

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

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

FULL BOARD MINUTES

DATE: May 24, 2012
TIME: 6:00 P.M.
PLACE: Grace Church School, 86 Fourth Avenue (Tuttle Hall)

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Richard Caccappolo, Heather Campbell, Denise Collins, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Janine Kiely, Arthur Kriemelman, Raymond Lee, Edward Ma, Jane McCarthy, Florent Morellet, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Susan Wittenberg, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Lisa Cannistraci, Gideon Gil, Jason Mansfield, Alexander Meadows, Sean Sweeney

BOARD MEMBERS ABSENT: Alison McGonigal-Nelson

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Laura Morrison, 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; Judith Callet, Joseph Marger, Joseph Manoleus, Andrew Bloom, Rich Osler, Paula Feddersen, Nicole Cimina, Luigi Benvisto, Jeffrey Delakus, Will Rogers, Andrea Swalec, Marna Lawrence, Elisabeth Tiso, Larry Marcus, Lora Tenenbaum, Nick Nicholson, Monty Berhane, John Flood, Steven Guacci, Stuart A. Summit, Richard Lobel, Joseph Scicluna, Lucy Gitlin, Arthur Li, Barbara Kwan, Leslie Ziff, Minerva Durham, Michele Campo, Brooke Schafran, Marisa Delarosa, Sean Cunningham, Jim Bradley, Elaine Guererra, Kevin McGrath, Martin Tessler, Jay Hyiams, Tia Obering, Jodi Kaye, Vera Lutter, Steve Chin, Meggin Chinkel, Ahmass Fakahany, Tony Krantz, Michael White, Matthew Cohen, Josh Leventhal, Kristin Dornig, Sally Brenner, Danielle Chang, Patty Welsh, Rich Osler, Natasha Balendra, Steve Wygoda, Terrence Fitzgerald, Hilda O'Connell, Elise Siegel, Shlomo Angel, Sam Glazer, Joyce Goldman, Eugene Rem, Nigel Weston, Mark Birnbaum, Tim Meyers, Anita Rizzo, Meredith Nowikowski, David Mulkins, Derek Kellett, Teresa Uthurralt, Joe Kester, Dan Nathan, Anne Palmer, Wiliam Palmer, Chris Weston, Adam Landsman

MEETING SUMMARY

Meeting Date –May 24, 2012
Board Members Present – 43
Board Members Excused–5
Board Members Absent - 1

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II. PUBLIC SESSION

Non-Agenda Items

Library Budget

John Flood, from the Hudson Park Library branch, spoke in favor of the restoration of budget cuts to city libraries.

Sanitation Initiative

Larry Marcus spoke regarding this initiative.

Jerry's Newsstand

Martin Tessler spoke regarding support for the newsstand.

Landmarks & Public Aesthetics Items

27 East 4th Street - Application is to demolish the existing building and construct a new building.
Teresa Uthurralt and David Mulkins spoke against the proposed demolition and construction.

Derek Kellett spoke in favor of the proposal.

Land Use and Business Development

63 8th Avenue BSA Application to amend the approved fueling islands location & layout and to permit the installation of replacement underground storage tanks and fueling equipment with no change in use. Terrence Fitzgerald spoke in favor of the proposed amendment.

Land Use and Business Development/SLA Licensing Items

218 LLC d/b/a Osteria Morini, 218 Lafayette St.

Ahmass Fakahany, Stuart Summit, Joseph Scicluna, Matthew Cohen, Sally Brenner, Danielle Chang, Patty Welsh, Rich Osler, Natasha Balendra, and Chef Michael White, Kevin McGrath, Steve Wygoda, and Richard Lobel, (representing the applicant), spoke in favor of the proposed expansion.

Tony Krantz, Lora Tenenbaum, Josh Leventhal, Kristin Dornig, Minerva Durham, and Michele Campo, spoke against the proposed expansion.

SLA Licensing Items

Approvals

Meredith Nowikowski spoke in favor of SLA approvals.

Corner Shop, LLC d/b/a Corner Shop Café/The Vault at Pfaff's, 643 Broadway

Leslie Ziff and Barbara Kwan spoke in favor of the expanded hours.

Lucky 13 Associates, LLC, d/b/a Catch, 21-27 Ninth Ave.

Chris Weston, Jay Hyiams, Anita Rizzo, Meggin Chinkel, Joyce Goldman, Elisabeth Tiso, Vera Lutter, and Nigel Weston, spoke against the proposed rooftop bar.

Paula Feddersen spoke regarding the proposed rooftop bar.

Eugene Rem, Tim Meyers, Adam Landsman, and Mark Birnbaum, the proprietor, spoke in favor of the proposed rooftop bar.

Brass Monkey LLC, d/b/a Brass Monkey, 55 Little West 12th St.

Joe Kester, Jim Bradley, and Sean Cunningham, the proprietor, spoke in favor of the proposed alteration application.

Dan Nathan spoke regarding the proposed alteration.

Traffic and Transportation Items

Bike Share Program Station Sites

Lucy Gitlin, William Palmer, Anne Palmer, Sam Glazer, Hilda O'Connell, Professor Shlomo Angel, and Elise Siegel, spoke against a proposed bike-sharing site at 284 Lafayette St.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Laura Morrison, 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 March minutes and distribution of April minutes.

VI. EXECUTIVE SESSION

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

Hudson Square rezoning proposal by Trinity Real Estate, CEQR no. 12DCP 045 M

Whereas: The above referenced application is pending before the Department of City Planning for ULURP certification with the possibility of a June 4th certification date, and

Whereas: Trinity Real Estate Company had agreed to, and CB#2, Man. appreciated, an earlier postponement of the certification to allow CB#2, Man. time to consider, review and comment on an in-process large and complex ULURP application for NYU, and not review both at the same time, and

Whereas: CB#2, Man. has finished its mandated review and recommendation but is still fully engaged in the next steps in the NYU application which will be completed in late August, and

Whereas: the applicant has refused to agree to another and final extension to allow CB#2, Man. to re-focus and devote its full energy and attention to Trinity's very large and extremely complex application which will alter greatly the character and density of this section of the community, and

Whereas: a June 4th certification will force CB#2, Man. and possibly the Manhattan Borough President's Office to hold their required hearings during the summer months which historically have significantly reduced attendance, thus not having the opportunity to fully explore and obtain maximum community input into the ULURP process,

Therefore Be It Resolved: that the ULURP certification be deferred until September 2012, and the Department of City Planning (while acknowledging their legal obligations as regards to certification timing) and other government bodies use their good offices to help facilitate an additional deferment and extension so that all stakeholders, elected officials, and other interested parties can give important testimony and fully participate in the ULURP process.

Vote: Unanimous, with 43 Board members in favor.

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

3. **NOMINATING COMMITTEE**

The six applicants were interviewed and the Committee voted unanimously to select a slate. The Nominating Committee is presenting the following slate:

Chair	Brad Hoylman
1st Vice Chair	Bo Riccobono
2nd Vice Chair	Jo Hamilton
Treasurer	Antony Wong
Secretary	Susan Kent
Assistant Secretary	Keen Berger

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1. **60 Grand St.** – SoHo Cast Iron Historic District. A neo-Classical style building designed by Cleverdon & Putzel & built in 1895-96. Application is to install a painted wall sign.

Whereas, this building, because of its height and the shorter buildings around it, has a wall that is very visible from West Broadway, and that is the wall to have the new painted signs, and

Whereas, this wall currently still has a ghost Coca-Cola sign plus some other ghost signs and, according to the applicant, currently has another painted sign which was in violation and which the applicant said would be removed, but no photo of the existing sign was supplied, and

Whereas, the two proposed signs cover 23’ by 38’8” of the wall, set back 5’ from the façade, and covering part of the ghost signs, and

Whereas, the applicant stated that these signs were temporary, to be followed in a few months by a Master Plan for signage on this wall, and

Whereas, in the past, the Community Board has attempted to preserve some existing ghost signs, and questions whether this proposal would set a precedent for approving temporary signage which would cover ghost signs, and

Whereas, the Community Board does not see a reason to permit a temporary painted sign while awaiting a Master Plan for signage,

Therefore Be It Resolved CB#2, Man. recommends denial of this application for these new painted signs on 60 Grand St.

Vote: Unanimous, with 43 Board members in favor.

2. **371 Canal St.** – SoHo Cast Iron Historic District. A cast iron store building designed by Samuel Warner & built in 1883-84. Application is to alter the cast iron façade and reinforce the fire escape.

Whereas, this proposal is to do a complete restoration of the façade of the building, retaining the columns and pillars, and

Whereas, the fire escape will be attached to the steel structure behind the façade on each floor between the windows, instead of the present braces to the façade of the building, and the fire escape will be cleaned and scraped down,

Therefore Be It Resolved CB#2, Man. recommends approval of this proposal for 371 Canal St.

Vote: Unanimous, with 43 Board members in favor.

3. 83 Wooster St. (Spring & Broome Sts.) – SoHo Cast Iron Historic District A neo-Grec style store & loft building designed by J.B. Snook & built in 1876. Application is to modify storefront infill & the loading dock to provide barrier free access.

Whereas, this building now has a loading dock and a series of matching openings into the building, one of which leads to the elevator, and

Whereas, to make the building handicapped accessible, the proposal is to remove a portion of the loading dock at the right of the building in front of the elevator bay, drop the interior floor at that area and bring the elevator down to the new lower height level with the sidewalk, and

Whereas, the plan is to reuse the original door and its transom at that area, but create a new transom above them to fill the space, and

Whereas, there was not enough information given on the original loading dock, and

Whereas, this proposal would destroy the existing symmetry of the façade, and another solution should be considered for this building,

Therefore Be It Resolved CB#2, Man. recommends denial for this proposal for 83 Wooster St.

Vote: Unanimous, with 43 Board members in favor.

4. 520-524 Hudson St. aka 243-247 West 10 St. – Greenwich Village Historic District
An Art Deco style building built in 1931. Application is to install storefront infill.

Whereas, originally this building had two store windows with a door between on the Hudson St. side but sometime in the past the left window was bricked in, and

Whereas, this proposal is to remove this brick and restore the building more to its original look, with two store windows and a door between, the windows to have the same type of framing as those on the Hudson St. side, and

Whereas, the cellar will be excavated to increase headroom from 4'8" to 8' with a new sidewalk hatch to the cellar, and

Whereas, the new entrance on the Hudson St. side will have two 2' doors opening out, since they cannot intrude on the sidewalk more than 18", but if the door was recessed it could be normal size,

Therefore Be It Resolved CB#2, Man. recommends approval of this application for 520 Hudson St. but suggests the door be recessed instead of two 2' doors.

Vote: Unanimous, with 43 Board members in favor.

5. 278 West 11 St. – Greenwich Village Historic District. An Italianate style house built in 1853 and altered. Application is to construct a stoop and alter windows, and construct a new rear yard addition.

Whereas, this proposal is to replace the stoop and restore the lintels on this building, and install 4 over 4 windows with casement windows on the first floor, and

Whereas, the new stoop will have cast iron fences and there will be a cellar entry under the new stoop stairs, and

Whereas, the application is also to extend the building on the first, basement and cellar levels 7' into the rear yard, by excavating the cellar and an additional excavation 12' ' beyond this at the basement level in the rear yard, 3'6" deep, and

Whereas, the top floor at the rear of the building will have 4 over 4 windows, and

Whereas, the proposal needs more detail. We noted the following questions: The windows in this style building are often 2 over 4 rather than 4 over 4; for an 1850s house there should be a more appropriate stoop fence design; there is a problem with the areaway under the stairs; replacing the stoop is good and casement windows on the first floor are OK; the extension of the rear is OK but a tea room should be considered for the extension: the casement windows on the rear of this building are not appropriate; the top floor windows should also be the same on the top two floors,

Therefore Be It Resolved that in view of all these problems, CB#2, Man. recommends denial of this current proposal for 278 west 11 St.

Vote: Unanimous, with 43 Board members in favor.

6. 88-90 7 Ave. So. a/k/a 305-307 Bleecker St. - Greenwich Village Historic District
An Art Deco style building built in 1931. Application is to install storefront infill.

Whereas, the proposal is to create two storefronts on the first floor of this building on the Bleecker St. side, and

Whereas, the storefronts will consist of, from right to left, a recessed door, a storefront, a recessed door, and a second storefront, and

Whereas, there will be a 2' high aluminum base for the storefronts, glass and metal doors with glass transoms above, and glass transoms above both the doors and storefronts, with a narrow glass sidelight next to the recessed doors and

Whereas, this is a definite improvement over the current condition of the building,

Therefore Be It Resolved CB#2, Man. recommends approval of this application for 88-90 7 Ave. So. (Bleecker St. side).

Vote: Unanimous, with 43 Board members in favor.

7. 10-12 Little West 12 St. – Gansvoort Market Historic District. Two vernacular rowhouses built circa 1839. Application is to legalize the installation of storefront infill, signage, and the construction of a rear yard addition, without LPC permits.

Whereas, the proposal is to legalize the installation of a new storefront on #10 to replicate that on #12 Little West 12 St., and

Whereas, on the rear of the building, almost the whole back wall on the first floor has been removed with the walls on either side supporting a sliding roof over the rear yard which has panels which can be lowered in cooler weather, and

Whereas, this work was done without approval of the Landmarks Commission,

Therefore Be It Resolved CB#2, Man. recommends approval of the storefront infill on the front of the building but recommends denial of the work at the rear of 10-12 Little West 12 St. and suggests that LPC require the rear wall to be restored.

Vote: Unanimous, with 43 Board members in favor.

8. 24 Bethune St. – Greenwich Village Historic District. A Greek Revival style rowhouse built in 1833-34. Application is to reconstruct the façade.

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

Whereas, the applicant failed to appear before the Community Board Committee, nor did he contact us for a layover,

Therefore Be It Resolved CB#2, Man. recommends denial of this application for 24 Bethune St. in the absence of this important step in the review process.

Vote: Unanimous, with 43 Board members in favor.

2nd LANDMARKS MEETING

9. - 27 East 4th Street (Lafayette/Bowery) – A one-story utilitarian building built in the 1940s. Application is to demolish the existing building and construct a new building.

Whereas, we thank the Commission and the applicant for laying this over and giving the community a chance to weigh in, since there was inadequate notification provided when it was originally presented to the board two weeks earlier; and

Whereas, no one spoke in opposition to the demolition of the existing one-story building; and

Whereas, there were approximately 75 people in attendance as well as several organizations whose cumulative membership runs into the thousands, including, but not limited to, Councilmember Rosie Mendez, the Merchant’s House Museum Board Chair and Executive Director, HDC, GVSHP, Historic

House Trust, Friends of NoHo Architecture, Bowery Alliance of Neighbors, the co-op board of 25 East 4th Street, Jan Pokorny Associates, and architect Alexandr Neratoff, as well as a petition with at least 1,500 signatures objecting to the proposed building's height, scale and potential risk to the Museum was submitted; and

Whereas, most of the opposition to this project centered on the effect it would have on the adjacent Merchant's House Museum, built in 1832 and currently owned by the City's Parks Department in partnership with the Historic House Trust, it being among the first Individual Landmarks designated, and which is a registered Federal, State and City landmark, and whose interior rooms are landmarked, is the only house in New York State designated inside and out; and

Whereas, it is a fragile old building, recently damaged during the construction of a City water-tunnel construction project down the street, despite precautions undertaken by the DEP construction crew to prevent damage.

Additionally, the Museum suffered significant structural damage in 1988 when the building at 31 East 4th Street was demolished, resulting in nearly \$1 million of damages and requiring the Museum to close for two and a half years

Despite assurances from the developer, many people questioned how much more damage this precious landmark can endure,

Can it survive the demolition and excavation at 27 East 4th? Will long-term ground settling caused by the weight of the new nine-story building irreparably harm it?

Several people referenced the collapse of buildings of later vintage than the Merchant's House Museum, stemming from excavation and construction on adjacent sites: for instance, buildings on the Lower East Side and Chinatown as well as buildings within two of our historic districts, namely, the Annie Liebowitz debacle in the Village and 74 Grand Street in SoHo, collapsed due to adjacent construction; and

Whereas, Stuart Klein, the former general-counsel and inspector-general for the Department of Buildings, retained by 25 East 4th Street, stated that damage to the Merchants House would definitely result. Just how much is the \$64,000 Question.

Whereas, He also introduced the issue of the Merchant's House Museum chimney, which the applicant did not heretofore address, and who was taken off-guard and unprepared regarding the issue when questioned; and

The question is how to vent the old chimney, as required by Code. Clearly a metal flu extending up the height of the new building would be unsightly and any intrusion into the chimney would destroy precious historic material; and

Whereas, thus we have severe reservations on the amount of preparedness going into this project. For example, there is no plan for the extension of the chimney flue. Further, any design must include the extension of the chimney flues within the new building; and

Whereas, the proposed design of the new building is innocuous and was originally approved by the CB2 Landmarks Committee.

However, several people cited reports and reviews that extolled the historic low-rise character of that portion of the north side of East 4th Street and who argued eloquently for the proposed new building to reflect the footprint and height of the original house at 27 East 4th Street that was demolished in 1945.

Specifically, speakers mentioned the precedent of the historic Landmark Skidmore House located at 37 East 4th Street, which, together with the Merchant's House Museum, are the remaining portions of the row of distinguished residential buildings that used to stand on the north side of East 4th Street.

When the LPC approved the building at 2 Cooper Square in 2006, it mandated a six-story setback as a memorialization of the residential scale of this block from 27 East 4th to the Bowery.

The LPC stated in its Feb. 7 2006 letter "...the six-story base of the proposed building will recreate the historical street wall condition around the designated building along East 4th Street, and will allow for a transition in scale from the designated building to the bulk of the proposed building..."

Construction of a 9-story building without any setbacks on a formerly residential site within this block would contradict the Commission's earlier specific preservation mandate.

The north side of the street had a duality: tall industrial buildings on the western end and low residential buildings to the east. The lot at 27 East 4th Street originally had a four-story house. Moving the industrial high-rise scale eastwards would violate the history of the neighborhood; and

Whereas, thus, we are reversing our prior approval in light of the testimony that a four-story building is a better historic reference to the street wall; and

Whereas, completed preservation plans and surveys should be submitted by the applicant and approved by the Museum directors before any LPC permit is issued; for example, engineering surveys, geotechnical and architectural reports, protection and disaster plans, below-grade construction plans, storage plans for the museum's artifacts, and financial guarantees should be in place should catastrophe occur.

Further, all these reports, plans and actions should be paid for by the developer as well as compensation to the museum if damage occurs, if the interior artifacts need to be moved and stored, and for any loss of income during construction; and

Whereas, finally, at least a million dollars of taxpayers' money has been invested in the Merchant's House restoration and preservation and there would be a public outcry if a private developer harmed a public resource, even slightly; now

Therefore be it resolved that CB#2, Man., recommends any permissions for demolition or new construction on this site be denied until it can be assured to the satisfaction of the Merchant's House Museum that all potential for structural damage, or damage to the integrity of the historic fabric, interior and exterior, has been addressed according to the concerns outlined in the Whereas clauses above; and

Further, be it resolved that any proposed new building be in scale with the adjacent Merchant's House, not the industrial buildings on Lafayette; and

Further, be it resolved that CB#2, Man. recommends that the applicant address the chimney issue; and

Further, be it resolved that CB#2, Man. recommends that the various engineering and architectural plans cited above be submitted to the directors of the Merchant House for review and approval before any LPC permits are issued; and

Finally, be it resolved that CB#2, Man. recommends that the developer be financially responsible for preserving and storing the interior artifacts and compensate the Museum for any loss of income.

Vote: Unanimous, with 43 Board members in favor.

10. - LPC Item:12 - 125 Christopher Street – Greenwich Village Historic District. An apartment building designed by H.I. Feldman and built in 1944. Application is to construct a barrier-free access ramp.

Held Over

11. - LPC Item:13 - 304 Bleecker Street (7th Ave. S/Grove) (Blaustein’s Hardware) - Greenwich Village Historic District. A dwelling originally built in 1829, converted to commercial use, with a fourth floor added in the early 20th century. Application is to replace storefront infill and install lighting and signage. Zoned C2-6

Whereas, in general, the infill, lighting and signage do not detract from the building; but

Whereas, we only saw the elevation and were not presented with the floor plan; and

Whereas, so, it is difficult to determine whether the proposed door is inset or flush with the facade; and

Whereas, we were not told what the applicant intended to do with the tiles in the entry; now

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

Further, be it resolved that CB#2, Man. recommends that the existing tiles be retained and that the entry door be inset.

Vote: Unanimous, with 43 Board members in favor.

12. - LPC Item:14 - 58 Bank Street (W. 4th) - Greenwich Village Historic District. A Greek Revival style house built in the mid 1840s and later altered with a fourth floor and an Italianate style cornice. Application is to alter the rear facade.

Whereas, although the existing rear-yard façade was not part of the original structure, it was built in 1907, well over a century ago, and should be preserved; now

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

Vote: Passed, with 42 Board members in favor, and 1 abstention (C.Dawson).

13. - LPC Item:15 - 20 West 11th Street (5th/6th Ave)- Greenwich Village Historic District
A Greek Revival style rowhouse built in 1844-45. Application is to replace windows.

Whereas, the window replacement on the front is fine; and

Whereas, there is so much alteration to the back of the building already that this proposal does only minimal damage; now

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

Vote: Unanimous, with 43 Board members in favor.

14. - LPC Item:16 - 154 Spring Street - SoHo-Cast Iron Historic District. A store and loft building designed by Louis Sheinart and built in 1911. Application is to replace storefront infill and install rooftop mechanicals.

Held Over

15. - LPC Item:17 - 38 Greene Street, aka 90-94 Grand Street – SoHo-Cast Iron H.D. A transitional style store and warehouse building incorporating Italianate and French style details designed by Griffith Thomas and built in 1867. Application is to install storefront infill.

16. - LPC Item:18 - 42-50 Greene Street (Broome) – SoHo-Cast Iron Historic District A French Renaissance style store and warehouse building designed by Griffith Thomas and built in 1869; and a neo-Grec style store and warehouse building constructed in 1860. Application is to establish a Master Plan governing the future installation of storefront infill.

Whereas, it is a nice Modernist schematic, but just doesn't "belong" here, missing fundamental elements of design and decoration that we would expect to find in the Cast-Iron District.

For example:

- The proposed storefront infill is flat with no variation on the surface, completely ignoring the 19th century elements of depth and shadow found throughout the district.
- It should have transoms and paneled doors
- The rhythm is troublesome.
- The proposed grillwork at the base is not of a style we would expect in this historic district.

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

Vote: Unanimous, with 43 Board members in favor.

17. - LPC Item:19 - 714 Broadway – NoHo Historic District. A neo-Classical style store building designed by Buchman and Deisler and built in 1896-97. Application is to install wall-hung HVAC units on a secondary facade

Whereas, the units and mountings would be barely visible from the sidewalk on Lafayette Street and were a new building built on the abutting parking lot, they would never be seen; but

Whereas, one member of the committee suggested that the applicant place the HVAC on the roof, where most HVACs are placed in the city, and that narrow piping be run down the back of the secondary facade; now

Therefore, be it resolved that CB#2, Man. recommends general approval of this application, but urges the Commission and applicant to investigate placing the HVAC on the roof, which is less unsightly and would produce less invasive noise in the rear courtyard, something the neighbors would surely appreciate.

Vote: Unanimous, with 43 Board members in favor.

18. - LPC Item:20 - 95 Horatio Street, 521-531 and 533-535 West Street, 84-88, 90-92 and 94-98 Gansevoort Street, and 802-816 Washington Street – Gansevoort Market Historic District

Two Classical Revival style warehouses designed by Lansing C. Holden and built in 1897-98; a neo-Classical style warehouse/office building designed by John B. Snook Sons and built in 1932; three neo-Classical style warehouses designed by J. Graham Glover and built in 1910-12, 1911-12 and 1923-26; and a neo-Classical style warehouse building designed by John B. Snook Sons and built in 1931-35. Application is to establish a Master Plan governing the installation of signage.

Whereas, this is a very attractive proposal and adds to the building and the district; now

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

Vote: Unanimous, with 43 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 216 Lafayette Street (Block: 482 Lot: 28) Board of Standards and Appeals application filed pursuant to Section 72-21 and Section 42-14(D)(2)(b) to permit the conversion of a portion of the first floor of the existing building to Use Group 6 (eating and drinking establishment) on the ground floor with accessory use in the cellar. The Premises lies within an M1-5B zoning district.

The application seeks permission for an extension of the Osteria Morini restaurant at 218 Lafayette to expand into the ground floor of the adjoining building at 216 Lafayette Street. This requires either a variance from the BSA or a request to City Planning for a rules modification under section 42-141. The applicant also wants to expand into the second floor of the same 216 building to enlarge his restaurant and has applied for a modification of his liquor license to do that. The SLA Committee of CB#2, Man. has recommended denial of that application.

The applicant also originally obtained a permit to proceed with a expansion in the ground floor by claiming there was a prior grandfathered restaurant at the site (and therefore did not require BSA or CPC actions), but the application had inaccurate information and the permit to construct was rescinded.

Whereas: the application was laid over last month at the request of the applicant, and

Whereas: the applicant is requesting a variance to change the use group to allow an eating and drinking establishment in an M1-5 A zone, and

Whereas: the applicant had previously filed an inaccurate application to the Department of Buildings stating that the subject property had already been grandfathered as an eating and drinking establishment on the ground floor and wanted to extend their restaurant in the adjoining ground floor space without coming to either the Planning Commission under 42-141 for a modification or to the BSA for a variance, and

Whereas: the DOB had a re-consideration of their prior approval based on that inaccurate information, and

Whereas: the committee was greatly concerned about that inaccurate filing and the resultant demolition and construction that ensued until halted by the DOB, and

Whereas: the applicant is now seeking a variance to allow eating and drinking uses, and

Whereas: in order to be granted that relief, five findings must be met, including at least three that are questioned by this committee:

1. **Unique Conditions** The claim of uniqueness of the site was not proven at all. The applicant makes most of his arguments about the uniqueness of the building rather than the physical irregularity of the zoning lot (as the zoning resolution denotes) and uses BSA prior decisions to make his case. The applicant states that this two-story building is unique, implying that there are few, if any, two-story buildings in the M1-5a/b. The applicant argues that this uniqueness creates a hardship that can only be relieved by a variance. However, the applicant's claim of uniqueness is belied by the facts. Indeed, in the M1-5a/b, a cursory search produced not only dozens of two-story buildings supporting as-of-right thriving businesses, but also dozens more one-story buildings, presumably with even less profit-potential than a two-story, distributed throughout every street in the district. The applicant claims the building is obsolete for an as-of-right use, but then contradicts himself and says the building houses JLW artist successfully which is of as-of-right. Moreover, the only claims about the actual physical irregularity of the zoning lot is the shallowness of the lot because of the wall that separates a JLW artist and the prior commercial use; a wall that was created by the landlord.

2. **Character of the Neighborhood** The required finding that the variance "will not be detrimental to the public welfare" (ZR 72-21) was adamantly contested by many residents surrounding or in the area of the subject property. While several people directly associated with the applicant spoke in favor of the application, a much greater number of people spoke against the application and about the hardship it would bring to an already oversaturated restaurant area where noise, odors and other food service factors now overwhelm the neighborhood.

There were also complaints about the hardships of the existing exhaust stacks being almost immediately adjacent to their windows (approx 5 ft) and the dirt, smoke and fumes they emit and the problems that would be caused by additional exhaust stacks by this restaurant or future ones. Additionally, the SLA Committee of CB2 Manhattan has recommended denial for their application to modify and extend their liquor license to the floor above the subject property.

3. **Self-Created Hardship** The committee also felt that the finding that prohibits an applicant from causing a self-created hardship was not met, given that a legal as-of right tenant was at first proffered a lease renewal even after the applicant claims that the said tenant was earlier legally evicted. The space was then rented to, we presume, a higher-paying restaurant user. That original tenant then signed a lease for almost the exactly same size space at the same rent he offered the landlord, just one block away on Lafayette Street, thus establishing that he offered the landlord a true market rent and diluting the landlord's claim that there is no market for as-of-right tenants, and

Whereas: several speakers testified that there was an active and acute shortage of spaces for as-of-right JLWQA applicants, and

Whereas: the applicant presented no confirmation beyond a broker's letter that they attempted to attract a suitable as-of-right commercial tenant at a realistic rent, or even advertised at all for a qualified as-of-right JLWQA, and

Whereas: the applicant also rejected the suggestion of accepting a variance that prohibiting eating and drinking establishments,

Therefore Be It Resolved that CB#2, Man. recommends denial of this application, as the findings for said variance have not been met and this variance will cause additional hardships to an already overburdened community, and

Be It Further Resolved that if the BSA does determine that a financial hardship does exist and that it was not self-created, and is not detrimental to the community, and that it is a unique site, and decides to grant a variance, we strongly urge that the variance prohibit eating and drinking establishments of any kind.

Vote: Passed, with 36 Board members in favor, and 6 in opposition (W. Bray, C. Dawson, M. Derr, J. Paul, E. Ma, R. Sanz,) and 1 abstention (D. Collins).

2. 63 8th Avenue (Block: 616 Lot: 46) BSA Cal. No: 678-74-BZ Board of Standards and Appeals Application seeking a minor amendment to BSA resolution 678-74-BZ to amend the approved fueling islands location & layout and to permit the installation of replacement underground storage tanks and fueling equipment with no change in use. Located in a C1-6 district.

Whereas: the applicant is applying for a minor technical change as to the underground tanks positioning in an already approved variance, and

Whereas: this gas station is one of the few remaining in lower Manhattan, but located on a very irregular strip of land bordering on a major avenue and crossing street, and

Whereas: a resident complained about the chaotic traffic and turning problems on the avenue caused by cars entering, exiting and queuing up at the station awaiting service, and the danger it presents for pedestrians crossing, especially for school kids from near-by PS 41, and

Whereas: while the Committee has agreed to the necessity of granting this variance, we urge the BSA to take into consideration these traffic problems when it reviews the application and request some ideas for improvements from ownership,

Therefore Be It Resolved: CB#2, Man. approves this application and requests that the BSA consider the problems noted in the 3rd and 4th whereas clauses above.

Vote: Unanimous, with 43 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Presentation by Hudson Square Connection on CityBench locations

Whereas, the Hudson Square Connection made a presentation showing the 11 locations which are proposed to the NYC Dept. of Transportation to be included for CityBench installations on sidewalks in the Hudson Square section of CB2 Manhattan, and

Whereas, the committee has no specific issues with those locations,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of the 11 CityBench locations in the Hudson Square area as proposed by the Hudson Square Connection and the NYC Dept. of Transportation.

Vote: Unanimous, with 43 Board members in favor

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

2. Smorgas Chef West Village, LLC d/b/a Smorgas Chef, 283 W. 12th St. (NW corner W. 4 St), with 13 tables & 26 seats, DCA#1233131

Block:625 Lot:62	Lot Frontage:24' Lot Depth:65	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:3 Total # of Units:4
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 has been operated for four years by this applicant with consistent issues, particularly opening the café prior to noon on Sunday, not following the approved seating plan and constant staff use of the public sidewalk on both sidewalks and around the corner, and

Whereas, the applicant has signed two letters of intent with the office of Council Speaker Christine Quinn to correct these issues (among others), one in April 2009 and the second in August 2010, but continues to violate those terms as noted above,

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 **Smorgas Chef West Village, LLC d/b/a Smorgas Chef, 283 W. 12th St.(NW corner W. 4 St), with 13 tables & 26 seats, DCA#1233131**

VOTE: Unanimous, with 43 Board members in favor.

3. Think Bleecker LLC, d/b/a Think Coffee, 1 Bleecker St. (NW corner Bowery), with 10 tables & 20 seats, DCA# 1277645

Block:529 Lot:7505	Lot Frontage:89.83' Lot Depth:33.25	Year Built:1900
Number of Buildings:1;	Number of Floors:4 Residential Units:6	Total # of Units:8
Zoning:C6-1	Landmark Building: Yes	Historic District: Noho East

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 approximately four years by this applicant with few 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 **Think Bleecker LLC, 1 Bleecker St. (NW corner Bowery), with 10 tables & 20 seats, DCA# 1277645**

VOTE: Unanimous, with 43 Board members in favor.

4. Lafayette Street Partners, d/b/a Chinatown Brasserie, LLC 380 Lafayette St. (NW corner E. 3 St), with 23 tables & 84 seats, DCA# 1219985

Block:531 Lot:7504	Lot Frontage:82.08' Lot Depth:98	Year Built:1906(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:0	Total # of Units:4
Zoning:M1-5B	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 few 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 **Lafayette Street Partners, LLC 380 Lafayette St. (NW corner E. 3 St), with 23 tables & 84 seats, DCA# 1219985**

VOTE: Unanimous, with 43 Board members in favor.

5. Friendly Foods LLC d/b/a Pulino's Bar & Pizzeria, 282 Bowery (SW corner E. Houston St), with 11 tables & 35 seats, DCA# 1343045

Block:507 Lot:25	Lot Frontage:37.5' Lot Depth:88.67	Year Built:1900
Number of Buildings:1;	Number of Floors:4 Residential Units:3	Total # of Units:4
Zoning:C6-1		

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 has been operated for two years by this applicant, and

Whereas, the committee noted the seating plan is not being followed and has numerous photos from several occasions where café seating and border planters are sitting directly on sidewalk grates which are supposed to have 3 feet clearance, and

Whereas, the applicant also always has a POS/service station on the south end of the café which also impinges on the 3 foot clearance required to a Siamese connection, and

Whereas, on each inspection the applicant also had 9 or 10 additional folding chairs stacked against the south end of the façade (also blocking the Siamese connection) presumably to add to the café as needed which would put it over the approved seating, and

Whereas, while Mr. Kelly committed to addressing these issues with the applicant, this café appears to have too much approved seating based on the square footage, particularly when the clearance for the Siamese connection and sidewalk grates are maintained, and based on other cafes the 267 sq. ft. could reasonably be expected to support less than 30 seats,

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 **Friendly Foods LLC d/b/a Pulino's Bar & Pizzeria, 282 Bowery (SW corner E. Houston St), with 11 tables & 35 seats, DCA# 1343045**

UNLESS

- **The seating of the café is reduced to less than 30 seats to allow for the required clearance to the two sidewalk grates and the Siamese connection**
- **DCA confirms the removal of the non-complying service station and stored chairs prior to the City Council receiving this application**

VOTE: Unanimous, with 43 Board members in favor.

6. 99 South Rest. Corp. d/b/a Garage Café, 97-99 7th Ave. South (btw Barrow St & Grove St), with 42 tables & 84 seats, DCA# 1217775

Block:591 Lot:17	Lot Frontage:59.67' Lot Depth:83.83	Year Built:1920
Number of Buildings:1;	Number of Floors:1 Residential Units:0	Total # of Units:1
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,

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 **99 South Rest. Corp. d/b/a Garage Café, 97-99 7th Ave. South (btw Barrow St & Grove St), with 42 tables & 84 seats, DCA# 1217775**

VOTE: Unanimous, with 43 Board members in favor.

7. Gallo Nero, Inc., d/b/a Ciao, 185 Bleecker St. (NE corner Macdougall St), with 11 tables & 22 seats, DCA# 1099505

Block:540 Lot:43	Lot Frontage:50.42' Lot Depth:75	Year Built:1904
Number of Buildings:1;	Number of Floors:6 Residential Units:25	Total # of Units:28
Zoning:R7-2 ;	Commercial Overlay:C1-5	

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

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

Whereas, the committee noted what appeared to be a variation from the approved plan in the seating on the Bleecker St. side, but felt it made little difference in the operation of the café and it appears the public sidewalk clearance is not being affected,

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 **Gallo Nero, Inc., d/b/a Ciao, 185 Bleecker St. (NE corner Macdougall St), with 11 tables & 22 seats, DCA# 1099505**

VOTE: Unanimous, with 43 Board members in favor.

8. Mendared, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. (btw W. Houston St & Bleecker St), with 17 tables & 34 seats, DCA# 1354717

Block:525 Lot:7504 Lot Frontage:25' Lot Depth:125 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:0 Total # of Units:8
Zoning:R7-2 ; Commercial Overlay:C1-5

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

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

Whereas, the committee noted to the applicant that the use of several planters/plants, some 7 feet high, was well beyond the permitted size, and primarily because of them, the café often grew in depth to well beyond the allowed half of the sidewalk, and

Whereas, the applicant committed to addressing the situation with the planters and café growth,

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 **Mendared, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. (btw W. Houston St & Bleecker St), with 17 tables & 34 seats, DCA# 1354717**

CONDITIONAL UPON the applicant removing the tall planters from the border of the café and improving the control of the depth of the café so it occupies no more than half the sidewalk width

VOTE: Unanimous, with 43 Board members in favor.

9. Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. (btw W. Houston St & Bleecker St),with 8 tables & 16 seats, DCA# 0762511

Block:525 Lot:50 Lot Frontage:25' Lot Depth:75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:4 Total # of Units:5
Zoning:R7-2 ; Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager 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 **Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. (btw W. Houston St & Bleecker St), with 8 tables & 16 seats, DCA# 0762511**

VOTE: Unanimous, with 43 Board members in favor.

10. G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA# 1225841
Block:529 Lot:140 Lot Frontage:16.9' Lot Depth:59.1 Year Built:1920(estimated)
Number of Buildings:1; Number of Floors:4 Residential Units:3 Total # of Units:4 Zoning:C6-1
Landmark Building: Yes Historic District: Noho East

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 few known issues, and

Whereas, the committee noted a minor variation in the café setup that might interfere with the function of the fire escape drop ladder and the applicant committed to ensure proper clearance for the ladder,

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 **G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA# 1225841**

VOTE: Unanimous, with 43 Board members in favor.

11. 333 Lafayette LLC, d/b/a Pinche Taqueria, 333 Lafayette St, with 16 tables & 36 seats, DCA# 1347971

Block:522 Lot:36 Lot Frontage:94.17' Lot Depth:17.83 Year Built:1926(estimated)
Number of Buildings:1; Number of Floors:2 Residential Units:0
Total # of Units:2 Zoning:M1-5B

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, after initial issues with seating on Mulberry St and noise from the café and interior, via bands and outdoor speakers, this café has been operated by this applicant since their last renewal 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 **333 Lafayette LLC, 333 Lafayette St, with 16 tables & 36 seats, DCA# 1347971**

VOTE: Unanimous, with 43 Board members in favor.

12. Villa Pacri, LLC, d/b/a Villa Pacri, 53 Gansevoort St. (btw Washington St & 9 Ave.), with 43 tables & 87 seats, DCA# 1350811

Block:644 Lot:60 Lot Frontage:115.5' Lot Depth:64.75 Year Built:1910(estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:0 Total # of Units:4
Zoning:M1-5 Landmark Building: Yes Historic District: Gansevoort Market

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Enik Mahmeti (for Steve Wygoda), was present, and

Whereas, at the time of their last renewal, the applicant had installed a platform for the café, but this appears to have been removed many months ago, and

Whereas, this café has subsequently been operated by this applicant since their last renewal with few 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 **Villa Pacri, LLC, 53 Gansevoort St. (btw Washington St & 9 Ave.), with 43 tables & 87 seats, DCA# 1350811**

VOTE: Unanimous, with 43 Board members in favor.

13. Groove Enterprises, d/b/a Groove, 125 Macdougall St (NW corner W. 3 St), with 5 tables & 10 seats, DCA# 1305277

Block:543 Lot:60 Lot Frontage:20' Lot Depth:65.75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:4 Residential Units:4
Total # of Units:5 Zoning:R7-2 ; Commercial Overlay:C1-5

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

Whereas, the committee noted that the seating, which is all on W. 3 St., has often extended too close to Macdougall St. where the sidewalk is less than 12 feet, and

Whereas, there have also been velvet ropes and a sandwich board sign used outside the main entrance,

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 **Groove Enterprises, d/b/a Groove, 125 Macdougall St (NW corner W. 3 St), with 5 tables & 10 seats, DCA# 1305277**

CONDITIONAL UPON the applicant keeping all seating at the west end of the building as shown on the approved plan and ceasing use of velvet ropes and sandwich board signs on the sidewalk

VOTE: Unanimous, with 43 Board members in favor.

Assignment of consent to operate an Unenclosed sidewalk café for:

14. T. Hospitality, Inc. d/b/a Sea, 835 Washington St. (NE corner Little W. 12 St), with 29 tables & 58 seats, DCA# 1425422

Block:645 Lot:62 Lot Frontage:25' Lot Depth:103.25 Year Built:1900
Number of Buildings:1; Number of Floors:2 Residential Units:0 Total # of Units:1
Zoning:M1-5 Landmark Building: Yes Historic District: Gansevoort Market

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

Whereas, this café has been operated for several years by this applicant with few known issues, and this application is due to the addition of a new president of the corporation, and

Whereas, the committee noted the depth of the café tends to creep out so it is taking up more than half of the sidewalk, and

Whereas, this is primarily due to numerous planters used on the border of the café, many of which are approximately 6 feet tall making them well over the allowed height, and

Whereas, the applicant also has a very large service station complete with a sink within the café which is not allowed, and

Whereas, the applicant committed to better policing the creep in depth and to correcting the non-complying planters and large service station,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for an ASSIGNMENT OF CONSENT App. for revocable consent to operate an Unenclosed sidewalk café for **T. Hospitality, Inc. d/b/a Sea, 835 Washington St. (NE corner Little W. 12 St), with 29 tables & 58 seats, DCA# 1425422**

UNLESS DCA confirms the removal of the non-complying planters and large service station prior to the City Council receiving this application

VOTE: Unanimous, with 43 Board members in favor.

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

15. Zossima Inc. d/b/a Doma Na Rohu, 271/2 Morton St. (NW corner 7 Ave S.), with 6 tables & 12 seats, DCA# 1424566

Block:587 Lot:1	Lot Frontage:43.75' Lot Depth:49.33	Year Built:1910(estimated
Number of Buildings:1;	Number of Floors:6 Residential Units:20	Total # of Units:24
Zoning:C2-6	Landmark Building: Yes	Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant and her representative, Michael Kelly, were present, and

Whereas, this applicant has operated another establishment, Doma, several blocks north on Perry St for many years which has proved to be a valued member of the community, and

Whereas, while the address of the restaurant is on Morton St, this café will be situated entirely on 7 Ave S where the sidewalk is 20 feet wide but the café is limited by a street light, and

Whereas, the applicant has voluntarily restricted the size of the café by leaving several feet between its southern edge and the corner of the building at Morton St, and

Whereas, the only issue the committee saw is whether the plan allows the required 3 foot clearance from the fire escape drop ladder, particularly between it and the 2 tables and 4 chairs on the north end,

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 **Zossima Inc. d/b/a Doma Na Rohu, 271/2 Morton St. (NW corner 7 Ave S.), with 6 tables & 12 seats, DCA# 1424566**

CONDITIONAL UPON DCA confirming the required 3-foot clearance in all directions from the fire escape drop ladder is maintained

VOTE: Unanimous, with 43 Board members

16. 343 Broome Street Restaurant, d/b/a Randolph Beer, 343 Broome St. (btw Elizabeth St & Bowery), with 7 tables & 18 seats, DCA#1426393

Block:470 Lot:50 Lot Frontage:50.67' Lot Depth:177.17 Year Built:1915(estimated)
Number of Buildings:1; Number of Floors:4 Residential Units:0 Total # of Units:5
Zoning:C6-2G, C6-1G

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

Whereas, this applicant has operated another sidewalk cafe, Randolph, on the same block at 349 Broome St for a few months, and

Whereas, this café is proposed for a 17 foot wide sidewalk but the café is limited by a street light just outside the property line on the west end of the property and proposed cafe, and

Whereas, the applicant has agreed to reduce the café by the 2 tables and 4 seats at the west end of the café to maintain the required clearance to the street light, and

Whereas, the committee asked the applicant if there would be waiter service to the café as there have been complaints from the community that there is no waiter service at their establishment at 349 Broome St. and the committee chair has been told by staff at 349 Broome St that there is no waiter service, and

Whereas, the applicant stated that the service at 349 Broome St is done by patrons ordering inside and returning to their sidewalk table and food/beverage then being brought by staff, and

Whereas, as both establishments have liquor licenses, the committee asks DCA to confirm that the service provided at both establishments owned by this applicant is in fact “wait staff service” under DCA rules,

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 **343 Broome Street Restaurant, d/b/a Randolph Beer, 343 Broome St. (btw Elizabeth St & Bowery), with 7 tables & 18 seats, DCA#1426393**

CONDITIONAL UPON

- **Seating being reduced to 5 tables & 14 seats by removing the tables on the west end of the plan**
- **DCA confirming there will be appropriate waiter service to the sidewalk café during all hours of operation**

VOTE: Unanimous, with 43 Board members in favor

17. Forcella Eatery Inc. d/b/a Forcella, 334 Bowery, with 6 tables & 12 seats, DCA # 1427807

Block:530 Lot:38 Lot Frontage:35.17' Lot Depth:96.33 Year Built:1909
Number of Buildings:1; Number of Floors:8 Residential Units:14 Total # of Units:15
Zoning:C6-1 Landmark Building: Yes
Historic District: NoHo Historic District Extension

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant was present, and

Whereas, the committee noted the applicant has consistently been placing numerous items on the public sidewalk, including a cigarette butt receptacle, a stand with menus, a sandwich board sign (often right in the middle of the sidewalk) and several large planters, and

Whereas, while the plan shows, and is dependent for its layout, a flush tree pit, the pit is actually surrounded by a fence which would limit the seating beyond what is proposed, and

Whereas, the plan does not appear to allow sufficient clearance of 3 feet in all directions between the fire escape drop ladder and the seating, particularly the two tables on the north end of the cafe, and

Whereas, the only issue the committee saw is whether the plan allows the required 3 foot clearance from the fire escape drop ladder, particularly between it and the 2 tables and 4 chairs on the north end,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Forcella Eatery Inc. d/b/a Forcella, 334 Bowery, with 6 tables & 12 seats, DCA # 1427807**

UNLESS the applicant provides a new plan correctly showing the existing state of the tree pit and appropriate clearance for the fire escape drop ladder

VOTE: Unanimous, with 43 Board members in favor.

Renewal revocable and Petition of Modify consent to operate an Unenclosed sidewalk café for:

18. Carapina LLC, d/b/a Grom, 233 Bleecker St. (NW corner Carmine St), with 4 tables & 8 seats, DCA# 1286005 (addition)

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

Whereas, this café has been operated for more than 2 years by this applicant with few known issues, and

Whereas, this application is to modify the café by reducing the seating from 8 tables & 16 seats to 4 tables & 8 seats, which the applicant has decided is sufficient for their business, and

Whereas, while the café is on the Carmine St side of the establishment, the committee noted the frequent use of stanchions and a velvet rope to partition off part of the sidewalk on the Bleecker St side for lines of customers, and

Whereas, the committee instructed Mr. Kelly to inform the applicant that this practice of misappropriating public sidewalk must cease, and Mr. Kelly assured the committee the applicant would be told this,

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 **Carapina LLC, d/b/a Grom, 233 Bleecker St. (NW corner Carmine St), with 4 tables & 8 seats, DCA# 1286005**

CONDITIONAL UPON the applicant removes all items detailed in Whereas #2 from the sidewalk

Vote: Unanimous, with 43 Board members in favor.

SLA LICENSING

1. TOBSK, LLC, d/b/a McCoy, 89 MacDougal St., 10012 (Pending - SLA Serial Number: 1262874)

Whereas, the applicant re-appeared for the third time before CB#2, Man.'s SLA Licensing Committee and did not present for the third time a completed CB#2, Man. questionnaire with supporting materials as required by CB#2, Man.; and,

Whereas, this application is for the transfer of an existing on-premise liquor license (previously MacDougal Bleecker Corp. Serial # 1147007) for the ground floor and basement of a mixed-use building located on MacDougal Street between Bleecker and W. Houston; for a 3,600 (1800 per floor) square foot premise with 22 tables and 58 seats (16 tables and 40 seats on ground floor and 6 tables and 18 seats in basement) and two bars with 16 seats (1 bar and 10 seats on ground floor and 1 bar and 6 seats in basement) for a total of 74 seats, the proposed occupancy for the premise is 74 people and the maximum legal occupancy which is undetermined because there was no supporting document such as a Certificate of Occupancy that specifically includes the basement space; there is no backyard use, but there will be a sidewalk café which is not included in this application; and,

Whereas, the hours of operation will be Sunday through Saturday from 10 a.m. to 2:00 a.m., music will be quiet **and** entertainment levels generated by an iPod system as well as live music in the basement which will also be connected to the sound system for both the basement and the ground floor, there will be no D.J. there will be no promoted events, no outside promoters, but **will have events for which a cover fee is charged in the basement area only** and there may be private parties; and,

Whereas, this applicant originally appeared in March of 2012 and was unprepared and CB#2, Man.'s SLA Committee requested they lay over until the next month. There was little to no community outreach and the operation was unclear and poorly formulated. In April 2012 the applicant appeared with a similar application but still not prepared to explain the use of the basement space and how the additional entrance/exit for the basement space would be used, the applicant subsequently verbally agreed not to use the basement space and would come before CB#2, Man. when they could present a better formulated plan for the basement and provide completed floor plans and related materials that would be filed with the NYC Department of Buildings indicating the proposed occupancy as well as a specific and complete method of operation for the basement area and proof that they had also discussed this with the community and neighborhood associations. CB#2, Man. still recommended denial. Now this applicant is applying again **with** use of basement space which will include live musical performances even though CB#2, Man. has already recommended the denial of this transfer and,

Whereas, this applicant owns and operates a beach bar style establishment in Long Beach, NY which does not appear to be run as a true restaurant. The concern of the community is that this application, which is in a highly residential and over-saturated neighborhood, has principals with NO history of running an upscale restaurant which includes a live music component for which a cover charge may be utilized and has changed the business plan each time they have come before CB#2, Man. and have yet to provide a complete and thorough business plan including a detailed method of operation, indicating that they are unprepared to operate responsibly in a residential neighborhood; and,

Whereas, there is significant concern that the applicant will have a live music component in a basement lounge area which the applicant stated there may be a cover charge for, would be limited to a maximum of three musicians, but on the basement floor plans/layout the applicant was unable to show where three musicians could be accommodated, there is no dedicated stage or other area and the area indicated at the meeting at best could accommodate one musician in what appears to be an egress corridor; and,

Whereas, several members of the local neighborhood association, the Bleecker Area Merchants' and Residents' Association (BAMRA), appeared at the meeting and indicated that while there was a resolution in support of the applicant from their group, a few members indicated that they were concerned and no longer supported the resolution because there appeared to be significant changes in some of the components of the presentation made to their group and because the applicant was still not clear on the method of operation of the basement and indicated that they may charge a cover fee which would be a very different style of establishment than was originally understood when the applicant presented to BAMRA, however, no alternate resolution was presented and it was unclear if the position of BAMRA had changed; and,

Whereas, several members of the public highlighted several violations at the venue which the applicant also appears to be a principal, TRK Pub, Inc., SLA Serial #1200992, and raised concerns in relation to those violations, the applicant's attorney indicated that the applicant was not a principal at the time the violations were issued, but it remained unclear when he became a principal; and,

Whereas, the applicant was prepared to execute a stipulations agreement that they agreed would be attached and incorporated into their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday through Saturday from 10 a.m. to 2:00 a.m. and will be closed at 2:00 a.m.
2. The applicant will not seek a sidewalk café until CB#2, Man. and its Sidewalks Committee has approved the proposed plans including seating arrangements.
3. The applicant will obtain all required certificates, permits and related documents including a letter of no objection or Certificate of Occupancy from NYC Department of Buildings covering the entire premise prior to opening the establishment.
4. The applicant will not operate any Televisions or Projectors
5. The applicant has agreed to operate as a Restaurant Only.
6. The applicant has agreed to keep the kitchen open until closing.
7. The applicant has agreed to hire a security person every night.
8. The applicant has agreed that they will have only live jazz music in the basement and music at all other times would be at quiet background levels only.
9. The applicant has agreed that they will operate the entire establishment under one name only – McCoy.

Whereas, there are **41 licensed premises** within 500 ft. of the proposed premise and CB#2, Man. is aware that this location has been previously licensed but does not feel an application such as this warrants approval and request a 500 ft ruling; and,

Whereas, CB#2, Man. also requests that the NY State Liquor Authority also review and verify whether this location complies with the "200 ft. rule" in relation to the Little Red School House (www.lrei.org) located at 272 Sixth Avenue at the corner of Bleecker St. which occupies more than one building including 196-198 Bleecker Street and 272-276 Sixth Avenue aka 200-202 Bleecker St.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for the transfer of an on-premise liquor license to **TOBSK, LLC, d/b/a McCoy, 89 MacDougal St., 10012.**

Vote: Unanimous, with 43 Board members in favor.

2. An entity in which Jennifer Vitagliano is a Principal (dba The Musket Room), 265 Elizabeth St.

Whereas, the applicant appeared before the committee and,

Whereas, this application is for a new on-premise license for a full service restaurant serving lunch and dinner in a previously licensed location for a 2,600 sq ft premise (1,500 sq ft ground floor and 1,100 sq ft basement) occupying the ground floor and basement (basement to be used for kitchen, public bathrooms and storage only) on Elizabeth Street between Prince and Houston Street, there will be no sidewalk café and no use of the backyard (except for planting a flower garden), there will be 26 tables and 56 seats and 1 bar with 9 seats for a total of 65 seats with a proposed occupancy of 74 and the maximum occupancy for the premise is 74; and,

Whereas, the applicant indicate that the premise would be operated as a full service restaurant only, that the hours of operation would be Sunday from 11 a.m. to 11 p.m., Monday to Thursday from 11 a.m. to 12:00 a.m., and Friday to Saturday from 11 a.m. to 1:00 a.m., all windows and doors would be closed at 8 p.m. daily, additional sound proofing will be added, music will be quiet background only generated from ipod's/c.d.'s; and,

Whereas, consistent with a full service restaurant operation there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, and no private parties, no velvet ropes or movable barriers will be utilized; and,

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

1. The hours of operation are Sunday from 11 a.m. to 11 p.m., Monday to Thursday from 11 a.m. to 12:00 a.m., and Friday to Saturday from 11 a.m. to 1:00 a.m.
2. The premise will be operated as a full service restaurant only.
3. The kitchen will be open until the premise is closed.
4. All doors and windows will be closed at 8 p.m. every night of the week.
5. There will be no D.J.'s and No Live Music.
6. Doors and windows will be part of the sound proofing to be completed.
7. There will never be any expansion to the backyard area, the backyard area is not part of the leased premise and there will be no use by staff or patrons of the backyard area.
8. Existing doors at the rear of the premise in the patron area will be replaced with windows.
9. The applicant has agreed to try and use a commercial carting service that already services existing business located on the same block.

Whereas, there are at least 16 licensed premises within 500 ft, a petition with 160 signatures in support and 4 community members spoke in support and 3 against;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **An entity in which Jennifer Vitagliano is a Principal, 265 Elizabeth St. unless** 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 43 Board members in favor.

3. Jobs Landing, Inc. (dba The Little Fox Café), 62 Kenmare St. 10012

Whereas, the applicant appeared before the committee and,

Whereas, this application is for a new Beer and Wine License for a full service cafe serving breakfast, lunch, dinner and later evening food (at a location that has never been licensed by the SLA and was previously a print shop for the last 10 years) for a 600 sq ft premise occupying the ground floor on Kenmare Street between Mott and Mulberry Street (Lot# 480 / Block #33), there will be no sidewalk café and no backyard garden use, there will be 6 tables and 16 seats and 1 bar with no seats for a total of 16 seats with a proposed occupancy of 20 and a “Letter of No Objection” in lieu of a certificate of occupancy; and,

Whereas, the applicant stated the hours are 8:00 a.m. – 11:00 p.m. Sunday to Wednesday and 8:00 a.m. – 12:00 a.m. Thursday to Saturday, music is quiet background only generated from ipod/c.d.’s, there is existing sound proofing; and,

Whereas, though CB2 recognizes that the 500 ft rule does not apply to Beer and Wine license this application is for a location that has never been licensed before in an already heavily saturated area with over 30 existing licenses within 500 ft. and 5 licenses pending before the SLA within 500 feet; and

Whereas, there were 5 residents who spoke against this application stating concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that every location on this street has or will become licensed and overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, there were no residents or community speakers in support of this application; and,

Whereas, in exchange for CB#2, Man.’s support, the applicant agreed to execute a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license to address community concerns stating that they will:

1. The hours of operation are 8:00 a.m. – 11:00 p.m. Sunday to Wednesday and 8:00 a.m. – 12:00 a.m. Thursday to Saturday.
2. There will be no benches outside on the sidewalk.
3. They will not have a sidewalk cafe.
4. They will not apply for Full OP license.
5. They will assist in maintaining a clean sidewalk and street.
6. There will not be any promoted events, including art openings.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a Beer and Wine license for **Jobs Landing, Inc., 62 Kenmare St. 10012.**

Vote: Unanimous, with 43 Board members in favor.

4. 218 LLC d/b/a Osteria Morini, 218 Lafayette St., 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of an existing on premise liquor license at 218 Lafayette to expand into the 2nd floor only of the adjacent building at 216 Lafayette which has never been licensed before; and,

Whereas, this is an Italian restaurant which currently is located in an approximately 2,424 sq. ft. premise at 218 Lafayette between Broome and Spring Streets. This original location has 97 seats and 1 bar with 15 seats, for a total of 112 seats, the proposed occupancy is 112, the maximum occupancy is 116; and,

Whereas, the alteration for this applicant will be adding approximately 1,081 sq. ft. premise at 216 Lafayette's 2nd floor with 4 tables and 40 seats and 1 service bar, the purposed occupancy is 40 persons but the maximum occupancy is currently unknown; and,

Whereas, if approved, this alteration would now be licensing a total of 3,506 sq. ft. with 137 seats and 1 bar with 15 seats and 1 service bar; and,

Whereas, the applicant stated the hours of operation for the entire space will be 11:30 a.m. – 11:00 p.m. Sunday to Wednesday and 11:30 a.m. – 1:00 a.m. Thursday through Saturday, there will still be no sidewalk café and no backyard use, music is quiet background only generated from ipod/c.d.'s, there is an existing sound proofing plan; and,

Whereas, the applicant's operations exceeded the maximum occupancy in the existing space illegally for nearly a year before securing their Public Assembly Permit #120606013 which was issued on March 13, 2012 allowing for occupancy for more than 74 persons and as recently as January 6, 2012 was issued an Environmental Control Board Violation #34924394N which remains noted as "no compliance recorded" which indicates "Occupancy contrary to that allowed by the cert of occupancy. illegal occupancy noted: cellar occupied as food preparation accessory kitchen to the first floor kitchen, restaurant office walk in refrigerator with"; and,

Whereas, the Certificate of Occupancy in the proposed expansion area has not been corrected to show the increase in occupancy and should be done before any alteration to the existing license is approved; and,

Whereas, the "Use Group" for the 2nd floor at 216 Lafayette needs to be clarified; and,

Whereas, this applicant is still attempting to increase the operations again by also acquiring a NYC Board of Standards and Appeals Variance for the ground floor of 216 Lafayette but the ground floor of 216 Lafayette is not included as a part of this application; CB#2, Man. also recommended denial to the NYC BSA for the variance request; and,

Whereas, members of the community expressed concerns that this alteration application was an effort by the applicant to circumvent zoning laws by expanding into an adjacent building through the use of currently non-existing openings into an adjacent location through stairwells to access space that otherwise would not be available to them and furthermore expressed significant concerns that the expansion via circuitous routes is contrary to the public interest and benefit because while there are some existing licensed premises that are housed in multiple connected buildings, this is not the norm and the result is licensed premises that are beyond the scope, size and scale of what neighborhoods were designed to accommodate and the vision of what the existing zoning laws anticipated and furthermore the increase in size was comparable to adding another licensed establishment without meeting the same requirements that a "new" licensee would have to meet in regards to establishing the public interest and benefit as outlined in the "500 ft. rule"; and,

Whereas, this is an applicant who continues to ignore the requests of the community and antagonizes their neighbors who have collected a petition with 221 residents all in opposition to this huge expansion in a heavily saturated neighborhood; and,

Whereas, during this hearing there were 10 community members who spoke in opposition of this expansion, 21 letters in opposition were submitted, and a petition with 221 signatures in opposition was presented, there were no community members who spoke in support; and,

Whereas, the applicant submitted a petition in support of this expansion with 75 signatures without addresses or contact information and is dated August 2011; and,

Whereas, this alteration application would result in an area that would often be used for private functions and as a result would impact significantly the already existing traffic issues in the immediate vicinity by servicing large numbers of guest arriving and departing at the same time, including the high likelihood of idling private for hire vehicles; and,

Whereas, CB#2, Man. respectfully request that this alteration application be heard at a 500 ft rule hearing because this alteration includes expansion into an adjoining building which has not previously been licensed and because it will be in effect be a new license in a separate building in an area with at least 19 existing licensed premises and several pending licenses; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of an on-premise liquor license for **218 LLC d/b/a Osteria Morini, 218 Lafayette St., 10013**.

Vote: Passed, with 32 Board members in favor, and 11 in opposition (W. Bray, D. Collins, C. Dawson, M. Derr, S. Greene, R. Lee, E. Ma, F. Morellet, J. Paul, R. Sanz, W. Schlazer).

5. Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012

Whereas, the applicant appeared before the committee; and

Whereas, this application is to request a change in the hours of operation; and,

Whereas, this application is for the alteration of their full On Premise Liquor licenses #1243820 and #1243821 in a mixed use building (Block# 00532 / Lot# 25) on the corner of Broadway and Bleecker for a 4,325 s.f. restaurant and bar/lounge with a total between the ground floor and basement of 39 tables and 130 seats, 2 bars and 18 seats and a maximum legal capacity of 299 persons; and,

Whereas, the applicant stated the hours of operation are:

Restaurant (1st Floor)

Monday – Wednesday from 11:00 a.m. to 11:00 p.m.

Thursday and Friday 11:00 a.m. to 12:00 a.m.

Saturday from 10:00 a.m. to 12:00 a.m.

Sunday from 10:00 a.m. to 10:00 p.m.

Lounge (Basement)

Sunday – Thursday from 6:00 p.m. to 12:00 a.m.

Friday and Saturday from 6:00 p.m. to 2:00 a.m.

Whereas, the new proposed hours of operation would be:

Restaurant (1st Floor)

Monday – Wednesday from 7:00 a.m. to 11:00 p.m.

Thursday and Friday 7:00 a.m. to 12:00 a.m.

Saturday from 7:00 a.m. to 12:00 a.m.

Sunday from 7:00 a.m. to 10:00 p.m.

Lounge (Basement)

Sunday – Thursday from 6:00 p.m. to 2:00 a.m.

Friday and Saturday from 6:00 p.m. to 2:00 a.m.

Whereas, the applicant has signed a Stipulation Agreement with CB#2, Man. that there are no other changes to the daily operations of this establishment and that changes of the hours of operation are amended in the Memorandum of Understanding that was signed by the applicant and the community and that all previous stipulations within the Memorandum of Understanding are still active;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the full on-premise licenses for **Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012** **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 43 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for the alteration to the full service Pan-South American restaurant to add a sidewalk café with 2 tables and 4 seats; and,

Whereas, this application is for the alteration of a Full OP license in a mixed-use building (block #493 and lot #16) on Prince Street between Elizabeth and Mott Street for a 1,500 s.f. restaurant with 22 tables and 44 seats, 1 dinning counter with 10 seats, 1 banquette with 16 seats, 1 bar with 9 seats, and a maximum legal capacity of 103 persons (after all permits are received from the NYC DOB); and to add a sidewalk café that includes 2 tables and 4 chairs, there is no use of the backyard garden; background music only; and,

Whereas, the applicant stated the hours of operation are Sunday through Saturday from 11:00 a.m. to 1:00 a.m. 7 days a week; and,

Whereas, the following stipulations are still active with this license:

1. Hours of operation will now be 11:00 a.m. to 1:00 a.m. 7 days a week and NO LATER.
2. They will run this establishment as a restaurant.
3. They will not operate as a Disco/Nightclub/Bar.
4. They will not apply for a Cabaret License and no dancing will be allowed.
5. They will never be any use of the backyard for any reasons at all.
6. They will close all doors and windows by 10:00 p.m.
7. There will be no live music, no DJ's, no promoted events, no performances.
8. There will be no signs on the sidewalk.

9. The applicant will not allow occupancy of over 74 people until all the proper building department permits and certificates of occupancy and public assembly permits are in place.

Whereas, the community did agree to these stipulations but are very concerned about the enforcement of these stipulations;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **approval** to the alteration of the Full OP license for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St, NYC** provided that all the stipulations agreed to in this resolution in the 5th Whereas clauses are incorporated into the “Method of Operation”;

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. request that the SLA attempt to keep a strict enforcement of the stipulations.

Vote: Unanimous, with 43 Board members in favor.

7. Shinon, Inc., 37 Kenmare St. 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new beer and wine license for a location that has never been licensed before to the new owners that will be running a very small family style Japanese restaurant serving traditional Japanese Soba; and,

Whereas, this application for the a Beer and Wine License is in a mixed-use building (block #479 and lot #26) on Kenmare Street between Mott and Elizabeth Street for a 1,280 s.f. restaurant (640 sq. ft. on ground floor and 640 sq. ft. in basement which will not have customer service) with 8 tables and 29 seats, 1 bar with 13 seats, for a total occupancy of 42 and a maximum legal capacity of 74 persons; there will be no sidewalk café and no use of a backyard garden; background music only; and,

Whereas, 6 community members spoke against this application stating again that this is a highly saturated neighborhood who is loosing all their businesses that support the residents in this neighborhood to yet another location with a SLA license; and,

Whereas, the applicant submitted a petition with over a 100 signatures in support, but it should be noted that the petition had no other information other than the fact that it would be a Japanese restaurant similar to their existing location at 61 Delancey St. and that many of the signatures were not from within the neighborhood where this restaurant would be located; and,

Whereas, the applicant runs a similar establishment located at 61 Delancey St. which is licensed for Restaurant Wine, SLA Serial Number 1251442; and,

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

1. The hours of operation for are Sunday through Saturday from 12:00 p.m. to 11:00 p.m. The premise will be closed and no customers present at the end of the hours of operation.
2. The applicant will not operate a backyard garden or sidewalk café nor seek a DCA sidewalk café license.
3. The applicant will operate a full service restaurant only.
4. The applicant will not operate as a Night Club or Disco.

5. The applicant waives all rights to seek a full on-premise license at any future date.
6. The applicant will not seek extended hours of operation.
7. The applicant will not place any benches outside in front of the establishment.
8. There will be no customer use of the basement.

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **denial** to a Beer and Wine license for **Shinon, Inc., 37 Kenmare St. 10012**, **unless** 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 43 Board members in favor.

7. Uncle Boons, LLC, 7 Spring Street 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the transfer of an existing beer and wine license SLA serial number 1245028 to the applicant who will be running a neighborhood restaurant that focuses on authentic Thai Cuisine and street cart specialties; and,

Whereas, this application for the transfer of a Beer and Wine License is in a mixed-use building (block #492 and lot #42) on Spring Street between Bowery and Elizabeth Street for a 2,000 s.f. restaurant with 18 tables and 60 seats, 1 bar with 8 seats, and currently a maximum legal capacity of 35 persons (applicants have filed with the DOB to increase occupancy to 68); there will be no sidewalk café and no use of a backyard garden; background music only; and,

Whereas, this application is also for an increase in occupancy of the existing license from 35 persons to at least 68 persons proposed after the transfer of the license to this applicant; and,

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

1. The hours of operation are Sunday to Thursday from 11:00 a.m. to 11:00 p.m. and Friday to Saturday from 11:00 a.m. to 1:00 a.m. The premise will be closed and no customers present at the end of the hours of operation.
2. The applicant will not operate a backyard garden or sidewalk café.
3. The applicant will operate a full service restaurant only.
4. All windows and doors will be closed at 9:00 pm.
5. Applicant will obtain all necessary permits including but not limited to a revised Certificate of Occupancy.

Whereas, CB#2 Man. specifically requests that the NY SLA not issue any license until the applicant is able to demonstrate through providing the NY SLA with appropriate documentation of either a Certificate of Occupancy or a Letter of No Objection from the NYC DOB indicating occupancy of at least 68 persons.

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **denial** to the proposed transfer of the licensed premise for **Uncle Boons, LLC, 7 Spring Street 10012 (SLA Serial # 819887)**, **unless** 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 43 Board members in favor.

8. Uncle Boons, LLC, 7 Spring Street 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the transfer of an existing beer and wine license SLA serial number 1245028 to the applicant who will be running a neighborhood restaurant that focuses on authentic Thai Cuisine and street cart specialties; and,

Whereas, this application for the transfer of a Beer and Wine License is in a mixed-use building (block #492 and lot #42) on Spring Street between Bowery and Elizabeth Street for a 2,000 s.f. restaurant with 18 tables and 60 seats, 1 bar with 8 seats, and currently a maximum legal capacity of 35 persons (applicants have filed with the DOB to increase occupancy to 68); there will be no sidewalk café and no use of a backyard garden; background music only; and,

Whereas, this application is also for an increase in occupancy of the existing license from 35 persons to at least 68 persons proposed after the transfer of the license to this applicant; and,

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

1. The hours of operation are Sunday to Thursday from 11:00 a.m. to 11:00 p.m. and Friday to Saturday from 11:00 a.m. to 1:00 a.m. The premise will be closed and no customers present at the end of the hours of operation.
2. The applicant will not operate a backyard garden or sidewalk café.
3. The applicant will operate a full service restaurant only.
4. All windows and doors will be closed at 9:00 pm.
5. Applicant will obtain all necessary permits including but not limited to a revised Certificate of Occupancy.

Whereas, CB#2 Man. specifically requests that the NY SLA not issue any license until the applicant is able to demonstrate through providing the NY SLA with appropriate documentation of either a Certificate of Occupancy or a Letter of No Objection from the NYC DOB indicating occupancy of at least 68 persons.

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **denial** to the proposed transfer of the licensed premise for **Uncle Boons, LLC, 7 Spring Street 10012 (SLA Serial # 819887)**, **unless** 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 43 Board members in favor.

9. Temple Bar, Inc. d/b/a Temple Bar, 332 Lafayette St. 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the Corporate Change of an existing Full On Premise license number 1025106 for a cocktail lounge serving food that has been operating since the 1980’s; and,

Whereas, this application is located in a mixed-use building (block #522 and lot #7501) on Bleecker Street aka 330-332 Lafayette for a 1,970 s.f. lounge (1,735 sq. ft. on ground floor and 235 sq. ft. on the mezzanine) with 19 tables and 47 seats, 1 bar with 12 seats, for a total occupancy of 59 and a maximum legal capacity of 135 persons; there is no sidewalk café and no use of a backyard garden; background music only; and,

Whereas, the applicant stated the hours of operation are Monday through Thursday from 5:00 p.m. to 1:00 a.m. and Friday to Saturday from 5:00 p.m. to 2:00 a.m. and closed on Sunday; and,

Whereas, the applicant was owner of 80% of the business and will now own 100%; and,

Whereas, the applicant states there have been no changes in the method of operation; and,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **approval** to the Corporate Change of the Full On Premise license for **Temple Bar, Inc. d/b/a Temple Bar, 332 Lafayette St. 10012**.

Vote: Unanimous, with 43 Board members in favor.

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

10. Corp, to be formed/Nikhil Jain, TBD, 128 Elizabeth St. 10013

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future 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 **Corp, to be formed/Nikhil Jain, TBD, 128 Elizabeth St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

11. 161 Mulberry St. Restaurant, LLC, TBD, 161 Mulberry St. 100013

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **161 Mulberry St. Restaurant, LLC, TBD, 161 Mulberry St. 100013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

12. Eytan Sugarman or Corp. to be formed, TBD 157 Bleecker St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Eytan Sugarman or Corp. to be formed, TBD 157 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

13. 151 Bleecker, LLC d/b/a Red Lion, 151-153 Bleecker St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future 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 **151 Bleecker, LLC d/b/a Red Lion, 151-153 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

14. Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston St.

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

Vote: Unanimous, with 43 Board members in favor.

15. Moo Kambika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Moo Kambika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

16. David Ruggerio or Bomboloni, 337 W. Broadway 10013

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 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 Bomboloni, 337 W. Broadway 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

17. Entity to be formed by Michael Touchard, TBD, 369 Broome St. 10013

Whereas, at this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant and the applicant's attorney requested a layover for this new beer and/or wine license and will resubmit the application at a future CB2 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 Michael Touchard, TBD, 369 Broome St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

18. New Tu Do Restaurant Corp. d/b/a New Tu Do Restaurant, 102 Bowery

Whereas, prior to this months CB2 SLA Licensing Committee meeting on May 8th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **New Tu Do Restaurant Corp. d/b/a New Tu Do Restaurant, 102 Bowery** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

19. Ambleside Partners, LLC d/b/a Pravda, 281 Lafayette St. (Prince and Jersey Lane), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a mixed use building on Lafayette Street between Prince Street and Jersey Lane for a 2,400 s.f. Russian bar/restaurant with 85 table seats and 2 bars with 20 bar seats with a maximum legal capacity of 117 persons; **to expand into the adjacent ground floor retail space adding 54 table seats and 1 bar with 20 bar seats; and,**

Whereas, the applicant stated the proposed hours of operation for the ground floor space are Sunday through Wednesday from 12:00 p.m. to 1:00 a.m., Thursday from 12:00 p.m. to 2:00 a.m. and Friday and Saturday from 12:00 p.m. to 3:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is IPod/CDs at background levels only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant has agreed to reduce its operating hours to 1:00 a.m. closing from Sunday through Wednesday, 2:00 a.m. on Thursdays and 3:00 a.m. closing from Fridays and Saturdays.
2. The applicant will obtain all required certificates, permits and related documents including a Place of Assembly Permit from NYC Department of Buildings prior to opening the establishment.
3. The applicant has agreed to operate the combined spaces under one DBA, Pravda.
4. The applicant has agreed to play background music only.

Whereas, the applicant had reached out to members of the community; and,

Whereas, the committee requested the applicant to reach out to its nearby residents but only received 1 letter of support from a resident; and,

Whereas, the committee recognized the good intentions of the principals but voiced strong concerns with licensing a storefront, which has never carried an On Premise liquor license without residential support and the lack of some operational details which did not clearly indicate whether or not a focus of the newly acquired space would have a significant later evening component; and,

Whereas, the committee also expressed concerns that one of the focuses of the existing basement space is on later evening business with a d.j. which has minimal impact in its current location out of view of the street in the basement but would now be brought to the street level accompanied by moving a bar that only sat several people in the past which would now become a 21 seat bar that runs the length of the newly acquired space with seating located in the front ground floor level window which would create a significant street presence in later evening hours; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of the Alteration to an existing On Premise license for **Ambleside Partners, LLC d/b/a Pravda, 281 Lafayette St.**

Vote: Unanimous, with 43 Board members in favor.

20. Mascalzone NYC, LLC, Il Mascalzone, 33 Greenwich Ave. (at West 10th Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building at the corner of Greenwich Avenue and West 10th Street in a 2,500 s.f. restaurant with 60 table seats and 1 bar with 4 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be IPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 1:00 a.m. Sundays and Mondays, 2:00 a.m. on Tuesdays and Wednesdays and 3:00 a.m. Thursdays through Saturdays.
2. The applicant will obtain all required certificates, permits and related documents including a revised Certificate of Occupancy.
3. The applicant will direct staff to monitor the patrons of the establishment who are gathered outside the establishment. Staff will direct such persons or traffic going to and from the establishment.
4. The applicant will have a General Manager on duty at all times.
5. The applicant will play quiet, background level music inside the establishment. The applicant shall not permit DJs, live music or outside promoters in the establishment except by permit.
6. The applicant shall hire a certified acoustical consultant to make recommendations such that the establishment will meet or exceed the current NYC noise code guidelines for residential areas.
7. The applicant agrees to waive the right to set up a sidewalk café prior to March, 2013.
8. The applicant will construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk.
9. The applicant will not permit any doors or windows to remain open prior to the opening of the establishment.
10. The applicant will store all garbage at the establishment inside closed garbage containers which will be kept in the backyard of the establishment.
11. The applicant will not install signage on or within the establishment that will be lit by neon lighting.
12. The applicant will not attempt to steer the public from the sidewalk into the establishment.
13. The applicant will notify CB2 Manhattan in the event of a change of ownership.
14. The applicant will make available a General Manager or Manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.

Whereas, the applicant has executed a stipulations agreement with CB2, which all stipulations will be incorporated into their Method of Operation; and,

Whereas, the applicant reached out to neighboring residents prior to the hearing involving detailed discussions regarding the method of operation and other areas of concern and executed a stipulations agreement with the community as indicated above; and,

Whereas, the applicant submitted a petition with over 60 signatures in support; and,

Whereas, a few residents appeared in support of the application subject to the applicant agreeing to all the stipulations; a

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **Mascalzone NYC, LLC, Il Mascalzone, 33 Greenwich Ave. UNLESS ALL** conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 43 Board members in favor.

21. Lucky 13 Associates, LLC, d/b/a Catch, 21-27 Ninth Avenue (at West 13th), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a commercial building on the corner of Ninth Avenue and West 13th streets for a 12,000 s.f. Seafood restaurant d/b/a Catch with 293 table seats and 3 bars with 39 bar seats with a maximum legal capacity of 332 persons; **to add 50 table seats in an outdoor dining terrace, removing 30 table seats inside the lounge while converting the 4th Floor into a Sushi driven establishment;** and,

Whereas, the applicant stated the current hours of operation for the 4th Floor only are seven days a week from 5:00 p.m. to 4:00 a.m.; there is no sidewalk café and no backyard garden; music is DJ and iPod/CDs at background levels only; the proposed closing for the outdoor dining terrace is 11:00 p.m. Sunday to Wednesday and 12:00 a.m. from Thursday to Saturday with no music.

Whereas, the applicant has been operating for over 8 months without any issues; and,

Whereas, the applicant was previously approved by this Community Board by a vote of 19 to 17 for this previously unlicensed space while agreeing to over 15 stipulations; All stipulations have been satisfied by the applicants since operating this establishment; and,

Whereas, the applicant had agreed as one of the initial original stipulations, #5, that “there will be no service whatsoever to the outdoor space/terrace on the 4th floor. The applicant has agreed to eliminate the proposed 4th floor terrace from the proposed establishment” but did not waiver their rights to operate the outdoor terrace in the to not incorporate the outdoor terrace and rooftop in its original application but did not waive their rights to operate the outdoor terrace in the future; and,

Whereas, the applicant had reached out to members of the community including walking them through the proposed outdoor space; and,

Whereas, the several members of the community voice strong concerns with the proposed outdoor dining terrace; citing concerns that it would create the wrong precedent with outdoor spaces in a saturated neighborhood; stating that the applicant was supported by the Community Board including a very close vote with the understanding that the outdoor space would not be used and that 8 months after opening was premature to discuss adding an outdoor component to this location when the operator has not run the establishment through at least one full year of operation to assess the impact of this new large restaurant in an area that already suffers from significant quality of life issues and the resulting impact on the surrounding residential community; and,

Whereas, the applicant had hired a professional, licensed Acoustician to run sound test emanating from the proposed 4th Floor outdoor dining terrace; the study/test (with loudspeaker to reproduce 50 patrons) indicated that the noise could not be heard on the street while complying with NYC Noise Code standards; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will reduce its operating hours by closing the dining terrace at 11:00 p.m. from Sunday to Wednesday and 12:00 a.m. from Thursday to Saturday.
2. The applicant will operate the outdoor space as a dining terrace only. Patrons will only be allowed to dine in the proposed area.
3. The applicant will continue to keep all doors and windows closed at all times while installing a vestibule for the door leading into the outdoor dining terrace.
4. The applicant will allow private events take place in the dining terrace.
5. The applicant will not allow any music played in the outdoor space.
6. The applicant will eliminate 30 seats from the interior lounge area.

Whereas, over 12 persons appeared to support the applicant including a few staff members and 3 appeared to oppose the application, over 8 individual emails were received in support and over 40 individual emails were received in opposition;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to the alteration of an On Premise license for **Lucky 13 Associates, LLC, d/b/a Catch, 21-27 Ninth Avenue.**

Vote: Passed, with 31 Board members in favor, and 12 in opposition (S. Aarons, W. Bray, R. Caccapolo, H. Campbell, C. Dawson, M. Derr, J. Kiely, R. Lee, F. Morellet, R. Sanz, W. Schlazer, R. Stewart).

22. Brass Monkey LLC, d/b/a Brass Monkey, 55 Little West 12th St. (10th Avenue and Washington St), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a commercial building on Little West 12th Street between 10th Avenue and Washington Street with 97 table seats and 2 bars with 60 bar seats with a maximum legal capacity of 269 persons; **to expand into the adjacent building adding 52 table seats, 1 bar with 10 bar seats inside the establishment, 27 table seats in the proposed outdoor terrace and 6 table seats in the sidewalk cafe;** and,

Whereas, the applicant stated the current hours of operation in the existing building are seven days a week from 12:00 p.m. to 4:00 a.m.; music is IPod/CDs with no DJ's at background levels only with single musician live performances on Sundays from 5:00 p.m. to 8:00 p.m. only; the closing hours for the proposed alteration into the adjacent building is 4:00 a.m. seven days a week for the interior; 1:00 a.m. Sunday through Wednesday and 2:00 a.m. from Thursday to Saturday for the outdoor terrace; and 9:00 p.m. for the sidewalk café; and,

Whereas, the applicant had hired a professional, licensed Acoustician to run sound test emanating from the proposed outdoor terrace; the study/test (with loudspeaker to reproduce 75 patrons) indicated that the little noise could be heard from Highline Park but would comply with NYC Noise Code standards and additionally, the outdoor area is not in any sightline direct or indirect of residential units and furthermore the new Whitney Museum that is being built creates a significant barrier in the direction of the majority residential units in the area; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will reduce its operating hours for the outdoor terrace by closing at 1:00 a.m. from Sunday to Wednesday and 2:00 a.m. from Thursday to Saturday.

2. The applicant will reduce its operating hours for the sidewalk café by closing at 9:00 p.m. daily
3. The applicant will operate under one DBA, Brass Monkey.
4. The applicant will not allow any music played in the outdoor terrace

Whereas, the applicant had reached out to members of the community and had extensive conversations with those who were concerned about the expansion; and,

Whereas, the applicant submitted copies of over 250 individual emails in support from residents residing in the immediate area; and,

Whereas, over 50 persons from the immediate residential community appeared to support the applicant;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to an alteration of an On Premise license for **Brass Monkey LLC, d/b/a Brass Monkey, 55 Little West 12th St. UNLESS ALL** conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 43 Board members in favor.

23. Hamilton Road, LLC, 115 Greenwich Ave. (at Jane Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on Greenwich Avenue at Jane Street for a casual restaurant/café with 24 table seats and 1 bar with 12 bar seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 7:00 a.m. to 1:00 a.m. and Thursday through Saturday from 7:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is IPod/CDs at background and entertainment levels; and,

Whereas, the applicant had reached out to members of the community and submitted over 30 signatures in support; and,

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

Whereas, this committee has strong concerns with licensing a space that has never been licensed before for an informal café/bar concept which does not appear to qualify as a restaurant under ABC laws in a highly residential area, with a small electric convection kitchen located in a very small space at the end of the bar which would be very difficult to prepare foods as required for a restaurant, serving a very light food menu when many similar type businesses already exist in the area and as a result there are significant concerns that this will result in an alcohol driven concept and not a food driven concept and there were also concerns that the applicant lacked experience running a food driven restaurant; and,

Whereas, there are over 22 licensed full on-premise establishments within 500 feet and two pending licenses and a number of restaurant wine/beer licenses; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **Hamilton Road, LLC, 115 Greenwich Ave.**

Vote: Unanimous, with 43 Board members in favor.

24. Sway Lounge, LLC, 305 Spring St. (Hudson and Greenwich Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license for an upscale lounge in a mixed use building on Spring Street between Hudson and Greenwich Street for a 1,720 s.f. lounge with 110 table seats and 1 bar with no bar seats with a maximum legal capacity of 110 persons; **to enclose the backyard of the building with a permanent roof structure and add a service bar; and,**

Whereas, the applicant stated the current hours of operation are Thursday to Sunday from 10:00 p.m. to 4:00 a.m., there will not be a sidewalk café application and no backyard garden; music is Live DJ at entertainment levels only; and,

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the alteration of an existing On Premise license for **Sway Lounge, LLC, 305 Spring St.**

Vote: Unanimous, with 43 Board members in favor.

25. VAP Union Square, LLC 113 University Pl. (West 13th Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Corporate Change filing with the SLA in a mixed use building at the corner of University Place at West 13th Street for a casual Italian restaurant; **to transfer 80% of ownership to from the current owner to the Franchise, Vapiano's; and,**

Whereas, the applicant stated no changes will be made to the previously approved Method of Operation; and,

Whereas, the applicant will abide to all the previously negotiated and agreed upon stipulations; and,

Whereas, the applicant has agreed to finish any ventilation work in order to correct outstanding Department of Buildings violations which have caused and continue to cause significant quality of life conditions for surrounding residential tenants;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of the Corporate Change to an existing On Premise license for **VAP Union Square, LLC 113 University Pl. UNLESS** the condition agreed to by applicant relating to the third through fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 43 Board members in favor.

26. Il Buco Vineria, LLC d/b/a Il Buco Alimentari & Vineria, 53 Great Jones St. (Bowery and Lafayette), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license for an Italian restaurant located in a commercial building located on Great Jones between Bowery and Lafayette Street with 89 table seats and 2 bars with 24 bar seats and a maximum legal capacity of 125 persons; **to include 6 tables and 12 table seats for an unenclosed sidewalk cafe; and,**

Whereas, the applicant stated there are no plans to change the previously approved operation; the applicant stated the hours for the proposed sidewalk café are Sunday from 12:00 p.m. – 12:00 a.m., Monday through Thursday from 8:00 a.m. to 12:00 a.m. and Friday from 8:00 a.m. to 1:00 a.m. and Saturday from 9:00 a.m. to 1:00 a.m.; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will continue to patrol cars from idling in front of the establishment in order to provide proper clearance for the nearby Fire Station located across the street.
2. The applicant will not operate the sidewalk café until it has been approved by City Council.
3. The applicant will **not** exceed the previously approved seating capacity and plan by placing additional outdoor seats within the property line.

Whereas, several nearby residents appeared to express their concerns with the establishment; citing that the applicant hasn't satisfied the agreed upon stipulations from the original application/resolution; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of an On Premise license for **Il Buco Vineria, LLC d/b/a Il Buco Alimentari & Vineria, 53 Great Jones St.** **unless** those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 42 Board members in favor, and 1 in opposition (A. Hearn).

27. Corp. to be formed by Robert Kaufelt, TBD, 264 Bleecker St. (Leroy and Cornelia), NYC

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 Morton Street between Leroy and Cornelia Street for a 1,600 s.f. restaurant with 34 table seats and 1 bar with 14 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 8:00 a.m. to 1:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 1:00 a.m. seven days a week
2. The applicant will install proper soundproofing
3. The applicant will post a respect the neighbors type signage
4. The applicant will have a no smoking policy
5. The applicant will close all doors and windows by 10:00 p.m. daily or at all times when music is being played
6. The applicant will keep all refuse inside the establishment
7. The applicant will soundproof or baffle the ventilation system

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 20 signatures; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Corp. to be formed by Robert Kaufelt, TBD, 264 Bleecker St. UNLESS ALL** conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 43 Board members in favor.

28. Marie Arun Teas, Inc. d/b/a Bosie, 10 Morton St. (Bleecker St. and West 12th St.), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a renewal of a Beer and Wine license in a mixed use building on Morton Street between Bleecker St. and 7th Ave. South for a 800 s.f. for an Italian restaurant with 30 table seats and 1 bar with 5 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 12:00 p.m. to 12:30 a.m.; there will not be a sidewalk café application and no backyard garden; music is iPod/CDs at background levels only; and,

Whereas, a few members appeared in opposition from the community; citing noise issues emanating from employees walking on the metal staircase and,

Whereas, the applicant will install sound dampening materials on the metal staircase and will continue to monitor employees creating noise in the airshaft; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a renewal to an existing Beer and Wine license for **Marie Arun Teas, Inc. d/b/a Bosie, 10 Morton St. UNLESS ALL** conditions agreed to by applicant relating to the fifth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 43 Board members in favor.

29. Mappamondo LLC d/b/a Mappamondo, 11 Abingdon Square, NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Corporate Change filing with the SLA in a mixed use building at the corner of Bleecker St. and West 13th St. for a casual Italian restaurant; **to transfer 50% ownership to the current partner; and,**

Whereas, the applicant stated no changes will be made to the previously approved Method of Operation; and,

Whereas, the applicant will abide to all the previously negotiated and agreed upon stipulations;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of the Corporate Change to an existing On Premise license for **Mappamondo LLC d/b/a Mappamondo, 11 Abingdon Square, NYC.**

Vote: Unanimous, with 43 Board members in favor.

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

30 Nikoll Vataj or Entity to be formed, TBD, 59 5th Avenue

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Nikoll Vataj or Entity to be formed, TBD, 59 5th Avenue and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 43 Board members in favor.

31. Brio Bar Corp. d/b/a Bahr Che, 26 Astor Place

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to . **Brio Bar Corp. d/b/a Bahr Che, 26 Astor Place 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 43 Board members in favor.

32. 450 Hudson St. LLC, 450 Hudson St. 10014

Whereas, the applicant did not appear before the committee but withdrew their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed beer and wine license to **450 Hudson St. LLC, 450 Hudson St. 10014 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 43 Board members in favor.

33. JM Williams LLC, Buvette, 42-44 Grove St. 10014

Whereas, the applicant did not appear before the committee but laid over their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed alteration to a liquor license to **JM Williams LLC, Buvette, 42-44 Grove St. 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 43 Board members in favor.

34. Tokana Café Bar Restaurant, Inc. TBD, 163 Elizabeth St.

Whereas, the applicant did appear before the committee but laid over their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of a Beer and Wine license to **Tokana Café Bar Restaurant, Inc. TBD, 163 Elizabeth St. 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 43 Board members in favor.

35. Milan Licul/Corp to be formed d/b/a Delmonico's Café, 300 Spring St. 10013

Whereas, the applicant did not appear before the committee but laid over their application; and,

Whereas, this application is for an On Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of a liquor license to **Milan Licul/Corp to be formed d/b/a Delmonico's Café, 300 Spring St. 10013 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 43 Board members in favor.

SOCIAL SERVICES AND EDUCATION

1. A resolution from CB2 calling for \$26 million in restorations to senior services funded through the Department for the Aging

WHEREAS, senior citizens are an especially vulnerable population, and many senior citizens are entirely dependent on social services to provide them with their basic necessities, such as case managers for homebound seniors who are above the Medicaid level and not eligible for government services, social adult day care which serve seniors with special needs such as Alzheimer's Disease and protection from abuse; and,

WHEREAS, New York City already designates a smaller percentage of its budget to senior programs than it does to other populations; and,

WHEREAS, since 2008, the Department for the Aging (DFTA) has sustained \$51 million in cuts in funding for important services that support older adults; and,

WHEREAS, these services directly impact the quality of the lives of senior citizens and those of their families, friends and neighbors in our community; and,

WHEREAS, protecting senior services is about our community's and New York City's future because the fastest growing segment of the city's population is now 85+ and the elderly population is expected to grow by 50% over the next two decades; and,

WHEREAS, homebound elderly, an invisible population, with an average age of 85 and annual income of \$12,000-\$20,000 a year, rely on assistance from case managers who labor under extraordinarily high caseloads of 90, up from 70 due to previous cuts; and,

WHEREAS, an increasing number of elder abuse victims are seeking assistance while funding is threatened every year; and,

WHEREAS, funding for Social Adult Day Care programs for people with special needs such as Alzheimer's provide much needed respite to overwhelmed family caregivers and was totally eliminated two years ago; and

WHEREAS, cutting funds for senior services leads to increased incidents of costly hospitalizations and visits to emergency room visits and makes it more difficult for seniors to remain in their homes, where care costs on average \$13,000 a year, one-tenth the cost of care in a nursing home; and

THEREFORE BE IT RESOLVED, that CB#2, Man. urges Mayor Michael Bloomberg, all of the members of our City Council and CB2's State and Federal Public Officials to work together to find ways to restore \$26 million of senior services in both its Baseline Budget and its Discretionary Funds, so that senior citizens can continue to receive these life sustaining services.

Vote: Unanimous, with 43 Board members in favor.

2. A resolution by Community Board 2 Manhattan in support of a resolution from Community Education Council District 2 calling for an Independent Panel to Examine the State Standardized Tests

WHEREAS, students in third through eighth grades are given the New York State Standardized Tests in English Language Arts and Mathematics not only to assess their learning but also to determine their grade promotion status and for middle school and high school admissions; and

WHEREAS, the test scores from these tests are the primary metric of the accountability system, in which not only students' achievement but also teachers' performance and schools' quality are judged by the scores; and

WHEREAS, this year's tests contained numerous errors, such as nonsensical questions following an obscure passage, no correct answers, and translation errors, prompting the NY State Education Department to discount as many as 30 questions from scoring; and

WHEREAS, the integrity of the tests is further undermined by reports from educators, administrators and students on the nature of some of the questions, which seemed to be designed to “trip up” students rather than test their knowledge or skills; and

WHEREAS, the tests were developed by a new contractor, Pearson, which was awarded a five- year contract for \$32 million; and

WHEREAS, the NY State Education Department has maintained that the tests are still valid and the scores will be used in the usual manner; and

WHEREAS, while our students, teachers and administrators will be held accountable based on this year’s test scores, the same accountability standard does not seem to be applied to Pearson, which is allowed to maintain its contract with the State without much reprimand; and

WHEREAS, the Manhattan Borough President, Scott Stringer, has urged the NY State Education Department to establish an independent panel of testing experts to conduct a thorough review of the tests from this year and examine the validity of the scores as well as the purposes for which the scores are used; and

WHEREAS, the Manhattan Borough President also calls for Pearson to fund such an independent panel;

THEREFORE BE IT RESOLVED, the CB#2, Man. fully supports CECD 2 and the Manhattan Borough President in urging the NY State Education Department to establish an independent panel and Pearson to fund such a panel; and

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. requests that such a panel include not only testing experts but also teachers, administrators and parent advocates; and

THEREFORE BE IT FURTHER RESOLVED, the CB#2, Man. requests that such a panel conduct a review of all the questions in this year’s tests in English Language Arts and Math to ascertain whether they can truly assess students’ learning.

Vote: Unanimous, with 43 Board members in favor.

3. A resolution by Community Board 2 Manhattan in support of a resolution from Community Education Council District 2 against High-Stakes Testing

WHEREAS, our nation's future well-being relies on a high-quality public education system that prepares all students for college, careers, citizenship and lifelong learning, and strengthens the nation's social and economic well-being; and

WHEREAS, our nation's school systems have been spending growing amounts of time, money and energy on high-stakes standardized testing, scores from which are used to make major decisions affecting individual students, educators and schools; and

WHEREAS, the over-reliance on high-stakes standardized testing in state and federal accountability systems is undermining educational quality and equity in U.S. public schools by hampering educators' efforts to focus on the broad range of learning experiences that promote the innovation, creativity, problem solving, collaboration, communication, critical thinking and deep subject-matter knowledge that will allow students to thrive in a democracy and an increasingly global society and economy; and

WHEREAS, it is widely recognized that standardized testing is an inadequate and often unreliable measure of both student learning and educator effectiveness; and

WHEREAS, the over-emphasis on standardized testing has caused considerable collateral damage in too many schools, including narrowing the curriculum, teaching to the test, reducing love of learning, pushing students out of school, driving excellent teachers out of the profession, and undermining school climate; and

WHEREAS, high-stakes standardized testing has negative effects for students from all backgrounds, and especially for low-income students, English language learners, children of color, and those with special needs; and

WHEREAS, the culture and structure of the systems in which students learn must change in order to foster engaging school experiences that promote joy in learning, depth of thought and breadth of knowledge for students; and

WHEREAS, the excessive use of high stakes testing and its inordinate weight in determining promotion and other fundamental aspects of students' progress and permanent records has been decried by hundreds of parent organizations, school districts, and community groups around the country;

THEREFORE BE IT RESOLVED, that the CB#2, Man. joins Community Education Council District 2 in calling on the governor, state legislature and state education boards and administrators to reexamine public school accountability systems in this state, and to develop a system based on multiple forms of assessment which does not require extensive standardized testing, more accurately reflects the broad range of student learning, and is used to support students and improve schools; and

BE IT FURTHER RESOLVED, that the CB#2, Man. calls on the U.S. Congress and Administration to overhaul the Elementary and Secondary Education Act, currently known as the "No Child Left Behind Act," reduce the testing mandates, promote multiple forms of evidence of student learning and school quality in accountability, and not mandate any fixed role for the use of student test scores in evaluating educators.

Vote: Unanimous, with 43 Board members in favor.

STREET ACTIVITY & FILM PERMITS

APPROVAL of Street Fair Permit Application Renewals

WHEREAS, the street fair permit applications listed below are renewal applications which were approved by the Committee and Community Board 2 last year; and

WHEREAS, the sponsors of the street fair permit applications 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 of the sponsors 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 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 these street fair permit applications on the date(s) and at the location listed below:

1. 6/16/12 Order Sons of Italy in America, 203 Grand St bet Mott St & Mulberry St.- 1h Event: 12PM-1PM - 2h Setup/Breakdown: 11AM-1PM

Vote: Unanimous, with 43 Board members in favor.

2. 7/7/12 10th Annual Arab-American Street Festival, Great Jones St. bet Broadway & Lafayette St.- Event: 11AM-5PM - 9h Setup/Breakdown: 9AM-6PM

3. Vote: Unanimous, with 43 Board members in favor.

4. 8/12/12 Feria del Sol, West 14th St. bet. 8th and 7th Avenues - 5h Event: 11AM-4PM - 8h Setup/Breakdown: 9AM-5PM

Vote: Unanimous, with 43 Board members in favor.

5. 8/8/12 Integral Yoga Institute Day For Your Health, West 13th St bet 7 Ave and Greenwich Ave- 7h Event: 10AM-5PM - 8h Setup/Breakdown: 10AM-6PM

Vote: Unanimous, with 43 Board members in favor.

TRAFFIC AND TRANSPORTATION

Resolution in support of Bike Share program station sites.

Whereas the NYC Department of Transportation (DOT) Bike Share program has been conducting extensive outreach to educate communities about the program and solicit their input on preferences for locating docking stations where Bike Share bicycles will be available, including presentations, demonstrations, open houses and workshops; and

Whereas CB#2, Man. passed a resolution in full support of the Bike Share program in October 2011 and has held numerous meetings with Bike Share representatives, including Bike Share presentations and a well-attended Bike Share community workshop in which participants indicated their preferences for Bike Share locations; and

Whereas DOT Bike Share representatives have been responding to and studying the input from all this outreach, winnowing down stations in some locations and adding others based on this, and now have presented the results of their outreach in the CB#2, Man. district, with draft recommendations for the initial implementation of docking station locations; and

Whereas several community people attended the presentation, and were unanimous in their praise for the way the Bike Share program's outreach and response has been conducted and in their approval of the program, adding some suggestions for a few more changes in location; and

Whereas CB#2, Man. is not in favor of locating Bike Share docking stations in Washington Square Park, because: 1) This will take up valuable park space in a community that already has a dearth of sufficient park space; 2) Putting bicycles anywhere in the park will encourage people to ride across the park; 3) Taking up this park space will interfere with people's access and enjoyment in the park; and

Whereas CB#2, Man. does not favor locating Bike Share docking stations in any of the parks, large or small, within the CB#2, Man. district, for these very same reasons; and

Whereas the Bike Share representatives indicated their openness to continuing to refine station locations right up to the program's launch in Summer 2012 and to responding to the suggested location changes, also pointing out that the stations are not attached to the ground (but held down by heavy steel plates), so they can be easily moved around; and

Whereas draft maps of recommended Bike Share docking stations in the CB2 District (attached and also accessible at <http://a841-tfpweb.nyc.gov/bikeshare/>.) have been given to CB2;

Therefore be it resolved that CB#2, Man. supports the DOT Bike Share program's station site selection in view of DOT's willingness to respond to suggested modifications, commends their open and responsive community process and looks forward to working with them and enjoying the Bike Share program once it's launched; and

Be it further resolved that CB#2, Man. asks that Bike Share docking stations be placed near rather than in Washington Square Park at alternative locations such as on Macdougall St. just north of Washington Sq N. (across from, rather than next to, the park) and/or on the east side of University Pl., where the street widens from Washington Sq. E., and that, if necessary, signs be placed in the park with directions to station sites near each side of the park; and

Be it further resolved that CB#2, Man. asks that consideration be given to avoiding locating Bike Share docking stations in any of the parks, large or small, within the CB#2, Man. district and instead locating such stations across from such parks; and

Be it finally resolved that CB#2, Man. suggests that specific rules and regulations be clearly posted at each Bike Share station.

Vote: Unanimous, with 43 Board members in favor.

NEW BUSINESS

Silent March Against Racial Profiling

No resolution was issued. CB#2, Man. supports the march by acclamation.

Vote: Passed, with 42 Board members in favor, and 1 abstention (D. Collins).

Respectfully submitted,

Susan Kent, Secretary
Community Board #2, Manhattan