

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: June 19, 2014
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, Heather Campbell, Lisa Cannistraci, Denise Collins, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Anne Hearn, Susan Kent, Jeanine Kiely, Daniel Miller, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Chenault Spence, Richard Stewart, Sean Sweeney, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Keen Berger, William Bray, Richard Caccappolo, Cristy Dwyer, Jo Hamilton, Arthur Kriemelman, Alexander Meadows, Shannon Tyree, Susan Wittenberg

BOARD MEMBERS ABSENT: Daniel Ballen, Edward Ma, Arthur Z. Schwartz

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

GUESTS: Jacqueline Blank, Congressman Jerrold Nadler's office Joshua Cole, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Patricia Ceccarelli, Man. Borough President Gale Brewer's office; Sarah Sinchala, Assembly Member Deborah Glick's office, Crystal Feng, NYC Comptroller's office; Margaret Bangs, Council Member Corey Johnson's office; John Blasco, Council Member Rosie Mendez's office; Sam Spokony, Council Member Margaret Chin's office; Albert Ahronheim, Thomas DeVito, Michael Trano, Katie Young, Anni Zhu, Nancy Chen, Dorothy Gingeras, Zella Jones, Ronald Spalter, Nancy Deckinger, Arlene Peralta, Susan Shoctotl, Damon Kornhausen, Rena Uville, Lola Traub, Carlos Suarez, Mouyal Jeremie, Alan Jacques, Howard Negrin, Sheila Rodriguez, Jessica Loeser, Raphael Rouzon, Willow Stelzer, Pete Davies, E. Thomas Braden, Robert Cisterino, Mary Johnson, Lora Tenenbaum, Jackson Starr, Pete Sturman, Margaret Nicholls, Nana Japaridze, Tom Lincoln, John Fleisher, Keith Cyn, Jose Monfort, Beverly Weinstein, Anne Carbonara, Nancy Cohen, Tyrel Holston, Alan Jacobs, Richard Petretti, Monica Ritterspooch

MEETING SUMMARY

Meeting Date – June 19, 2014
Board Members Present – 38
Board Members Excused– 9
Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

NYU Construction

Mary Johnson spoke against the construction work being done by the university.

Food Trucks, Sanitation

Jose Monfort spoke against these topics.

Free Concert Series

Lois Rakoff announced the free concert series being held in Washington Square Park.

Hudson River Park

Tom Lincoln updated everyone on several events in the park.

OEM Hurricane Outreach

Katie Young, from the NYC Office of Emergency Management, spoke regarding hurricane outreach.

JJ Walker Ballfield

Beverly Weinstein spoke regarding the ballfield.

Paid Sick Leave Act

Michael Trano made an informational announcement regarding the paid sick leave act.

Elizabeth Street Garden

Jeannine Kiely spoke in favor of the garden.

Sidewalks/Street Activities Items

24 5th Ave LLC, d/b/a Claudette, 24 5th Avenue, with 25 tables & 52 chairs

Carlos Suarez, the applicant, spoke in favor of the proposed unenclosed sidewalk café. Richard Petretti spoke in favor of the proposed sidewalk café.

Lola Traub did not speak but was in favor of the proposed sidewalk cafe

Dorothy Gingeras, John Fleisher, Keith Cyn, Anne Carbonara, Nancy Cohen, Tyrel Houston, and Monica Ritterspooch spoke against the proposed unenclosed sidewalk café.

SLA Licensing Items

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

Pete Davies spoke against the proposed beer and wine license.

OM 216, LLC, d/b/a Caffe Morini & Enoteca, 216 Lafayette St.

Pete Davies and Nana Japaridzespoke against the proposed beer and wine license.

316 Bowery LLC, d/b/a Saxon and Parole, 316 Bowery

Zella Jones spoke in favor of the proposed alteration.

Paali Enterprises, Inc., d/b/a Village Prime, 300-302 Bleecker St.

Ronald Spalter spoke against the proposed liquor license.

Bicycle Lanes

Nancy Deckinger and Alan Jacobs spoke in favor of bike lanes.

Traffic and Transportation Items

Feasibility study of 5th & 6th Avenues to determine whether they can be re-designed as “Complete Streets”

Willow Stelzer, Janet Liff, Margaret Nicholls, and Pete Sturman, spoke in favor of the redesign.

Restoration of the M6 bus route, part of the M1 bus route from 14th St. to South St., and the former M5 bus route to turn west at Houston St. and restoration of the M3 bus route service on University Pl.

Barbara Quartand Howard Negrin spoke in favor of the bus route restorations.

Lora Tenenbaum spoke in favor of the resolutions for bus route restorations.

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;

Margaret Bangs, Council Member Corey Johnson’s office;

Sam Spokony, Council Member Margaret Chin’s office;

John Blasco, Council Member Rosie Mendez’s office;

V. ADOPTION OF MINUTES

Adoption of April minutes and distribution of May minutes.

VI. EXECUTIVE SESSION

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

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

3. **Treasurer’s Report** Antony Wong reported.

VII. ELECTION OF OFFICERS FOR ENSUING TERM

The following candidates ran unopposed and were elected as CB2 Officers for the ensuing term:

David Gruber, Chair

Bo Riccobono, 1st Vice Chair

Terri Cude, 2nd Vice Chair

Antony Wong, Treasurer

Susan Kent, Secretary

Keen Berger, Assistant Secretary

STANDING COMMITTEE REPORTS

ARTS & INSTITUTIONS/SOCIAL SERVICES & EDUCATION

Support of Increasing Arts Education in CB2 and CECD2 Schools

WHEREAS the CB#2, Man. area has a robust cultural history and community, the arts have long been an important feature of the area, our community and schools actively engage with artists and arts organizations, and our Board has a long history of supporting the arts; and

WHEREAS Rebecca Godlewicz of NYC Comptroller Scott Stringer’s office presented to CB#2, Man. the results of a recent extensive report from that office called “State of the Arts: A Plan to Boost Arts Education in New York City Schools” that demonstrated the value and importance of arts education in public schools and the lack of adequate facilities and instructors in many schools; and

WHEREAS a law in New York State requires that grades 7-12 must receive arts education from certified teachers, though this is not mandated in earlier grades; and

WHEREAS arts education is a priority equal to other subjects such as math, reading, etc. and has been shown to lead to better outcomes in education and life overall, and CB2 is concerned that school space originally dedicated for arts instruction increasingly seems to be lost to other academic classes, reducing the amount and quality of this instruction,

THEREFORE BE IT RESOLVED: CB#2, Man. calls on the NYC Department of Education (DOE) to hire certified arts teachers for every public school where there is a mandate to do so, to bring in dedicated arts instructors as quickly as possible in currently non-mandated grades K-6, and to provide adequate space exclusively dedicated to instruction in the performing and visual arts; and

BE IT FURTHER RESOLVED: CB#2, Man. calls upon the City and DOE to provide baselined funding annually that is exclusively designated for ongoing arts instruction so that dedicated, qualified arts teachers can be hired for every public school and supplies procured as needed to ensure that every public school student receives a vibrant cultural education.

Vote: Unanimous, with 38 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:12 - 321 Canal Street (Mercer/Greene) - SoHo Cast-Iron Historic District
A Federal style rowhouse built in 1821 and altered in the mid19th century to accommodate a commercial ground floor. Application is to construct a rear yard addition and a dormer at the rear roof. Zoned M1-5B

Whereas, the expansion into the rear yard is required due handicap access requirements within the interior of the building; and

Whereas, care will be taken to salvage original materials; and

Whereas, the proposed work will not be seen from the street, nor adversely affect the adjacent buildings;
now

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

Vote: Unanimous, with 38 Board members in favor.

2 - LPC Item: 13 - 321 Canal Street (Mercer/Greene) - SoHo Cast-Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid19th century to accommodate a commercial ground floor. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution.

Whereas, the work to the front facade, and roof, and its dormers – proposed and approved at staff level – will remarkably enhance the building and the district, serving a preservation purpose; but

Whereas, approval of the landmarks portion of this application should not be used by the applicant later to imply that the community board has recommended approval of the zoning portion of the application;
now

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

Vote: Unanimous, with 38 Board members in favor.

3 - LPC Item: 14 - LPC Item: 323 Canal Street (Mercer/Greene) - SoHo Cast-Iron Historic District
A Federal style rowhouse built in 1821 and altered in the mid19th century to accommodate a commercial ground floor. Application is to construct a rear yard addition and a dormer at the rear roof. Zoned M1-5B

Whereas, the expansion into the rear yard is required due handicap access requirements within the interior of the building; and

Whereas, care will be taken to salvage original materials; and

Whereas, the proposed work will not be seen from the street, nor affect adversely the adjacent buildings; now

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

Vote: Unanimous, with 38 Board members in favor.

4 - LPC Item: 15 - 323 Canal Street (Mercer/Greene) - SoHo Cast-Iron Historic District. A Federal style rowhouse built in 1821 and altered in the mid19th century to accommodate a commercial ground floor. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution.

Whereas, the work to the front facade and roof and its dormers, proposed and approved by staff, will remarkably enhance the building and the district, serving a preservation purpose; but

Whereas, approval of the landmarks portion of this application should not be used by the applicant later to imply that the community board has recommended approval of the zoning portion of the application; now

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

Vote: Unanimous, with 38 Board members in favor.

5 - LPC Item: 17 - 70 Wooster Street (Spring/Broome)-SoHo-Cast Iron Historic District . A loft building built in 1869 and altered in 1916. Application is to alter a storefront window and paint brick piers.

Whereas, this applicant seeks to introduce a novel type of store-front fenestration into the district: a single, incongruous, double-hung, food-service window, conveniently enabling the proposed coffee shop to sell merchandise directly to customers on the street who prefer not to enter the building itself; but

Whereas, a double-hung window destroys the symmetry created by the other fixed windows on the ground floor of this building, as well as the existing harmony of this storefront's fenestration with all the other ground-floor infills on this block and indeed within this historic district; and

Whereas, perhaps form may follow function in some instances. However, this should not be one of them; and

Whereas, the proposed monolithic blue color should be broken down into two tones, to reflect the hierarchy of the facade; e.g. two tones of the same grey; and

Whereas, it would be preferred that the paint be stripped off, exposing the masonry pier. This would go far in respecting the building, as per the 1940 tax photo; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, because it will set a bad precedent: introducing an incongruous double-hung window amidst a row of fixed windows, which results in the disruption of the harmony and the symmetry of the building's fenestration; and,

Further, be it resolved, the brickwork should be stripped and exposed, not painted over.

Vote: Unanimous, with 38 Board members in favor.

6 - LPC Item: 18 - 200 Lafayette Street (n.w. corner Broome)-SoHo-Cast Iron Extension. A Renaissance Revival style store and lofts building, designed by John T. Williams, built c. 1893-94. Application is to install signage and flagpoles.

Whereas, the large banner proposed does not detract from this large corner building, located on a relatively wide intersection; it might do so on a smaller building on a narrower street; now

Therefore, be it resolved that CB#2, Man. recommends approval of the signage and flagpoles, which are in scale and appropriate for such a large building on such a wide intersection.

Vote: Unanimous, with 38 Board members in favor.

7 - LPC Item: 19 - 200 Lafayette Street (n.w.corner Broome) -SoHo-Cast Iron District Extension. A Renaissance Revival style store and lofts building designed by John T. Williams and built c.1893-94. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B.

Whereas, the scope of work is extensive and serves a clear preservation purpose; but

Whereas, approval of the landmarks portion of this application should not be used by the applicant later to imply that the community board has recommended approval of the zoning portion of the application; now

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

Vote: Unanimous, with 38 Board members in favor.

8 - LPC Item: 20 - 133 Grand Street, aka 19-21 Crosby Street - SoHo-Cast Iron District Extension. A Federal style dwelling built c.1822 with later alterations. Application is to replace storefront infill.

Whereas, the rhythm of the storefront on both facades captures what one would expect in a building of this style; but

Whereas, the bulkhead should be a uniform height from grade level at each window; and

Whereas, the quality of the infill is clearly low end. This storefront could be around for a hundred years. We would prefer to see a higher quality of design and less the presence of unexceptional materials. For instance, the proposed doors are cheap aluminum, not typical at all of the wooden doors so typical of the historic district; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, primarily due to the low-end materials and design put into this proposal.

Vote: Unanimous, with 38 Board members in favor.

9 - LPC Item: 21 - 707 Broadway, aka 2 Washington Place & 270-274 Mercer St. -NoHo H.D. District Three 19th 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, the mechanicals will be barely visible, and the choice of color, blending with the surrounding structures, further minimizes the equipment's presence; now

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

Vote: Unanimous, with 38 Board members in favor.

10 - LPC Item: 22 - 19 Greenwich Avenue -Greenwich Village Historic District. A Queen Anne style apartment house designed by Franklin Baylies and built in 1890. Application is to replace storefront infill.

Whereas, although some members of the committee wished to retain a more historic storefront configuration that would retain the character of a masonry building instead of the proposed open steel support storefront, others disagreed, saying that this storefront will not detract from the building; now

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

Vote: Passed, with 31 Board members in favor, and 7 in opposition (M.P. Derr, S. Russo, C. Spence, L. Cannistraci, R. Sanz, R. Stewart, S. Greene).

11 - LPC Item: 23 - 152 West 13th Street-Greenwich Village Historic District. A Greek Revival style rowhouse built in 1846. Application is to construct rooftop and rear yard additions, and replace windows.

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 38 Board members in favor.

12 - LPC Item: 24 - 147 West 13th Street (6th/7th) -Greenwich Village Historic District. A Greek Revival style rowhouse designed by John Hanrahan and built in 1847-48. Application is to excavate the areaway, alter the front facade, enlarge an existing rear yard addition, and construct a garden shed. Zoned R6.

Whereas, the restoration work, bringing the front of the building back to an historical condition, is commendable; and

Whereas, excavation of the areaway and the rear enlargement will not detract from the building or the district; and

Whereas, the garden shed is not out of character for this district; but

Whereas, the applicant did not supply details of the balconets, and it is hard to approve something that we have not been shown; now

Therefore, be it resolved that CB#2, Man. recommends approval of the areaway excavation, the facade alteration, and the rear-yard enlargement – but not the balconets, since we were not supplied their design details.

Vote: Unanimous, with 38 Board members in favor.

13 - LPC Item: 25 - 2 Horatio Street-Greenwich Village Historic District. An Art Deco style apartment building designed by Robert J. Lyons and built in 1929-1931. Application is to construct rooftop trellises.

Whereas, the trellis will have limited visibility; now

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

Vote: Unanimous, with 38 Board members in favor.

14 - LPC Item: 26- 4 Bedford Street-Greenwich Village Historic District Extension II. An altered Federal style rowhouse built in 1828-29. Application is to demolish and reconstruct the front and rear facades, install windows, and construct a rear yard addition and rooftop bulkhead. Zoned R6, R7-2/C1-5

Whereas, we understand and approve the demolition of this building, and we recommend raising the height of the building to comply with code, as well as recommending the rear-yard work and the installation of the new windows; but

Whereas, we are mystified by the rusticated facade proposed to mirror the adjacent, stuccoed building, and not to reflect a style more appropriate for a building of this style; and

Whereas, neighbors attended to express serious concern that the demolition, excavation and reconstruction will damage their fragile building, just as this building was damaged when 6 Bedford underwent construction work; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, with the exception of the rusticated facade, which does not reflect the style of the original building.

Vote: Unanimous, with 38 Board members in favor.

15 - LPC Item: 28 - 43 MacDougal Street (n.w. King) -Charlton-King-Vandam Historic District. A Greek Revival style rowhouse built in 1846-47. Application is to modify the roof.

Whereas, members of the public and representatives of two civic associations, the Charlton Street Block Association and the Vandam Street Block Association, appeared in support of this application; and

Whereas, the restoration of the storefront and the removal of the fire escapes on this heretofore derelict building is commendable; and

Whereas, the enlargement of the pitched roof will be so minimal as not to be readily noticeable; now

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

Vote: Unanimous, with 38 Board members in favor.

SECOND LANDMARKS MEETING

16 - LPC Item: 16 - 77 Bleecker Street (Mercer) - NoHo Historic District. A group of Italianate style buildings designed by Griffith Thomas and Henry Fernbach and built between 1866 and 1883, and altered in 1979 - 81 by Avinash K. Malhotra. Application is to construct a greenhouse addition. Zoned C6 - 2

Whereas, the addition will be barely visible and the materials are not incongruous with this recently altered building; but

Whereas, the applicant provided examples of two other greenhouse additions on the building as precedent, but could not answer whether they were built prior to designation or whether LPC had actually approved them post-designation – an important distinction; now

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

Vote: Unanimous, with 38 Board members in favor.

17- LPC Item: 20 - 152 West 13th Street (6th/7th) - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1846. Application is to construct rooftop and rear yard addition, and replace window. Zoned R6

Whereas, although the applicant did not appear, two neighbors did, and they related that the rooftop mockup was very visible, and this was verified by a committee member. They further noted that this block is one of the more charming blocks in the historic district; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, not only due to the failure of the applicant to attend the community board meeting, but also because the rooftop addition is so visible on this charming block.

Vote: Unanimous, with 38 Board members in favor.

18- LPC Item: 21 - 875 Washington Street, aka 859 - 877 Washington Street, 428-432 West 14th Street, and 427-429 West 13th Street - Gansevoort Market Historic District. A Queen Anne style market building designed by John Jordan and built in 1887. Application is to replace storefront infill.

Whereas, this application could have been a great opportunity to tell a story and to pay appropriate homage to the history of this district, which is being increasingly erased since designation – instead of being preserved; and

Whereas, this application seeks not to preserve or restore historical references, but, rather, to replace them with a non-historical retail showcase, taking away any original meat-market detail and replacing it with further nondescript retail embellishments; and

Whereas, some of the existing, banal storefronts were installed prior to designation. Thus they should not be used as reference and justification for the removal of unique details like the brownstone medallion; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, which seeks to continue the trend in this district to remove historic material and replace it with a bland standardized storefront.

Vote: Unanimous, with 38 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 129 Elizabeth Street on the west side of the street between Grand and Broome. An application to the Board of Standards and Appeals to amend variance granted in March, 2005. The amended proposal is for a taller building with a higher FAR on a smaller lot.

A resolution recommending DENIAL of the application.

Whereas,

1. The application was presented to the committee by Jordan Most of Sheldon Lobel, PC;
2. This application seeks to amend development plans in connection with a variance approved by BSA in March, 2005;
3. The approved variance permitted construction of a four-story, mixed-use building on a lot smaller than the minimum of 1,700 sf allowed under ZR 23-31 and with lot coverage exceeding the maximum of 60% allowed under ZR 109-122;
4. CB#2, Man. had recommended approval of the 2005 variance application;
5. During the 2005 application approval process, the proposed building height was reduced from 73 feet to 43.5 feet, a height that corresponds to neighboring buildings;
6. The reduction in height at that time was achieved partially by reducing ceiling heights to 13 feet on the ground floor and 10 feet on the upper floors;
7. The stated need for the amendment is to conform the plan to the lot size reduced from 815 sf to 789 sf, or about 3.2%, as the result of the settlement of an adverse possession claim;
8. The amended plan shows an increase of floor area from 2,890 sf to 3,106 sf, and an increase in building height from 43.5 feet to 54 feet, an excessive change given the small change in the lot size;
9. The amended plan increases the ground floor ceiling height to 19 feet to accommodate adding a small mezzanine to the retail space and increases ceiling heights on the upper floors between one and three feet;

10. Although a 54-foot building is not inconsistent with the neighborhood as a whole, the adjacent buildings to the north and south on Elizabeth Street are 36 feet and 41.6 feet;
11. A 54-foot building with a 19-foot storefront will be out of place in the context of the smaller adjacent buildings;
12. The small lot size does present special challenges to development on the site, but these challenges are exacerbated by the applicants' inclusion of a one-car parking garage, contributing minimal value, in space that would have much greater value if used for retail;
13. The application seeks to increase retail space by adding a 256 sf mezzanine, which seems to be the motivation for the plan changes;
14. The area has high retail rental values and the one-car parking garage functions as a self-imposed reduction of that value which also creates no neighborhood benefit.

Therefore it is resolved that CB#2, Man.

- 1. Recommends DENIAL of this application, as proposed, to amend the plan approved in the 2005 variance;**
- 2. Recommends changing the plan approved in 2005 to correspond to the reduced lot size ONLY by incorporating a small reduction in floor area, keeping the building height as previously approved; and**
- 3. Recommends consideration by the applicant of the viability of a development plan replacing the garage with added ground floor retail space.**

Vote: Unanimous, with 38 Board members in favor.

- 2. 736 Broadway on the east side of the avenue, opposite Waverly Place: an application to the Board of Standards and Appeals for a variance to allow retail use on the ground floor and cellar.**

A resolution recommending APPROVAL of the application.

Whereas,

1. The application was presented to the committee by Jordan Most of Sheldon Lobel, PC;
2. The application makes credible case that required findings of site uniqueness based on the narrowness of the lot and the obsolescence of manufacturing use in the area;
3. The application makes a credible case arguments that because of the unique physical conditions there is no reasonable possibility of developing the lot with entirely conforming uses;
4. The application makes credible case that the ground floor retail use will not alter the essential quality of the neighborhood or impair the appropriate use and development of adjacent properties;
5. The grounds for the variance do not appear to have been created by the owner or by a predecessor in title;
6. The variance requested appears to be appropriate to afford relief and is in keeping with variances granted in similar situations in the area where most retail uses are in place below the second floor of most buildings.
7. No one from the public spoke to support or oppose this application.

Therefore it is resolved CB#2, Man. recommends approval of a variance allowing Use Group 6 retail use of the ground floor and cellar at 736 Broadway, as proposed.

Vote: Unanimous, with 38 Board members in favor.

3. 22-26 East 14th Street on the south side of 14th Street between Fifth Avenue and University Place: an application to the Board of Standards and Appeals for a special permit pursuant to ZR 32-31 and 73-36 to allow operation of a physical culture establishment in the cellar and ground floor of an existing building.

A resolution recommending APPROVAL of the application.

Whereas,

1. The application was presented to the committee by Joshua Rinesmith of Warshaw Burstein, LLP, representing the applicant;
2. The application is for a special permit to allow a physical culture establishment operated by Planet Fitness, a physical fitness organization with locations in New York City and throughout the country;
3. Planet Fitness states that its mission is “to provide a comfortable, diverse, and friendly space in which to work out, called a Judgment Free Zone, where a health, active lifestyle can be built” and to this end music volume is kept low and excessive noise is not permitted.”
4. Planet Fitness provides an affordable option with rates as low as \$10 per month, offering an important resource for residents and workers in the area who cannot afford other options;
5. The application makes a credible case regarding the findings required for this special permit, and there is no apparent reason for concern that the facility will impair the essential character or future use or development of the area;
6. The facility will be located primarily in the cellar, with an entrance on 14th Street only, with Duane Reade drug store continuing to occupy most of the ground floor of this floor through commercial building;
7. 14th Street is a wide street with a mix of retail, office, residential, and educational uses, including The New School building on the corner of Fifth Avenue;
8. No one from the community spoke for or against the application, but the applicant stated that there had not yet been an effort to reach out to neighbors;
9. The building is an individually landmarked building;
10. The property owner has obtained a Certificate of No Effect from LPC, which was included with application materials;
11. The applicant acknowledged that a Certificate of Appropriateness from LPC will be required prior to storefront renovation, after which the applicant will file for approval of the fitness center signage;

Therefore it is resolved that CB#2, Man. recommends approval of this application for a Planet Fitness PCE at 22-26 East 14th Street.

Vote: Unanimous, with 38 Board members in favor.

4. 130 Prince Street on the south side of the street between West Broadway and Wooster Street: an application to the City Planning Commission for a special permit pursuant to ZR 74-711 to legalize the existing retail use below the level of the second story of the existing building within an M1-5A zoning district in the SoHo Cast Iron Historic District.

A resolution recommending CONDITIONAL DENIAL of the application.

Whereas,

1. The application was presented to the committee by Daniel Egers and Deirdre Carson of Greenberg Traurig, representing the applicant, as well as property owner James Gillen of Invesco.
2. The application seeks to legalize 11,490 sf of existing ground floor retail uses and to add 10,130 sf of retail use in the cellar;

3. The current uses of the ground floor are multiple retail uses that do not comply with the M1-5A zoning;
4. The application states that the retail uses have been present since 1989 when the building was substantially altered;
5. There is a harmful trend in the area whereby oversized and multi-floor retail entities are spreading off of Broadway into the rest of SoHo;
6. Recent applications under 74-922 have justified proposals for stores exceeding 10,000 square feet by stating that these are characteristic in the neighborhood;
7. Legalizing the retail uses below the second floor of this building, along with combining of smaller stores and development of as of right retail uses on upper floors, could contribute to spreading this detrimental trend toward neighborhood dominance by large format retail;
8. In this case, none of the current retail uses occupy more than 10,000 square feet;
9. There is currently a good balance of retail uses in the surrounding area, including some eating and drinking establishments;
10. Legalization of the retail uses could lead to the addition of more larger restaurants and clubs and affect the current balance;
11. The applicant refused to agree to restrict the UG6 uses to uses other than eating and drinking establishments;
12. The new property owners seek to legalize these uses without changing the configuration of uses;
13. The building owner specifically stated the intention to release spaces in current configurations with no plan to lease space for eating or drinking establishments;
14. These uses have been compatible with existing uses in the building and surrounding neighborhood;
15. The legalization of the current retail uses on ground floor and addition of retail uses in the cellar will not by itself have significant adverse impact on the conforming office uses in the upper floors or on uses in the surrounding area, but it is part of an escalating trend caused by the high value of retail space in the area.

Therefore it is resolved:

1. **CB2 recommends DENIAL of this application for a special permit to create 21,620 s.f. of legal retail use at 130 Prince Street UNLESS the applicant agrees to restrict retail uses to other than eating and drinking uses;**
2. **CB2 requests that CPC begin to take a careful look at the trend toward large retail in SoHo that threaten the balanced character of the district even though actions such as this one may not be individually harmful.**

Vote: The above resolution failed and the applicant was sent back to the committee.

PARKS/ WATERFRONT

1. Renovation of DeSalvio Playground

WHEREAS

1. DeSalvio was last renovated in 1995 and is run-down and poorly serves a growing population of families with children who must walk up to ten blocks to visit other downtown parks such as Vesuvio Playground, Hester Street Playground, Washington Square Park, the Key Park and the newly-opened Minetta Playground;

2. Renovation of this park has been included as a high priority of the CB2 Parks committee in the CB2 Statement of Needs document for several years;
3. There is currently \$1.9 million allocated to the renovation with funds provided by City Council Member Margaret Chin (\$550k FY 2012 and \$70k FY 2013), by former City Council Speaker Christine Quinn (\$305k in FY 2014) and by former Manhattan Borough President Scott Stringer (\$375k in FY2013 and \$600k in FY2014);
4. A site scope meeting was held in the park on October 1, 2012, and a design by NYC Parks was presented to CB2 on June 4, 2014;
5. Downtown Manhattan is experiencing an explosion of population of families with young and school-aged children;
6. Many playgrounds in CB2 are frequently overcrowded and the nearby Key Park's future is uncertain;
7. The park is used by a variety of people throughout the day, including children, adults, and tourists;
8. The Parks Department officially designates DeSalvio a "playground," thus triggering the citywide rule that adults must be accompanied by a child, but the layout has never featured a separation between adult use and child play areas;
9. The interior of the park along Spring Street is lined with game and lunch tables that remain in good condition and are heavily used by the local community;
10. There are numerous healthy large trees in this park;
11. The 2012 scoping session included the following requests:
 - A re-imagined layout that maximizes square footage, softens lines using curved or rounded shapes to divide spaces and takes advantage of large blank walls by adding a climbing wall, a trellis for vines or chalkboard paint.
 - New play equipment for the three age groups currently served by DeSalvio (under 2, 2-10 and preteen), incorporating challenging climbing equipment--possibly including a zip-line--a climbing wall and a tire swing; and a small area on northwest side for younger children with infant/toddler swings and 2 spinners or toddler bouncers.
 - New concrete pavement.
 - New modern safety flooring that can be power-washed.
 - A half basketball court with new regulation lines, upgraded backboard, lighting and possibly the addition of a lower hoop for young children off to the side.
 - Sectioned-off seating along Spring Street using a creative combination of planter boxes, benches and low fences to separate adult use and child play areas.
 - Small, maintainable plantings, ideally in planter boxes, but no shrubs that block the views through the park and no extended planting areas that provide cover for rodents (including grasses and cypress), or take space away from use for children's play.
 - Addition of a latch to the gate at the single playground entrance to allow easy opening and closure of the gate and to protect small children from exiting unescorted onto Spring Street.
 - A new spray shower, preferably with a) nozzles that are flush to the pavement so the area has no obstructions when the shower is not in use, b) a creative waterflow providing a more interactive play experience and c) a timer and reactivation button to reduce water consumption when the sprinklers are not in use by children. (Chelsea Waterside Park and West Thames Park as well as Pier 25 all have strong examples of creative water features.)
 - No tree removals.
 - Ample seating accessible to all park visitors. However, all benches in the rear southwest corner of the park should be removed, since seating in this most remote corner of the park might encourage loitering in the park by questionable adults who engage in many of the prohibited uses as outlined in Section 1.04 of NYC Parks Department Rules.

12. NYC Parks Dept. presented a design that incorporated many of features requested by the community and the overall design was well received by the community, we are requesting the following modifications to the design presented June 4, 2014:
- Bright colors including blue, green and yellow to be considered for safety surface flooring rather than grey (unless it is determined that grey looks cleaner for longer).
 - Additional interactive water feature elements to be considered as requested in the original resolution (“A new spray shower, preferably with a) nozzles that are flush to the pavement so the area has no obstructions when the shower is not in use, b) a creative water flow providing a more interactive play experience and c) a timer and reactivation button to reduce water consumption when the sprinklers are not in use by children.”)
 - Removal of the plantings and fence at the north end of basketball court to allow for more open space and clear sight lines for safety.
 - Addition of painted images on back wall of basketball court to encourage multi-sport usage (i.e. soccer and hockey goals).
 - Plantings that will not attract pests.
 - Benches designed to prevent lounging or sleeping, plus relocation of the first two benches on eastern wall, perhaps facing the benches closer to Mulberry Street.
 - Greenery planted in place of removed benches.
 - Addition of a low, latched gate at the western playground entrance to prevent small children from exiting unescorted onto Spring Street.
 - Rat proof garbage cans positioned outside the playground.

THEREFORE, BE IT RESOLVED THAT COMMUNITY BOARD 2 MANHATTAN

1. Appreciates and approves the design effort NYC Parks has made regarding DeSalvio Playground while challenging the design team to further improve the design as detailed above while minimizing any delays to the timeline to begin construction.

VOTE: Unanimous, with 38 Board Members in favor.

2. Installation of New Fence by DEP at Water Tunnel Shaft 31B Site

WHEREAS:

1. The Department of Environmental Protection presented a design for a ten-foot high wrought iron fence between Water Tunnel Shaft 31B site and the adjacent sidewalk;
2. The site is adjacent to the east side of the Merchant’s House Museum on the north side of East 4th Street between The Bowery and Lafayette Street;
3. Since the initial planning for this site about 15 years ago, DEP expressed its intent, upon completion of work to the water tunnel shaft, to make parts of the site available for public open space to be administered by the Department of Parks.
4. In August, 2009, DEP presented a set of sketches showing expected “open space layouts for four shaft sites in Manhattan, including 31B”;
5. DEP expressed the view that public open space provided a way to “hide the sites in clear view” and laid out certain use restrictions, including limited locations for trees, clear access for DEP vehicles, and a prohibition on use for dog runs;
6. During prior discussions regarding the site, the Merchant’s House expressed interest in a connection between the open space and the museum;

7. This fence was first presented to the CB2 Environment Committee as an interim installation to replace the unattractive construction fence for the period until the open space could be designed and built;
8. Responding to concerns about the waste of installing a fence without first designing the open space, DEP now states that they have decided that the space is unsuitable for open space and the fence is intended to be permanent;
9. DEP appears to have made the decision to cancel the planned use of the site without consultation with CB2 or council members;
10. The only explanation as to why the site is now considered unsuitable is that it has no “walkthrough” and that policies have changed after September 11, 2001;
11. Other shaft sites constructed after 9/11/2001, are located under streets and sidewalks;
12. The lack of public open space is a concern for CB2, which has one of the lowest ratios of open space to population in the city;
13. The area around this particular site is characterized by an extreme lack of public open space, even by CB2 standards;
14. The large fenced-in vacant lot will be a permanent detriment to the block and to adjacent buildings.

THEREFORE, BE IT RESOLVED THAT COMMUNITY BOARD 2 MANHATTAN

1. Is dismayed that DEP has unilaterally cancelled an important agreement made during the public planning process for the location of shaft sites;
2. Is further dismayed that this decision, which will have a serious negative impact on the quality of life in the district, was made with no consultation with CB2 or local elected officials;
3. Requests a review of this policy change with CB2, local elected officials, and affected neighbors;
4. Opposes the installation of a new fence until consultation with all concerned is completed.

VOTE: Unanimous, with 38 Board Members in favor.

SIDEWALKS/STREET ACTIVITIES

New App. for revocable consent to operate a SMALL sidewalk cafe for:

1. 267 Lafayette Grocery LLC, d/b/a Bottega Falai, 267 Lafayette St. (btw Spring St & Prince St), with 5 tables & 10 chairs (6531-2014-ASWC)

Block:495 Lot:11 Lot Frontage:163.33' Lot Depth:81.83 Year Built:1926(estimated)
 Number of Buildings:1; Number of Floors:6 Residential Units: 93 Total # of Units:102
 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’s manager, Veronica Leonardo, was present, and
- b. this SMALL café is proposed for a sidewalk of 15’11” – just 3” wider than the minimum required width – which is somewhat constrained by a sidewalk grate just south of the restaurant entrance and a USPS mailbox opposite the south edge of the property, and
- c. the supplied print shows 6 tables & 12 chairs instead of the applied-for 5 tables & 10 chairs, and
- d. the print also showed the tables/chairs arranged perpendicular to the façade and the committee pointed out that, with patrons seated, this would not stay within the 4’6” allowed under the small sidewalk café rules, and

e. Ms. Leonardo assured the committee a new plan would be filed with DCA removing the extra table and 2 chairs, and rotating the furniture to ensure it complies with the small sidewalk café rules,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an SMALL sidewalk café for **267 Lafayette Grocery LLC, d/b/a Bottega Falai, 267 Lafayette St. (btw Spring St & Prince St), with 5 tables & 10 chairs (6531-2014-ASWC)**

CONDITIONAL UPON the applicant filing a new plan with DCA removing the extra table & 2 chairs, with all furniture rotated to comply with the 4’6” limit required for a SMALL sidewalk café.

VOTE: Unanimous, with 38 Board Members in favor.

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

2. 24 5th Ave LLC, d/b/a Claudette, 24 5th Avenue (NW corner W 9th St), with 25 tables & 52 chairs (6789-2014-ASWC)

Block:573 Lot:43 Lot Frontage:92.25' Lot Depth:230.33 Year Built:1926
Number of Buildings:1; Number of Floors:21 Residential Units: 421 Total # of Units:426
Zoning: R6 R10

Whereas,

- a. the area was posted, community groups notified and there were many community members present regarding this application, and the applicant, Carlos Suarez, and his representatives, land use attorney Jessica Loeser and expediter Marc Glazer, were present, and
- b. this café is proposed for a sidewalk of 23’6” which is constrained by one of a series of tree pits with fences to a usable width of 19’ 4” and a traffic signal at the corner, and
- c. the café is proposed for a sidewalk in an R6 zone, in which sidewalk cafes are not allowed under Article 1; Chapter 4 (Sidewalk Café Regulations); Section 14-011 of the Zoning Resolution, and additionally is on 5th Ave between Washington Square North and 12th St, which Section 14-40 of the ZR states “*No #enclosed# or #unenclosed# sidewalk cafes# shall be permitted...*”, and
- d. the applicant had previously received from the building owner and multiple agencies, including the LPC, permission to demolish two sidewalk enclosures (only one of which was in the applied-for area) which had been previously licensed as enclosed cafes, and
- e. this application was made following the applicant receiving a letter from DCA, with supporting opinions from the Dept. of City Planning stating an application could be filed for an unenclosed café in this location only if the following could be shown:
 - i. the non-conforming use of the ground floor could be extended to the sidewalk, allowing the legal licensing of any café at any time
 - ii. the enclosures were legally built and were not sidewalk encroachments
 - iii. the previous south enclosure had been continuously licensed with no breaks of at least 2 years since first being licensed as a sidewalk café which would allow grandfathering of the café
 - iv. that grandfathering of an enclosed café can be applied to a different class of cafe
- f. a non-conforming use is not a legal non-conforming (“grandfathered”) use unless it was a legal use prior to the zoning change that made it non-conforming and it ceases to be a legal non-conforming use if it is discontinued for any period of two years, and

- g. the applicant presented to the committee evidence that the enclosure had been built in or around 1971 but was unable to provide any evidence that the construction was legal, nor that the non-conforming use could legally be extended to the public sidewalk, nor that the café was legally licensed on a continuous basis since 1971 with no breaks of more than 2 years, and
- h. the committee feels strongly that the opinions from City Planning noted in the letter from DCA were preliminary at best and appeared not to be supported by a careful investigation of the facts by either DCP or DCA, and this letter was virtually the only support for the application supplied by the applicant, and
- i. the committee was otherwise provided a Department of Building Temporary Certificate of Occupancy for 24 5th Avenue dated May 16, 1991 stating:
“Violations noted: Sidewalk encroachments contrary to C26-407.1, C26-407.5, C26-408.1 & impermissible extension of non-conforming use contrary to section S2-40 zoning resolution.”
- j. given this document was the only DoB documentation to be obtained by the committee, and no documentation was provided by the applicant contradicting it, the committee feels that none of the 4 requirements noted in Whereas e. above have been satisfactorily met by the applicant, and
- k. even if it is subsequently shown that the café can be grandfathered and licensed, the supplied print shows the café using 11’ of the sidewalk, but the café can use no more than ½ the unobstructed sidewalk, so the applicant agreed that the outer row of seating must be removed to restrict the café to the allowable 9’7” of sidewalk (½ of 19’4”), reducing the café in any case to a maximum of 19 tables & 40 chairs, and
- l. Mr. Suarez and Ms. Loeser assured the committee that if this application moves forward, a new plan would be filed with DCA removing the outer-most 6 tables & 12 chairs, and
- m. nearly 20 members of the immediate community attended and spoke at the hearing, almost all to oppose any café in this primarily residential block, and
- n. their primary concerns were the legality of any café at this property, and the effect it would have on the immediate area, almost all of which is residential, and
- o. it was also noted by the residents and the committee that an *unenclosed* café would have substantially more impact on neighboring residents than the previous enclosed café, and
- p. several people spoke of the noise issue they are already having with the interior of the restaurant as it has French doors along most of the façade which are consistently left open, and
- q. the committee notes that Mr. Suarez stipulated to CB2 in Sept. 2013 as part of his SLA application that “all doors and windows would be closed by 10:00 p.m. each daily” but when questioned about any such stipulation, after only 3 weeks of operation of the restaurant, Mr. Suarez seemed unable to remember if he had made any such commitment, leading the committee to doubt the commitment has been fulfilled, and this appeared to be born out by statements from multiple area residents, and
- r. as part of those same stipulations Mr. Suarez also agreed to “not use any backyard garden space or sidewalk café”,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **24 5th Ave LLC, d/b/a Claudette, 24 5th Avenue (NW corner W 9th St), with 25 tables & 52 chairs (6789-2014-ASWC)**, and

UNLESS it can be shown, conclusively and contrary to other documentation, that the enclosed café was legally constructed and then operated since as a legal non-conforming use and there has been no discontinuation of such use exceeding two years

FURTHER BE IT RESOLVED that **IF it is subsequently established that**

- **the previous enclosures were legally built AND**
- **the non-conforming use could at any time be legally extended to the sidewalk AND**

- the previous enclosed café had been continuously licensed since being built in 1971 with no breaks of more than 2 years AND
- that any ‘grandfathering’ of the enclosed cafes can subsequently be extended to an unenclosed café then the café seating be restricted to 10 tables & 20 chairs, all immediately adjacent to the façade with no seating placed to the south of the restaurant entrance, in order to ensure the least possible disruption to the residential nature of this block and that of W. 9th St around the corner

AND FINALLY BE IT RESOLVED as this is still a virtually entirely residential area, the café should not be approved in any form if the applicant does not receive approval on an application he stated is pending with the NYC Landmarks Preservation Commission to install an awning covering all seating areas.

VOTE: Passed: with 36 Board members, and 2 in opposition (C. Dawson, J. Frost).

3. Carapina LLC d/b/a GROM, 233 Bleecker St. (NE corner Carmine St), with 4 tables & 8 chairs (5981-2014-ASWC)

Block:589 Lot:48	Lot Frontage:25' Lot Depth:100	Year Built:1920(estimated)
Number of Buildings:1;	Number of Floors:2 Residential Units:2	Total # of Units:8
Zoning: R7-2;	Commercial Overlay: C1-5	

Whereas,

- the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and
- this café is a new application for a downsized café by the applicant who has previously operated the café with seating of 8 tables & 16 chairs, and
- the café has been operated for several years by the applicant with few known issues, but the committee was informed that cleanup in the café has been a substantial problem but this information was not received in time to discuss it with the applicant,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an SMALL sidewalk café for **Carapina LLC, d/b/a GROM, 233 Bleecker St. (NE corner Carmine St), with 4 tables & 8 chairs (5981-2014-ASWC).**

VOTE: Unanimous, with 38 Board Members in favor.

4. E.D.O Food IV LLC, d/b/a Hummus Place, 71 7th Ave. S. (NE corner Bleecker St), with 4 tables & 8 chairs (6853-2014-ASWC)

Block:590 Lot:54	Lot Frontage:39.5' Lot Depth:75.17	Year Built:1900
Number of Buildings:1;	Number of Floors:1 Residential Units:0	Total # of Units: 2
Zoning: C2-6		

Whereas,

- the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Ori Apple, was present, and
- this café is a new application due to the operator allowing the license to lapse, and
- the café has been operated for several years by the applicant with few known issues, but one committee member raised the question of whether there is wait service to the café and the applicant assured the committee that there is,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an SMALL sidewalk café for **E.D.O Food IV LLC, d/b/a Hummus Place, 71 7th Ave. S. (NE corner Bleecker St), with 4 tables & 8 chairs (6853-2014-ASWC).**

VOTE: Unanimous, with 38 Board Members in favor.

5. 55 Greenwich, Inc., d/b/a Bluestone Lane, 55 Greenwich Ave. (SW corner Perry St), with 11 tables and 40 chairs (7542-2014-ASWC)

Block:612 Lot:57 Lot Frontage:21' Lot Depth:40.92 Year Built:1940(estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:8 Total # of Units:10
Zoning:C1-6

Whereas,

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, Hari Kalyan, was present, and
- b. this café is proposed for a sidewalk of 17’ on Greenwich Ave which is constrained to the left of the entry doorway by a phone booth, and for a sidewalk of 15’ on Perry St which has no legal obstructions constraining it, and
- c. the committee was immediately concerned about the amount of seating proposed, particularly on a quiet residential block of Perry St., and felt it was excessive relative to the amount of interior seating, and that an air conditioning unit on Perry St would interfere with the last set of tables there, and
- d. there was also substantial concern about the use of 3 different table sizes and 6-seat tables on Greenwich Ave. which the committee feels may lead to an unacceptable level of noise from large groups, and
- e. Mr. Kalyan agreed to the committee’s request that the seating be reduced to a total of 9 tables & 24 seats by the following changes:
 - i. reduce the three 6-seat tables on Greenwich Ave. to 4-seat tables
 - ii. remove the 2 tables & 6 chairs that are furthest west on Perry St due to the a/c unit, and to reduce the potential impact on neighbors
 - iii. reduce the remaining two 4-seat tables on Perry St. to 2-seat tables,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an SMALL sidewalk café for **55 Greenwich, Inc., d/b/a Bluestone Lane, 55 Greenwich Ave. (SW corner Perry St), with 11 tables and 40 chairs (7542-2014-ASWC)**

CONDITIONAL UPON the applicant filing a new plan with DCA removing the seating detailed in Whereas “e” for a seating total of 9 tables & 24 chairs.

VOTE: Unanimous, with 38 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,

- Bonarue Bleu Industries Inc., Florencia Inc., 185 Sullivan St. with 4 tables & 8 chairs (1301635-DCA)
- Lu-Ann Bakery Shop, Inc., d/b/a Bruno Bakery S/C #362, 506 LaGuardia Pl., with 8 tables & 16 chairs (0762511-DCA)
- Travertine LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. with 15 tables & 30 chairs (1434421-DCA)

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

VOTE: Unanimous, with 38 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

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 CB#2, Man. Calendar of Meetings, no members of the community requested a public hearing be held regarding them, so CB#2, Man. has no issue with these applications,

FYI Renewals:

6/5-11/26/14 South Village Farmers Market, 6th Ave. btw Carmine St. & West 3rd St., Event ID 163348.

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

SLA LICENSING

1. 265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, 265 Lafayette St., 10012 (Existing OP License SN1270013 seeking alteration to add sidewalk cafe)

Whereas, this application is for an alteration of an existing On Premise license to add service to a sidewalk café with 7 tables and 14 seats in a mixed use building located on Lafayette Street between Prince and Spring Street; and

Whereas, the applicant initially came before CB#2, Man. in February/2013 seeking a transfer of an On Premise license for a 1,715 sq. ft. ground floor store front to operate an Northern Italian style restaurant from 9 am to 11 pm every night, with 21 tables and 42 seats, 1 bar with 7 seats and a maximum occupancy less than 74 people; and

Whereas, CB#2, Man. unanimously recommended to deny the license transfer unless the applicant agreed to certain stipulations, including but not limited to returning to CB2's Sidewalks and Street Activities Committee for a sidewalk café license; and

Whereas, the applicant thereafter appeared before CB2's Sidewalks and Street Activities Committee in April/2014 for a sidewalk café license, at which time it was ascertained that the named operators and licensees of these premises also own and operate a second restaurant using the Saint Ambroeus name on West 4th Street within CB2 (SN1140622); and

Whereas, the operator Jacobo Giustiniani, is a licensed stakeholder and owner of the West 4th Street location and **has been operating an illegal sidewalk café as well as illegally serving alcohol on a public sidewalk for many years**; and

Whereas, despite being repeatedly notified that he and his partners have been operating an illegal sidewalk café on West 4th Street, the operators have refused to do anything about it; and

Whereas, based on this operator's continued illegal operation and illegal service of alcohol for many years within CB#2, Man. **CB#2, Man. unanimously recommended denial of the operator's April/2014 application for a sidewalk café license at these premises (265 Lafayette Street)**; and

Whereas, CB2's Licensing Committee also received numerous emails from and four representatives appeared on behalf of the five story building located directly above the licensed store front premises at 265 Lafayette St. to provide photos and to explain that the applicant had **installed a large new mechanical ventilation unit on a mezzanine rooftop surrounded by residential apartments**; and

Whereas, the residents in the building have consistently complained to the licensee regarding the placement and noise the mechanical systems emit within an enclosed courtyard area entirely surrounded by residential apartments up to five stories; and

Whereas, the NYC Dept. of Environmental Protection **has issued three violations for noise levels that exceed the legal decibel limit** for the mechanical systems, which operate from 5:30 am until midnight seven days a week, with the most recent hearing scheduled for July 24, 2014; and

Whereas, the applicant appeared with his lawyer to promise that he would resolve the violations and remedy the noise problems emitting from the large mechanical systems at some point in the future but has not yet resolved the existing problems that have existed for seven months; and

Whereas, in light of this operator's previous history of ignoring/disregarding/violating the law and installing large mechanical systems which violate NYC's noise regulations affecting surrounding residential neighbors, it was felt that the operator should not be granted future privilege and benefit of operating/adding service to a sidewalk café until it has resolved its prior transgressions: and

Whereas, there is also evidence that this applicant has not obtained all the proper licenses and permits to operate the sidewalk café, has shown a total disregard of the law by illegally operating a sidewalk café at its West 4th Street location, and has further generated a significant noise condition not previously existing and failed to demonstrate a public interest for permitting the proposed alteration with additional seating at a sidewalk café; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, 265 Lafayette St., 10012** on its application seeking an alteration to its existing OP license to add service to a sidewalk café; and

THEREFORE BE IT FURTHER RESOLVED that if this application is approved by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500-foot rule hearing because the sidewalk cafe 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 38 Board members in favor.

2. 128 Billiard, Inc. d/b/a Tropical 128, 128 Elizabeth Street 10013 (existing OP – seeking alteration to extend hours to 4am seven days/week and expand OP license into basement of premises)

Whereas, the applicant appeared before CB2’s SLA committee for the purpose of seeking an alteration to an existing on premise liquor license (SN 1252940) to expand its OP license and business until 4am seven days/week and further expand its business into the basement premises; and

Whereas, the previously agreed upon method of operation for these premises was to operate a Pool Hall and Lounge with hours until 2 am only, utilizing billiard tables, one bar seating 20 people, 15 tables with 56 seats in a 2570 SF first floor space; and

Whereas, the applicant appeared before CB2’s SLA Committee six months ago in December/2013 with identical plans to seek an alteration to its existing license and CB2 previously recommended denial of the same alterations and refers the Liquor Authority to review that resolution; and

Whereas, the applicant/existing operator admitted in December/2013 during questioning by members of CB2’s SLA Committee that his current business operation was open until 4am on certain nights in violation of the current method of operation for the premises, which requires the operator to close at 2am; and

Whereas, the applicant/operator now claims that his business is only operating until 2am but neighbors in the adjacent residential buildings have provided this Committee over the last month with photos and video of the premises purportedly operating as a night club at 3:30 am with velvet ropes and stanchions leading to the front door, with music emitting from the premises through its open doors, and that the premises operates as a nightclub and dance club with DJs; and

Whereas, Tropical 128 has continuously advertised and continues to advertise a 4 am closing time on the weekends (Friday and Saturday), 3 am on Thursdays and reviews at Yelp, a well-known internet site, demonstrate that the premises has operated and continues to operate as a bar and nightclub with DJ music; and

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

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

Whereas, the previously submitted basement plans also included one bar with 16 seats and 20 tables with 80 seats in a 1920 SF space; and

Whereas, the current application now states that the first floor premises will be expanded to 3200 sf on the basement expanded 2800 sf in the basement for a total premises of 6000 sf; and

Whereas, despite CB#2's prior recommendations to deny the basement alteration the applicant acknowledged and admitted that he has already commenced construction work at the premises and basement to expand the premises and existing operation in dereliction of CB2 prior recommendations to deny such an alteration; and

Whereas, the applicant performed no community outreach; and

Whereas, there are a number of elderly residents living in the adjacent tenement buildings and other residential building that immediately surround these premises; and

Whereas, members of the CB2 SLA Committee continue to be very concerned about the existing operators continued failure to abide by and ignoring its prior agreements with CB2 and the SLA and existing method of operation to operate a billiard hall until 2 am, the continued use of the premises as a bar and nightclub until 4 am with loud music, velvet ropes and stanchions, long exterior lines of patrons seeking entrance to the premises late at night, the continuing problems with noise and the certain increase in noise, late night traffic and quality of life issues should any expansion of hours or space occur with the proposed dramatic increase in occupancy from 74 to 268—an increase of 194- person to an existing occupancy, the use of the basement as a cabaret as indicated on certain NYC Dept. of Buildings applications, that there are already four other licensed premises in the same building (with this operator a total of 5), the long standing opposition by the surrounding neighbors and CB#2, Man. to this particular operator's history and dereliction of prior agreements, the extreme saturation of late night bars and OP licenses in the surrounding area, and the licensee's failure to establish a public interest or benefit for operating a night club and bar at these premises surrounded by residential buildings;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **128 Billiard, Inc. d/b/a Tropical 128** on its application seeking an alteration of its existing method of operation to extend its hours to 4 am and expand into the basement of the premises operating as a night club/cabaret.

Vote: Passed, with 36 Board members in favor, and 2 in opposition (S. Greene, R. Sanz).

3. Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012 (BW License, previously unlicensed storefront location with sidewalk cafe)

Whereas, the applicant presented before CB#2, Man. and seeks to open a restaurant serving Vietnamese fare in the southern storefront of 222 Lafayette St. which previously operated as a "Subway" sandwich shop in a mixed use, six-story building on Lafayette Street between Spring and Kenmare Streets just across the street from Petrosino Square; and

Whereas, the storefront premises has never been licensed for the service of alcohol or operated as an eating and drinking establishment, the premises will be renovated with a new full service kitchen requiring installation of new mechanical systems; and

Whereas, the licensed premises will be 1,030 s.f., there will be 14 tables in 33 seats, 1 bar with 7 seats; and

Whereas, the applicant seeks to install new French windows and doors that open out to the sidewalk in the new space and will change the front façade of the new space; and

Whereas, the applicant is also applying to operate and serve alcohol on a new sidewalk café with 4 tables and eight seats; and

Whereas, the premises also has a backyard garden which the applicant stated will not be used by the restaurant and business; and

Whereas, the applicant presented a letter of no objection for eating and drinking but which did not apply to the southern storefront but applied only to Ed's Lobster House located in the northern storefront of 222 Lafayette St. (Feb. 15, 2007); and

Whereas, the southern storefront premises at 222 Lafayette Street does not currently have a certificate of occupancy or letter of no objection to permit eating and drinking – a letter of no objection exists only for the northern storefront (any new LNO should be date 2014 or later); and

Whereas, the applicant provided a petition with 102 signatures in favor of the new restaurant, but four people appeared in opposition to the application, including the "Friends of Petrosino Square" organization representing residents surrounding the Square, voicing concerns about the rapid rate of liquor licenses surrounding the square and approval of new licenses over the last ten years, the addition of numerous sidewalk cafes to the area over the last few years and the potential number of new liquor licenses in the area that will result in an overwhelming impact on the character of the neighborhood; and

Whereas, the community objections relate to the overwhelming nature of recently issued liquor licenses in an already saturated neighborhood, where there are already three liquor licenses in three consecutive buildings on one block on the west side of Petrosino Square and if this expansion was granted, there would only be one storefront left on the west side of Petrosino Square that did not already have a liquor license, that there are already eight liquor licenses surrounding the perimeter of Petrosino Square, and that by adding more eating and drinking patrons to the area will only add to traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area; and

Whereas, at the time of the applicant's presentation to CB#2, Man. the applicant agreed, with his attorney, to hours of operation from 8 am to 12 am from Sunday through Wednesday and from 8 am to 1 am Thursday through Saturday, that new soundproofing will be installed, that all doors and windows will be closed by 9 pm each evening, there will be no TVs, music will be background only, there will be private parties but no promoted events or DJs; and

Whereas, CB#2, Man. proposed the following stipulations agreement to applicant at the time of his presentation for the purpose of attaching and incorporating those agreed upon terms into the applicant's future method of operation on their BW license:

1. Applicant will obtain a new letter of no objection from the NYC Building Department for occupying the premises as a eating and drinking establishment before opening and operating the southern storefront premises and will not rely upon the letter of no objection granted to the northern storefront of 222 Lafayette St.
2. Will operate from 8 am to 12 am from Sunday through Wednesday and from 8 am to 1 am Thursday through Saturday.
3. Will close all doors and windows by 9 pm 7 days a week.
4. New soundproofing will be installed.
5. Music will be quiet, background level inside restaurant only and there will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. The sidewalk café will have only 4 tables and eight seats.

7. The sidewalk café will be closed each night by 10 pm daily.

Whereas, despite proposing the following stipulations to applicant, the applicant refused to sign any agreement with CB#2, Man. incorporating the above-referenced stipulations into its method of operation; and

Whereas, CB2 Man. feels strongly that the above-state stipulations were fair and reasonable in light of the onslaught of new liquor licenses being requested and currently existing around Petrosino Square Park and that fact that applicant was seeking to add yet another license to the area adjacent to the Park; and

Whereas, applicant has not obtained all the necessary permits to operate an eating and drinking establishment at this location and to permit such a license without the above-referenced stipulations and limitations under the circumstances presented; and

Whereas, no license to serve beer and wine should be granted prior to obtaining the proper permits and license to operate an eating and drinking establishment at the premises; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012** on its application seeking a beer and wine license.

Vote: Unanimous, with 38 Board members in favor.

4. An Entity in which Lorenzo Randisi is a principal, 151 Mott St. 10013 (new beer and wine – previously unlicensed location)

Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a beer and wine license to operate a pizza restaurant using electronic ovens in a six-story mixed use building on Mott Street between Grand and Broome Streets; and

Whereas, the premises was previously operated as a gift shop and never as an eating and drinking establishment with a license to sell alcohol; and

Whereas, the total licensed premises will be 1,400 s.f., two bathrooms with 15 tables and 30 seats, one bar with 5 seats for a total patron occupancy of 35, 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 applicant agreed to operate with hours of operation from 10 am to 11 pm Sunday through Wednesday and from 10 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 operate with hours of operation from 10 am to 11 pm Sunday through Wednesday and from 10 am to 12 am from Thursday to Saturday.
2. There will be no TVs.
3. There will be no operable doors or windows that open out to the sidewalk.
4. 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.

5. Agreed not to seek a full on premises license at the premises.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an Beer/Wine license to **An Entity in which Lorenzo Randisi is a principal, 151 Mott St. 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 BW License.

Vote: Unanimous, with 38 Board members in favor.

5. Miyabi Sushi Japanese Restaurant NY Inc., 118 West 3rd St., 10012 (BW, previously unlicensed location)

Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a new beer and wine license to operate a Japanese Sushi Restaurant in a ground floor space in a five story mixed use building in a historic district on West 3rd between MacDougal Street and Sixth Avenue; and

Whereas, the 1,800 s.f. premises have never been licensed for the service of alcohol and were previously operated as a video and record store known as “Bleecker Bobs”, there will 10 tables, one sushi bar and 38 seats for patrons, one TV, there will be background music only, no sidewalk café or outdoor garden and they will not install French doors or windows; and

Whereas, the applicant will operate from 11 am to 12 am Sunday through Thursday and from 11 am to 2 am Fridays and Saturdays; and

Whereas, the operator already operates a sushi restaurant nearby and has managed an establishment in the neighborhood for years without any prior complaints; 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. Premises will be advertised and operated as a sushi restaurant.
2. Will operate with hours of operation from 11 am to 12 am Sunday through Thursday and from 11 am to 2 am Fridays and Saturdays.
3. There will be only one TV.
4. 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.
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.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an Beer/Wine license to **Miyabi Sushi Japanese Restaurant NY Inc., 118 West 3rd 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” for a Beer and Wine License.

Vote: Unanimous, with 38 Board members in favor.

6. OM 216 LLC, d/b/a Caffe Morini & Enoteca, 216 Lafayette, 10012 2 (Beer Wine license in a previously unlicensed location)

Whereas, the applicant seeks to operate a full service Italian restaurant on the first, second and basement premises in a two story building designated as a Artists Work Living Quarters on Lafayette Street between Spring and Kenmare Streets just across the street from Petrosino Square; and

Whereas, the current certificate of occupancy states that “at least one occupant of each dwelling unit shall be a certified Artist as per Section 42-14 Zoning Resolution” and is dated March 24, 1981 and which permits Artists Work Living Quarters on the first and second floors and a tenant’s laundry and assessor storage in the basement; and

Whereas, these premises were never operated as an eating and drinking establishment with any liquor license and extensive renovations to the building, front façade are planned to add a full service restaurant kitchen and new mechanical HVAC systems for the rear and rooftop areas; and

Whereas, the applicant also operates a full service Italian Restaurant immediately next door with a full on premises liquor license at 218 Lafayette Street that has 97 seats and 1 bar with 15 seats for a total occupancy of 112 patrons; and

Whereas, the applicant previously appeared before CB#2, Man. seeking an alteration of an existing license at 218 Lafayette to break through and demolish portions of the fire wall separating 216 Lafayette with 218 Lafayette to combine its existing restaurant at 218 Lafayette with the additional premises at 216 Lafayette; and

Whereas, the SLA agreed with CB2’s recommendation and denied the applicant’s request for an alteration to expand and combine the premises at 216 Lafayette with its existing on-premises liquor license at 218 Lafayette; and

Whereas, the applicant thereafter brought an Article 78 against the SLA seeking to overturn the SLA’s decision but that appeal was withdrawn and denied; and

Whereas, in its opposition to the Article 78, the SLA specifically articulated that there is a presumption against the issuance of another liquor license at these premises where there are already 18 full on premise liquor licenses with a 500 foot radius of the premises and the issuance of such license would not be in the public interest; and

Whereas, in its previous alteration application, the applicant also made blatant misrepresentations at its 500 foot hearing by claiming that 216 Lafayette Street was an existing part of the licensed premises at 218 Lafayette; and

Whereas, even though CB#2, Man. recommended a denial of the alteration combining the two buildings, the operator still commenced demolition work adjoining the two buildings causing the NYC Building Department to issue violations forcing the applicant to cease work and thereafter to appeal to the Board of Standards and Appeals; and

Whereas, as a part of the process of applying to the BSA for a variance, CB2’s recommendation to the BSA was to not grant the variance; and

Whereas, the Board of Standards and Appeals thereafter issued a decision (Feb./2013) granting applicant a special permit for non-conforming use at the premises for eating and drinking at 216 Lafayette until Feb./2023 or a term of 10 years but refused to permit a combined restaurant at the two separate addresses and further required the applicant to operate two separate and distinct eating and drinking establishments with no interior connection between the two establishments located at separate addresses with the sole exception of one basement door permitting emergency egress in case of a fire only; and

Whereas, the Board of Standards and Appeals further refused to permit a sidewalk café or outdoor space at the premises, that the maximum seating capacity for 216 Lafayette will be 85 patrons, that the addition of any mechanical and ventilation systems will comply with NYC Noise Code Regulations and that any such systems will be directed away from the adjoining residential buildings; and

Whereas, the applicant reappeared yet again for a full on-premise at 216 Lafayette Street in September/2013 to operate the premises as a full service Italian restaurant in a 3,348 s.f. Space (cellar has 945 sq. ft. and no patron use, the 1st floor is 1,206 sq. ft. and the 2nd floor is 1,188 sq. ft.) with 10 tables and 30 seats and 1 bar with 15 seats on the first floor and 4 tables and 40 seats and 1 service bar on the second floor; and

Whereas, CB#2, Man. recommended denial for the on premise liquor license to applicant who now returns yet again seeking a beer and wine license with the same plans and method of operation for the premises at 216 Lafayette; and

Whereas, pursuant to the resolution of the Board of Standards and Appeals the Restaurant must close by 11 pm Sunday through Thursday and 12 am Fridays and Saturdays, no live music and no DJ's; and

Whereas, there were 10 people from the area directly adjacent to 216 Lafayette that were opposed to the beer and wine license, some of whom live in the building directly behind the premises (57 and 59 Crosby), and who brought photos showing exterior HVAC systems and exterior exhaust ductwork extending from the applicant's existing premises at 218 Lafayette located only a few feet from the windows of residents located in 57 and 59 Crosby and further demonstrating that the rear of the adjacent buildings are unusually close to the proposed premises; and

Whereas, the local community, which will be directly affected, was also concerned that adding an additional 85 Eaters and Drinkers per seating, an additional kitchen vent above a two-story building in a predominantly four-story or higher block, drawing for hire vehicles to drop off and pick up patrons from the second floor private dining room events, and a high turnover of eaters and drinkers in the ground floor in an area that already struggles with noise and exhaust pollution, pedestrian and traffic congestion, and significant environmental stress because of the proliferation of Eating and Drinking establishments in the immediate area would negatively impact the community and the newly expanded and renovated Petrosino Square Park; and

Whereas, there were also 5 speakers, but not necessarily from the neighborhood, in support of the application, as well as letters and petitions generally stating the applicants were good operators and as such should be granted a beer and wine license notwithstanding the concerns of those living directly adjacent to the premises and around Petrosino Park or the over saturation of liquor licenses in the area; and,

Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location surrounding Petrosino Square (including yet another new beer and wine application being heard on the same evening as this application, albeit for 222 Lafayette Street); and,

Whereas, CB#2, Man. can understand that immediate neighbors would have strong reasons to oppose such a license at this location given their experiences in addressing issues, complaints, violations and concerns as they relate to the operation at 218 Lafayette St.; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **OM 216 LLC, d/b/a Caffe Morini & Enoteca** on its application seeking a beer and wine license.

Vote: Passed with 22 Board members in favor, 14 in opposition (S. Aaron, T. Bergman, L. Cannistraci, D. Collins, T. Connor, C. Dawson, M.P. Derr, S. Greene, D. Gruber, R. Rothstein, R. Sanz, F. Sigel, C. Spence, R. Stewart) and 2 in abstention (D. Diether, S. Secunda).

7. Lets Eat Cantina, d/b/a Pepe Rosso Cantina, 173 Mott St., 10013 (BW license, previously licensed premises)

Whereas, the applicant already operates an Italian restaurant Pepe Rosso Social Restaurant at the same address on the ground floor but appeared before CB#2, Manhattan’s SLA Licensing Committee for a separate beer and wine license to operate in the basement at the same address but which has a separate entrance from the street—and with other interior passageways leading between both establishments that the applicant emphatically stated would never be utilized—to operate the basement premises for catered parties serving Italian fare from the restaurant in a six story mixed use building on Mott Street between Broome and Grand Streets; and

Whereas, the applicant has no plans to alter or modify/renovate the existing basement premises which previously operated by another, previous operator (“Double Happiness”) as a non-conforming bar creating significant complaints in the neighborhood of late night noise but the current operator stated repeatedly that he has no intention of operating the premises as a bar or tavern but rather for catering only as a secondary business to the existing Restaurant and further agreed never to operate the basement premises as a bar; and

Whereas, the total basement premises is 1,200 s.f., there will be 4 tables and 40 seats and 1 bar with five seats for a proposed occupancy of 45 patrons, no TVs, with background (quiet) music only, no sidewalk café or outdoor garden; and

Whereas, the hours of operation will be from 11 am to 11 pm from Sunday to Wednesday and from 11 am to 12 am on Thursdays through Saturdays and the applicant further stated that the basement premises would not be open daily but only when private parties are planned for the space; 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 used for catered events with food from the existing Restaurant upstairs serving Italian food.
2. Will not operate a sidewalk café or outdoor garden.

3. Will operate Sunday to Wednesday and from 11 am to 12 pm and from Thursday through Saturday 11 am to 12 am.
4. There will no TVs.
5. Will not be operated as a bar or tavern.
6. All doors and windows will be closed by 10 pm every night.
7. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a beer and wine license to **Lets Eat Cantina, d/b/a Pepe Rosso Cantina, 173 Mott St., 10013** unless the statements of the applicant as presented to CB#2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the BW License.

Vote: Unanimous, with 38 Board members in favor.

8. Viejo Group LLC, d/b/a Wine Spot, 127 MacDougal St. 10012 (change of class – upgrade from BW to full OP license and alteration to add new bar and service bar in the basement)

Whereas, the applicant currently operates a Wine Bar with a tavern wine license on the first floor and basement premises in a historic townhouse in a landmark district on MacDougal Street between West 3rd Street and Washington Square South and appeared before CB2, Manhattan's SLA Licensing Committee for an upgrade of the existing tavern wine license to operate a full service bar in two story premises; and

Whereas, the two-story premises has never operated as a full service bar with a full on premise license and is located in a neighborhood already significantly saturated with liquor licenses and late night bars and there are currently 39 existing on premise liquor licenses within 500 feet of the subject premises and there is little evidence of a "public interest" for adding yet another bar with a full OP license in a historic building in this area with no compelling reasons; and

Whereas, the total licensed premises is 1,200 s.f. (ground floor 700 s.f. and basement 500 s.f.), there is one bathroom, and currently operates with 16 tables and 43 seats, one service bar with no seats for an overall occupancy of 43 patrons, no TVs, no sidewalk café or outdoor garden; and

Whereas, the certificate of occupancy for the premises permits a store on the first floor and a store with boiler in the basement with residential on the second and third floors; and

Whereas, the applicant seeks to add a new bar to the upstairs premises and new service bar to the basement premises; and

Whereas, the proposed hours of operation will be from 10 am to 4 am every night seven days a week; and

Whereas, the existing beer and wine license advertises and hosts live flamenco music on a regular basis certain nights with specific show times; and,

Whereas, MacDougal Street already has a tremendous problems with quality of life issues, noise, pedestrian and vehicular traffic and "Impact" police from the NYPD are regularly assigned to patrol the immediate area of MacDougal St. along with Mounted Police Units on Weekends;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **Viejo Group LLC, d/b/a Wine Spot, 127 MacDougal St. 10012** on its application seeking an upgrade from tavern wine to full on premises license and alteration to add a full service bar and additional service bar within the premises.

Vote: Passed, with 35 Board members in favor, 2 in opposition (M.P. Derr, R. Sanz) and 1 recusal (D. Gruber).

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

9. Soseb LLC, d/b/a Cocotte, 110 Thompson St. 10012 (RW) (attorney requested layover)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the applicant's attorney requested to lay over and/or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a Beer and Wine 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 **Soseb LLC, d/b/a Cocotte, 110 Thompson St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

10. 1 Nobleden NYC Corp, 196 Grand St., 10013 (withdrawn by attorney-will resubmit for hotel wine license)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 10, 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 was for a hotel beer wine 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 **1 Nobleden NYC Corp, 196 Grand St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

11. Entity to be formed by Matt Piacentini, 240 Mulberry St. 10002 (withdrawn by attorney)

Whereas, after this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the applicant 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 on premise liquor license; and

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any On Premise license for **Entity to be formed by Matt Piacentini, 240 Mulberry St.** 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 38 Board members in favor.

12. Kale NYC LLC, d/b/a Officina Mille Miglie, 371 Broome St. aka 173 Mott St. 10013 (attorney requested layover)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on June 10, 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 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 **Kale NYC LLC, d/b/a Officina Mille Miglie, 371 Broome St. aka 173 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

13. MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 10013 (change of class from OP to Catering Establishment License) (attorney requested layover)

Whereas, during this month's CB2 SLA Licensing Committee meeting on June 10, 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 an alteration to change an existing On-Premise liquor license to catering establishment 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 **MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

14. Hok S. Lam, d/b/a Miss Yu, 188 Bowery 10012 (Withdrawn by Applicant At Meeting and Prior to Presenting)

Whereas, during this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the principal requested to withdraw the instant application from consideration after a contingent of 10 neighbors and two Block Associations appeared in opposition to the application; and,

Whereas, this application is for a new On-Premise liquor license at a previously unlicensed location;

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 **Hok S. Lam, d/b/a Miss Yu, 188 Bowery 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

15. No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan St. 10012 (attorney requested layover)

Whereas, during this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the principal's attorney requested to layover and adjourn the instant 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 at a previously unlicensed location;

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 **No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

16. Aron Watman, on behalf of entity TBD, d/b/a TBD, 92 W. Houston St. 10012 (Layover requested at meeting)

Whereas, during this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the principal and his attorney requested to layover and adjourn the instant 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 at a previously licensed location;

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 **Aron Watman, on behalf of entity TBD, d/b/a TBD, 92 W. Houston St. 10012** until the applicant has presented their application in front of

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

Vote: Unanimous, with 38 Board members in favor.

17. Bare Burger Dio, Inc. d/b/a Bare Burger, 535 LaGuardia Place 10012 (Seeking On Premise Liquor License)

Whereas, during this month's CB2 SLA Licensing Committee meeting on June 10, 2014, the principal/applicant failed to appear before CB2; 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 38 Board members in favor.

18. 316 Bowery LLC, d/b/a Saxon and Parole and Madame Geneva, 316 Bowery 10012 (on-premise)

Whereas, the licensee appeared before CB#2, Man. to present an alteration application for a non-conforming use of an existing on premises restaurant liquor license (SN1204317) for a "full service restaurant" to correct certain aspects of the non-conforming use; and,

Whereas, it appears the sole reason the licensee submitted notice to CB#2, Man. and appeared before CB#2, Man. was because the Liquor Authority cited licensee for an alteration to the operating premises, which was not filed with the State Liquor Authority as required by law; and

Whereas, the Licensee is in violation of existing stipulations executed and on file with the Liquor Authority which are currently attached to the existing liquor license as conditions; and,

Whereas, the premises is located on the ground floor and basement with patron uses on both floors on the Southwest corner of the intersection of Bleecker St and Bowery in two mixed use residential commercial buildings comprising the addresses of 316 Bowery and 2 Bleecker St and 4-6 Bleecker St; and

Whereas, the premises (and the on-premises liquor license and additional bar license) cover two primary areas, one area operated as "Saxon and Parole" located in the Easterly portion of the premise on the Ground Floor and Basement and "Madame Geneva" located on the westerly portion of the premises on the Ground Floor only; and,

Whereas, the licensee stated that the alterations include a "new name, new menu, new door position on corner of Bleecker and Bowery; interior work – added walls – reduced seats"; it was explained that these changes had occurred some time ago and that this alteration application is to bring the licensee in compliance with SLA regulations to reflect the proper method of operation; and,

Whereas, CB2’s original resolution from November 2007 is as follows:

1. 316 Bowery, LLC, 316 Bowery (at Bleecker), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license, pursuant to purchase for a New American/Fusion restaurant, located in a 6,000 s.f. premise in a mixed use building located on the corner of Bowery and Bleecker Streets, with 134 table seats, 2 bars with 28 seats and a maximum legal capacity of 170 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:00 a.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

WHEREAS, the applicant has agreed to operate as a Restaurant only as defined in the New York State ABC Law and referenced in the SLA Taskforce Report; and,

WHEREAS, the applicant has agreed to abide by the regulations associated with all New York City departments and safety organizations including but not limited to Department of Buildings and Fire Department, and will obtain all required certificates, permits and related documents, including but not limited to the Certificate of Occupancy or Letter of No Objection and Public Assembly Permit. All certificates, permits and related documents will be in place prior to the use of the On Premise license; and,

WHEREAS, the applicant has agreed to operate only when violations (if any) at this current location under previous ownership and management have been corrected.

WHEREAS, those conditions agreed to by applicant and NoHo Residents and Property Owners in a fully executable agreement attached will be incorporated into the “Method of Operation” on the SLA On Premise license; and,

WHEREAS, members of the community and former executive members of the NoHo Neighborhood Block Association appeared to state their support for the applicant; and,

WHEREAS, no one appeared in opposition from the community; and,

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed On Premise license for 316 Bowery, LLC, 316 Bowery, UNLESS those conditions agreed to by applicant relating to the fourth, fifth, sixth and seventh “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

Whereas, the stipulations agreement that is incorporated into the “method of operation” on the SLA On-Premise License dated November 13, 2007 that is on file with the Liquor Authority contains the following text:

Agreement between 316 Bowery, LLC, 316 Bowery, NYC/dba Superior Restaurant NYC and Residents and Property Owners of NoHo (The Signers)

Background & Method of Operation: Superior LLC intends to operate a restaurant, only. They will occupy both the ground floor and basement space and will utilize the Sidewalk Cafe....with an anticipated Public Assembly Permit for 200 people¹. They will take over this space on January 15; redesign for three months and anticipate opening by April 1st.

There is a preliminary layout and Method of Operation, which is subject to change since the entire building will be under renovation. The majority of seating will be at tables with a bar currently configured for 17 people on the first floor and another for 7 in the lower level. The full restaurant kitchen will be in the westernmost section of their footprint - though it has not been decided whether it will be on the lower level or on the first floor, or both. It will be managed by a full-time chef.

Any Alteration to the Method of Operation will be subject to review and reconsideration through hearing at CB#2 Manhattan, the dispensation of which will be duly noted by the State Liquor Authority (in keeping with their regulations as regards Methods of Operation in license approvals). Since the initial application for a license is in advance of actual renovation and occupancy, the Community agrees to accept a conditional layout and method of operation until such time as a final layout and M of O is offered, as long as it is subject to the process outlined above.

Covenant Items:

Venting: In addition to City requirements, all venting will be mutually tested and mutually approved between Superior LLC and 10 Bleecker Coop. This is to include emissions as well as noise. During the first month of operation Superior LLC will, at their own expense, place monitoring devices in approved locations at 10 Bleecker to determine sufficiency as well as an approved base line for future reference¹.

Handicapped Access:- Superior LLC will assure that handicapped access meets or exceeds statutes.

Security/Street Monitoring: There will never be any velvet ropes or waiting lines on the street surrounding the establishment.

There will be door personnel, solely responsible for patron monitoring - entrance, exit and street activity (including smoking patrons) from Thursday through Saturday, from 9:00 p.m. to closing. At this time, because the stated nature is a restaurant only, the community will not require a commitment to "trained security" personnel.²

Applicant agrees to additionally explore incorporating a designated smoking area where patrons can smoke in a controlled environment (and will be easily monitored).

Patron entrance on the Bleecker St side is generally prohibited. Should a small Chef's Dining room be part of the final Method of Operation, the applicant agrees to a capacity no greater than 25 which is not to be additional to the agreed Public Assembly of 200 maximum people, and Residents agree to allowing entrance on the Bleecker St. side.

Bleecker St exits will only be used for required emergency exiting. The service/delivery entrance is currently located on the Bleecker St. side can continue to be used for service purposes.

Staff will regularly clean the sidewalk surrounding the establishment throughout hours of operation.

Superior LLC also agrees to **replace the tree(s)** previously located on Bowery and possibly on Bleecker St in concert with any City Agency approvals.

License: For at least the first two year licensing period the license will be for Restaurant Use only.

Sidewalk Cafe: The sidewalk cafe will adhere to all DCA requirements - including the removal of tables and chairs at the end of sidewalk hours - with the following conditions: Sidewalk Cafe hours will be no later than 11:00 p.m. Sunday thru Wednesday and no later than Midnight Thursday through Saturday, for the first period of the DCA license. Superior LLC will not apply for a heated, year-round unenclosed sidewalk cafe permit.

Garbage: Superior LLC agrees to store all waste inside their establishment until 1 hour before pick up. All organic waste is to be stored in refrigerated storage. All garbage pick up is to be on the Bowery.

Support of the Arts: Superior LLC agrees to incorporate recognized art components in the design or operation of their restaurant and to abide by all regulations of the NYC Landmarks Commission. Art components defined as art that is commissioned, displayed or presented, as confirmation of NoHo's interest in and support of all arts-related activity. The exact demonstration of this request can be mutually defined and qualified in subsequent community/applicant discussions with selection and aesthetic compatibility under the sole discretion of the applicant.

Community Dialogue: Superior LLC agrees to participate in **ongoing neighborhood dialogue** with entities identifying themselves as participants on an ongoing basis. Meetings will occur quarterly, at minimum.

Whereas, the licensee stated that the name was changed from Double Crown to Saxon and Parole; and,

Whereas, the focus of the food has changed from British and Asian traditions (British Imperialism) inspired food to a menu focused on “domestic meat and seafood, as well as seasonal and sustainable produce, marked with Farmerie’s signature global twist in flavors and cooking method”(from website – no current menu was provided); and,

Whereas, the licensee presented “before” and “after” floor plans indicating modifications to the seating layout, bar location in the Eastern portion of premises and to the ingress and egress, adding back into the floor plans a pre-existing door that had not been used on the corner of Bleecker and Bowery and adding a vestibule for that door as well as modifications to seating in the room in which the door is located and some new partitions; and,

Whereas, the licensee states that there is a reduction in seating, but it appears from materials presented by the licensee that there is actually no change except for the type of seating which now includes 26 low lounge seats; the “before” seating in the original resolution indicates 51 tables across the premises, 134 table seats and 2 bars with 13 seats and 15 seats (“before” total of 162 seats); and “after” seating as presented now indicates 44 tables, 106 table seats, 26 low lounge seats and 2 bars with 30 seats (“after” total of 162 seats);

Whereas, overall, as presented by the applicant, CB#2, Man. does not have objections to the physical modifications, **however the applicant fails to include several critical changes that were never presented to CB2 Manhattan and that are not on file with the Liquor Authority; the original application would have most likely not been approved by CB#2, Man. as presented here now with**

those critical changes and those changes were in direct conflict with the original stipulations that the applicant agreed to; the licensee has operated from the first day of operation in violation of the original stipulations agreement; and,

Whereas, in the original diagrams presented to both CB#2, Man. and those on file with the Liquor Authority there is no entry door into the portion of the premises which is now identified and utilized as the entrance into “Madame Geneva”, the westerly portion of the premises; the creation of this entry door, which was never presented to CB#2, Man. or the Liquor Authority and yet has been in use since the issuance of the liquor license, allowed for the licensee by virtue of the new layout to create a separate venue with an independent entrance which they named “Madame Geneva”; there are interior connections to the other area of the licensed premises “Saxon and Parole”; but at the time of the original presentation to CB2 and the Liquor Authority, this space was supposed to be a bar in the rear of the premises with the only access through the restaurant with patron ingress and egress from the entrance on the Bowery side of the Restaurant; at the time of the original presentation to CB2 and the Liquor Authority, all patron ingress and egress was to happen on the Bowery side of the premises (except for emergencies) and this was explicitly stipulated and a condition of the license.

Whereas, while the Licensee was emphatic that the entrance used for Madame Geneva was approved by CB#2, Man. and the Liquor Authority, it is clear from CB2’s records that the entrance was never presented to CB#2, Man. and after review of materials received via FOIL from the Liquor Authority, **the entrance does not appear in diagrams on file with the Liquor Authority;** and

Whereas, CB#2, Man. has significant concerns and objections with the following:

The Licensee when originally presenting this application to CB#2, Man. did not indicate that the licensee would be operating utilizing two (2) d/b/a’s, one a restaurant now “Saxon and Parole” and one a self described “bar lounge”/”gin den”, “Madame Geneva” with separate entrances for both on different streets and both of which are advertised separately and have separate websites.

The floor plans originally presented to CB2 Manhattan showed no door that now exists as the main entrance for “Madame Geneva” located at 4 Bleecker (two other doors were show on the original plans, one a service door and one an entry into a smaller dining room). On the presented floor plans, the door which was not presented is located North of the Westernmost standup bar.

The Licensee is operating contrary to the original agreement executed by the Licensee, which clearly states “Patron entrance on the Bleecker St side is generally prohibited. Should a small Chef’s Dining room be part of the final Method of Operation, the applicant agrees to a capacity no greater than 25 which is not to be additional to the agreed Public Assembly of 200 maximum people, and Residents agree to allowing entrance on the Bleecker St. side. Bleecker St exits will only be used for required emergency exiting. The service/delivery entrance is currently located on the Bleecker St. side can continue to be used for service purposes.”

The patron entrance which is indicated as potentially an allowable use if the residents agree is in fact the existing door in the “small chef’s dining room” which is located adjacent to the east of “Madam Geneva”. Madame Geneva is not a small chef’s dining room.

The original agreement indicates that the premises will be a “restaurant only” and it now contains a portion of the premises which operates as a separately branded bar/lounge utilizing a door on Bleecker St. which did not appear in the original presentation yet was utilized from the first day of operation – The applicant did not follow the process as outlined in the original agreement that “*Any Alteration to the Method of Operation will be subject to review and reconsideration through hearing at CB#2 Man., the dispensation of which will be duly noted by the State Liquor Authority (in keeping with their regulations as regards Methods of Operation in license approvals).*”

When the Licensee originally opened, there was an uproar from immediate residents that “Madame Geneva” was in violation of the original executed agreement. There were meetings between the Licensee and Residents, but no changes were brought before CB#2, Man. for consideration prior to this current 6 years later; one of the major agreements during these discussions from the past, which was not presented to CB#2, Man. at this time, was that the Licensee would stop operating the Bleecker St. Side of the Premises (the Madame Geneva portion) at 2 AM on weekends.

There was no objection originally to operating the Bowery entry and Bowery portion of the premises until 4 am as it was stated the venue would be closed much earlier because the premises would be a “restaurant only”; The concern has always been with the Bleecker St. side of this premises because it is predominantly residential in character; Bleecker St. is a narrower street and there is and will continue to be concerns regarding congregating patrons in front of this portion of the premises; This was already a known entity and of significant concern at the time of the original application for this licensee and is specifically why patron entrances were prohibited on the Bleecker St. side; All patron uses were limited to the Bowery Side to minimize quality of life impacts for the surrounding residents; the creation of stipulations with residents and the original recommendation from the Community Board represent a compromise that was acceptable to both the Licensee and the Community Board;

It appears that the Licensee never returned to CB#2, Man. to discuss any changes, instead simply operated as they felt compelled to do so;

Whereas, in light of the above concerns, CB#2, Man. was prepared to compromise with the Licensee to approve all changes, including de-facto acceptance and approval of the use of the Bleecker St. Entrance for Madame Geneva in exchange for the applicant agreeing to close the Madam Geneva portion of the premises at 2 AM at least on Wednesday to Saturday as they state they have operated and 12 AM Sunday, and 1 AM on Monday and Tuesday, but the Licensee was unwilling to agree to those terms or address them and stated clearly that he would like to reserve the right to operate his business until 4 am as his license allows; and,

Whereas, it was pointed out that the willingness to discuss the significant changes, which is entirely contrary to the concept originally presented and approved method of operation and premise layout, was because in fact the licensee is not an irresponsible neighbor or operator, but never the less, there would still be an impact on immediate neighbors and the above mentioned reduction in hours would appear to be a very reasonable compromise for a “restaurant only” which in fact runs in the area which is operated and identified as “Madame Geneva” (Which is actually a bar/lounge and advertises itself as such and is noted in the media as such but the licensee keeps referring to as part of the “restaurant”) which has an entrance in a residential portion of Bleecker St.; and,

Whereas, it is also noted that previous Licensees who occupied this premises since 1995 (before the current operator) in fact utilized the area identified as “Madame Geneva” as a full service Kitchen and never had any patron ingress/egress on the Bleecker Side portion of the premises; and,

Whereas, CB#2, Man. did receive an agreement supporting the above changes as presented by the Licensee from a neighborhood resident/merchant/property owners association, but that new agreement did not reflect the significant change in this operation from inception and original neighborhood agreements and there were concerns from several members of CB#2, Man. that there was a conflict of interest, as it was not disclosed at the time it was presented that the Licensee is a Board Member of the organization; and,

Whereas, CB#2, Man. also received correspondence in opposition from a neighbor who was also a party and signer of the original agreement at the inception of the License;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the existing on-premise liquor license for **316 Bowery LLC, d/b/a Saxon and Parole and d/b/a Madame Geneva, 316 Bowery 10012 (SN1204317)**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that should the Liquor Authority consider granting this alteration application and/or including the use of the entrance for the “Madame Geneva” portion of the premises as a regular entrance/egress that the Liquor Authority consider imposing a stipulation on “closing” hours of operation of 12 AM Sundays, 1 AM Mondays and Tuesday, 2 AM Wednesday to Saturday (and New Year’s Eve) for the portion of the premises located in 4-6 Bleecker St. otherwise known as “Madame Geneva” with an entrance on Bleecker with no patrons to remain in the premise after closing.

Vote: Passed, with 29 Board members in favor, and 9 in opposition (S. Greene, M.P. Derr, R. Sanz, S. Smith, R. Stewart, L. Cannistraci, T. Connor, D. Collins, E. Young).

19. St. Helene LLC, d/b/a Chez Sardine, 183 W. 10th St aka 233 W.4th St. 10014 (OP Alteration – SN1265091)

Whereas, the applicant appeared before the committee to present an alteration application for an existing on premises restaurant liquor license (SN1265091) for an Izakaya Japanese Bistro combining cooked elements and raw fish, small bites, family friendly casual atmosphere; and,

Whereas, this application is to reconfigure the seating for a more casual seating arrangement, to extend the bar an additional 5.5 feet, to remove the existing sushi bar and install counter seating, and to extend the hours of operation by 1 hour each night; and,

Whereas, the restaurant is located on the ground floor of a 6 story mixed use commercial/residential building located on the corner of West 4th St. and West 10th Street, for a 650 sq. ft, the maximum proposed occupancy is 48 people, there is an existing Certificate of Occupancy, there is no backyard use, there is no sidewalk café; and,

Whereas, there will now be 4 tables and 8 seats, 1 bar with 13 seats and 15 counter seats for a total of 36 seats, a net increase of 2 seats in the new configuration; and,

Whereas, the new hours of operation will be Sunday to Tuesday from 12 pm to 12 am (midnight) and Wednesday to Saturday from 12 pm to 2 am, the establishment will be continue to be a Izakaya, a Japanese Bistro, combining cooked elements and raw fish, small bites and will continue to be a family friendly casual atmosphere, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there may be occasional private parties; and

Whereas, the principals are principals in a number of other establishments, including John Dory LLC dba Market Table, Happy Cooking LLC dba Joseph Leonard, Little Wisco LLC dba Fedora, Penmanship LLC dba Jeffrey’s Grocery, and George Marcel LLC dba Perla which are located within CB#2, Man.; and,

Whereas, the applicant executed a new stipulations agreement with CB#2, Man. that he agreed would be attached and incorporated in to the new method of operation on the existing SLA license (SN1265091) stating that:

1. The premises will be advertised and operated as a Japanese Bistro.
2. The hours of operation will be Sunday to Tuesday from 12 pm to 12 am (midnight) and Wednesday to Saturday from 12 pm to 2 am. No patrons will remain at closing.
3. The kitchen will remain open with full service until closing.
4. There will be no rear yard garden.
5. There is no sidewalk café.
6. All doors and windows will be closed at 9 pm seven days a week except for ingress and egress.
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.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the existing on-premise liquor license for **St. Helene LLC, d/b/a Chez Sardine, 183 W. 10th St aka 233 W.4th St. 10014 (SN1265091)** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

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

20. Hamilton’s Soda Fountain NY, LLC d/b/a Hamilton’s Soda Fountain, 51 Bank St. 10014

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a “Soda fountain designed in a 1930’s nostalgic style; children and family oriented; serving a single menu – breakfast and lunch all day long 6 am – 12 midnight; \$0.25 to \$12.00; soda and carbonated drinks, ice cream based desserts, old fashioned candy; beer and wine is available to accommodate the parents and adults”; and

Whereas, this application is for a new Restaurant Wine License in a previously licensed location; the premises is in a residential district located on the ground floor of a residential building on the corner of West 4th Street and Bank St. for a roughly 900 sq. ft. premise with 8 tables and 16 seats, and one standup bar with 8 seats, and 14 seats at “drink rails” in the front window for a total of 38 seats; there is no sidewalk café and none is permitted per zoning; there are no other outdoor seating areas or backyard garden, and there is an existing Letter of No Objection for the first floor only; and,

Whereas, the hours of operation will be Sunday from 6 am to 11 pm, Monday to Saturday from 6 am to 12 am (midnight), 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 a Soda Fountain Restaurant.

2. The hours of operation will be Sunday from 6 am to 11 pm, Monday to Saturday from 6 am to 12 am (midnight). No patrons will remain at closing.
3. The kitchen will remain open with full service until closing.
4. There will be no rear yard garden.
5. There is no sidewalk café.
6. There will be no outdoor benches.
7. There are no operable windows.
8. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
9. Music will be quiet background only.
10. There will be no draft beer and no pitchers of beer served.
11. The West 4th Street Doors will be used for emergency egress only (no patron ingress).
12. The corner door located on the corner of West 4th St and Bank St. will be the main door and only door in use for regular patron ingress and egress.

Whereas, the applicant performed community outreach with two local block associations, the Mid West 12th St. Block Association and the Waverly Bank 11 Association and no opposition was noted;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new restaurant wine license for **Hamilton's Soda Fountain NY, LLC d/b/a Hamilton's Soda Fountain, 51 Bank 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 4th "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

21. Soho Hotel Owner LLC, d/b/a Holiday Inn Soho, 138 Lafayette St. 10012 (Transfer existing SN1198277 - Hotel OP License at currently licensed location)

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

Whereas, this application is for a transfer of existing Hotel OP license at a franchised Hotel with an existing Bistro/Restaurant and Public Patron Areas on the 2nd floor of the premises of the hotel in addition to mini bars in guest rooms located on each of the other floors; it is currently/previously operated as PNY IV Bev LLC, serial number 1198277 (Exp. Dated 12/31/2015); the current applicant Soho Hotel Owner LLC seeks to transfer the existing operation and seeks to continue operating in the same manner for the time being, but may return to CB#2, Man. in the future in order to present an alteration application to CB#2, Man. at which time CB#2, Man. will formulate a separate recommendation on that alteration; and,

Whereas, the hotel is located in a in a M1-5B Zoning district (which does not allow eating and drinking use as of right below the 2nd story) and the hotel occupies the 2nd floor through 14th floor of the premises located on the corner of Lafayette St. and Howard Street; and,

Whereas, in the bistro/restaurant/patron areas, the hours of operation will be from 6 am to 11 pm seven days per week, there will be 15 tables and 52 seats and 1 standup bar with 2 seats for a total of 54 seats; there will be no outdoor space, no sidewalk café or garden associated with these premises, music will be background only and there will be 4 televisions; 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 hotel on-premise liquor SLA license associated with this “transfer” application stating that:

1. The premises will be advertised and operated as Holiday Inn Soho.
2. The hours of operation will be Sunday from 6 am to 11 pm 7 days a week for Bistro and Patron areas. No patrons will remain at closing.
3. There will be no rear yard garden.
4. There is no sidewalk café.
5. There are no outdoor areas.
6. There will be no outdoor benches.
7. There are no operable windows.
8. The premises will not seek a NYC DCA Cabaret License, nor will it operate as a nightclub or disco.
9. Will employ two to three doorman/security personnel on a daily basis.
10. There will be no dj’s, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
11. Music will be quiet background only in the Bistro and Patron areas.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the transfer of a Hotel On Premises Liquor License to **Soho Hotel Owner LLC, d/b/a Holiday Inn Soho, 138 Lafayette 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 Hotel OP License.

Vote: Unanimous, with 38 Board members in favor.

22. LYH Hospitality LLC, d/b/a TBD, 21-23 W. 8th St. 10011 (New OP – Previously Licensed)

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 family style upscale diner restaurant offering value driven Greek and Italian comfort food; we will serve breakfast, lunch and dinner in an atmosphere reminiscent of a café on the Italian Riviera”; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location; the premises is in a mixed-use residential/commercial district located on the ground floor and basement of a residential building on West 8th Street between MacDougal St. and Fifth Ave for a roughly 7,052 sq. ft. premise equally divided between the ground floor and basement (3,526 sq. ft. on each floor), with 38 tables and 190 seats (of those – 8 tables and 64 seats are in the basement – the rest on the ground floor), and one standup bar with 10 seats for a total of 200 seats; while the applicant mistakenly included a sidewalk café in the application, the premises is located in an area where sidewalk cafes are prohibited; there are no other outdoor seating areas or backyard garden, there are existing building permits and certificates of occupancy, but they do not seem to support the current application as presented – but the applicant will update certificates of occupancy and any permits or letters of no objection and place of assembly permits to reflect the current proposal and as such, **all permits presented to the Liquor Authority should be dated 2014 or later in order for the license to be issued unless a detailed explanation is presented and reviewed by the Authority** (the location was previously licensed, but it does not appear that the previous licensee had the appropriate Department of Building Certifications for the actual use); and,

Whereas, the hours of operation will be Sunday to Thursday from 7 am to 12 am (midnight) and Friday to Saturday from 7 am to 1 am, 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 on-premise SLA liquor license stating that:

1. The premises will be advertised and operated as an upscale Greek and Italian Diner.
2. The hours of operation will be Sunday to Thursday from 7 am to 12 am (midnight) and Friday to Saturday from 7 am to 1 am. No patrons will remain at closing.
3. The kitchen will remain open with full service until closing.
4. The premises will not be operated as a nightclub, disco or lounge.
5. The premises will not seek a NYC DCA Cabaret License.
6. There will be no rear yard garden.
7. There is no sidewalk café.
8. There will be no operable windows (no windows that open).
9. All doors and windows will be closed at all times except for ingress and egress.
10. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
11. New Sound proofing will be installed (as outlined in materials submitted by applicant and correspondence from Foundation Audio – according to materials submitted supporting CB2's Questionnaire, "the new sound system will only play at a maximum of 99dB.")
12. Music will be quiet background only.
13. There will only be 1 television that will be located at the stand up bar on the ground floor.
14. There will only be one standup bar on the ground floor as per diagrams and one service bar in basement.
15. The previously existing separate patron entrance to the basement from West 8th St will be removed. All patron access to the basement will be through the interior of the restaurant.
16. The premises will not be a night club, sports bar or dance club.
17. The premises will be a restaurant in total character focused on food.
18. There will be no sale of beer by the pitcher.
19. The licensee will actively manage patrons in outdoor areas to reduce noisemaking, rowdy patrons and loitering.
20. No doors will remain propped open.
21. All appropriate Department of Building Permits will be obtained prior to opening.

Whereas, after dialogue with the West 8th St. Block Association and in consideration of the above stipulations and specifically the hours of operation, the West 8th St. Block Association is not in opposition to this liquor license application, but does point out that their support is contingent the above stipulations being in place and if those stipulations were not in place, the Block Association would not support the application for a variety of reasons; and,

Whereas, the applicant performed community outreach and a petition was submitted; and,

Whereas, there are 18 on-premise licenses within 500 feet; and,

Whereas, there are some concerns that this is the largest premise on West 8th St., with a maximum occupancy of 243 persons, and there are no articulated plans to mitigate any vehicular or pedestrian traffic impacts; and,

Whereas, there are also some concerns that this premises could impact quality of life in the immediate area; and,

Whereas, the applicants represented that through their experience working in restaurants they will be able to manage the above concerns in regards to traffic and quality of life impacts and because there will be no operable windows and extensive sound proofing that noise from the interior of the premises will have no impact;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Restaurant On-Premises Liquor License for **LYH Hospitality LLC, d/b/a TBD, 21-23 W. 8th St. 10011** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premises Liquor License.

Vote: Unanimous, with 38 Board members in favor.

23. Jankman LLC, d/b/a Jack’s Wife Freda, 50 Carmine St. 10014 (New OP – Previously Licensed)

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 an owner operated “all day café serving breakfast, lunch and dinner” similar to the existing operation located on Lafayette St. also operating under the name “Jack’s Wife Freda”; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a currently licensed location; the premises is in a residential district located on the ground floor and basement of a residential building on Carmine Street between Bleecker and Bedford Streets for a roughly 2000 sq. ft premise equally divided between the ground floor and basement, basement is for accessory use only with no patron seating, with 18 tables and 55 seats, and one standup bar with 11 seats for a total of 67 seats; there is no sidewalk café and none is permitted per zoning; there are no other outdoor seating areas or backyard garden, there is an existing Letter of No Objection for the first floor only; and,

Whereas, hours of operation will be Sunday from 8 am to 10 pm, Monday to Wednesday from 8 am to 12 am (midnight) and Thursday to Saturday from 8 am to 1 am, all doors and windows will be closed at 9 pm seven days a week 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 on-premise SLA liquor license stating that:

1. The premises will be advertised and operated as an all day café/restaurant.
2. The hours of operation will be Sunday from 8 am to 10 pm, Monday to Wednesday from 8 am to 12 am (midnight) and Thursday to Saturday from 8 am to 1 am. No patrons will remain at closing.
3. The kitchen will remain open with full service until closing.

4. There will be no rear yard garden.
5. There is no sidewalk café.
6. There is sufficient existing soundproofing.
7. All doors and windows will be closed at 9 pm seven days a week except for ingress and egress.
8. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
9. Music will be quiet background only.
10. There will be no televisions.

Whereas, the Principals currently own and operate another licensed premises within CB2 Manhattan under the same d/b/a name located on Lafayette St with a similar method of operation with no known issues; and,

Whereas, the applicant performed community outreach with the Carmine St. Block Association, which was confirmed by the Block Association and no opposition was noted from the Block Association and another restaurateur who owns at least 5 licensed premises within CB2 Manhattan spoke in strong support;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Restaurant On-Premises Liquor License for **Jankman LLC, d/b/a Jack's Wife Freda, 50 Carmine St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4th "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant On-Premises Liquor License.

Vote: Unanimous, with 38 Board members in favor.

24. Paali Enterprises, Inc., d/b/a Village Prime, 300-302 Bleecker St. 10014 (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 restaurant that "will be serving aged steak and seafood with a great selection of wines that will complement all the dish on the menu"; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location that has been closed for some time; the premises is in a mixed residential/commercial district located on the ground floor and basement on Bleecker Street between Barrow St./7th Ave South and Grove St. for a roughly 3,600 sq. ft. premise divided between 1,500 sq. ft. on the interior ground floor, 600 sq. ft. in an exterior rear/sideyard and 1,600 sq. ft. in the basement, basement is for accessory use only with no patron seating, there will be 18 tables and 44 seats on the interior and 1 standup bar with 5 seats for a total of 49 interior seats and 7 tables and 28 seats in the rear/sideyard for a grand total of 77 seats; there is no sidewalk cafe, the last Certificate of Occupancy issued for the premises is an expired *temporary* certificate of occupancy dated 9/19/1966 which reflects the current use of the premises which is divided between a store and the proposed restaurant; there is no indicated out door use for either a rear yard or side yard and the applicant was unable to produce any documentation showing that outdoor eating and drinking use for patron use is permitted; and,

Whereas, the presented hours of operation are Monday to Friday from 11:30 am to 12 am and Saturday and Sunday from 10 am to 12 am; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) both inside the restaurant and in the rear yard, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

Whereas, the applicant is an experienced restaurateur, but the concerns at this location are in relation to the rear yard garden; and,

Whereas, CB#2, Man. has serious concerns in regards to the use of the rear yard garden, the concerns are as follows:

- 1. There is no indication that use of the outdoor area is allowed for patron eating and drinking.**
- 2. The rear side yard is surrounded on three sides by brick walls with residential units behind the yard – no sound mitigation solutions were presented.**
- 3. Closing hours of 12 am midnight is inappropriate given the proximity of residential tenants.**
- 4. Opening hours of the rear yard prior to 11 am on the weekends is inappropriate given the proximity of residential tenants.**
- 5. Any music in any outdoor rear areas is inappropriate.**

Whereas, the applicant was somewhat willing to discuss reducing the closing times of the rear yard and eliminating music, but was not willing in the eyes of CB#2, Man. to properly reduce the hours in light of the adjoining residential tenancies; the applicant's attorney was also adamant that rear yard dining was allowed at this location but was unable to affirmatively demonstrate that rear yard use was allowed and simply said past use indicated it was allowed, the applicant was also unable to suggest any sound mitigation techniques they might utilize to minimize patron noise in the rear yard; and,

Whereas, irrespective of the allowable use of rear/side yard dining, there were discrepancies in the documents submitted by the applicant and documents on file with the DOB as they pertained to the current Certificate of Occupancy for the location; the current ground floor covered by the building is split between the proposed restaurant, and storefront and the rear yard in question; the most recently dated Certificate of Occupancy which is an expired temporary Certificate of Occupancy from 9/19/1966 (<http://a810-cofo.nyc.gov/cofo/M/000/063000/M000063541.PDF>) accurately reflects the division of space between a store and restaurant; the applicant insists that because that Certificate of Occupancy expired and was never finalized that the previous Certificate of Occupancy dated 1/30/1963 is active (<http://a810-cofo.nyc.gov/cofo/M/000/057000/M000057118.PDF>);

Whereas, there are approximately 29 on-premise liquor licenses within 500 ft. and a large additional number of beer and wine licenses all in close proximity to residential neighbors; and,

Whereas, CB#2, Man. recommends that the liquor authority find no public interest or benefit for the outdoor area of this proposed restaurant because of its impact on the quality of life of surrounding residential neighbors, because of the impact of the existing noise level and because there is no affirmative documentation that indicates rear yard use is allowed; and,

Whereas, a representative of an adjoining condominium building 34-36 Barrow St. with 11 units appeared and spoke in adamant opposition to use of the rear yard garden until 12 am 7 days a week;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends *DENIAL* of a Restaurant On-Premises Liquor License for Paali Enterprises, Inc., d/b/a Village Prime, 300-302 Blecker St. 10014; and

THEREFORE BE IT FURTHER RESOLVED that given the sensitive nature of the use of outdoor areas for licensed premises and the lack of any affirmative information demonstrating that patron eating and drinking is legal in the outdoor portion of this application, CB#2, Man. respectfully requests that the Liquor Authority consider sending this applicant back to CB#2, Man. to re-present an application FOR THE OUTDOOR PORTION of the licensed premises should the liquor authority consider approving the indoor portion of the application; and

THEREFORE BE IT FURTHER RESOLVED should the Liquor Authority Consider approving the application in its entirety, CB#2, Man. respectfully requests that the liquor authority consider placing the following stipulations as a condition of the on premise restaurant liquor license:

1. The hours of operation of the interior of the premises are Monday to Friday from 11:30 am to 12 am and Saturday and Sunday from 10 am to 12 am.
2. The hours of operation of the rear yard are Monday to Thursday from 11:30 am to 9 pm, Friday from 11:30 am to 10 pm, Saturday from 11 am to 10 pm and Sunday from 11 am to 9 pm. The rear yard will be “dark” at closing times and no patrons or staff shall remain in the outdoor area.
3. The premises will be advertised and operated as a high end aged steakhouse and seafood restaurant.
4. All doors and windows, including any windows facing rear yard and doors to rear yard, shall remain closed at all times expect for ingress and egress.
5. Music will be quiet background only in the interior and their will be no music in the exterior.
6. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
7. There will be no more than 1 television in the interior of the premises.
8. The rear yard garden will not be used unless the NYC Department of Buildings indicates that use is allowed and states the maximum occupancy of the restaurant for both the interior and the exterior area.

Vote: Unanimous, with 38 Board members in favor.

25. Nisida LLC, d/b/a Rosso Pomodoro, 118 Greenwich Ave. AKA 234 W. 13th St. 10014 (New OP – Previously Licensed)

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 an Italian restaurant focused on Pizza and Pasta similar to what is provided at their location at Eataly on 5th Avenue; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a currently licensed location; the premises is in a mixed use residential/commercial district located on the ground floor and basement on Greenwich Ave between 7th and 8th Avenues for a roughly 3,500 sq. ft. premise (1,500 sq.ft ground floor dining room, 500 sq. ft. ground floor kitchen and 1,500sq ft basement - accessory use only and restrooms – no patron seating) with 35 tables and 85 table seats, 1 stand up bar with 10 seats, 1 service bar and 1 food counter with no seats for a total of 95 seats; there is no sidewalk café and there is no DCA Sidewalk Café License; there are no other outdoor seating areas and there is an existing Certificate of Occupancy for 110 persons; and

Whereas, hours of operation will be Sunday to Wednesday from 11 am to 12 am (midnight), and Thursday to Saturday from 11 am to 1 am, all doors and windows will be closed at 9 pm seven days a week 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 on-premise SLA liquor license stating that:

1. The premises will be advertised and operated as an Italian restaurant focused on Pizza and Pasta.
2. The hours of operation will be Sunday to Wednesday from 11 am to 12 am (midnight), and Thursday to Saturday from 11 am to 1 am. No patrons will remain at closing.
3. The kitchen will remain open with full service until closing.
4. There will be no rear yard garden.
5. There is no sidewalk café.
6. There is sufficient existing soundproofing.
7. All doors and windows will be closed at 9 pm seven days a week except for ingress and egress.
8. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
9. Music will be quiet background only.
10. There will be no televisions.
11. There will be no take out window.

Whereas, the applicant provided a petition in support and a number of letters in support;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Restaurant On-Premises Liquor License for **Nisida LLC, d/b/a Rosso Pomodoro, 118 Greenwich Ave. AKA 234 W. 13th 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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premises Liquor License.

Vote: Unanimous, with 38 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR WHO DID NOT APPEAR BEFORE CB2 AS REQUESTED:

26. 150 RFT Varick Corp, d/b/a Greenhouse/WIP, 150 Varick St. 10013 (New NYC DCA Cabaret License)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 2014 where this application for a New York City Department of Consumer Affairs Cabaret License was presented for comment, the applicant's attorney stated it was their intention **withdraw** this application from the Department of Consumer Affairs at this time in order to meet with the community and that they will resubmit the application for consideration to the Department of Consumer Affairs in the future should they choose to pursue a Cabaret License; should they re-apply, the applicant will appear at a future CB2 SLA Licensing Committee meeting in order to present the application to CB#2, Man. for review;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that should the applicant not withdraw this application at this time, that the New York City Department of Consumer Affairs **deny** any new Cabaret License for this premises for **150 RFT Varick Corp, d/b/a Greenhouse/WIP, 150 Varick St. 10013** and that no determination be made at this time or in the future until CB2, Manhattan is able to provided a detailed recommendation in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

27. 74 Fifth Ave. Market Corp., 74 5th Ave., 10011 (3rd 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 appearing for the 3rd month in a row agreed to **layover** this application for a third 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 CB#2, Man. SLA Licensing Committee meeting should they proceed; and,

The representative of the applicant who appeared stated that even though CB#2, Man. had requested a response to the above concerns last month and the month prior, conceded that he did not have a complete package and that CB#2's request was reasonable given the size and seating of the operation; he was previously 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 5th 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 38 Board members in favor.

28. Thai Smile Restaurant Inc., d/b/a Tue Thai Food, 3 Greenwich Ave, Store 4 10014 (Alteration RW SN#1261536 to add unenclosed sidewalk café)

Whereas, after having been requested to appear at CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 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 **Thai Smile Restaurant Inc., d/b/a Tue Thai Food, 3 Greenwich Ave, Store 4 10014 (SN#1261536)** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

29. Robot Apartments, LLC, 25 Bleecker St. 10012 (New RW - Withdrawn]

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 2014, the applicant's attorney requested to **withdraw** this application for a new restaurant wine 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 **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 38 Board members in favor.

30. MCD Hospitality LLC, d/b/a Le Baratin, 26 Greenwich Ave. 10011 (change of class - RW to OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 2014, the applicant's attorney requested to **withdraw** this application for an upgrade from an existing restaurant wine license (SN#1269363) to an 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 **MCD Hospitality LLC, d/b/a Le Baratin, 26 Greenwich 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 38 Board members in favor.

31. Adam Haggiag or Corp. to be formed d/b/a TBD, 52 Grove St aka 100 7th Ave. South 10014 (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 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 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 7th Ave. South 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

32. Entity to be determined, d/b/a TBD, 679 Greenwich St. 10014 (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 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 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 determined, d/b/a TBD, 679 Greenwich St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

33. Sugar Factory American Brasserie Meatpacking LLC d/b/a Sugar Factory, 1-3-5 Little W. 12th St. 10014 (attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 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 **Sugar Factory American Brasserie Meatpacking LLC d/b/a Sugar Factory, 1-3-5 Little W. 12th St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

34. Down and Dirty Tacos and Tequila Bar Meatpacking, LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on June 12th, 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 **Down and Dirty Tacos and Tequila Bar Meatpacking, LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of conducting a feasibility study of 5th and 6th Avenues in District 2 (5th Ave.: 14th St. to Washington Sq. N.; 6th Ave.: 14th St. to Canal St.) and north along these corridors from 14th to 59th Streets as they connect with District 2, to determine whether they can be re-designed as "Complete Streets."

Whereas 5th Ave. in District 2 is often fraught with speeding and disorganized vehicular traffic threatening pedestrians who also are endangered crossing the wide street and jeopardizing bicyclists who also contend with vehicular infringement in the vaguely marked bicycle lane, while 6th Ave. is burdened by both cars and heavy truck and bus traffic, excessive double parking, speeding alternating with congestion, another vaguely marked bicycle lane, wide, dangerous crossings, irregular intersections and a generally chaotic street environment which not only is hazardous for all the street's users, but also hinders business activity on this intensely commercial thoroughfare; and

Whereas District 2's residential, business and tourist populations and all those using these avenues have increased significantly, including many children and senior citizens, all who need a safely accessible and welcoming streetscape, while at the same time 5th and 6th Aves. have become less safe, less inviting and less community friendly; and

Whereas Manhattan Community Boards 4 (CB4) and 5 (CB5) have requested a study to examine potential redesigns for 5th and 6th Aves. from 14th St. to 59th St. in order to improve their safety as well as enhance their ambiance, and Community Board 2 Manhattan (CB2) sees the need for such a study and the utmost need to extend it to include 5th and 6th Aves. in District 2, i.e., from 14th St. to Washington Sq. N. on 5th Ave. and from 14th St. to Canal St. on 6th Ave., to create a continuously safe and pleasantly ordered corridor; and

Whereas Complete Streets type redesigns, such as the kind that would be addressed in the requested study, including such improvements as pedestrian safety islands with landscaping, protected bicycle lanes, dedicated bus lanes, and traffic lights with leading pedestrian intervals or split phase timing have resulted in notable decreases in crashes and injuries on other NYC streets, such as Columbus, 1st, 2nd, 8th and 9th Aves. (e.g., 35% decrease in injuries to all street users on 8th Ave. and 58 % decrease on 9th Ave.: “Measuring the Street,” NYC Dept. of Transportation (DOT), 2012), while also reducing travel times, lowering speeding, lessening double parking, bettering sightlines, increasing foot traffic, pulling communities together, and improving retail sales; and

Whereas many community members came to voice their support for a Complete Street feasibility study, including representatives from the W. 13th St.-100 Block Association, the 105 W. 13th St. (5th Ave.) co-op, P.S. 41 and local bicyclists, and 48 letters of support were received from local businesses; and

Whereas both CB4 and CB5 have noted the importance of DOT consulting with them and a wide variety of stakeholders as the requested study progresses to ensure substantial community input, and CB2 would expect this same kind of close consultation with its District 2 contingent;

Therefore be it resolved that CB#, Man. 2 fully supports CB4’s and CB5’s requests to conduct a study to examine potential redesigns for 5th and 6th Aves. from 14th St. to 59th St. in order to improve their safety as well as enhance their ambiance, and further urges that the boundaries of this study be extended to include CB2’s section of 5th and 6th Aves, i.e., from 14th St. to Washington Sq. N. on 5th Ave. and from 14th St. to Canal St. on 6th Ave.; and

Be it further resolved that CB#2, Man. asks that this study consider a wide variety of options for a truly Complete Street, including but not limited to pedestrian safety islands, landscaping, adequately sized and visibly striped crosswalks, protected bike lanes, traffic lights with leading pedestrian intervals or split phase timing, dedicated bus lanes or accommodations for other suitable transit services, bus bulbs or other design features to assure curb pull-up and level low-floor bus boarding access, seating and signs at every bus stop, parking for bicycles in the street as well as for motorcycles and scooters, medians, and widened sidewalks; and

Be it further resolved that CB#2, Man. asks DOT for close consultation with CB2 and its stakeholders as the requested study progresses and for DOT to coordinate study findings in all three boards to assess and treat potential neighboring impacts that might result; and

Be it finally resolved that CB#2, Man. would appreciate inclusion of an option in the study to consider locating the 5th Ave. bike lane on the west side, at least from 9th St. down, to avoid the hazardous left turns by motorists into 8th St. on the east side.

Vote: Unanimous, with 38 Board Members in favor

2. Resolution in support of installation of a traffic light or Stop signs on Washington Street at Morton Street and of daylighting the northwest corner of Washington Street at that intersection.

Whereas the intersection at Morton and Washington Sts. is one of the few that lacks traffic lights on the stretch of Washington St. from W. 12th to Leroy Sts., posing considerable danger to pedestrians, cyclists and motorists at this very busy intersection where drivers coming down Washington and turning in from Barrow St. surge at full speed past Morton heading to catch the next green light; and

Whereas there is parking on both sides of Washington St., with parking on the northwest side blocking the view of oncoming vehicular traffic for pedestrians, cyclists and motorists alike heading east on Morton. This forces both pedestrians and cyclists to venture far into Washington St. to determine if it's safe to cross, while motorists similarly must ease partly into the intersection to see if it's safe to continue driving, a situation that puts all of them at serious risk and one that neighbors report has resulted in several vehicular crashes; and

Whereas there are many older people crossing this area as well as children who frequent the schools there, and the student population will increase heavily with the new school opening at 75 Morton St. just a little more than a block away, all whose safe passage is threatened by current conditions; and

Whereas Morton St. has Belgian block cobblestones, preventing a crosswalk on the west side where it's needed (although there's a Stop sign there), but a pavement strip goes across the end of Morton on that side as it approaches Washington St.;

Therefore be it resolved that CB#2, Man. supports the installation of a traffic light at the Washington/Morton Sts. intersection, and if that is not feasible, asks that Stop signs be installed on Washington at Morton; and

Be it further resolved that CB#2, Man. requests that the northwest corner of Washington St. at Morton St. be daylighted to increase visibility, and that this daylight zone be reserved for motorcycles and scooters, both to prevent trucks and other motor vehicles from parking there and obscuring the necessary sightlines and to provide much needed parking for these non-obstructing motorized two wheeled vehicles; and

Be it further resolved that CB#2, Man. asks for crosswalks on Washington St. at that intersection; and

Be it finally resolved that CB#2, Man. asks that a stop bar be painted on the pavement strip going across Morton St. on the west side to slow down motorists as they approach the intersection and protect crossing pedestrians.

Vote: Unanimous, with 38 Board Members in favor

3. Resolution urging restoration of the M6 bus route, of part of the M1 bus route from 14th Street to South Street, and of the former M5 bus route to turn west at Houston Street

Whereas for more than 40 years, the M1 bus ran north on Centre/Lafayette Sts./Park/Madison Aves. and south on 5th/Park Aves. to 14th St./continuing south on Broadway; the M6 bus ran up 6th Ave. to Central Park and south down Broadway; and the M5 bus ran north up 6th Ave. over to Broadway to the George Washington Bridge (178th St.) and south on Riverside Dr. and Broadway to Central Park S. and down 5th

Ave. over to Broadway going south, turning west on Houston St. where it ended and then headed north again on 6th Ave., a set of convenient, easily accessible routes that served the multiple needs of those in mid-Greenwich Village and SoHo, as well as parts of Little Italy and Chinatown; and

Whereas in 2010, the M1 bus route was changed to run north from 4th Ave. and 9th St. and to terminate, after coming south on 5th Ave. and crossing 8th St., at 4th Ave.; the M6 bus was discontinued; and the M5 bus was rerouted all the way down to South Ferry, still going north to 178th St., i.e., partially replacing the M6 route but for a much longer haul and without the M6's straight Broadway run downtown, all of which have deprived a significant part of the District 2 community of accessible bus routes that serve their needs, and in fact have created serious hardship for those many, many people who rely on buses to transport them to where they need to go; and

Whereas these route changes have resulted in an extensive area in District 2 where bus transportation is unavailable, blocks and blocks both between uptown buses and between downtown buses (what some of our constituents have called a "public transportation dead zone"), making it difficult and, in many physically limiting cases impossible, to reach necessary bus transit, considerably hindering our community's mobility, and creating the following problems:

- The removal of the M1 route north from Lafayette and Centre Sts. has deprived those in SoHo and the Village's Houston St. area of direct access to major transit, shopping and healthcare hubs such as Union Sq. and to the upper east side, where almost all New York hospitals and many ambulatory care facilities are located (particularly important to the many elderly, disabled and ill in the area for whom the Bowery, where an easterly uptown bus is available, is too far away).
- With the M6 gone and the M1 shifted to 5th Ave. south, there is no longer a bus going south on Broadway from 14th to 8th St. This deprives those from SoHo who shop on 14th St. for its less expensive prices (especially for food) of a means to get home with their heavy packages (using cabs would wipe out the savings they seek and need).
- With the M5 now filling in for the defunct M6, the M5's route is the longest in Manhattan, with buses backing up and bunching delays, resulting in up to 45 minute waits by the time they get downtown. Compounding this, the M5 usually runs as an Express, making it difficult to access stops for those who have problems walking.
- The elimination of the M5 turning west on Houston St. (and back up 6th Ave.), as well as of its bus shelter, has not only taken away a compact, more efficient route, but also has caused problems for those who cannot walk long distances, which includes a sizable segment of the population in that vicinity, many of whom are elderly and infirm. In addition, it has removed a comfortable, convenient means to get uptown for those further north suffering disabilities who formerly took the M5 down to Houston, waited under the shelter and then re-boarded when the bus began its uptown route via 6th Ave.
- The current limitation in bus service from the Mid-Greenwich Village/SoHo area to the downtown civic area deprives people of their access to the seat of government and courthouses, in essence disenfranchising them from performing their civic duties, e.g. the lack of adequate bus service forces seniors and the mobility-impaired to use already overloaded and often unreliable Access-A-Ride for jury duty, meaning they often are unable to do this, and most cannot afford metered or livery cabs.

- The working population also has suffered this lack of adequate bus service. For example, previously the M1 and M6 traveled down to and up from the Financial District (FiDi). Although there has been a considerable increase in population living in District 2 that works in FiDi, there is now only one bus to transport them (the M5), which suffers a great deal of crowding.; and

Whereas at the CB#2, Man. hearing on this topic, there was a large turnout of people of all ages, especially many of advanced years and/or suffering physical challenges (a population that totally depends on bus service), all who expressed their fervent need for the return of the M1, M5 and M6 buses to their former routes to restore the accessibility they currently lack, many referring to the long walking distances that are difficult and often painful for them with the current routes, many voicing their feelings that they have been abandoned by MTA NYC Transit who they call “unfriendly to seniors”; many letters were received also expressing the same needs and sentiments; and

Whereas census data between 2000 and 2010 shows that the residential population of Lower Manhattan increased more than 77%, a growth that merits more extensive and conveniently accessible bus service;

Therefore be it resolved that CB#2, Man. strongly urges MTA NYC Transit to restore the M6 bus route, restore part of the M1 bus route from 14th St to South St., and also restore the former M5 route to turn west at Houston St. and end there, starting its uptown trek at Houston St. and 6th Ave.; and

Be it further resolved that CB#2, Man. urges that the bus shelter be returned to its original spot on Houston St.; and

Be it finally resolved that CB#2, Man. calls for the elimination of M5 Express service below 14th St., replaced by local stops at intervals closely located to each other (i.e., restoration of every local stop).

Vote: Unanimous, with 38 Board Members in favor.

4. Resolution urging restoration of the M3 bus route service on University Place

Whereas in 1966, when 5th Ave. became one-way southbound, the M3 bus was shifted from its long-time northbound route on 5th Ave. to University Pl. where it went north from 9th St. to 14th St. turning east and then north on Park Ave. S. and Madison Ave. to head uptown, a move of only one block which maintained convenient access to the bus for all those in the mid-Greenwich Village area who used it to reach midtown and uptown toward the east; and

Whereas somewhat later, at the request of MTA NYC Transit (MTA NYCT), Community Board 2, Manhattan (CB2) voted to make University Pl. one-way northbound (up to then, it was 2-way), in order to facilitate the buses making the turn from 9th St. into University Pl., demonstrating that the M3’s northerly route on that street was working as a conveniently accessible one that the community needed and was able to use (and used), because it was well-situated within reach for all users. The vote also demonstrated the community’s faith in the preservation of that route and in MTA NYCT as a sympathetic partner; and

Whereas in 2010, the M3 bus route heading north on University Pl. was moved to 4th Ave. where the bus now begins its trip uptown at 4th Ave. and 9th St., an action that has caused great deprivation for all those who formerly caught the bus at University Pl., adding two very long extra blocks east to reach the M3 by foot and two equally long blocks west to reach 6th Ave. (the only other northbound alternative route for

buses in that vicinity), a difficult if not impossible trudge for the many senior citizens, along with the disabled, who live in the area and a long, unnecessarily tiring way to go for everyone (especially in bad weather), including the many mothers and children who have depended upon the convenience of the University Pl.-based M3 route, as well as working people and tourists; and

Whereas not long after this much-opposed move of the M3 from University Pl., the bus shelter between 9th and 10th Sts. on University Pl. was also removed, taking away a much needed respite for those who have trouble standing during waits for the bus and frustrating their hopes for the M3's quick return and relief from their walking distances problems; and

Whereas recent census data indicates there is an increase in senior citizens living in the immediate vicinity of University Pl., the very people who depend on convenient bus service as their only reasonable option to get to needed destinations (e.g., to the Union Sq. area and the upper east side, where many hospitals and other medical facilities are located), because they're unable to navigate subway stairs and find it discomforting, even painful, to walk long distances (many can't do it at all). Robbed of the M3's accessibility, they're now often forced to take cabs, which they can ill afford; and

Whereas the M3's current starting place at 4th Ave. and 9th St. and route up 4th Ave. to 14th St. (that replaces the much needed route on University Pl. from 9th St. to 14th St.) unnecessarily duplicates the starting place and route to 14th St. of the M1 and M2 buses, causing a totally uncalled-for redundancy of service on that stretch; and

Whereas at the CB2 hearing on this topic, there was an exceptionally large turnout of people of all ages, especially many senior and disabled citizens, all who expressed their ardent desire and vital need for the M3's return to its route along University Pl., many voicing how disillusioned they've become with MTA NYCT's disregard for and neglect of their needs and how deserted they feel by what they regard as that agency's lack of concern for seniors and the infirm; several letters were received conveying the same needs and sentiments; and

Whereas a petition with over 200 signatures was received in support of reinstating the M3 route on University Pl. to meet the same crucial needs that are cited above;

Therefore be it resolved that CB2 strongly urges MTA NYCT to restore the M3 bus to its northbound route along University Pl. from 9th St. to 14th St.; and

Be it further resolved that CB2 calls for the bus shelter to be returned to its original spot on University Pl. between 9th and 10th Sts.

Vote: Unanimous, with 38 Board Members in favor

Respectfully submitted,

Susan Kent, Secretary
Community Board #2, Manhattan
