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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

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

**BOARD MEMBERS PRESENT:** Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, William Bray, Richard Caccappolo, Heather Campbell, Ritu Chattree, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Anne Hearn, Susan Kent, Jeannine Kiely, Arthur Kriemelman, Edward Ma, Alexander Meadows, Daniel Miller, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS EXCUSED:** Lisa Cannistraci, Denise Collins, Joshua Frost, Chenault Spence,

**BOARD MEMBERS ABSENT:** None

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Arthur Z. Schwartz

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

**GUESTS:** Jacqueline Blank, Congressman Jerrold Nadler's office; Tara Klein, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Patricia Ceccarelli, Man. Borough President Gale Brewer's office; Matt Borden, Assembly Member Deborah Glick's office, RJ Jordan, NYC Comptroller's office; Margaret Bangs, Council Member Corey Johnson's office; John Blasco, Council Member Rosie Mendez's office; Yume Kitasei, Council Member Margaret Chin's office; Joshua Birns, E. Lindsay, Nick Fairchild, Gina Shulman, Luke Dirks, Odetty Tinco, Mary Cate Carrol, Sylvia Lo, Pete Davies, Matt Girard, Emily Hellstrom, Melvin Cartagena, Jose A. Monfort, Carmen Aponte, Kevin Samuel, Cassie Chen, Jill Jordan, Andrew Weiss, I. Pareckshiloh Raja, Myleene Vu, Cangi Mu, Henry Wang, Amy Tse, Sahudy Perez, Charles Dorato, Joe Montalto, Stefan DienStay, Stefan Jaklitsel, Judith Callet, Zella Jones, Jim Fouratt, Brian Bartels, Nicole Lem, Matt Kebbekus, Cynthia Chapin, Howard Zipser, Carlmais Johnson, R.J. Jordan, Arlene Peralta, Nichole Huff, G. Weinholdt, Catherine Lee, Danielle Tarikhian, Michael Markewitz, Eric Schade, Jamila Dphrepaulezz, Elizabeth Sabo, Greg Wong, Gabriel Stulman, Leonard Fogelman, Leslie Seeger, Jay Segal, Caroline Harris, Guenter Seeger, Wayne Kawadler, Amelie Bruzat, Deley Garinelli, Kevin Samuel, Gilda Lavallo, Julie Menin

**MEETING SUMMARY**

Meeting Date – October 23, 2014  
Board Members Present – 46  
Board Members Excused– 4  
Board Members Absent - 0  
Board Members Present/Arrived Late - 1

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**II. PUBLIC SESSION**

**Non-Agenda Items**

Department of Consumer Affairs

Julie Menin introduced herself as the new commissioner at the department.

Lenox Hill Healthplex

Wayne Kawadler, spoke regarding the health center.

19 E. Houston St.

Pete Davies updated everyone on the project.

MPIA

Amy Tse made an announcement regarding several upcoming events.

Community Issue

Kevin Samuel spoke regarding an irresponsible contractor in the community.

Elizabeth Street Gardens Harvest Festival

Jeanine Kiely and Emily Hellstrom spoke regarding the upcoming event.

Several Announcements

Lois Rakoff made announcements on the following topics: 1) The free Washington Square Musical Festival on November 14th; 2) The free Edgar Alan Poe event on December 5<sup>th</sup>; and 3) Updates regarding Bellevue Hospital.

Civilian Complaint Review Board

Carlmais Johnson spoke regarding the agency.

**Land Use and Business Development Items**

102 Greene St. Application to CPC to modify 1) Sec 43-17 to allow enlargement of existing 3-story building and 2) to allow UG 2 residential on portions of the ground floor through 5th floor and penthouse Caroline Harris and Jay Segal, both representing the applicant, spoke in favor of the modifications.

341 Canal St. Application for renewal of a special permit 74-712 to for construction of a new building with ground floor retail and residential on floors 2-6 plus penthouse.

Howard Zipser, representing the applicant, spoke in favor of the renewal.

**SLA Licensing Items**

St. Helene, LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St.

Gabriel Stulman, principal, spoke in favor of the renewal of his liquor license.

Brian Bartels, Greg Wong, Charles Dorato, Jamila Dphrepaulezz, and Eric Schade spoke in favor of the liquor license renewal.

Gilda LaValle did not speak but was in favor of the liquor license renewal.

Elizabeth Sabo spoke against the liquor license renewal.

S. Management Group, LLC, 641 Hudson St.

Leonard Fogelman, representing the applicants, Guenther and Leslie Seeger, the applicants, all spoke in favor of the proposed liquor license.

Amelie Bruzat did not speak but was in favor of the proposed liquor license.

**III. ADOPTION OF AGENDA**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Jacqueline Blank, Congressman Jerrold Nadler's office

Tara Klein, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

RJ Jordan, NYC Comptroller's office;

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

Matt Borden, Assembly Member Deborah Glick's office  
Margaret Bangs, Council Member Corey Johnson's office

Yume Kitasei, Council Member Margaret Chin's office

Vanessa Diaz Lopez, Council Member Rosie Mendez's office

**V. ADOPTION OF MINUTES**

Adoption of September minutes

**VI. EXECUTIVE SESSION**

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

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

**3. NOMINATING COMMITTEE**

This is the Criteria we used: In accordance with the CB2M By-Laws, Article II. Election of Officers, Section (C): 1. Attendance at Full Board and Committee meetings. 2. Ethics and Character 3. Conflict of Interest 4. Length of time on Board as an Appointed or Public Member 5. Responsible Positions Held – Committee Chair, Committee Members or Task Force Member

\*\*\* If issues come up with regards to Conflict of Interest during the Interviews, they will be discussed during Executive Session.

I. These are the Candidates we Interviewed: The credentials (including letters of interest, resumes) of the 10 Candidates were reviewed with the criteria noted above:

Chair: Bo Riccobono, Richard Stewart

\*\*\*Please Note: Tobi Bergman withdrew from the Nominating Committee process

First Vice Chair: Terri Cude, Jonathan Geballe

Second Vice Chair: Katy Bordonaro, Susan Kent, Maury Schott

Secretary: Keen Berger

Assistant Secretary: Susan Wittenberg

Treasurer: Anthony Wong

II. Given the will of the Board as expressed on September 18, 2014 and the new recommendation for a Full Board Q and A, we are recommending ALL Candidates for a Board review, and presenting our votes on each Candidate interviewed by this Committee.

## **STANDING COMMITTEE REPORTS**

### **BY-LAWS**

#### **ADDENDUM**

##### **II. ELECTION OF OFFICERS**

5. At the ~~June~~ November meeting of the Board there shall be a separate open election held for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board. If no candidate for an office receives more than 50% of the vote, there will be run-off at that same meeting between the top two candidates.

Vote: Unanimous, with 46 Board members in favor.

### **ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH**

#### **1. Resolution Supporting Restrictions on Marketing of Tobacco Products to Children and Adolescents**

**WHEREAS:** The NYC Coalition for a Smoke-Free City (“the Coalition”) has compiled information about the marketing of tobacco products that suggests that the tobacco industry is deliberately targeting those under the legal age for smoking as a way to pre-dispose children to choose to purchase and use tobacco products when they reach that legal age; and

**WHEREAS:** Some of the key findings compiled by the Coalition are:

- 17,000 public high school students living in New York City currently smoke cigarettes;
- 90% of regular smokers start smoking before the age of 18;
- Exposure to marketing in stores is a key contributor to youth smoking;
- Marketing is more prevalent in stores where teens frequently shop;
- Young people are twice as likely as adults to recall tobacco advertising;
- There are 11,500 licensed tobacco retailers in New York City, 75% of which are located within 1,000 feet of a school;
- Currently, there are more than 800 licensed pharmacies in New York City; many chain pharmacies sell cigarettes, while most independent pharmacies do not.

**WHEREAS:** The LGBT SmokeFree Project has developed a youth-designed campaign, call Flat Phil, to inform young people about the ways in which advertising of tobacco products is directed at them so that they can resist that advertising; and program materials and presentations are available to school and community groups; now therefore be it

**RESOLVED:** That CB#2, Man. supports measures to reduce tobacco marketing and product availability, including:

- Decreasing the visibility of tobacco marketing in stores;
- Encouraging the development of programs like Flat Phil to help empower young people to resist tobacco marketing;
- Encouraging school and parent organizations to bring information and programs such as those developed by the Coalition and the SmokeFree Project to children in schools;
- Limiting the sale of tobacco products in the vicinity of schools.

VOTE: Unanimous, with 46 Board Members in favor.

**2. Support for World Trade Center Pediatric Study Proposal “Childhood Exposures to Persistent Organic Pollutants in the World Trade Center Disaster and Cardiovascular Consequences”**

**WHEREAS:** The James Zadroga 9/11 Health and Compensation Act (the “Zadroga Act”) directs the World Trade Center Health Program (WTCHP) to provide funding for research into the physical and mental health impacts of the World Trade Center disaster on all exposed populations; and

**WHEREAS:** CB#2, Man. passed unanimously a resolution on October 18, 2012 supporting the Zadroga Act, calling for the creation of the WTC Pediatric Program as part of the WTC Health Program, and supporting research on the impact of the WTC disaster on the health of exposed children; and

**WHEREAS:** The WTC Health Program’s Scientific and Technical Advisory Committee on February 14, 2014 issued recommendations on WTC research priorities that included as high priorities research to assess health effects of WTC exposure on gestation and early life (childhood and adolescence) and to determine the usefulness of biomarkers for early detection of WTC-associated diseases; and,

**WHEREAS:** Although children are especially vulnerable to harm from environmental exposures, they have been the least studied exposed population, and therefore we still know very little about the health effects of the WTC disaster on the more than 30,000 children living or attending school or daycare in downtown; and,

**WHEREAS:** It has taken several years for WTCHP to fund the “Early Identification of World Trade Center Conditions in Adolescents,” a study that is now underway and will not only add to knowledge about post-9/11 respiratory, cardiovascular and metabolic health, but will provide doctors with new tools for early detection of WTC health problems in adolescents; and

**WHEREAS:** Biomarkers of WTC chemicals have never been assessed in the WTC exposed pediatric population; and

**WHEREAS:** Research into the association between biomarkers of persistent WTC chemicals and obesity and other cardiometabolic consequences would provide invaluable insight into WTC exposure-outcome relationships and suggest the need for further medical monitoring and treatment; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges World Trade Center Health Program to fund “Childhood Exposures to Persistent Organic Pollutants in the World Trade Center Disaster and Cardiovascular Consequences” immediately, as a crucial step toward addressing key knowledge gaps about the ways in which 9/11 has harmed the physical health of downtown’s children, and aiding doctors in detecting and treating pediatric WTC health conditions, as provided for under the Zadroga Act; and

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon the World Trade Center Health Program to make the health of those who experienced 9/11 as children a research priority by funding research to arrive at a full understanding of WTC pediatric health impacts and to inform an excellent standard of WTC care.

Vote: Unanimous, with 46 Board Members in favor.

## **LANDMARKS AND PUBLIC AESTHETICS**

### **FIRST LANDMARKS MEETING**

**1 - 150 Thompson Street**, aka 474-478 West Broadway-SoHo-Cast Iron H.D. Extension. A neo-Grec style store building, designed by D & J Jardine, and built in 1880-81. Application is to replace ground floor infill and install a marquee.

**Whereas**, the applicant agreed that no residential marquees currently exist on West Broadway; and,

**Whereas**, the applicant proposed very large (10 foot high) aluminum doors with no transom; and

**Whereas**, the applicant proposed the installation a cast iron column and panels with a steel patina adjacent to the residential entrance; now

**Therefore, be it resolved** that CB#2, Man. recommends:

- 1-denial of the residential marquee because none currently exist on West Broadway;
- 2-replacement of the aluminum doors with wooden doors including a transom as is customary in an 1880 era building of this type;
- 3-approval of the cast iron column and adjacent steel panels.

Vote: Unanimous, with 46 Board members in favor.

**2 - LPC Item:447 Hudson Street** – Greenwich Village Historic District  
A house built in 1826 and altered in the 20th century. Application is to install storefront infill.

**Whereas**, the applicant proposed operable casement windows, a change form conventional fixed windows; and

**Whereas**, the applicant proposed brick infill; and

**Whereas**, the applicant proposed the use of reclaimed wood around the facade windows;

**Therefore, be it resolved** that CB#2, Man. recommends:

- 1-that the operable casement windows be denied
- 2-that brick infill is not appropriate to this 19th century storefront

Vote: Unanimous, with 46 Board members in favor.

**3 - LPC Item:744 Greenwich Street** - Greenwich Village Historic District. A building designed by Abbas Shah and built in 2006. Application is to alter the penthouse enclosure, install HVAC equipment, and replace railings and an equipment enclosure.

**Whereas**, the applicant proposed the addition of roof-top mechanicals not visible form the street, a new glazing system with minimal visible changes, but a slight increase in internal visibility, and the installation of a 42 inch high terrace guard rail made of non-reflective glass to replace the current aluminum one, now,

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

Vote: Unanimous, with 46 Board members in favor.

## **SECOND LANDMARKS MEETING**

**4 - LPC Item: 192 Grand Street** – (Mulberry/Mott) – Individual Landmark. A Federal style rowhouse built c. 1833. Application is to reconstruct the front facade, replace ground floor infill, and construct a rear addition.

**Whereas**, the reconstruction and restoration of the front facade, rear facade, and roof is commendable; but

**Whereas**, the downspout would originally have been copper, and so should this iteration; and.

**Whereas**, the gutter also would not be visible, but rather built into a more substantial cornice (i.e. a Yankee gutter). Typically, in these old houses, it is a wooden cornice line with metal and no visible gutter; and

**Whereas**, the roof should have slate or wooden shingles, not the modern asphalt-type proposed; and

**Whereas**, the proposed French-style storefront, with doors and fenestration that open up the facade to the streetscape, effectively removing the facade most of the day, is predicated not on historical accuracy, but on the chance – the mere hypothetical possibility – that the new retail tenant may be a restaurant; and

**Whereas**, this notion may be justified were this a modernist building, where form follows function. However, in an 1833 individually-landmarked Federal-era building, form should follow precedent, not function; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of most of this laudable restoration, but suggests a copper downspout hidden, invisible, as in a “Yankee gutter”; as well as traditional wooden or slate roof shingles; and a more substantial cornice, and

**Further**, CB#2, Man. strongly recommends a storefront of a style and configuration characteristic of this quintessentially American, Federal-era building, which the Designation Report describes as “among the relatively rare surviving and significantly intact Manhattan buildings of the Federal style” – and not a cookie-cutter storefront we would expect in the 14th Arrondissement.

Vote: Unanimous, with 46 Board members in favor.

**5 - LPC Item: 484 Broadway** (Broome/Spring) – SoHo Cast-Iron Historic District. A store building designed by J. Weber & Sons and built in 1879. Application is to install a barrier-free access ramp.

**Whereas**, we understand the need for accommodating the disabled. However, this proposal solves one problem while creating a slew more, namely:

- this large ramp provides access to the few people using this building, at the expense of the multitudes who pass by it. It is a potential trip-hazard which could actually endanger more people than it helps, by affecting every pedestrian on this busy sidewalk, including the elderly and handicapped it is meant to help;

- the ramp will be a carte blanche invitation to skateboarders to hone their skills, while producing consternation for pedestrians and building residents;
- the applicant failed to disclose that the sidewalk has a wide subway grating that covers a good portion of the sidewalk, leaving only a few feet for pedestrian passage if this large ramp were built on this congested thoroughfare;
- the ramp will cover the glass vault-lights, which, although not original here, are certainly characteristic of the district; and

**Whereas**, it is not historic or appropriate for one building to colonize the sidewalk in front of two adjacent buildings; and

**Whereas**, the examples of ADA ramps that were cited neglected to note that none of these ramps are anywhere near the size of this proposal; and

**Whereas**, the applicant's claim that the Americans with Disabilities Act regulations require a ramp in this situation is simply not correct – the ADA does not require the addition of an ADA compliant path of travel unless there are alterations being made to ‘primary function areas’ as defined by the ADA. The applicant presented this as a stand-alone project with no other scope of work at the property that would trigger this requirement; and

**Whereas**, this is a self-created hardship, since the storefront was installed just a few years ago and accessibility should have been considered within the interior of the retail store at that time; and

**Whereas**, the applicant summarily dismissed alternate solutions that we suggested, such as a traditional ADA ramp, or an interior ramp, or a buzzer to summon a portable ramp, etc; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application because it clumsily solves one solution while creating many more.

Vote: Unanimous, with 46 Board members in favor.

**6 - LPC Item: 317 West 11th Street** (Washington/Greenwich) – Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1845 and later altered. Application is to alter the entrance and areaway and construct a stoop, construct a rooftop bulkhead, reconstruct an existing rear extension, and excavate the rear yard.

**Whereas**, the reintroduction of a stoop with its wrought-iron railing, as well as the work on the entrance and areaway, are commendable, but

**Whereas**, we feel that the finial on top of the newell post is not correct, and needs something like a pineapple or similar appropriate ornament; and

**Whereas**, the bottom step of the stoop should be rounded, and not straight, as is proposed; and

**Whereas**, the rooftop bulkhead is barely visible, which we appreciate; and

**Whereas**, we approve the cellar and rear yard excavation, but

**Whereas**, instead of the underpinning method proposed, we would prefer that the excavation begin a few feet away from the foundation wall, following the principle of the *angle of repose*, in order to more thoroughly protect the foundation of the adjacent historic buildings; and

**Whereas**, just because the tea porch is not original, it does not mean that it is without historical importance and unworthy of preservation. We feel that the rear facade should be restored to an appropriate period; and

**Whereas**, the proposal will destroy much of the historical rear facade, its tea porch, and the original window openings and masonry on the second floor, replacing these elements with a structure without reference; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the work on the front, but suggests a pineapple or appropriate ornament on top of the newell post, and a rounded bottom stair for the stoop; and

**Further**, recommends against the destruction of the tea porch, not to mention removal of the original material and configuration of the second floor, and

**Further**, approves the excavation of the rear yard and cellar, but respectfully suggests that it be done away from the adjacent foundation wall, mindful of the angle of repose, and.

**Further**, bemoans the proposed installation of impervious pavers in the backyard, which are not historic and which remove irreversibly what a backyard in Greenwich Village should consist of: soil, trees and vegetation.

Vote: Unanimous, with 46 Board members in favor.

**6 - LPC Item: 687B Greenwich Street** (Christopher/W10) – Greenwich Village Historic District. A rowhouse designed by Proposition Architecture and built in 1987. Application is to construct a rooftop addition.

**Whereas**, we note that this proposed skylight is not organically part of the original structure, as most historic atelier skylights are. The north-facing, sloped skylight is an appropriate nod to a distinctive architectural feature of the district; and

**Whereas**, we appreciate the effort to reduce the visibility of the proposed bulkhead by chamfering its side.

However, we feel that reducing the number of odd angles and extending the bulkhead along the length of the proposed skylight, thus better framing the skylight, would better reduce the visual clutter present in the current proposed design; and

**Whereas**, we suggest redesigning the new stair to the roof, so that the bulkhead is not as visible; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application, but suggests some tweaking, such as extending the bulkhead to frame the skylight in order to reduce the visible clutter, as well as redesigning the new stair so that the bulkhead is not as visible.

Vote: Unanimous, with 46 Board members in favor.

**7 - LPC Item: 125 MacDougal Street**, aka 117-119 West 3rd Street - South Village Historic District  
Application is to install awnings, and to legalize façade alterations completed without Landmarks Preservation Commission permit(s)

**Whereas**, the awnings proposed are in style with the other awning on the building; and

**Whereas**, the paint color is not inappropriate; and

**Whereas**, the introduction of windows that replace a brick wall on the ground floor, although not completely in style with the building, nevertheless do not seriously detract from it; now

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

Vote: Unanimous, with 46 Board members in favor.

### **LAND USE AND BUSINESS DEVELOPMENT**

**1. 102 Greene Street** (East side of Greene Street between Spring and Prince.) Application #**C-140353-ZSM** submitted by BLDG Greene St. LLC to the City Planning Commission pursuant to ZR 74-711 to modify 1) Section 43-17 to allow enlargement of an existing 3-story building containing Joint Living Work Quarters for Artists, and 2) Section 41-10 to allow UG 2 residential on portions of the ground floor through 5th floor and penthouse in an M1-5A zoning district within the SoHo Cast Iron Historic District. [Continuation of Hearing]

**A resolution recommending DENIAL of the application unless plans are modified to include one or two affordable units**

*Whereas,*

1. The application was presented to the committee by Caroline Harris of Goldman Harris at the September meeting and laid over to October;
2. The existing building, located in an M1-5A zone in the SoHo Cast Iron Historic District, is the portion of a five-story building remaining after the upper two stories were lost in a fire;
3. The proposal provides a full restoration of the original five-story building with original materials and details plus the addition of a duplex penthouse not visible from the street;
4. The current uses are non-conforming retail in the ground floor and cellar and JLWQA units on the second and third stories that have been vacant since before the current ownership;
5. The existing retail use which is allowed in the M1-5A zone will be continued and the JLWQA units would be converted to Use Group 2 residential;
6. At the September meeting the committee asked the applicant to consider **(1)** retention of JLWQA apartments or inclusion of affordable housing units, **(2)** elimination of resident access to the upper roof deck thereby reducing the overall height of the building including elevator bulkhead, and **(3)** a plaque or other acknowledgement of the historical significance of the building as the home and studio of artist Buffie Johnson, an important member of the original SoHo artist community;
7. CB2, Man. received letters from two residents of 110 Greene Street requesting eliminating the upper roof deck because of its potential for noise nuisance and objecting to the replacement of JLWQA units with luxury residences;
8. A third resident of 110 Greene Street spoke at the hearing objecting with similar concerns and also raising concerns about to the location of air rooftop air conditioning units because of their appearance and potential for noise generation;

9. At the October meeting the applicant agreed to eliminate roof deck access and to install a plaque in the lobby, but stated that the project costs ruled out retaining JLWQA units or including affordable units;
10. The applicant also stated a decision had been made, in response to a request from the committee, that the residential units would be condominiums rather than rental units, however there had been no such request;
11. The applicant assured the committee that rooftop air conditioning units would be mini-split units that run almost silently;
12. The stock of affordable housing in the district is in decline, with the continued loss of rent stabilized units;
13. JLWQA housing is a conforming use in the zone that when legally occupied provides residential units for artists with the rent and purchase levels reduced by the more limited market;
14. The loss of two JLWQA units represents a loss of affordable housing for the district;
15. The loss of affordable units and artists housing has had a harmful impact on the character of the area by reducing the diversity of the residential population;
16. City policy now recognizes the negative impact of the loss of affordable housing causing a burden on residents and threatening the long term viability of the economy as well a diminishing the diversity in many neighborhoods;
17. In response to changing conditions in the neighborhood, CB2, Man. favors mandatory inclusion of affordable units in all developments requiring special permits or variances;
18. Per 74-711, use modifications shall have minimal adverse effects on the conforming uses with the building and the surrounding neighborhood;
19. The development as proposed will cause the loss of two conforming JLWQA units in the building and will promote and encourage continuation of the harmful trend that reduces the affordability of artists housing in the neighborhood and thereby harms the successful character of SoHo;
20. Per ZR 74-711, the City Planning Commission may prescribe appropriate additional conditions to enhance the character of the development.

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

1. ***Appreciates the elimination of roof access and reduction of the height of the elevator bulkhead and also the agreement to add a historic marker in the lobby;***
2. ***Recommends DENIAL of the use modification to allow Use Group 2 unless plans are modified to include one floor consisting of one or two affordable units at a level correlating to an appropriate Area Median Income.***

Vote: Unanimous, with 46 Board members in favor.

2. **341 Canal Street (northwest corner of Greene).** An application for renewal of a special permit pursuant to 74-712 originally granted in 2008 to allow construction of a new building with ground floor retail and residential on floors 2-6 plus penthouse in an M1-5B zoning district within the SoHo Cast Iron Historic District.

**A resolution recommending RENEWAL of the special permit with modifications reflecting the changed conditions in the neighborhood**

***Whereas,***

1. The application was presented to the committee by Harold Zipser of Akerman LLP;

2. The property is a vacant lot used for car parking in an M1-5B zone in the SoHo Cast Iron Historic District;
3. In 2007, CB2 passed a resolution recommending approval of a special permit under ZR 74-712 to allow construction of a new building with ground floor retail and 31 residential unit;
4. The permit was approved including certain provisions to reduce the number of lot line windows that would be lost at 17 Greene Street;
5. Because of project delays the permit has expired and requires renewal prior to start of construction;
6. According to the applicant the project delays were caused by the economic downturn and continued because of “internal disputes” and a bankruptcy filing;
7. CB2 received two letters objecting to the renewal from residents of 17 Greene Street including one from the president of the Coop board, and one resident of the building attended the hearing and spoke against the renewal;
8. At the time of the initial application the applicant made specific promises regarding construction safety;
9. The building has been redesigned to avoid the need to expose and underpin the foundation of the adjacent building on Canal Street, and an existing foundation wall will be left in place to protect the adjacent building at 17 Greene Street;
10. The applicant promised to meet regularly with neighbors on all issues related to the construction;
11. The stock of affordable housing in the district is in decline, with the continued loss of rent stabilized units;
12. JLWQA housing is a conforming use in the zone that when legally occupied provides residential units for artists with the rent and purchase levels reduced by the more limited market;
13. The loss of affordable units and artists housing in the period since the permit was approved has had a harmful impact on the character of the area by reducing the diversity of the residential population;
14. City policy now recognizes the impact of the loss of affordable housing on the long term viability of the local economy;
15. The conditions of the neighborhood have changed substantially since the permit was approved, including changes that greatly increase the value of the proposed residential units and also continue to reduce the availability of affordable units causing burdens to many residents, harming the long term viability of the NYC economy, and diminishing the diversity of the district;
16. In response to changing conditions in the neighborhood, CB2 now favors mandatory inclusion of affordable units in all developments requiring special permits or variances.

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

1. ***Renewal of this special permit but with modifications required in consideration of changed housing conditions in the area to include six permanently affordable units at a rent appropriate to the Local Median Income and to the 1200 square foot minimum unit size;***
2. ***Requirement of a letter from the applicant (1) detailing specific commitments for the protection of neighboring buildings including the intent to preclude the need for underpinning of adjacent buildings, (2) limiting work hours to regular weekday hours except as required for public safety and committing to minimizing impacts on traffic and pedestrian flow, and (3) providing for direct lines of communication between construction management and all neighbors.***

Vote: Unanimous, with 46 Board members in favor.

## **SCHOOLS AND EDUCATION**

### **Bleecker School Resolution**

**Whereas** New York University has made a series of promises to build a public school over the last 50 years, starting in the 1960s when NYU promised to build an elementary school for neighborhood children where the Coles Sports Center is today and again in 2010, when NYU promised to build the core and shell of a new 600-seat public elementary school on one of its three superblocks; and

**Whereas**, in 2012, NYU promised the land for the SCA to build a 100,000 square foot school in the Bleecker Building (“Bleecker School”), with the option expiring in 2025, and

**Whereas**, in the final Restrictive Declaration of Large-Scale Development for the NYU LSGD (“Restrictive Declaration”), NYU promised the land for the Bleecker School, but with the option or “School Election Notice” now expiring on December 31, 2014, and

**Whereas**, NYU is in the business of education and a public school on its core campus would be attractive to its faculty, staff and their families and the Bleecker School could serve as a lab school for NYU Steinhardt School of Culture, Education and Human Development, and

**Whereas**, 2014 is too early to exercise this option because 1) there are more than 500 unfunded elementary school seats in Community Board 1, 2) there is no funding for the Bleecker School in the DOE’s proposed capital plan for FY 2015-2019 (“DOE’s Capital Plan”) and 3) the opening of new downtown schools at Foundling in fall 2014, 75 Morton in fall 2017 and the Trinity School later this decade, may impact what type of school is needed at the Bleecker School; and

**Whereas**, thanks to a generous grant from Council Member Margaret Chin, CB 2 engaged Ontodia to conduct a projection of the under-five population in 2019, and

**Whereas**, the Study Area consists of the Fall 2014 school zones for P.S 3, PS 11, PS 41, PS 130 and PS 340 based on the assumption that new construction and population growth in Chelsea will reduce capacity for Greenwich Village families currently zoned for PS 11 and PS 340, and

**Whereas**, demographic analysis clearly demonstrates the need for 600+ public school seats at the Bleecker School due to:

- 31% growth in the under-five population from 2000 to 2010 vs. less than 1% in Manhattan,
- 26% growth in births from 2000 to 2010, a stark contrast to a drop of nearly 2% in Manhattan, which the DOE mistakenly has used to predict the continued growth in our under-five population,
- Mid-range population projections for 2019 showing a need for a 600+ seat school,
- Overcapacity at all three CB 2 elementary schools in 2013-2014 school, based on outdated Blue Book figures that underestimate overcrowding, at 111% at PS 3, 124% at PS 41 and 104% at PS 130,
- Need for 184 additional seats to expand pre-kindergarten seats to full day and 50% of the kindergarten cohort,
- Need for 88 additional seats at the Trinity school assuming a CEQR ratio of 0.16 based on the actual change in residential units and elementary school enrollment from 2002 to 2012 vs. the Manhattan CEQR ratio of 0.12,
- The continued fast pace of residential construction, particularly of family-sized apartments, and

- Significant additional capacity needed to comply for Contract for Excellence class size reductions.

**Therefore be it resolved** that CB#2, Man. recognizes the need for 600 public school seats at the Bleecker School, and

**Be it further resolved** that while CB#2, Man. acknowledges, applauds and supports the decision to reopen the Restrictive Declaration to extend the School Election Notice by four years to December 31, 2018, CB#2, Man. urges NYU to reinstate the School Election Notice back to 2025 and to extend the requirement to commence construction from July 1, 2018 to 2025, which was NYU's original proposal and will allow the Bleecker School to be funded in the SCA's next five year capital plan as opposed to requiring an amendment of the current one, and

**Be it further resolved** that CB#2, Man. urges the School Construction Authority and the Department of Education to take into account the demographic analysis and projections developed by CB#2, Man. and fund the Bleecker School in the SCA's next five year Capital Plan.

Vote: Unanimous, with 46 Board Members in favor.

### **SIDEWALKS/STREET ACTIVITIES**

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

**1. 299 W. Houston St. bet Greenwich St & Hudson St (12085-2014-ANWS)**

**Whereas,**

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Kei Man Wong, was **not** present, but was represented by Ronnie Cyan, and
- b. the newsstand is proposed for the south side of Houston St, just west of midblock between Greenwich St & Hudson St., and is to be 6' x 12' on a site with an office entrance and street light to its east and a tree pit to its west as the primary limiting factors, and
- c. while the supplied plan shows the width of the sidewalk from curb to building line to be roughly 28', this building was built set back from the property line and city records show that more than half of d. the pavement is private property and the **public** sidewalk is roughly 13'6" at this location, and
- d. as the newsstand must be 1'6" from the curb and free clear pedestrian path must be at least 9'6", there would only be 2'6" of public sidewalk left which would not allow for even the smallest newsstand model (4' deep), and
- e. a representative of the Hudson Square Connection appeared and provided the committee with a site plan showing this block is slated for additional tree installations as part of a pre-existing agreement with the Parks Dept under the aegis of the Green Infrastructure Plan, and one of the new trees as well as permeable pavers is slated for this location under that plan,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of this application for a newsstand on **299 W. Houston St. bet Greenwich St & Hudson St (12085-2014-ANWS)**

VOTE: Unanimous, with 46 Board Members in favor.

**2. 169 Bowery, on Kenmare St near southwest corner of Bowery**

**Whereas,**

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Gulshanara Khanom, was **not** present, and she was represented by Moin Uddin, and
- b. the newsstand is proposed for the south side of Kenmare St, 17'3" west of its intersection with Bowery, and is to be 5' x 12' on a site with the property corner to its east and a street sign to its west as the primary limiting factors, with roughly 42' between them, and
- c. there was no one from the immediately adjacent property owner or the current retail tenant in attendance, and the committee was given no evidence that they were notified by the applicant of the application as required under the NYC Administrative Code, and
- d. despite the absence of the applicant, the committee took comments from several members of the community who appeared to express their opposition to the newsstand, primarily due to the location of an existing newsstand diagonally across the Bowery/Kenmare intersection, full-service news dealer – Bouwerie Iconic Magazine – just one block away at the corner of Rivington St, which over 18 months at that location and 22 years at their original location on Spring & Lafayette Sts. has been a highly valued member of the Little Italy/Nolita community, in addition to several other businesses within 2 blocks that meet this need, and
- e. the committee was also given a letter from the Bowery Alliance of Neighbors strongly opposing a newsstand at this location due to its potential impact on this long-time neighborhood business, and
- f. the operators of Bouwerie Iconic Magazine were also present and confirmed that their store already sells all the products that would be available at the newsstand, including newspapers, magazines (including a much wider selection), cigarettes, lottery tickets, drinks, candy, etc,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of this application for a newsstand on **169 Bowery, on Kenmare St near southwest corner of Bowery (13143-2014-ANWS)**

VOTE: Unanimous, with 46 Board Members in favor.

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

**3. Wogie's, Inc., d/b/a Wogie's, 39 Greenwich Ave., with 16 tables & 32 chairs (1160623-DCA)**  
Block:612 Lot:65                      Lot Frontage:26.83' Lot Depth:82.17                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:5 Residential Units:12              Total # of Units:14  
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, Michael Kelly, was present, and
- b. the committee requested the applicant appear for this renewal as there have been consistent issues with the seating in the café and the committee discovered the existing plans showed the building width as roughly 38' wide while it is in fact only 28' wide, and
- c. Mr. Kelly provided the committee with a new plan with corrections that reduce the seating to 8 tables & 16 chairs on Greenwich Ave and 6 tables & 12 seats on Charles St for a new total of 14 tables & 28 chairs, and
- d. the committee pointed out to Mr. Kelly that the seating on Charles St. is only legal with service occurring from the front entrance, but it has consistently occurred from the back entrance on Charles St. which often leaves little more than 6' pedestrian clear path, and Mr. Kelly committed to discussing this with the applicant,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Wogie’s Inc., d/b/a Wogie’s, 39 Greenwich Ave., with 16 tables & 32 chairs (1160623-DCA)**

**UNLESS the corrected print is filed with DCA and the license is reduced to 14 tables & 28 chairs**

VOTE: Unanimous, with 46 Board Members in favor.

**4. PPF Holdings LLC, d/b/a McCoy’s, 89 MacDougal St., with 14 tables & 28 chairs (2008312-DCA)**

Block:526 Lot:25	Lot Frontage:25' Lot Depth:98	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:15	Total # of Units:17
Zoning:R7-2 ;	Commercial Overlay:C1-5	

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s manager, Bolivar Paredes, was present, and
- b. the committee requested the applicant appear for this renewal as there have been consistent issues with the seating in the café with tables migrating from the Bleecker St side to the Macdougal St. side causing the pedestrian path to be reduced to roughly 6’ even before wait service is considered, and
- c. the applicant has also once again placed rubber mats over ConEd vault gratings with adjacent tables which does not maintain the required 3’ clearance from the vault, while the mats present a tripping hazard for patrons and pedestrians, and
- d. Mr. Paredes committed to discussing these issues with the applicant but apparently was not authorized to correct the situations himself,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **PPF Holdings LLC, d/b/a McCoy’s, 89 MacDougal St., with 14 tables & 28 chairs (2008312-DCA)**

**UNLESS the applicant immediately and consistently returns to the seating arrangement shown on its approved plan**

VOTE: Unanimous, with 46 Board Members in favor.

**5. 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,

- C & O Coffee Shop, Inc., 28 8<sup>th</sup> Ave., with 5 tables & 10 chairs (1277859-DCA)
- Caffe Silvestri, Inc., 191 Hester St., with 21 tables & 42 chairs (0956923-DCA)
- Babu Foods, Inc., 468 Hudson St., with 17 tables & 37 chairs (1157473-DCA)
- Olio Restaurants, LLC d/b/a Olio, 3 Greenwich Ave., with 21 tables & 46 chairs (1344146-DCA)
- Pasta Bistro Grill, Inc., 93 MacDougal St., with 5 tables & 10 chairs (1311319-DCA)
- Dessyn Bakery Corp., d/b/a Millefeuille Bakery, 552 LaGuardia Pl., with 5 tables & 10 chairs (1431733-DCA)

- Zestful Management Corp. d/b/a Bar 6, 502 Avenue of the Americas, with 4 tables & 12 chairs (0919619-DCA)
- Zossima, Inc., d/b/a Doma Na Rohu, 27 ½ Morton St., with 6 tables & 12 chairs (1424566-DCA)
- 172 Bleecker St. Rest., Inc. d/b/a Café Español, 190 Sullivan St., with 4 tables & 8 chairs (1080119-DCA)
- 172 Bleecker St. Rest., Inc. d/b/a Café Español, 172 Bleecker St., with 3 tables & 6 chairs (0920629-DCA)
- 151 Bleecker LLC., 151 Bleecker St., with 8 tables & 6 chairs (1348223-DCA)
- 400 West 14<sup>th</sup> Inc., d/b/a Gaslight, 400 W. 14<sup>th</sup> St., with 24 tables & 48 chairs (1346493-DCA)
- Metizo Inc., d/b/a Good Restaurant, 89 Greenwich Ave., with 7 tables & 16 chairs (1160579-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 46 Board Members in favor.

### **SLA LICENSING**

#### **1. G.D.P Enterprises, Inc. d/b/a Agozar Restaurant, 324 Bowery 10012 (Renewal of Existing OP, Lic. #1132656)**

**Whereas**, this application is for a renewal of an existing OP license for a full service family restaurant serving Cuban and Spanish Tapas in a 4-story mixed-use building, located on Bowery between Bleecker and Bond Streets in a 1500 sq. ft. storefront premise with a full service kitchen, one entrance and two exits, a full service kitchen, two bathrooms, there are 25 interior tables with 50 interior seats, 1 full service bar with 15 seats for an total interior permitted occupancy of 74; there is an existing sidewalk café with 4 exterior tables and 9 exterior seats and there is no back yard use; and,

**Whereas**, the license has been operating with a live DJ on Friday and Saturday nights until 3:00 a.m. inconsistent with its stated method of operation as a “family friendly restaurant” and the operator conceded to CB2 Man. that he is not present at the premises during these nights when the entertainment level music is being played; and,

**Whereas**, there have been complaints to CB2 Man. that the operator has been leaving its double doors open to the sidewalk when loud entertainment level music is being played; and,

**Whereas**, the operator agreed to stop the use of the DJ and entertainment level music on the weekends and further agreed to background, quiet music only at all times while also closing its doors/windows at 9:00 p.m. every night; and,

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

1. Premises will be advertised and operated as a full service restaurant specializing in Cuban and Spanish Tapas.
2. Will operate with hours of operation on Sundays from 11:30 a.m. to 9:00 p.m., Monday through Wednesday from 12:00 p.m. to 11:00 p.m., Thursday from 12:00 p.m. to 12:00 a.m., Friday from 12:00 p.m. to 1:00 a.m. and Saturdays from 11:30 a.m. to 3:00 a.m.

3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged; with the exception of the nights of Halloween, New Year's Eve and Cinco de Mayo.
4. Will remove all tables and chairs at closing time of the Sidewalk Cafe.
5. The Sidewalk Café will close at 9:00 p.m. on Sundays, 10:00 p.m. from Monday through Thursday and 11:00 p.m. Fridays and Saturdays.
6. Will close all doors and windows by 9:00 p.m. every evening.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the renewal for OP license to **G.D.P Enterprises, Inc. d/b/a Agozar Restaurant, 324 Bowery 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 an OP License.

Vote: Passed, with 45 Board members in favor, and 1 in opposition (D. Diether).

**2. St. Helene, LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St. 10014** (Renewal of Existing OP lic. #1265091)

**Whereas**, this application is for a renewal of an existing OP license in a ground floor corner storefront of a six-story mixed use building in a historic district at the West 4<sup>th</sup> and West 10<sup>th</sup> Streets in a 650 sq. ft. space with floor to ceiling doors throughout the storefront's exterior façade that open out to the sidewalk; and,

**Whereas**, the licensee first appeared before CB2 Man.'s SLA Committee in July/2012 for an OP License at these premises, he described his method of operation as an Izakaya Japanese Bistro family friendly restaurant combing cooked elements and raw fish, small bites in a causal atmosphere in a 35-seat restaurant; and

**Whereas**, the licensee operated his restaurant as "Chez Sardine" with hours of operation from Monday through Thursday from 5:00 p.m. to 12:00 a.m., Fridays from 5:00 p.m. to 1:00 a.m., Saturdays from 11:00 a.m. to 1:00 a.m. and Sundays from 11:00 a.m. to 11:00 a.m.; and,

**Whereas**, the licensee reappeared before CB2 Man.'s SLA Committee in June/2014 for an alteration to increase it hours of operation, to remove a sushi bar, extend its existing bar and reconfigure its interior seating to create two additional seats for patrons to increase revenue for his business; and,

**Whereas**, the licensee's application and paperwork submitted described the premises in an identical manner as it was described in 2012 and that the premises would continue to operate as a full service restaurant using the name "Chez Sardine"; and,

**Whereas**, thereafter when the licensee reopened the premises following its alterations, it was no longer operating under the name "Chez Sardine" and instead was being operated and advertised on its own website as "Bar Sardine", "a West Village corner bar" that is "serious about food and crazy about drinks." "Open from noon on each day, Bar Sardine has the drop-in-anytime accessibility and friendly hospitality of a classic neighborhood bar while its thoughtful approach to food and drink give it the trappings of a modern cocktail destination. The menu, created by Chef Mehdi Brunet-Benkritly (Fedora, Chez Sardine) features our take on bar snacks with a creative bent and seasonal influence, from a killer burger to salads

and lighter snacks. The cocktails are created by our Director of Bar Operations Brian Bartels with his signature combination of playfulness and skill. Our carefully thought-out wine and beer lists round our offerings. We're a casual neighborhood bar, so just stop in seven days a week, whether it's for lunch, an afternoon break, post-work drink or a night out with friends"; and

**Whereas**, the licensee also installed a TV at its full service bar and further advertised/promoted "Football at Bar Sardine" with "drink specials during the games" on Saturdays, Sundays and Monday nights there are 10 items on the food menu (plus oysters and a cheese plate) with 10 cocktails and an extensive beer and wine listing; and

**Whereas**, Bar Sardine's own Twitter posting of September 17, 2014 stated "We may be a new kid on the block, but thanks to Food and Wine, we made the cut for FW Best Bars"; and

**Whereas**, the licensee never indicated to CB2 Man's SLA Committee when he presented his application in June/2014 for an alteration of his existing OP license that he had any intention of changing the name of the establishment or creating a neighborhood bar; and,

**Whereas**, CB2 Man.'s June/2014 resolution reflects the licensee's statements, submitted application and paperwork to CB2 Man.'s SLA Committee as follows:

*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 DJ, 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 CB2 Manhattan; and,*

*Whereas, the applicant executed a new stipulations agreement with CB2, Manhattan 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 CB2, Man. recommends **denial** to the alteration of the existing on-premise liquor license for **St. Helene LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St aka 233 W. 4<sup>th</sup> 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 7<sup>th</sup> “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).***

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **St. Helene, LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St. 10014** on its application seeking a renewal of its OP license.

Vote: Passed, with 31 Board members in favor, 10 in opposition (T. Connor, R. Caccapolo, M. Derr, A. Hearn, J. Kiely, A. Meadows, R. Sanz, A. Schwartz, M. Schott, R. Stewart), 4 in abstention (T. Bergman, H. Campbell, S. Russo, F. Sigel) and 1 recusal (S. Aaron).

**3. 406 Broome St. Rest., Inc. d/b/a Brinkley’s, 406 Broome St., 10013** (Renewal of Existing OP lic. #1172868)

**Whereas**, the Licensee appeared before CB2 Man. without the required CB2 Man. application information or supporting documents; and,

**Whereas**, the Licensee operates two separate businesses with two separate and distinct addresses and with two separate and distinct methods of operation; the first business located at 406 Broome Street which operates as a 2500 sq. ft. restaurant on the ground floor called Brinkley’s and the second located at 2 Cleveland Place operating as a 2000 sq. ft. night club cabaret operated and advertised as Southside in the basement; and,

**Whereas**, when the licensee first appeared before CB2 Man. in October/2005 it failed to disclose the nightclub operation in the basement (from 11:00 p.m. to 4:00 a.m. Wednesday through Saturday with a separate entrance on Cleveland Place) but instead represented itself as a full service restaurant with 210 table seats, with two service bars and only one entrance located at 406 Broome Street; and,

**Whereas**, in 2012 this License came up for renewal, community residents voiced their frustrations about the nightclub operation, that the licensee misled the community from the outset for an establishment that was going to have background music but was thereafter operating as a nightclub, installing a new \$300,000 sound system, advertising and promoting dancing with bottle service of alcohol but without a Cabaret License, creating dangerous overcrowding conditions inside and with throngs of people lining up at night outside on Cleveland Pl., utilizing metal barricades to corral patrons coming in, and other patrons regularly spilling out into the street in the early morning hours, causing unfettered noise disruptive behavior; and,

**Whereas**, CB2 Man. unanimously recommended denial of the license renewal in 2012 triggering the SLA to pursue disciplinary charges against the licensee pursuant to the State Administrative Procedure Act (“SAPA”) that have not been fully resolved; and,

**Whereas**, despite the on-going disciplinary proceedings and the obvious material misrepresentations to the Community and CB2 Man. in creating and establishing an unapproved and unlicensed nightclub in conjunction with the operation of a restaurant with a different address/entrance on a different street establishing an entirely different method of operation, the Licensee has continued to defy the SLA, CB2 Man. and the Community by continuing to operate the Southside nightclub; and,

**Whereas**, community residents again appeared to voice their frustrations about the nightclub operation, providing photos and writing from patrons recently posted on Instagram and other social media internet sites, depicting patrons drinking, dancing and smoking within the premises adjacent to a DJ, describing Southside as a “leader of the anti-smoking ban rebellion”, identifying unsafe conditions relating to the overcrowding of patrons, the overcharging of patrons, drug use, the service of alcohol after hours, unruly behavior spilling out into the street with yelling, shouting, fighting; and,

**Whereas**, when CB2 Man.’s SLA Committee requested the Licensee to close the Southside entrance on Cleveland Place, the Licensee stated that he was having problems with his lease and was considering changes, including closing down the entrance on Cleveland Place to the nightclub but provided no assurances;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **406 Broome St. Rest. Inc. d/b/a Brinkley’s, 406 Broome St., 10013** on its application seeking a renewal of its OP license.

Vote: Unanimous, with 46 Board members in favor.

**4. Dumpling USA NY LLC, d/b/a TBD, 121 West 3<sup>rd</sup> St. 10001** (New BW license, previously licensed)

**Whereas**, this application is for a new Beer and Wine license for a family owned and operated Chinese style restaurant operating as a Dumpling House in a mixed-use building, located on West 3rd Street between MacDougal and 6th Avenue for a 700 sq. ft. storefront premise with one entrance/exit, a full service kitchen, one bathroom, there are 4 tables with 21 seats, 4 seats at a front window counter and no bar, for an occupancy of 25; there is no sidewalk café and no backyard use; and,

**Whereas**, the premises were previously operated for years as the Mayabi Sushi Japanese Restaurant; and

**Whereas**, the hours of operation are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m. but all alcohol service will be stopped by 12:00 a.m. seven nights a week; this is a full service Chinese restaurant; music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

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

1. Premises will be advertised and operated as a full service Chinese restaurant specializing in Dumplings.
2. Will operate with hours of operation Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.
3. There will be no TVs and no bars.
4. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

5. Will stop the service of all alcoholic beverages at 12:00 a.m. every night, seven days a week.
6. Will not install French doors or windows that open out to sidewalk or otherwise.
7. Will close all doors and windows at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **C. Ho On Behalf of an entity to be determined, d/b/a TBD, 121 West 3rd St. 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 BW License.

Vote: Unanimous, with 46 Board members in favor.

**4. Layla Tov, Inc., d/b/a Westville, 333 Hudson St. 10014** (Corp. Change lic. # 1265533)

**Whereas**, this application is for a corporate change (from Limited LLC to S Corp. but shareholders/principals will remain the same) for an existing OP license for a full service American restaurant in a 10 story commercial building, located at the corner of Hudson and Charlton Streets in a 2640 sq. ft. storefront premise with a full service kitchen, a 1200 sq. ft. basement for storage only, two entrances and three exits, a full service kitchen, three bathrooms, there are 30 interior tables with 80 interior seats, 1 full service bar with 16 seats for an total interior occupancy of 96; there is an existing sidewalk café with 10 exterior tables and 22 exterior seats and there is no exterior back yard use; and,

**Whereas**, the applicant is making to no changes to its existing method of operation as a full service restaurant, there are no TVs, the hours of operation will remain from 9:00 a.m. to 12:00 a.m. Sunday through Wednesday and from 9:00 a.m. to 1:00 a.m. Thursday through 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 OP license and the stipulations are as follows:

1. Premises will be advertised and advertised and operated as a full service restaurant.
2. Will operate with hours of operation from 9:00 a.m. to 12:00 a.m. Sunday through Wednesday and from 9:00 a.m. to 1:00 a.m. Thursday through Saturday.
3. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
4. All existing stipulations will remain in place.
5. Will close all doors and windows by 10:00 p.m. every night.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an OP license to **Layla Tov Inc., d/b/a Westville, 333 Hudson St. 10014 unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for an OP License.

Vote: Unanimous, with 46 Board members in favor.

**5. Tourbillion45 LLC, d/b/a TBD, 234 Spring St. 10013** (New OP, previously unlicensed location)

**Whereas**, this application is for an OP license for a full service Italian American restaurant in a 15 story commercial building, located at the corner of Spring Street and Sixth Avenue for a 2414 sq. ft. storefront

premise with one entrance/exit, a full service kitchen, two bathrooms, there are 29 tables with 80 seats, 1 full service bar with 12 seats for an occupancy of 92; there is no sidewalk café and no backyard use; and,

**Whereas**, the premises is located in M1-6 Zone, was previously operated for retail purposes and has never operated as an eating and drinking establishment; and

**Whereas**, the applicants agreed to not open and/or operate the premises without first obtaining a proper certificate of occupancy to use the premises for eating and drinking; and

**Whereas**, the applicants have previous experience operating another Restaurant with a similar method of operation on E. Houston Street (Estella); and

**Whereas**, the hours of operation are Sunday to Wednesday from 7:30 a.m. to 1:00 a.m. and Thursday through Saturday from 7:30 a.m. to 2:00 a.m.; this will be a full service restaurant; music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

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

1. Premises will be advertised and operated as a full service restaurant with a full service kitchen and never as a bar or sports bar with multiple TVs.
2. Will operate with hours of operation from 7:30 a.m. to 1:00 a.m. and Thursday through Saturday from 7:30 a.m. to 2:00 a.m.
3. There will be no TVs.
4. There will be only be one stand up bar with 12 seats.
5. Kitchen will remain open until ½ hour prior to closing.
6. Will not operate without a proper certificate of occupancy permitting use/occupancy, special permit or otherwise.
7. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. Will not install operable windows that open out to sidewalk or otherwise.
9. Will close all doors and windows at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an OP license to **Tourbillion45 LLC, d/b/a TBD, 234 Spring 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" for an OP License.

Vote: Unanimous, with 46 Board members in favor.

**6. Brothers Harvey LLC d/b/a Reservoir, 70 University Pl. 10003** (transfer lic. # 102448, exp. 10/31/2015)

**Whereas**, this application is for a transfer of an existing OP license operating as a Sports Bar and Tavern operating within a 5 story mixed use building located on University Place in a 2000 sq. ft. storefront premise with one entrance/exit, two bathrooms, there are 19 tables with 59 seats, 1 full service bar with 12 seats for an occupancy of 74; there is no sidewalk café and no backyard use; and,

**Whereas**, the current method of operation will not be changed with 12 TVs, the location was previously soundproofed and the hours of operation will continue to be from 11 a.m. to 4:00 a.m. seven days a week, there is a jukebox but music will be background (quiet) and there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

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

1. Premises will be advertised and operated as a bar/tavern showing sports with multiple TVs.
2. Will operate with hours of operation from 11:00 a.m. to 4 a.m. seven days a week.
3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. Food will be served at all times.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Will employ security on Thursday, Friday and Saturday nights until closing.
8. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.
9. All stipulations agreed to with University Place Resident's Association are incorporated into stipulations agreed to with CB2 Manhattan.
10. Patron occupancy will never exceed 74 persons.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an OP license to **An Entity to be formed by Louis Fugazy and Dan Harvey, 70 University Pl. 10003** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for an OP License.

Vote: Passed, with 45 Board members in favor, and 1 in abstention (S. Tyree).

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

**7. Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10013** (transfer of license)

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the applicant failed to appear and thereafter the applicant's attorney requested to lay over this application from consideration until November/2014 so that it can appear and present its application and all the necessary paperwork for review;

**Whereas**, this application is for a Transfer of an existing OP license to a new operator/licensee;

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 46 Board members in favor.

**8. L'Atre Enterprises, Inc., d/b/a L'aile Ou La Cuisine, 314 Bleecker St. 10014** (attorney requested layover to November/2014)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the applicant and his attorney requested to lay over this application from consideration until the application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a corporate change or transfer of an existing OP license;

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed corporate change or transfer of an OP license to **L'Atre Enterprises, Inc., d/b/a L'aile Ou La Cuisine, 314 Bleecker St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

**9. Afran Management Co., LLC, d/b/a Manousheh, 193 Bleecker St. 10012** (Request for layover by applicant prior to meeting)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a Beer/Wine or On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Afran Management Co., LLC, d/b/a Manousheh, 193 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 46 Board members in favor.

**10. Oyster City, 240 Mulberry St. 10012** (withdrawn by attorney)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the principal requested to withdraw this application from consideration; and,

**Whereas**, this application was for an On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Oyster City, 240 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation

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

Vote: Unanimous, with 46 Board members in favor.

**11. 200 MB Corp. d/b/a t/b/a, 82 West 3<sup>rd</sup> St. 10012** (attorney and applicant requested layover)

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on October 7, 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;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed On Premise license to **200 MB Corp. d/b/a t/b/a, 82 West 3<sup>rd</sup> 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 46 Board members in favor.

**12. Oppa Corp., 162 West 4<sup>th</sup> St. 10015** (applicant failed to appear)

**Whereas**, the applicant failed to appear at this month's CB2 SLA Licensing Committee meeting on October 7, 2014 and/or notify CB2 to adjourn to layover it's presentation;

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed OP license to **Oppa Corp., 162 West 4<sup>th</sup> St. 10015** 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 46 Board members in favor.

**13. Quintoquarto, Inc. d/b/a Abbottega, 14-16 Bedford St. 10014 (OP Corporate Change-SN#1214646)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" for an existing Restaurant On-Premise Liquor License (SN#1214646); the new principals will now be Tommy Empire LLC, Carlo Zuffetti, Francesco Zuffetti and David Ranucci; the premises will continue to be a restaurant that focuses on high end Italian cuisine; and,

**Whereas**, this application is for a “corporate change” as described above for an existing high end Italian restaurant in a mixed use building located on Bedford St. between 6<sup>th</sup> Avenue and Downing Street for a currently licensed location on the ground floor with 15 tables with 40 table seats and 1 standup bar with 2 seats, for a grand total of 42 seats; the maximum occupancy as stated by the applicant is 74 people, there is a “letter of no objection” from the NYC Department of Buildings, the premises is located within a residentially zoned (R6) block and lot with no commercial overlay, the applicant states this is a “grandfathered” location for use as a commercial space, use group 6 on the ground floor, there is no sidewalk café and no backyard or outdoor areas in use or part of this application; and,

**Whereas**, the hours of operation will be Sunday from 12 PM to 11 PM, Monday closed, Tuesday through Saturday from 12 PM to 12 AM, no patrons will remain in the premises after closing, music will continue to be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there is existing soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

**Whereas**, a qualified representative of the new principals has executed a stipulations agreement with CB2 Man. that they agreed will be attached and incorporated in to the “existing” method of operation for the current Restaurant On-Premise Liquor License for Quintoquarto, Inc. d/b/a Abbottega, SN1214646, stating that:

1. Premises will be advertised and operated as a full service high-end Italian restaurant.
2. Hours of operation will be Sunday from 12 PM to 11 PM, Monday closed, Tuesday through Saturday from 12 PM to 12 AM. No patrons will remain in the premises after closing.
3. Premises will not operate as a nightclub or disco.
4. Premises will not seek a New York City Department of Consumer Affairs Cabaret License
5. There will be no sidewalk café.
6. All windows and French doors will remain closed at all times except for ingress and egress.
7. There will be no DJs, no live music, no promoted events, no scheduled performances and no event at which a cover fee is charged.
8. Music will be quiet ambient background music only.
9. There’ll be no televisions.
10. Patrons will not use the rear yard garden ever.
11. Patrons will be discouraged from smoking in front of residential windows and the sidewalk will be actively managed so that patrons do not block sidewalk or street.
12. Any sidewalk furniture including benches if allowed will be removed at 6 PM every day with no exceptions.

**Whereas**, a petition with small number of signatures from both business operators on Bedford St. and residents was presented in favor; and,

**Whereas**, the new principals agreed to the above noted stipulations which the local neighborhood association, The Bedford Downing Block Association, requested be included as a condition for the corporate change;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a “corporate change” application for the existing Restaurant On Premise Liquor License (SN#1214646) as described above for **Quintoquarto, Inc. d/b/a Abbottega, 14-16 Bedford St. 10014 unless** the statements the applicant has

presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 46 Board members in favor.

**14. 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 (RW SN1278134–alteration to add sidewalk café seating)**

**Whereas**, the applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority for an existing Restaurant Wine License for a restaurant/café specializing in coffee as presented in literature provided to add a NYC Department of Consumer Affairs Sidewalk Café with 9 tables and 24 chairs as outlined on the seating diagram; and

**Whereas**, this application is for an existing Restaurant Wine License; the premises is in a mixed use commercial/residential building in a mixed use residential district located on the ground floor on the Southeast corner of Greenwich Ave and Perry St. for a roughly 1032 sq. ft. premise (ground floor only) with a diagram indicating 14 tables and 48 seats, one window counter with 8 seats and one bar with 7 seats for a total of 63 interior seats; this alteration application includes adding a recently licensed New York City Department of Consumer Affairs sidewalk café which has 9 tables and 24 Chairs; (there is another outdoor side/backyard area with access from the interior premises but there is no current permit or certificate that permits use of that outdoor side/backyard area for eating and drinking and the applicant has agreed not to use the exterior side/backyard for any purpose until the proper permits and certificates are granted and until he has properly notified and presented to CB2 Man. and the SLA a future alteration application to use this side/backyard outdoor area – CB2 has made no representations that it will make any affirmative recommendations as this is an interior courtyard style space surrounded by residential units); there is an existing certificate of occupancy showing commercial use group 6 which only indicates an occupancy of 10 persons, so a Letter of No Objection should be required from the NYC DOB; and,

**Whereas**, the hours of operation of the interior of the premises are from 8 am to 12 am (midnight) 7 days a week, the sidewalk café will close at 10 pm each night and all tables and chairs will be removed at that time, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily on the Perry St. side of the premises and at 10 pm on the Greenwich Ave side of the premises, 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 an updated stipulations agreement with CB2 Man. that they agreed would be attached and incorporated into the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a full service restaurant/cafe with specialty coffee.
2. The hours of operation will be from 8 am to 12 am (midnight) 7 days a week. No patrons will remain in the premises after midnight.
3. Full food menu will be available at all hours until closing.
4. There will be no backyard garden, side yard or rear terrace included in this application.
5. All doors and windows on the Perry St. side of the premises will be closed at 9 pm every night; The Perry St. Door will be for emergency egress only; All doors and windows on the Greenwich

Ave side of the premises will be closed at 10 pm every night; doors will not be propped open after those hours.

6. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
7. There will be no televisions.
8. All music will be ambient/quiet background music only.
9. The current application includes a sidewalk café with 9 tables and 24 Seats as the only outdoor seating; the applicant/licensee will return to CB2, Man to include any other outdoor areas, specifically any rear yard/terrace.
10. The Sidewalk Café will always be set up to plans on file with the New York City Department of Consumer Affairs and specifically will not obstruct the Perry St. side sidewalk walkway.
11. The sidewalk café will close at 10 pm each night and all tables and chairs will be removed at that time.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the alteration application for the existing restaurant wine license, SN#1278134 for 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 to include the sidewalk café portion of the premises as described above unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Unanimous, with 46 Board members in favor.

#### **15. Lost Boy LLC, 33 Bedford St. 10014 (New OP – Previously Unlicensed)**

**Whereas**, the applicant appeared before the CB2’s SLA Licensing committee to present an application for a new On Premise liquor license for a “small intimate restaurant with an incredibly focused menu that changes regularly; at Lost Boy, the menu will be redone monthly, allowing one fresh ingredient often seasonally inspired, and celebrate the ingredient through each course”; and,

**Whereas**, the proposed premises is located in residential building on a residentially zoned street in a grandfathered use storefront occupying the ground floor and basement (the basement is accessed via exterior stairs only) between Downing St. and Carmine St., the building is also known as 31-33 Bedford St and 35-39 Downing St, the premises will be approximately 600 sq ft on the ground for patrons, the basement size is unknown but not for patron occupancy; there will be on the ground floor there will be 12 tables and 24 table seats and 1 standup bar with 9 seats for a total of 33 seats, there is no sidewalk café included with this application or rear yard garden; the applicant stated that the maximum occupancy will be 74 or less people, but did not provide a current certificate of occupancy or letter of no objection from the NYC Department of Buildings; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 6:30 AM to 1 AM and Thursday to Saturday from 6:30 AM to 2 AM, no patrons will remain at closing, music will be ambient 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 dj’s, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv’s, soundproofing will be installed in the ceiling and other necessary areas, there are no operable windows, there will be no use of the rear yard garden; and,

**Whereas**, the applicant did meet with local community residents and the local block association, the Bedford Downing Block Association, but was unable to generate support from those residents; and,

**Whereas**, the applicant acknowledged they had looked at two empty storefronts in the immediate area for rent on Carmine St. around the corner that have been previously licensed and have operated as eating and drinking establishments, but that they preferred to pursue this location which has not been previously licensed and is not currently built out for eating and drinking use; and, and

**Whereas**, a number of local residents appeared in opposition and correspondence was received in opposition, including opposition from residents of the building, the local block association, the Bedford Downing Block Association and from several coop buildings including 26 Bedford St.; and

**Whereas**, this storefront is located in a residentially-zoned area and building, with ground floor residential occupancy in the immediate area in a grandfathered location which has never been used for eating and drinking and was most recently an antique store; and,

**Whereas**, there are already 2 licensed premises within the building (1) Food First LLC d/b/a Blue Ribbon Bakery and Café SN1025542 and (2) Little Barque LLC d/b/a Mas SN1146967 and this license would be the 3<sup>rd</sup> license in this one building; and,

**Whereas**, this storefront is not yet built out and the build out plans include use of the basement of the premises for food prep, dishwashing, storage etc., but the basement is only accessible by exiting to the street and going down exterior stairs, so for example, dirty dishware would be carried outside in bus trays in order to be cleaned and then returned clean to the restaurant by exiting the basement via the sidewalk and returning inside; there are significant concerns that this basement access and need for its highly integrated use with the restaurant on the ground floor would generate significant and unnecessary noise and foot traffic in this residential area, not withstanding sanitary concerns; and,

**Whereas**, the specific concerns are that (1) the premises is previously unlicensed; (2) there are already two licenses in the building; (3) there are 28 On Premise Liquor Licenses within 500 ft. and approximately 18 Restaurant Wine Licenses within 500 ft.; (4) the immediate area is residentially zoned with no commercial overlay (5) the proliferation of liquor licenses is not in the public interest in a residentially-zoned area (6) the increase in noise on the narrow street and small sidewalk from patrons lingering and smoking would have tremendous impact, particularly later in the evening when drinking uses are more significant (7) there is inadequate parking in the area for transient diners (8) there are already venting issues and mechanical issues with the existing restaurants in the building and no proper plans were presented indicating that these issues would be addressed for the build-out of this location except to say that only electric equipment would be utilized (9) that removing all the dirty glassware, dishware, pots, pans, utensils and other kitchen equipment at the end of the evening and transporting them via the sidewalk in bus trays would generate excessive noise at late hours (10) that the small size of the space is better suited to retail use which would not generate quality of life complaints (11) that there are not yet permits in place for this use and there is no letter of objection indicating that this use is permitted; and (12) the hours of operation are simply too late for a residential community notwithstanding that the expansion in the previously unlicensed location is not supported and most other premises close by midnight which many consider to late already; and,

**Whereas**, there are approximately 28 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the “500 Ft Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Lost Boy LLC, 33 Bedford St. 10014.**

Vote: Unanimous, with 46 Board members in favor.

**16. Healthy Appetites LLC, d/b/a The Missing Ingredient, 99 Bank St. 10014 (transfer – Restaurant OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” of a Restaurant On-Premise Liquor License for “the first 100% gluten-free restaurant in Manhattan”, a detailed mission and concept statement was also provided and will be adhered to; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License via a “transfer” application for a currently licensed location located on the northeast corner of Bank St. and Greenwich St. in a residential cooperative building for a restaurant on the ground floor and basement (1,700 sq. ft. ground floor, 1,000 sq. ft. basement), with 25 tables, 76 table seats and 1 standup bar with 11 seats for a total of 87 seats throughout the premises as indicated on provided diagrams; there is an existing certificate of occupancy which indicates patron use of the ground floor; The certificate of occupancy does not yet indicate patron use of basement (20 seats) and the building owner is in the process of amending the C of O; there will not be a sidewalk café and there are no French doors or operable windows; and,

**Whereas**, the applicant clearly stated that the footprint covered by this application and as described in the applicant’s diagrams is exactly the same as the current licensee, The Marrow; and,

**Whereas**, the hours of operation will be Sunday from 11 AM to 12 AM, Monday to Thursday from 12 PM to 12 AM, Friday from 12 PM to 1 AM and Saturday from 11 AM to 1 AM (no patrons shall remain at closing), music will be ambient 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 dj, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; the basement private dining room will only be used after an amended certificate of occupancy is obtained indicating patron dining/eating and drinking use; and,

**Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premise will be operated and advertised as a 100% gluten-free restaurant.
2. The hours of operation will be Sunday from 11 AM to 12 AM, Monday to Thursday from 12 PM to 12 AM, Friday from 12 PM to 1 AM and Saturday from 11 AM to 1 AM. No patrons shall remain after closing hour.
3. The kitchen will remain open and menu items available until the restaurant closes every night.
4. The premises will not operate as a nightclub, disco or lounge.
5. The premises will not seek a New York City Department of Consumer Affairs Cabaret License.
6. There will be no backyard garden.
7. There will be no sidewalk café.
8. Adequate soundproofing exists throughout the premises.
9. All doors and windows will be closed at 10 PM every night.
10. There will be no DJs, Live music, promoted events, scheduled performances or any event at which a cover is charged.
11. Music will be quiet ambient background music only.
12. There will be no televisions.

13. The Licensee will adhere to all information as presented to CB2, Man. on CB2's application for a liquor license.
14. The basement portion of the premises will have only one table and 20 seats and will be operated as a private dining room only. The basement private dining room will not be utilized until an amended certificate of occupancy is issued by the New York City Department of Buildings indicating that restaurant use is legal in the basement for patron dining.
15. There will be no filming/TV productions on the premises.

**Whereas**, several members of the community appeared to express support including the President of the Cooperative building in which the premises is located and several members of the community appeared to express reservations should the new Licensee expand any aspect of the operation or alter the method of operation beyond a high end full service dining establishment; concerns were also expressed that there was a higher chance of impacts on quality of life issues due to the popularity of the new principals and their affiliation with TV productions, but several of the stipulations seemed to address those concerns;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On-Premise Liquor License via a "transfer" for **Healthy Appetites LLC, d/b/a The Missing Ingredient, 99 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 5<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 46 Board members in favor.

#### **17. S. Management Group, LLC, 641 Hudson St. 10014 (New OP – Previously Unlicensed)**

**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 "high end establishment focused on the highest quality cuisine and service"; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously unlicensed location in a mixed use building on Hudson Street between Gansevoort and Horatio Streets for an approximately 3,300 s.f. premise (2,200 s.f. ground floor and 1,100 s.f. cellar, patrons use on ground floor only) with 15 tables, 42 table seats and 1 standup bars with no seats, there is no sidewalk café included with this application; the applicant stated that the maximum occupancy will be 74 or less people, but did not provide a current certificate of occupancy or letter of no objection from the NYC Department of Buildings; and,

**Whereas**, the hours of operation will be Sunday closed, Monday to Wednesday from 5:30 PM to 1 AM, Thursday to Saturday from 12 PM to 1 AM, no patrons will remain at closing, music will be ambient 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 dj's, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv's, soundproofing will be installed in the ceiling and other necessary areas, there are no operable windows, there will be no use of the rear yard garden; and,

**Whereas**, the applicant has significant experience in operating high-end restaurants including in Atlanta, Georgia and in Germany, but has not yet operated a restaurant in New York; he indicated that he had been searching for a location in New York for 5 years and the rent in this particular location was viable for executing his restaurant concept; that building out a restaurant in this previously unlicensed and non-food use location was preferential to other locations which were either mostly too expensive or not in good

shape with existing build outs; he also indicated that this location was across the street from a playing field and that due to the number of seats in the premises he would probably not significantly add to noise or traffic; he indicated he would use Miele dishwashers to reduce sound and the kitchen would be in the middle of the space to prevent sound leakage out the front or the rear of the establishment; he also indicated that due to the size of the space and the limitations on number of people that the space was only conducive to high-end dining; and,

**Whereas**, the applicant did meet with local community residents but was unable to generate support from the residents with whom he met; and,

**Whereas**, residents who appeared in opposition stated that they had met with the applicant and his credentials were impressive, but they did not believe that licensing this location was in the public interest because: **(1)** the premises has not previously been licensed or used for any food uses; **(2)** there are already 28 licensed on-premise liquor licenses within 500 ft.; **(3)** that this location can sustain other non-food and non-beverage based businesses such as retail which is beginning to repopulate this area and which does not have quality of life impacts; **(4)** that retail uses would more directly serve the needs of the surrounding residential area and provide a public benefit over a new high-end restaurant which would have difficult surviving in this area already populated by high end restaurants but would result in a location forever converted to eating and drinking use; **(5)** the price point of this restaurant would serve tourists and visitors and not local residents; **(6)** that adding any more eating and drinking uses and seats to this area immediately adjacent to the MeatPacking District which is around the corner no matter how seemingly benign would simply further add to the overwhelming quality of life issues in the area including increasing the noise in the area, vehicular traffic, later night impacts especially because the location is previously unlicensed; and,

**Whereas**, the applicant presented a petition in support, but there were questions raised regarding some signatures and testimony was provided that there were some signers who changed their minds and there was at least one signature that was not signed by the person identified as the signatory; and

**Whereas**, there are approximately 28 On-Premise Liquor Licenses within 500 feet of this location, many of which are large multi-floor venues in the MeatPacking District and this location is subject to the “500 Ft. Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **S. Management Group, LLC, 641 Hudson St. 10014.**

Vote: Passed, with 39 Board members in favor, 6 in opposition (D. Ballen, T. Connor, M. Derr, A. Meadows, R. Sanz, A. Schwartz) and 1 in abstention (A. Hearn.)

**18. Sugar Factory American Brasserie Meatpacking LLC, d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014 (New OP – Previously Unlicensed)**

**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 “American Brasserie featuring full meals as well as delectable sweets and desserts reasonably pried and served in a warm and convivial atmosphere”; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously-unlicensed location in a commercial building on Little West 12<sup>th</sup> between 9th Avenue and Hudson Street for an approximately 5,000 s.f. premise (3000 s.f. ground floor and 2,000 s.f. cellar, patrons use on both floors) with 40 tables, 107 table seats and 2 standup bars with 20 bar seats on both floors for a grand total of 127 seats on the interior, there will also be an application for a sidewalk café with 6 tables and 14 seats; the applicant stated that the maximum occupancy is 140 persons, but did not provide a current certificate of occupancy showing the maximum occupancy or that this is allowable use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11 AM to 1:30 AM and from Thursday to Saturday from 11 AM to 3 AM, music will be ambient 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 dj's, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv's but there may be up to 3 “promotional monitors”, there is existing soundproofing; and,

**Whereas**, the premises will be divided into three areas, a retail candy store area adjacent to the entrance and two dining areas, one on each floor with a standup bar in each area; and,

**Whereas**, over the past several years there have been previous license applications at this location, no actual license has ever been issued, the location has never operated as a restaurant and no final certificate of occupancy has ever been issued and CB2, Man. most recently recommended denial to the last applicant at this location; and,

**Whereas**, this restaurant concept and premises name is currently in operation just one block away at 46 Gansevoort St. under the name Le Gans Restaurant, Inc. d/b/a Sugar Factory, SN1025594; Charissa Davidovici and Thomas Racine listed as principals in this application are also believed to be principals in Le Gans Restaurant, Inc. via Summer Flower, LLC and it is unclear whether Brian Gold a principal in Le Gans Restaurant Inc. is also a principal or associated with this application; and

**Whereas**, the currently operating Le Gans Restaurant Inc. d/b/a Sugar Factory at 46 Gansevoort St. has generated significant community complaints and is believed to have an adverse licensing history with the Liquor Authority and was recently disapproved before the Full Board of the Liquor Authority for an alteration application to serve alcohol within their sidewalk café; and,

**Whereas**, a new principal included in this application who is not currently affiliated with Le Gans Restaurant, Inc. was previously affiliated with Le Gans Restaurant, Inc. in the past; and,

**Whereas**, the applicant reached out to and met with local residents but was unable to garner community support for this application and concept and in particular for this previously unlicensed location; and,

**Whereas**, the applicant explained that they were looking to move the “Sugar Factory” restaurant to this location because it is larger and can accommodate many more patrons, including a holding area on the interior, and because there is currently a 3 month waiting list for reservations among other reasons; and

**Whereas**, a number of local residents appeared in opposition and written correspondence was received in opposition indicating concerns outlined below; and,

**Whereas**, concerns specific to this applicant include: the concern that there are residential tenants directly across the street; the concern that moving a tourist focused destination to a previously unlicensed location in a densely saturated area creates no public benefit; the concern that the problems with the existing

“Sugar Factory” one block away will simply move to this location and occur on a larger scale, specifically larger loitering crowds, a significant increase in vehicular traffic, problems with an increase in the number of large groups which this concept attracts i.e. bachelorette parties etc. who arrive and leave en masse and create quality of life issues; the concern that approving this application would be rewarding behavior at the previous location which included continuing unlicensed alcohol service in an unapproved sidewalk café and lack of concern for residential neighbors and the impacts of quality of life issues created by this operation; the concern that this location is sandwiched between two nightlife venues, Bagatelle and Provocateur, both of which have received a significant number of complaints over the years in regards to stipulation violations and quality of life issues (Bagatelle has improved); the concern that simply adding one more new establishment of this size will only serve to reduce quality of life in this area by adding to an already untenable situation; and,

**Whereas**, there were specific concerns regarding the nature of the large multi person cocktails served and overconsumption by patrons; and,

**Whereas**, there are also concerns with licensing another establishment in the meat packing district of this size; the meat packing district is widely understood and has been demonstrated repeatedly to be oversaturated with many licenses (many for multi-floor premises with high occupancy); there is an existing vehicular traffic problem which is acknowledged by New York City’s Department of Transportation (which is in the midst of a long running traffic evaluation of the area in response to the overwhelming vehicular traffic which extends into the adjoining residential communities whose streets are not equipped to handle the type of evening vehicle volume which descends on this area during peak dining hours and later into the evening through 4 a.m. as a result of the limited entry ways into the Meat Packing District); there is an acknowledged very high volume of pedestrian traffic through the course of the evening and into the early morning hours in the larger area including residential areas due to the high number of patrons who frequent this area and as a result of a lack of adjoining public transportation options and the corresponding lack of for hire vehicles willing to transit this high traffic area; the number of existing licensed venues, vehicles, traffic congestion and pedestrians all have a direct impact on the existing noise level in the area which directly impacts the quality of life of area residences in a significant manner; and there is a wide belief among local residents that licensing any additional premises in the area would not meet the public interest standard, in particular this operation which currently exists certainly does not meet the standard; and,

**Whereas**, there are approximately 30 On-Premise Liquor Licenses within 500 feet of this location and this location is subject to the “500 Ft Rule” and no exceptions appear to apply and CB2, Man. respectfully requests that a “500 ft.” hearing be conducted;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an On Premise license for **Sugar Factory American Brasserie Meatpacking LLC, d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014.**

Vote: Unanimous, with 46 Board members in favor.

**19. Down and Dirty Tacos and Tequila Bar Meatpacking LLC, d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (New OP Restaurant Liquor)**

**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 “neighborhood restaurant specializing in authentic Mexican street food catering to families, couples and authentic food lovers serving regional specialties in a warm atmosphere”; and

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location located on the northeast corner of Washington St. and Little West 12<sup>th</sup> Street in a 2-story commercial building on the basement, ground floor and second floor with patron use on each floor, the premises is stated to be approximately 6,000 sq. ft. (approx. 2,000 sq. ft. per floor), with 46 tables and 144 seats throughout the premises, 3 stand up bars with 37 seats and an additional 4 seats located on the ground floor at a taco counter all as indicated on the provided seating diagram; there is an expired temporary certificate of occupancy which will be renewed and always kept current while the premises is in operation which indicates a maximum occupancy of 102 persons in the basement, 100 persons on the ground floor and 120 people on the second floor for a maximum occupancy of 322 persons; there will be NYC Department of Consumer Affairs licensed sidewalk café limited to no more than 20 tables and 40 seats, the sidewalk café will close no later than 12am 7 days a week and all tables and chairs will be removed at 12am 7 days a week; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11 AM to 1 AM and from Thursday to Saturday from 11 AM to 2 AM (no patrons shall remain at closing), music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) on the ground floor and second floor, there may be a d.j. in the basement only used for private parties only, there will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; the basement will be a high-end restaurant variation of the premises restaurant theme, the ground floor will be a taqueria and dining room and the second floor will have games such as skeeball, pinball and snacks and a more casual food service; 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 Liquor License stating that:

1. The premises will be advertised and operated as a neighborhood restaurant specializing in casual Mexican street food for families and food lovers. It will be operated as a full service restaurant with the kitchen open and food available until closing every night. The basement will be a high end restaurant variation of the food theme.
2. The hours of operation will be Sunday to Wednesday from 11 AM to 1 AM and from Thursday to Saturday from 11 AM to 2 AM. No patrons will remain at closing time.
3. The premises will not be operated as a nightclub or disco as defined under New York State alcohol beverage consumption law guidelines or in any other common definition.
4. The premises will not seek a New York City Department of Consumer Affairs Cabaret License.
5. There will be no backyard garden.
6. There is sufficient existing soundproofing according to the operator.
7. All doors and windows will be closed at 10 PM every night.
8. There'll be no live music, promoted events, scheduled performances, or any events at which a cover fees charged.
9. There will be a disc jockey in the basement only for private parties only.
10. Games such a scheme all in videogames to be on the second floor only.

The ground floor and second-floor Will have quiet ambient background music only there will be no DJ on the ground floor or second floor.

The basement will not be operated as a lounge. It will be a full-service restaurant.

There'll be no use of the rooftop for patrons.

There will be no patron lines outside the premises.

If it becomes necessary the operator will address trash from take-out food in the vicinity of the premises.

The sidewalk café will be limited to no more than 20 tables and 40 seats.

The operator will operate the sidewalk café no later than 12 AM midnight seven days a week. At closing time (no later than midnight), all tables and chairs will be removed.

**Whereas**, the applicant reached out to local residents, several of whom also appeared at the presentation and spoke, and CB2, Man. received correspondence expressing concerns regarding late night operation and other concerns which are familiar to the SLA and CB2 Man. in regards to existing conditions in the Meatpacking area as they relate to quality of life issues, crime, traffic, noise, congestion and requested as part of their method of operation the operator reduce there operating hours, which they agreed to as indicated above and they also reduced the maximum number of tables and chairs that they would have in their sidewalk cafe;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor 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 (New OP)** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Passed, with 45 Board members in favor, and 1 in opposition (S. Tyree).

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

**20. O Café on 6th LLC, 482 6th Ave. 10011**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10th, 2014, the applicant’s attorney requested to layover this application for a new tavern wine license in order to (1) return with the principal on the license, (2) to have additional time to present complete plans including how the premises will comply with the SLA requirements for a having a bathroom for patrons as the existing bathroom is not accessible to patrons as it is only accessible by walking through the kitchen which does not satisfy NYC regulations for a patron bathroom and (3) to present a new floor diagram which includes a proposed new passageway to be constructed which would change the kitchen layout and counter area and provide patron access to the existing bathroom in a manner which would allow patrons to use the bathroom in compliance with NYC regulations;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for O Café on 6th LLC, 482 6th 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 46 Board members in favor.

**21. Mirtos Restaurant Inc., d/b/a Village Den Restaurant, 225 West 12th St. 10011**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10th, 2014, the applicant requested to **layover** this application for a new restaurant wine license in order to return with a completed CB2 Questionnaire and application packet, including 10 copies for members of the committee as requested, and to perform community outreach;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Mirtos Restaurant Inc., d/b/a Village Den Restaurant, 225 West 12th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

**22. Blue LLC, d/b/a TBD, 101 Perry St. aka 552-558 Hudson St.10012**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to **layover** this application for a new restaurant on-premise liquor license in order to properly perform community outreach and to provided adequate notice using the accurate address for the store front location (on Hudson St.) to be licensed (not the address for the residential entrance to the building located on Perry Street);

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Blue LLC, d/b/a TBD, 101 Perry St. aka 552-558 Hudson 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 46 Board members in favor.

**23. BGH Dining, Inc. d/b/a Shuka Dining Bar, 24 Greenwich Ave. 10011 (RW)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to **layover** this application for a new restaurant wine license or corporate change for an existing 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 **BGH Dining, Inc. d/b/a Shuka Dining Bar, 24 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 46 Board members in favor.

## **22. 5 Ninth Avenue, LLC, 5 Ninth Avenue 10014 (Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to **layover** this application for a new on-premise 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 **5 Ninth Avenue, LLC, 5 Ninth Avenue 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

**1. Resolution asking to daylight (remove a parking space) on the south side of Washington Sq. S. just west of Sullivan St., put in All-Way Stop signage at that intersection and install neckdowns at the crosswalks on the SE and SW sides to provide visibility to turning vehicles and safety to crossing pedestrians.**

**Whereas** motor vehicles traveling on northbound Sullivan St. and turning right (as they must) at the eastbound Washington Sq. S. T-intersection have great difficulty seeing oncoming traffic from the west, because parking on the Square's southwest side obscures visibility, forcing drivers to slowly inch forward to look for approaching vehicles and diverting their attention from people crossing the street, endangering both motorists and pedestrians; and

**Whereas** the Sullivan St./Washington Sq. S. intersection is particularly busy and problematic, what with fast-moving vehicular traffic coming by from the west on Washington Sq. S., a CitiBike station on the west side of Sullivan, and heavy pedestrian traffic going to or coming from the park, including many children and seniors, as well as NYU students coming to and from class, all further compounding this dangerous situation; and

**Whereas** daylighting (i.e. removing a parking space) on the south side of Washington Sq. S. just west of Sullivan St. can provide the sorely needed line of sight for vehicles coming north on Sullivan; measures also are needed to prevent trucks and other vehicles from temporarily parking in the daylighted space and blocking the needed vision. Legal motorcycle and scooter parking can insure these spaces are kept clear of vision-blocking vehicles, while providing necessary parking for these congestion- and carbon-reducing modes (three or more of these two-wheeled vehicles fit into one parking space); and

**Whereas** there are Stop signs on Washington Sq. S. for the vehicular traffic heading north on Sullivan St., but no Stop signs for the fast-moving traffic traveling east, and the south-north pedestrian crossing there is lengthy;

**Therefore be it resolved** that CB#2, Man. asks that one parking space be daylighted, i.e., totally removed, on the south side of Washington Sq. S. just west of Sullivan St. (next to/west of the western south-north crosswalk); and

**Be it further resolved** that CB#2, Man. requests that All-Way Stop signage be installed at the Washington Sq. S./Sullivan St. intersection; and

**Be it further resolved** that CB#2, Man. asks for painted neckdowns at the crosswalks on the SE and SW sides of Washington Sq. S. at Sullivan St.; and

**Be it finally resolved** that CB#2, Man. asks that motorcycle/scooter parking be provided in the daylighted space that is requested on the south side of Washington Sq. S. just west of Sullivan St.

Vote: Unanimous, with 46 Board members in favor.

**2. Resolution requesting a bus shelter on 7<sup>th</sup> Ave. S. at the M20 stop just north of Bleecker St. and City Benches at M20 bus stops on 7<sup>th</sup> Ave. and 7<sup>th</sup> Ave. S. from W. 14<sup>th</sup> St. to Houston St.**

**Whereas** there are very few bus shelters at stops along the M20 bus route on 7<sup>th</sup> Ave. and 7<sup>th</sup> Ave. S. from W. 14<sup>th</sup> to Houston Sts., depriving M20 users there of needed seating and other accommodation, particularly difficult in view of the long waits these users (especially those using the many senior facilities in this area) must undergo because of the M20's infrequency; and

**Whereas** the M20 bus stop on 7<sup>th</sup> Ave. S. just north of Bleecker St. is central to the many senior centers and activities as well as children's programs in the area, is right in the heart of the Village business strip, and is located midway along the W. 14<sup>th</sup> to Houston Sts. segment of the route, a bus stop location eminently in need of and suited for a bus shelter to serve the large constituency. There is ample sidewalk space there to accommodate a bus shelter, absent of obstructions such as subway grates and with a defunct enclosed sidewalk café that should be removed and that upon removal, will provide further clearance; and

**Whereas** a bus shelter that previously existed at 7<sup>th</sup> Ave. and W. 12<sup>th</sup> St. was removed and never restored, although it is greatly needed at that location, and the NYC Department of Transportation (DOT) reports that the new (Cemusa) bus shelters could not be installed there, because their deep foundation plates would conflict with the existing sidewalk vault; and

**Whereas** the following bus stops along the W. 14<sup>th</sup> to Houston Streets segment of the M20 route also are in need of bus shelters, but DOT has indicated that the City is approaching the maximum number (3500) of bus shelter installations under their contract with Cemusa, and is no longer accepting bus shelter requests, however has offered to see if these locations are feasible for stand alone City Benches: 7<sup>th</sup> Ave. at W. 14<sup>th</sup> St., 7<sup>th</sup> Ave. S. at Waverly Pl./Perry St., 7<sup>th</sup> Ave. S. at W. 4<sup>th</sup> St./Sheridan Sq., 7<sup>th</sup> Ave. S. at Bedford St., and 7<sup>th</sup> Ave. S. at Clarkson St./Houston St.; and

**Whereas** DOT has indicated there will be another Cemusa contract in the future;

**Therefore be it resolved** that CB#2, Man. urges that a bus shelter be installed as soon as possible on 7<sup>th</sup> Ave. S. at the M20 stop just north of Bleecker St., i.e., that the installation of this shelter be included in the remaining allocations under the current Cemusa contract; and

**Be it further resolved** that since the current Cemusa bus shelter model is unsuitable for the 7<sup>th</sup> Ave./W. 12<sup>th</sup> St. bus stop, CB#2, Man. asks that a City Bench (or Benches) with back(s) be installed at the M20 bus stop at that location and that DOT consider installing a less intrusively designed bus shelter there in the future; and

**Be it further resolved** that CB#2, Man. requests that City Benches with backs be installed at the following M20 bus stop locations: 7<sup>th</sup> Ave. at W. 14<sup>th</sup> St., 7<sup>th</sup> Ave. S. at Waverly Pl./Perry St., 7<sup>th</sup> Ave. S. at W. 4<sup>th</sup> St./Sheridan Sq., 7<sup>th</sup> Ave. S. at Bedford St., and 7<sup>th</sup> Ave. S. at Clarkson St./Houston St. and that these locations be considered for bus shelters in a future Cemusa contract; and

**Be it finally resolved** that the long unoccupied, defunct sidewalk café enclosure opposite the M20 bus stop on 7<sup>th</sup> Ave. S. just north of Bleecker St. be removed as soon as possible.

Vote: Unanimous, with 46 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan