will focus on tacos on the ground floor in a three-story mixed-use building on W. Houston Street between LaGuardia Place and Thompson Street; and

**Whereas**, the licensed premises is 1555 s.f. on the ground floor and 679 s.f. in the basement, will be operated as a Restaurant and there was a letter of no objection issued in 2009 by the NYC DOB for eating and drinking at the premises; and

**Whereas**, there will a total of 10 tables and 58 seats and one bar with 13 seats for an overall occupancy of 71 patrons, two TVs only, will not be utilizing ropes or movable barriers outside, will employ security there will be background music only, no sidewalk café or outdoor garden; and

**Whereas**, the hours of operation will be from 11 am to 2 am seven days per week; and

**Whereas**, the applicant met with the Bleecker Area Merchants and Resident’s Association (“BAMRA”) and agreed to and executed stipulations with BAMRA which are incorporated into 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 OP license and the stipulations are as follows:

1. Premises will be advertised as a kosher Mexican restaurant.
2. Will not operate a sidewalk café or outdoor garden.
3. There will be 2 TVs only with no sporting events.
4. All doors and windows will be closed at all times except for egress or ingress.
5. Will be a license for a Restaurant only.
6. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of a full On Premises license to **Domir 2014, LLC d/b/a Tocomeria, 92 W. Houston 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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**11. 174 Bleecker St. LLC d/b/a Old Tbilisi, 174 Bleecker St. 10012** (application for new OP license at previously licensed location)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a new OP license to operate a family restaurant serving Georgian food, serving breakfast, lunch and dinner on the ground floor of a five-story mixed-use building on Bleecker Street between MacDougal and Sullivan Streets; and

**Whereas**, the total licensed premises is 3400 s.f. (1800 sf ground floor, 1200 s.f. basement and 400 s.f. rear yard patio), the first floor and rear yard patio will be operated for dining only and the basement will be for storage/office only and there is a letter of no objection issued by the NYC DOB for the premises which permits eating and drinking; and

**Whereas**, there will a total of 23 tables and 50 seats and one bar with 5 seats for an interior occupancy of 55 patrons, with 5 additional tables and 10 seats for the rear yard patio, there will be one TV only which will not be utilized for sporting events and the volume will remain off, music will be background music only and there will be no sidewalk café; and

**Whereas**, the hours of operation will be from 8 am to 1 am from Sunday to Wednesday and from 8 am to 2 am from Thursday to Saturday; and

**Whereas**, the rear yard patio will not be used or open before 11 am seven days a week and will close (lights out) by 9 pm Sunday to Thursday and by 10 pm (lights out) Fridays and Saturdays, there will be no music, the existing awnings will remain and continue to be used to attenuate patron noise and all rear doors and rear windows facing the rear yard from the Restaurant will be closed every night at the same time that the rear yard is closed; and

**Whereas**, there are existing French doors on the front façade which open out to the sidewalk but the applicant also agreed to close those doors/windows by 10 pm every night seven days a week; and

**Whereas**, the applicant met with the Bleecker Area Merchants' and Residents' Association ("BAMRA") and agreed to and executed stipulations with BAMRA which are incorporated into the instant resolution; and

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

1. Premises will be advertised as a family restaurant serving authentic Georgian food.
2. Will not operate a sidewalk café.
3. There will be 1 TV only with no sporting events shown and no volume utilized.
4. The rear yard patio will be for dining only, there will no music and all rear doors and windows will be closed at the time the patio is closed.
5. The rear yard patio will not open before 11 am seven days per week.
6. The rear yard patio will be closed (lights out and no patrons) at 9 pm Sunday through Thursday and at 10 pm on Fridays and Saturdays.
7. The hours of operation will be from 8 am to 1 am from Sunday to Wednesday and from 8 am to 2 am from Thursday to Saturday and all patrons will be gone by closing.
8. The front façade doors and windows on Bleecker Street will close at 10 pm every night.
9. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a full On Premises license to **174 Bleecker St. LLC d/b/a Old Tbilisi, 174 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 OP License.

Vote: Unanimous, with 40 Board members in favor.

**12. West 4<sup>th</sup> & Barrow, LLC d/b/a To Be Determined, 192 W. 4<sup>th</sup> St., 10014** (application for new OP license at previously licensed location)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a new OP license to operate a neighborhood restaurant serving American fare on the ground floor of a nine story mixed use building in a Historic District on West 4<sup>th</sup> street at the corner with Barrow Street; and

**Whereas**, the total licensed premises is 4000 s.f. (2000 s.f. ground floor and 2000 s.f. basement), the basement will be used for mechanical and storage facilities ancillary to the restaurant but not for patrons, and there is a certificate of occupancy for the premises permitted eating and drinking on the ground floor only; and

**Whereas**, there will a total of 22 tables and 102 seats and one bar with 24 seats for an occupancy of 126 patrons, one TV only, music will be background music only and there will be no sidewalk café or backyard garden; and

**Whereas**, the hours of operation will be from 12 pm to 4 am from Monday to Friday and from 11 am to 4 am on Saturday and Sunday, there will be occasional private parties and there will be dedicated security outside the premises Thursday through Saturday; and

**Whereas**, the applicant agreed not to install new French doors or windows that open up to the sidewalk on Barrow and West 4<sup>th</sup> Streets and further agreed to close all doors and windows at all times, and the kitchen will remain open during all hours; and

**Whereas**, there will be only one TV, music will be background only, and the applicant specifically agreed never to operate the premises as a “Sports Bar”; and

**Whereas**, the applicant met with the Central Village Block Association (“CVBA”) and agreed to and executed stipulations with CVBA which are incorporated into the instant resolution, including but not limited to an obligation to post exterior signage at the front door directing patrons to be courteous and quiet when exiting the establishment and to conduct community meetings to review the on-going method of operation for the premises; and

**Whereas**, the President and a number of members of the Residential Cooperative directly above the premises appeared and met with the applicant and despite initial concerns, appeared content with the proposed method of operation and with the stipulations in place for the premises; 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 OP license and the stipulations are as follows:

1. Premises will be advertised as a neighbor restaurant welcoming families and couples.
2. Will not operate a sidewalk café.
3. There will be 1 TV only.
4. Will not install new windows or door that open out to the sidewalks.
5. The hours of operation will be from 12 pm to 4am from Sunday to Friday and from 11 am to 4 am on Saturdays and Sundays and all patrons will be gone by closing.
6. The front façade doors and windows will be close at all times except for egress and ingress every night.
7. Music will be quiet, background level 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 dedicated security outside the premises Thursday through Saturday.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a full On Premises license to **West 4<sup>th</sup> & Barrow, LLC, 192 W. 4<sup>th</sup> St., 10014** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 40 Board members in favor.

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

**14. 316 Bowery LLC. d/b/a Saxon and Parole, 316 Bowery, 10012**

**Whereas**, prior to this month’s CB2 SLA Licensing Committee meeting on May 13, 2014, the applicant’s attorney requested to **withdraw** this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for an alteration to an existing On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **316 Bowery LLC. d/b/a Saxon and Parole, 316 Bowery, 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 40 Board members in favor.

**15. 128 Billiard, Inc. d/b/a Tropical 128, 128 Elizabeth St. 10013**

**Whereas**, prior to this month’s CB2 SLA Licensing Committee meeting on May 13, 2014, the applicant’s attorney requested to **lay over or withdraw** this application from consideration until an application and all necessary paperwork was ready for review; and

**Whereas**, this application is for an alteration to an existing On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **128 Billiard, Inc. d/b/a Tropical 128, 128 Elizabeth 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; and,

Vote: Unanimous, with 40 Board members in favor.

**16. Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012**

**Whereas**, after this month's CB2 SLA Licensing Committee meeting on May 13, 2014, the applicant requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any On Premise license for **Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012** until the applicant has fully 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 40 Board members in favor.

**17. Robot Apartments, LLC, 25 Bleecker St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on May 13, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Robot Apartments, LLC, 25 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**18. Entity to be formed by Matt Piacentini, 240 Mulberry St. 10012**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on May 13, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a new On-Premise liquor 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 **Entity to be formed by Matt Piacentini, 240 Mulberry 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 40 Board members in favor.

**19. Bare Burger Dio, Inc. d/b/a Bare Burger, 535 LaGuardia Place 10012**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on May 13, 2014, the principal/applicant **FAILED TO APPEAR** before CB2 and provided no notice; and

**Whereas**, this application is for a new On-Premise liquor 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 **Bare Burger Dio, Inc. d/b/a Bare Burger, 535 LaGuardia Place 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 40 Board members in favor.

**20. 37 West 24<sup>th</sup> Street, LLC d/b/a Pink Elephant, 40-42 W. 8<sup>th</sup> St. (Renewal – OP & Community Complaints SN1257327)**

**Whereas**, the Licensee was requested to appear before CB2 Manhattan's SLA Licensing Committee on May 15<sup>th</sup>, 2014 in order to address community complaints and to address the renewal of their Liquor License SN1257327; and,

**Whereas**, the Licensee **FAILED TO APPEAR** or send any representative to the Committee meeting, however a man claiming to be the new "manager" came at the conclusion of the meeting but the item had already been called twice over the course of several hours and it was apparent the "manager" was not in a position to represent the Licensee or in a position to address the concerns of local residents, however he did confirm that alcohol was stored in an office not connected to the premises located at 179 MacDougal St.; and,

**Whereas**, the last appearance of the Licensee was in July 2012 at which time CB2 passed the following resolution and the Licensee agreed to certain stipulations as a condition of their On-Premise Liquor License and agreed that those conditions would be incorporated into the "Method of Operation" on their On Premise Liquor License, SN1257327; the resolution is as follows:

**6. 37 W. 24th Street, LLC TBD, 40 W. 8th Street 10011 - DCA application for Cabaret License**

**Whereas**, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee; and,

**Whereas**, this application is for the a Cabaret license in a commercial building for a 5,000 sq. ft. premise on 8th Street between 5th and 6th Avenue (block # 553 / lot # 21), there is no sidewalk café and no use of a backyard garden, there are 18 tables and 32 seats and Banquette seating for 50 and 2 bars for a total of 82 seats with a proposed occupancy of 210 and the maximum occupancy for the premise is 210; and,

**Whereas**, the applicant has indicated that the premise would be operated as a night club, that the hours of operation would be Sunday to Saturday from 12:00 p.m. to 4:00 a.m. and will include live music and live D.J.; and,

**Whereas**, the applicant previously executed a stipulations agreement that they agreed would be attached and incorporated in to their method of operation on their SLA license and should be applied to the DCA license stating that:

1. No velvet ropes or any barriers will be used, or placed in front of other merchants.
2. Security will be inside and outside, wearing an identifiable uniform and be proactive in preventing security and quality of life issues from occurring.
3. Security will manage crowd control, traffic, parking, and noise issues outside on both 8<sup>th</sup> Street and MacDougal Street.
4. MacDougal Street will be for exiting only – no entrance.
5. There will be no large speakers reinstalled at this premise.
6. Contact information for both Security and Management will be provided to the neighboring residents.
7. Kitchen will stay open and serve until 1 hour before closing.
8. There will be no after hours events: the space will be closed and dark at 4:00 a.m.
9. Sound Curtains will be installed to block outgoing noise from entrance and exits.
10. All garbage and recycled bottles will be put out for pickup and garbage carting service will be scheduled during appropriate hours to minimize noise and disturbance of the residents.
11. Signs are to be posted to inform customers to be quiet and be respectful of the neighbors.

**Whereas**, there was a representative of the 8th Street Association who spoke in support of this license as long as they agreed to be closed and dark at 4:00 a.m.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the Cabaret licenses for **37 W. 29th Street, LLC TBD, 40 W. 8th Street 10011** unless the conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the DCA Cabaret license.

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

**Whereas**, Oral testimony was presented by the owner of the trademark “Pink Elephant”, Robert Montwaid, who was previously involved in the operation until 6 or more months ago who stated that this operation was a “bait and switch” not only for the community but for him as well, as the Licensee has not adhered to stipulations that were agreed to with CB2 and also that the Licensee have been illegally using the trademark “Pink Elephant” in violation of a “cease and desist” letter or action, that there he has a lien on all equipment in the building, that he does not believe the Licensee has acted or operated the premises in a professional manner and has hurt the brand and trademark “Pink Elephant”, that the premises was originally presented to CB2 Manhattan and the SLA as having a sushi bar as a part of the “high end” operation among other things, that Alcohol is illegally stored off premises at 179 MacDougal St. in a separate office, and that the entire operation is in fact not being run as a “high end” operation or in the manner in which was originally presented; and,

**Whereas**, a resident of 173 MacDougal St. located next door (the Premises is a corner location) appeared in his capacity as the Board President of his building and stated that there is unanimous opposition in his building to the continuing operation at this premises and to the renewal of the liquor license because the premises is run in such an unprofessional manner as to allow fighting, loud noisy crowds, encouraging illegal parking, obstructing the sidewalks with illegal velvet ropes and now metal barriers and he relayed as an example a recent melee/riot that occurred on Sunday March 30<sup>th</sup> at approximately 9:30 pm in which patrons spilled into the street with open bottles of alcohol as served from “bottle service” and fought with

each other after an all day Brunch Party, the NYPD responded after numerous calls; the Board President stated that while this business may be at this location, it is causing fear among local residents not just at later evening hours when these events normally occur, but also during daytime and early evening “parties” as they occur; and,

**Whereas**, two members of the West 8<sup>th</sup> St. Block Association, including the Co-Chair, appeared to cite further complaints including an extensive list of issues and stated that there has been minimal to no adherence to Stipulations that the Licensee entered into and further stated that the original presentation was a “bait and switch” from what was originally presented and promised would be a high-end nightclub with minimal impact on the surrounding residential community; they cited among other things that the original security company who presented a comprehensive security plan was not used, that they were using metal barricades which obstruct the sidewalk, that even a “please respect the neighbors” sign was never placed outside the establishment, that “security” is unprofessional and does not properly or professional managed the patrons of the establishment; and,

**Whereas**, the West 8<sup>th</sup> St. Block Association submitted a detailed letter identifying the breaches of the original stipulations agreed to with CB#2, Man. that they will also send to the SLA Enforcement Division, a brief overview was also submitted which states the following:

#### **Concerns of West Eighth Street residents regarding Pink Elephant at 40 West Eighth Street.**

As the committee knows, this establishment is the biggest quality of life problem for the residents of West 8<sup>th</sup> Street. We are providing this one page summary for committee members who have not had an opportunity to review our more in-depth letter opposing the renewal of Pink Elephant’s license.

#### **Quick Summary**

- The owners promised they would not operate “after hours,” but have repeatedly observed having people come and go, and doors staffed until and after dawn.
- The owners promised aggressive management of patron crowds and noise, with specially trained staff. In fact, the club facilitates people wandering up into the street and then re-entering later. The street scene is carnival like in its noise and the staff does nothing -- staff has even told some residents that noise isn’t part of their job.
- Street disruptions and police response are common.
- The owners promised no ropes or barriers, but use several long metal “police barriers” that they noisily drag across the concrete at opening and closing time.
- The owners promised to obey and compel patrons to obey parking ordinances, but in fact, the no standing zone is routinely violated by cars (blaring radios included) waiting for patrons (and often just “hanging-out” with the crowds loitering on the street) and also by employees who park illegally.
- Owners promised to be responsive and available. But they have had their phones disconnected or are unreachable due to perpetually full voicemail. We aren’t even sure who runs the place anymore.

**Whereas**, the Business and Community Services Manager of the Village Alliance, the local Business Improvement District, stated that the BID was in opposition to the premises and further stated that she was aware that the Landlord had a separate security camera system and was probably willing to share access to any evidence as captured on those cameras with the Liquor Authority; and,

**Whereas**, a member of the local community stated that in informal conversations with a representative of the New York City Police Department's Sixth Precinct that at least 6 summons have been issued to the premises in recent months, and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the renewal application for On-Premise Liquor License SN1257327 for **37 West 24<sup>th</sup> Street, LLC d/b/a Pink Elephant, 40-42 W. 8<sup>th</sup> St.**; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. respectfully requests the Liquor Authority refer this matter to the Enforcement and Legal Department to review the above noted details and contact as needed the local Block Association, Landlord, NYPD 6<sup>th</sup> Precinct and take proper enforcement action in regards to violation of stipulations agreements, local laws and regulations, ABC laws and regulations, improper storage of alcohol at 179 MacDougal St., lack of professional management of the premises, ineffective security staff and any other actions that would address deviations from the allowable "method of operation" for this "high-end" premises and most importantly address issues of conduct as they relate to quality of life and being a good neighbor.

Vote: Unanimous, with 40 Board members in favor.

**21. AJD, NY, Inc. d/b/a De Santos, 139 W. 10<sup>th</sup> St. (Renewal – OP SN1114388)**

**Whereas** Principals of the Licensee appeared with their Attorney at the request of CB#2, Man. and members of the local community and local Block Association to address ongoing issues as they pertain to the renewal of their on-premise liquor license SN11143888; and,

**Whereas**, the Licensee is a restaurant serving American and Italian cuisine that is located in a brownstone in a Residentially Zoned Historic Landmark District built in 1880 located on West 10<sup>th</sup> St. between Greenwich Avenue and Waverly Place; and,

**Whereas**, the restaurant currently operates on the first floor(1,364 Sq. Ft.),Basement and Sub cellar(additional 1,980 sq. ft.), and rear yard (approx. 240 sq. ft.), there are 25 tables with 96 table seats spread across the basement, 1<sup>st</sup> floor and rear yard, 1 stand up bar with 10 bar seats for a total of 106 seats and the applicant states that the maximum occupancy is 100 people on the ground floor and 74 people in the basement, there is no sidewalk café but there is a rear yard as previously mentioned; and,

**Whereas**, the licensee is operating in the rear yard, which is completely surrounded by residential buildings, until 12:30 am during weekdays and until 1:30 am on weekends despite not having the requisite permits to do so; and

**Whereas**, in addition to the illegal use of the rear yard for eating and drinking, the license also constructed and built large bi-folding doors that face the rear yard from the basement premises of the brownstone that when opened, permit noise and music to be emitted to the surrounding residential buildings until closing, which is currently permitted until 3 am; and,

**Whereas**, there is a **letter of no objection (LNO)** on file with the department of buildings, which specifically states that **The Rear Yard should not be used for Eating and Drinking.**

**Whereas**, the license failed to produce any evidence that the rear yard has ever been approved for eating and drinking and/or commercial use which is necessary as the location in a R6 residential zoning area; and,

**Whereas**, after inquiring with the Department of Buildings for clarification of the LNO dated 2/6/2012, it was clearly articulated by a Department of Buildings representative that the occupancy for less than 75 persons for the First Floor and Basement was inclusive of both floors combined, meaning Occupancy above 75 in the entire premise of both floors would not be allowed; and,

**Whereas**, diagrams were presented in March 2013 and again in May 2014 which clearly demonstrates over-capacity of patrons and use at the premises in contradiction to the above referenced Letter of No Objection Dated 2/6/2012 and,

**Whereas**, Section H (2) of the original Liquor Authority application from which this license was originally transferred indicates that the proposed method of operation “The applicant will operate the business seven days per week, from 5:00 p.m. to 12:00 p.m. Monday through Saturday and from 4:00 p.m. to 11:00 p.m. on Sunday. There will be no entertainment.”

**Whereas**, CB2 Manhattan’s resolution from February 2001, which was forwarded to the Liquor Authority on March 5, 2001 clearly states that CB#2, Man. opposes the granting of this license and in particular indicated that the rear yard food establishment was a significant concern because of the harm it causes to the quality of life of overlooking residents, in particular in residential districts, it also notes that there was strong complaints about noise from a tenant of an adjoining building; and,

**Whereas**, CB#2, Man. has consistently received complaints from the surrounding residential buildings regarding this establishment over the years, that the basement has been operated in the past as a lounge and nightclub separately “branded” Janis with Dj’s and Live music at various points in time, that groups of people constantly loitering in front of the premises and around the exterior of the stairway which does not occur around other premises on the block, that there is constantly noise at night from patrons and during weekend brunch, that there are often lines of people waiting to enter the establishment, that the overcrowding that occurs within the establishment and on the street creates a situation where residents need to walk into the street to pass the establishment in this residential area; and

**Whereas**, Residents appeared yet again in opposition to this licensee’s current method of operation, including representatives of the Mid West 10<sup>th</sup> St. Block Association, as well as 8-10 letters in opposition and many of the same issues were raised again, with the primary complaints being (1) the backyard operation has not been proven to be legal or allowable by any documentation provided by the Department of Buildings, in this case either a “Certificate of Occupancy” or a “Letter of No Objection” and (2) the unreasonable hours of operation until 12:30 am during the week and 1:30 am on the weekends in the rear yard, (3) the unreasonable use of the rear bi-folding doors leading to the rear yard which permit noise and music to emit in the rear yard until late at night, and (4) the current hours of operation until 3AM are inconsistent with the original license at this location and are wholly inappropriate in a Residentially zoned district which does not allow this type of use; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal application for the On-Premise Liquor License SN1114388 for **AJD-NYC, Inc. d/b/a De Santos, 139 W. 10<sup>th</sup> St. 10014**; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. requests the Liquor Authority review 1) the licensee’s use of the rear yard until 12:30 am during the week and 1:30 am on the weekends to ascertain whether the unreasonable use was ever permitted by the SLA in the licensee’s current method of operation, and if so, 2) whether to revoke that portion of the licensee’s permit for the service of alcohol in the rear yard because of the non-conforming and unpermitted use thereat.

Vote: Unanimous, with 40 Board members in favor.

**22. Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove St. 10014 (Corporate Change Upgrade to OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “corporate change” application and a upgrade from an existing restaurant wine license (SN1199405) to a Restaurant On-Premise Liquor License for an existing “Japanese restaurant specializing in collagen cuisine using tonsoku (pig’s feet) as a main ingredient”; and,

**Whereas**, this application is for a corporate change and upgrade from a Restaurant Wine License to a Restaurant On Premise Liquor License in a currently licensed location; the premises is in a mixed used residential/commercial district located on the ground floor of a residential building on Grove St. on the corner of 7<sup>th</sup> Avenue South for a roughly 600 sq. ft. premise with 13 tables and 26 seats and a food counter with 6 seats for a total of 32 seats, there is one service bar and no standup bars; there is no sidewalk café; there are no other outdoor seating areas or backyard garden, and there is an existing Letter of no objection indicating Eating and Drinking use from the NYC Department of Buildings; and

**Whereas**, the hours of operation will be from 6 pm to 12 am (midnight) 7 days a week, there is no Sidewalk café, all doors and windows will be closed at 9 pm every evening except for ingress and egress, 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; and,

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

1. The premises will be advertised and operated as a Japanese Restaurant.
2. The hours of operation will be from 6 pm to 12 am (midnight) 7 days a week. No patrons will remain at closing.
3. The kitchen will remain open with full service until ½ hour prior to closing.
4. There will be no rear yard garden.
5. All doors and windows will be closed at 9 pm seven days a week except for ingress and egress.
6. There will be no French doors or French Windows.
7. There will be no dj’s, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
8. Music will be quiet background only.
9. There will be no televisions.

**Whereas**, the applicant was previously recommended for deny/unless of this same application in November of 2010 by CB#2, Man., but it was never pursued and the location has been operating for over 5 years, and,

**Whereas**, the corporate change will result in Himi Okajima becoming the sole principal;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a corporate change and upgrade from an existing restaurant wine license to a restaurant on Premise Liquor License for **Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 40 Board members in favor.

**23. Naughty Gull, LLC d/b/a Quality Clam, 420 Hudson St. 10014 (OP Alteration SN1271660-add sidewalk café)**

**Whereas**, the Licensee appeared before CB2’s SLA Licensing Committee and this alteration application is to add a newly licensed Department of Consumer Affairs Sidewalk Café to the diagramed premises for alcohol service; and,

**Whereas**, this application is to add a newly licensed Department of Consumer Affairs Sidewalk Café to the existing diagramed premises with 7 tables and 17 seats; there will be no other changes other than the addition of the sidewalk café; and,

**Whereas**, the applicant presented a petition in support from local residents and no opposition was voiced; and,

**Whereas**, the applicant agreed to the following stipulations in addition to any which may exist, which will remain in effect, and they will execute a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The Premises will be advertised and operated as a Seafood Restaurant.
2. Hours of operation will be from 11:30 a.m. to Midnight 7 Days a week. At Midnight all patrons will have left the premises.
3. The Sidewalk Café will be closed at 12 a.m. (midnight) 7 days a week and all tables and chairs will be removed.
4. All doors and windows will be closed at all times except for ingress and egress.
5. There will be no dj’s, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
6. There will be no more than 7 tables and 17 seats located within the sidewalk café.
7. Music will be quiet background only.
8. Any previous stipulations will remain in effect.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alteration application to include the newly licensed sidewalk café as part of the licensed premises for **Naughty Gull LLC d/b/a Quality Clam, 420 Hudson St., 10014** existing on-premise liquor license SN1271660 **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise Restaurant Liquor License SN1271660.

Vote: Unanimous, with 40 Board members in favor.

**24. Il Bambino NYC, LLC, d/b/a Il Bambino, 48 W. 8<sup>th</sup> St. 10011 (New RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a “American style Italian sandwich shop; the proposed operation will be a restaurant that specializes in Panini’s, fine wine and craft beers; and,

**Whereas**, this application is for a new Restaurant Wine License in a previously unlicensed location; the premises is in a mixed used residential/commercial district located on the ground floor of a residential building on West 8<sup>th</sup> Street between 6<sup>th</sup> Avenue and MacDougal St. for a roughly 1,350 sq. ft. premise with 16 tables and 52 seats, and one standup bar with 12 seats for a total of 64 seats; there is no sidewalk café; there are no other outdoor seating areas or backyard garden, and there is an existing Certificate of Occupancy; and,

**Whereas**, the hours of operation will be from 9 am to 12 am (midnight) Sunday to Thursday and from 9 am to 1 am Friday and Saturday, there is no Sidewalk café, all doors and windows will be closed at all times except for ingress and egress, 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; and,

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

1. The premises will be advertised and operated as an Italian Sandwich Shop/Restaurant.
2. The hours of operation will be from 9 am to 12 am (midnight) Sunday to Thursday and from 9 am to 1 am Friday and Saturday. Premises will be locked and empty of patrons at closing.
3. There will be no rear yard garden.
4. All doors and windows will be closed at all times except for ingress and egress.
5. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
6. Music will be quiet background only.
7. There will be no televisions.
8. The Licensee will actively manage patrons to keep them from loitering outside.
9. The Licensee will post “please respect the neighbors” type signage.
10. There will be no ropes or barriers utilized.
11. The Licensee will coordinate garbage pickup with a carter already providing service to this stretch of West 8<sup>th</sup> Street.
12. The Licensee will **never** upgrade to a full on-premises liquor license.

**Whereas**, the applicant performed community outreach and also met with representatives of the West 8<sup>th</sup> St. Block Association who appeared at the meeting and proposed and supported the above noted stipulations; and,

**Whereas**, the applicant also operates a similar establishment in Astoria Queens and Community Board 1, Queens submitted a letter indicating that the location in CB1 Queens serves the area well and there are no complaints on file; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new restaurant wine license for **Il Bambino NYC, LLC, d/b/a Il Bambino, 48 W. 8<sup>th</sup> 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 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 40 Board members in favor.

**25. Cozy Soup & Burger, Inc., 739 Broadway 10003 (Upgrade EPB to RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an “upgrade” application to the Liquor Authority from an “eating place beer” license, SN1022813 to a Restaurant Wine License for a longstanding restaurant/diner; there will be no changes to the existing method of operation except for the addition of wine to the menu; and,

**Whereas**, this application is for an upgrade to a Restaurant Wine License in a currently licensed location; premises is in a mixed use residential/commercial building in a mixed use commercial/residential district located on the ground floor on Broadway between East 8<sup>th</sup> St. and Waverly Place for a roughly 1,888 sq. ft. premise; the premises has 19 tables and 90 seats, and two stand up bars/eating counters with 9 seats; there is no sidewalk café; there are no other outdoor seating areas; there is an existing certificate of occupancy; and,

**Whereas**, the hours of operation are 24 hours a day, with beer and wine service only during allowable hours, there is no Sidewalk café, all doors and windows will be closed at all times except for ingress and egress, 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 velvet ropes, no movable barriers; and,

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

1. The premises will be operated and advertised as a restaurant/diner.
2. Beer and Wine will only be served during legal hours of service.
3. There is no backyard garden.
4. All doors and windows will remain closed at all times except for ingress and egress.
5. There are no operable windows
6. There will be no DJ’s, live music, promoted events, any events for which a cover fee is charged, and there will be no scheduled performances.
7. This is for a Restaurant Wine License Only.
8. There will be 3 televisions.
9. Music will be quiet background only.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an upgrade from an existing eating place beer license to a new restaurant wine license for **Cozy Soup & Burger, Inc., 739 Broadway 10003** 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 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 40 Board members in favor.

**26. Japonica-U.S.A. d/b/a Japonica Restaurant, 90 University Place 10003 (New OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant On-Premise Liquor License for a Japanese Restaurant which is moving to this location at 90 University Place from 100 University Place, the current license is SN1024255; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License; the premises is in a mixed used residential/commercial district located on the ground floor on University Place between East 12<sup>th</sup> and East 13<sup>th</sup> St. for a roughly 1,200 sq. ft. premise (ground floor and basement – accessory use only in basement) with 18 tables and 40 seats, and one sushi bar with 6 seats and 1 service bar; there are no “stand up bars”; there is no sidewalk café; there are no other outdoor seating areas and there is an existing Certificate of Occupancy; and,

**Whereas**, the hours of operation will be from 12 pm to 10:30 pm Sunday to Thursday and from 12 pm to 11 pm Friday and Saturday, there is no Sidewalk café included in this application, all doors and windows will be closed at all times except for ingress and egress, 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; and,

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

1. The premises will be advertised and operated as a Japanese Restaurant.
2. The hours of operation will be no longer than 12 pm to 12 am (midnight) 7 days a week. No patrons shall remain after closing.
3. There will be no rear yard garden.
4. All doors and windows will be closed at all times except for ingress and egress.
5. There will be no dj’s, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
6. Music will be quiet background only.
7. There will be no televisions.
8. All stipulations agreed to with the University Place Residents Association, Inc. dated 5/2014 will be incorporated into this agreement with CB2 and are as follows:

**Stipulations for Japonica restaurant at 90 University Place, New York, NY, 10003**

The undersigned, Shinzo Yonezawa of Japonica U.S.A. Inc. , hereby agrees that an approval of an On-Premises (OP) Liquor License by the New York State Liquor Authority shall be subject to compliance by the Initial Operator and any subsequent operator (a "Subsequent Operator" and, together with the Initial Operator, the "Operator") of the premises located at 90 University Place, New York, NY, 10003 (the "Establishment") with the following stipulations:

1. **Hours of operation:** On each night, the Operator shall close no later than midnight.
2. **Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
3. **Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.
4. **Front door:** The Operator shall cause the doors to remain in a closed position. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment. Upon reasonable request the Operator shall hang a sign outside the establishment, which shall be legible from 20 feet away, instructing patrons to keep the noise down and to respect the neighbors.

5. **Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open. If any windows are to be replaced they are to be replaced with non-operable windows.
6. **Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.
7. **Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
8. **Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.
9. **Dancing:** The Operator shall not permit dancing in the Establishment.
10. **Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator will schedule daily garbage pickup for \_\_\_\_\_. The Operator shall not place refuse at the curb. All garbage will be triple bagged.
11. **Outdoor Seating:** The operator will not establish any outdoor seating or seek to obtain permission for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.
12. **Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.
13. **Steering:** 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.
14. **Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.
15. **Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.
16. **Signage:** All signage will conform to signage standards found in landmark districts.
17. **Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.
18. **Basement:** The Establishment's basement shall not be used to seat or serve patrons.
19. **Kitchen Exhaust:** The Operator shall use its best efforts to ensure that smells emanating from the establishment do not disturb the neighbors. Upon reasonable request the Operator shall implement whatever measures necessary to abate any odor issues shown to be emanating from the establishment.

**Whereas**, the applicant conducted community outreach and a representative of the University Place Residents Association, Inc. appeared and indicated strong support of the applicant by the residents association and indicated that the applicant also agreed to a number of stipulations that are incorporated into the CB2 Stipulations agreement;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new restaurant on-premise liquor license for **Japonica-U.S.A. d/b/a Japonica Restaurant, 90 University Place 10003** **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 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

**27. RGS Rest., Inc. d/b/a Boots & Saddle, 37 Barrow St. 10014 (New OP – removal application from SN1034183)**

**Whereas**, the applicant and their attorney appeared before the CB2’s SLA Licensing committee on May 15<sup>th</sup>, 2014 to present an application for a new On Premise Liquor License as part of a “removal application” (moving from 76 Christopher St - existing Tavern License SN1034183) for a “restaurant and bar serving American style food”; and

**Whereas**, as stated on CB2’s Liquor License Questionnaire, the proposed premises is located on the corner of 7<sup>th</sup> Avenue South and Barrow St. with the entrance directly on the corner in a 2-story commercial building on the ground floor and second floor locate(with accessory use of basement), the building is also known as 74-76 7<sup>th</sup> Avenue South, the premises is stated to be approximately 2,668 sq. ft. (1,076 sq. ft. ground floor, 796 sq. ft. 2<sup>nd</sup> floor and 796 sq. ft. cellar) with 22 tables and 73 seats throughout the premises, 1 stand up bar with 12 seats on the ground floor and 1 service bar on the 2<sup>nd</sup> floor; there is an existing certificate of occupancy which indicates “eating and drinking use” with the maximum occupancy on the 1<sup>st</sup> floor indicated as 50 and maximum occupancy on the second floor indicated as 50 and there is also an enclosed sidewalk café with seating for 40 (which is not currently licensed by the Department of Consumer Affairs) for total occupancy of 140 persons; and,

**Whereas**, the applicant stated on CB2’s Liquor License Questionnaire that the hours of operation would be Monday to Saturday from 11 am to 4 am and Sunday from 12 pm to 4 am; music will be at entertainment levels (not background); there will be Live DJ’s, Juke Box and Music from Ipods and CD’s; the Questionnaire states they will not install additional soundproofing; there will be private parties listed as “Birthdays, Anniversaries Showers etc.”; the questionnaire indicates there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged; there are “plans to manage or address vehicular traffic” but no comprehensive plan was provided; the questionnaire states there will be no velvet ropes, no movable barriers; there will be 4 televisions; there will be 1 security guard 7 days a week, 50% of the façade windows in the sidewalk café are operable (50% of the façade can be opened) and windows on the second story facing Barrow St. are operable; and,

**Whereas** an additional addendum was presented titled “Intended Operational Cooperation” which further stated that the premises to which they are moving at 37 Barrow Street was previously licensed, but that the former tenant “went out of business approximately nine months ago”; that the applicant “respect[s] the charm and elegance of Barrow Street” but “for the satisfaction and concerns of the residents on Barrow Street [they] will conduct [their] business on 7<sup>th</sup> Ave, rather than on Barrow”, will receive all deliveries on 7<sup>th</sup> Ave, will have the trash picked up on 7<sup>th</sup> Ave and “will manage [their] clientele on 7<sup>th</sup> Ave”; they also state that they will keep all windows to the sidewalk café closed at all times, and that they would consider temporarily closing at 2 AM for a short duration, but then return later to extend the hours until 4 am and that they might consider other reasonable requests; and,

**Whereas**, a “Public Interest Statement” was provided outlining the public interest that would be served in the issuance of a new license at this location including the longstanding nature of the business at 76 Christopher St., which opened its doors in 1974, the welcoming nature of the business, the diverse clientele, that occupying a vacant storefront would prevent the building from falling into disrepair and becoming an eyesore, beautification through planting flowers and other enhancements, offering a “trendy current menu” of food, specialty cocktails, including seasonal cocktails, that moving to this new location would allow past, present and future patrons to patronize the establishment in a more desirable area

because the current location at 76 Christopher St. are “being put in harm’s way by the thugs and drug dealers who hang around on Christopher St., especially after dark” and that Boots and Saddle participates in a broad spectrum of community projects, benefits and charitable events and has participated in local community groups ; and,

**Whereas**, a petition was presented with 374 signatures in support, about a third of which were presented as addresses within CB#2, Man. and 1 or 2 signatures from Barrow St; a number of letters in support were received outlining the good character of the applicant, the business, the importance of the business and its history in the West Village community and to the LGBT community and accolades for the participation in community projects, benefits and charitable events; letters included those from local residents, local community organizations and a local Church; and,

**Whereas**, there were at least 30 supporters who appeared in person at the meeting, but chose not to speak, and an additional 11 speakers in support (3 who live in CB#2, Man. but not within 2 Blocks of the proposed premises and 1 who is the landlord) who testified to the positive nature of the existing business and the operators, the importance of the business for them personally and also for the LGBT community and for the unique entertainment provided, the minimal impact that the existing business has on the area in which they are presently located and that the operation would continue in its new location with minimal impact and would continue to be a positive benefit to the community and that losing this business due to the sale of their current building by the landlord would be a detriment to all; and,

**Whereas**, the applicant did reach out to two local representatives of local block associations but did not receive a response; and,

**Whereas**, there were at least 10 people who appeared in opposition in person at the meeting who chose not to speak and an additional 6 residents of Barrow St appeared in opposition who did speak, some representing 2 different community organizations; and CB#2, Man. received a number of letters in opposition from residents, local neighborhood block associations and community groups, all outlining concerns regarding the impact that this business would have with late night hours of operation; impact on the existing noise and traffic in the area because of the “destination” location and hosting private parties; that the loud music volumes, scheduled performances, entertainment and Karaoke immediately adjacent to a quiet residential Barrow Street with the entrance on the corner of Barrow St. was detrimental to quality of life of the residential street due to the nature of the minimal soundproofing in this historically restaurant-only location with early hours of operation; that the nature of the Karaoke, Drag Shows and performances would result in a large traffic impact due to the arrival and departure of groups of individuals, often and regularly late into the evening hours and that with an address on Barrow St., this would result in a measurable increase of traffic on this residential street both vehicular and pedestrian and noise from pedestrians moving through the area in groups which would not ordinarily occur with such frequency because the previous businesses at this location closed much earlier and were restaurants only; that despite assurances from the operators that they would keep patrons on the 7th Ave South portion of the premises, residents questioned this and stated they believe this was nearly impossible as it is very difficult to control which streets patrons walk down after they have exited the premises; that the current location at 76 Christopher is loud and does indeed create an impact on quality of life, but perhaps may be overlooked in the larger context because there are other issues on Christopher St., and,

**Whereas**, a petition in opposition was presented with 16 signatures, 14 of which were from residents of Barrow St, it was explained that additional signatures from residents of Barrow St. would be forthcoming and would be presented; and,

**Whereas**, a letter in opposition from the Christopher St. Patrol, a longstanding community organization, was presented in opposition to the issuance of the license at 37 Barrow St for Boots & Saddle indicating that in 23 years of patrol, there were no problems with Boots & Saddle until the last 2 or 3 years “*when they seemingly changed their operation. They have assaulted our neighborhood with loud noise and disturbing actions coming from the bar. Too often, we have observed that their doors were kept open to attract people in, and entertainers from inside took their ‘show’ to the street, creating crowds and unruly behavior on the street. There have been many complaints from neighbors*”, a public speaker who has participated in the Christopher St. Patrol corroborated the letter in her oral testimony; and,

**Whereas**, while omitted from CB2’s SLA Licensing Questionnaire whether intentionally or by inadvertent omission, it became apparent during the applicant’s presentation that this application was much more than a “restaurant and bar serving American style food” and is in fact more aptly described as it was in the applicant’s communication with local residents as a “restaurant along the lines of Lips and Lucky Chengs – an entertainment venue that will become an [sic] fashionable destination for New Yorkers and travelers alike”; it was determined during the presentation, that while having been omitted in CB2’s SLA Licensing Questionnaire, it was stated that the premises would, in addition to Live DJ’s and entertainment volume music, also have scheduled performances of entertainers and karaoke style performances and in addition comedic acts or similar; more specifically, the venue seeks to be a destination location for world renowned drag performances; and,

**Whereas**, a letter was submitted from a CB2 Neighborhood Block Association “Waverly Bank 11 Neighbors” (Waverly Bank) in whose area “Lips” an entertainment venue to which this premises would be similar as indicated by the applicant was previously located at 2 Bank St. until several years ago (Also a corner location located on Greenwich Ave, similar to 7<sup>th</sup> Avenue South and the quiet residential Bank St.) and Waverly Bank indicated in their correspondence that “During it’s years of operation on Bank Street, Lips was a ongoing nightmare for its neighbors. Purportedly a dinner club hosting transvestite performances (just like the proposal for 37 Barrow Street), the club continually disturbed the comfort and tranquility of the block. In addition to the usual noise created by the club and its patrons, we continually endured idling limousines transporting large groups throughout the year. The problem was particularly intense during spring and early summer – prom and wedding season. Crowds of suburban partygoers left the club inebriated and rowdy, often wrecking havoc on the street during wee hours. When Lips finally left Bank Street, the neighbors sighed with relief. Any group of neighbors opposing such a venture has our sympathy and support.”

**Whereas**, CB#2, Man. notes that the 37 Barrow St. zoning designation is “C2-6” which is described on the Department of City Planning City of New York website as “C2-6 through C2-8 districts are commercial districts that are predominantly residential in character” and further states that “As in commercial overlays districts, typical retail uses include grocery stores, dry cleaners, drug stores, restaurants and local clothing stores that cater to the daily needs of the immediate neighborhood” [underline added]; CB#2, Man. notes that this application is self described as a “destination location” and in conjunction with the residential only zoning, “R6” which continues down Barrow St. to the West of 37 Barrow St. from the corner, a self described “destination” location is not in the spirit of the local zoning; and,

**Whereas**, the applicant stated to CB#2, Man. as part of their “Intended Operational Cooperation” that “because 37 Barrow Street was a formerly licensed premise just recently, if you oppose our request to transfer the liquor license of our forty-year old business which is just a mere three blocks away, we would have no choice but to suspect that your reasons involve some sort of discrimination or prejudice. As you must know, bigotry is intolerable and it is also illegal in this country”; and,

**Whereas,** CB2's records indicate that the previous licensee, 74 Seventh LLC d/b/a Centro Vinoteca SN1188908, had stipulated to according to CB2's resolution from January 2007 that the location would be a restaurant only with hours of operation from 8 am to 12 am (midnight) Sunday to Thursday and 8 am to 2 am Friday and Saturday, music would be background only and that the licensee prior to 74 Seventh LLC known as Lemongrass Grill Corp. d/b/a Lemongrass Grill SN1025596 indicated on the CB2 "Questionnaire regarding application for a license from the State Liquor Authority" submitted in August 1996 that the premises would be a Thai restaurant only with hours of operation from 12 pm to 12 am (midnight) 7 days a week with no music; the current premises at 76 Christopher from which this license is being "moved" is a longstanding community and destination bar (tavern license) self described as the "best gay bar in the West Village" and "NYC Premier House of Drag" open from noon to 4 am 365/7; the premises has been open since 1974 and utilizes DJ's, Karaoke, Live Performances, Scheduled Show times, and Private Parties etc. which is very different from the types of business operated at 37 Barrow Street for the last 17 years; and,

**Whereas,** CB#2, Man. is unclear as to what type of license the applicant is applying for at 37 Barrow Street but notes the existing license at 76 Christopher Street is indicated as a Tavern Liquor license and whereas removing this license to 37 Barrow St. would be a different type of use of the premises which the applicant states would be a restaurant license but would not constitute a straight forward removal application as the premises at 76 Christopher does not have a kitchen as needed for a restaurant but the new premises does; and,

**Whereas,** the proposed hours of operation for the new premises at 37 Barrow St. are in excess of what has existed through stipulations and practice at this location for over 17 years; and,

**Whereas,** as stated by the applicant the existing license which is noted as "active" for 74 Seventh LLC SN1188908 has in fact been abandoned and it appears no active lease exists with the landlord and as indicated in materials submitted to CB#2, Man. this occurred 9 or more months ago and the license was never properly placed in safe keep which would disqualify this application as being a "transfer application"; and,

**Whereas,** it appears this application should be treated as a new liquor license application and is therefore clearly subject to the 500-ft. rule; there are 25 on-premise liquor licenses within 500 feet; and

**Whereas,** while the applicant has stated they might be willing to initially reduce their hours of operation, it is their intention to operate until 4 am daily; and

**Whereas,** it is clear that the intention is to operate this location as a destination location and the applicant stated at the meeting that the anticipation is that the food/alcohol sales is anticipated to change to 50% food/50% alcohol or higher alcohol and less food, but that the ratio at the existing location is 25% food/75% alcohol or even less food; this is not in keeping with the restaurant character of the previous 2 licensees at the new location which were local restaurant establishments with earlier closing hours primarily focused on their operations as traditional restaurants without entertainment elements; and,

**Whereas,** the nature and design of the windows in the premises as older style casement windows, (particularly the operable windows on the 2<sup>nd</sup> floor), and the glass encased/enclosed sidewalk café (of which 50% of the façade can be opened) are of significant concern and previously had only at most quiet background music from the interior of the building to contend with, have not been demonstrated to be soundproof to entertainment level volumes and there are no plans to further sound proof these windows, and because this is within a Landmark District, all changes to windows would need to be presented to the Landmarks Preservation Commission; it is also additionally noted that "speakers" are not allowed in

enclosed sidewalk cafes and that because there is no continuous partition between the enclosed sidewalk café and the interior of the premise on the ground floor that if music is at “entertainment” levels it would appear that the spirit of not having music in the enclosed sidewalk café would be violated; and,

**Whereas**, the type of plans presented to manage patrons and traffic to and from the establishment, which would legally seem to allow occupancy of 140 patrons, a large establishment in CB2, provide no specifics and are very general in nature and do not account for the fact that the premises main entrance is in a “cut corner” which borders both the residential street, Barrow St. and 7<sup>th</sup> Ave South and because there are no specifics it is not acceptable as addressing increased vehicular traffic and increased pedestrian traffic and provide no plans as to how this establishment might control patrons after exiting the doors to the premises, which in CB2’s experience when complaints arise is often explained away by licensees that they are not able to manage patrons after they have left the premises; and,

**Whereas**, because the zoning for this location is “predominantly residential in character”, and the class and character of the 25 On Premise licenses in the area include many late night establishments or not so late operations that have already impacted quality of life in the area, including residential side streets, and because this premise will be operated as an “entertainment venue that will become an [sic] fashionable destination for New Yorkers and travelers alike” with hours until 4 am without appropriate plans to address patrons and vehicular traffic; and,

**Whereas**, When successful, this type of entertainment venue attracts large groups as described in the Waverly Bank Letter and in particular because of the use of the “37 Barrow St” address, taxis and for hire vehicles are likely to drop off passengers while already committed to entering Barrow St. thereby significantly increasing traffic on Barrow St. which is a residential street and not a regular thoroughfare; and,

**Whereas**, it appears that there are quality of life concerns at the licensees current 76 Christopher St. address as previously described; and,

**Whereas**, while the applicant might try, there is no way to dictate what patrons behavior will be after leaving the premises and primary concern is given to the Barrow St side of this corner location; and,

**Whereas**, it is clear from submissions and testimony that this new license at 37 Barrow St. contains many elements that are of the utmost concern to CB#2, Man. and local residents which encompass the reasoning behind the “500-ft. rule” and were not fully addressed by the applicant and in a clear fashion and it seems that despite the promises by the applicant to address these issues as they arise, and their approach was that they will address issues as they arise; and,

**Whereas**, the premises statement in regard to the number of security guards for this late night establishment and other representations fail to take into account the “best practices for nightlife establishments” as presented by the New York Police Department; and,

**Whereas**, while the applicant may only be moving a short distance, the issuance of a license at the new location will impact the local residents and this while perhaps a short distance encompasses an immediate area that has a different feel and character and residential makeup than the Christopher St. location and this premises will be significantly larger and hold almost twice as many patrons; and,

**Whereas**, while presented as unique, the food menu and crafted cocktail drinks are fairly common in the immediate area and within CB#2, Man. and there are concerns that the lower priced drinks featured at the Christopher Street location which has a “tavern license” will also be served at the new location thereby leading to a more drinking focused premises open until 4 am;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise liquor license for **RGS Rest., Inc. d/b/a Boots & Saddle, 37 Barrow St. 10014**.

Vote: Unanimous, with 40 Board members in favor.

**28. Hornblower Cruises NY, LLC d/b/a Hornblower Cruises & Events NY – Vessel Vista Jubilee, 353 West Street, Pier 40, 10014 (New OP)**

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

**Whereas**, this application is for a new Vessel Liquor license for a 114 foot long vessel for chartered Hudson River cruises stationed at Pier 40 with 36 tables, 360 table seats three decks (Main, 2<sup>nd</sup>, 3<sup>rd</sup>) and 2 bars with no bar seats with a maximum legal capacity of 428 persons, the vessel is currently holds all USCG permits; and,

**Whereas**, the applicant stated the hours of operation are Monday through Sunday from 12:00 p.m. to 1:00 a.m.; there will open air decks; music will be Live DJ, Juke Box at entertainment levels and background levels; and,

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

**Whereas**, the applicant has agreed to the following stipulations:

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

**Whereas**, the no one appeared in opposition; and,

**Whereas**, there are some concerns that the high volume of patrons proposed to arrive by vehicles in a very small window of time (less than one hour) between the hours of 5 pm and 6pm for two of the applicants dinner ships and for this sightseeing ship, which is a peak hour for usage of the park, would impact pedestrians, bicyclists and runners in the heavily trafficked Hudson River Park which vehicles would have to cross over in order to reach the designated parking area and CB2 has concerns as to how this might impact the safety of users of Hudson River Park and would like to revisit this issue should any problems arise; and,;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of an On Premise license for **Hornblower Cruises NY, LLC d/b/a Hornblower Cruises & Events NY – Vessel Vista Jubilee, 353 West Street, Pier 40, 10014 UNLESS ALL** conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

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

**30. CorkBuzz, LLC., d/b/a Corkbuzz Wine Studio, 13 E. 13<sup>th</sup> St., 10003 (OP-extension of hours-withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant's representative requested to **withdraw** this application for an alteration to extend the hours of operation to the existing on premises restaurant liquor license and stated that they will not be pursuing the alteration at this time 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 alteration to any existing license for **Corkbuzz LLC d/b/a Corkbuzz Wine Studio, 13 E. 13<sup>th</sup> Street, 10003** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**31. 74 Fifth Ave. Market Corp., 74 5<sup>th</sup> Ave., 10011 (Layover - Alteration to Existing Restaurant Wine SN#1196583)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, a representative of the applicant agreed to **layover** this application for a second time for an alteration to an existing restaurant wine license alteration for an additional one month in order to present a completed package for review including static and complete floor plans; address issues with late night operation (premises will be open 24 hours); explain how with a 24-tap beer system the premises could monitor for underage drinking when there was no table service and seating areas located in a mezzanine are out of view of the service point at the entrance of the store; address underage procedures because the premises is located directly across the street from a large University Dormitory (the New School); address issues that it seemed highly unusual that a "market" style convenience store establishment with "to go" foods for sale on the ground floor and an upstairs mezzanine for patron dining would change in the evenings by placing numerous additional tables and chairs on the ground floor to accommodate patrons for the consumption of beer and wine and then remove those tables during the day to accommodate patrons looking for "to go" style convenience store food; to address concerns that in order to sell enough draft beer with 24 taps that the business would change its underlying business to be predominantly a drinking establishment during the evening hours without any plans to mitigate quality of life impacts; and in order to address these concerns the applicant would prepare a complete package addressing those concerns and will resubmit the application package for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

The representative of the applicant who appeared stated he was unaware and it had not been fully communicated to him what was necessary to respond to CB#2's request which he conceded were reasonable; he was provided the contact information for the Chair of the Committee to answer any additional questions prior to returning next month;

**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, class change, alteration, transfer, upgrade or changes to any existing license for **74 Fifth Ave. Market Corp., 74 5<sup>th</sup> Ave., 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 40 Board members in favor.

**32. Hamilton's Soda Fountain NY, LLC d/b/a Hamilton's Soda Fountain, 51 Bank St. 10014 (New RW-Layover)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant requested to **layover** this application for a new restaurant wine license because he was unprepared and stated he would return the following month to present the application; he was also provided with the Chair's contact information to facilitate any questions he might have;

**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, class change, alteration, transfer, upgrade or changes to any existing license for **Hamilton's Soda Fountain NY, LLC d/b/a Hamilton's Soda Fountain, 51 Bank 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 40 Board members in favor.

**33. Entity to be formed by Sandra Owczarski, d/b/a Soil, 112 Greenwich Ave. 10014 (New RW – No Show)**

**Whereas**, after having been requested to appear at CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014 (after submitting a 30 day notice to CB2), the applicant and/or their attorney chose not to appear before CB2 and did not notify CB2 of any request to layover or withdraw their application to the Liquor Authority;

**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, class change, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by Sandra Owczarski, d/b/a Soil, 112 Greenwich Ave. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**34. NPC Group, LLC d/b/a Delarosa, 74-76 7<sup>th</sup> Ave. So. Aka 35-37 Barrow St. 10014 (New OP - Withdrawn)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant's attorney requested to **withdraw** this application for a new on-premise restaurant liquor license and stated that they would not be pursuing a license at this location; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **NPC Group, LLC d/b/a Delarosa, 74-76 7<sup>th</sup> Ave. So. Aka 35-37 Barrow 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 40 Board members in favor.

**35. Duet NY LLC, 74 7<sup>th</sup> Ave. South a/k/a 37 Barrow St. 10014 (New OP - Withdrawn)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant's attorney requested to **withdraw** this application for a new on-premise restaurant liquor license and stated that they would not be pursuing a license at this location;

**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, class change, alteration, transfer, upgrade or changes to any existing license for **Duet NY LLC, 74 7<sup>th</sup> Ave. South a/k/a 37 Barrow 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 40 Board members in favor.

**66. Paali Enterprises Inc., d/b/a Aged Steak Seafood Wine, 302 Bleecker St. 10014 (New OP – No Show)**

**Whereas**, after having been requested to appear at CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014 (after submitting a 30 day notice to CB2), the applicant and/or their attorney chose not to appear before CB2 and did not notify CB2 of any request to layover or withdraw their application to the Liquor Authority;

**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, class change, alteration, transfer, upgrade or changes to any existing license for **Paali Enterprises Inc., d/b/a Aged Steak Seafood Wine, 302 Bleecker 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 40 Board members in favor.

**37. RSNYC LLC d/b/a Griffin, 50 Gansevoort St., 10014 (withdrawn by attorney)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant's attorney requested to **withdraw** this application for a new on-premise restaurant liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **RSNYC LLC d/b/a Griffin, 50 Gansevoort St., 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**38. Adam Haggiag or Corp. to be formed d/b/a TBD, 52 Grove St aka 100 7<sup>th</sup> Ave. South 10014 (New OP - Layover)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on May 15th, 2014, the applicant's attorney requested to **layover** this application for a new on-premise restaurant liquor license at this location 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, class change, alteration, transfer, upgrade or changes to any existing license for **Adam Haggiag or Corp. to be formed d/b/a TBD, 52 Grove St aka 100 7<sup>th</sup> Ave. South 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution in support of renewal of P.S. 3 Play Street on Grove St. bet. Bedford and Hudson Sts.**

**Whereas** P.S. 3, on Hudson and Grove Sts., is requesting renewal of the play street approved by DOT for a one-year trial period this past year on Grove St. bet. Bedford and Hudson Sts., adjacent to the school, to continue to provide much needed outdoor play space for essential recreation and physical activity; and

**Whereas** the play street will be used Mon.-Fri., within a time period equivalent to the current one (between 11:30 am and 1:30 pm), only on days when the school is in session, but not during inclement weather (such as snow and rain), and only for up to an hour for actual play time; and

**Whereas** P.S. 3 fulfilled its commitment to being a good neighbor, keeping ongoing, open lines of communication with the Grove St. Block Association and running the play street under strict supervision, ensuring that, as stated in their original intentions, that:

- The play street was limited to the street and the sidewalk adjacent to P.S. 3; no play street activity was permitted on the sidewalk on the residential (south) side of Grove St. bet. Bedford and Hudson Sts.
- Children were instructed on proper behavior and expectations for safe play and respect for P.S. 3's Grove St. neighbors and were monitored accordingly.
- No play was allowed on private property, including stoops, and no stepping into tree beds or plantings.
- Children always were under adult supervision.
- Activities were limited to "soft play," such as jump rope, relay, tag, and the like.
- No eating or drinking (except for water bottles) was allowed during play street activity.
- The average number of students there were determined based on scheduling, safety and space.
- Children were advised not to lean on or play near parked cars.
- Children were instructed to always clean up after themselves.
- Children practiced making room for emergency vehicle access as well as other vehicular access (personal or delivery); and

**Whereas** the Grove St. Block Association and other representatives of the neighboring community praised P.S. 3 and its principal as well as its PTA liaisons for their responsive, responsible and considerate management and supervision of the play street, their accommodating outreach and cooperation in working with the community and their willingness to work out compromises, and there were no complaints; and

**Whereas** the Grove St. Block Association and the other neighbors expressed their fervent hope that things could continue as they were, and requested that, to that end, P.S. 3 and the Grove St. Block Association jointly evaluate conditions each year and submit a statement to DOT reporting whether the situation remains positive or not, to be reviewed if problems are reported, and P.S. 3 agreed to this;

**Therefore be it resolved** that CB#2, Man. fully supports renewal of the P.S. 3 play street on Grove St. bet. Bedford and Hudson Sts.; and

**Be it further resolved** that CB#2, Man. commends P.S. 3, its principal, parents and PTA, and the Grove St. Block Association and other members of the neighboring community for working together cooperatively and amicably to resolve concerns, to enhance their shared block and to ensure that the P.S. 3 play street is the success it is; and

**Be it further resolved** that CB#2, Man. supports the Grove St. Block Association's request and P.S. 3's agreement to it for them to submit a joint letter to DOT every year that reports on the play street's existing conditions, which, if negative, CB2 asks that DOT review them; and

**Be it finally resolved** that CB#2, Man. supports neighbor's requests and P.S. 3's agreement for the play street to be used only for up to one hour for actual play time.

**Vote:** Unanimous, with 40 Board Members in favor.

**2. Resolution in support of extending the West Village Slow Zone to Ave. of the Americas (6th Ave.), including P.S. 41 and other schools and institutions.**

**Whereas** P.S. 41, at Ave. of the Americas (6th Ave) and W. 11th St. (116 W. 11th St.) has requested that the West Village Slow Zone, recently approved by the NYC Department of Transportation (DOT), be extended from its current eastern boundary of 7th Ave. S. to Ave. of the Americas (6th Ave.) as its eastern corridor bounded by W. 11th St. to the north and W. Houston St. to the south, in order to provide safe access to the many school children and other vulnerable populations who walk through this area, which is fraught with hazardous traffic conditions; and

**Whereas** the principal of P.S. 41, who presented the request, pointed to the increase in pedestrian activity in the area, including children on their way to and from the many educational, recreational and service facilities there, seniors frequenting senior centers and going about their daily activities (such as shopping and errands) and the many other people who walk there, all endangered by speeding, often careless, non-law-abiding motorists whose numbers are growing and who not only present a threat to the walking population, but also have been involved in both actual hits and near misses (e.g., the principal herself witnessed a cab hitting a child [now recuperated] and caregiver [still recuperating] right in front of P.S. 41 this past Fall); and

**Whereas** P.S.41 has submitted a map (to DOT as well as to CB#2, Man. showing the boundaries of the proposed Slow Zone extension and the locations of the many schools and institutions that serve the youth population in the extended area, including (in addition to P.S. 41 with approximately 792 students) Jefferson Market Library, Village Pre-School Center, Joffrey Ballet School, Washington Place School & Academy of St. Joseph, Greenwich House Nursery School and Senior Center, Greenwich House Pottery, Our Lady of Pompeii School, Downing St. Pre-School, Little Red Schoolhouse and Kumon After School Tutoring, and all have been contacted and support the extended Slow Zone; and

**Whereas** P.S. 41 has submitted a petition to CB2 and to DOT with over 330 signatures from neighborhood people in support of the requested Slow Zone extension, as well as support letters, including those from representatives of some of the above facilities, such as the Village Preschool Center and the Downing St. Play Group (with more to be coming and submitted to CB#2, Man.), and from the president of the Community Education Council District 2, along with a specially illustrated petition with the signatures of P.S. 41's kindergarteners; and

**Whereas** the traffic calming measures employed in Slow Zones, that will be worked out in discussions with the community, such as speed humps, a 20 mph speed limit, signs and markings, will help moderate traffic movement and driver behavior to reduce the number and severity of crashes, cut-through traffic and traffic noise, thereby increasing the safety not only of children and seniors, but of the entire walking population in that area and enabling safety changes to be made ahead of potential tragedies rather than in response to them;

**Therefore be it resolved** that CB#2, Man. fully supports extending the West Village Slow Zone to Ave. of the Americas (6th Ave.) as its eastern corridor, including P.S. 41 and other schools and institutions; and

**Be it further resolved** that CB#2, Man. commends P.S. 41, its principal, parents and PTA for working together to support an extended Slow Zone and ensure traffic safety not only for its children but for all constituents in its local community.

Vote: Unanimous, with 40 Board Members in favor.

### **3. Resolution recommending revisions to Community Board 2 Manhattan's Street Co-Naming Guidelines**

**Whereas** CB#2, Man. has traditionally recommended denial of most street co-naming applications within CB2's boundaries; and

**Whereas** CB#2, Man. has become aware that its Street Co-Naming Guidelines need to be further elucidated to clarify that the requirement for a co-name needs to be community-based, i.e., that the rare person or entity to have a street co-named for them in CB#2, Man. must have a longstanding direct presence and relationship with the immediate community on the requested street as well as a record of significant positive contributions to that immediate community's welfare; and

**Whereas** CB#2, Man. community members have often expressed their opposition to street co-namings (except in perhaps the most exceptional examples of dedication to improving community conditions), in order to avoid their proliferation taking up public space for private use as well as to eliminate the confusion they create in obscuring the identification of streets and hampering wayfinding; and

**Whereas** CB#2, Man. recognizes the need to clarify who the co-named was and why they were so honored;

**Therefore be it resolved** that CB#2's Traffic and Transportation Committee recommends the following revised Community Board 2 Manhattan Street Co-Naming Guidelines, Street Co-Naming Request Application and Street Co-Naming Request Instructions.

**Vote:** Passed, with 36 Board members in favor and 4 against (R. Goldberg, R. Rothstein, S. Smith, & C. Spence).

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan