

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Daniel Miller, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** May 19, 2016  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building Auditorium, 557 Broadway

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Erik Coler, Tom Connor, Terri Cude, Doris Diether, Cristy Dwyer, Kathleen Faccini, Susan Gammie, Robin Goldberg, Sasha Greene, Susan Kent, Jeannine Kiely, Edward Ma, Daniel Miller, Lauren Racusin, Lois Rakoff, Robert Riccobono, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Federica Sigel, Shirley Smith, Susan Wittenberg

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, Robert Ely, Cormac Flynn, Billy Freeland, Joshua Frost, David Gruber, Maud Maron, Alexander Meadows, Robin Rothstein, Chenault Spence, Antony Wong, Elaine Young

**BOARD MEMBERS ABSENT:** Don Borelli

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Coral Dawson, Joseph Gallagher, Jonathan Geballe, Robert Woodworth

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** David Bocarsly, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Paola Ruiz and Tommy Lin, Mayor Bill DeBlasio's Community Affairs Unit; Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Mark Dicus, Sal Corsalvo, Jessica Chen, Ken Wallach, Julie Rupperecht, Zella Jones, Miranda Murray, Danielle Tcholakian, Oscar Agoada, Ramon Bellido, Cievel Xicohtencatl, Martin Baransky, Ana Miranda, Ruth Kuzub

### MEETING SUMMARY

Meeting Date – May 19, 2016  
Board Members Present – 35  
Board Members Absent With Notification – 12  
Board Members Absent - 1  
Board Members Present/Arrived Late - 5  
Board Members Present/Left Early – 0

## **I. SUMMARY AND INDEX**

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Hudson Park Library

Miranda Murray spoke regarding upcoming events at the library.

#### Several Announcements

Lois Rakoff made several announcements: 1) the Bellevue Community Advisory Board meeting will be held on May 25<sup>th</sup>, and 2) the Washington Square Music Festival begins every Tuesday evening in June.

#### Elder Abuse Resource

Sasha Greene announced that a film regarding elder abuse will be shown on June 16<sup>th</sup> at the Museum of Chinese in America.

#### Arte Institute Presentation

Ana Ventura Miranda announced that a special event highlighting Portuguese culture is going to be held in SoHo Square on May 29<sup>th</sup>.

#### SoHo Broadway

Mark Dicus spoke regarding the upcoming SoHo Broadway meeting.

#### Elizabeth Street Garden

Jeannine Kiely spoke regarding the garden.

### **SLA Licensing Items**

#### 228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014

Ruth Kuzub spoke in favor of the establishment's liquor license renewal.

## **III. ADOPTION OF AGENDA**

#### **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

David Bocarsly, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

#### **V. ADOPTION OF MINUTES**

Adoption of the March minutes and distribution of the April minutes

#### **VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.

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

#### **STANDING COMMITTEE REPORTS**

#### **LANDMARKS AND PUBLIC AESTHETICS**

#### **FIRST LANDMARKS MEETING**

**1. 247 W. 12th St.** – Application is to install a marquee at the W. 12th St. entrance

#### **Whereas:**

- A. The entrance to the building currently has a 1'-0" deep marquee; and
- B. The proposed marquee would be attached to the building in a manner that respects the distinctive brickwork above the entry; and
- C. The proposed 4 down-facing lights are intended simply to illuminate the entry; and
- D. The proposed marquee is 5'-0" deep, greatly increasing it's visibility and impact on this side street where marquees are atypical; now

**Therefore be it resolved:** that CB2, Man. recommends denial of the marquee unless it's projection is reduced from 5'0" to 3'-0".

Vote: Unanimous, with 34 Board members in favor.

**2. 85-89 Jane Street** - Application is to construct rooftop additions, raise the height of the street wall, and alter the rear facade.

**Whereas:**

- A. The proposed additions, street wall fenestration, and overall choice of materials are conceptually rooted in industrial references, such as factory smokestacks and steel windows, referenced from outside the designated historic district, and disrespect the rhythm and proportion of Jane Street's residential and commercial, rather than industrial character; and
- B. The design presented has two imposing, highly visible towers with a domineering street wall; and
- C. The proposed towers, at heights of 80' and 90', would impose a stark self-referenced intrusion on the intimate streetscape of this low rise block both in massing and materials, most notably in the use of translucent glass for the library tower, asserting a monolithic glow-in-the-dark presence on a quiet Village street; and
- D. The addition of a 40' street wall structure and the removal of the existing parapet at 89 Jane shifts the characteristic architectural tone away from the Greenwich Village Historic District and suggests a contemporary take on a medieval fortress surrounding an ivory tower, the severity of which could be mitigated by the preservation of the parapet and stepping back of the street wall; and
- E. The rough hewn wood proposed at 85 Jane, while referencing the material of water towers, is without reference to the typography of the existing 1892 structure; and
- F. The proposal includes restoration work to the front façade of 85 Jane and the restoration of the original buff colored brick; and
- G. Several letters were received and close to 100 people from the community came to the committee meeting to express opposition to the proposal, more than 20 of whom, including individuals speaking on behalf of the Jane St. Block Association, the Greenwich Village Community Task Force, Preserve Jane Street, as well as Andrew Berman of GVSHP, voiced concerns regarding the negative impact of the proposal on the streetscape, its contextual confusion, the insensitive scale of the towers and the street wall, and the detrimental precedential impact of the proposal on the historic district; and
- H. The proposed landscaped roof gardens are a welcome and environmentally sensitive addition to the flat roofs; now

**Therefore be it resolved:** that CB2, Man. recommends

- A. That the rooftop additions be denied.
- B. That the raising of the street wall as currently proposed be denied.

- C. That the alterations to the rear façade be denied.
- D. That the proposed restoration work to the front facade, including the restoration of the brick to its original buff color, be approved.

Vote: Unanimous, with 34 Board members in favor.

**3. 183 W. 10th.** – Application is to replace an existing storefront.

**Whereas:**

- A. The existing aluminum storefront will be removed and replaced with a painted wood framed storefront with glass transoms and an 18” bulkhead with recessed panels and ogee detailing; and
- B. The existing retractable awnings are to remain; and
- C. The proposal respects the original cast iron columns of the 1897 building; and
- D. The existing painted stucco sign band will remain and the proposed lettering is of reasonable scale; and
- E. The illumination of the sign band consists of three goosenecked light fixtures; and
- F. The windows will be operable accordian-style windows opening out on to the street and do not suit the building; now

**Therefore be it resolved:** that CB2, Man recommends

- A. That the removal of the existing aluminum storefront be approved.
- B. That the replacement wood framed storefront be approved.
- C. That the signage and illumination be approved.
- D. That the accordian style windows be denied.

Vote: Unanimous, with 34 Board members in favor.

**4. 23 E. 10th Street**– Application for a “Distinctive Sidewalk” (sidewalk replacement project) (This item will be heard at the Arts Commission hearing on June 1st)

**Whereas:**

- A. The proposal seeks to unify disparate sidewalk elements; and
- B. The proposed work will maintain the existing portions of granite sidewalk; and
- B. The proposal must conform to strict DOT guidelines; and

- C. The single most important visual element of the proposal is the choice of color, both in hue and value; now

**Therefore be it resolved:** that CB2, Man. recommends approval of the proposal, noting the critical importance of color selection to it's visual success.

Vote: Unanimous, with 34 Board members in favor.

**5. 34 Dominick Street** – Application is to add an attached non-commercial greenhouse in the rear, a stair bulkhead and roof deck at the roof, and convert a 2-family dwelling to a 1-family dwelling.

**Whereas:**

- A. The proposed rear greenhouse is of modest proportion and does not other than the removal of a previous addition, disturb the existing rear facade; and
- B. The proposed raised parapet walls are to be of reclaimed brick and harmonious with the existing 1826 house; and
- C. The proposed roof deck, bulkhead and guardrail are minimally, if at all, visible; now

**Therefore be it resolved:** that CB2, Man. recommends approval of the application.

**SECOND LANDMARKS MEETING**

**6. \*341 West 11<sup>th</sup> Street** - Application is to replace windows at the 7<sup>th</sup> floor (PH level) with new arch-front units with a historically conforming brick mold at the existing arched masonry opening

**Whereas:**

- A. The proposal seeks to remedy an open violation from 2001 regarding non-conforming windows installed without a permit on the building's two street-facing facades; and
- B. The proposed windows are metal-framed sash windows with a glass arch curved to match the profile of the existing masonry opening, surrounded by a square frame; and
- C. The square metal frame becomes visible when the top sash is down, thereby revealing the contemporary structure of the window; and
- D. The proposed remedy to the open violation is still an aluminum, rather than painted wood, window, and is still, when open, clearly square rather than curved at the top sash; now

**Therefore be it resolved:** that CB2, Man. recommends denial of the proposed aluminum windows.

Vote: Unanimous, with 34 Board members in favor.

8. \*11 Jane Street. – Application is to demolish the existing building and construct a new one.

**Whereas:**

- A. The applicant represented that the building proposed to be demolished was represented as “non-contributing”, yet is a handsome building, not without historic significance as an archetypal example of early commercial garages in the neighborhood, several of which have been adaptively repurposed; and
- B. The proposed replacement building offers no meaningful connection to the historic district, and when asked what reference points connected the building specifically to the Village, rather than any other neighborhood, the architect could only offer the weak rationale of eclectism; and
- C. The concept of eclectism as applied here is too broad a rationale to offer any substance, indeed the current proposal offers none of the unique eclectism that characterizes the historic district, and rather than reflecting any of the unique variety of elements of the surrounding district, the building in fact was repeatedly described by the architect as a “regular” building; and
- D. The regularity of the building is reflected in a rhythm and scale that is inconsistent with its mid-block streetscape, and at 95’ high, with 100’ of street frontage, would profoundly and irrevocably alter the character of the block; and
- E. The large scale uninterrupted grid of the facade is dissonant within the context of the low rise intimate streetscape; and
- F. The fenestration reflects a proportion of void to solid that is more appropriate to industrial loft buildings than to this small stretch of Jane Street, with floor to ceiling openings that stand out aggressively and are inconsistent with the rectangular punched, double hung windows that are typical of the architectural vocabulary of the district; and
- G. The light color of the building’s pre-cast concrete serves to make the building seem even larger and, according to the architect, is unlikely to age down; and
- H. The overall use of steel in window frames and balustrades, canopy, gates and perforated mesh panels is better suited to another neighborhood; and
- I. The 19’ rooftop mechanical unit is unnecessarily massive and could be scaled back; and
- J. Several of the apartment buildings that were used as massing references are of the type that the Landmarks Law was enacted to preclude; and
- K. The negative precedential impact of the scale and type of this building and others like it on small mid-block Village streets is an increasing concern; and

- L. Over 110 members of the community came to the committee meeting to oppose the design, backed up by petitions that were offered with over an additional 100 signatures, a statement from Greenwich Village Society for Historic Preservation was read, and over twenty-five neighbors offered testimony in opposition to the proposal, citing concerns over flagrant disrespect for the character of Jane Street, insufficient information regarding rear façade, inappropriately large scale of rooftop mechanicals, insensitivity of volume, and noting a missed creative opportunity in resolving the complex relationship between new construction and the Greenwich Village Historic District; and
- M. When a developer requests to demolish a building in a designated district, a sense of equity and reciprocity to the architecture, the style, the scale and the inhabitants who have chosen to live in the district demands a more sensitive, less imposing and more respectful result; now

**Therefore be it resolved:** that CB2, Man. recommends

- A. Denial of the demolition of the existing garage.
- B. Denial of the building as proposed, due to issues regarding scale, massing, materials, and lack of contextual reference to the surrounding Greenwich Village Historic District.

Vote: Unanimous, with 34 Board members in favor.

**LAND USE AND BUSINESS DEVELOPMENT**

**1. 117 Seventh Avenue South (east side between Christopher and West 10th Streets) BSA Cal No. 1-95-BZ: application for an extension of a previously-granted Special Permit ZR 73-36 for a physical culture establishment (New York Sports Club).**

**Whereas:**

- 1. The application is for an extension of a previously-granted Special Permit ZR 73-36 for a physical culture establishment.
- 2. The PCE is located in portions of the cellar, first floor, second floor, third floor and third floor mezzanine.
- 3. The current operator of the facility is New York Sports Club, the same entity that was granted the original special permit in 1995 and the extension in 2005.
- 4. The facility has operated without incident.
- 5. The delay in the timely filing of the application was due to a change in the project’s architect as well as a landlord/tenant issue, none of which created any adverse issues relating to the operation of the PCE.
- 6. No one from the public appeared to speak either in favor of or in opposition to this application.

**Therefore,** CB2, Man. has no objection to this application.

Vote: Unanimous, with 34 Board members in favor.

**2. 248 Lafayette Street** (west side between Prince and Spring Streets) Application to CPC for a special permit pursuant to Section 74-711 of the Zoning Resolution to allow retail uses (Use Group 6) on portions of the ground floor and basement of an existing six-story building in a M1-5B district

**Whereas:**

1. Application is to convert 2270sf of space in basement with entrance on Crosby St. and 1390sf (approximately half) of first floor to Use Group 6 retail.
2. JLWQA residents on first to sixth floors will not be affected and the applicant stated that the application has the approval of the building's coop board.
3. Applicant agrees to no eating and drinking establishments in the proposed retail spaces.

**Therefore,** CB2, Man. recommends approval of this application.

Vote: Unanimous, with 34 Board members in favor.

**PARKS/ WATERFRONT**

**1. Resolution in support of agreement and plan from NYC Department of Parks and Recreation and the National Park Service on Christopher Park Operations**

**Whereas**

1. This committee passed a resolution in July 2015, in support of the proposed creation of the Stonewall National Historic Monument.
2. The plan for maintenance and operation of Christopher Park, if it were to be transferred to the federal government for the establishment of this new national park unit, has been an unanswered question.
3. The NYC Department of Parks and Recreation and the National Park Service have been meeting to plan to this end.
4. An outline of a proposed agreement between the two agencies describing how they are jointly agreeing to develop a long-term partnership to efficiently and effectively manage Christopher Park and ensure a seamless continuation of services and access to the park, again, assuming Christopher Park is transferred and the national park unit is established, has been presented to our committee.
5. The National Park Service has assured Community Board 2 that it will work to construct a formal agreement with the Christopher Park Alliance for the maintenance and operation of the park, if the national park is established.

**Therefore be it resolved that CB2, Man.:**

1. Supports this plan and appreciates of the efforts to strike this agreement.
2. Asks that a documented role for the Christopher Park Alliance be formalized by the National Park Service as soon as possible after approval of the establishment of the national park.

VOTE: Unanimous, with 34 Board Members in favor.

## **2. Resolution in support of the design for the renovation of the comfort station at Seravalli Playground**

### **Whereas:**

1. Corporal John A. Seravalli Playground, located at Horatio and Hudson Streets, was renovated and re-opened in 2011, and reconstruction of the comfort station located within it was planned to follow.
2. The NYC Department of Parks and Recreation (DPR) has completed a schematic design for this project to renovate and reconstruct this building, has approved it internally, is in the process of submitting it for comment and approval by external regulatory agencies.
3. The budget for this renovation project is \$1.2M.
4. The comfort station is a landmarked building, so the outline of the structure must remain as is.
5. The new design makes the building ADA compliant.
6. All finishes, windows, doors, toilet compartments, and mechanical/electrical/plumbing systems will be replaced and the weather vane will be refurbished.
7. The mechanical space will be reduced so that the bathrooms can be larger, and there is potential for storage of playground equipment within the building.
8. Changing tables in each bathroom will be included in the design.
9. The DPR assured the committee that the comfort station will be maintained daily during the busy season by a DPR staff person specifically assigned to this task.

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

Supports this proposed renovation, the design of which was presented to our community and community by the New York City Department of Parks and Recreation.

VOTE: Unanimous, with 34 Board Members in favor.

## **Resolution in support of the project to clear Gansevoort Peninsula**

### **Whereas:**

1. Gansevoort Peninsula, the land of which is owned by the State, the buildings that currently exist on it are owned by the City, and the operations currently performed there are performed by the NYC Sanitation Department, is in the process of being cleared after which this large area will be turned over to the Hudson River Park Trust.
2. The NYC Department of Design and Construction (DDC) is running the project for the Sanitation Department, with involvement of Department of Buildings, DOT, and the Fire Department, and came in front of our committee to discuss the plans and status
3. The effort involves demolition of all buildings, removal of all buildings and foundations, and removal and replacement of five feet of soil.
4. When the project is completed, the team will leave a clean gravel surface with surrounding fencing and solar-powered nighttime lighting in order to make it secure location.
5. The current schedule is anticipating completion by winter 2017 (March, 2017, i.e., 10 months from now).
6. The DDC representative said that toxic materials are not expected to be found during this project and the replacement of the five feet of soil should ensure safe conditions, but if any such materials are found during the demolition process, whether in the buildings and/or in the soil, such issues will be addressed safely, which could extend the schedule.

**Therefore be it resolved that CB2, Man.:**

Supports this project, the plan for and status of which was presented was presented to our committee and community by the New York City Department of Design and Construction.

VOTE: Unanimous, with 34 Board Members in favor.

### **QUALITY OF LIFE**

**New Applications for revocable consent to operate an unenclosed sidewalk café for:**

**1. BSL Carmine, Inc., d/b/a Bluestone Lane, 30 Carmine St.,** with 6 tables and 12 chairs (4156-2016-ASWC)

**Whereas,** there were no community members present to speak about this application; and

**Whereas,** there were no issues identified with regard to layout and placement of the proposed tables and chairs; and

**Whereas,** the right to create a sidewalk café at this address was confirmed by review of the Zoning and Land Use database, which shows that the address is located within a C1-5 commercial overlay of the underlying R7-2 zone;

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **BSL Carmine, Inc., d/b/a Bluestone Lane, 30 Carmine St.,** with 6 tables and 12 chairs.

**VOTE: Unanimous, with 33 board members in favor.**

**2. VAP Union Square, LLC, d/b/a Vapiano, 113 University Pl.,** with 8 tables and 15 chairs (3082-2016-ASWC)

**Whereas,** by the time of the meeting, the Community Board office had received at least 23 emails from neighborhood residents opposed to the proposed sidewalk café, and approximately a dozen local residents spoke at the meeting in opposition to the cafe; and

**Whereas,** objections to approving a café at this location included neighbor testimony about vehicular and pedestrian traffic congestion and safety related to the major construction site across University Place; a history of complaints about dirty sidewalks, crowd noise, and HVAC noise at the existing restaurant; violations of SLA stipulations regarding trash removal and closing windows by 10:00 p.m.; and frequent lack of a knowledgeable manager on premises; and

**Whereas,** the representatives of the application were their architects, and there was no representative of restaurant management to speak to the operational issues raised by community residents; now

**Therefore Be It Resolved,** that CB2, Man. recommends **denial** of a sidewalk café for **VAP Union Square, LLC, d/b/a Vapiano, 113 University Pl.,** with 8 tables and 15 chairs; and

**Be It Further Resolved** that CB2, Man. recommends that the applicant be permitted to re-apply after the major construction across University Place has been completed and when the applicant can demonstrate that it is in full compliance with the SLA stipulations to which it has agreed.

VOTE: Passed, with 32 board members in favor; 1 abstention (R. Sanz).

**3. SoHo 75, LLC, d/b/a The Mill, 75 Varick St., with 7 tables and 24 chairs (4572-2016-ASWC)**

**Whereas**, there were no members of the public present to speak about the application; and

**Whereas**, the premises seats 25-30 patrons inside and has no liquor license; and

**Whereas**, the restaurant's hours of operation are Monday-Friday, 6:00 a.m. to 9:00 p.m., Saturday 7:00 a.m. to 3:00 p.m., and closed on Sunday; and

**Whereas**, that applicant stated that café tables will go out at 8:00 a.m. and be removed by 9:00 p.m.; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **SoHo 75, LLC, d/b/a The Mill, 75 Varick St.**, with 7 tables and 24 chairs, provided that the hours of operation stated by the applicant are followed.

VOTE: Unanimous, with 33 board members in favor.

**4. Kale NYC, LLC, d/b/a Oficina 1000 Miglia, 371 Broome St., with 11 tables and 22 chairs (4401-2016-ASWC)**

**Whereas**, there were no members of the public present to speak about the application; and

**Whereas**, the committee identified problems with the plans as presented and the applicant agreed to make the following corrections to its proposed operations and the drawing:

1. The Broome Street façade does not have an operable façade, but rather operable windows and a door;
2. The Mott Street façade has operable full-height windows that lead to the service aisle for two tables and four chairs, and those two tables and four chairs must be removed when windows are closed;
3. Windows must be closed at 10:00 p.m. every day, and the windows and doors facing Broome Street must be closed at all times as required by the SLA stipulation, which may affect the café layout;

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **Kale NYC, LLC, d/b/a Oficina 1000 Miglia, 371 Broome St.**, provided that new plans are submitted that comply with the SLA stipulation that there be no access on Broome St.

VOTE: Unanimous, with 33 board members in favor.

**4. MoonBlu, Inc., d/b/a Joy Burger Bar, 361 6<sup>th</sup> Ave., with 11 tables and 22 chairs (5445-2016-ASWC)**

**Whereas**, the applicant had missed the deadline for submitting his renewal application, which necessitated the renewal being presented like a new application; and

**Whereas**, the applicant attested that his sidewalk café operates exactly as it has operated under its previously approved application; and

**Whereas**, there were no members of the public present to speak about the application; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **MoonBlu, Inc., d/b/a Joy Burger Bar, 361 6<sup>th</sup> Ave.,** with 11 tables and 22 chairs.

VOTE: Unanimous, with 33 board members in favor.

Assignment App. for revocable consent to operate an unenclosed sidewalk café for:

**5. BKUK 7 Corp., d/b/a Gallo Nero III, 1 7<sup>th</sup> Ave. South,** with 18 tables and 36 chairs (5188-2016-ASWC)

**Whereas,** the applicant is seeking approval to be assigned the revocable consent to operate a sidewalk café previously approved for the site, with no changes to the layout or operations: and

**Whereas,** one member of the public objected to the application saying that there had been complaints about the operator regarding a different location and expressing concern about a supposed sidewalk grate in front of the location; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the assignment for revocable consent to operate an unenclosed sidewalk café for **BKUK 7 Corp., d/b/a Gallo Nero III, 1 7<sup>th</sup> Ave. South,** with 18 tables and 36 chairs.

VOTE: Unanimous, with 33 board members in favor.

**Renewal App. for revocable consent to operate an unenclosed sidewalk café for:**

**6. 55 Greenwich Café, Inc., d/b/a BlueStone Lane, 55 Greenwich Ave.,** with 9 tables and 24 chairs (2011207-DCA)

**Whereas,** there were no members of the public present to speak about the application: and

**Whereas,** the photograph submitted with the application did not conform with the layout drawing submitted with the application; and the operator agreed to follow the approved layout henceforth; and

**Whereas,** there was a question about a possible SLA stipulation regarding the premises that was later shown by Community Board staff to be related to a different premises with a similar name; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the renewal for revocable consent to operate an unenclosed sidewalk café for **55 Greenwich Café, Inc., d/b/a BlueStone Lane, 55 Greenwich Ave.,** with 9 tables and 24 chairs.

VOTE: Passed, with 32 board members in favor; 1 Against (T. Connor)

**FYI Sidewalk Café Renewals:**

**7. Thai Smile Restaurant, Inc., d/b/a Tue Tahi Food, 3 Greenwich Ave.,** with 10 tables and 20 chairs (2006631-DCA)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor

**8. Legendary Night Spots, Inc., d/b/a The Duplex, 61 Christopher St.,** with 18 tables and 36 chairs (4166-2016 ASWC)

**Whereas**, one representative of the applicant was present to support the application and there were no members of the public present to speak about the application; and

**Whereas**, the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

**9. Tatane Corp., d/b/a Fiat Café, 203 Mott St.,** with 2 tables and 4 chairs (2009331-DCA)

**Whereas**, there were no members of the public present to speak about the application; and

**Whereas**, the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

**10. 815 Broadway NYC, LLC, d/b/a The Hummus and Pita Co., 815 Broadway,** with 6 tables and 12 chairs (2004087-DCA)

**Whereas**, there were no members of the public present to speak about the application; and

**Whereas**, the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

**11. 265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, 263 Lafayette St.,** with 7 tables and 14 chairs (2009341-DCA)

**Whereas**, there were no members of the public present to speak about the application; and

**Whereas**, the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

**12. SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St.,** with 14 tables and 29 chairs (2004071-DCA)

**Whereas,** there were no members of the public present to speak about the application; and

**Whereas,** the committee was unaware of any complaints made about the operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

**Street Activity Applications:**

**13. 8/28/16 – GVCCC Pop-Up Fair; Hudson Street between West 13<sup>th</sup> St. and West 14<sup>th</sup> St.**

**Whereas,** the committee received a presentation about the nature of the proposed Pop-Up Fair and how it differs dramatically from traditional street fairs, as well as information about how the proceeds of the enterprise will fund the new GVCCC Safe City Safe Streets program; and

**Whereas,** the GVCCC representative reported that there had been a different site that GVCCC had originally requested but that GVCCC could not get approval to use that site from the Meatpacking BID; and

**Whereas,** members of the committee expressed strong concerns about disruptions to traffic and generation of noise on a block that is largely residential; and

**Whereas,** members of the committee believe that there could be other sites that would be just as appropriate for the type of Fair being envisioned and at the same time less disruptive to traffic and surrounding residents than the proposed site; and

**Whereas,** members of the committee were mindful of the proliferation of street fairs in the district; now

**Therefore Be It Resolved** that CB2, Man. recommends denial of the **GVCCC Pop-Up Fair on Hudson Street between West 13<sup>th</sup> St. and West 14<sup>th</sup> St.**; and further recommends that the proposed Fair be considered for a different location that would address concerns about traffic congestion and disruption to nearby residents.

VOTE: Unanimous, with 33 board members in favor.

**14. 9/1/16 – 20<sup>th</sup> Annual New School Block Party; West 12<sup>th</sup> St. between 5<sup>th</sup> Ave. and 6<sup>th</sup> Ave..**

Laid over; no action required.

**15. 9/14/16 – 9/18/16 – Astor Place Opening Festival;** 1) Astor Place between Cooper Square and Lafayette St., 2) Cooper Square between 3<sup>rd</sup> Ave. and East 8<sup>th</sup> St.

With the consent of the applicant, the application was tabled; no action required.

## SLA LICENSING

**1. E2 Lafayette, LLC, d/b/a By Chloe, 240 Lafayette St. 10012** (New Beer Wine, previously unlicensed location)

**A. Whereas**, the applicant appeared before CB2’s SLA committee for the purpose of seeking a beer and wine license for a storefront premises located in a five-story mixed-use building (Circa 1900) on Lafayette Street between Spring and Prince Streets; and

**B. Whereas**, the interior storefront premises is approximately 1,477 SF, was previously occupied and operated as a yogurt shop for two years and previous to that, a retail clothing store business but the premises has never been used or occupied for eating or drinking nor previously licensed for the service of alcohol; and

**C. Whereas**, the applicant seeks to open a “fast-casual food counter service” restaurant serving vegan plant based and Kosher food with hours of operation from 8:30 AM to 10 PM Sunday through Tuesday and from 8:30 AM until 12 AM Wednesday through Saturday, with 11 interior tables and 32 interior seats, a food counter but no stand up bar for a total patron seating capacity of 32, requiring a complete gut renovation of the premises, the installation of a new full service kitchen and the installation of new mechanical systems where none had existed previously; and

**D. Whereas**, the applicant previously appeared before CB2 Man. in March/2016 and then later in April/2016 for an On Premises license raising significant concerns about the necessity of an on premise license for a fast casual restaurant without table service, among other reasons, resulting a deny recommendation from CB2, Man. as outlined in CB2 Man.’s April/2016 resolution to the SLA; and

**F. Whereas**, in light of such concerns triggering the deny recommendation from CB2, Man., the applicant returned to CB2, Man a month later for the instant beer and wine license, such license being more appropriate in that the applicant was unable to demonstrate a public interest thereat; and

**G. Whereas**, the applicant has operated another fast causal restaurant within CB2, Man. on Bleecker Street for nine months with similar method of operation, the location becoming trendy and popular where long patron lines obstruct pedestrians and extend outside the front door and onto the public sidewalk nightly creating concerns of disruption, sidewalk congestion and increased noise for existing residential dwellers at or near the current application on Lafayette, a location that has never been licensed; and

**H. Whereas**, despite such concerns the applicant stated that it would be able to control those lines from within the premises to minimize disruption and further acknowledged and agreed, by its counsel, that it would not be permitted to operate a sidewalk café in front of the premises, the premises being located within Manhattan (Soho) where sidewalk cafes are not permitted; and

**I. Whereas**, the applicant also provided architectural drawings showing ceiling details for the renovations providing new sound insulation and fire protection and further provided plans for exterior roof top mechanical systems which it stated would be installed pursuant to existing building and noise codes; and

**J. 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 restaurant wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service vegetarian restaurant with a full service kitchen.
2. The hours of operation from 8:30 AM to 10 PM Sunday through Tuesday and from 8:30 AM until 12 AM Wednesday through Saturday.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. There will no TVs.
9. The premises will not permit dancing.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **E2 Lafayette, LLC, d/b/a By Chloe, 240 Lafayette St. 10012** **unless** the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**2. TH NYC Restaurant 1, LLC, d/b/a, 177 Prince St. 10012** (New OP – Previously Licensed location)

**A. Whereas**, the applicant and applicant’s attorney 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 previously-licensed location to operate a full service restaurant with a full service kitchen representing a “modern interpretation of traditional Chinese cuisine with focus on dim sum plates” serving lunch and dinner; and

**B. Whereas**, the premises was previously operated as Spice, a full service Restaurant with an on-premise license (Spice West Inc.; lic. #1134138, exp. 11/30/2016) and the applicant will continue to operate the premises as a Restaurant with a full service kitchen, with a similar method of operation and closing hours, albeit under new ownership with a new menu, new layout of the space and with a new restaurant concept; and

**C. Whereas**, this application is for an on premise liquor license located in a 6-story commercial use building (Circa 1920) located on the ground floor and cellar basement on Prince St. between Sullivan and Thompson Sts. in the Soho section of Manhattan for a 3,800 sq. ft. premises (2,000 sq. ft. ground floor and 1,800 sq. ft. cellar) with 16 tables and 38 table seats, 1 standup bar with 9 seats and an additional 12 counter level seats at the front reception area of the premises, all within the interior of the premises, for a seating occupancy of 59 interior seats, this application does not include a sidewalk café and there are no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation will be Sunday to Thursday from 11am to 11pm and Fridays and Saturday from 11am to 1am (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive

prearranged music), all doors and windows will be closed at 10 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**E. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Chinese restaurant with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation from Sunday to Thursday from 11am to 11pm and Fridays and Saturday from 11am to 1am.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. There will no TVs.
9. The premises will not permit dancing.
10. There will be no all you can eat/all you drink specials or weekend boozy brunches.

**F. Whereas**, there are currently approximately 12 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **TH NYC Restaurant 1, LLC, d/b/a, 177 Prince St. 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License.

Vote: Unanimous, with 34 Board members in favor.

**3. KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013** (New OP – Previously Licensed location)

**A. Whereas**, the applicant and applicant's attorney 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 previously licensed location to operate a "Hong Kong style dim sum and Cantonese style" restaurant serving lunch and dinner; and

**B. Whereas**, the premises was previously operated for years as Red Egg, a full service Restaurant with an on-premise license (202 Centre Corp.; lic. #1206246, exp. 6/30/2016) and the applicant will continue to operate the premises as a Restaurant with a full service kitchen, with a similar method of operation, albeit under new ownership, with a similar menu, many of the existing staff to remain and similar closing hours; and

**C. Whereas,** this application is for an on premise liquor license located in a mixed-use 6-story mixed use building (Circa 1912) located on the ground floor and basement on Centre St. between Hester and Grand Sts. for a 6,374 sq. ft. premises with 35 tables and 129 table seats and 1 standup bar with 8 seats for a seating occupancy of 137 interior seats, this application does not include a sidewalk café and there are no other outdoor areas for patrons; and,

**D. Whereas,** the hours of operation will be Sunday to Thursday from 10am to 12am and Fridays and Saturday from 10am to 1am (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**E. Whereas,** there had been problems in the past at this location with the prior owner permitting late night parties beyond the stated hours of operation with DJs in derogation of its method of operation as a restaurant and the current applicant, having been fully briefed on those problems agreed that it would never operate in that manner in the future at this location should his license be approved, albeit with limitations and enforceable stipulations being agreed to herein; and,

**F. Whereas,** the applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Cantonese restaurant specializing in Dim Sum with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation from Sunday to Thursday from 10am to 12am and Fridays and Saturday from 10am to 1am.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. The premises will not permit dancing.
9. There will never be any after-hour events.
10. There will be no all you can eat/all you drink specials or pitchers of beer.

**G. Whereas,** there are currently approximately 23 On Premise Liquor Licenses within 500 ft. of the premises, an unknown number of beer and wine licenses and 34 On Premise Liquor Licenses within 750 ft. of the premises; and

**H. Whereas,** there is a public school PS 130 The Desoto School at 143 Baxter nearby that could be within 200 feet of the existing premises; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License, and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. recommends the State Liquor Authority measure and calculate the distance between PS 130 The Desoto School and 202 Centre Street to determine whether the distance between the existing School and the applicant’s premises does not violate the 200 ft. rule.

Vote: Unanimous, with 34 Board members in favor.

**4. Atla Lafayette, LLC, d/b/a TBD, 372 Lafayette St. 10012** (New OP – previously unlicensed location)

**A. 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 to operate a Mexican Restaurant serving breakfast, lunch and dinner in a recently built six-story mixed-use building (Circa 2013) on the corner of Lafayette Street and Bond Sts. in the Noho section of Manhattan; and

**B. Whereas**, the interior storefront premises is 2,020 SF (1,075 SF Ground Floor and 945 SF Cellar), was never previously occupied and used for eating or drinking nor licensed for the service of alcohol; and

**C. Whereas**, the building is located in a M1-5B zone, which does not permit eating and drinking establishments below the second floor, but in this case the certificate of occupancy permits a “Retail Store” with a maximum occupancy of 60 persons but does not specifically provide for eating and drinking uses; and

**D. Whereas**, when the owner of the building first appeared before CB2, Man. in 2006 for a variance to permit non-conforming uses for the building site the owner agreed that there would be no bar or restaurant in the first floor retail space; and

**E. Whereas**, when the variance application appeared before the Board of Standards and Appeals (“BSA”), the BSA issued a resolution in 2006 acknowledging the position taken by CB2, Man. that its approval recommendation was premised on condition that there be no bar or restaurant in the ground floor retail space, but did not specifically exclude eating and drinking in its negative declaration and stipulations permitting retail on the ground floor and residential on the floors above; and

**F. Whereas**, the applicant seeks to open a “chef-driven authentic Mexican cafe” with hours of operation from 8 AM to 1 AM Sunday through Saturday, with 17 tables and 42 seats, one stand up bar with 14 seats for a total patron seating capacity of 56, the storefront premises is enclosed and there will be no plans for windows or French doors that can be opened out onto the sidewalk; and

**G. Whereas**, there are plans for a sidewalk café but the applicant agreed not to seek such a license with Department of Consumer Affairs until 2017 and consistent with the Applicant’s lease agreement with its landlord, will be closing the sidewalk café by 11 PM every night; and

**H. Whereas**, the applicant performed outreach in the area and met with the Noho Bowery Stakeholders Group further agreeing to manage patron street activity (entering/leaving/congregating or smoking) on the sidewalk in front of the premises, to maintain an on-going dialog with its neighbors and to properly care for and vent kitchen emissions to the rooftop, properly install any exterior mechanical systems ancillary to the business, limiting garbage pick-up between the hours of 7 AM and 2 AM; and

**I. Whereas**, the applicant has extensive experience in the restaurant business, doing business as Cosme and having another location in Manhattan NYC, with an additional 26 restaurants being operated throughout Mexico; and

**J. 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 restaurant wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Mexican restaurant with a full service kitchen.
2. The hours of operation from 8 AM to 1 AM Sunday through Saturday.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. There will be no outdoor service and no sidewalk café at this time but if permits are obtained for such café in the future, the sidewalk café will close by 11 PM every night.
5. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. There will be no televisions.
7. The premises will not permit dancing.
8. There will not be French doors, operable windows or open façades and will close all doors by 10 PM every night.

**K. Whereas**, there are currently approximately 12 On Premise Liquor Licenses within 500 ft of the premises, an unknown number of beer and wine licenses and 27 On Premise Liquor Licenses within 750 ft of the premises and an additional 5 pending On Premise Liquor Licenses within 750 ft of the premises; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application to **Atla Lafayette, LLC, d/b/a TBD, 372 Lafayette St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant On-Premise License.

Vote: Unanimous, with 34 Board members in favor.

**5. 55 Bond Street, LLC, d/b/a Fish Cheeks, 55 Bond St. 10012** (New OP – Previously Licensed location)

**A. 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 to operate a Thai seafood restaurant with a full service kitchen serving Brunch on the weekends and dinner nightly; and

**B. Whereas**, the storefront premises was previously operated as Le Philosophe, a Restaurant with a similar method of operation, closing hours, with no significant changes to the existing layout but there will be a new restaurant concept; and

C. **Whereas**, the storefront is located on the ground floor of a 2-story commercial use building (Circa 1950) located on the first floor and basement on Bond Street between Bleecker Street and Great Jones in the Noho section of Manhattan for a 1,822 sq. ft. premises (1,062 sq. ft. ground floor and 760 sq. ft. cellar) with 20 tables and 40 table seats, 1 standup bar with 9 seats for a seating occupancy of 49 interior seats, this application does not include a sidewalk café and there are no other outdoor areas for patrons; and

D. **Whereas**, the hours of operation will be Sunday to Thursday from 11am to 12am and Fridays and Saturday from 11am to 1am (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

E. **Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Thai Seafood restaurant with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation from Sunday to Thursday from 11am to 12am and Fridays and Saturday from 11am to 1am.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. The premises will not permit dancing.
9. There will be no all you can eat/all you drink specials or weekend boozy brunches.

F. **Whereas**, there are currently approximately 26 On Premise Liquor Licenses within 500 ft. of the premises, 4 additional pending On Premise Liquor Licenses, an unknown number of beer and wine licenses and a total of 46 On Premise Liquor Licenses within 750 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **55 Bond Street, LLC, d/b/a Fish Cheeks, 55 Bond St. 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA On Premise License, and

Vote: Unanimous, with 34 Board members in favor.

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

**6. Joy Luck Palace, Inc., d/b/a TBD, 98 Mott St. 10013 (OP) (Layover at request of applicant)**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on May 10, 2016, the principal/applicant requested **to layover** this application to June/2016 so that it could correct errors its application paperwork consistent with its method of operation, to be further heard and represent its application before CB2 next month; and,

**Whereas**, this application is for a beer wine or on premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **Joy Luck Palace, Inc., d/b/a TBD, 98 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**7. Pasta & Potatoes, Inc., d/b/a Village Lantern, 167 Bleecker St. 10002 (OP Alteration to license basement use; requested layover application to May/2016 and did not appear)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested **to lay over** its application to June/2016 and did not appear for its application for an alteration of beer wine or on-premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Pasta & Potatoes, Inc., d/b/a Village Lantern, 167 Bleecker St. 10002** until the Applicant has properly 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 34 Board members in favor.

**8. MGM Thompson, LLC. d/b/a TBD, 75 Thompson St. 10014 (RW) (layover to June/2016 requested and did not appear)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on May 10, 2016 the principal/applicant requested **to lay over** and adjourn this application to June/2016 for a beer wine license or on premise license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **MGM Thompson, LLC, d/b/a TBD, 75 Thompson 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 34 Board members in favor.

**9. Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 10013** (withdrawn at request of applicant and did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant request to withdraw this application for a new on-premise liquor license from any further consideration;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**10. Dolce & Gabbana USA Inc., d/b/a Dolce & Gabbana , 155 Mercer St. 10012 (OP)** (layover at request of applicant and did not appear)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested to lay over it application until June/2016 and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dolce & Gabbana USA Inc., d/b/a Dolce & Gabbana, 155 Mercer 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 34 Board members in favor.

**11. San Remo Group One, LLC, d/b/a San Remo, 201 Lafayette St. 10012** (OP- Applicant Requested layover to June/2016 at meeting)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant appeared and requested to lay over this application for a new on-premise liquor license to June/2016;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **San Remo Group One, LLC, d/b/a San Remo, 201 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.

Vote: Unanimous, with 34 Board members in favor.

**12. Jomelo, LLC, d/b/a Socarrat Nolita, 284 Mulberry St. 10012** (OP-upgrading to OP) (withdrawn at request of applicant and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested to withdraw this application from consideration and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Jomelo, LLC, d/b/a Socarrat Nolita, 284 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 34 Board members in favor.

**13. MHJ Management, LLC, d/b/a TBD, 428 Lafayette St. 10003** (OP- laid over at request of applicant and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested to lay over and adjourn this application for a new on-premise liquor license to June/2016;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **MHJ Management, LLC, d/b/a TBD, 428 Lafayette St. 10003** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**14. Tomino LLC, d/b/a Tomino Taberna Gallega, 192 Grand St. 10013 (OP)** (OP- laid over at request of applicant and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested **to lay over** and adjourn this application for a new on-premise liquor license to June/2016;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Tomino LLC, d/b/a Tomino Taberna Gallega, 192 Grand St. 10013 (OP)** **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 34 Board members in favor.

**15. Best Restaurant Group LLC, d/b/a Negril Village, 70 West 3rd St. 10012**(OP- laid over at request of applicant and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 10, 2016, the Applicant requested **to lay over** and adjourn this application for a new on-premise liquor license to June/2016;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Best Restaurant Group LLC, d/b/a Negril Village, 70 West 3rd 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 34 Board members in favor.

**16. 234 West 14th Street Rest, LLC, d/b/a Wood and Ale's, 234 W. 14th St.** (Corporate Change – OP SN#1168959)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a "Corporate Change" to an existing Tavern On-Premise Liquor License for a bar/tavern currently operating as Wood and Ale's; and,

**ii. Whereas**, this application is for an existing Tavern located in a mixed use building located on West 14<sup>th</sup> St. between 7<sup>th</sup> and 8<sup>th</sup> Avenues for a roughly 1,200 sq. ft. premise located on the ground floor with 12 tables and 46 table seats and one standup bar with 12 seats; there is an existing Certificate of Occupancy; and,

**iii. Whereas,** the hours of operation are 11AM to 2AM 7 days a week, music is quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the new sole Principal executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the existing Tavern On-Premise Liquor License stating that:

1. The premises will be advertised and operated as a tavern.
2. The hours of operation will be from 11AM to 2AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge” or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 4 televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors by 10PM every night and anytime there is amplified music.
10. There is no sidewalk café.
11. There will be no change to the current “method of operation”.
12. Vanessa Primaranie will be removed as principal. Steven Molinari will be sole principal.

**v. Whereas,** there are currently approximately 14 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a “Corporate Change” application for **234 West 14th Street Rest, LLC, d/b/a Wood and Ale's, 234 W. 14th St. unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee above are incorporated into the “Method of Operation” on the SLA Tavern On-premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**17. 228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014 (OP Renewal SN#1239342)**

**i. Whereas,** at the request of Community Board 2, Manhattan's SLA Licensing Committee the Licensee was asked to appear again in order to address long standing ongoing issues raised by members of the community in regards to the operation of the Licensee's establishment; and,

**ii. Whereas,** this application was originally presented to CB2, Man. in December 2009 at which time the recommendation was for denial, in January 2010 the applicant reappeared with reduced hours of operation and CB2, Man. recommend approval of the application, CB2 began to receive complaints regarding the operation of the establishment going back to 2011 and 2012 at which time the Licensee began to express

no knowledge of their agreed upon hours of operation, in July 2014 CB2, Man. requested the applicant to appear at the time of their renewal to address these ongoing issues, in July 2014 promises were made and stipulations were executed reaffirming existing stipulations after the original materials were reviewed and the applicant agreed that those were in fact the method of operation for their license; and,

**iii. Whereas,** at CB2, Manhattan’s SLA Licensing Committee meeting in May/2016 residents appeared and stated that **(1)** the licensee continued to operate beyond their stipulated hours of operation **(2)** that illegal outdoor seating in the form of benches were placed in front of the business until 1AM or 2AM on many nights, **(3)** that illegal lighting was strung around sidewalk trees, **(4)** that the Licensee continued to disregard their existing stipulations, and **(5)** that the applicant allowed service of alcohol in a portion of their basement in a party room which is not part of the licensed patron area; and

**iv. Whereas,** the original executed stipulations form in July 2014 clearly states that “at closing time – no patrons will remain” and the hours of operation are clearly stated as “11AM to 11PM” Sunday to Thursday and “11AM to 12AM” Friday to Saturday; and,

**v. Whereas,** somehow, the Principal expressed confusion again at this meeting as to the hours of operation even though this exact same issue was raised in July 2014 and is clearly stated on the July 2014 Stipulations Agreement as a result of the confusion in July 2014 so this would not become an issue again; and,

**vi. Whereas,** the principal promised to abide by the existing stipulations yet again and also stated he would remove the outdoor benches and all outdoor sidewalk furniture and all lights on outdoor trees; and

**vii. Whereas,** to memorialize these promises and representations the Licensee agreed to execute an additional stipulations agreement to be added on to the existing stipulations that they agreed to submit to the SLA and agreed would be further attached and incorporated in to the existing method of operation on the existing On-Premise Liquor License stating that:

1. The premises will continue to be advertised and operated as a restaurant as originally described.
2. The hours of operation will continue to be Sunday to Thursday from 11AM to 11PM and Friday to Saturday from 11AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge” or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will continue to employ a doorman/security personnel 7 days a week.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will not have French doors, operable windows or open facades and will close all doors by 9PM every night and anytime there is amplified music.
11. All previous stipulations will continue to remain in effect.
12. No Patrons will remain in the premises at closing time as previously stipulated. Hours are clearly noted above

13. There is no sidewalk café and no other outdoor furniture.
14. Licensee will remove all outdoor benches/outdoor seating/outdoor furniture immediately and will not have outdoor benches/seating or other outdoor furniture in the future.
15. Licensee will remove outdoor lights on sidewalk trees immediately.
16. There will continue to be no patron use of the basement except for bathrooms. The basement is not part of the licensed premises for the service of alcohol or patron occupancy except patron bathrooms.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN#1239342 for **228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee above are incorporated into the existing “Method of Operation” on the On-premise Liquor License.

Vote: Passed, with 33 Board members in favor, and 1 in opposition (D. Diether).

**18. Mezzrow, LLC, 163 W. 10th St. (OP Renewal - SN#1276530)**

**i. Whereas**, at the request of Community Board 2, Manhattan’s SLA Licensing Committee the Licensee was asked to appear in order to address ongoing issues raised by members of the community in regards to the operation of the Licensee’s establishment; and,

**ii. Whereas**, this application was originally presented to CB2, Man. in January 2014 at which time an extensive set of stipulations was agreed to regarding the operation of the premises which was presented as “Piano Bar/Live Jazz Venue offering live unamplified acoustic jazz performances”; CB2, Man. refers the Liquor Authority to the January 2014 Resolution submitted for complete background information and details in regards to the operation; and,

**iii. Whereas**, members of the community and residents of the building outlined many of their concerns detailed in written correspondence, pictures and videos which captured various issues past and present including ongoing issues and issues that had been resolved; it was noted that the applicant had taken extensive steps to properly sound proof the establishment and had worked with building residents to accomplish this; outstanding issues that were of concern included **(1)** the Licensee was not adhering to all of their agreed upon stipulations which was the basis for much of the support they received to support the public interest component for the issuance of their license, **(2)** patrons lingering and loitering on the sidewalk in front of the basement premises, **(3)** the addition of brass instruments, drums, singers and amplified guitar where only unamplified guitar and piano were stipulated, **(4)** showings starting later than stipulated to and ending after the stated closing hours, **(5)** “after hours” sets after the agreed upon closing times, **(6)** employees lingering in front of the establishment talking loudly, **(7)** lines in front of the establishment, **(8)** cross promotion with another venue owned by the Principles a block away which they stated that they would not do, **(9)** the use of sandwich boards; and,

**iv. Whereas**, residents of the building asked if the Licensee would agree to adding additional signs requesting patrons to respect local residents, not congregate or loiter and to smoke away from residential windows, to make similar announcements after each music set, to have a staff member clear the sidewalk after each set and to keep the front door closed at all times; and,

**v. Whereas,** the Licensee stated that he would correct certain aspects of his operation including starting shows no later than the times he had originally stipulated to and would end them by the times stipulated to and they agreed to the requests of residents outlined above, he did state however that he also felt that one resident alone was raising all complaints and felt that this was indication that those complaints were invalid and not relevant, when it was pointed out that there were a number of people in attendance in opposition to his renewal including several building residents and neighbors he was dismissive and said he was well-liked in the community and posed no impact and that all the other licensed premises in the area were either causing the majority of problems or were equally out of compliance, he did not respond to questions regarding his original presentation that this establishment would not have an adverse affect on the quality of life of the buildings residents in light of the fact that this was a previously unlicensed location; and,

**iv. Whereas,** the Licensee agreed to execute a stipulations agreement to be added on the existing stipulations with CB2, Man. that they agreed to submit to the SLA and agreed would be further attached and incorporated in to the method of operation on the existing On-Premise Liquor License stating that:

1. Licensee will post two additional signs requesting patrons to respect residential neighbors, requesting patrons not to linger in front of premises after leaving and requesting patrons not to smoke in front of premises. One sign will be posted at eye level at lower level and one sign on the upper level.
2. Front door will never be propped open.
3. There will be an announcement after each set regarding respecting neighbors while leaving the premises, requesting patrons not to smoke in front of premises and patrons not to linger in front of the premises.
4. There will be a staff member who will exit with patrons after each set to ensure that crowds do not linger and to perform any additional crowd control as needed.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN#1276530 for **Mezzrow, LLC, 163 W. 10th St.** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee above are incorporated into the existing “Method of Operation” on the On-premise Liquor License.

Vote: Passed, with 33 Board members in favor, and 1 in opposition (D. Diether).

**19. Rehandari, LLC, d/b/a Kobrick Coffee Co., 24 Ninth Ave. 10014 (LAYOVER - Alteration - OP SN#1138317)**

**Whereas,** after this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for an alteration application for an existing on-premise restaurant liquor license to add a licensed sidewalk café in order to resolve discrepancies presented regarding the interior method of operation from those on file with CB2, Man. and in order to perform additional community outreach and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**Whereas**, at the meeting on May 12<sup>th</sup>, 2016, CB2 Manhattan's SLA Licensing Committee #2 had voted to recommend denial of the application, but due to the various issues unique to this particular application, the Committee voiced that should the applicant choose request to Layover the application, the Committee would rehear the application with the additional information the following month with no guarantees that the position of the Committee would change; the applicant subsequently chose to request to layover the application and will re-appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license alteration application to any existing license for **Rehandari, LLC, d/b/a Kobrick Coffee Co., 24 Ninth Ave. 10014** **until** the Applicant has re-presented their application in front of CB2's SLA Licensing Committee with full and accurate information 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 34 Board members in favor.

**20. Belso Landing, LLC d/b/a The Landing at Hudson River Park/Wafels & Dinges, 393 West St. 10014 (New Restaurant Wine)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a restaurant wine license for an outdoor restaurant and café located within the Hudson River Park at the foot of Pier 45 and just to the North of the Western end of Christopher St.; and,

**ii. Whereas**, this application is for a new restaurant wine license at a previously licensed location (previous license was a seasonal license – current applicant intends to operate year round with a non-seasonal restaurant wine license) the primary area of food preparation is located within a small concession building with an outdoor standup bar located on the north side of the concession building with beer taps located inside the concession building in a service area and along an outside wall adjacent to the outdoor standup bar;

**iii. Whereas**, there are outdoor seating areas to the North and South of the concession building, a diagram was presented showing 7 tables and 14 seats located on the south of the concession area and 27 tables and 96 seats to the North of the concession building; and,

**iv. Whereas**, the applicant stated that beer and wine service was ancillary to food service which was the primary operation; and,

**v. Whereas**, the hours of operation will be 7AM to 12:30AM 7 days a week (All patrons will be cleared and no patrons will remain after stated closing times), 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 scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a restaurant and cafe.

2. The hours of operation will be from 7AM to 12:30AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
7. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. There will be no unlimited drink specials or unlimited food and drink specials.
9. Licensee will install a sound limiter and set to acceptable levels for background music.
10. Sound limiter settings will be determined with Hudson River Park Staff input.
11. There will be food service at all hours of operation.
12. Licensee will monitor seating area to ensure no beer & wine is removed from premises.

**vii. Whereas**, a number of emails were submitted which objected to allowing “background music” within outdoor areas within the park, which people felt would infringe upon park users enjoyment of the park, a distinct was made from programmed event space in that the licensed outdoor area would be open each day during most of the hours the park was opened and is adjacent to the major public walkway used by all park users transiting North and South through the park; the applicant assured the committee that background music from the concession would not interfere with park users enjoyment of the park and would be barely audible outside their table areas, they ensured that this would be accomplished by using an array of speakers spread throughout the seating area which would result in much lower volume levels to set an ambiance within the seating area without bothering non-patrons, after some discussion, the applicants agreed to install a sound limiter to be set in accordance with the Hudson River Park’s guidance so that at no time would music be at a level higher than background music, it was also clearly stated that at no times would there be music outside of hours of operation, especially after the concession had closed while staff was cleaning up; and,

**viii. Whereas**, a representative of the Hudson River Park assured the Committee that the Hudson River Park would exercise its discretion over any uses deemed inappropriate by the operator and that its operations would not interfere with park users enjoyment of the park;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant Wine License for **Belso Landing, LLC d/b/a The Landing at Hudson River Park/Wafels & Dinges, 393 West St. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**21. Carmine Street Beers, Inc., 52A Carmine St. 10014 (New Tavern Wine)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new tavern wine license which was presented as upgrade from an existing grocery beer/wine license for a “craft beer focused establishment” to allow for on-premise consumption of craft beers served in bottles and on tap; and,

**ii. Whereas,** this application is for a new tavern wine license at a currently licensed premises but which does not currently allow on-premise consumption located in a mixed-use building located on Carmine St. between Bedford St and Bleecker St. for a roughly 1,200 sq. ft. premise (ground floor 850 sq. ft. and basement 350 sq. ft. - no patrons in basement) with 5 tables and 22 table seats and 1 standup bar with no seats; there is an existing letter of no objection; and,

**iii. Whereas,** the hours of operation will be Sunday from 12PM to 9PM, Monday to Wednesday from 10AM to 10PM, and Thursday to Saturday from 10AM to 11PM (all patrons will be cleared and no patrons will remain after stated closing times), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the tavern wine license stating that:

1. The premises will be advertised and operated as a craft beer focused establishment.
2. The hours of operation will be Sunday from 12PM to 9PM, Monday to Wednesday from 10AM to 10PM, and Thursday to Saturday from 10AM to 11PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge” or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors by 10PM every night and anytime there is amplified music.
10. There is no sidewalk café.
11. There will be no unlimited drink or all you can eat and drink specials.
12. Food will be available at all times the premises is open.

**v. Whereas,** there are currently approximately 27 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Tavern Wine License for **Carmine Street Beers, Inc., 52A Carmine St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Unanimous, with 34 Board members in favor.

**22. GHRF LLC d/b/a The Black Darby (previously - Entity to be formed by Seth Leifer d/b/a TBD), 310 W. 4<sup>th</sup> St. 10014 (New Restaurant OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” application for a new restaurant on premise liquor license for a local neighborhood restaurant serving Pan European and New American dishes; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license in a currently licensed location in a “grandfathered” commercial space in a landmarked 5-story building constructed in 1905 located in a residentially zoned area located on West 4<sup>th</sup> St. between Bank St. and West 12<sup>th</sup> St. for a roughly 1,500 sq. ft. premise with 22 tables and 48 table seats, 1 standup bar with 6 bar seats, for a total of 58 inside seats; there are also 2 tables and 8 seats located within two outdoor areas in front of the premises within the property line which the applicant states is a legal use but for which no documentation was provided; there is an existing certificate of occupancy; and,

**iii. Whereas**, the hours of operation will be Sunday from 8AM to 12:30AM, Monday to Wednesday from 11AM to 12:30AM, Thursday to Friday from 11AM to 1AM and Saturday from 8AM to 1AM (All patrons will be cleared and no patrons will remain after stated closing times), 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 scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the applicant met with residents and members of the local block association, the Middle West 12<sup>th</sup> Street Block Association, and a variety of concerns were raised by members of the community who appeared before CB2, Man. and in emails; the specific issues were concerned with noise created by the establishment in a residentially zoned neighborhood, that the proposed hours by the current applicant were later than the current operator of “The Place” who more often than not is closed by 11PM 7 days a week or even earlier, there were concerns raised with the operation of the front outdoor seating area within the property line that may or may not be a legal use, and with the accordion door façade being left open spilling noise and music into the neighborhood and use of the rear yard for commercial use (non-patron) for garbage storage and other similar uses, concerns were also raised in regards to the potential for patrons congregating in front of the premises which has a narrow sidewalk waiting for tables and in regards to vehicular traffic for picking up and dropping off patrons in the evening hours who would block the street creating traffic congestion and honking horns; it was emphasized that these impacts on quality of life were substantial as this area is both residential zoned and landmarked and that the expanded hours of operation were beyond the current operators and would create an additional impact; and,

**v. Whereas**, representatives of the local block association, The Middle West 12<sup>th</sup> Street Block Association and the applicant agreed upon a number of stipulations to address local residents concerns and the stipulations agreed up by the Applicant and the Block Association were presented to CB2, Man. as an executed document and are as follows:

***1. Hours of Operation:** On Sunday through Wednesday, the Establishment shall be open from 11:00 a.m. to 12:30 a.m.; and on Thursday, Friday and Saturday, the Establishment shall be open from 11:00 a.m. to 1:00 a.m. All patrons will be out by closing time. On Saturday and Sunday the Establishment may open for breakfast but may not serve alcohol before 11:00 a.m.*

**2. Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents and shall remain in compliance with all necessary governmental codes including the Department of Buildings, Landmarks, and the Fire Department.*

**3. Soundproofing:** *The Operator shall ensure that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall ensure that noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds the New York City noise code. The Operator agrees to use sound level detectors to monitor compliance with the stipulation that noise does not emanate from the Establishment.*

**4.** *The Operator shall not increase the bar area or number of bar seats, which presently number 6.*

**5. Sanitation:** *The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not place refuse so as to obstruct the sidewalk. The Operator shall arrange trash pick-up between the hours of 8:00am and 6:00pm. Notwithstanding the foregoing, if trash pick-up is coordinated with other restaurant establishments located within 100 feet of the Establishment, such trash pick-up may occur as early as 6:30 a.m.*

**6. The Front Door and Outdoor Space:** *The Operator (a) shall not operate any outdoor speakers or sound amplification, (b) shall not direct any sound outside of the Establishment, and (c) shall not permit any amplified sound to be heard outdoors. The Operator shall cause the door to remain at all times in a closed position.*

**7. Doors and Windows:** *The Operator shall not permit any doors or windows to be open prior to the opening of the Establishment as specified in "Hours of Operation" and after 9:00 p.m. on each day of operation. However, if the outdoor area is fully enclosed in glass and metal so as to prevent sound emanating from the Establishment, then the front doors that open onto the front patio may remain open until 11:00 p.m.*

**9. Music:** *The Operator shall not permit DJs, live music or outside promoters (including promotional parties) in the Establishment. Any recorded music shall be de minimis background only and audible only inside the Establishment.*

**9. Party Bus:** *The Operator shall not permit the entry of patrons arriving via a "party bus."*

**10. Traffic and Security:** *The Operator shall have a general manager and/or a manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. The Operator shall monitor the patrons of the Establishment who are gathered outside the Establishment and direct the movement of vehicles dropping off and picking up patrons going to and from the Establishment. The Operator shall implement this plan at all times that the Establishment is in operation in order to minimize the noise from patrons of the Establishment who are outside and ensure the egress of emergency vehicles (e.g. NYPD, FDNY), as well as*

*regular vehicular traffic, down West 12<sup>th</sup> Street heading towards West 12<sup>th</sup> Street. The Operator has agreed to continue with such Traffic and Security Plan until such time as the representatives of the Middle West 12<sup>th</sup> Street Block Association advise it is no longer necessary.*

**11. Lighting & Signage:** *The Operator shall not use signage on the Establishment that will be lit by neon lighting or any bright lighting beyond 10:30 p.m. The Operator also agrees to not have "Sandwich Board" advertisement out on the sidewalk in the public walkway impeding the free flow of pedestrian traffic.*

**12. Restaurant:** *The Operator shall continue to and will always operate the Establishment as a full service restaurant (as defined in Alcoholic Beverage Control law section 3(27)) which they have described as a "pan-European and new American dishes", serving brunch, lunch and dinner and will have a full menu available at all hours of operation until closing that consists of a variety of food consistent with the foregoing description served during all hours of operation. The menu shall at all times be comparable to the menu presented to Community Board 2 and the SLA at the time of the application for a full liquor license. Alcohol shall not be served at the tables after 11:00 p.m. unless accompanied by a meal. To be clear, the Establishment will not be operated as a bar or tavern now or in the future, but instead a full service restaurant which serves alcohol as a compliment to its food service.*

**13. Sidewalk Café:** *There shall not be a sidewalk café. There is, however, a small outdoor seating area within the property line subject to section 7 (Doors and Windows) above.*

**14. Change of Ownership:** *The License shall not be transferable in the event of a change of ownership of the Establishment. In the event there is a change in ownership, the Operator shall notify the Community Board and the Middle West 12<sup>th</sup> Street Block association within 60 days prior to any such change.*

**15. Reservations:** *The Establishment shall accept reservations for at least 75% of the tables.*

**16. Subsequent Applications:** *Any subsequent application regarding the Establishment to the SLA shall not vary from this agreement without the prior written consent of the Middle West 12<sup>th</sup> Street Block Association.*

**vi. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as local neighborhood restaurant serving Pan European and New American dishes – quiet restaurant.
2. The hours of operation will be Sunday from 8AM to 12:30AM, Monday to Wednesday from 11AM to 12:30AM, Thursday to Friday from 11AM to 1AM and Saturday from 8AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have 1 television no larger than 42 inches.

5. The premises will not permit dancing.
6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
7. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. Music will be deminimus background music only – audible inside establishment only.
9. Will install additional sound proofing as needed to mitigate impacts from noise generated inside the establishment.
10. Bar seating will be limited to 6 bar stools only.
11. No speakers in any outdoor area and no sound from any speakers will be audible outside the premises.
12. Alcohol will only be served at tables after 11PM if accompanied by a meal.
13. 75% of tables will be seated by reservation only.
14. All stipulations agreed to with the Middle West 12<sup>th</sup> Street Block Association are incorporated into this agreement except as modified here
15. Will close the front outdoor seating area within property line and doors to seating area at 11PM in winter when fully enclosed with partitions and at 9PM when partitions are removed in warmer months. Partitions that are used are made out of structurally solid materials i.e. glass and Plexiglas and not canvas and have sound mitigating properties. There are no other operable windows.
16. Operator will be very mindful regarding rear yard service operations (i.e. trash and storage) and glass bottles so as not to disturb residents. No patrons in rear yard.

**vii. Whereas**, there are currently approximately 13 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **GHRF LLC d/b/a The Black Darby (previously - Entity to be formed by Seth Leifer d/b/a TBD), 310 W. 4<sup>th</sup> St. 10014, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**23. Box Hill, LLC d/b/a Box Hill, 18 King St. 10014 (New Restaurant OP)**

**i. Whereas**, the applicants appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a “transfer” application for a new restaurant on-premise liquor license for a “French provincial and regional Italian restaurant that will feature a small ingredient-led menu that will change daily” serving lunch and dinner in a 1800 SF double storefront ground floor space with an entrance to the restaurant from each storefront and two bathrooms within a 6 story mixed use building (Circa 1920) with 23 residential apartments above (Zoned R7-2) at the southwest corner of King Street and Sixth Avenue; and

**ii. Whereas**, the premises is currently operated and has been operated since 2005 as the Mekong Restaurant with operating hours no later than 11 PM every night, the two storefronts being connected by two interior doorways, the first storefront being a corner storefront with existing French doors, the only front entrance for patrons at the corner and a sidewalk café which extends from its only entrance at the corner down the King Street and Sixth Avenue sidewalks contained by planters; the second storefront

located further west on King Street from the corner storefront and adjacent to additional residential buildings with an exterior service doorway used only during the daytime hours by employees/staff only and never previously as a means of egress for patrons; and

**iii. Whereas**, the applicant will operate the two storefronts with 14 interior tables and 38 interior seats, 1 existing stand up bar in the corner storefront with 8 seats and an additional 11 exterior tables at the sidewalk café for seasonal use with 25 seats; and

**iv. Whereas**, the applicant reached out to and met with representatives of the Vandam Street, King Street and Charlton Street Block Associations and local residents; there was no opposition to the applicants with the exception of opposition from residents of King Street specifically to the operating hours on Thursday night which were proposed as until 1AM; and,

**v. Whereas**, in June/2015 CB2, Man. was presented with an application for this same space by different operators which was adamantly opposed by many members of the community and block association at which time many issues were raised and addressed, the current applicants had familiarized themselves with some of the issues and were able to address them through agreeing to a number of stipulations; and

**vi. Whereas**, based on the discussions held with local block associations the applicants stated that they would agree to a set of stipulations which addressed many of the local residents concerns; and,

**vii. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a Full Service Restaurant serving lunch and dinner (French provincial and regional Italian restaurant that will feature a small ingredient-led menu that will change daily).
2. The hours of operation will be from 8 AM to 12 AM Sunday through Wednesday and 8 AM to 1 AM Thursday through Saturday.
3. Will not use any outdoor area for any commercial purpose or as staff break area (does not include Licensed Sidewalk Café)
4. Will apply and obtain a license to operate a sidewalk café with DCA and CB2 Manhattan.
5. Will operate the sidewalk café no later than 10 PM Sunday through Wednesday and 11 PM Thursday through Saturday (all tables and chairs will be removed at sidewalk café closing times of 10PM Sunday through Wednesday and 11 PM Thursday through Saturday).
6. Will not permit dancing anywhere in the premises at any time and will not seek a NYC DCA Cabaret License.
7. Will install soundproofing as needed and follow sound mitigation procedures as described to CB2 Manhattan.
8. Will close all existing French doors & operable windows (except use for temporary ingress and egress) at 9:00 p.m. Sunday through Wednesday and at 10:00 p.m. Thursday through Saturday.
9. Will close all doors and windows anytime there is amplified music except for the Sixth Avenue façade.
10. Will not install any new or additional French doors or operable windows or open facades to the existing building.
11. Will not operate as sports bar, tavern, bar or cocktail lounge and will not have TVs.
12. Will not have DJs, live music, promoted events, any event where cover fee is charged, or scheduled performances.
13. Will only play quiet ambient recorded background music only.

14. Will operate entire premises at all times using only one d/b/a (doing business as) name.
15. Will utilize only one primary entrance/exit for patrons at Sixth Avenue and King Street (corner entrance) as designated in diagram/application to CB2 Manhattan. All other doors are for emergency egress only (i.e. King St is for emergency egress only).
16. Will not apply for any change to method of operation as agreed to by this stipulation without first appearing before CB2.
17. Will not have any wait lines outside. There will be a staff person assigned to monitor sidewalk crowds and take all reasonable steps to prevent loitering.
18. There will be no patron use in the basement areas.

**viii. Whereas**, there are 13 existing licensed premises (including beer/wine) within a 500 ft. area;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-premise Liquor License for **Box Hill, LLC, d/b/a Box Hill, 18 King St., 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise License.

Vote: Unanimous, with 34 Board members in favor.

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

**24. Fifty One Merchants, LLC, d/b/a Via Carota, 51 Grove St. (OP Alteration to add additional space – Layover/Withdrawal)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for an alteration application to add additional space to an existing restaurant on premise liquor license SN#1275555;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Fiftyone Merchants, LLC, d/b/a Via Carota, 51 Grove St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**25. Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce St. 10014 (RW Alteration to add additional space and bar SN#1272297- Layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for an alteration application to add additional space and an additional bar to an existing restaurant wine license SN#1272297; an upgrade application was also filed at the same time and a layover request was also submitted for that application; and

**Whereas**, CB2, Man. has received correspondence and has been made aware that a number of local residents are in opposition to these applications;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes or addition of any additional space to any existing license for **Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce 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 34 Board members in favor.

**26. Pasticceria Rocco, Inc., d/b/a Pasticceria Rocco Inc., 243 Bleecker St. 10014 (New RW - withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Pasticceria Rocco, Inc., d/b/a Pasticceria Rocco Inc., 243 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 34 Board members in favor.

**27. Hudson Jane, Inc., d/b/a N/A, 628 Hudson St. 10014 (New RW - Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Hudson Jane, Inc., d/b/a N/A, 628 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**28. An Entity to be formed by Clodagh M. Cohen, d/b/a TBD, 30-34 West 13th St. 10011 (New RW - layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for An Entity to be formed by **Clodagh M. Cohen, d/b/a TBD, 30-34 West 13th 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 34 Board members in favor.

**29. Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce St. 10014 (RW Upgrade to OP SN#1272297- Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for an upgrade application from a restaurant wine license SN#1272297 to a restaurant on-premise liquor license; an alteration application to add additional space and an additional bar to an existing restaurant wine license SN#1272297 was also filed at the same time and a layover request was also submitted for that application; and

**Whereas**, CB2, Man. has received correspondence and has been made aware that a number of local residents are in opposition to these applications;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes or addition of any additional space to any existing license for **Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce 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 34 Board members in favor.

**30. ABMW Food Inc., d/b/a Auntie Guan's Kitchen 108, 108 W. 14th St. 10011 (New OP - Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **ABMW Food Inc., d/b/a Auntie Guan's Kitchen 108, 108 W. 14th 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 34 Board members in favor.

### **31. RLV Bistro, LLC, d/b/a TBD, 322 Spring St. 10013 (New OP - layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 12<sup>th</sup>, 2016, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **RLV Bistro, LLC, d/b/a TBD, 322 Spring St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution with recommendations for rules to regulate pedestrian plaza events in relation to rulemaking required by the new Pedestrian Plaza Legislation (Int 1109- B-2016, enacted 04/21/16)**

**Whereas** Community Board 2, Manhattan (CB2, Man.) thanks Michael Carey, Director of Citywide Event Coordination and Management (CECM) and Dawn Tolson, Director of the Street Activity Permit Office (SAPO) for attending CB2's Traffic and Transportation Committee meeting, giving an overview of the plaza event rule-making process required by the new pedestrian plaza legislation (a process they're currently putting together), answering our community's many questions and responding to the community's input; and

**Whereas** they described some of the changes that CECM and SAPO have already done to make plaza event permitting more community-friendly, such as a five-day limit on the duration of events, increased enforcement on illegal uses, a 10% decrease in commercial events, a 24% increase in civic activities, and more time (30 days) for applications for events to be reviewed; these are expected to be incorporated into the new pedestrian plaza rules as well; and

**Whereas** up to now there have been no rules regulating either the process for issuing permits for or the management of operations during events in the pedestrian plazas, rules that are greatly needed to avoid undue impacts (many already experienced) on the neighborhoods surrounding the plazas and to ensure community access and comfort in these spaces that were created for the public's use and enjoyment; and

**Whereas** substantial attention must be given to the needs and concerns of mixed use, heavily residential neighborhoods surrounding smaller, less commercial plazas, with a diversity of age groups, users and uses, such as those in CB2, Man., especially to ensure community review of all proposed events with ample time to receive notice of applications, conduct reviews, obtain community input and give or withhold community board approval, with a duration that will fit within the framework of community board schedules and calendars; and

**Whereas** at present, the sole way plaza partners can recoup their costs for managing, maintaining, programming and operating pedestrian plazas is through the operation of concessions, which don't necessarily cover costs sufficiently;

**Whereas** Mr. Carey and Ms. Tolson confirmed that CECM and SAPO are looking for and open to recommendations from the community as they prepare these rules, and CB2 welcomes this opportunity to give input on what requirements should be part of the rules;

**Therefore be it resolved** that CB2, Man. urges that the following prerequisites be incorporated into the rules for conducting events in pedestrian plazas:

- Applications for all events (regardless of nature or size) should be reviewed by the community board (CB) representing the pedestrian plaza in question (as CBs similarly review applications for newsstands, street activities and sidewalk cafes for the local sidewalks and streets they affect). Relevant CBs should receive 60 days advance notice of such applications within which they must hold a public hearing (with the applicant presenting), gather community input and approve or reject the application.
- A cap should be put on the number of commercial (branded) events allowed each year in any one plaza, and preference should be given to civic, community-oriented events benefitting the immediate neighborhood (whose total should far outweigh the number of commercial events), such as farmers markets, local art exhibits and crafts-people's displays, arts and crafts activities, local small businesses participation, children's activities, and health fairs.
- The total number of events held per year should be restricted to a bare minimum, no more than five event days maximum in anyone month, to allow for the extensive public use and enjoyment originally intended in these plazas.
- An event should be held for no more than five consecutive days.
- CECM and SAPO should create a map and calendar, accessible online by the public, that displays all the events scheduled, and this calendar should be updated regularly 30 days before each event.
- Events should not be held back-to-back.
- Limitations should be placed on both the number of daylight and nighttime hours when events are allowed to take place, as well as on what times of day they should occur.

- A strict limit should be placed on the number of events with amplified sound that can be held annually allowing no more than three-to-four amplified music events per year and restricting them within a time period that begins no earlier than 12:00 pm and ends no later than 8:00 pm.
- Any event must be in harmony with the neighborhood surrounding the plaza, including its land use, character, population, environment, activities and general needs.
- Consideration needs to be given to the size and design of the plaza.
- Sufficient space must be assured for a specific event to allow for safe, comfortable, uncrowded circulation with adequate public access.
- 50% of the fees paid to the city for events should go back to the plaza partners (i.e. the organizations caring for the pedestrian plazas) and be dedicated to ongoing maintenance and security of the plazas.; and

**Be it further resolved** that CB2, Man. asks that the completed proposal for rules on issuing permits for and managing events in pedestrian plazas be presented to CB2, Man. for review and comment.

Vote: Unanimous, with 34 Board Members in favor.

**2. Resolution with comments in response to NYC Department of Transportation proposed rules for pedestrian plazas regarding the application process for new plazas, plaza revocation, and general, prohibited, and regulated uses for all pedestrian plazas.**

**Whereas** the NYC Department of Transportation (DOT) has proposed rules to create a regulatory framework for the department’s pedestrian plazas that formalizes an application process to designate new plazas and establishes general rules of conduct for all pedestrian plazas as well for uses and activities within them, in response to requirements of the new Pedestrian Plaza Legislation (Intro 1109- B-2016, enacted 04/21/16); and

**Whereas** the proposed rules concerning proposals and applications to designate pedestrian plazas do not include provisions for notification to the local community board of an organization’s intent to create a plaza or for community board review of applications, as was required in the original NYC Plaza Program Application Guidelines, the result being that unless the community board is itself the applicant, it has no opportunity to evaluate and give input on a proposed plaza in its district as well as no occasion to provide or withhold support; and

**Whereas** the required number of eight letters (at least) of support for a pedestrian plaza from a wide range community stakeholders is not sufficient to encompass the broad constituency and points of view these stakeholders represent; and

**Whereas** the general rules of conduct in pedestrian plazas, including general uses, prohibited uses and regulated uses extensively cover allowed uses and activities, prohibited (anti-social) behaviors and limitations on specified actions, providing groundwork for appropriate enforcement; and

**Whereas** the proposed rules also include specific rules for the Times Square Pedestrian Plaza, including those which allow for the activity of vendors licensed pursuant to section 17-307 (re food vending) and 20-453 (re vending published/written matter), however, the general rules don't specify that all vending, including vending licensed pursuant to section 17-307 and 20-453, is prohibited in pedestrian plazas (where Concessions are the only allowable usage for money exchange); and

**Whereas** DOT has invited comments on the proposed rules, to be submitted no later than May 23, 2016;

**Therefore, be it resolved** that CB#2, Man. urges that the following additional provisions be included as rules within the new regulatory framework that is adopted:

- The local community board should be notified of any proposal to designate a pedestrian plaza in its district. It should receive 90 days advance notice of applications for such plazas, within which it must hold a public hearing, gather community input and indicate its support (or not) for the application.
- At least 15 letters of support for a pedestrian plaza should be submitted from community stakeholders, including but not limited to at least two neighboring property owners, three residents, three different types of nearby businesses, two elected officials, two neighborhood and/or block associations, two not-for-profit groups as well as nearby institutions like churches and schools.
- All vending, including vending licensed pursuant to section 17-307 and 20-453, is prohibited in pedestrian plazas. The only way food is allowed to be purchased on a plaza is through a concession.

Vote: Unanimous, with 34 Board Members in favor.

**3. Resolution requesting parking and intersection alignment improvements, including sidewalk extensions, high visibility crosswalks and signalization changes, to improve pedestrian safety, on Greenwich Ave. from Bank St. to W. 12th St., and on W. 12th St from Greenwich Ave. to the midblock entrance for the new park on the St. Vincent's Triangle.**

**Whereas** Greenwich Ave. from W. 11<sup>th</sup> St. to W. 12<sup>th</sup> St. and W. 12<sup>th</sup> St. bet. Greenwich and 7<sup>th</sup> Aves. have frequently presented a challenge to pedestrians crossing the street, with their wide and oddly angled intersections, shortage of traffic controls and lack of well-marked crosswalks, a hazardous situation that cries out for attention now with creation of the new, already well-used park on the St. Vincent's Triangle and the upcoming AIDS Memorial; and

**Whereas** since the park opened, there's a crossover from Bank St. cutting through the park that is used by subway riders to access the 14<sup>th</sup> St. station on W. 12<sup>th</sup> St. as well as by many others heading in that direction, including parents with children going to school. This has led to a substantial increase in pedestrians crossing at Bank St. on Greenwich Ave. (across two-way traffic); and

**Whereas** there are neither traffic controls nor a crosswalk on Greenwich Ave. at the wide Bank St. crossing, and trucks and other motor vehicles often block pedestrian visibility, altogether a danger to pedestrians that now is intensifying with the increased number of people crossing at that intersection; and

**Whereas** the intersection of Greenwich Ave. and W. 12<sup>th</sup> St. is exceptionally irregular and broad, with an angle that forces vehicular traffic to jog abruptly from the east to the west side of W. 12<sup>th</sup>, conceals a clear path for vehicles coming from several directions and generally obscures visibility. It also includes very long, asymmetrical crosswalks traversing the east side of W. 12<sup>th</sup> and the south side of Greenwich, all of this compromising safety for both pedestrians (whose numbers will greatly increase with the opening of the AIDS Memorial) and vehicles; and

**Whereas** parking on the east side of Greenwich Ave. north of Bank St. has been absent because of construction activities this past year, and demand has disappeared, allowing ample space for extending the sidewalk there; and

**Whereas** the western half of the south side of W 12th St has also been blocked off for construction, but much of this area is not available for parking in any case due to a fire hydrant roughly 20' east of the Greenwich Ave intersection, allowing ample space for also extending the sidewalk there;

**Therefore be it resolved** that CB2, Man. urges that the following pedestrian safety and traffic control measures be incorporated on Greenwich Ave. from Bank St. to W. 12th St., and on W. 12th St from Greenwich Ave. to the midblock entrance for the new park on the St. Vincent's Triangle:

- Extend the sidewalk on the east side of Greenwich Ave. from Bank St. to W. 12<sup>th</sup> St., continuing the extension all around the corner going east on W. 12<sup>th</sup> St. to the midblock entrance of the new park, thereby helping shorten the Greenwich Ave. and 12<sup>th</sup> St. crossings, better and more clearly channeling traffic and increasing visibility. (A gravel extension with planters can be maintained by the AIDS Memorial organization).
- Install a neckdown on the northwest side of Greenwich Ave. at Bank St. to further shorten this currently hazardous crossing and making it long enough to effectively daylight the view of traffic heading east on Greenwich Ave.
- Install a neckdown on the southwest side of Greenwich Ave. at W. 12<sup>th</sup> St. to further shorten this exceptionally hazardous crossing.
- Install a neckdown on the northeast side of W. 12<sup>th</sup> St. at Greenwich Ave. to further shorten this currently hazardous crossing.
- Install a high visibility widened crosswalk, which widens on the west side across the south side of Greenwich Ave. at W. 12<sup>th</sup> St. to better encompass the natural flow of pedestrian traffic.
- Install a high visibility cross walk on the east side across W. 12<sup>th</sup> St. at Greenwich Ave.

Vote: Unanimous, with 34 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan