

Brad Hoylman, *Chair*
Bo Riccobono, *First Vice Chair*
Alison Greenberg, *Second Vice Chair*
Bob Gormley, *District Manager*



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

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

FULL BOARD MINUTES

DATE: March 22, 2012
TIME: 6:00 P.M.
PLACE: Grace Church School, 86 Fourth Avenue, Tuttle Hall

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Terri Cude, Maria Passanante Derr, Doris Diether, Roberty Ely, Sheelah Feinberg, Joshua Frost, Gideon Gil, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Arthur Kriemelman, Evan Lederman, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Chenault Spence, Richard Stewart, Sean Sweeney, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Susanna Aaron, Keen Berger, Raymond Lee

BOARD MEMBERS ABSENT: Alison McGonigal-Nelson, Arthur Z. Schwartz

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Jessica Silver, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Andrewa Swalec, Tony Hoffmann, Robin Goldberg, Zella Jones, Judith Callet, Davide Gentile, Robert Dvorin, Elizabeth Adam, Mariely Paredes, Tatashi Sonohara, Tomoya Suzuki, Yusei Shimoto, Mitch Blank, Henry Sidel, Moi Hung, Joyce Goldzman, James Rogers, Lisa Fischhoff, Marco Sabater, John Flood, Irene Anshlowar, Paula Feddersen, Eileen Blumenthal, Van Scott, John Paul DeVerna, Buck Moorhead, Lincoln Anderson, Evelyn Cheng, Stephen Childress, Rachel Goddard, Elizabeth Brennan, Steve Charen, Lester Mantell, Rebecca Ramos, Diana Childress, Donald Bernstein, Jeffrey Barr, George Karp, Tom Jarnold, Jeff Wice, Louis Greco, Norma Cote, Patricia deConto, Jose DeConto

MEETING SUMMARY

Meeting Date – March 22, 2012
Board Members Present – 45
Board Members Excused – 3
Board Members Absent – 2

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH	4
LANDMARKS AND PUBLIC AESTHETICS	5
LAND USE & BUSINESS DEVELOPMENT	8
PARKS & OPEN SPACE	11
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	13
SLA LICENSING	19
SOCIAL SERVICES, & EDUCATION	57
STREET ACTIVITY & FILM PERMITS	59
TRAFFIC AND TRANSPORTATION	61

II. PUBLIC SESSION

Non-Agenda Items

Vern Fry

Doris Diether and Lois Rakoff spoke regarding the passing of long-time Public Member Vern Fry.

Traditional Chinese Dance

Moi Hung spoke regarding the preservation of traditional Chinese dance.

Neighborhood Political Action

Rachel Goddard, from Chelsea/West Village for Change, introduced herself.

Meatpacking District Public Plazas

Marco Sabater, from MPDIA, spoke.

Preventive Services

Rebecca Ramos spoke in favor of preventive services.

Environment, Public Safety & Public Health Items

Spectra Pipeline

Buck Moorhead spoke against the pipeline proposal.

NYPD Auxiliary

Jeff Wice, from NYPD Citywide Traffic Task Force, spoke.

Land Use and Business Development Items

25 Great Jones aka 22 Bond St. (Block 530 Lots 19) BSA Cal No: 43-12-BZ Variance application
Louis Greco spoke in favor of the proposed variance application.

SLA Licensing Items

Hersa Hospitality Trust d/b/a Hyatt, 76 E. 13th St.,
Lester Mantell spoke against the proposed hotel liquor license.

132 4th Avenue Restaurant, LLC, TBD, 132 4th Ave.,
Lester Mantell spoke against the proposed liquor license for a restaurant inside the proposed hotel.

Chelsea Morning Partners, LP, 99 Bank St.
Norma Cote, Paula Feddersen, Tom Jarnold, Irene Anshlowar, Diana Childress, Robert Dvorin, Joyce Goldzman, and Henry Sidel, all spoke against the proposed liquor license application.

Donald Bernstein, representing the applicant, and Jeffrey Bar spoke in favor of the proposed liquor license.

Tac 14 Corp. d/b/a Garota de Ipanema, 242 W. 14th St.
George Karp, representing the applicants, and Patricia and Jose DeConto, the applicants, both spoke in favor of the proposed liquor license.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Jessica Silver, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of January minutes and distribution of February minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported

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

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Resolution opposing the NYC DOT petition by Spectra/Texas Eastern Energy Transmission Services, LLC for revocable consent to install a gas main within the lands under the water of Hudson River

Whereas, the applicant has applied to the New York City Department of Transportation for a revocable consent to install a 30" gas transmission line underneath the Hudson River; and

Whereas, there was a total of roughly 50 members of the public at two recent Manhattan Community Board 2 ("CB2") meetings on this topic and all were very opposed to the application; no one from the public spoke in favor of the application; and

Whereas, in October 2011, CB2 unanimously passed a resolution (attached) explaining that we would be unable to support this project until certain alterations were made, which included: The size of the pipeline should be reduced in size; an automatic shutoff valve should be installed at the point where the pipeline emerges from the riverbed on the Gansevoort Peninsula; the depth of the pipeline should be buried much deeper than proposed; and, several concerns were raised relating to traffic and transportation impacts during construction; and

Whereas, the pipeline remains at 30" in diameter; remote shutoff valves will be installed, but not automatic shutoff valves; the depth of the pipeline is deeper, but still not at a depth CB2 is comfortable with; and

Whereas, as evidence of the pipeline's safety, the applicants state that the Maximum Operating Pressure ("MOP") for this pipeline is 350 psi (i.e. a 'large' pipeline carrying 'low pressure' is safe), however, it is important to note that the San Bruno, CA pipeline that exploded in September 2010 *also* operated at a MOP of 350 psi¹. While we are encouraged that this proposed pipeline will be thicker and have a much higher Maximum Allowable Operating Pressure ("MAOP") than the pipe in San Bruno, the fact remains that the MOP for this pipe would be the same as the San Bruno explosion, thus creating the potential for a similar amount of damage in the event of a failure (naturally, since Manhattan is much more densely populated than San Bruno, there would likely be many more fatalities); and

Whereas, pipeline failures are more common in New York than one might think: Con Edison has had 8 pipeline failures *since* the San Bruno explosion in late 2010²; and

Therefore Be It Resolved, it would be irresponsible for CB2 to approve this application because the concerns we raised in our October 2011 resolution have not been adopted by FERC or the applicant, so this Board remains unable to support this project; and

Therefore Be It Further Resolved that because installing a gas main within the lands under the Hudson River would constitute the initiation of this project within and incursion into the domain of CB2, CB2 opposes issuing a revocable consent to install a gas main within the lands under the water of the Hudson River.

Vote: Unanimous with 45 Board members in Favor

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1 - LPC Item: 130 Prince Street (Wooster/W.Bdwy) SoHo Historic District. An industrial building remodeled ca. 1984. Application is to modify the storefront infill.

Whereas, bringing the header up to the line of the rest of the fenestration will further unify the lines of storefront, and will enhance the building and the district; and

Whereas, the materials and palette are also in line with the rest of the building and district; now

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

Vote: Unanimous, with 45 Board members in favor.

2 - LPC Item:12 - 32 Morton Street (7th Ave. S.) - Greenwich Village Historic Distric. A utilitarian building designed by Hobart B. Upjohn and built in 1920. Application is to enlarge window openings at the penthouse.

Whereas, the penthouse is so far distant from the public's view that the minor changes proposed here would be barely noticeable; and

Whereas, the increased window opening will not detract from the whole of the building nor the district, and the painting will be an improvement; now

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

Vote: Unanimous, with 45 Board members in favor.

2ND LANDMARKS MEETING

3 - LPC Item:10 - 449 Broadway, aka 26 Mercer Street (Howard/Grand)– SoHo HD. A store building built in 1868, and a store and loft building built in 1855. Application is to install storefront infill and signage.

Whereas, on the Broadway façade, removing the fire escape, repairing the front of the building and replacing the windows add to the building, and the proposed signage does not detract from it; and

Whereas, the change to the storefront from the approved 1990s design is acceptable, except for the display window, which, with so much glass, would benefit from the addition of a vertical pier; and

Whereas, we suggest that the storefront bulkhead should have some more “richness” in place of the propose panels, as well as being several inches higher than the proposed 15” base; and

Whereas, on the Mercer façade, we appreciate the portion of the proposal that would retain the attractive fire escape and historical shutters; but

Whereas, we strongly object to the proposal to remove the loading dock. The applicant's claim that there are no other loading docks on the block may be true, but there certainly are other loading docks on that side of Mercer, as well as quite a few others throughout the neighborhood, mementos of a mercantile past, so germane to SoHo's evolution; and

Whereas, it has always been our belief that the LPC feels, as we do, that, although some of the current loading docks may not be the original loading docks, structures that likely could not withstand the decades of rigorous daily use by teamsters and workers, nevertheless these elements are essential to the district's industrial and commercial development, and are certainly valid and authentic historical replacements, built decades and decades old; and

Whereas, the Commission has long voiced the notion that because SoHo was a commercial and warehouse neighborhood in the 19th century, and had no trees during that period, the neighborhood thus should not be permitted to have trees today. Fine. In fact, to the best of our knowledge, the Commission has never issued a permit for a tree, based on that reasoning; and

Whereas, so, using the Commission's same reasoning, since SoHo was a commercial and warehouse district in the 19th century, any historical references to that period, particularly iconic elements like loading docks, should be recognized as contributing features and not be removed; and

Whereas, in other words, it is incongruous and illogical to ignore the area's industrial history to permit the destruction of a loading dock, only to evoke the same history when not permitting the planting of trees; and

Whereas, all of the above notwithstanding, we appreciate the portion of the proposal that would retain the attractive fire escape and historical shutters; but we recommend that the applicant present the Commission with a proposal for a bulkhead at least 18, or even 24 inches, in height instead of the proposed 12"; and

Whereas, further, we understand the need for a recessed, non-contextual fenestration to accommodate the shutters, but we suggest that the applicant add a vertical mullion on the southern display window, which would break the expanse of the glazing; now

Therefore, be it resolved that Community Board 2 recommends approval of the Broadway facade application, but only if the display window has a vertical pier added and a bulkhead of historical height; and

Further, be it resolved that on the Mercer façade, the loading dock should be preserved along with the fire escape and shutters; and

Further, be it resolved that any display window approved by the Commission should have a mullion.

Vote: Unanimous, with 45 Board members in favor.

4 - LPC Item:11 - 11 St. Luke's Place (Hudson/7thAveS)– Greenwich Village HD. An Italianate style rowhouse built in 1852. Application is to construct rooftop and rear yard additions, reconstruct the rear facade and excavate the rear yard. Zoned R6

Whereas, the rooftop addition will not be visible from within the historic district, and barely visible from beyond; but

Whereas, when buying property in a well-known historic district, people should abide by the spirit of that historic district and not expect to demand the destruction of part of that district; and

Whereas, we continue to strongly object to these constant requests and approvals for the unjustified destruction of historical material, namely a good portion of the rear façade; and

Whereas, the applicant's argument that the adjacent building, 12 St. Luke's Place, was destroyed is only partially true. Indeed, decades before designation, the rear of the building was extended. But what exists there now and which was approved by the LPC is actually an improvement on the earlier rear-yard extension; and

Whereas, this block has an exceptional joining of backyard gardens and makes a unusual landscape worthy of protection; and

Whereas, the rear yard currently has pavers and so has the potential for greenery, an essential element of a city backyard; but

Whereas, the proposal to excavate most of the subsoil to create an extended basement into the backyard would forever preclude the presence of any serious urban vegetation, like shade or fruit trees; now

Therefore, be it resolved that CB#2, Man. recommends of approval of the rooftop addition; but

Further, be it resolved, that we recommend denial of the proposed rear-yard addition and the cellar excavation.

Vote: Unanimous, with 45 Board members in favor.

5 - LPC Item:12 - 32 Morton Street - Greenwich Village Historic District. A utilitarian building designed by Hobart B. Upjohn and built in 1920. Application is to enlarge window openings at the penthouse.

Whereas, this enlargement is barely visible from the street and would not detract from the building or the district; now

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

Vote: Unanimous, with 45 Board members in favor.

6 – LPC Item:13 - 29 7th Avenue South (Bedford/Leroy) Greenwich Village HD Extension II

A contemporary style apartment building with a commercial ground floor designed by George Schwarz and built in 1997. Application is to replace storefront infill and signage. Zoned C2-6

Whereas, the Commission may recall our continuing objections to requests from restaurateurs to install “French door and windows” in old buildings in our historic districts, since this type of fenestration is not historical; but

Whereas, this building is not very historical or contributing, and so we are open to the argument that French doors and windows in this particular location would not be incongruous; now

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

Vote: Unanimous, with 45 Board members in favor.

7 - LPC Item:14 - 21 East 13th Street, aka 22-26 East 14th Street – Bauman Brothers Furniture Store – Individual Landmark. A store and loft building, designed by David and John Jardine and built in 1880-81. Application is to replace storefront infill

Whereas, we appreciate the improvement to this building that the proposal will bring, but we suggest that the door bulkhead be brought up to enhance better the bulkhead line of the display windows; now

Therefore, be it resolved that CB#2, Man. recommends general approval of this application, but suggests the door bulkhead be raised.

Vote: Unanimous, with 45 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 434 6th Avenue (Block 573, lot 6) Board of Standards and Appeals Special Permit Application pursuant to Section 73-36 to allow the operation of a Physical Culture Establishment (PCE)/yoga center on the second floor, within a C4-5 zoning district, for a term of ten (10) years.

WHEREAS, The area was posted and there was no opposition to this application, And

WHEREAS, The operation of this facility is not likely to have any significant impacts on the surrounding community, And

WHEREAS, The owner of this yoga center has managerial experience from another similar establishment,

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this Board of Standards and Appeals Special Permit Application pursuant to Section 73-36 to allow the operation of a Physical Culture Establishment (PCE)/yoga center on the second floor, within a C4-5 zoning district, for a term of ten (10) years.

Vote: Passed, with 44 Board members in favor and 1 recusal (T. Bergman).

2. 372 Lafayette Street (Block 530, Lot 13) BSA Cal. No. 290-06-BZ, Board of Standards and Appeals Application under Sections 42-10 and 42-14 to amend a previously granted variance, to permit construction of a 6-story plus cellar building containing retail and residential use at the Subject Premises, located in a M1-5B zoning district.

WHEREAS, The area was posted and a representative of the NOHO Neighborhood Association appeared and stated that there was no opposition to this application, And,

WHEREAS, The changes to this application are minor, And,

WHEREAS, these modifications are an improvement to the project, And,

WHEREAS, Community Board approved the previous application for this proposal, And,

WHEREAS, the revised layout of the ground floor would require the space be used as two separate stores rather than a single larger store,

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this Board of Standards and Appeals Application under Sections 42-10 and 42-14 to amend a previously granted variance, to permit construction of a 6-story plus cellar building containing retail and residential use at the Subject Premises, located in a M1-5B zoning district.

Vote: Passed, with 44 Board members in favor and 1 recusal (T. Bergman).

3. 100-108 Varick Street, 557 Broome Street and 66 Watts Street, (Block 477, Lots 35, 42, 44 and 76) Board of Standards and Appeals Variance Application pursuant to Z.R. §72-21 and pursuant to Multiple Dwelling Law §310(c), to permit construction of a new 14-story residential building in an M1-6 zoning district and to establish bulk standards for the new building.

WHEREAS, The area was posted and community members appeared to express concerns and opposition to this application, And,

WHEREAS, The proposed Hudson Square rezoning is currently in progress and will soon be certified, And,

WHEREAS, This site is in a sub district of the proposed Hudson Square rezoning where the proposed rezoning is not yet resolved and the surrounding neighbors have requested that all of the properties in the sub district receive equal treatment, And,

WHEREAS, The previous variance application, that Community Board #2 supported, for this site was approved at a lower FAR and the basic hardship issues that the application was based on have not substantially changed, And,

WHEREAS, Eliminating the Height Restriction Agreement and making the site bigger through acquisition of two adjacent sites make the site more economic to build on and do not increase the hardship, And,

WHEREAS, The surrounding neighbors have noted ongoing issues with the maintenance of the vacant site and the applicant has stated that these problems have been resolved and that the site will be properly maintained, And,

WHEREAS, The applicant has committed to work with the adjoining neighbors to address the proposed Hudson Square rezoning, And,

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends that this application be rejected at this time to let the process of the proposed Hudson Square rezoning move forward, And,

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends that happens on this site should substantively comply with the new zoning, whatever it may be, and, if a hardship remains after the rezoning that requires a variance, an application should be put forward at that time.

Vote: Passed, with 44 Board members in favor and 1 recusal (T. Bergman).

4. 25 Great Jones aka 22 Bond St. (Block 530 Lots 19) BSA Cal No: 43-12-BZ Board of Standards and Appeals Variance application to (i) occupy the existing thirteen-story structural shell with 10 residential units fronting on Great Jones Street; and (ii) construct a four-story, one-family townhouse with a garage fronting on Bond Street. The proposed development would follow the R8 Quality Housing regulations and have a floor area ratio of 5.99. Located in an M1-5B zoning district.

WHEREAS, The area was posted and a representative of the Bowery stakeholders appeared and stated that, while there are concerns about the height / bulk of the building and the garage entry on Bond Street, there is general support for this project, And

WHEREAS, the existing unfinished structure was intended to be an as of right hotel that has proven to be infeasible, And,

WHEREAS, The incomplete building has been vacant and is an eye sore in this recently enacted landmark district, And,

WHEREAS, The Bond Street garage entry is for one car only and is very inappropriate for this location, And,

WHEREAS, There have been many variance applications in this area that have asked for an increase in FAR beyond the allowed FAR of 5.0 and the increase was not approved by both the Community Board and the Board of Standards and Appeals and Board #2 notes that these buildings were constructed at the approved FAR of 5.0, And,

WHEREAS, Residential usage is appropriate at this location and allowing residential usage will provide additional value to this proposal, And,

WHEREAS, There were significant construction issues while the new structure was being erected, And

WHEREAS, The applicant has been meeting with the surrounding community and has stated a commitment to establish a community construction agreement and to work with the community during construction, And,

WHEREAS, CB#2, Man. understands that this application must still go through Land Marks process and the Board notes that any land use approval does not constitute landmarks approval by this Community Board,

THEREFORE BE IT RESOLVED, that CB#2, Man. prefers residential usage at this site over hotel usage, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. strongly maintains that the existing 5.0 FAR, as was approved for other variance applications in this area, be maintained, And,

THEREFORE BE IT FURTHER RESOLVED that the one-car garage on Bond Street should not be approved; And

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. recommends approval of the other aspects of this Board of Standards and Appeals Variance application to (i) occupy the existing thirteen-story structural shell with 10 residential units fronting on Great Jones Street; and (ii) construct a four-story, one-family townhouse fronting on Bond Street.

Vote: Unanimous, with 45 Board members in favor.

PARKS, RECREATION & OPEN SPACE

1. A resolution regarding the scope for a funded capital project for Father Fagan Square and Charlton Plaza

Whereas:

1. Over 20 nearby residents attended a site inspection and scoping meeting regarding a funded capital project at Father Fagan Square and Charlton Plaza.
2. The project for Charlton Plaza consists of installing a water source for volunteer gardeners and installing new sidewalk pavement because the existing sidewalk is sunken and hazardous. There was concern about the appearance and location of the require “RPZ” equipment for the water source. This should be located underground if possible and in any case as far to the west or north edge of the garden as possible.
3. Father Fagan Park consists of a small property owned by the Parks Department adjacent to a demapped portion of Macdougall Street still officially under Department of Transportation jurisdiction.
4. For Father Fagan Park, all speakers spoke in favor of a design similar to the current design and made the following comments:
 - a. There should be at least as much bench seating as currently. Benches on both sides of the sidewalk are desirable as are benches facing in and out throughout the park so that there are always benches located in sun and shade. Some benches should be arranged to encourage conversation and some residents spoke in favor of including tables. Consideration should be given to eliminating the benches closest to the residential buildings along the east side of the park.
 - b. While some residents favored consideration of fencing some areas, most preferred keeping this an entirely open park except possibly for fences to protect planted areas that will otherwise be trampled during the Halloween parade.
 - c. The open area in the middle is used for play by young children and should retain its openness.
 - d. The location of the old streetbed of Macdougall St. should be demarked in a visible way, possibly with paving.
 - e. The wide curb cuts, one on Prince Street and one on Sixth Avenue on the south end of the park, should be eliminated for improved safety. Pedestrian curb cuts should be located at crosswalks only.
 - f. Plaques honoring Father Fagan and firefighters James Young and Christopher Siedenbug should be placed in a permanent and appropriate manner.

- g. The design should be coordinated with the design for reconstruction of Soho Square and Duarte Square to retain the connection between these sites, possibly by use of similar and distinctive pavings, lighting, benches, etc.
- h. The subway vent should be retained in its current form.
- i. Possible locations for permanent or temporary art should be considered, but not disrupting the openness of the center area.
- j. There's a need for attractive permanent trash receptacles sufficient for the high lunch time use.
- k. The drinking fountain should be retained.
- l. There should be more opportunities for attractive gardens, desirable for maintenance by volunteers.
- m. Better lighting is needed, with care taken not to shine light into residences.

Therefore it is resolved that

- 1. CB#2, Man. encourages the Parks Department to give full consideration to the expressed desires of nearby residents in consideration of the design for this important project and eagerly anticipates review of the preliminary design at the earliest possible date.
- 2. CB#2, Man. encourages the City to begin the process of transfer of jurisdiction of the entire park area to the Department of Parks along with a parallel action to transfer Soho Park to Parks jurisdiction.

Vote: Unanimous, with 45 Board members in favor.

2. A resolution favoring a proposal for temporary art installation at Petrosino Park

Whereas:

- 1. The artist Carole A. Feuerman presented the proposal to the committee.
- 2. The art will be installed for a period from May through August of this year.
- 3. The piece is a broze casting painted in hyper-realistic detail, securely attached to a steel pedestal.
- 4. The artist lives in the neighborhood and will monitor the installation and make repairs and adjustments as required on a regular basis.
- 5. The artist was very receptive and responsive to concerns raised by neighbors and committee members.
- 6. The location at the north end of the park is intended for temporary art installations.

Therefore it is resolved that CB#2, Man. favors this temporary installation and appreciates the related efforts of the artist and the Parks Department.

Vote: Unanimous, with 45 Board members in favor.

3. Pillow Fight Day

Whereas Washington Square Park has been announced as the New York City location of the 2012 Pillow Fight Day on Saturday, April 7th; and

Whereas in previous years these events have been held at Union Square where they have caused serious damage and injuries; and

Whereas this is an illegal event with no permit; and

Whereas the still incomplete renovation of Washington Square Park, with an approximately \$30 million price tag, includes fragile lawns, plantings, and park furniture; and

Whereas if the event occurs as planned it is likely to establish a tradition with negative long term impacts on the newly renovated park;

Therefore, CB#2, Man. strongly urges the Parks Department and Police Department to enforce the law and protect the park and its visitors, and asks our elected officials including the mayor to meet with the authorities to insist they take appropriate action to prevent this abuse of the park.

Vote: Unanimous, with 45 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

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

1. Dojo Restaurant Inc. d/b/a Dojo West, 14 W. 4th St. (SE corner Mercer St), with 6 tables & 22 seats, DCA# 0890588

Block:535 Lot:7501	Lot Frontage:209' Lot Depth:200	Year Built:1908
Number of Buildings:1;	Number of Floors:12	Residential Units:274;
Total # of Units:275	Zoning:C6-2	Landmark Building: Yes
Historic District: NoHo		

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

Whereas, this café has been operated for many years by this applicant with no known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Dojo Restaurant Inc. d/b/a Dojo West, 14 W. 4th St. (SE corner Mercer St), with 6 tables & 22 seats, DCA# 0890588.**

Vote: Unanimous, with 45 Board members in favor.

2. Legendary Nightspots, Inc. d/b/a The Duplex, 61 Christopher St. (NE corner 7th Ave S), with 18 tables & 36 seats, DCA# 1190534

Block:610 Lot:1	Lot Frontage:90.58' Lot Depth:149	Year Built:1915(estimated)
Number of Buildings:7;	Number of Floors:1	Residential Units:23;
Total # of Units:31	Zoning:C4-5R6	Landmark Building: Yes
Historic District: Greenwich Village		

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

Whereas, this café has been operated for many years by this applicant with no known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Legendary Nightspots, Inc. d/b/a The Duplex, 61 Christopher St. (NE corner 7th Ave S), with 18 tables & 36 seats, DCA# 1190534.**

VOTE: Unanimous, with 45 Board members in favor.

3. Café 522 Hudson Inc. d/b/a The New French, 522 Hudson St. (btw W 10 St & Charles St), with 8 tables & 16 seats, DCA# 1320914

Block:620 Lot:1 Lot Frontage:69.75' Lot Depth:99.83 Year Built:1950
Number of Buildings:1; Number of Floors:5 Residential Units:24; Total # of Units:29
Zoning:C1-6 Landmark Building: Yes
Historic District: Greenwich Village

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

Whereas, this café has been operated for two years by this applicant with few known issues, and

Whereas, the committee noted the applicant has been keeping a service cart on the sidewalk even when the café is not in operation and the applicant ensured it would no longer be used, and

Whereas, the applicant has often used a sandwich board sign on the sidewalk and committed to ensuring it is kept flush against the building façade,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Café 522 Hudson Inc. d/b/a The New French, 522 Hudson St. (btw W 10 St & Charles St), with 8 tables & 16 seats, DCA# 1320914**

CONDITIONAL UPON the applicant promptly removing the service cart and any signage from the sidewalk as noted in Whereas 3 & 4.

VOTE: Unanimous, with 45 Board members in favor

4. Panzi Enterprises, LLC, d/b/a Panca, 92 7th Avenue South (btw Bleecker St & Grove St), with 13 tables & 36 seats, DCA# 1250013

Block:591 Lot:10 Lot Frontage:86.5' Lot Depth:117.92 Year Built:1910(estimated)
Number of Buildings:1; Number of Floors:3 Residential Units:6;
Total # of Units:8 Zoning:C4-5 Landmark Building: Yes
Historic District: Greenwich Village

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

Whereas, this café has been operated for many years by this applicant with no known issues, and

Whereas, the committee informed the applicant that two loudspeakers installed on the exterior are illegal and the applicant committed to remove the speakers before the end of the month,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Panzi Enterprises, LLC, d/b/a Panca, 92 7th Avenue South (btw Bleecker St & Grove St), with 13 tables & 36 seats, DCA# 1250013**

CONDITIONAL UPON the applicant removing all exterior loudspeakers as noted in Whereas 3 before this application moves to the City Council

VOTE: Unanimous, with 45 Board members in favor.

5. 7th & Barrow, LLC, d/b/a Sushi Samba #7, 87 7th Ave. South (btw Barrow St & Grove St), with 20 tables & 40 seats, DCA# 1253042

Block:591 Lot:34	Lot Frontage:50' Lot Depth:66.42	Year Built:1920
Number of Buildings:1;	Number of Floors:1	Residential Units:0;
Total # of Units:2	Zoning:C4-5	Landmark Building: Yes
Historic District: Greenwich Village		

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

Whereas, after some initial issues several years ago, this café has been operated for many years by this applicant with no known issues, and

Whereas, the committee reminded the applicant that umbrellas in use in the café must not extend beyond the vertical line of the café (over the public sidewalk) and the applicant ensured this would be done, and

Whereas, one member of the committee noted a service cart/station had been used in the café in the past and the applicant committed to make sure one is not used,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **7th & Barrow, LLC, d/b/a Sushi Samba #7, 87 7th Ave. South (btw Barrow St & Grove St), with 20 tables & 40 seats, DCA# 1253042**

VOTE: Unanimous, with 45 Board members in favor.

6. Gat 35 Corp. d/b/a Da Andrea, 35 W. 13th St. (btw 5 Ave & 6 Ave), with 8 tables & 16 seats, DCA# 1307585

Block:577 Lot:19	Lot Frontage:125' Lot Depth:206.5	Year Built:1930
Number of Buildings:1;	Number of Floors:5	Residential Units:0;
Total # of Units:6	Zoning:C6-2 MC6-2	

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

Whereas, this café has been operated for many years by this applicant with no known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Gat 35 Corp. d/b/a Da Andrea, 35 W. 13th St. (btw 5 Ave & 6 Ave), with 8 tables & 16 seats, DCA# 1307585**

VOTE: Unanimous, with 45 Board members in favor.

7. Moz Restaurant Inc. d/b/a Meme, 581 Hudson St. (SW corner Bank St), with 8 tables & 16 seats, DCA# 1347167

Block:634 Lot:60 Lot Frontage:50.08' Lot Depth:71.08 Year Built:1930
Number of Buildings:1; Number of Floors:5 Residential Units:22;
Total # of Units:25 Zoning:C1-6 Landmark Building: Yes
Historic District: Greenwich Village

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

Whereas, this café has been operated for two years by this applicant with few known issues, and

Whereas, the committee noted that the café was often not set up according to plan, often causing a reduction in required clearance between the café and a street light near the corner of Bank St, and the committee reviewed the approved plan with the applicant who committed to ensure the plan is followed,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Moz Restaurant Inc. d/b/a Meme, 581 Hudson St. (SW corner Bank St), with 8 tables & 16 seats, DCA# 1347167**

VOTE: Unanimous, with 45 Board members in favor.

Re-Apply App. for revocable consent to operate an Unenclosed sidewalk café for:

8. Franco-American Restaurant Investment Group In. 235 W. 12th St. (btw W 4 St & Greenwich Ave), with 3 tables & 6 seats, DCA# 1383038

Block:615 Lot:81 Lot Frontage:40' Lot Depth:62.25 Year Built:1900 (estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:16
Total # of Units:18 Zoning: C1-6 Landmark Building: Yes
Historic District: Greenwich Village

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

Whereas, this café was initially approved by CB2 Manhattan in 2011 with reservations, but DCA subsequently determined the raised nature of the concrete and diamond plate in front of the establishment constituted a 'platform' which is not allowed under DCA sidewalk café regulations, and

Whereas, the applicant's landlord was then required to obtain Landmarks Preservation Commission approval to modify the sidewalk to remove the raised area which also required the applicant to refile for the sidewalk café, and

Whereas, the committee noted that there appears to be substantial traffic between the restaurant and stairs to the basement which are located on the other side of the residential entrance to the building, and Mr. Kelly assured the committee that service to the sidewalk café would in no way be handled by that route, and

Whereas, Mr. Kelly was advised that the applicant has been advised on at least three occasions to cease using sandwich board or other signage on the public sidewalk and the applicant has continued to routinely use such signage, and

Whereas, as it was in the initial application, the committee continues to be concerned much of the service to the 4-top table to the right of the door will occur from the public area of the sidewalk rather than the shown service aisle which is also the entryway to the establishment,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Franco-American Restaurant Investment Group In. 235 W. 12th St. (btw W 4 St & Greenwich Ave), with 3 tables & 6 seats, DCA# 1383038**

UNLESS an agreement is signed between the applicant and the office of City Council Speaker Christine Quinn in which the applicant assures the following as also noted in Whereas 4, 5 & 6:

- **No signage will be used on the sidewalk**
- **No sidewalk café service will be handled via the basement stairway**
- **ALL café service will occur from the approved service aisle, which is shared with the restaurant entry or the 4-top table will be reduced to a 2-top reoriented by 90 degrees**

VOTE: Unanimous, with 45 Board members in favor.

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

9. Raro Inc. d/b/a Rafele, 29 7th Avenue South (btw Bedford St & Morton St), with 8 tables & 32 seats, DCA# 1419407

Block:586 Lot:45	Lot Frontage:160' Lot Depth:67.75	Year Built:1998
Number of Buildings:1;	Number of Floors:6	Residential Units:12;
Total # of Units:15	Zoning:C2-6	Landmark Building: Yes
Historic District: Greenwich Village Historic Dist. Ext. II		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Romero Palmisano, and his attorney, Michael Ferrari, were present, and

Whereas, a similar café had been operated at this location for a short time by a previous operator with no known issues, and

Whereas, the committee noted the 26 feet of space to the right of the north door would not practically support the proposed 6 tables in daily use and requested 1 table (and 4 chairs) be removed, and

Whereas, the two tables to the north of the door appear to be somewhat squeezed as well, but the café as proposed appears to not use several feet of space to the property line that could be used to improve the table/seat spacing on that end, and

Whereas, the committee noted that the submitted plan left more than 12 feet of clearance to the curb and more than 7 feet of clearance to the subway grate in the sidewalk and the committee suggested to the applicant that an additional row of 2-top tables might be added to the café which would increase the café by 7 tables and 14 seats while still leaving 10 feet of public sidewalk with more than 5 feet clearance to the subway grating, and

Whereas, the applicant committed to removing one of the group of 6 tables and its four chairs and exploring the additional depth and length of the café as discussed with the committee,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Raro Inc. d/b/a Rafele, 29 7th Avenue South (btw Bedford St & Morton St), with 8 tables & 32 seats, DCA# 1419407**

CONDITIONAL UPON one (1) of the tables and four (4) seats between the doors are removed leaving the café with 7 tables and 28 seats. If the applicant alters the design to add a row of 2-seat tables along the outside of the cafe, the seating would be 14 tables and 42 seats.

VOTE: Unanimous, with 45 Board members in favor.

10. 103 GW12, LLC, d/b/a Monument Lane, 103 Greenwich Ave. (NW corner W 12 St), with 9 tables & 18 seats, DCA# 1420085

Block:615 Lot:81	Lot Frontage:40' Lot Depth:62.25	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6	Residential Units:16;
Total # of Units:18	Zoning:C1-6	Landmark Building: Yes
Historic District: Greenwich Village		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Josh Frum, and his representative, Michael Kelly, were present, and

Whereas, this location had a sidewalk café many years ago under a different operator, and

Whereas, the committee noted the building maintains two illegal trash housings on the W 12th St side of the building and their removal might allow the applicant to increase the seating of the café by up to 4 seats, and

Whereas, the applicant informed the committee that as part of his SLA application, he has met with neighboring residents and established as part of his Method of Operation more restricted closing times for the sidewalk café which will close at 11 pm from Sun – Wed and midnight from Thur – Sat, and

Whereas, there are several obstructions impacting the café, including a fire hydrant on W 12th St and a street light, phone booth, MuniMeter and fire escape drop ladder on the Greenwich Ave side, and

Whereas, after discussion with Council Speaker Quinn's office, the committee requested the one 2-top table on W 12th St be moved against the façade. Mr. Kelly it had originally been drawn there but DCA requested the service aisle be maintained on the inside. The committee disagrees and, believing there is enough room for the service aisle to be on the outside while maintaining the required clearance to the fire hydrant, requested the table be moved back against the façade, and

Whereas, on the Greenwich Ave side the committee and the Speaker's office do not agree there is a valid service aisle for the single table to the left of the door and this would represent a particular choke point between the cafe and the phone booth. The applicant agreed to remove the table and 2 chairs, and

Whereas, the committee requested the applicant contact DoT to inquire about moving the MuniMeter to a location which does not impact the café or the free flow of pedestrians past it, and

Whereas, the committee was not sure if sufficient clearance is allowed for the fire escape drop ladder and requests a review of this by DCA or the City Council to ensure all DCA and DOB requirements are met,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **103 GW12, LLC, d/b/a Monument Lane, 103 Greenwich Ave. (NW Corner W. 12th St), with 9 tables & 18 seats, DCA# 1420085;**

CONDITIONAL UPON the 2-top table on W 12th St be moved up against the façade as originally proposed by the applicant and, as noted in Whereas 6, one (1) table and two (2) seats to the left of the door on Greenwich Ave are removed, resulting in a café size of 8 tables and 16 seats.

VOTE: Unanimous, with 45 Board members in favor.

SLA LICENSING

1. Celtic Dragon, LLC, d/b/a Lucky 157 Chinese Restaurant & Rathskeller, 157 Lafayette St. 10013

Whereas, the applicant appeared before the committee for a second time; and,

Whereas, this application is for a new, Full On Premise license, in a commercial building (block# 234/lot# 11) on Lafayette Street between Grand and Howard Street for a moderately priced Chinese style restaurant which has 33 tables and 126 seats and 1 bar with 6 seats and a food counter with 14 seats for a total of 146 seats. There will be no sidewalk café and no backyard garden, music will be background only and a maximum legal capacity of 186 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 12:00 p.m. to 2:00 a.m. and Friday and Saturday from 12:00 p.m. to 4:00 a.m. (when originally presented the previous month the proposed hours of operation were 12:00 pm to 4:00 am 7 days a week); and,

Whereas, this application is not unique to the surrounding area; and,

Whereas, the applicant would not consider modifying or decrease the hours of operation that would be more consistent to operating a full service **restaurant**; and,

Whereas, this location has had a history of problems including the last operator, JASL Café d/b/a Moomia SLA Serial Number 1166022, whose On Premise License, CB#2, Man. recommended not be renewed and which the SLA subsequently chose not to renew and that decision was upheld by the courts; and,

Whereas, when the applicant appeared the previous month in February 2012, CB#2, Man. asked the applicant to perform more community outreach, in particular to the building 161 Grand St. abutting the rear of the establishment which had suffered the most from the last operator's licensed establishment to ensure that they were aware of this application, the proposed method of operation and the proposed hours of operation to which the applicant was not pleased, but agreed to do so willingly; and

Whereas, the applicant at this meeting stated that he had tried to reach out to the neighbors in the building in question and had met with them but had not received a response and therefore presumed their were no issues; and,

Whereas, when there was an opportunity for the public to speak, a representative from 161 Grand St who identified himself as the Co-Operative Board President presented a signed petition in opposition from 14 of the 18 Co-operative units in the two buildings comprising the co-operative; he explained that the other 4 owners who had not signed were traveling; he proceeded to state that while the co-operative as a whole had no problems with a restaurant at this location, *they felt that the applicant had not been forthcoming with the building residents in a letter distributed to all building tenants because the applicant omitted a key issue which were the hours of operation* while the applicant also expressed sympathy for the situation the building residents were in with the previous licensee (a copy of the letter from the applicant was provided to CB#2, Man.); The Co-Op President further explained that the co-operative had a terrible time with the previous licensee Moomia and had to expend significant time and monies to have them shut down; he stated the fundamental problem with the previous operator where the hours of operation and the resulting quality-of-life issues including noise and as such stated that the Co-operative would be willing to support this applicant if they closed at Midnight, similar to other high end restaurants which do not interfere with neighbors quality of life; and

Whereas, there are nine on-premise licenses within 500 ft. and two pending licenses;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to a Full OP License for **Celtic Dragon, LLC, d/b/a Lucky 157 Chinese Restaurant & Rathskeller, 157 Lafayette St. 10003.**

Vote: Unanimous, with 45 Board members in favor.

2. Tobsk, LLC, 89 MacDougal St., 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a steak restaurant with a jazz lounge in the basement; and,

Whereas, this application is for the transfer of an existing license in a mixed use building on Macdougal Street between Houston and Bleecker (Block # 526 and Lot # 25), for a 3.600 s.f. restaurant that will have 19 tables and 64 seats and 2 bars with 16 seats (the ground floor will be 13 tables and 40 seats and 1 bar with 10 seats and the basement level will be 6 tables and 24 seats and 1 bar with 6 seats) for a total of 80 seats. There will be a sidewalk café in the future but no backyard garden, music will be "live" and background; and,

Whereas, the applicant states that the hours of operation are to be Sunday through Friday from 10:00 a.m. to 4:00 a.m. and Saturday from 11:00 a.m. to 4:00 a.m.; and,

Whereas, the operating hours for this applicant is inconsiderate to an entirely residential street and late night basement lounges have consistently resulted in undue hardship with the associated quality of life issues they present to this residential community and which are rampant in this area; and,

Whereas, the previous tenants operating hours were never past 2:00 a.m. and the use on the first floor was a full service restaurant and the basement was a comedy club; and,

Whereas, the local neighborhood association known as BAMRA (Bleecker Area Merchants' and Residents' Association) submitted a resolution they had voted on to deny this applicant based on the fact that the proposed mode of operation would not be followed in practice, as significant operating features seemed inconsistent with their proposal, and a representative from BAMRA spoke in opposition at the hearing; and,

Whereas, 8 additional speakers spoke in opposition identifying the many number of on premise licensed establishments in this area that already do not follow their approved method of operation, cited over saturation and continuing late night noise and traffic in the area; and,

Whereas, the current Certificate of Occupancy does not include use of the basement; and

Whereas, the applicant did not submit a layout for the basement use; and,

Whereas, there are 41 Full OP licenses within 500 ft. of this location and 167 Full OP licenses from LaGuardia to 6th Avenue and from Bleecker to West 3rd Street, the immediate surrounding neighborhood; and,

Whereas, there are 20 Jazz clubs in Greenwich Village and 8 within 3 blocks of this location concluding that this is not a unique application for this neighborhood and the operators have no experience running a jazz lounge which is a very specific and fickle operation that is difficult to manage successfully; and,

Whereas, CB#2, Man. formally requests the State Liquor Authority to conduct a 500 Ft Rule hearing for this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise liquor license for Tobsk, LLC, 89 MacDougal St., 10012.

Vote: Unanimous, with 45 Board members in favor.

3. Hersa Hospitality Trust d/b/a Hyatt, 76 E. 13th Street, NYC 10003

Whereas, the applicant appeared for the second time before the committee; and,

Whereas, this application is for a New Full OP Hotel license on the corner of 13th Street and 4th Avenue (Block # 564 and Lot # 45), which will service a 2,230 s.f. Lobby Lounge that has a total of 14 coffee tables and 1 communal table which will seat approximately 48 seats and 1 bar with 12 seats and all of the hotel guestrooms and accompanying mini-bars. There is no sidewalk café at this time and no back yard garden, music will be background only and a maximum legal capacity of 110 persons; and,

Whereas, the applicants originally included the rooftop of the hotel as part of the full OP Hotel license but has now agreed to remove the rooftop from this application; and

Whereas, the applicant states that the hours of operation for the lobby lounge bar (the only bar included in this application) are to be Sunday through Saturday from 6:30 a.m. to 4:00 a.m.; and,

Whereas, the applicant stated that there would be policies in place governing the use of the outdoor terrace spaces that are attached to individual rooms on the second floor so that the hotel would be able to monitor and enforce the maximum occupancy for the terrace spaces, the largest of which is 6 for a corner unit, should impromptu parties be hosted by hotel guests and create a disturbance in the outdoor areas; and,

Whereas, the applicant did significant outreach to the community and established a Memorandum of Understanding (MOU) with the building directly attached to them with the 77 E. 12th Street owners that is included below; that it is also noted that this MOU which includes provisions for the rooftop area which are no longer included in this application and which are not binding on CB#2, Man. and do not represent the entirety of the neighborhood regarding rooftop use but are presented to illustrate other aspects which are included in this application; it is noted that there was no opposition from 77 E. 12th Street owners to CB2 for the use of the rooftop but again that the rooftop is not part of this application; and

Whereas, the referenced MOU is as follows:

Memorandum of Understanding

This Memorandum of Understanding (this “MOU”) dated as of February 3, 2012, between Hersha Hospitality Trust (“HT”), 132 4th Avenue Restaurant LLC (“Licensee”) and 77 E. 12 Owners, Inc. (“Community”).

Recitals

HT is the contract vendee and pursuant to a contract dated June 14, 2011 will purchase from the developer, Risingsam Union Square LLC, a Hyatt branded hotel located at 76 East 13th Street, New York, NY (the “Premises”). HT has entered into a lease agreement with Licensee for the operation of the restaurant (the “Restaurant”) located on the ground floor and cellar floor of the Premises. HT has also entered into a management agreement with Licensee for, inter alia, the operation of the roof terrace (the “Rooftop”) and the hotel lounge (the “Lounge”). HT is applying for a liquor license for, inter alia, the Rooftop and the Lounge. Licensee is applying for a Liquor License for the Restaurant. HT and Licensee have requested that Community prepare, sign and deliver a letter (the “Letter”) to the Manhattan Community Board Number Two and the New York State Liquor Authority in support of HT’s and Licensee’s applications for liquor licenses for multiple venues on the Premises, including the Rooftop, the Lounge and the Restaurant. Community is willing to do so, in all respects conditioned, however, on HT and Licensee entering into and continuing to comply with the terms and conditions of the MOU, which the parties agree is a legally binding and enforceable contract among them, and HT and Licensee causing the conditions set forth in paragraph 2 to be incorporated into their itsrespective Lliquor Llicenses. By entering into the MOU, the Community confirms that it has no opposition to the liquor license applications of either HT or Licensee, and conditioned upon the continuing adherence to the terms and conditions set forth in the MOU the Community will not offer opposition in the future. Accordingly, in consideration of the mutual premises of this MOU and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Community shall prepare, sign and deliver the Letter conditioned in all respects on HT and Licensee entering into this MOU, at all times remaining in compliance with each and every one of the following terms, and HT and Licensee agreeing to incorporate, and HT causing Licensee to incorporate, each and every one of the following terms into their respective Licensee's Liquor Licenses:

- a. Food and beverages, alcoholic or otherwise, may be served on the Rooftop seven days per week between the hours of 11:00 a.m. to a final closing time, at which time all patrons will be required to leave the Rooftop, without exception, as follows: (1) Sunday through Thursday, inclusive, 10:00 pm and (2) Friday and Saturday, 11:00 pm.
- b. Music at the Rooftop will be recorded and background only and shall at all times be limited to a maximum decibel level of 75 decibels until one (1) hour prior to the required closing time as set forth in paragraph (a) above, at which time, the music shall be lowered to a maximum decibel level of 69 decibels.

The music shall be turned off completely no later than the required closing time as set forth in paragraph (a) above. No live music of whatsoever nature or description, and no music administered by DJs of any type whatsoever, will be permitted. Neither HT nor Licensee will not apply for a DCA Cabaret License.

- c. Smoking will not be permitted in the Rooftop. Smoking will not be allowed in the Premises and persons leaving the Premises will be requested to smoke on Thirteenth Street.
- d. No cooking of foods will be permitted in the Rooftop, although food warming of food cooked elsewhere on the Premises shall be permitted.
- e. All doors into and out of the Rooftop will close in a controlled manner so that they will be incapable of being slammed or shut quickly.
- f. The maximum occupancy at any given time at the Rooftop will not exceed sixty (60).
- g. HT will erect barriers between the Rooftop and the building located at 77 East 12th Street (the "Building") [as per attached floor plans]. [NOTE: Be sure to attach a copy]

Both HT and the Licensee will discuss with and involve the Community in any changes requiring an amendment to the Liquor Licenses for this Premises, including, without limitation (i) enclosing all or a portion of the Rooftop or, (ii) the sidewalk in front of the Premises, including without limitation, installing outdoor seating on a portion of the sidewalk

- h. The outdoor garden to the immediate west of the Premises shall be solely for the visual enjoyment of patrons, shall not be otherwise accessible by patrons, and patrons shall not be able to enter such garden. The garden will be softly lit (no flood lights) and will be completely turned off by 10 pm.
- i. HT and Licensee shall each provide Community with a working telephone number and the names of two designated persons that Community may call to make complaints or requests. Any changes in numbers or designated persons shall be promptly reported to Community's designated representatives identified below.

- j. HT and Licensee agree to cause their designated representatives identified below to meet with Community on a quarterly basis to discuss issues relevant to the subject matter of this MOU. Additional meetings shall also be held upon the reasonable request of any designated representative.
- k. Lighting on the Rooftop will at all times be focused away from the Building per the attached Lighting Plan.
- l. HT shall post in a location agreeable to Community a sign advising patrons to the effect of the following:

 “You are entering a residential neighborhood. Please respect our neighbors by lowering your voices.”
- m. The designated representatives of HT are Foiz Ahmed_ and __the General Manager of the Hyatt Union Square Hotel_. The designated representatives of Licensee are _Marco Moreira_ and ___Director of Operations of the Premises Rrestaurant__. The designated representatives of Community are Lauren Angelo Seltzer_____ and Bruce Ortwine_____. Each party shall promptly notify the other parties of any change in a designated representative.
- p. HT The hotel will make its best efforts to have all deliveries and garbage pick-up take place on 13th Street. HT and Licensees agree to store any waste in an interior space before it is brought out for removal (exact time of removal will be determined during discussions with potential carting companies). HT and Licensees will make reasonable efforts to schedule garbage pickup and deliveries at times that have the least impact on the neighborhood and agree to consult the Community before entering into a contract with a carting company. HT and Licensees will make reasonable efforts for there to be no garbage pick-up or deliveries before Midnight or between the hours of 2am and 6 am. HT and Licensees will investigate morning garbage pick-up, which may be coordinated with deliveries.

The hotel will make reasonable effort to tell drivers to shut off their vehicles’ engines while making deliveries and pick-ups to reduce noise and pollution.

The Building requested as a courtesy if HT would fund the improvement of the visual appearance of the Wall (the “Wall”) bordering the Premises and the Building. HT has agreed to fund the improvement of the appearance of the Wall, which may include synthetic greenery and plantings, in a manner reasonably acceptable to both parties at HT’s expense as an accommodation to the Building in a prompt and timely manner,

n. [Notices]

- 2. HT shall cause Licensee to perform each of Licensee’s obligations under this MOU.
- 3. The parties expressly understand, acknowledge and agree that this MOU is a legally binding and enforceable agreement among them and their respective successors and assigns. Without limiting the generality of the foregoing, it is expressly agreed that Community has full standing to enforce each of the terms of this MOU and may exercise all remedies available at law and in equity in the event of a breach by HT or Licensee of any of the terms hereof.

4. The parties will do and perform all future actions as may be necessary, desirable or otherwise appropriate to carry out the intent of this MOU.

Whereas, the applicants agreed to the following stipulations with CB#2, Man.:

1. That they would agree to and follow the Memorandum of Understanding with the building directly attached to them with the 77 E. 12th Street owners.
2. That all music would be background only.
3. That all doors and windows will be closed by 10:00 p.m. nightly.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the Full OP Hotel License for **Hersa Hospitality Trust d/b/a Hyatt, 76 E. 13th Street, NYC 10003** unless all the stipulations agreed to in this resolution in the 6th Whereas clause are incorporated into the “Method of Operation”; and,

THEREFORE BE IT FURTHER RESOLVED that this application does not include the rooftop portion of the premise, that CB#2, Man. has made no representations to support or deny the rooftop use at this time and that the applicant must come before CB#2, Man. to submit an Alteration application for consideration by CB#2, Man. and a subsequent recommendation to the SLA either in support or opposition if they ever decide to incorporate the rooftop into their existing Full OP Hotel License.

Vote: Unanimous, with 45 Board members in favor.

4. 132 4th Avenue Restaurant, LLC, TBD, 132 4th Avenue, NYC, 10003

Whereas, the applicant appeared for a second time before the committee; and,

Whereas, this is an application for an American style Brasserie with American style Tapas inside the Hyatt hotel on the ground floor and basement, not to include the lobby area or lobby bar which is separately licensed; and,

Whereas, this application is for a new Full OP license located in a Hotel on 4th Avenue between 12th and 13th Street (Block # 564 and Lot # 45), for a 5,972 s.f. restaurant (3,612 s.f. in the Cellar and 2,360 s.f. on the ground floor) which has 20 tables and 84 seats and a service bar only in the cellar and 24 tables with 68 seat and 1 bar with 16 seats and 1 counter with 20 seats on the ground floor for a grand total of 188 seats. There will be no sidewalk café at this time and no backyard garden, music will be background only, and a maximum legal capacity of 272 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Saturday from 6:30 a.m. to 2:00 a.m. (7 days a week); and,

Whereas, the applicants have agreed to the following stipulations:

1. Hours of Operation are Sunday through Saturday from 6:30 a.m. to 2:00 a.m. (7 days a week)
2. That they would agree to and follow the Memorandum of Understanding with the building directly attached to them with the 77 E. 12th Street owners that was signed by their landlords, the Hyatt Hotel described in a following “whereas” clause.
3. That they would agree to shut all doors and windows by 10:00 p.m. nightly.
4. Music will be background only, and there will be no promoted events, D.J.’s or 3rd party promoters.

Whereas, the applicant agreed to these stipulations and there was no opposition from the community in light of the fact that the applicant agreed to the above stipulations; and,

Whereas, it is also noted that this applicant is party to a Memorandum of Understanding (MOU) with Hersha Hospitality Trust (“HT”), 132 4th Avenue Restaurant LLC (“Licensee”) and 77 E. 12 Owners, Inc. (“Community”), a portion of that agreement will also govern this establishment as it relates to this Restaurant as described above, but it is noted that the portion of the agreement that covers use of the rooftop in the building in which this premise is located is not included in this application, that CB2 has made no representations to support or deny the rooftop use at this time and that any use of the rooftop as part of any licensed premise must come before CB2 to submit an application to incorporate that area for consideration of a recommendation from CB2 either in support or in opposition; that 77 E. 12 Owners have presented no opposition to this application; and,

Whereas, the text of the Memorandum of Understanding (MOU) is as follows:

***Memorandum of Understanding**

This Memorandum of Understanding (this “MOU”) dated as of February 3, 2012, between Hersha Hospitality Trust (“HT”), 132 4th Avenue Restaurant LLC (“Licensee”) and 77 E. 12 Owners, Inc. (“Community”).

Recitals

HT is the contract vendee and pursuant to a contract dated June 14, 2011 will purchase from the developer, Risingsam Union Square LLC, a Hyatt branded hotel located at 76 East 13th Street, New York, NY (the “Premises”). HT has entered into a lease agreement with Licensee for the operation of the restaurant (the “Restaurant”) located on the ground floor and cellar floor of the Premises. HT has also entered into a management agreement with Licensee for, inter alia, the operation of the roof terrace (the “Rooftop”) and the hotel lounge (the “Lounge”). HT is applying for a liquor license for, inter alia, the Rooftop and the Lounge. Licensee is applying for a Liquor License for the Restaurant. HT and Licensee have requested that Community prepare, sign and deliver a letter (the “Letter”) to the Manhattan Community Board Number Two and the New York State Liquor Authority in support of HT’s and Licensee’s applications for liquor licenses for multiple venues on the Premises, including the Rooftop, the Lounge and the Restaurant. Community is willing to do so, in all respects conditioned, however, on HT and Licensee entering into and continuing to comply with the terms and conditions of the MOU, which the parties agree is a legally binding and enforceable contract among them, and HT and Licensee causing the conditions set forth in paragraph 2 to be incorporated into their respective Liquor Licenses. By entering into the MOU, the Community confirms that it has no opposition to the liquor license applications of either HT or Licensee, and conditioned upon the continuing adherence to the terms and conditions set forth in the MOU the Community will not offer opposition in the future. Accordingly, in consideration of the mutual premises of this MOU and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

5. Community shall prepare, sign and deliver the Letter conditioned in all respects on HT and Licensee entering into this MOU, at all times remaining in compliance with each and every one of the following terms, and HT and Licensee agreeing to incorporate each and every one of the following terms into their respective Liquor Licenses:

- a) Food and beverages, alcoholic or otherwise, may be served on the Rooftop seven days per week between the hours of 11:00 a.m. to a final closing time, at which time all patrons will be required to leave the Rooftop, without exception, as follows: (1) Sunday through Thursday, inclusive, 10:00 pm and (2) Friday and Saturday, 11:00 pm.
- b) Music at the Rooftop will be recorded and background only and shall at all times be limited to a maximum decibel level of 75 decibels until one (1) hour prior to the required closing time as set forth in paragraph (a) above, at which time, the music shall be lowered to a maximum decibel level of 69 decibels. The music shall be turned off completely no later than the required closing time as set forth in paragraph (a) above. No live music of whatsoever nature or description, and no music administered by DJs of any type whatsoever, will be permitted. Neither HT nor Licensee will apply for a DCA Cabaret License.
- c) Smoking will not be permitted in the Rooftop. Smoking will not be allowed in the Premises and persons leaving the Premises will be requested to smoke on Thirteenth Street.
- d) No cooking of foods will be permitted in the Rooftop, although warming of food cooked elsewhere on the Premises shall be permitted.
- e) All doors into and out of the Rooftop will close in a controlled manner so that they will be incapable of being slammed or shut quickly.
- f) The maximum occupancy at any given time at the Rooftop will not exceed sixty (60).
- g) HT will erect barriers between the Rooftop and the building located at 77 East 12th Street (the "Building") [as per attached floor plans]. [NOTE: Be sure to attach a copy]

Both HT and the Licensee will discuss with and involve the Community in any changes requiring an amendment to the Liquor Licenses for this Premises, including, without limitation (i) enclosing all or a portion of the Rooftop or (ii) the sidewalk in front of the Premises, including without limitation, installing outdoor seating on a portion of the sidewalk

- h) The outdoor garden to the immediate west of the Premises shall be solely for the visual enjoyment of patrons, shall not be otherwise accessible by patrons, and patrons shall not be able to enter such garden. The garden will be softly lit (no flood lights) and will be completely turned off by 10 pm.
- i) HT and Licensee shall each provide Community with a working telephone number and the names of two designated persons that Community may call to make complaints or requests. Any changes in numbers or designated persons shall be promptly reported to Community's designated representatives identified below.

- j) HT and Licensee agree to cause their designated representatives identified below to meet with Community on a quarterly basis to discuss issues relevant to the subject matter of this MOU. Additional meetings shall also be held upon the reasonable request of any designated representative.
- k) Lighting on the Rooftop will at all times be focused away from the Building per the attached Lighting Plan.
- l) HT shall post in a location agreeable to Community a sign advising patrons to the effect of the following:

“You are entering a residential neighborhood. Please respect our neighbors by lowering your voices.”
- m) The designated representatives of HT are Foiz Ahmed_ and __the General Manager of the Hyatt Union Square Hotel_. The designated representatives of Licensee are _Marco Moreira__ and ___Director of Operations of the Premises restaurant __. The designated representatives of Community are Lauren Angelo Seltzerand Bruce Ortwine. Each party shall promptly notify the other parties of any change in a designated representative.
- n) HT will make its best efforts to have all deliveries and garbage pick-up take place on 13th Street. HT and Licensee agree to store any waste in an interior space before it is brought out for removal (exact time of removal will be determined during discussions with potential carting companies). HT and Licensee will make reasonable efforts to schedule garbage pickup and deliveries at times that have the least impact on the neighborhood and agree to consult the Community before entering into a contract with a carting company. HT and Licensee will make reasonable efforts for there to be no garbage pick-up or deliveries before Midnight or between the hours of 2 am and 6 am. HT and Licensee will investigate morning garbage pick-up, which may be coordinated with deliveries.

The hotel will make reasonable effort to tell drivers to shut off their vehicles’ engines while making deliveries and pick-ups to reduce noise and pollution.

The Building requested as a courtesy if HT would fund the improvement of the visual appearance of the wall (the “Wall”) bordering the Premises and the Building. HT has agreed to fund the improvement of the appearance of the Wall, which may include greenery and plantings, in a manner reasonably acceptable to both parties at HT’s expense as an accommodation to the Building in a prompt and timely manner,

o) [Notices]

- 2. HT shall cause Licensee to perform each of Licensee’s obligations under this MOU.
- 3. The parties expressly understand, acknowledge and agree that this MOU is a legally binding and enforceable agreement among them and their respective successors and assigns. Without limiting the generality of the foregoing, it is expressly agreed that Community has full standing to enforce each of the terms of this MOU and may exercise all

remedies available at law and in equity in the event of a breach by HT or Licensee of any of the terms hereof.

4. The parties will do and perform all future actions as may be necessary, desirable or otherwise appropriate to carry out the intent of this MOU.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new full on premise liquor license for **132 4th Avenue Restaurant, LLC, TBD, 132 4th Avenue, NYC, 10003** unless all the stipulations agreed to in this resolution in the 5th “whereas” clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 45 Board members in favor.

5. Scott Conant Management, LLC d/b/a SCM Culinary Suite, 598 Broadway, 10012

Whereas, the applicant appeared a second time before the committee; and,

Whereas, SCM Culinary Suite plans to be a private event space accommodating 30 guests for private dinners and 50 guests for cocktail receptions. The expansive loft space will have a kitchen for cooking demonstrations, photo shoots and other events; and,

Whereas, this application is for a catering license in a commercial building on Broadway between Houston and Prince Street (Block # 511 and Lot # 15), for a 3,075 s.f. loft which will have 1 table with 30 seats and 2 walk up bars with no seats and some additional lounge seating for 14 for a total seating capacity of 44. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 50 persons; and,

Whereas, the applicant states that the hours of operation are Sunday though Saturday from 6:00 p.m. to 12:00 a.m.; and,

Whereas, the applicant was originally sent back to do continuing community outreach in light of opposition from building legal live/work loft tenants and returned with a set of stipulations and no community member appeared in opposition; and,

Whereas, the stipulations the applicant agreed to are as follows:

1. During the week, daily trash is discarded after 4:00 p.m. with additional pickups to be scheduled on an event basis which would follow directly after the event at 1:00 a.m.
2. A professional doorman will be present on the ground floor at the building entrance at each event and will limit access to the building to invited guests and will control crowding, noise and security though out the lobby.
3. Clients will be required to provide guest lists prior to their events for use by the professional doorman to limit uninvited guests and the general public from entering into the building and to comply with occupancy.
4. There will be no use of the freight elevator located at 132 Crosby Street on the other side of the building and the applicant will only use the passenger elevator located on the 598 Broadway side of the building.
5. An acoustical engineer will be hired to minimize noise issues.
6. Pest Elimination Systems will be used every week.
7. Hours of operation are Sunday though Saturday from 6:00 p.m. to 12:00 a.m.
8. No live music, no D.J. and all music will be background only.
9. A licensed security person will be hired for any event that has 20 people or more.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the Catering License for **Scott Conant Management, LLC d/b/a SCM Culinary Suite, 598 Broadway, 10012** unless all the stipulations agreed to in this resolution in the 6th “Whereas” clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 45 Board members in favor.

6. 45 Mercer Restaurant, LLC, 45 Mercer St., NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new full OP license in a mixed use building on Mercer Street between Broome and Grand Street (Block # 474 and Lot # 18), for a 2,000 s.f. affordable neighborhood Italian /American restaurant, which will have 19 tables and 60 seats and 1 bar with 9 seats for a total of 69 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Thursday from 8:00 a.m. to 11:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 a.m.; and,

Whereas, the applicant agreed to follow the same stipulations agreed to by the last applicant who did not pursue a liquor license at the location, which they agree will be incorporated into their method of operation on their liquor license. Those stipulations are:

1. The applicant will limit its hours of operation by closing at 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday.
2. The applicant will remove the stage that was erected by the prior licensee if it has not already been removed.
3. The applicant has agreed specifically that all music will be “quiet ambient music” at all times.
4. The applicant will keep the front doors and windows closed at all times, meaning the doors will never be propped open at any time.

Whereas, the applicant submitted a strong show of community outreach which included a letter of support from the SoHo Alliance and The Lower East Side BID, an Affidavit stating notices were hand delivered to 6 surrounding buildings, a petition with 144 signatures and a series of copied emails from neighbors that also supported this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new full on premise liquor license for **45 Mercer Restaurant, LLC, 45 Mercer St., NYC 10013** unless all the stipulations agreed to in this resolution in the 4th “whereas” clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 45 Board members in favor.

7. 202 Centre Corp. d/b/a Red Egg, 202 Centre St., 10013 (SLA Serial Number 1206246)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of an existing license # 1206246 to **increase the hours of operation to 4:00 a.m. 7 days a week, extend the bar by an additional 26 feet and allow D.J.’d music from 11:00 p.m. to 4:00 a.m. 7 days a week** in a mixed-use building (M1-5B) on Centre Street

between Hester and Grand Street (Block # 235 and Lot # 1), for a 6,374 s.f. restaurant that has 39 tables with 96 seats and 1 bar with 21 seats. CB2 did approve a sidewalk café in May of 2010 but no back yard garden, music **was** background only but would now include a live D.J. and a maximum legal capacity of 148 persons; and,

Whereas, the applicant states that the hours of operation **were** 8:00 a.m. to 11:00 p.m. 7 days a week but is now requesting the NEW HOURS OF OPERATION to be Monday through Friday from 11:00 a.m. to 4:00 a.m. and Saturday and Sunday from 10:00 a.m. to 4:00 a.m.; and,

Whereas, this operator originally appeared before CB#2, Man. in April of 2008 with an application to open a Chinese Restaurant with operating hours of 8 a.m. to 11p.m., with accompanying details supporting that exclusive use and supplied signed and notarized affidavit to CB2 and the SLA which is on file with the SLA stating that the hours of operation would be from *8:00 am to 11:00 pm seven days a week only*, that *music would be background only* and that the would abide by all *NYC departments and safety organizations regulations* not limited to the New York City Department of Buildings and the New York City Fire Department and would obtain all required certificates, permits and related documents and CB#2, Man. fully supported this application based of that affidavit and belief that with the method of operation presented at that time that this establishment was in the “public interest” and recommend approval despite this applicant’s proposed license being subject to the “500 ft rule” for restaurant use only with the attached stipulations; and,

Whereas, this operator is no longer acting within the guidelines of their application and affidavit, and consistently operates outside of their approved “method of operation” and have in fact become a night club in the later hours of operation after 11pm for at least the previous 6 months and they directly faced CB2’s SLA committee and stated that they do occasionally have special late night events for “corporate clients” and some special events during Fashion Week but not on a regular basis and that they were still a restaurant when that activity was occurring despite the personal observance of members of the committee, and other CB#2, Man. Board Members who live in close proximity, and members of the community who have seen late night nightclub activity on an ongoing basis for approximately 6 months on a regular basis, if not at least 3-5 nights a week, every week for that time and that that late night activity has been the fodder of numerous ongoing press coverage, that food as described in their original application is not served and that the activity only stopped after a MARCH operation in which NYPD, DOB, FDNY and SLA investigators were present early in the morning of February 4, 2012/night of February 3, 2012 and issued at least 6 violations and that the “illegal” activities continued for a week after to accommodate already scheduled fashion week activities after discussion with the enforcement division of the State Liquor Authority to reach a compromise; and,

Whereas, this operator originally applied for a restaurant with 1,873 s.f. but are now stating that their restaurant is 6,374.25 s.f. without clarification and stated that they would apply for increased occupancy with the DOB under an alternate filing to include a night club setup without tables and chairs but did not include a specific number; and,

Whereas, as part of the March Operation on February 4, 2012, the NYC Department of Buildings issued a violation, ECB Violation 34925163K which states that their Occupancy was Contrary to their Certificate of Occupancy for 148 persons and that there were approximately 250 people in the premise which clearly indicates a willful disregard for regulations and their own signed affidavit; and,

Whereas, CB#2, Man. feels that this license was issued by the NY State Liquor Authority to a restaurant for restaurant use only and that this type of alteration to include late night nightclub activity and the associated loud music, dancing and other activity is not appropriate to the type of license issued to this establishments; and,

Whereas, the community has been contacting CB#2, Man.'s District Office with photos and videos regarding the nightclub behavior that has been documented, along with the lines of people waiting to get in, movable barricades, door person's with guest lists, congestion, press articles, and other characteristics of night clubs; and,

Whereas, CB#2, Man. would consider extending hours of operation for a restaurant only use as described in 2008 to reasonable restaurant hours to match their existing business which occurs before 11 p.m. with stipulations clearly prohibiting all late night club activity should the applicant choose to reappear before CB#2, Man. to discuss this, but CB#2, Man. will not support a 4:00 a.m. nightclub at this location and will not support the attempt of the applicant to mislead this Community Board and the community at large as to what their actual operation is through nuanced statements and reinterpretations of what is clearly nightclub behavior; and,

Whereas, even though there is extensive press coverage in almost all NY Press outlets detailing the establishment's late night activity, the applicant presented to CB#2, Man. a press package of articles covering the opening of their restaurant and coverage of their food service but glaringly omitted any of the contemporary press coverage which is focused on the late-night club activity at this location, including being nominated as one of the "5 hardest doors in New York City" by eater.com; and,

Whereas, CB#2, Man. can simply not at all condone this type of application as it is a clear case of "bait and switch" that is constantly referred to in public meetings with the SLA and it presents a licensee who willfully disregards their agreements and is not forthcoming and presents a picture through glaring omissions of an operation that is clearly not as they portray;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the alteration to a Full OP License for **202 Centre Corp. d/b/a Red Egg, 202 Centre St., 10013**; and,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. recommends this operator's license be revoked for such outrageous disregard for the law and their community should this late nightclub activity continue under their current license.

Vote: Unanimous, with 45 Board members in favor.

8. New York Shakespeare Festival & Joe's Pub LLC/MGR, 425 Lafayette ST., North Store 10003

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of the full OP license to add an additional 2,000 s.f. room on a mezzanine level and 1 additional bar in that area in a commercial building on Lafayette Street between 8th Street/Astor and 4th Street (Block # 544 and Lot # 16), for a total of 4,000 s.f. restaurant and mezzanine lounge, which will have a total of 69 tables and 190 seats and 3 bar with 26 seats and lounge or single seating of 55 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 300 persons; and,

Whereas, the alteration increases seating by adding 19 tables and 66 seats and 1 bar with 18 seats; and,

Whereas, the applicant states that the hours of operation are Sunday through Saturday from 6:00 p.m. to 2:00 a.m.; and,

Whereas, this alteration is part of the **Public Theatre's** remodeling plan which will give patrons access to the restaurant, Joe's Pub, from within the theatre lobby; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **approval** to the Full OP License for **New York Shakespeare Festival & Joe's Pub LLC/MGR, 425 Lafayette ST., North Store 10003.**

Vote: Unanimous, with 45 Board members in favor.

9. Il Commendatore Restaurant, inc. d/b/a Casa Bella Ristorante, 127 Mulberry St., 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of the full OP license #1025300 to add 27 tables and 90 seats in front of the restaurant for the specific events of the Mulberry Street Mall and the San Gennaro Feast; the premise is located in a mixed use building on Mulberry Street on the corner of Hester and Mulberry (Block # 206 and Lot # 16), which will then have a total proposed occupancy of 262 seats during those two event only. There is a separate sidewalk café but no back yard garden, music will be background only and the interior of the premise has a maximum legal capacity of 172 persons; and,

Whereas, the alteration for these two events only, the Mulberry Street Mall and the San Gennaro Feast, increases seating by adding 45 tables and 90 seats on the street in front of the restaurant and includes no additional bar in that area; and,

Whereas, the applicant states that the regular hours of operation for the interior of the premise and the existing NYC DCA sidewalk café are Sunday through Thursday from 12:00 p.m. to 12:00 a.m. and Friday and Saturday from 12:00 p.m. to 1:00 a.m.; and during these two events, the Mulberry Street Mall and the San Gennaro Feast, the applicant will follow all regulations and hours that the events operate under except that they will not operate beyond the regular hours as described above; and,

Whereas, this operator has repeatedly ignored the regulations of their sidewalk café for over 4 years and has been cited by the NYC Department of Consumer Affairs (DCA) several times for adding additional tables and chairs beyond what they are licensed to have by the city on the sidewalk and as recently as June 2011 and photographs by residents were submitted as additional proof; and,

Whereas, City Council Member Chin had to become involved and established the following stipulations as a condition of their sidewalk café license and their use of the street during the Mulberry Mall :

- 1.** Operator will only use 11 tables and 21 seats as the permit allows.
- 2.** All tables and chairs in the sidewalk café will be placed on the elevated concrete platform which is surrounded by a metal containment fence which measures 4'6" x 72'4" and is located in front of the restaurant on Mulberry Street.
- 3.** When the Mulberry Street Mall is in operation, they will only have tables and chairs set up in allotted area which included Mulberry and Hester Streets. (No use of Hester Street)
- 4.** The usable area will be marked so that all employees know where the seating set up for mall begins and ends.
- 5.** There will not be any menu boards or A-Frames on NYC property.

Whereas, the applicant must follow the agreed stipulations for both the sidewalk café and the privileged Mulberry Street Mall;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the alteration to add the Mulberry Mall to the License for **Il Commendatore Restaurant, Inc. d/b/a Casa Bella Ristorante, 127 Mulberry St., 10013** unless all the stipulations agreed to in this resolution in the 6th Whereas clause are incorporated into the “Method of Operation”; and,

THEREFOR BE IT FUTHER RESOLVED that any violations regarding the sidewalk café and or the Mulberry Mall should result in revoking the right to serve alcohol in the on street seating area for the Mulberry Mall and should also result in revocation of the right to serve alcohol in the licensed portion part of their premise that covers the existing sidewalk café until the applicant is able to demonstrate that they can adhere to the same laws that all other restaurants adhere to.

Vote: Unanimous, with 45 Board members in favor.

10. 9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012

Whereas, this applicant appeared before the committee; and,

Whereas, this application is for a Corporate Change of Principal ownership of a full OP license #1025227 (exp. 11/30/2012) in a mixed use building on Great Jones Street between Broadway and Lafayette (Block # 530 and Lot # 12), for a 3,800 s.f. restaurant that will have 55 tables with 133 seats and 2 bars with 26 seats (the ground floor will have 25 tables and 72 seats and 1 bar with 16 seats and the cellar space will have 30 tables and 61 seats and 1 bar with 10 seats) for a grand total of 159 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 201 persons; and,

Whereas, the operator presented an application to CB2 which states that the hours of operation are Sunday from 10:00 a.m. to 2:00 a.m. and Monday and Tuesday from 11:00 a.m. to 2:00 a.m. and Wednesday through Friday from 11:00 a.m. to 4:00 a.m. and Saturday from 10:00 a.m. to 4:00 a.m., however, these were not the hours submitted to the SLA and the operator has now not agreed to any closings before 4:00 a.m.; and,

Whereas, a Corporate Change in Principal Ownership allows for the broadest interpretation of the term “method of operation” and in fact does not account for the intricate stipulations or considerations applied by a community board to a venue nor does it include representations taken on their face value made by the previous principles that are being removed from the license; and,

Whereas, CB#2, Man. believes that with the corporate change, all principals’ would continue to maintain the business in the same manner that was previously established, i.e. if it was a family style restaurant that served breakfast, lunch and dinner that is would continue to do so; and,

Whereas, this application is the first “Corporate Change” heard by CB#2, Man. as a result in the recent change in New York State laws regarding Community Board notification, but it also followed a change in the method of operation several months prior that was filed by the previous applicant who did not complete those changes and reopen his establishment and instead negotiated a “Corporate Change” that includes the principles on this application who then reopened the establishment; and,

Whereas, the Liquor License application for CB#2, Man. asks to describe the proposed operation and the applicants’ written response is “basically maintaining the Acme restaurant that has served the community for over 15 years” which then in fact made changes that did not mirror this prior establishment and is a fine example of the difference between an **understanding** and the ability to legally interpret the term “Method of Operation”; and,

Whereas, CB#2, Man. believes this application should have been filed as a New License and not a corporate change, not withstand the nuances of a corporate change; and,

Whereas, CB#2, Man. would appreciate it if the SLA could clarify the parameters that differentiate between a Corporate Change and a New license and a change in method of operation and how they relate to each other as in this case where the trade name remains the same but the operation is unrecognizable to the past operation so that CB2 can better guide the community; and,

Whereas, CB#2, Man. would like to support the change in New York State Laws that require Community Board notification for Corporate Changes to an SLA issued license, but requests that the SLA review its policies as to the relationship of changes in “method of operation” to those cases where a “corporate change” follows either before or after the change in “method of operation”; CB#2, Man. understands where a “Corporate Change” has a legitimate role in the case of commerce, but a “Corporate Change” should not result in a unrecognizable establishment from the previous entity; and

Whereas the applicant did reach out to the community and the community agreed to the following stipulations but only after having already attained approval for their “corporate change” with the SLA and after numerous discussions in which the applicant was not willing to agree to any stipulations, but acquiesced after extensive discussions with community representatives and with a representative of the SLA; and,

Whereas, the stipulations in the form of an agreement are as follows:

AGREEMENT

Agreement made this 13th day of March 2012 by and between Noho Bowery Stakeholders, Inc. (“Noho”) having an address at _____ and 9 GJ Bar & Restaurant, Inc. d/b/a Acme having an office and place of business at 9 Great Jones Street, New York, New York (“Acme”)

Whereas, the parties are desirous of establishing a method of operation for the restaurant which will allow Acme’s business to succeed without causing inconvenience or nuisance to the neighbors and residents of the surrounding area. Towards that end, certain points have been agreed upon and they are:

1. That on February 2, 2012 the parties exchanged contact information as well as the phone numbers for the General Manager of ACME, as the contact accessible, at any time during the operation of the premises from opening to 4:00 AM; Monday through Sunday, The person or persons connected with these phone numbers will take immediate responsibility for neighbor/neighborhood issues that arise; such issues may include but are not limited to crowd control associated with the restaurant and its patrons, disorderly conduct by patrons on the public right of way fronting the premises.

Non-emergency issues such as garbage and sanitation may be resolved within 48 hours of notice.

This contact information will also be utilized to exchange information regarding any special events planned either by the neighborhood or operator that will impact the normal conditions of business, residency or living.

Should these contacts or their phone numbers change, both parties agree to immediately notify each other with substituting information.

2. Acme agrees to provide, at its own expense, a means and protocol for garbage storage and collection that:

- 1) prevents vermin access
- 2) will not cause refuse to escape from its container – solid or liquid-or be left on the street.
- 3) will be picked up before 3 AM when restaurant personnel are available to speedily assist in its removal by a carting company and to clean up any residual garbage; or after 6 AM when restaurant personnel will soon be available to collect solid containers left on the street (should this be the storage option utilized) and sweep and wash down the sidewalks by 8 AM daily.

3. Acme agrees to maintain an exterior video camera for the purpose of monitoring sidewalk traffic, conditions, and patron activity for all hours of operation. Acme further agrees to provide personnel whose principal function it is to regularly monitor said video camera.

At any time that the premises reaches or anticipates reaching a capacity of 125 persons or greater, dedicated security personnel will be employed at a ratio of one per 75 persons present. Such security personnel will also be regularly employed between the hours of 10:00 PM to 4:15 AM (or until the last patron has left the premises) Wednesday through 4:15 AM Sunday morning.

The use of velvet ropes or outside waiting lines will be discouraged at all times. In the event of the need for outside congregation of patrons – by virtue of a planned or spontaneous events or circumstance, said security personnel will be physically present on the sidewalk to manage and oversee said congregation and to assure that residential neighbors and other pedestrians have right of way as well as relief from elevated noise levels or other environmental or physical inconvenience that may arise as a result of Acme’s operation of the business.

4. Acme warrants that the restaurant is legally configured for restaurant use, and will remain for the full period of this license and any subsequent renewals by these corporate owners, set-up in the following manner.

The current configuration of the restaurant is as follows:

Ground floor	25 Tables
	72 Seats
	16 Bar Stools
Below Grade	30 Tables
Cellar Space	61 Seats
	10 Bar Stools

Acme further warrants that at no time will there be less seating except for the private parties requiring less seating and that the public assembly stated for this and subsequent liquor license renewals will be for no more than 159 patrons. Any changes in patron capacity, seating and/or use will be duly set forth in an Alteration Application for review by the Community Board and submitted as prescribed by the New York State Liquor Authority.

If during the period covered by the initial SLA license Acme shall substantially abide by the above provisions and shall not cause undue inconvenience or discomfort to residents and businesses in the area. NOHO Bowery Stakeholders, Inc. agrees not to oppose renewal of said SLA license.

That both parties agree to continue a dialogue and continue to work together to insure a mutually harmonious existence for all.

Whereas, in the course of several appearances that the licensee, “9GJ Bar & Restaurant, Inc. d/b/a Acme”, has had with CB#2, Man. over the last few years for several matters it has been repeatedly asked what the interpretation of the endorsement on the Certificate of Occupancy #113504 dated October 6, 1997 means, which states “*The Eating And Drinking Establishment In The Cellar And The Eating And Drinking Establishment At The First Floor Are Two Separate Entities And Shall Always Remain Separate”; the applicant has stated that it is not relevant because all the appropriate fire stopping material has been put in place and that it is old terminology that is not longer relevant and that their architect believes the premise is in compliance with NYC DOB regulations, notwithstanding a ‘dumb waiter’ that connects the two floors or the method of operation as described to CB2 and the SLA which indicates the premise is operated as one establishment with free flow of employees and patrons throughout the two floors and food service from the ground floor kitchen to the basement etc.; however, CB2’s DOB Liaison has stated verbally that the endorsement is self explanatory and was placed on the Certificate of Occupancy as a matter of public safety and should be in effect for the premise notwithstanding any fire stopping materials; and,

Whereas, given the confusion described in the previous “whereas” clause between the applicants representatives and/or architects and statements made by DOB representatives on the face value of the described endorsement on the Certificate of Occupancy, CB#2, Man. asks that the New York City Department of Buildings review the current operation of “9GJ Bar & Restaurant, Inc. d/b/a Acme” to determine whether it is in accordance with the current Certificate of Occupancy in effect for the building;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the corporate change to the License for **9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012** unless all the stipulations agreed to in this resolution in the 12th “Whereas” clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 45 Board members in favor.

11. Deborah Aliotta, d/b/a Belladonna Café, 191 Prince St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building on Prince Street on the corner of Sullivan and Prince Street (Block # 518 and Lot # 43), for a 1,100 s.f. family pizzeria restaurant, which will have 6 tables and 12 seats, a window counter with 3 seats and a service bar only. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 40 persons; and,

Whereas, the applicant states that the hours of operation are Sunday from 9:00 a.m. to 10:30 p.m. and Monday through Thursday from 9:00 a.m. to 11:30 p.m. and Friday and Saturday from 9:00 a.m. to 12:00 a.m.; and,

Whereas, this location has never been licensed by the SLA before and CB2 would prefer not to add to the already saturated neighborhood by licensing this location; and,

Whereas, the operator did do some community outreach and did submit a petition with 88 signatures in support of the relocation to this address; and,

Whereas, the operator has run a family restaurant for 31 years on Spring Street; and,

Whereas, the operator agreed to the following stipulations:

1. They will always run a restaurant only.
2. They will never operate past 12:00 a.m. midnight.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the new Beer and Wine License for . **Deborah Aliotta, d/b/a Belladona Café, 191 Prince St., NYC 10012** unless all the stipulations agreed to in this resolution in the 7th Whereas clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 30 Board members in favor.

12. Super Gourmet Food Corp. d/b/a Thunder Jacksons, 169 Bleecker St., NYC (Serial Number 1200248)

Whereas, this application is for the renewal of the Full On-Premise liquor license for Super Gourmet Food Corp. d/b/a Thunder Jacksons, 169 Bleecker St., NYC, SLA serial number 1200248 which has already been renewed by the SLA on March 1, 2012, but for which the applicant failed to appear in January 2012 at CB#2, Man.’s SLA Licensing Committee Meeting after having been asked to appear regarding numerous complaints from the community; and,

Whereas, the applicant’s manager appeared before the committee at this meeting; and,

Whereas, the manager of this location, Gabe Dorato, did appear and listened to the concerns of the community and was asked to have the owners reach out to the chair of CB#2, Man.’s SLA committee to discuss correcting the issues and concerns of the neighborhood; and,

Whereas, the Bleecker Area Merchants’ and Residents’ Association (BAMRA) specifically requested this operator to appear before the CB#2, Man. SLA Committee to discuss complaints that have been continuing for the past few years; and,

Whereas, these complaints have been the following:

1. Regularly exceeding its legal capacity of 62 patrons, especially on Friday and Saturday nights and during sports events.
2. The bar’s large windows on both Bleecker and Sullivan Streets are kept open at all hours with music blasting, in all but the worst weather.
3. Piles of litter and vomit are frequently seen on the sidewalks outside the bar.
4. The location is sometimes so over crowded with patrons that pedestrians are forced to walk in the street.

Whereas, these conditions are unacceptable in a residential neighborhood that is already crowded with bars and restaurants; and,

Whereas, there are many bars and restaurants who are good neighbors and should not have their own patrons disturbed by this operator; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of the renewal of the proposed liquor license to **Thunder Jacksons, 169 Bleecker St., NYC**, unless the operator begins to legally manage their establishment and address the concerns of the neighborhood; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. will be prepared to request an outright denial of this license if corrections are not taken prior to the next renewal and if the situation persists in the interim, CB#2, Man. will call for appropriate enforcement action in order to establish a record of non-compliance.

Vote: Unanimous, with 45 Board members in favor.

13. Barbossa, 232 Elizabeth St

Whereas, this application was for the renewal of their Full On-Premise liquor license; and,

Whereas, the applicant did appear before the committee; and,

Whereas, the applicant was brought before the committee to respond to neighborhood complaints that were submitted by a Juan Alurralde of 235 Elizabeth St, NY,NY; and,

Whereas, the applicants were unable to speak with Mr. Alurralde because Mr. Alurralde had stepped out during the meeting and was unaware that the committee had called this applicant out of turn on the agenda by the request of a committee member; and,

Whereas, the applicant agreed to uphold the previous stipulations that were negotiated between the community and the operator and adopted by CB#2, Man. which were as follows:

1. Barbosa will not seek or transfer to other operators their Beer and Wine license.
- 2.They will install signage and verbally communicate the need to respect the residents.
3. No noise emanating from the establishment shall be heard in the apartments at 232 Elizabeth Street and sound attenuation of the walls and ceiling are installed.
4. The back of the building shall be off limits to restaurant guest and staff.
5. They will endeavor to increase public safety by adequately controlling access to the premises.
6. All doors and windows shall be closed by 10:00 p.m.
7. If the applicant obtains a permit for a sidewalk café that they will operate to the strict letter of the law. No benches at any time.
8. Garbage pick-ups shall occur with consideration to the residents' workday and sleeping schedule.
9. Hours of operation are 8:30 a.m. to 11:30 p.m. Sunday through Saturday.
10. The restaurant is closed by 12:00 a.m. meaning dark with no personnel inside and all noise ceased.
11. Any private parties must occur within the hours of operation.
12. All music is to be background only.

Whereas, there were no other community representatives regarding this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of the renewal of the proposed liquor license to **Barbossa, 232 Elizabeth St**, unless the operator agrees to uphold their previously agreed stipulations.

Vote: Unanimous, with 45 Board members in favor.

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

14. Entity to be formed by Abraham Meborah, 99 MacDougal St., 10012

Whereas, this application was for a new full On-Premise License; and,

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Entity to be formed by Abraham Meborah, 99 MacDougal St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

15. Hermant Phul on behalf an entity t/b/dTBD, 192 Bleecker St., 10012

Whereas, this application was for a new full On-Premise License; and,

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Hermant Phul on behalf an entity t/b/dTBD, 192 Bleecker St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

16. Santur Enterprises, LLC, 90 W. Houston St., 10012

Whereas, this application was for a new full On-Premise License; and,

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Santur Enterprises, LLC, 90 W. Houston St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

17. Nikoll Vataj or Entity to be formed, TBD, 59 5th Avenue., 10003

Whereas, this application was for a new full On-Premise License; and,

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Nikoll Vataj or Entity to be formed, TBD, 59 5th Avenue., 10003 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

18. Gokarna, Inc., d/b/a Plan B, 244 Mulberry St., 10012

Whereas, this application was for a new full On-Premise License; and,

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Gokarna, Inc., d/b/a Plan B, 244 Mulberry St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

19. Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston 10012

Whereas, this application was for an alteration to their SLA License; and,

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

20. GMG Industries, Inc., d/b/a Tresanti, 40-42 Thompson St., 10013

Whereas, this application was for an alteration to their SLA License; and,

Whereas, the applicant requested again to layover of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **GMG Industries, Inc., d/b/a Tresanti, 40-42 Thompson St., 10013** until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

21. Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St., 10012

Whereas, this application was for an alteration to their SLA License; and,

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St., 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

22. Michael G. Fanelli, Inc. d/b/a Fanellis, 94 Prince St., NYC 10012

Whereas, this application is for a Corporate Change of a full OP License; and,

Whereas, the applicant has withdrawn from consideration of the application to CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Corporate Change of the liquor license for **Michael G. Fanelli, Inc. d/b/a Fanellis, 94 Prince St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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 45 Board members in favor.

23. Café Mercato, Inc. d/b/a Silver Spoon, 53 E. 8th St., NYC 10003

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

Whereas, the applicant did not appear before the committee for a second time, nor did they withdraw their application or request a layover;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to Café Mercato, Inc. d/b/a Silver Spoon, 53 E. 8th St., NYC 10003 **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 45 Board members in favor.

24. Shinon Inc., 37 Kenmare St., NYC 10012

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

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to Shinon Inc., 37 Kenmare St., NYC 10012 **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 45 Board members in favor.

25. Culture Project, Inc., 45 Bleecker St., NYC 10012

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

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to Culture Project, Inc., 45 Bleecker St., NYC 10012 **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 45 Board members in favor.

26. Village Lantern, 167 Bleecker St., NYC 10012

Whereas, this application is for the renewal of a On-Premise license; and,

Whereas, the applicant requested a layover of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **Village Lantern, 167 Bleecker St., NYC 10012 until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 45 Board members in favor.

27A. Chelsea Morning Partners, LP, 99 Bank St., 10014

Whereas, the applicant appeared before the committee for a third time and met outside of the scheduled meetings directly with community members; and,

Whereas, this application is for a new On-Premise Liquor license, a portion of the premise which was previously licensed, with a full menu for a full service, sit down restaurant with ancillary bar service in a residential cooperative building that owns the space in which this will be housed for a 5,518 s.f. premise of which 3,960 s.f. is on the ground floor and 1,558 s.f. in the basement for accessory use with 40 tables and 129 seats and 1 bar with 8 seats for total of 137 seats; and,

Whereas, there will be no open French doors or open windows in the premise and there will be no outdoor areas where alcohol is served; and,

Whereas, the applicant states that the hours of operation are Sunday from 10:00 am to 12:30 am, Monday to Thursday from 11:30 am to 12:30 am, Friday from 11:30 am to 1:30 am and Saturday from 10:00 am to 1:30am; at the end of the hours of operation, no more patrons will remain in the premise; and,

Whereas, the applicant states that this establishment will only operate as a full service, sit down restaurant with ancillary bar service with 137 seats total and food will be served during all hours of operation; that the basement will not be used for patrons unless an alteration application is filed for; music will be at quiet background volume from ipod/cd's; there will be soundproofing installed by a professional sound engineer as detailed in a provided sound report prepared by the professional sound engineer and as dictated by the applicant's lease; there will be no dj's or live music; there will be no promoted events, outside promoters, scheduled performances, but there may be private parties from time to time; the applicant will manage vehicular traffic and crowd control on the sidewalk by monitoring the street immediately outside the premise and will use diligent efforts to avoid taxi's and private cars from idling in front of the restaurant and to avoid any congregation of people, noise or litter outside it's premise; the applicant will provide a contact number to both the community board and members of the community and have agreed to attend any Community Board meetings as needed to address any concerns or issues raised; and,

Whereas, the applicant is willing to stipulate to the statements outline in the 3rd, 4th and 5th "Whereas" clauses; and,

Whereas, this application is for a premise which is one block long on Greenwich St. and has frontage on Bank St. and Bethune St. with a new entrance to be constructed on the corner of Greenwich St. and Bethune St.; and,

Whereas, a portion of the proposed establishment was previously licensed as a restaurant Paris Commune LLC dba Paris Commune, Serial Number 1156241, but the restaurant has been closed for some months; and,

Whereas, the previously licensed location, Paris Commune, a full service restaurant and bar, was located on the corner of Banks St. and Greenwich St. and occupied roughly 50% of the street front on Greenwich St. and had frontage on Bank St., with an entrance on the corner of Greenwich St. and Bank Street, and had slightly more than half of the square footage being applied for in this application on the ground floor, and 45% less seats, and operated with hours ending at approximately midnight even though they originally stated their hours would be up to 2 a.m.; and

Whereas, a petition in *support* of the application was presented by the applicant with 42 signatures from primarily residents of the immediate area; a petition in *opposition* was presented with a total of 337 signatures in opposition, of which 201 signatures were from 2 online petitions and 136 were from hard copy petitions, additionally, CB2 received numerous letters in opposition; the petitions and letters in opposition were also primarily from residents of the immediate area; another petition in opposition was shown to committee members, but was not submitted at the time because a copy had not yet been made for record keeping; and,

Whereas, 36 speaker cards were submitted and several speakers spoke without submitting speaker cards; speakers were rough divided both for and against; speakers in favor all reside in the cooperative building in which the premise is to be located; speakers in opposition all lived in the immediate proximity of the proposed premise with several living in the cooperative in which the proposed premise will be located; and,

Whereas, of those who spoke in favor, all live in the cooperative and stated among other things that they were in support because of the highly regarded nature of the applicant, that they felt that some of the issues surrounding this application had been mischaracterized including the hours of operation and the nature of the business, that they felt this use was appropriate and beneficial use for the space for the community and their building even if it had not been previously licensed or used before, that the location would be a culinary destination, that the establishment would add to the tax base and that many of the concerns of the neighborhood had been addressed by provisions in the lease with the cooperative that owns the space; and,

Whereas, of those who spoke in opposition, while they did not have significant issues with the operator, they stated that a restaurant of this size would have a large impact and that the main issues were: the increase in size over the previous licensee to create a block long restaurant on Greenwich St. (of which half had not been previously licensed), which is located within the heart of the land marked residential portion of the West Village filled with cobblestone streets and is primarily small scale development with many historic brownstone buildings and small scale apartment buildings; that the hours of operation are beyond what is acceptable in a neighborhood that is predominately family focused and quiet in the evening hours with the exception of issues caused by late night establishments and the foot and vehicular traffic that transits through the area to get to late night focused establishments; that this establishment, given the success of applicant at his other 27 restaurants, would become a destination location even if presented as a something different; that because this location is surrounded by one lane streets in a residential neighborhood that are already used as “shortcuts” to transit the area on three sides (Bank St., Greenwich St., and Bethune St.) there would be a serious impact on traffic in the area with customers arriving and departing by taxi’s and town cars because they would block traffic when stopping and idling town cars would block turning areas which are specifically designated no standing in order to allow vehicles such as buses and fire trucks to navigate the turns; that the M11 NYC MTA Bus enters Bethune Street from Hudson St crossing in front of the

Establishment and turns North on Greenwich St. and that between 5 p.m. and 12 a.m. there are 28 scheduled buses, many of which are articulated buses and any other vehicles stopping or idling on the corner of Greenwich St. and Bethune St. would create an immediate traffic impact because the buses would not be able to turn until they moved and already have difficulty navigating this portion of the bus route; there are no subways in the area which encourages more customers to arrive by taxi and town cars; there is limited off street parking in the area that is already over utilized during peak times; the size of the proposed establishment particularly if operating 3 seatings in the evenings as the applicant suggests would bring additional people into the neighborhood that is clearly residential in nature and would overwhelm the sidewalk capacity in the immediate vicinity; that those establishments in the area that are open past midnight account for the majority of quality of life issues in the area and that adding any more would have a detrimental impact; that moving the existing entrance for the previously licensed applicant that was located on Bank and Greenwich St. to Bethune and Greenwich St. while suggested by some local residents is not supported by many local residents; and,

Whereas, several speakers in opposition also felt that the only benefit of licensing this establishment for the size and hours was for the residents/cooperative owners that own the commercial space that the applicant is applying for; and,

Whereas, it seemed as though those in opposition would be willing to discuss with this applicant and perhaps support/not oppose a new application if among other things it were for the existing footprint of the previous licensed entity, if occupancy were limited to 80 persons, if additional soundproofing were added, if it operated as a restaurant only and if the hours were limited to midnight on weekdays and 1 am on weekends; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of a new On Premise license for **Chelsea Morning Partners, LP, 99 Bank St., 10014**.

THE ABOVE RESOLUTION WAS WITHDRAWN. PLEASE SEE SUBSTITUTE RESOLUTION BELOW.

27B. Chelsea Morning Partners, LP, 99 Bank St., 10014

Whereas, after this month's CB#2, Man.'s SLA Licensing Committee meeting on March 15th, 2012, but prior to CB#2, Man.'s March Full Board executive session, the applicant requested to withdraw from consideration on March 22, 2012 their application for a new On-Premise Liquor license for a full service, sit down restaurant with ancillary bar service in a residential cooperative building for a 5,518 s.f. premise, of which 3,960 s.f. is on the ground floor and 1,558 s.f. in the basement for accessory use, with 40 tables and 129 seats and 1 bar with 8 seats for total of 137 seats; and,

Whereas, the recommendation of CB#2, Man.'s SLA Licensing Committee to the Full Board of CB#2, Man. in March 2012 was to deny the application based on many factors including significant community opposition; and,

Whereas, the applicant has already submitted a 30-day notice to appear in front of CB#2, Man.'s SLA Licensing Committee in April 2012 to present an alternative application with significant changes;

THEREFORE BE IT RESOLVED that CB#2, Man. respectfully requests that the SLA withhold any decision on this matter until Chelsea Morning Partners, LP, 99 Bank St., 10014 has re-presented a new application in April 2012 to CB2's SLA Licensing Committee and CB2, Manhattan has forwarded a recommendation to the SLA on the new proposal.

Vote: Unanimous, with 45 Board members in favor.

28. Tac 14 Corp. d/b/a Garota de Ipanema, 242 W. 14th St. 10011

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new tavern (bar) with food on-premise liquor license in a previously unlicensed location for a neighborhood tavern with food menu in a mixed commercial/residential brownstone building for a 2,000 s.f. premise with a 1,500 s.f. accessory basement and a 160 s.f. outdoor area in the front of the establishment within the premises property line with 12 tables and 48 table seats and 1 bar with 18 seats for a total of 66 seats; and,

Whereas, the applicant states the hours of operation are from noon to 4 a.m seven days a week;

Whereas, the applicant stated that the music would be at entertainment level from a jukebox; there are no plans to install sound proofing; there is an existing tin ceiling and a commercial tenant on the floor immediately above; there will be no promoted events; no scheduled performances; no outside promoters; no events at which a cover fee is charged; there may be private parties if requested; there are no plans to manage or address vehicular traffic or crowd control on the sidewalk; they will not utilize velvet ropes, movable barriers or other similar equipment; there will be a food menu available and a sample menu with 18 items was presented including kabobs, sausage, wings, calamari and an assortment of fried foods; and,

Whereas, while the principles for the corporation on this application operate another bar on the same block and states that they will close that bar when this one is opened, however, the other location, Tejo Rest, Inc, SLA serial number 1024966 located at 252 West 14th St., is operated as a separate entity and is a different corporation and it is reasonable to anticipate that another licensed establishment will apply for a liquor license at that space and claim that because the location was previously licensed a liquor license should be granted; and,

Whereas, this location has never been previously licensed and was last operated as an adult video store; and

Whereas, this location has an outdoor area in the front of the location within the building line which would be part of the licensed premise and would be utilized for patrons drinking during evening hours and is not subject to NYC DCA Sidewalk regulations; and,

Whereas, there are currently 17 licensed on-premise liquor license establishments within 500 ft, including **9 within 100 ft**, most of which operate as late night drinking establishments and include several rowdy bars and nightclub type venues; and,

Whereas, CB#2, Man. received several letters stating opposition to licensing a new bar at this location, including letters from the former Chair of CB#2, Man.'s SLA Licensing Committee and the former Chair of CB2 and CB4's Joint 14th Street Area Committee, stating that the principle's other location on the street has been a part of the unruliness of this stretch of late-night drinking establishments of rowdy bars and nightclubs; that licensing this space will exacerbate an already untenable situation in the immediate area which has been the subject of numerous complaints regarding quality of life issues particularly later in the evenings after 11pm; that more late night bars, in particular in a previously unlicensed space in a brownstone building, will continue to expand this situation when the community has worked hard over the years to clean up the area; they explained that the situation was originally created because 14th Street is the dividing line between CB2 and CB4 and

there was little communication between the two community boards in regards to licensing new establishments until a Joint Committee was formed; and they stated that while little can be done to reverse the existing conditions in the area, licensing additional locations is not appropriate and this particular applicant in this location does not meet the standards of “Public Interest” even if stipulations were agreed to; and,

Whereas, several members of the community appeared in opposition to granting this license at the meeting and stated that the licensee’s current location is part of the ongoing late-night complaints in the area, that the area is full of trash as a consequence of late-night activity in the area, that drug sales continue to occur on the block, that in the last 8 years the situation of licensing late-night establishments has created a wild west atmosphere on many nights, that the proximity of the major subway station on the corner exacerbates the situation as many unruly late night revelers travel through the area to arrive or go home on the subway, that the soundproofing plans are inadequate and that there is adamant opposition to licensing any outdoor space for a bar; and,

Whereas, one person appeared in support citing the applicant’s history of operating on the block;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new On Premise license for **Tac 14 Corp. d/b/a Garota de Ipanema, 242 W. 14th St. 10011.**

Vote: Unanimous, with 45 Board members in favor.

29. Clew Z. Angus (USA), Inc. d/b/a Niu Noodle, 15 Greenwich Ave., 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new on-premise liquor license via a transfer for a Ramen/Noodle restaurant in a commercial building on Greenwich Avenue between West 10th St. and Christopher St. for a 1,636 s.f. premise with a 1,500 s.f. accessory basement with 24 tables and 48 seats (of which 5 tables and 10 seats are located in an enclosed sidewalk café) and 1 bar with 9 seats for a grand total of 57 seats and a maximum occupancy (excluding the enclosed sidewalk café) of 74 people; and,

Whereas, this application includes the existing enclosed sidewalk café; the only physical changes from the previous operation, Innovation 2010, Inc., d/b/a Ample, SLA Serial Number 1240434, will be removing the refrigerated sushi case and the only operational changes will be a change in food style which will remain as Asian food, but will concentrate on ramen/noodle, dim sum/dumpling and Teppan rice dishes; service will be eat in, take out and delivery; and,

Whereas, the applicant stated that the hours of operation will be Monday to Thursday from 11:30 a.m. to 11 p.m. and Friday to Sunday from 11:30 a.m. to 12 a.m.; there will be no backyard garden; music is quiet background only; there will be no Karaoke and no dancing at the establishment; and,

Whereas, the applicant executed a stipulations agreement that they agreed would be attached to their method of operation on their full on-premise license stating that:

1. The hours of operation will be Monday to Thursday from 11:30 a.m. to 11 p.m. and Friday to Sunday from 11:30 a.m. to 12 a.m. (no patrons will remain at the end of the hours of operation).
2. Doors and windows will remain closed at all times.
3. The kitchen shall be in full operation until one hour prior to closing.
4. Music will be quiet background only.
5. There will be no karaoke, no dancing and no cabaret activity; and

Whereas, under NYC Department of Consumer Affairs regulations, the applicant must not install or use speakers, TVs or any other sound reproducing device in any sidewalk café, either enclosed or unenclosed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **Clew Z. Angus (USA), Inc. d/b/a Niu Noodle, 15 Greenwich Ave., 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 45 Board members in favor.

30. Macelleria Butcher Shop, LLC, TBD, 611 Hudson St. a/k/a 317 W. 12th St. 10014

Whereas, the applicant appeared before the committee, and

Whereas, this is an application for an on-premise liquor license for a traditional Italian restaurant serving rustic Northern Italian cuisine in combination with a butcher shop in a 2-story 2,400 s.f. (1,300 s.f. ground floor and 1,000 s.f. basement) premise located in mixed-use building on the corner of Hudson St. and West 12th St. with 1 bar and 6 seats and a total of 25 tables and 80 seats (86 including bar seats) of which, 11 tables and 28 seats are located on the 1st floor, 8 tables and 16 seats in an existing 200 s.f. enclosed sidewalk café, and 6 tables and 36 seats in the basement and the maximum occupancy excluding the enclosed sidewalk café is less than 75; and,

Whereas, the applicant stated that the hours of operation are Sunday to Thursday from 11:30 a.m. to 11 p.m. and Friday to Saturday from 11:30 a.m. until 11:30 p.m.; music will be quiet background only and the sound system will include several small speakers located throughout the restaurant; music will be from ipod/cd's and MUZAK business music services will control all music played at the premises through play lists using the science of how music affects the behavior of customers; there will be no tv's however the applicant may use a projector to display images; there will be no promoted events, scheduled performances, outside promoters; this application includes the enclosed sidewalk cafe; that the establishment will operate as a restaurant and butcher shop; the applicant will secure all necessary NYC DOB permits and permissions to include the basement portion of the premise which was previously used for storage accessory to the ground floor establishment prior to using the basement; and

Whereas, the ground floor and existing sidewalk café were previously licensed, most recently by 611 Hudson Street Corp, serial number 1025729; and,

Whereas, several members of the community appeared in support of the applicant; and,

Whereas, the applicants are closing their establishment located at 48 Gansevoort St. operating as Macelleria Restaurant, Inc. which has an on premise liquor license, serial number 1100172 and is opening this establishment; and,

Whereas, the applicant executed a stipulations agreement that they agreed would be attached to their method of operation on their full on-premise license stating that:

1. The applicant will close all doors and windows by 10 pm
2. The basement will be a sit down restaurant only

3. The hours of operation will be Sunday to Thursday from 11:30 a.m. to 11 p.m. and Friday to Saturday from 11:30 a.m. until 11:30 p.m. (i.e. all patrons will be gone from the premise at the end of the hours of operation); and

Whereas, under NYC Department of Consumer Affairs regulations, the applicant must not install or use speakers, TVs or any other sound reproducing device in any sidewalk café, either enclosed or unenclosed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **Macelleria Butcher Shop, LLC, TBD, 611 Hudson St. a/k/a 317 W. 12th St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 45 Board members in favor.

31. K&K Lounge, Inc., 21 7th Ave. South 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license (via a “transfer”) for a Retro 1940’s lounge in a 2 story 3,000 s.f. premise with 1,500 s.f. on the ground floor and second floor in a mixed use building at the corner of 21 7th Avenue South between Leroy St. and Morton St. with 70 table seats and 2 stand up bars with 28 bar seats for a total of 98 seats with a maximum legal capacity of 109 persons; and,

Whereas, the applicant stated the hours of operation are Sunday and Monday from 1:00 p.m. to 2:00 a.m. and Tuesday through Saturday from 1:00 p.m. to 4:00 a.m.; there will be a sidewalk café application in the future and it is not included in this application, but no backyard garden;

Whereas, there will be no live music of any kind and the applicant states that the music format on the 1st floor will not include a live d.j. format and will be at ambient background music levels that allow conversation “where our guests can actually have a conversation without raising their voices while enjoying a cocktail and appetizers” and on the 2nd floor music will be at entertainment levels with live d.j., ipod and mixed cd’s; music in keeping with the theme of the establishment of a retro 1940’s lounge on the first floor will be in keeping with music styles from that time period in addition to similar acts from later time periods and on the second floor music will be a combination of top 40’s music combined with 1940’s swing music; and,

Whereas, the applicant will serve a food menu consisting of appetizers and paninis; and,

Whereas, there are at 27 licensed on-premise liquor licenses within 500 ft. and this location is currently licensed as 217 S LLC, SLA Serial Number 1240417; and,

Whereas, the applicant executed a stipulations agreement that they agreed would be attached to their method of operation on their full on-premise license stating that:

1. The applicant will limit its hours of operation to Sunday and Monday from 1:00 p.m. to 2:00 a.m. and Tuesday through Saturday from 1:00 p.m. to 4:00 a.m. At the end of the hours of operation all patrons will have already left the premises.

2. The applicant will maintain at a minimum a security staff of 2 security guards at the door and 1 security in the interior on each floor for a total minimum-security staff of 4.
3. The applicant will not hire or utilize any outside promoters.
4. There will be no live dj's utilized on the ground floor and music on the ground floor will be at quiet ambient background levels.
5. The applicant will not exceed their legal maximum occupancy of 109 people at any time and will keep current at all times their NYC Place of Assembly Permit.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **K&K Lounge, Inc., 21 7th Ave. South 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 45 Board members in favor.

32. 103 GW12 d/b/a Monument Lane, 103 Greenwich Ave. 10014 (serial number: 1245048)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is an application to add a sidewalk café to the licensed premise for an additional 8 tables and 16 seats and the hours for the sidewalk café portion of the licensed premise will be: Sunday from 12 p.m. to 11 p.m., Monday to Wednesday from 11 a.m. to 11 p.m., Thursday to Saturday from 11 a.m. to 12 p.m. as agreed to via stipulations with the Mid West 12th St. Block Association and CB#2, Man.; and,

Whereas, the applicant currently operates, in a mixed use building on Greenwich Avenue on the corner of Greenwich and West 12th St., a 2200 s.f. restaurant with 27 tables and 58 seats, 1 bar with 7 seats, and a maximum legal capacity of 74 persons; the applicant's hours of operation for the establishment are Sunday through Wednesday from 11am to 1am and Thursday through Saturday from 11am to 3:30 am; there is no backyard garden; music is background only; the applicant provides menu and food items up until 1 hour prior to closing and,

Whereas, the applicant has obtained a “Letter of No Objection” for the establishment; and,

Whereas the applicant has executed a stipulations agreement agreeing that the hours of operation for the sidewalk café are Sunday from 12 p.m. to 11 p.m., Monday to Wednesday from 11 a.m. to 11 p.m., Thursday to Saturday from 11 a.m. to 12 p.m. meaning that all patrons will be gone from the sidewalk café area and the tables and chairs removed and agreed that the stipulation would be added to their method of operation for their on-premise liquor license; and,

Whereas, no one appeared in opposition from the community;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **denial** to the proposed extension of the licensed premise for **103 GW12 d/b/a Monument Lane, 103 Greenwich Ave. 10014**, serial number 1245048, to include the sidewalk café **unless** the applicant continues to abide by the conditions outlined in CB#2, Man.'s resolution dated October 22, 2009 (attached) and abides by the stipulations executed as described in the 5th “whereas” clause above and that the stipulation is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 45 Board members in favor.

33. The Bowery Kitchen, LLC, 220 Bowery 10012

Whereas, the applicant appeared before the committee for a second time, and,

Whereas, this application is for a restaurant wine license for an Italian restaurant on the first floor with accessory basement used for storage (2,820 s.f. total: 1st floor 1,260 s.f. and basement 1,560 s.f.) in a 4 story lodging house on Bowery located between Prince St and Spring St with 29 tables and 60 seats, 1 bar with 6 seats for a total of 66 seats with a maximum occupancy that will be 74 with hours of operation from 7am to 2am seven days a week and this application does include a sidewalk café; and,

Whereas, the applicant stated that the location will operate as a full service restaurant servicing neighborhood residents and travelers to The Bowery House which is located above the premise; that the doors and windows will be closed by 10 pm; music will be “low enough so that it is not heard on the street” when the doors or windows are open; that there will be no tv’s; music will be quiet back ground only from ipod/cd’s; there will be no promoted events, no scheduled performances, no outside promoters; velvet ropes and movable barriers will not be used; and,

Whereas, the applicant states that there will be a kitchen, that there will be a chef employed at the premise and that the hours that the chef will devote to the premise are from open until close; and,

Whereas, the applicant will install soundproofing using a professional sound engineer, small speakers will be used, all surfaces will be constructed of ¾” thick acoustical grade homasote paneling, demising walls shall be built using acoustical batt insulation, storefront shall have glass with a 1” acoustically insulated, double pane construction, all joints and seams will be sealed with acoustic caulking to acoustically isolate the space from both neighboring tenants and the sidewalk; and,

Whereas, the premises that The Bowery Kitchen, LLC will occupy has never been licensed before and was previously a restaurant supply store and there is also a licensed premise existing in the same building holding a full on-premise license, Icon LLC, d/b/a R Bar, serial number 1119873; and,

Whereas, a copy of the lease provided to CB#2, Man. indicates that the term of the lease for the location ends on April 29th, 2013, which is only 13.5 months from the time of this resolution; and,

Whereas, this premise is located on the ground floor of a 4 story building in which a lodging house is located and has an entry door inside the establishment that has direct access into the lodging house; the second floor is occupied by long term legal residents/tenants; the principles on this application operate a separate establishment in the lodging house called The Bowery House for short term/overnight guests with inexpensive cubicle rooms, on the 3rd and 4th Floors and also the roof top which according to DOB records can accommodate up to 74 persons; and,

Whereas, several members of the community appeared at a previous meeting and at this meeting and indicated concerns that this location has not been previously licensed, that there are 27 on-premise licenses within 500 ft, that this location is connected to a new “hotel” called the Bowery House that rents rooms and beds in cubicle rooms to young tourists and the principals are the owners of that business, that music will be loud on the street when the establishments front doors are open, that patrons of the restaurant will take alcohol from the restaurant into the “hotel” on the upper floors of the building and rooftop which has an interior connecting door, that the applicants have no prior experience running a licensed premise in New York, and that the applicant will combine this space with the existing licensed premise in the same building in the future to create an extremely large establishment including this previously unlicensed space, which they adamantly object to; and,

Whereas, the applicant executed a stipulations agreement that they agreed would be attached to their method of operation on their SLA license stating that:

1. The hours of operation will be from 7 a.m. to 2 a.m. 7 days a week; i.e. at 2 a.m. the premise will be closed and all patrons will have left.
2. The applicant will not allow any alcohol to leave the premise.
3. The applicant will not sell alcohol “to go”; i.e. no bottles or six packs of beer or bottles of wine will be sold to go, for delivery or will otherwise.
4. The applicant will close all doors and windows at 10 pm 7 days a week and no music will be heard outside the premises on the street when the doors and windows are open.
5. The applicant agrees that food will be served until closing

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **The Bowery Kitchen, LLC, 220 Bowery 10012** **unless** the statements the applicant has presented above are accurate and that those conditions and stipulations agreed to by the applicant relating to the 9th “whereas” clause above are incorporated into the “Method of Operation” on the SLA restaurant wine license.

Vote: Unanimous, with 45 Board members in favor.

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

34. Marie Arun Teas, Inc. d/b/a Bosie 10 Morton St. (serial number 1227361)

Whereas, no representative appeared at the CB#2, Man. SLA Licensing Committee meeting on March 15th, 2012, in response to a request to appear to address community concerns regarding the renewal of this restaurant wine license and following a statement from a representative of the applicant Marie Arun Teas, Inc. d/b/a Bosie 10 Morton St. that while the Principle would be unable to attend, a manager would be present to address community concerns in regards to the renewal of the license regarding noise complaints and issues surrounding staff use of outdoor areas but they did not appear; and

Whereas, 4 members of the community appeared and explained their frustrations in resolving ongoing noise issues that seemed correctable;

THEREFORE BE IT RESOLVED, CB#2, Man. requests that the principle of Marie Arun Teas, Inc. d/b/a Bosie 10 Morton St., SLA Serial Number 1227361 appear at the April 2012 CB#2, Man. SLA Licensing Committee Meeting on April 12, 2012 to address the concerns noted above prior to CB#2, Man. issuing a recommendation to the SLA and asks that the SLA take into account the lack of appearance of the applicant after statements that they would appear while reviewing the renewal of this license and support CB#2, Man.’s request that the applicant appear before CB#2, Man. to address these issues in order that the community have a forum to address their concerns.

Vote: Unanimous, with 45 Board members in favor.

35. Entity to be formed by George Forgeois, TBD, 225 Varick St., 10013

Whereas, at this months CB#2, Man. SLA Licensing Committee meeting on March 15th, 2012, the applicant requested a layover of consideration of their application for the above referenced location to a future CB#2, Man. SLA Licensing Committee meeting and agreed to return before the Committee at that time to re-present his application;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for an **Entity to be formed by George Forgeois, TBD, 225 Varick St., 10013** until the applicant has presented their application in front of CB#2, Man. SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

36. La Villette, LLC, 10 Downing St., 10014

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15th, 2012, a representative of the applicant La Villette, LLC, 10 Downing St. requested to withdraw their application for consideration from CB2's SLA Licensing Committee for the above referenced location;

THEREFORE BE IT RESOLVED, that should the applicant proceed directly to the SLA, CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **La Villette, LLC, 10 Downing St., 10014** until the applicant has presented their application in front of CB#2, Man. SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

37. William T. Oreid d/b/a The Jade Hotel Greenwich Village, 52 W. 13th St. 10011

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **William T. Oreid d/b/a The Jade Hotel Greenwich Village, 52 W. 13th St. 10011** until the applicant has presented their application in front of CB2 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 45 Board members in favor.

38. An entity to be formed by Kenneth Friedman and April Bloomfield, TBD, 264 Bleecker St. 10014

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting; and,

Whereas, the applicant's attorney also notified CB#2, Man. that the applicant was amending the statutory thirty-day notice of intention to file an application with the State Liquor Authority to include a change to the license type which will now be restaurant wine instead of full on-premise liquor, that the principal April Bloomfield will no longer be a principle on the license and that the applicant will keep the phone number of the current licensee at the premise.

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Kenneth Friedman and April Bloomfield, TBD, 264 Bleecker St. 10014** until the applicant has presented their application in front of CB#2, Man. SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

39. Sway Lounge, LLC, 305 Spring St., 10013 (SLA Serial Number 1125551)

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the alteration application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any alteration to the existing liquor license for **Sway Lounge, LLC, 305 Spring St., 10013** until the applicant has presented their application in front of CB#2, Man. 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 45 Board members in favor.

40. Lucky 13 Associates, d/b/a Catch, 21-27 9th Ave., 10014 (SLA Serial Number 1254224)

Whereas, the applicant's attorney requested to withdraw the alteration application to add a terrace space to the existing licensed premise for the above referenced Applicant for consideration from CB#2, Man.'s SLA Licensing Committee and stated that the Applicant would not file this application until presenting this matter to CB#2 Man.;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to add additional space to the existing licensed premise for **Lucky 13 Associates, d/b/a Catch, 21-27 9th Ave., 10014** until the applicant has presented their alteration application in front of CB#2, Man. SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

42. Brass Monkey, LLC d/b/a Brass Monkey, 55 Little W. 12th St. 10014

Whereas, after this month's CB#2, Man. SLA Licensing Committee meeting on March 15th, 2012, but prior to CB#2, Man.'s March full board meeting, the applicant requested withdraw from consideration their application to add new floor area on the ground floor of an adjacent space for the above referenced location and stated that they will resubmit the application to be heard at the April Meeting of CB#2, Man.'s SLA Licensing Committee meeting and agreed to return before the Committee at that time to re-present his application with additional information;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the liquor license for **Brass Monkey, LLC d/b/a Brass Monkey, 55 Little W. 12th St. 10014** until CB#2, Man. has forwarded a recommendation to the SLA on the proposed alteration with additional information to be presented by the applicant in April 2012.

Vote: Unanimous, with 45 Board members in favor.

43. 450 Hudson LLC, 450 Hudson St. 10014

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **450 Hudson LLC, 450 Hudson St. 10014** until the applicant has presented their application in front of CB#2, Man. SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

44. P S New York Group, Inc. d/b/a P S Burgers, 35 Carmine St. 10014

Whereas, prior to this month's CB#2 SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **P S New York Group, Inc. d/b/a P S Burgers, 35 Carmine St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

45. David Ruggerio or Entity to be formed, 337 W. Broadway 10013

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on March 15, 2012, the applicant's attorney requested a layover of consideration of the application for the above referenced applicant and location to a future CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **David Ruggerio or Entity to be formed, 337 W. Broadway 10013** until the applicant has presented their application in front of CB#2, Man.'s SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB#2, Man. 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 45 Board members in favor.

SOCIAL SERVICES AND EDUCATION

1. RESOLUTION TO SUPPORT AN INCREASE IN THE STATE MINIMUM WAGE

WHEREAS, on January 30, 2012, the New York State Assembly called for an increase in the state minimum wage from \$7.25 per hour (or around \$15,000 a year for a full-time worker) to \$8.50, and an increase from \$5.00 per hour to \$5.86 per hour for tip workers in 2013, with future increases (or decreases) to the minimum wage indexed to inflation;

WHEREAS, Connecticut and Massachusetts recently increased their minimum wages to \$8.25 and \$8.00 per hour, respectively, and New Jersey's State Assembly Speaker is also pushing to raise that state's minimum was from \$7.25 to \$8.50 per hour;

WHEREAS, accounting for inflation, the state minimum wage is lower than it was thirty years ago and amounts to \$1.50 per hour less than it did in 1968;

WHEREAS, a worker laboring 40 hours per week and earning the federal minimum wage earns just under \$15,000 per year, which is below the poverty line for a family of two (currently at \$15,140);

WHEREAS, a study by the Center of Economic Policy Research on the wage and employment impact of rate increases in three cities (Santa Fe, San Francisco and Washington, DC) found little evidence that raising the minimum wage had any meaningful effect on employment in industries such as food services and retail trade;

WHEREAS, a national poll taken in June 2011 found that raising the minimum wage had significant bi-partisan support; voters supported raising the rate as a way to stimulate the economy by a three-to-one margin;

WHEREAS, a 2011 study by the Chicago Federal Reserve Bank and a 2009 study by the Economic Policy institute have shown that raising the minimum wage boosts consumer spending because low-wage workers spend their additional earnings in a manner that benefits the economy;

WHEREAS, New York has one of the largest disparities among the 50 states between the average wage and the minimum wage. As of May 2011, the average hourly wage rate for all employees on private payrolls in New York State was \$27 per hour; New York City's average hourly wage rate was \$31 per hour.

THEREFORE BE IT RESOLVED, that CB#2, Man., calls upon the State Legislature to pass and Governor Cuomo to sign an increase in the state minimum wage as outlined above.

BE IT FURTHER RESOLVED that CB#2, Man. calls upon City and State officials to consider and institute initiatives to mitigate the burden that the increase in minimum wage will have on small businesses, which are already facing significant increases in utility and other business costs.

Vote: Unanimous, with 45 Board members in favor.

2. RESOLUTION TO OPPOSE FINGERPRINTING FOR IDENTIFICATION OF FOOD STAMP RECIPIENTS

WHEREAS, New York City's practice of requiring fingerprints from food stamp recipients is an overly intrusive, insensitive, and daunting process for recipients;

WHEREAS, the fear and resentment that this procedure inspires may serve to deter families in need of food from applying for this benefit, thereby denying access to this important source of food;

WHEREAS, Governor Cuomo, Speaker Quinn, Senator Duane, Senator Squadron and Assembly Member Glick are opposed to this practice;

WHEREAS, only one other state — Arizona — requires fingerprints from food stamp recipients, and New York City is the only place in the state that continues to practice this policy;

WHEREAS, there are other satisfactory methods of identification that can be adopted by New York State, as they exist and throughout the nation;

WHEREAS, the office of the Mayor has said that the program would save five million dollars in fraud without making known and appropriately considering the cost — both monetary and emotional — associated with fingerprinting;

WHEREAS, it remains unclear what, if any, security precautions are being taken to ensure that information related to fingerprinting for the purpose of this public benefit is not shared with other agencies, including law enforcement;

THEREFORE BE IT RESOLVED, that CB#2, Man., calls for an end to New York City's unnecessary and intrusive practice of requiring fingerprints from food stamp recipients.

Vote: Unanimous, with 45 Board members in favor.

3. Resolution to Allow Food Donations to Agencies Serving the Homeless

Whereas, the Bloomberg Administration, in conjunction with the Department of Health and the Department of Homeless Services, recently enacted a policy prohibiting food donations to all government run facilities that provide services to the City's homeless, and

Whereas, this unnecessary and overreaching attempt to protect homeless people, by regulating what they are allowed to eat, will only result in further separating this segment of our population from the community at large,

Whereas, services for the homeless should be provided in ways that enable homeless people to still feel connected to their surrounding communities, and members of these communities should be encouraged to engage and interact with this vulnerable segment of the population rather than further stigmatizing them behind a bureaucracy that regiments them away from local, daily public life, and

Whereas, homeless agencies are always in need of contributions of all types, including: financial donations, volunteer services, and goods, such as: furniture, clothing and food, and people should be encouraged, not forbidden to provide these contributions as much as they are able, and

Whereas, these contributions benefit the givers as well as the receivers, and

Whereas, the purported claim that donated food may be unsafe or unhealthy because agencies don't personally know the source of the donated food, is not a realistic fear, because most agencies and shelters do know the local caterers and religious establishments that regularly donate food to them, and also because donated food usually consists of surplus platters from newly catered events, which are fresh, whole and have never been opened, and

Whereas, a minimal list of sensible guidelines would be sufficient to help homeless agencies make safe and intelligent decisions about the donated food that they accept and serve, without having to disallow everything, and

Whereas, people don't stop being members of our community just because unfortunate circumstances have caused them to become homeless, and

Whereas, the current poor economy coupled with the booming Manhattan real estate market, places many local residents, who are renters, at risk for homelessness,

Therefore Be It Resolved that CB#2, Man. urges our Mayor, the Department of Health, and the Department of Homeless Services to reverse its recent policy decision which forbids food donations to homeless agencies and replace it with a system of suggested guidelines that would assist agencies to make safe and sensible decisions about the food donations that they accept and serve.

Vote: Unanimous, with 45 Board members in favor.

STREET ACTIVITY & FILM PERMITS

Support of Street Fair Permit Application Renewal

WHEREAS, the street fair permit application listed below is a renewal application which were approved by the Committee and CB#2, Man. last year; and

WHEREAS, the sponsor of the street fair permit application listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsor meets the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each the sponsor is a "community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event"; and

WHEREAS, there is no material community opposition to such application, nor any material changes in the application from previous years when it was approved by CB#2, Man.; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

1. 4/19/12-NYU Earth Week, Washington Pl. bet. Washington Square East & Greene St.

Vote: Unanimous, with 45 Board members in favor.

2. 5/5/12-PS 130 Health Fair and Family Day, Hester St. bet. Mulberry St. & Baxter St.

Vote: Unanimous, with 45 Board members in favor.

3. 5/12/12-PS 3 Spring Fling, 490 Grove St. bet. Hudson St. & Bedford St.

Vote: Unanimous, with 45 Board members in favor.

4. 6/2/12-Jane St. Block Assn. Street Sale, Jane St. bet. 8th Ave. & Hudson St.

Vote: Unanimous, with 45 Board members in favor.

5. 6/2/12-Morton Street Block Party, Morton St. bet. Bedford St. & Hudson St.

Vote: Unanimous, with 45 Board members in favor.

6. 6/30/12-BAMRA Bleecker Street Festival, Bleecker St. bet. 6th Ave. & Broadway

Vote: Unanimous, with 45 Board members in favor.

7. 6/30/12-Oversea Chinese Mission, Hester St. bet. Elizabeth St. & Mott St.

Vote: Unanimous, with 45 Board members in favor.

8. 10/20/12-Christopher East Block Association Christopher Street Festival, Christopher St. bet. 7th Ave. & Greenwich Ave.

Vote: Unanimous, with 45 Board members in favor.

9. 10/21/12-Log Cabin Republicans – Greenwich, Greenwich Ave. bet. 6th & 7th Ave.; Broadway bet. Canal St. & E. Houston St.

Vote: Unanimous, with 45 Board members in favor.

Conditional Denials for No Shows

WHEREAS, each of the street fair permit applications listed below failed to appear before the Committee; and

WHEREAS, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges requires applications to appear before the Committee as a condition to any SAPO approval of their street fair application; and

WHEREAS, it is the view of the Committee that any applicant who wishes to close down a public street must appear before the Committee and allow for community feedback and questions; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit applications on the dates and at the locations listed below until they appear before the Committee for review:

1. 11/3/12-Village Crosstown Trolley Astor, Astor Pl. bet. Broadway & Lafayette St.

Vote: Unanimous, with 45 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of installation of “Don’t Block the Box” signage displaying penalties along Broome St. at Mercer St., Greene St., Wooster St. and West Broadway, with intersection crosshatch marking and crosswalk striping, coupled with strict enforcement.

Whereas CB#2, Man. thanks Manhattan Borough President Scott M. Stringer for urging the NYC Department of Transportation (DOT) to install “Don’t Block the Box” signage and markings at high traffic intersections along Broome St., including at Mercer St., Greene St., Wooster St. and West Broadway; and

Whereas DOT has responded with a warrant study confirming this need and will be installing “Block the Box” markings and signage on Broome St. at Mercer St., Greene St., Wooster St. and West Broadway **in early Spring 2012**; and

Whereas strict and vigorous enforcement at all of these locations is essential to ensure that “Don’t Block the Box” rules are followed;

Therefore be it resolved that CB#2, Man. thanks DOT for their swift response with plans to install “Don’t Block the Box” signage and markings, and encourages the use of intersection crosshatching and crosswalk zebra striping at all four of these locations, as well as signage displaying not only “Don’t Block the Box/Fine + 2 Points,” as customary, but also “\$115” (the designated penalty); and

Be it further resolved that CB#2, Man. urges strict and vigorous enforcement of “Don’t Block the Box” rules by Traffic Enforcement Agents (TEAs) at all of these four locations; and

Be it further resolved that CB#2, Man. requests that auxiliary police be deployed at these locations to direct traffic, aid pedestrians and generally help supplement the work of the TEAs; and

Be it finally resolved that CB#2, Man. requests that the New York State legislature authorize traffic cameras for New York City to enforce “Don’t Block the Box” violations in the long term, with emphasis on installation at locations such as the Broome St. corridor at Mercer St., Greene St., Wooster St. and West Broadway.

Vote: Unanimous, with 45 Board members in favor.

2. Resolution requesting installation of “Don’t Block the Box” signage displaying penalties, with intersection crosshatch marking and crosswalk striping, coupled with strict enforcement on Kenmare St. at Cleveland Pl. (sw corner), Kenmare St. at Lafayette St. (nw corner), Broome & Lafayette Sts. (s.e. corner) and Broome & Crosby Sts. (ne corner).

Whereas intense westbound vehicular traffic on the Kenmare-Lafayette-Broome St. corridor from the Bowery (and the Williamsburg Bridge to the east) to Broadway and on to the Holland Tunnel causes severe congestion, resulting in blocked crosswalks and intersections, traffic backing up, often to a standstill, impassable, un-crossable streets highly dangerous for pedestrians, widespread flouting of traffic regulations with vehicles illegally infringing on intersections and into crosswalks and weaving in, out of and between traffic lanes, and an all-round chaotic, confusing and exceedingly hazardous street situation, and

Whereas among this corridor’s overburdened intersections from the Bowery to Broadway, the most heavily impacted are Kenmare St. at Cleveland Pl. where traffic is squeezed in the small space approaching Lafayette St.; Kenmare at Lafayette where a zigzagging left and right turn (into Broome) creates serious backups in Petrosino Sq; Broome at Lafayette where merging traffic exacerbates the backups; and on Broome and Crosby Sts., where the backups continue without pause; and

Whereas installation of “Don’t Block the Box” signage and markings at these intersections, including crosshatching in the intersections and zebra striped crosswalks, would organize traffic and ensure that it proceeds in an orderly fashion, while freeing up crosswalks for safe pedestrian passage; and

Whereas strict and vigorous enforcement at all of these locations is essential to ensure that “Don’t Block the Box” rules are followed as well as to prevent or penalize other traffic violations;

Therefore be it resolved that CB#2, Man. urges the NYC Department of Transportation to install “Don’t Block the Box” signage and markings on Kenmare St. at Cleveland Pl. (sw corner), Kenmare St. at Lafayette St. (nw corner), Broome & Lafayette Sts. (s.e. corner) and Broome & Crosby Sts. (ne corner), and encourages the use of intersection crosshatching and crosswalk zebra striping at all of these locations, as well as signage displaying not only “Don’t Block the Box/Fine + 2 Points,” as customary, but also “\$115” (the designated penalty); and

Be it further resolved that CB#2, Man. urges strict and vigorous enforcement of “Don’t Block the Box” rules by Traffic Enforcement Agents (TEAs), especially during morning and evening rush hours, on Friday and Saturday nights, as well as in the late afternoon and early evening on Fridays and on Sundays; and

Be it further resolved that CB#2, Man. requests that auxiliary police be deployed at these locations to direct traffic, aid pedestrians and generally help supplement the work of the TEAs; and

Be it finally resolved that CB#2, Man. requests that the New York State legislature authorize traffic cameras for New York City to enforce “Don’t Block the Box” violations in the long term, with emphasis on installation at locations such as Kenmare St. at Cleveland Pl. and at Lafayette St., Lafayette and Broome Sts., and Broome and Crosby Sts.

Vote: Unanimous with 45 Board members in favor.

3. Resolution requesting signage indicating “No Standing Anytime” on Kenmare St. (north side) bet. Cleveland Pl and Lafayette St. and asking that a study be conducted of traffic lane configurations and connections and corresponding parking regulations in relation to traffic flow/delays along Kenmare to Lafayette to Broome St. bet. the Bowery and Broadway and west to the Holland Tunnel.

Whereas Kenmare, Lafayette and Broome Sts. between the Bowery and Broadway and westward to the Holland Tunnel are vastly overburdened by extraordinarily heavy vehicular traffic that squeezes into these streets, weaves in and out of lanes, and generally causes traffic backups and blocking infractions, lack of pedestrian access, lack of emergency access, dangerous conditions for both pedestrians and vehicles, and all-round confusion and mayhem; and

Whereas parking regulations on these streets greatly vary, sometimes restricting parking, consequently allowing for more moving lanes; sometimes allowing parking, thus resulting in less moving lanes often at the busiest, most crowded times, for example, parking on Sundays is allowed for the most part on Kenmare St., even though some of the heaviest traffic conditions there occur on Sunday in the late afternoon and early evening; and

Whereas an especially glaring omission of a parking sign exists on the north side of Kenmare St. between Cleveland Pl. and Lafayette St., which is the block leading to an especially tight left turn onto Lafayette St. that squeezes and backs up traffic, a location that calls for a “No Standing Anytime” sign, as exists on the south side of the street as well as on all other sides of Petrosino Sq.; and

Whereas the number of moving lanes on and approaching these streets vary, with several lanes of traffic feeding into a lesser number of lanes in some places, such as where the four lanes moving west along Delancey St. meld into one or at the most two lanes west of the Bowery on Kenmare St., causing backups, as well as with a lesser number of lanes opening up into a greater number in other places, as where two lanes of traffic, one from Kenmare and Lafayette Sts. and one from Broome, spread out entering Broome St.’s three, and sometimes four or five, moving lanes at Lafayette St., creating an unruly buildup of cars and trucks that then have to squeeze again into two lanes at Watts St., with further backups; and

Whereas these lane configurations and parking regulations in the Kenmare/Lafayette/ Broome Sts. corridor do not adequately accommodate current traffic conditions and flow, a situation calling for review and a fresh evaluation leading to appropriate modifications;

Therefore be it resolved that CB#2, Man. requests that the NYC Department of Transportation (DOT) install signage indicating “No Standing Anytime” on Kenmare St. (north side) between Cleveland Pl. and Lafayette St.; and

Be it further resolved that CB#2, Man. urges the DOT to conduct a study of traffic lane configurations and connections and corresponding parking regulations in relation to traffic flow/delays along Kenmare to Lafayette to Broome St. between the east side of the Bowery and west to Broadway on to the Holland Tunnel to ascertain appropriate modifications to improve current traffic conditions and flow, looking into such solutions (as well as others) as:

- Extending “No Parking” and/or “No Standing” regulations on the north side of Kenmare St. to include additional busy and crowded times, such as on Sunday in the late afternoon and early evening;
- Channeling westbound traffic on Broome St. west from Broadway (and possibly west from Lafayette St.) to West Broadway into three lanes at all times, two on the south side of Broome for Holland Tunnel traffic and one on the north side for local traffic;
- Changing the southern traffic lane going straight (with arrow pointing) to the west on Delancey St. and the Bowery (on the northeast side of the street) to a second left-turn lane, and develop suitable recommendations.

Vote: Unanimous with 45 Board members in favor.

4. Resolution in support of changing Kenmare St. westbound from the Bowery from a thru-truck to a local-truck route.

Whereas Kenmare St. is a small residential two-way street, only a little more than four blocks long with one moving lane westbound and one eastbound and one parking lane westbound and one eastbound; and

Whereas Kenmare St. is inundated, indeed overloaded, with heavy traffic, much of it thru-truck traffic, headed west for the Holland Tunnel, which subjects this tiny corridor to a constant barrage of large, hefty trucks rumbling through, overcrowding lanes, endangering pedestrians, causing severe backups and generally overwhelming the Kenmare streets which are unable to accommodate such excessive, bulky thru traffic; and

Whereas Broome St., which continues west from Kenmare St. at Lafayette St. and is wider, with more moving lanes than Kenmare, is already a local-truck route west of Lafayette St., with signage on Lafayette at Broome indicating “Truck Restriction – Except Local Deliveries” and “Truck Route – Local” with an arrow pointing west on Broome; and

Whereas thru-trucks coming west from Kenmare St., then jogging south on Lafayette St., often continue to head west on Broome St., although they’re required and directed to go south to Canal St. (a situation that could be avoided with directions to go south at the Bowery before entering Kenmare St.);

Therefore be it resolved that CB#2, Man. supports changing Kenmare St. westbound from the Bowery from a thru-truck to a local-truck route with accompanying signage indicating this designation.

Vote: Unanimous with 45 Board members in favor.

5. Resolution requesting that defaced signage be repaired on Broome St. at Lafayette St. and on Lafayette St. bet. Kenmare and Broome Sts. and asking that a signage study be conducted to clarify signs, eliminate duplication and clutter, and identify and repair defaced signs.

Whereas signage installed to direct traffic on the Kenmare/Lafayette/Broome St. corridor and on approaches to that corridor from the east are often contradictory, duplicative, defaced, placed with other signage in a cluttered, difficult to distinguish manner, and confusing for drivers and pedestrians alike, for example, signs advising those driving crosstown to use thru streets appear on corners like the Bowery and Kenmare Sts. and Allen and Delancey Sts. without specifying which thru streets to use, and signs directing thru trucks to use Houston St. are displayed without pointing to where Houston St. is; and

Whereas such signage is not only confusing and unattractive, but also is extremely hazardous to both pedestrians and motorists; and

Whereas two signs in particular, mounted on Broome St. at Lafayette St. and on Lafayette St. between Kenmare and Broome Sts., are so defaced that they aren’t legible, with their cautionary messages so obscured that pedestrians and drivers are constantly endangered, a situation that calls for swift remediation;

Therefore be it resolved that CB#2, Man. asks the NYC Department of Transportation (DOT) to conduct a study of signage installed to direct traffic on the Kenmare/Lafayette/Broome St. corridor and on approaches to that corridor from the east to identify contradictory, duplicative, defaced and cluttered signage, and repair the defacements, eliminate the clutter and contradictions, and thereby reduce pedestrian and driver confusion and imperilment; and

Be it further resolved that CB#2, Man. urges the DOT to repair the defaced signs on Broome St. at Lafayette St. and on Lafayette St. between Kenmare and Broome Sts. as soon as possible.

Vote: Unanimous with 45 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan