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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** July 19, 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, Lisa Cannistraci, Denise Collins, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Alison Greenberg, David Gruber, Chair, Community Board #2, Manhattan (CB#2, Man.), Jo Hamilton, Anne Hearn, Susan Kent, Janine Kiely, Arthur Kriemelman, Jane McCarthy, Florent Morellet, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Federica Sigel, Chenault Spence, Susan Wittenberg, Antony Wong, Elaine Young

**BOARD MEMBERS EXCUSED:** Sasha Greene, Raymond Lee, Jason Mansfield, Alexander Meadows, Shirley Secunda, Richard Stewart, Sean Sweeney

**BOARD MEMBERS ABSENT:** Gideon Gil, Edward Ma, Alison McGonigal-Nelson

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Jessica Silver, Lin Zeng, 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; Heather Roiter, Pete Davies, Mateo Paiiva, Elena Cromeyer, Ellen Peterson-Lewis, Renee Monroe, Daniel Werner, Aura Olvarria, Jean Tucker, Ken Winslow, Judy Magida, Hang Thangh Dian, Michael Gommittios, Nora Martins, Sasha Ahuja, Steve Ashkinazy, Judith Chazen Walsh, Ann Arlen, Judith Callet, Roy Louzeiro, Adrienne Atkinson, Robert Neborak Frank Dobbs, Marna Lawrence, Trevor Stewart, Dr. Gil Horowitz, Marilyn Holsein, Andrew Berman, Danya Sherman, Skip Mooney, Todd Stephens, Robert Woodworth, Paul Kelterburn, Christopher Tepper, Georgette Fleischer

### MEETING SUMMARY

Meeting Date – July 19, 2012  
Board Members Present – 38  
Board Members Excused – 7  
Board Members Absent – 3

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Happy Hour Theatre Crawl

Robin Rothstein announced that there would be a Happy Hour Theatre Crawl on September 5<sup>th</sup> and invited the public to attend.

#### Vendors

Pier Consagra spoke regarding vendors on Broadway using gas and propane tanks.

#### The Highline

Danya Sherman updated everyone on new events/projects going on at the Highline.

#### Hurricane Preparedness

Heather Roiter, from NYC office of Emergency Management, spoke regarding hurricane preparedness.

#### SoHo Magazine

Marilyn Holstein spoke regarding the upcoming publication of a new magazine for the SoHo area.

#### SAPO Street Fair in SoHo

Pete Davies spoke in opposition regarding a street fair that was held in SoHo on July 7<sup>th</sup>.

### **Landmarks & Public Aesthetics Items**

Designation by the LPC as individual Landmarks: 32 Dominick St. House, Built c. 1826, 34 Dominick St. House, Built c. 1826; 36 Dominick St. House, Built c. 1826; altered c. 1866

Adrienne Atkinson, Robert Noborak, Roy Louzeiro, and Frank Dobbs, all spoke against the proposed landmarking of these houses.

## **NYU Working Group**

### **NYU 2031**

Andrew Berman, Ann Arlen and Georgette Fleischer spoke in opposition to the expansion plan.

## **Parks, Recreation & Open Space**

### **Support for the Proposed Design for the AIDS Memorial in St. Vincent's Triangle Park**

Steve Ashkinazy, Christopher Tepper, Paul Kelterburn, Daniel Werner, Robert Woodworth, Todd Stephens, Skip Mooney, Dr. Gil Horowitz, and Trevor Stewart, all spoke in favor of the proposed AIDS memorial.

## **Sidewalks, Public Facilities & Access Items**

### **App. to DCA for a proposed newsstand: Northeast corner of Broadway & East Houston St.**

Hang Thanh Dinh, a street vendor at this location, spoke against the proposed newsstand.

## **SLA Licensing Items**

### **Juicerie, LLC, 19 Kenmare St.**

Michele Campo spoke against the proposed beer and wine license.

## **Traffic and Transportation Items**

Proposal by NYC DOT to route CitySights tour buses coming south on 7th Ave. S. to turn left (east) onto W. 4" St., then right (south) onto Broadway (alternative to current Bleecker St. route)

Ellen Peterson-Lewis and Judith Chazen Walsh spoke regarding issues with the tour buses.

## **III. ADOPTION OF AGENDA**

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

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Jessica Silver and Lin Zeng, 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 May minutes and distribution of June minutes.

## **VI. EXECUTIVE SESSION**

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

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

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **1<sup>ST</sup> LANDMARKS MEETING**

##### **1 - LPC Item: Designation by the LPC as individual Landmarks**

**32 DOMINICK STREET HOUSE**, 32 Dominick Street, Manhattan  
Built c. 1826

**34 DOMINICK STREET HOUSE**, 34 Dominick Street, Manhattan  
Built c. 1826; builder, Smith Bloomfield; altered c. 1866

**36 DOMINICK STREET HOUSE**, 36 Dominick Street, Manhattan  
Built c. 1826; builder, Smith Bloomfield; altered c. 1866

**DENNISON AND LYDIA WOOD HOUSE**, 310 Spring Street, Manhattan  
Built c. 1818-19`

**Whereas**, these houses are remarkably intact survivors of what was once a multitude of similar early-American Federal structures in this neighborhood; and

**Whereas**, despite the many changes in the area since their construction, these houses remain incredibly intact, with #34 and #36 being altered in 1866 with the additions of a third floor in the Italianate style, another important historic style; and

**Whereas**, just because the buildings are not in pristine condition doesn't mean they are not an important group of buildings, almost two centuries old; and

**Whereas**, the owner of #36 attended to voice opposition to designation, fearing that it would create financial encumbrances.

However, the committee pointed out to him the many financial and real-property benefits that landmark status provides, for example:

- according to a well-researched study by the NYC Independent Budget Office, landmark status actually increases property values compared to adjacent non-designated areas - to the tune of 3% per annum and

- low-interest loans are available from the government for restoration of historic buildings
- “donation” of the façade to a non-profit under the Federal Historic Preservation Tax Incentive Program can result in tax benefits well over \$100,000

**Whereas**, the owner of #38, a building not under consideration for designation at this time, attended to voice opposition, noting that his building, another well-preserved building in this row of four, was not included because he had, in his own words, “lawyer up”; and

**Further, whereas**, 310 Spring Street is another well-preserved survivor of this early period of New York’s history, and

**Whereas**, no one attended to speak in opposition to 310 Spring Street; and

**Whereas**, representatives from the HDC and GVSHP voiced support for designation of both the Dominick Street and Spring Street houses; now

**Therefore, be it resolved** that CB#2, Man. recommends designation of #32, 34, 36 Dominick Street and 310 Spring Street; and, further

**Be it resolved** that CB#2, Man. decries that #38 Dominick Street House was able to “lawyer out” of designation and urges the Commission to explore and courageously move forward with designating 38 Dominick as well, in order to preserve a complete row of these four rare Federal Houses.

Vote: Passed with 23 Board members in favor, 11 in opposition (S. Aaron, K. Berger, T. Bergman, H. Campbell, M. Derr, J. Frost, R. Rothstein, R. Sanz, M. Schott, A. Scwhartz, E. Young), and 1 abstention (D. Collins).

**2 - LPC Item:14 - 95 Horatio Street** (covers city block bounded by Washington, Gansevoort, Horatio and West Streets) – Gansevoort Market Historic District. A complex of seven neo-Classical style warehouse and office buildings built between 1897 and 1935. Application is to replace two rooftop-cooling towers.

**Whereas**, the proposal replaces cooling towers already existing on the spot, is minimally visible and is the least obtrusive solution; now

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

Vote: Unanimous, with 38 Board members in favor.

**3 - LPC Item:15 - 308 Bleecker Street** – Greenwich Village Historic District  
A building built in 1847. Application is to construct a rear yard addition. Zoned C1-6/C2-6

**4 - LPC Item: 16 - 310 Bleecker Street-** Greenwich Village Historic District  
A building built in 1847. Application is to construct a rear yard addition. Zoned C1-6

**Whereas**, this proposal to build a concrete terrace across the parlor floor is incompatible with both the building and the district, and adds additional massing to an already small yard; and

**Whereas**, it has no design, being basically just a “railing”; and

**Whereas**, this proposal is more about adding a room than extending the rear. A tea room would be an appropriate construction; this is not; and

**Whereas**, if this proposal is to enable the retail store to expand, we are fine with that; but it should expand vertically, not horizontally; and

**Whereas**, if approved, the construction effectively prevents anyone in the future from restoring the original façade; now

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

**Further, Be it resolved** that, if LPC does approve the application, let it require the owner to retain the original piers, so that a future owner has the opportunity to restore the building.

Vote: Unanimous, with 38 Board members in favor.

**5 - LPC Item: 17 - 117 Bedford Street**, aka 126-128 Christopher Street - Greenwich Village Historic District A Greek Revival style townhouse built in 1843. Application is to construct rear-yard and rooftop additions. Zoned C1-6/R7

**Whereas**, the applicant presented examples of similar glass and metal additions to rear facades - but not one example was from the Greenwich Village Historic District; and

**Whereas**, we are constantly perplexed why applicants buy these historic townhouses in landmarks districts, then quickly seek to severely alter them, destroying our architectural heritage, instead of simply buying a townhouse in a non-historic district; and

**Whereas**, the addition will be very visible from the busy thoroughfare, Christopher and Hudson Streets; and

**Whereas**, it is out of proportion. The glass is far more prominent than the original brick, giving the appearance of frameless windows; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of the rear-yard extension.

Vote: Unanimous, with 38 Board members in favor.

**6 - LPC Item: 18 - 28 7th Avenue South** – (Bedford/Houston) Greenwich Village H.D. A one-story brick building built in 1921. Application is to legalize the installation of rooftop HVAC in non-compliance with Miscellaneous Amendment 12-1361.

**Whereas**, the applicant is familiar with the landmarking process, having been before us in the past; and

**Whereas**, the presentation was poor and the photo of the violation that the applicant provided us was of very poor quality. It misrepresents the true bulk of the ventilation system, which, incidentally, has four garish blinking lights on it, creating a structure that someone likened to a spaceship on top of the roof; and

**Whereas**, there is room on the roof to move it to a less prominent location; and

**Whereas**, when setting up the business model, the applicant should have calculated the ramifications it would have on the neighbors; and

**Whereas**, most importantly, were the applicant initially to bring this to us, would we approve it? The answer is ‘no’; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application and recommends that the applicant arrive at a solution to a problem that the applicant created.

Vote: Unanimous, with 38 Board members in favor.

**7 - LPC Item: 19 - 277 Bleecker Street**, aka 32 Jones Street - Greenwich Village H.D. A Romanesque/Renaissance Revival style tenement building with a commercial ground floor designed by Max Muller and built in 1899-1901. Application is to install a sidewalk railing, a cellar storefront, and modify the ground floor storefront.

**Whereas**, the architect offered an honest assessment of the tricky situation his client is faced with; but

**Whereas**, the proposed solution is not the correct one. It neither restores an historic design nor offers a contemporary solution. It is a mismatched patchwork of styles and we suggest the applicant return with a more appropriate design; but

**Whereas**, based on the assumption that the areaway is an original feature, restoring the railing is welcomed; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the areaway railing, but recommends that the applicant completely re-think the design of the storefront.

Vote: Unanimous, with 38 Board members in favor.

**8 - LPC Item: 21 - 37 Great Jones Street** (Bowery/Lafayette)– NoHo H.D. Extension  
A utilitarian style garage and warehouse building designed by Lewis C. Patton and built in 1917-18. Application is to alter the front and rear facades and construct a rooftop addition. Zoned M1-5B

**Whereas**, the rooftop addition is barely visible; and

**Whereas**, this is an attractive renovation, respectful of the building and the district; but

**Whereas**, we request the applicant reconsider the design of the rear façade with respect to materials, rhythm, etc. We want a stronger acknowledgement of the building’s existing rear façade, so that the renovation reflects better the original condition. For example, save some of the proportion and rhythm of the existing fenestration, to recall what was once original; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the rooftop addition and the renovation of the front façade, but requests a reconsideration of the design of the rear façade to better reflect the original, existing rear.

Vote: Unanimous, with 38 Board members in favor.

**9 - LPC Item: 22 - 37 Great Jones Street** (Bowery/Lafayette)– NoHo H.D. Extension. A utilitarian style garage and warehouse building designed by Lewis C. Patton and built in 1917-18. Application is to request that the Landmarks Preservation Commission issue a report to City Planning Commission relating to an application for a Modification of Use Pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B

**Whereas**, this is a significant restoration and preservation effort that will improve the neighborhood, and merits the issuance of a report for a Modification of Use from LPC to CPC; now

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

**Be it resolved** that approval of the landmarks portion of the 74-711 application does not imply approval for the zoning portion at a later date.

Vote: Unanimous, with 38 Board members in favor.

**10 - LPC Item: 23 - 48 Great Jones Street** - (Bowery/Lafayette)– NoHo H.D. Extension A Renaissance Revival style store and loft building designed by A.V. Porter and built in 1896-97. Application is to replace storefront infill.

**Whereas**, we appreciate the upgrading of the doors and moldings, but regret to see the removal of the historic base in the process; but

**Whereas**, removal of the base will not really result in the loss of any historic material intrinsic to the building; and, if renovation has to be done, this is a good solution; now

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

Vote: Unanimous, with 38 Board members in favor.

## **2<sup>ND</sup> LANDMARKS MEETING**

**11. Item 11 – 307-309 Mott St.** – NoHo East Historic District A pair of Italianate style tenement buildings built c. 1867-68. Application is to legalize alterations to the façade while a permit is pending, legalize the installation of entrances without LPC permits, & to install light fixtures & new windows.

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

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

**Therefore Be It Resolved** CB#2, Man. strongly recommends denial of this application for 307-309 Mott St. in the absence of this important step in the review process.

Vote: Unanimous, with 38 Board members in favor.



**12. Item 13-14. 37 Great Jones St.** – NoHo Historic District Extension A utilitarian style garage and warehouse building designed by Lewis C. Patton & built in 1917-18. Applications are to alter the front and rear facades & construct a rooftop addition, and request the Landmarks Commission to issue a report to City Planning relating to an application for Modification of Use Pursuant to Section 74-711.

**Whereas** the applicant had appeared before the Committee earlier with this application but it was pointed out by the applicant that at that hearing all the testimony had dealt with the rear façade and rooftop addition, but not the changes to the front façade, and

**Whereas** at this hearing the changes to the front façade were dealt with in more detail, and

**Whereas**, although the proposed changes were attractive, concern was expressed about the greater loss of original fabric when the windows at the sides were proposed to be moved to be in line with the center windows, and

**Whereas** these comments mirror those made at our previous hearing about the rear façade, i.e. that we would suggest the front façade renovation reflect more the original condition of the building,

**Therefore Be It Resolved** CB#2, Man. recommends approval as before of the rooftop addition, but requests reconsideration of the design of both the front and rear facades to better reflect the original existing facades of the building at 37 Great Jones St.

Vote: Unanimous, with 38 Board members in favor.

**13. Item 15 – 16 East 10 St.** – Greenwich Village Historic District. A Greek Revival style rowhouse with Italianate style detailing built in 1848, Application is to construct a rooftop bulkhead, railings, and excavate the cellar level and rear yard.

**Whereas** the rooftop bulkhead is not visible from the street and the black fence is set back somewhat from the front façade and is acceptable, and

**Whereas**, at the rear of the building, the dumbwaiter shaft will be removed and replaced with a set of windows, and

**Whereas** the excavation in the rear yard and under the building will create an 8’ high cellar and the excavation will also extend into the rear yard but set back from the side lot lines and only partially extend into the rear yard, and

**Whereas** the proposed pool in the rear yard and partially under the building will be set back at least 5’ from the side lot line with the adjoining building,

**Therefore Be It Resolved** CB#2, Man. recommends approval of these changes to 16 East 19 St.

Vote: Unanimous, with 38 Board members in favor.

**14. AIDS Memorial at St. Vincent’s Hospital Park.**

**Whereas** the proposal for this memorial has been under discussion by various groups and committees of the Community Board for several months, but the Landmarks Committee has not been an active participant in these discussions, and

**Whereas** the group advocating this memorial made a presentation to the Landmarks Committee complete with slides and several speakers, and

**Whereas** a number of questions were raised by the committee and speakers from the public relating to the design – the type and extent of the lighting, how the frame was put together and how the plantings would be maintained, the size of the benches, the time required for the construction of the project and the financing, the type of fencing, size of the water element and the lights along its edge, the design of the vertical elements holding up the roof, size and technique of the inscriptions on the benches and floor of the facility, whether the chains across the open areas would be enough to keep people out when the facility closes for the night, whether there were gates between the rest of the park and the memorial section, how the plantings would be maintained and who would actually do the work.

**Whereas** almost all the questions and concerns were answered to the satisfaction of the Committee, with the outstanding one being a continued concern for the required maintenance of the structure and especially the plantings,

**Therefore Be It Resolved** the Landmarks Committee feels this memorial is appropriate but would like more assurance on the maintenance and would also like to see the fonts for the inscriptions on both the floor circles and he benches.

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

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 384 Lafayette Street (aka 692 Broadway) at East 4<sup>th</sup> Street: A resolution supporting an application to the Board of Standards and Appeals for a special permit to permit a physical culture establishment (PCE) within portions of an existing mixed use building in an M1-5B district within the NoHo Historic District.**

### **Whereas:**

1. The the applicant for the special permit made a presentation to the committee and the application was provided to committee members in advance of the meeting;
2. SoulCycle would occupy portions of the cellar and first floor;
3. The use appears to be compatible with other uses in the building, including another physical culture establishment and retail stores;
4. The hours of operation would be 5:30 AM – 11:00 PM, Monday through Saturday and 7:00 AM through 9:00 PM on Sunday;
5. There will be music in the establishment but the planned renovations will include sound attenuation installations;
6. No one from the community spoke in favor of or in opposition to the application.

**Therefore it is resolved** that CB#2, Man. supports granting of this special permit by BSA to allow a physical culture establishment use at 384 Lafayette Street as proposed.

Vote: Unanimous, with 38 Board members in favor.

**2. 547 Broadway (west side of Broadway between Spring and Prince Streets): A resolution stating no objection to an application to the BSA for a waiver of Section 42-14 of the Zoning Resolution to permit the legalization of the existing retail store on the first floor of the building and expansion of the use group 6 use into the cellar with accessory use in the sub-cellar.**

**Whereas**

1. The applicant's representatives made a presentation to the committee and the application was provided to committee members in advance of the meeting;
2. The building currently contains a retail store on the ground floor which is not allowed as-of-right below the second floor in an M1-5B zoning district and the second floor contains legal commercial use, and the third through sixth floors were legally converted from light manufacturing to JWLQA in 1988, currently under co-op ownership;
3. Use Group 6 is now common in the SoHo historic district, especially on Broadway;
4. Because of grade change between Broadway and Mercer Streets, the ground floor level on Mercer Street is almost a full floor above ground level, reducing the impact of the retail use on Mercer Street;
5. The applicant presented letters of support from three residents of JWLQA units;
6. One community resident who lives across the street on Broadway expressed concern about the impact of stores on residents and urged the applicants to be responsible neighbors, expressing particular concern about the impact of storefronts that remain brightly lit all night;
7. No one from the community spoke in favor or opposition;
8. The applicant noted that because of the configuration of JWLQA entrances, and the landmark status of the building, there is no opportunity for a storefront like many of the larger Broadway storefronts;
9. The applicant agreed to a stipulation prohibiting food and beverage establishments;

**Therefore it is resolved** that CB#2, Man. does not object to application if it is stipulated that there will be no eating and drinking uses.

Vote: Passed, with 34 Board members in favor, and 4 in opposition (K. Berger, H. Campbell, D. Diether, L. Rakoff).

**3. 54 Greene Street (on the southeast corner of Broome Street): a resolution opposing ULURP Application # 090002ZSM to allow conversion of the second and fourth floors to JLWQA and to legalize Use Group 6 retail units on the ground floor and in the cellar UNLESS the maximum store size is limited to 3,500 square feet and the special permit prohibits eating and drinking establishments.**

**Whereas**

1. The property is located in a M1-5B zoning district and is a contributing building in the SoHo Cast Iron Historic District;
2. the new JLWQA uses will, if legally occupied, support the diversity and character of the neighborhood and provide artists with places to live;
3. the restriction on retail below the second floor is arguably an antiquated zoning remnant in an area where few manufacturing uses persist, it is nevertheless an extant provision that provides needed protection to the quality of retail uses as well as to the quality of life in an increasingly residential area;

4. There are currently three legal and illegal retail stores in the building and this layout, which is supportive of the retail and residential character in the area, is unlikely to change as long as the use is not legalized;
5. Without restriction on unit size, legalization of ground floor and cellar retail is likely to result in large footprint retail more typical of Broadway;
6. The heavy vehicular traffic to the Holland Tunnel and the narrow side walks make Broome Street unsuitable for larger stores and eating and drinking establishments;
7. Upon request from the committee, the applicant was unwilling to consider a request to limit the maximum store size or prohibit eating or drinking establishments;
8. CB2 has supported allowing retail on the ground and cellar levels at other properties in the area, but has generally sought to obtain support for size and use restrictions to protect neighborhood character;
9. CB2 does not believe that the requirements of minimal impacts are met without the proposed restrictions on unit size and eating and drinking uses;
10. The applicant provided documentation that required conditions had been met for modification of use and bulk regulations in zoning lots with buildings located within historic districts, including certificates and approvals from the Landmarks Preservation Commission;
11. The applicant provided documentation that the requirements for a special permit had been met, including that the bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity and that the use modifications shall have minimal adverse effects on the conforming uses within the building and the surrounding area;
12. A public purpose will be served if this preservation plan is implemented;

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

1. supports the conversion of the fourth and sixth floors of 54 Greene Street to JWLQA;
2. opposes legalization of Use Group 6 on the ground floor and in the cellar unless the size of any store is limited to no more than 3500 square feet and eating and drinking establishments are prohibited.

Vote: Unanimous, with 38 Board members in favor.

**4. 111 Mercer Street (west side of Mercer between Spring and Prince Streets): A resolution stating no objection to ULURP Application 120360ZSM seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to modify (i) the requirements of Section 43-17 to allow a 1-story enlargement of an existing 5-story building, and (ii) requirements of Section 42-00 to allow residential use on the second through sixth floors of the enlarged building.**

**Whereas**

1. The applicant's representatives made a presentation to the committee and the application was provided to committee members in advance of the meeting;
2. The property is located with an M1-5A zoning district and within the SoHo Cast Iron Historic District;
3. The current uses include retail on the ground level and cellar floors and the building is vacant on the 2<sup>nd</sup> through 5<sup>th</sup> floors which are being altered for JLWQA use;
4. The adjacent building to the south is a seven story loft building with ground floor retail and residential use above and the adjacent building to the north is a seven story building with ground floor retail and JLWQA use above;
5. In M1-5A districts, buildings containing JLWQA uses may not be enlarged as of right;

6. The applicant provided documentation that required conditions had been met for modification of use and bulk regulations in zoning lots with buildings located within historic districts, including certificates and approvals from the Landmarks Preservation Commission;
7. The applicant provided documentation that the requirements for a special permit had been met, including that the bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity and that the use modifications shall have minimal adverse effects on the conforming uses within the building and the surrounding area;
8. The current FAR of the existing building is 4.55 and with the proposed enlargement the building would remain within the allowed FAR of 5.0;
9. This documentation will be subject to review by the City Planning Commission;
10. One member of the public expressed concerns about possible noise from new air conditioning units and the architect provided satisfactory assurances regarding the size and type of units proposed;
11. No one from the community spoke in favor or opposition to the application;
12. Committee members expressed a general preference for JLWQA use over residential use to help retain the historic uses of SoHo as an artist's community;
13. CB2 has previously recommended approval of residential use in similar buildings, there are other buildings in the neighborhood that have been converted to residential use;
14. Because this is a vacant building with no apparent prior JLWQA use, no artists will be displaced by this action and the committee had no information that artists had previously lived in the building;
15. There is a public benefit to the required long term preservation of this 1878 loft building which is a contributing building in the historic district;

**Therefore it is resolved** that CB#2, Man. has no objection to a special permit to allow the proposed one-story enlargement of 111 Mercer Street and to allow residential use in the second through sixth floors of the enlarged building.

Vote: Unanimous, with 35 Board members in favor, and 3 in opposition (C. Dawson, D. Diether, J. Kiely).

## **PARKS, RECREATION & OPEN SPACE**

### **Resolution: Supporting the Proposed Design for the AIDS Memorial in St. Vincent's Triangle Park.**

**Whereas**, CB#2, Man. has supported the proposal for an AIDS memorial to be located on part of the triangle between 7<sup>th</sup> Avenue, Greenwich Avenue, and West 12<sup>th</sup> Street; and

**Whereas**, the Community Board also supported a proposed design for a new public park to be located on this triangle; and

**Whereas**, the ULURP approval for the redevelopment of the St. Vincent's Hospital included a new public park to be located on this triangle with approximately ten percent of the area at the northwest tip to be dedicated to the AIDS memorial; and

**Whereas**, in keeping with the terms of the ULURP approval, CB-2 has participated in the design process for the memorial including presentations and public feedback at four public hearings; and

**Whereas**, the proposed design has been generally well-received; and

**Whereas**, the proposal has been presented to the CB2 Landmarks Committee and will require approval by the New York City Landmarks Commission; and

**Whereas**, the proposal will be subject to approval by the New York City Parks Department; and

**Whereas**, the cost of construction of the park will be paid by the St. Vincent's campus developers and incremental additional costs of construction of the memorial will be paid by the AIDS Memorial Park group; and

**Whereas**, the AIDS Memorial Park group consists of members of the community that formed to develop its vision for an AIDS Memorial at this location and has funded teams consisting of architects, designers and fabricators to this end and has agreed to form a legal entity to raise funding for their vision and their portion of the maintenance of it into the future; and

**Whereas**, the cost of maintenance of the park will be paid by the condominium association of the new development and the incremental additional costs of maintenance of the memorial (list of such incremental costs still to be defined in conjunction with the condominium association) will be paid by the AIDS Memorial Park group; and

**Whereas**, the memorial design team is working closely with the design team for the park; and

**Whereas**, credible concerns were raised by the public and committee members regarding the suitability of the planting system, particularly the irrigation system, and the accessibility of the top of the structure for gardening; and

**Whereas**, concerns were expressed about aspects of the design that were not yet finalized, particularly the night lighting, and one committee member expressed concern that the granite benches would be uncomfortable during hot and cold weather; and

**Whereas**, the design presents difficult gardening challenges for creating and sustaining the beauty required for realization of the project vision; and

**Whereas**, the success of the design will require a determined long term effort including mobilization of talent and resources; and

**Whereas**, the volunteer effort shown so far and the ongoing assurances by the AIDS Memorial Park Group, as well as the response it has achieved, provide confidence that the determination is there both to attain this vision and provide the required continued support;

**Therefore be it Resolved** CB#2, Man. supports the proposed design for the AIDS Memorial; and

**It is further resolved** that CB#2, Man. does not object to minor changes to the approved park design to integrate the transition from memorial to park, and specifically, while the sculptural water feature that also serves as a children's play feature should be retained, it may be moved, and also its form may be developed such that safety surface is not required beneath it; and

**It is further resolved** that CB#2, Man. requests a fuller evaluation of the planting system and ease of maintenance, including participation by Parks Department horticulture staff; and

**It is further resolved** that CB#2, Man. congratulates and expresses its appreciation to the AIDS Memorial Park group, the design teams for the park and the memorials, the City Planning and Parks Departments, to our elected officials, and to the many individuals in our community who helped move this project forward.

VOTE: Passed with 37 Board members in favor and 1 against-(Aaron)

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1. App. to DCA for a proposed newsstand:**

**Northeast corner of Broadway & East Houston St, DCA# 1425149**

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

**Whereas**, the application is for a newsstand of 4' x 8' in front of a retail store at 610 Broadway near its northeast corner with E. Houston St, and

**Whereas**, many members of the committee felt this was an enormously busy sidewalk and with a long-time news dealer on the other side of the street between Bleecker St & W Houston St, there was no particular need for a newsstand at this location, and

**Whereas**, others on the committee felt this was a sufficiently wide sidewalk to allow for the newsstand,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a **NEWSSTAND** at the **Northeast corner of Broadway & East Houston St, DCA# 1425149**

VOTE: Passed, with 35 Board members in favor and 3 against-( Derr, Sanz, Schlazer)

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

**2. ITM Garden, Inc., d/b/a Revel, 10 Little West 12<sup>th</sup> St. (btw 9 Ave & Washington St), with 13 tables & 28 seats, DCA# 1214291**

Block:644 Lot:51 Lot Frontage:21' Lot Depth:77.42 Year Built:1899(estimated)  
Number of Buildings:2; Number of Floors:3 Residential Units:2  
Total # of Units:5 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 was not present, and

**Whereas**, the CB#2, Man. office received one email complaining about continuing noise issues from this establishment, and

**Whereas**, appearance before CB#2, Man.'s committee is a required step in the sidewalk café renewal process and this applicant has not done so nor notified the CB#2, Man. office of any issues in doing so,

**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 **ITM Garden, Inc., d/b/a Revel, 10 Little West 12<sup>th</sup> St. (btw 9 Ave & Washington St), with 13 tables & 28 seats, DCA# 1214291**

VOTE: Unanimous, with 38 Board members in favor.

**3. Culinary Concepts Hospitality Group, LLC, d/b/a Spice Market, 29-35 9<sup>th</sup> Ave. (NW corner W 13 St), with 13 tables & 28 seats, DCA# 1187891**

Block:646 Lot:47 Lot Frontage:103.25' Lot Depth:100 Year Built:1910(estimated)  
Number of Buildings:1; Number of Floors:6 Residential Units:0  
Total # of Units:2 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 was present, and

**Whereas**, this café has been operated for several 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 **Culinary Concepts Hospitality Group, LLC, d/b/a Spice Market, 29-35 9<sup>th</sup> Ave. (NW corner W 13 St), with 13 tables & 28 seats, DCA# 1187891**

VOTE: Unanimous, with 38 Board members in favor.

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

**4. Dessyn Bakery Corp. d/b/a Millefeuille Bakery Café, 552 LaGuardia Pl. (SW corner W 3 St), with 5 tables & 10 seats, DCA# 1431733**

Block:537 Lot:7501 Lot Frontage:50' Lot Depth:100 Year Built:1982  
Number of Buildings:1; Number of Floors:11 Residential Units:9  
Total # of Units:17 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, Olivier Dessyn, was present, and

**Whereas**, the café is proposed for a sidewalk of approximately 18' width with no applicable obstructions, and the applicant's business occupies a space within the building of approximately 14' frontage, and

**Whereas**, the applicant is a retail bakery with no kitchen, has no SLA license, and closes no later than 7:00 pm 7 days a week, and

**Whereas**, there will be no waiter service in the sidewalk café, but the applicant assured the committee that staff would clear the tables and keep the café area clean,

**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 **Dessyn Bakery Corp. d/b/a Millefeuille Bakery Café, 552 LaGuardia Pl. (SW corner W 3 St), with 5 tables & 10 seats, DCA# 1431733**



VOTE: Unanimous, with 38 Board members in favor.

**5. 132 Mulberry, Inc. d/b/a Umberto's Clam House, 132 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA# 1432938**

Block:237 Lot:7501 Lot Frontage:124.75' Lot Depth:101.33 Year Built:1915  
Number of Buildings:1; Number of Floors:6 Residential Units:0 Total # of Units:11  
Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Robert Ianniello, Jr., and his representative, Michael Kelly, were present, and

**Whereas**, this applicant operated this restaurant and a sidewalk café for many years in another location just up the block, but moved here recently due to increased rent in the original space, and

**Whereas**, the café is proposed for a sidewalk of approximately 12' width with no applicable obstructions, and the applicant's business occupies a space within the building of approximately 15' frontage, and

**Whereas**, there was some concern about the layout of what is essentially 2 six-seat tables, but Mr. Kelly assured the committee the tables would not be separated and service would not occur from the public sidewalk, which in this design begins immediately beyond the end of the tables, and

**Whereas**, two members of the community spoke in support of this applicant as a long-time member of the Little Italy business community and were highly supportive of the cafe

**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 **132 Mulberry, Inc. d/b/a Umberto's Clam House, 132 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA# 1432938**

VOTE: Unanimous, with 38 Board members in favor.

**6. Eater Eats Crow, LLC, d/b/a Sel Et Gras, 131 7th Ave. South (NE corner W 10 St), with 15 tables & 45 seats, DCA# 1432786**

Block:611 Lot:34 Lot Frontage:25' Lot Depth:43.58 Year Built:1905(estimated)  
Number of Buildings:1; Number of Floors:2 Residential Units:1  
Total # of Units:2 Zoning:C2-6 Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were several community members present regarding this application, and the applicant, Vanessa Repice, and her representative, Steve Wygoda, were present, and

**Whereas**, the café is proposed for a sidewalk of approximately 20' width, with a subway grate 11' from the property line, a raised tree pit border 14'8" from the property line, and the applicant's business occupies a space within the building of approximately 42' frontage, and

**Whereas**, the café layout is dependent on the modification of the tree pit border to be flush with the sidewalk and this must be done, subject to DCA rules, before this design can be approved, and

**Whereas**, if the tree pit border remains raised, the café depth must be reduced to no more than 6’8”, which would reduce the seating by one row of 2-seat tables, and

**Whereas**, the establishment is a restaurant/wine bar, with approximately 25 inside seats, and

**Whereas**, there were several members of the community present, all against granting of a license for the café due to a mistaken understanding the operator was the applicant’s personal partner, who operates a restaurant in the East Village which CB3 recently denied for an SLA renewal, and

**Whereas**, several community members also stated there have already been problems with trash from the restaurant being put out on W 10<sup>th</sup> St as early as noon, and restaurant staff using neighboring stoops on W 10<sup>th</sup> St to take smoke breaks, and

**Whereas**, the committee reminded the applicant that trash must not be put out at the curb before 1 hour prior to closing time and recommended the applicant instruct staff to smoke only near the street on 7<sup>th</sup> Ave S, and

**Whereas**, as is CB2’s policy, the committee requested no 4-seat tables be used along the outer edge of the café and the applicant agreed to do so, in part by reducing the seating to **14 tables and 42 seats** by having two simple rows on either side of a full-length service aisle, one side (against the façade) having 4-seat tables and the other side (at the outer perimeter) having 2-seat tables,

**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 **Eater Eats Crow, LLC, d/b/a Sel Et Gras, 131 7th Ave. South (NE corner W 10 St), with 15 tables & 45 seats, DCA# 1432786**

**UNLESS**

- **the seating is reduced to 14 tables and 42 seats with no 4-seat tables at the outside edge of the café**
- **DCA approves of the applicant modifying the stone tree pit border so it is flush and ensures this has been done before the café is approved and sent to the City Council**

VOTE: Unanimous, with 38 Board members in favor.

**7. Daily Bread, Inc. d/b/a Deb’s Catering, 200 Varick St. (btw King St & W Houston St), with 8 tables & 16 seats, DCA# 1431295**

Block:520 Lot:1                      Lot Frontage:200.42' Lot Depth:265                      Year Built:1926  
Number of Buildings:1;              Number of Floors:12 Residential Units:0                      Total # of Units:41  
Zoning:M1-6R6

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

**Whereas**, the café is proposed for a sidewalk of approximately 19’ 9” width, with a subway grate 16’ from the property line, and the applicant’s business occupies a space within the building of approximately 18’ frontage, and

**Whereas**, the applicant sells prepared foods (sandwiches, salads, etc) and does catering, has no SLA license, and closes at 5:00 pm during the week and is not open on weekends, and

**Whereas**, there will be no waiter service in the sidewalk café, but the applicant assured the committee that staff would clear the tables and keep the café area clean,

**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 **Daily Bread, Inc. d/b/a Deb's Catering, 200 Varick St. (btw King St & W Houston St), with 8 tables & 16 seats, DCA# 1431295**

VOTE: Unanimous, with 38 Board members in favor.

**8. Travertine, LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. (NE corner Elizabeth St), with 23 tables & 47 seats, DCA# 1434421**

Block:478 Lot:12                      Lot Frontage:20' Lot Depth:99                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:6 Residential Units:15  
Total # of Units:17                      Zoning:C6-1

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Danae Cappelletto, was not present and is apparently in the final stages of selling the business and no longer has any involvement in it, and

**Whereas**, the apparent primary purchaser of the business, Artan Gjoni, and his representative, Steve Wygoda, were present, and

**Whereas**, the committee was having substantial problems getting a coherent explanation of the current ownership of the business, including the status of the Certificate of Occupancy and SLA License, and

**Whereas**, the committee finds it extremely disturbing that the café application was submitted by an operator who apparently no longer owns the business, while the new owner presented himself as the applicant, even though there is no information on this person on the application, and

**Whereas**, given the confused issues involved in ownership the committee requests DCA investigate having this application cancelled or withdrawn and a proper application made by the new operator once the legal ownership can be reasonably established, and

**Whereas, IF DCA moves this application forward** there was substantial concern voiced by several community members about the past operation of this establishment, outstanding fines for building and license issues, the overall size of the café and questioned the safety of seating patrons on the sidewalk of Kenmare St. where traffic coming off the Williamsburg Bridge is so pervasive, and

**Whereas, IF DCA moves this application forward**, the applicant has agreed to reduce the seating to 20 tables and 40 seats by removing the third seat from two tables and removing entirely one single-seat table and further will place all double tables (effectively 4-seat tables) placed against the façade and only 2-seat tables at the outer edge of the café as is the policy of CB#2, Man.,

**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 **Travertine, LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. (NE corner Elizabeth St), with 23 tables & 47 seats, DCA# 1434421**

**AND requests this application be withdrawn and a new application be filed by the new owner once all ownership issues have been resolved**

**FURTHER BE IT RESOLVED, IF the Dept. of Consumer Affairs allows this application to move forward, CB#2, Man. also recommends DENIAL of this application**

**UNLESS**

- **DCA satisfactorily resolves the ownership issues of this establishment relative to the applicant of record**
- **The applicant is able to provides valid and current Certificate of Occupancy in order to show that the interior of the premise that services the sidewalk café, is operating in compliance with NYC laws and regulations**
- **That ALL outstanding fines and payments owed the City of New York are paid in full**
- **The seating is reduced to 20 tables & 40 seats as described in Whereas 7**

VOTE: Unanimous, with 38 Board members in favor.

**SLA LICENSING**

**1. Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston St. (SLA Serial #1238857)**

**Whereas**, the applicant’s manager appeared before CB#2, Man.’s SLA Licensing Committee to request an alteration to increase the closing hours of operation; and,

**Whereas**, this application for the alteration of an existing on-premise liquor license (Serial # 1238857) for a restaurant in a mixed-use building located on Houston between LaGuardia and Thompson Street; for a 1,620 square foot premise (Block # 525 / lot # 58) with 20 tables and 58 seats and 1 bar with 10 seats for a total of 68 seats and a, the proposed maximum occupancy for the premise is 74, there is no backyard use and there will be no sidewalk café and music is suppose to be background only; and,

**Whereas**, the hours of operation currently are Sunday from 12:00 p.m. to 1:00 a.m. and Monday through Thursday from 5:00 p.m. to 1:00 a.m. and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 12:00 p.m. to 2:00 a.m. and the applicant is now requesting a change to 11:00 a.m. to 4:00 a.m. 7 days a week; and,

**Whereas**, the owner of Buskers is also the owner of two other establishments; Firefly (SLA Serial #1185163) and Gatsby’s (SLA Serial #1126774), which both reside within CB2’s district across the street from each other on Spring St. between Lafayette St. and Mulberry St. and both have been a constant complaint by residents stating noise issues and general disregard for the community and operating beyond their approved method of operation; and,

**Whereas**, the neighborhood association known as BAMRA submitted a resolution to the community board opposing the applicant’s request; and

**Whereas**, this operator initially applied to CB2 with an application that unlike the other locations; Firefly and Gatsby, this location would be a full service restaurant and in fact does serve food but in the manner more like a bar and not a restaurant and books many private parties later in the evening which was confirmed by the manager; and,

**Whereas**, advertisement for this location appears on the Internet as a “Sports Bar” which was the exact operation that this community and CB2 did not want and what the applicant originally stated the establishment would not be and CB2 feels again slighted and misled by material misstatements made by

this operator once again, and CB2's original recommendation of a deny/unless resolution was made with the understanding that this would operate as a restaurant only, but even then the application was inappropriately filed as a tavern license; and,

**Whereas**, the primary reason provided for the upgrade according to the manager present was to compete with bars in the area with hours similar to the proposed hours and to be able to book parties so that they would be able to compete directly with the late night bar business;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for the alteration of an on-premise liquor license to **Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston St.**

Vote: Unanimous, with 38 Board members in favor.

## **2. Mark Connell on behalf of an entity to be determined, TBD, 47 E. Houston St.**

**Whereas**, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee to present a new "Wine and cocktail driven establishment serving small plates while utilizing the bounty of products available to the Northeast"; and,

**Whereas**, this application is for a new on-premise license for a full service restaurant in a mixed-use building for a 1,600 sq ft premise on Houston between Mulberry Street and Mott Street (block # 509 / lot # 21), there will be no sidewalk café and no use of a backyard garden, there will be up to 21 tables and 46 seats and 1 bar with 13 seats for a total of 59 seats and the maximum occupancy for the premise is 65; and,

**Whereas**, the applicant indicate that the premise would be operated as an upscale restaurant only, that the hours of operation would be Sunday to Wednesday from 12:00 p.m. to 1:00 a.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m., music will be quiet background only generated from iPod's/c.d.'s and all doors and windows would be closed at 10 p.m.; 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 already owns and operates a bar/lounge in the basement of this address with d.j. (contrary to filings with the SLA) which has a separate entrance and in most online reviews is referred to as a "dive bar"; and,

**Whereas**, CB#2, Man. is concerned that the bar/lounge element in the basement would "creep" over to the ground floor restaurant and that both establishments would end up being run in an analogous manner; and,

**Whereas**, there is a license at this location (SLA Serial # 1149804) for a full service restaurant the stated hours of operation to CB#2, Man. at the time of that licenses inception in February 2004 were from 11 a.m. to midnight 7 days a week; and,

**Whereas**, CB#2, Man. does not feel that the information presented supports a full service restaurant as was repeatedly mentioned at the meeting, but like the written description stated on CB2's Questionnaire the establishment would be a "wine and cocktail driven establishment serving small plates", there were

strong concerns that the menu presented was very light and was not reflective of a filing for a restaurant as defined by the SLA and given the existing bar in the same building would go from a marginally tenable situation to another untenable situation that the community would have to endure; and,

**Whereas**, there are already over 21 On Premise licenses within 500 feet of this application and CB#2, Man. would kindly request that the SLA conduct a 500 ft. rule hearing on this application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Mark Connell on behalf of an entity to be determined, TBD, 47 E. Houston St.**

Vote: Unanimous, with 38 Board members in favor.

### **3. Oliver Stumm, LLC to be formed, TBD, 14 Spring Street.**

**Whereas**, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee; and,

**Whereas**, this application is for the transfer of an on-premise license (SLA # 1133875) for an existing restaurant, Barmarche, in a mixed-use building for a 1,800 sq ft premise on the corner of Spring Street and Elizabeth Street ( block # 479 / lot # 21), there will be no sidewalk café at this time and no use of a backyard garden, there will be 13 tables and 58 seats and 1 bar with 9 seats for a total of 67 seats and a maximum occupancy of 74, the entire patron dining area will be located on the ground floor only; and,

**Whereas**, the applicant stated the hours are Sunday from 10:00 a.m. – 12:00 a.m. and Monday to Saturday from 10:00 a.m. to 2:00 a.m., music is quiet background only generated from ipod/c.d.'s; and,

**Whereas**, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; and,

**Whereas**, there will be no TV's, all doors and windows will be closed by 9:00 p.m. or any time music is being played, the kitchen will stay open until closing, and there will be no food service to customers or customer use of the basement; and,

**Whereas**, the current/previous licensee, Spring Cafe Realty LLC dba Barmarche, had appeared before CB#2, Man. in May 2008 and stated at that time that the closing hours of operation for the establishment were Sunday to Thursday at midnight and Friday and Saturday at 2 a.m., The website for Barmarche currently advertising their hours of operation ending at Sunday to Thursday at 11:30 pm and Friday to Saturday at 12:30 am; and,

**Whereas**, the street frontage façade of this establishment is comprised completely of operable French doors and windows which open the entire interior of the premise to the street and is of particular concern when music is being played in a residential community and has been a problem in the past at this location; and,

**Whereas**, there were 4 residents or community speakers in strong opposition of this application and to the applicant in particular; and,

**Whereas**, the concerns of the community and CB2 is the history of the operator's inability to be a good neighbor at another location for which he is a sole principal that is located just a few blocks away within CB#2, Man. at 212 Lafayette Associates LLC dba Café Select (SLA Serial #1206817) located at 212 Lafayette St. on Petrosino Square which results in an ongoing deterioration of quality of life as a result of the repeated manner in which that business is run which directly effects the local community by virtue of

the operation at that location; and it appears that the establishment is/has also operated illegally beyond the area presented to the SLA possibly in the basement area and/or backroom, and further more, the use of an outdoor bench in the front of the property, which is apparently within the property line, is used at all hours of operation by patrons drinking alcoholic drinks and smoking in front of the establishment, particularly at late hours; and,

**Whereas**, in a district such as CB#2, Man. where saturation now describes every neighborhood, this community board does not believe that an existing license should be considered an “automatic” approval for transfer given the character of the applicant’s other operation and the extension of hours over the existing stated and advertised hours of the existing operation; and,

**Whereas**, the transfer of this license might be approved by an operator with better standing in this district that can respect the needs of the community and whose word on a signed agreement has value; and,

**Whereas**, CB#2, Man. does not feel it is capable of rewarding this operator with another license within our district to further deteriorate the quality of life in this community, particularly with an establishment that is located in the heart of a residential community that has a virtual open façade in warmer weather and for which there is no enforcement except moral suasion; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of an on-premise liquor license for **Oliver Stumm, LLC to be formed, TBD, 14 Spring Street.**

Vote: Unanimous, with 38 Board members in favor.

**4. Ferrara Foods & Café, Inc. f/k/a Ferrara Foods & Confections, Inc. 195 Grand Street (SLA # 1025285)**

**Whereas**, the applicant appeared before the CB#2, Man.’s SLA Licensing Committee to present a corporate change application for “Italian Restaurant” that has been a NY landmark for 120 years; and,

**Whereas**, this application is for the Transfer of an existing On Premise license for a full service restaurant in a commercial building for a 3,000 sq ft premise (1,750 sq ft ground floor and 1,240 sq ft second floor) on Grand Street between Mulberry and Mott Street ( block # 237 / lot # 0013), there is a sidewalk café but no use of a backyard garden, there are 41 tables and 140 seats and no bars for a total of 140 seats with a proposed occupancy of 140 and the maximum occupancy for the premise is 140; 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 to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 1:00 a.m., 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, no velvet ropes or movable barriers will be utilized; there could be occasional private parties; 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. Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 1:00 a.m.;**

**Whereas**, there was no community opposition regarding this application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the corporate change of the full on-premise licenses for **Ferrara Foods & Café, Inc. f/k/a Ferrara Foods & Confections, Inc. 195 Grand Street (SLA # 1025285)** unless the conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 38 Board members in favor.

#### **4. An Entity in which Jan Sasson is a Principal d/b/ TBD, 341 Broome St. 10002**

**Whereas**, the applicant appeared before the CB#2, Man.’s SLA Licensing Committee to present the concept of a neighborhood restaurant with a full kitchen focused on a breakfast, lunch, and dinner with a bistro style menu; and,

**Whereas**, this application is for a new Full On-Premise license for a commercial building in a location that has never been licensed before and already has three licensed premises within the same building for a 950 sq ft premise on Broome Street between Bowery and Elizabeth Street ( block # 470 / lot # 50), there will be no sidewalk café at this time and no backyard garden; there will be 20 tables and 38 seats and 1 bar with 10 seats for a total of 52 seats; the proposed occupancy and the maximum occupancy for the premise is 75; and,

**Whereas**, the applicant indicates that the premise would be operated as a full service restaurant only, that the hours of operation would be Sunday through Saturday from 7:00 a.m. to 2:00 a.m., music will be quiet background only generated from iPod’s/c.d.’s; and,

**Whereas**, this is another location within CB#2, Man. that has never been license by the SLA in an area that is already oversaturated with licenses and this building already has three liquor licenses for a beer bar, a full on-premise liquor bar and a full on-premise pool hall with lounge; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, CB#2, Man. just recently, in the last few months, approved 2 other locations within the block for a license and another license was approved over the objections of CB2 this month; and,

**Whereas**, 3 community members spoke against this application stating over saturation and that this does not offer any unique public interest, public benefit or service; and,

**Whereas**, the applicant must obtain a Certificate of Occupancy or a “Letter of No Objection” for this specific location within the building as the current Certificate of Occupancy does not allow for any more occupancy to suit this use given the three other licensed premises in the building; and,

**Whereas**, CB#2, Man. respectfully request the SLA to properly determine whether this location is located within 200 ft of the Main Entrance of the Holy Trinity Ukrainian Orthodox Church at 359 Broome St. which appears to be a free standing traditional Church Building with regular Church Services that are advertised in a traditional manner on the Church façade;



**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new on-premise licenses for **An Entity in which Jan Sasson is a Principal d/b/ TBD, 341 Broome St. 10002.**

Vote: Unanimous, with 38 Board members in favor.

**5. Sergio Riva or entity to be formed, 157 Bleecker St.,**

**Whereas**, the applicant appeared again before the CB#2, Man.'s SLA Licensing Committee to present the transfer of a license to become a Casual American Bistro /Club/ Pub and Wine Bar with live entertainment; and,

**Whereas**, this application is for the transfer of an existing on-premise license (Serial #1198380 expires 4/30/2014 for Kenney's Castaway Inc) for a full service Bistro/ Club in a mixed use building for a 5,500 sq ft premise (2,200 sq ft ground floor and Basement and 1,100 sq ft mezzanine) on Bleecker Street between Thompson and Sullivan Street (block # 539 / lot # 36), there will be no sidewalk café and no use of a backyard garden, there will be 54 tables and 140 seats and 1 bar with 20 seats for a total of 170 seats with a proposed occupancy of 180 or less and the maximum occupancy for the premise will be 180; and,

**Whereas**, the applicant indicated that the hours of operation would be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 4:00 a.m., and indicated that they would soundproof the establishment; and,

**Whereas**, this applicant was sent back to the community to meet with the neighborhood association and work out their differences and come back to CB#2, Man. when they were able to come to an agreement; and,

**Whereas**, CB#2, Man. recognizes that this applicant did finalize an agreement with BAMRA; and,

**Whereas**, the BAMRA neighborhood association establish a set of stipulation that the applicant agreed and executed and the applicant executed a stipulations agreement with CB#2, Man. stating that stipulations agreed to with BAMRA would be attached and incorporated in to their method of operation on their SLA license stating that:

- The establishment will close at 2:00 a.m. Sunday through Wednesday nights.
- The establishment will close at 4:00 a.m. Thursday through Saturday nights.
- The kitchen will be open until 2:00 a.m. all nights of the week.
- All doors and windows will be closed by 10:00 p.m. every night of the week.
- All doors and windows will be closed when any sporting event is being played on televisions in the establishment.
- All doors and windows will be closed when any live music is being played in the establishment.
- A professional sound test using a decibel meter will be conducted across Bleecker street from the establishment to determine the level at which background music can be played without exceeding New York City noise code decibel limits. A limiter and compressor and any other means necessary will be installed in the establishment's sound system to prevent background music from ever exceeding this level.
- Sound system controls will be locked, with access limited to owners and managers who agree to abide by all New York City noise codes, the levels set by the results of the sound test described above. Sound levels will be regularly tested with decibel meters to ensure compliance, and records of those tests will be kept.

- Only four televisions, no larger than 42 inches, will be installed in the establishment: two on first floor behind the bar and two on the mezzanine.
- Televisions will never operate with sound, and no speakers will ever be connected to those televisions.
- No line for any event in venue will ever be formed on sidewalks or any part of Bleecker Street or any other street in the BAMRA area. All such lines will be formed within the establishment.
- All ventilation, exhaust and air conditioning systems will meet or exceed New York City codes.
- No neon will be used for signage; and if any of the lighting used for signage is too bright in any resident's dwelling, that lighting will be dimmed.
- No owner, manager or any other employee of the establishment will allow the establishment to participate in or host any "pub/bar crawl" or any similar bar-to-bar, organized drinking event.
- The establishment will have no live act end later than 11:00 p.m. on Wednesday.
- The establishment will have no live act end later than 12:00 a.m. on Thursday.
- The establishment will have no live acts ending later than 2:00 a.m. on Friday and Saturday nights.
- The establishment will have small jazz groups on occasion during brunches and dinners as background music only, and playing only at background volume levels.
- The establishment will employ one person as security on Wednesday and Thursday nights and two people for security on Friday and Saturday nights.
- Insulated glass will be installed in all storefront windows.
- The establishment will install a dropped ceiling or isolation hangers with effective sound-proofing material in the ceiling cavity.
- All speakers in the establishment will be "directional speakers" (i.e., speakers specifically built to prevent sound leaking out of the back of the speaker), will hang no higher than three-quarters of the distance from the floor to ceiling and will be installed on isolation brackets
- There will be a holding area or vestibule inside the establishment to contain overflow so to keep the lines off the sidewalks.
- Staff will leave after closing and not loiter in front of the building.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for Sergio Riva or entity to be formed, 157 Bleecker St **unless** those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

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

#### **6. The Grisly Pear, 107 MacDougal St – renewal of on-premise license (SLA Serial # 1205049)**

**Whereas**, the applicant appeared before the committee as requested by CB#2, Man. and the neighborhood association - BAMRA to present the renewal request for a full service restaurant/bar with a full on-premise liquor license which expires on July 31, 2012; and,

**Whereas**, this application is for the renewal of the Full On-Premise License which is in a mixed-use building on MacDougal Street between Bleecker and Minetta Lane for a 1,800 s.f. restaurant/ bar with 32 tables and 102 seats, 1 bar with 14 seats, for a total occupancy of 116 and a maximum legal capacity of 146 persons; there will be no sidewalk café and no use of a backyard garden; background/ entertainment level music only; and,

**Whereas**, the applicant indicated that the hours of operation are Sunday and Saturday from 12:00 p.m. to 4:00 a.m. and Monday to Thursday from 11:00 a.m. to 4:00 a.m.; and,

**Whereas**, this application for a renewal was not automatically waived by CB#2, Man. due to the number of complaints by local residents concerning the excessive noise levels and unruly patrons, credible reports of violations of their method of operation and overall negative impact on quality of life by the licensee; and

**Whereas**, the community has submitted ample evidence over several years of a staff that has been unwilling to work with neighboring request to control patrons and noise levels and evidence of operating beyond their approved method of operation; and,

**Whereas**, the community has directly submitted to the SLA a number of videos, still images and extensive testimony requesting that this operator not be renewed only to be endangered and threatened by the staff at this location and CB#2, Man. requests that the Liquor Authority review that correspondence in detail for a long list of examples of operating beyond the method of operation and in a general manner that is below the standards of an operator operating in a mixed use residential community and which CB#2, Man. believes is below the standards of good character to maintain a license; and

**Whereas**, local residents gave testimony stating they use to go to this establishment but then started experiencing abuse when they would ask a friendly request to lower the music levels; and,

**Whereas**, this current renewal application is inconsistent with the original application and should be reviewed by the SLA; and,

**Whereas**, at the inception of this license when the applicant first appeared at CB#2, Man. in January 2008, the applicant stated that the hours were originally proposed to be until 4 a.m. 7 days a week, but then agreed with CB2 Manhattan that they would operate Sunday to Wednesday until 2 a.m. and Thursday to Saturday until 4 a.m. and they indicated that music would be background only, which it is clearly not; and,

**Whereas**, the licensee made what CB#2, Man. believes to be material misrepresentations in that in their original CB#2, Man. Questionnaire in January 2008 in which the applicant stated that the music in the premise would be background only, and in the questionnaire presented in July 2012, the licensee stated that music was both background and at entertainment level, which is inconsistent with their original representations to CB#2, Man. regarding their proposed method of operation; and,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends **denial** to renew the Full On-Premise license for **The Grisly Pear, 107 MacDougal St.**; and

**BE IT FURTHER RESOLVED** that CB#2, Man. kindly request that **if** the SLA considers renewing this license, that a list of stipulations be incorporated to the method of operation on their license such as:

1. All doors and windows are to be closed by 10:00 p.m.
2. Music must not be heard beyond the premise walls either outside or inside the building including the entry vestibule for the building and the interior stairway of the building and especially not heard at all in any residential units.
3. Adequate Security must be present and able to prevent outdoor crowding and congregating and inappropriate crowd behavior.
4. A qualified Manager must be available at all times to address complaints directly from community members and must supply a 24 hr contact phone number and must be professional and empowered to respond to complaints immediately.
5. Owner must supply a contact number to local residents and be responsive to concerns and respond in a timely manner to all issues.

6. Establishment should conform to all aspects of their approved “method of operation”.
7. Premise should operate as a good neighbor to the local residential community.

Vote: Unanimous, with 38 Board members in favor.

**7. 37 W. 29th Street, LLC TBD, 40 W. 8th Street 10011 - DCA application for Cabaret License**

**Whereas**, the applicant appeared before the CB#2, Man.’s SLA Licensing Committee; and,

**Whereas**, this application is for the a Cabaret license in a commercial building for a 5,000 sq ft premise on 8th Street between 5th and 6th Avenue (block # 553 / lot # 21), there is no sidewalk café and no use of a backyard garden, there are 18 tables and 32 seats and Banquette seating for 50 and 2 bars for a total of 82 seats with a proposed occupancy of 210 and the maximum occupancy for the premise is 210; and,

**Whereas**, the applicant has indicated that the premise would be operated as a night club, that the hours of operation would be Sunday to Saturday from 12:00 p.m. to 4:00 a.m. and will include live music and live D.J.; and,

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

1. No velvet ropes or any barriers will be used, or placed in front of other merchants.
2. Security will be inside and outside, wearing an identifiable uniform and be proactive in preventing security and quality of life issues from occurring.
3. Security will manage crowd control, traffic, parking, and noise issues outside on both 8<sup>th</sup> Street and MacDougal Street.
4. MacDougal Street will be for exiting only – no entrance.
5. There will be no large speakers reinstalled at this premise.
6. Contact information for both Security and Management will be provided to the neighboring residents.
7. Kitchen will stay open and serve until 1 hour before closing.
8. There will be no after hours events: the space will be closed and dark at 4:00 a.m.
9. Sound Curtains will be installed to block outgoing noise from entrance and exits.
10. All garbage and recycled bottles will be put out for pickup and garbage carting service will be scheduled during appropriate hours to minimize noise and disturbance of the residents.
11. Signs are to be posted to inform customers to be quiet and be respectful of the neighbors.

**Whereas**, there was a representative of the 8th Street Association who spoke in support of this license as long as they agreed to be closed and dark at 4:00 a.m.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the Cabaret licenses for **37 W. 29th Street, LLC TBD, 40 W. 8th Street 10011** **unless** the conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the DCA Cabaret license.

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

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

**8. Brewster Coachmakers, LLC, 177 Mott St.**

**Whereas**, the applicant did not appear before the committee even though CB#2, Man. requested them to appear in July 2012 due to a miscommunication regarding a waiver that was sent to the SLA in June 2012 that the applicant felt had exempted them from appearing; and,

**Whereas**, this application for a new On Premise License originally presented in November 2010 that had expired after 6 months and CB#2, Man. was told at the time of the issuance of a waiver in June 2012 that there were no changes to the method of operation so a waiver was granted to the applicant to present to the Liquor Authority; and,

**Whereas**, it was discovered after the waiver was sent in June 2012 that the current Temporary Certificate of Occupancy (TCO) that was issued by the NYC Department Of Buildings indicates a lower occupancy for the basement level of the establishment than was originally presented to CB2, which would affect the layout of the establishment in that more seats and tables were presented in the original application than are allowed by the TCO and those numbers do not incorporate staff or standing patrons should all the seats be occupied, and this is a material change to the original application that was presented almost 2 years ago; and,

**Whereas**, CB#2, Man. would like the applicant to return to CB#2, Man. with a new completed questionnaire so that an updated resolution can be created to reflect the current circumstances of the premise and any other changes and to reaffirm the agreed upon stipulations and method of operation so that there is no confusion regarding this application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA send this applicant back to CB#2, Man. prior to hearing any proposed liquor license for **Brewster Coachmakers, LLC, 177 Mott St.** and disregard the waiver letter until the applicant has presented their revised application in front of CB2's SLA Licensing Committee and CB#2, Man. has forwarded an updated resolution to the SLA dated after July 2012 in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**9. 169 Thompson, LLC TBD, 169 Thompson Street 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed liquor license for **169 Thompson, LLC TBD, 169 Thompson Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**10. Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Moo Kamibika, 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 38 Board members in favor.

**11. Cuvee Kitchen, LLC, TBD, 24 Fifth Avenue 10011**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Cuvee Kitchen, LLC, TBD, 24 Fifth Avenue 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**12. Phoenix Elizabeth Street, LLC d/b/a Jos, 264 Elizabeth St., 10012**

**Whereas**, the applicant did appear before the committee and requested a layover; and,

**Whereas**, this application is an alteration to their license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license alteration for **Phoenix Elizabeth Street, LLC d/b/a Jos, 264 Elizabeth St., 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**13. Toby's Public House II LLC, d/b/a Toby's Public House, 86 Kenmare St. 10012**

**Whereas**, the applicant did not appear before the committee; and,  
**Whereas**, this application is an alteration to their Beer and Wine license to include a sidewalk cafe;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Toby's Public House II LLC, d/b/a Toby's Public House, 86 Kenmare St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. MacDougal G Corp., 116 MacDougal St, NYC 10012 (SLA Serial #1126535)**

**Whereas**, the applicant did appear before the committee and requested a layover; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license corporate change for **MacDougal G Corp., 116 MacDougal St, NYC 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. PGT Rest. Corp. d/b/a Slainte, 304 Bowery 10012**

**Whereas**, the applicant did appear before the committee and requested a layover; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **PGT Rest. Corp. d/b/a Slainte, 304 Bowery 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**16. 202 Centre Corp. d/b/a Red Egg, 202 Centre St. 10013**

**Whereas**, the applicant did appear before the committee and requested a layover; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **202 Centre Corp. d/b/a Red Egg, 202 Centre St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and

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

Vote: Unanimous, with 38 Board members in favor.

**17. Luxor Lounge, Inc. d/b/a Luxor Lounge, 118 MacDougal St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is for the corporate change of the On Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **Luxor Lounge, Inc. d/b/a Luxor Lounge, 118 MacDougal St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**18. 151 Bleecker, LLC d/b/a Red Lion, 151-153 Bleecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is for the alteration of the On Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any alteration to the 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 38 Board members in favor.

**19 . The Brick Cellar, 100A 7th Ave. South**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 10th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is for the renewal of the On Premise license;

**THEREFORE BE IT RESOLVED** that strongly recommends that the SLA **deny** any renewal to the proposed liquor license **The Brick Cellar, 100A 7th Ave. South** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the



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

Vote: Unanimous, with 38 Board members in favor.

**20. St. Helene LLC, TBD, 233 W. 4<sup>th</sup> St. aka 183 W. 10<sup>th</sup> St. 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new restaurant on-premise liquor license on the ground floor of a 6 story mixed use commercial/residential building located on the corner of West 4<sup>th</sup> St. and West 10<sup>th</sup> Street, for a 650 sq. ft premise with 7 tables with 23 seats, 1 bar with 6 seats, and 5 stools at a sushi bar for a total of 34 seats, the maximum proposed occupancy is 48 people, there is an existing Certificate of Occupancy, there is no backyard use, there is no sidewalk café at this time; and,

**Whereas**, the hours of operation will be Sunday from 11 a.m. to 11 p.m., Monday-Tuesday from 5 p.m. to 11 p.m., Wednesday-Thursday from 5 p.m. to 12 a.m., Friday from 5 p.m. to 2 a.m. and Saturday from 11 a.m. to 2 a.m., the establishment will be a Izakaya, a Japanese Bistro, combining cooked elements and raw fish, small bites and will be a family friendly casual atmosphere, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there may be occasional private parties; and,

**Whereas**, there is an existing on-premise license at this location for Madi, Inc. d/b/a I Tre Merli Bistro, SLA Serial #1137221; and,

**Whereas**, the applicant is a principle in 4 other establishments within CB2, Manhattan including John Dory LLC dba Market Table, Happy Cooking LLC dba Joseph Leonard, Little Wisco LLC dba Fedora, and Penmanship LLC dba Jeffrey's Grocery, the last three of which he is the sole principle and which have on-premise liquor licenses; and,

**Whereas**, several members of the community who had previously spoken in opposition to another one of the applicants establishments prior to it's opening spoke in strong support of the applicant, one resident spoke of the issue of general late night noise in the area and several speakers noted that the applicant lived in the immediate area and successfully operates all of his establishments in residential areas; and,

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

1. The hours of operation will be Sunday from 11 a.m. to 11 p.m., Monday-Tuesday from 5 p.m. to 11 p.m., Wednesday-Thursday from 5 p.m. to 12 a.m., Friday from 5 p.m. to 2 a.m. and Saturday from 11 a.m. to 2 a.m. The premise will be closed and no customers present at the end of the hours of operation.
2. All doors and windows will be closed at 9 p.m. with no exceptions.
3. The applicant will abide by and adhere to all the information as presented in CB2 Manhattan's SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.

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

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

**21. LLC to be formed (now Roland Restaurant Group, Inc.) or Chong Hon Song, TBD, 9 E. 13<sup>th</sup> St. 10003**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a transfer of an existing on premise liquor license (JL Restaurant Group, Inc., SLA Serial Number 1155234) for a new on-premise liquor license on the ground floor and basement in a commercial building located between 5<sup>th</sup> Avenue and University Place for a 4,500 Sq Ft Premise (2,500 sq ft 1<sup>st</sup> floor and 2,000 sq ft basement) with 22 tables and 79 seats and 1 stand up bar with 8 seats on the Ground Floor and 10 tables and 56 seats and 1 bar with 8 seats in the basement for a total of 151 seats, the applicant states the maximum occupancy is 200, there is no backyard use or sidewalk café use or any other outdoor spaces; and,

**Whereas**, the existing Korean restaurant on the ground floor will now be a “European style bistro, serving lunch, weekend brunch and dinner with emphasis on moderate pricing, quality cuisine and impeccable service” and the basement area will continue to be operated under a different d/b/a, Karaoke Cave, operating as a Karaoke establishment, the hours of operation for the ground floor portion of the establishment will be Sunday from 10 a.m. to 12 a.m., Monday – Thursday from 11 a.m. to 12 a.m., Friday from 11 a.m. to 2 a.m. and Saturday from 10 a.m. to 2 a.m., the closing hours for the basement portion of the establishment will be Sunday and Monday at 12 a.m., Tuesday to Thursday at 2 a.m. and Friday to Saturday at 3:30 a.m., outside of the karaoke rooms in the basement portion of the premise, music will be quiet background only generated from ipod/cd’s with No D.J.’s (i.e. no active manipulation of music – only passive prearranged music), there will be no promoted events, scheduled performances, outside promoters but there may be occasional private parties; and,

**Whereas**, the applicant performed outreach to the community, presented a signed petition in support and met with the local Block Association, the East 12th & 13th Street Block Association, and reached an executed agreement with the Association listing a number of stipulations which are listed below, that the applicant has stipulated in writing with CB2 that they have agreed to incorporate into the “method of operation” with the SLA for their on-premise liquor license:

1. **Hours of operation:** On each Sunday through Thursday night, the Operator shall close the upstairs restaurant no later than **Midnight**. On each Friday and Saturday night, (more correctly referred to as Saturday and Sunday morning) the Operator shall close the upstairs restaurant no later than **2:00AM**.
2. **Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
3. **Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.

4. **Front door:** The Operator shall construct a double door vestibule that prevents noise from escaping onto the sidewalk. The Operator shall cause the doors to remain in a closed position. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment. The Operator shall hang a sign outside the establishment, which shall be legible from 20 feet away, instructing patrons to keep the noise down and to respect the neighbors.
5. **Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open past 10PM. If any windows are to be replaced they are to be replaced with non-operable windows.
6. **Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.
7. **Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
8. **Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.
9. **Dancing:** The Operator shall not permit dancing in the Establishment.
10. **Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not place refuse at the curb. The Operator shall construct a refrigerated room to store the garbage and will store all garbage in said refrigerated room.
11. **Sidewalk:** The Operator shall not block or encumber the sidewalk.
12. **Outdoor Seating:** The operator will not establish any outdoor seating or seek to obtain permission for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.
13. **Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.
14. **Steering:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
15. **Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.
16. **Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.
17. **Signage:** All signage will conform to signage standards found in landmark districts.
18. **Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.
19. ~~**Basement:** The Establishment's basement shall not be used to seat or serve patrons.~~ (This was eliminated as it is not accurate. There is use of the basement for patron's in the karaoke establishment)
20. **Kitchen Exhaust:** The Operator shall insure that smells emitting from the establishment do not disturb the neighbors. Upon request the Operator shall implement whatever measures necessary to abate any extant odor issues emanating from the establishment.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a transfer of an on-premise liquor license for **LLC to be formed (now Roland Restaurant Group Inc) or Chong Hon Song, TBD, 9 E. 13<sup>th</sup> St. 10003** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

## **22. The Marrow Restaurant, LLC, 99 Bank St. 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood restaurant serving a meat menu” with a full food menu for a full service, sit down restaurant in a residential cooperative building for a premise located on the first floor and basement with patron use of the first floor and food storage, food prep and restrooms in the basement with 28 tables and 62 seats and 1 bar with 11 seats for a total of 73 seats, there will be no open French doors or open windows in the premise and there will be no outdoor areas where alcohol is served; and,

**Whereas**, the applicant states that the hours of operation are Sunday from 11 am to 12 am, Monday to Thursday from 11:30 am to 12 am, and Friday to Saturday from 11:30 am to 1:00 am; at the end of the hours of operation, no patrons will remain in the premise, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, there will not be a sidewalk café application and there will be no outdoor seating of any kind; and,

**Whereas**, the applicant clearly stated that the footprint covered by this application and as described in the applicant’s diagrams is exactly the same as the last licensee, Paris Commune, with the exception that a new handicap accessible bathroom will be added to newly acquired space on the ground floor; and,

**Whereas**, the ground floor of the location has allowable patron use for eating and drinking according to the Certificate of Occupancy, the basement space does not; the applicant will be applying to alter the Certificate of Occupancy to allow patron use of the basement portion of the premise and after a revised Certificate of Occupancy has been issued showing allowable patron use of the basement portion of the premise, the applicant will return to CB2’s SLA Licensing Committee prior to any use of the basement area for patrons for a recommendation to the NY State Liquor Authority; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 12:00 a.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday.
2. The applicant will return to CB2’s SLA Licensing Committee prior to patron use of the basement area and furthermore will not use the basement for patron eating and drinking use until the applicant has obtain an amended Certificate of Occupancy from NYC Department of Buildings showing specifically that eating and drinking use is allowed in the basement (at the time of this application, eating and drinking use is only allowable on the ground floor and no patron use is permitted in the basement), at that time, the applicant will present an additional 1 table and 20 seats in the basement; and,
3. All Doors and windows will be closed by 10 pm (there are currently no operable windows).
4. The premise will be operated as a full service restaurant only.
5. Music will be quiet background music only.
6. The applicant will abide by and adhere to all the information as presented in CB#2 Manhattan’s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.

**Whereas**, the applicants also have two other restaurants within the confines of CB#2, Man., Perilla Rest LLC, 9 Jones St. and Chili Tam LLC d/b/a Kin Shop at 469 6<sup>th</sup> Avenue; and,

**Whereas**, the applicant had reached out to members of the community and held a number of “open houses” over the course several weeks at the location and presented many letters as well as a petition in support and over 18 members of the community appeared at CB2’s SLA Licensing committee in support of the application with no letters or persons appearing in opposition; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise liquor license for **The Marrow Restaurant, LLC, 99 Bank St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

### **23. Jennifer Carroll or Corp. to be formed, TBD, 33 Greenwich Ave. 10014**

**Whereas**, the applicants appeared before the committee; and,

**Whereas**, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood approachable seafood restaurant” with a full food menu for a full service, sit down restaurant in a residential cooperative building for 1,900 sq ft premise located on the first floor with 30 tables and 85 seats and 1 bar with 8 seats for a total of 93 seats, the applicant will be updating the certificate of occupancy to reflect eating and drinking use and an appropriate occupancy to match the information presented; and,

**Whereas**, the applicant has agreed to a reduction of hours which are now Sunday to Thursday from 11 a.m. to 12 p.m. and Friday and Saturday from 11 am to 1 am; at the end of the hours of operation, no patrons will remain in the premise, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be new soundproofing installed by a qualified profession sound engineer, there will be no dj, no promoted events, no scheduled performances, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, this application does not include a sidewalk café nor any other outdoor space; and,

**Whereas**, the applicant reached out to the local neighborhood block association, the Mid West 10<sup>th</sup> St. Block Association prior to the applicant appearing before CB#2, Man. and had extensive discussions regarding various aspects of this application and the method of operation and reached an agreement on a number of points, but was unable to reach consensus on the hours of operation; and,

**Whereas**, at CB#2, Man.’s SLA Licensing Committee meeting a number of residents in the area said they were opposed to the application unless the applicant agreed to stipulate to hours of operation ending at midnight Sunday to Thursday and 1 a.m. Friday and Saturday in addition to the other stipulations that had been agreed to prior to the meeting; community residents also pointed out that a significant number of establishments in the area that are full service restaurants and others close at those hours and there was no reason a full service high end restaurant would need to close any later than similar establishments in the area and the high number of liquor licenses and the corresponding late night quality of life issues were noted; it was also pointed out that the previous licensed establishment at this location, Maracas Greenwich Avenue Partners LLC, SLA Serial #1170228, was the subject of a significant number of

community complaints and even though it was a “restaurant” operated as a party location and caused significant noise issues in the building it was located because the premise was not sound proofed, even though they operated at the same hours; and,

**Whereas**, CB#2, Man. received a large number of email also stating opposition to this license application unless the applicant agreed to close at midnight Sunday to Thursday and 1 a.m. Friday and Saturday; and,

**Whereas**, at CB2’s SLA Licensing meeting, the applicants were able to reach consensus with the local Block Association, the Mid West 10<sup>th</sup> Street Block Association and CB#2, Man. and executed a written agreement; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that they would adhere to the agreement with the Mid West 10<sup>th</sup> Street Block Association which states that:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year from the date of opening, after which the Operator will only be able to apply for a sidewalk café

should there be a vote of no objections from the Mid-West 10<sup>th</sup> Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10<sup>th</sup> Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Department of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall 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.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Jennifer Carroll or Corp. to be formed, TBD, 33 Greenwich Ave. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 8<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**24. 430 LLC d/b/a Goodwin, 430 Hudson St. 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an upgrade from a tavern wine license to a restaurant on-premise liquor license for a “wine bar/café serving small plates and dinner entrees” on the ground floor of a 5 story mixed use commercial/residential building located on between Morton St. and Leroy St., for a 800 sq. ft premise with 31 tables with 60 seats, 1 stand up bar with 11 seats for a total of 71 seats (note this table and seating count does not include any tables or seating in a sidewalk café), there is an existing Certificate of Occupancy listing a maximum occupancy of 74, there is no outdoor backyard use, there is no sidewalk café seating included in this application; and,

**Whereas**, the hours of operation will be Sunday from 12 p.m. to 12 a.m., Monday-Wednesday from 11 a.m. to 12 a.m., Thursday to Saturday from 11 a.m. to 2 a.m., there will be **no** music, there will be no d.j., no promoted events, there may be occasional private parties; and,

**Whereas**, the existing tavern wine license, serial number 1252207 was issued only two months ago on May 10, 2012, and the applicant stated he had only been open for 4 weeks at the time of this application and prior to that the location was never previously licensed for any type of liquor license, which is of some concern to members of the committee; and,

**Whereas**, several members of the community spoke in support of the application and several letters were received in support of the application, in particular, speakers applauded the renovation of the building that the applicant owns and the fact that the applicant lives in the same building; and,

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

1. This application does not include the sidewalk café portion of the premise that the applicant is currently in the process of applying for with the NYC Department of Consumer Affairs. The applicant will return at a future date to present an application to include the sidewalk café.
2. The applicant will only operate this establishment as a full service restaurant.
3. There will be no outdoor use in the backyard garden. All patron use with the exception of a potential sidewalk café will be interior only.
4. The applicant states that there will be no music, but should there be music, it will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music). There will be no d.j.’s. There will be no live music. There will be no promoted events.
4. All doors and windows will be closed at 10 p.m.
5. The applicant will abide by and adhere to all the information as presented in CB2 Manhattan’s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.



**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an upgrade from a tavern wine license to a full restaurant on-premise liquor license for **430 LLC d/b/a Goodwin, 430 Hudson St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**25. Marel Gare, LLC d/b/a Bistro La Gare, 626 Hudson St. 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an upgrade of a restaurant wine license (SLA Serial #1239801) that has been in place for 2 ½ years to a new restaurant on-premise liquor license on the ground floor of a 4 story mixed use commercial/residential building located between Jane St. and Horatio Street, for a 1,100 sq. ft premise with 18 tables with 40 seats, 1 bar with 4 seats, and 16 seats in a rear outdoor patio area for a total of 60 seats, there is an existing Certificate of Occupancy, there is no sidewalk café; and,

**Whereas**, the hours of operation of the interior portion of the premise will be Sunday to Thursday from 11 a.m. to 11:30 p.m. and Friday to Saturday from 11 a.m. to 12:30 a.m., the hours of operation for the outdoor rear patio will open at the same time as the interior portion of the premise and will close at 11 p.m. with no patrons remaining after that time outside, the establishment will continue to be a “neighborhood restaurant, Mediterranean cuisine with French and Italian overtures”, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there may be occasional private parties; and,

**Whereas**, several members of the community appeared in support of the applicant, including the President of the local block association, several letters were received in support and there are no complaints regarding the existing establishment; and,

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

1. The hours of operation of the interior portion of the premise will be Sunday to Thursday from 11 a.m. to 11:30 p.m. and Friday to Saturday from 11 a.m. to 12:30 a.m., the hours of operation for the outdoor rear patio will open at the same time as the interior portion of the premise and will close at 11 p.m. with no patrons remaining outside after that time. The premise will be closed and no customers present at the end of the hours of operation.
2. All doors and windows will be closed at 10 p.m. with no exceptions.
3. Music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there may be occasional private parties
4. The applicant will abide by and adhere to all the information as presented in CB2 Manhattan’s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an on-premise liquor license for **Marel Gare, LLC d/b/a Bistro La Gare, 626 Hudson St. 10014** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**26. Danny Bensusan or Corp to be formed, 22 Little W. 12<sup>th</sup> St. 10014**

**Whereas**, representatives of the applicant appeared before the committee for the third time to amend their application for a new on-premise liquor license not yet filed with the NY State Liquor Authority that was originally presented in January 2012 to CB#2, Man. for the above noted address to incorporate additional space and additional seating by adding an additional floor on the 5<sup>th</sup> floor of the building, by altering the seating on the 6<sup>th</sup> and 7<sup>th</sup> floors and adding some additional seating on the 5<sup>th</sup> Floor and to alter the style of food offered from “High End Japanese Restaurant with Robata Bar & Grill” to “Brazilian/Mediterranean cuisine with emphasis on South American cuts of beef” and add live background music to the sixth floor focusing on Brazilian and American music; and,

**Whereas**, this application is an alteration to the previously approved application for this location as outline in CB#2, Man.’s January 19, 2012 resolution which states that “**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise liquor license for Danny Bensusan or DBS Restaurant Group LLC, 22 Little West 12th St., NYC unless the statements the applicant has presented to CB2 and above are accurate and that those conditions and stipulations agreed to by the applicant relating to the 13<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.”

**Whereas**, the information as appears below amends the January 19, 2012 Resolution to incorporate the changes presented by the applicant on July 12, 2012; and,

**Whereas**, this application is for a new on premise liquor license for the basement, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor in a 7 story commercial building located on Little West 12<sup>th</sup> St between Washington St and Ninth Avenue for a 17,832 sq ft premise (2,100 sq ft Cellar, 5,916 sq ft. 5<sup>th</sup> floor, 5,916 sq ft and 6<sup>th</sup> floor, 3,900 sq ft penthouse/7<sup>th</sup> floor) for a “full service restaurant offering 2 star food with a menu of 40 food items” of “Brazilian/Mediterranean cuisine with emphasis on South American cuts of beef” on the 5<sup>th</sup>, 6<sup>th</sup> floor and penthouse/7<sup>th</sup> floor and “live music venue in cellar” with 12 tables and 52 seats on the basement level with one stand up bar with no seats, 2 tables and 34 seats in a private dining area on the 5<sup>th</sup> Floor, 30 tables and 134 seats and 1 stand up bar with 6 seats on the 6<sup>th</sup> floor and 21 tables and 80 seats with a service bar on the 7<sup>th</sup> floor for a total of 65 tables, 2 stand up bars, 1 service bar and 306 seats throughout the premises and the maximum occupancy has not yet been determined; and,

**Whereas**, representatives of the applicant stated that there would be no use of the outdoor area on the top floor/7<sup>th</sup> floor/Penthouse level, the hours of operation for the establishment are seven (7) days a week from 10 a.m. to 4 a.m., music will be live music in the cellar at entertainment level, and quiet background music on the 5<sup>th</sup>, 6<sup>th</sup> and penthouse/7<sup>th</sup> floors from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) and from live music performances on the 6<sup>th</sup> floor which will be at background levels and not entertainment levels which will focus on live Brazilian and American music, there will be no D.J.’s, there will be soundproofing and a professional sound engineer will be used, there will be promoted events, scheduled performances, events at which a cover fee is charged and private parties, the applicant stated they have plans to manage and address vehicular traffic and crowd control on the sidewalks but did not include plans; and,

**Whereas**, representatives of the applicant stated that the principal has founded Blue Note Entertainment Group, which owns and operates several venues, including the Blue Note Jazz Club located in Greenwich Village in CB#2, Man. and in Japan and Milan, as well as other venues in NYC including BB Kings and the Highline Ballroom; and,

**Whereas**, the applicant stated that the basement live music venue will have an 82-person capacity and feature the best in Jazz, Latin Jazz and World Music, will focus on emerging talent with occasional showcase of bigger names in a very intimate setting and would have late night jam sessions with hours of operation from 6pm to 4am; and

**Whereas**, the applicant stated that the restaurant located on the 5<sup>th</sup>, 6<sup>th</sup> and penthouse/7<sup>th</sup> floors, which would support the basement live music venue, would have approximately 254 dining seats and would be open from 11:30 a.m. to 4 a.m. and would be a “full service restaurant offering 2 star food with a menu of 40 food items” of “Brazilian/Mediterranean cuisine with emphasis on South American cuts of beef”; and,

**Whereas**, at their presentation in January 2012, the applicant submitted 17 letters in support from business in the surrounding community and several additional letters of support were received; and,

**Whereas**, in January 2012, CB#2, Man. received over 30 letters in opposition to the applicant, the majority who were specifically objecting to the use of the outdoor space on the penthouse/7<sup>th</sup> floor; and,

**Whereas**, after extensive discussion at the committee meeting in January 2012 and comments at that meeting from 3 people in favor of and from 13 members of the community against (all against were against outdoor use on the 7<sup>th</sup> floor/penthouse, and a couple fully against the applicant); and,

**Whereas**, during the discussion in January 2012’s committee meeting almost all of those in opposition to the use of outdoor space on the 7<sup>th</sup> floor/Penthouse said they would hesitantly support this application in a grossly oversaturated area if they dropped the use of the outdoor space *only* because this is a unique application from an established operator, the Blue Note, who has been an important part of the New York City music scene, and a part of our community, for many years, and contributes in a positive way to the cultural history of New York City by focusing on jazz artists, and that the purpose of this new venue is to showcase young, new jazz talent; and

**Whereas**, at the January 2012 committee meeting, opposition to the outdoor space was specific because of the consequences of the already existing 4 rooftop venues in the area (now 5 in July 2012), 3 of which are associated with hotels (only two of which were approved by the community for a very unique and specific set of circumstances that would not apply to any other venue), and because neighboring residents hear the music and activity of roof top operations from several blocks away because of the direct line of sight that sound travels, regardless of what “experts” say they find in their tests; and,

**Whereas**, after extensive discussion at the January 2012 committee meeting, the applicant agreed to withdraw the outdoor space from consideration for the application because it was clear that members of the community and members of the committee would not support the use of the outdoor space ever because it is clearly not in the public interest; and,

**Whereas**, the applicant executed a CB#2 Stipulations agreement in January 2012 stating that:

1. The applicant agrees to no use of the outdoor rooftop space of the 7<sup>th</sup> floor/Penthouse level.
2. The applicant agrees to keep all doors and windows throughout the establishment closed at all times.

3. The applicant has hired a soundproofing expert who presented a program to ensure that no sound would emanate from the glass-fronted 7<sup>th</sup> floor/penthouse, rooftop addition.
4. The applicant agrees to post “please respect the neighbors” signs outside all entrances.
5. The applicant agrees to post a security guard/door person at all street level entrances and exits including to at least 30 minutes after closing to maintain a managed presence outside the venue, this includes both the Little West 12<sup>th</sup> Street Entrance and the Entrance to the basement venue through Gansevoort St.

**Whereas**, in July 2012, the applicant executed a CB#2 Stipulations agreement stating that:

1. The applicant agrees to maintain the stipulations agreed to in January 2012.
2. The applicant agrees that the top floor/penthouse/7<sup>th</sup> floor will be comprised of all soundproofed glass non-operable windows and other sound proofed materials (i.e. windows that do not open and no other openings to the exterior).
3. The applicant agrees that all music on the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors will be background only at all times and not at entertainment levels.
4. The applicant agrees that there will not be patron use of outdoor space on the top floor/penthouse/7<sup>th</sup> floor ever.
5. The applicant will abide by and adhere to all the information as presented in CB2 Manhattan’s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.

**Whereas**, according to the applicant there are 23 licensed premises within 500 ft.;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an On Premise liquor license for **Danny Bensusan or Corp to be formed, 22 Little W. 12<sup>th</sup> St. 10014** **unless** the statements the applicant has presented to CB2 and above are accurate and that those conditions and stipulations agreed to by the applicant relating to the 15<sup>th</sup> and 16<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**27. Zossima, Inc. d/b/a Doma Na Rohu, 27 1/2 Morton St. aka 60 Bedford St. 10014 (SLA Serial #1260738)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is to add a new sidewalk café into the existing Restaurant Wine license that was originally issued on April 5, 2012; the premise is located on the ground floor of a 6 story mixed use commercial/residential building located between 7<sup>th</sup> Ave. South and Bedford St. and occupies 1,224 sq ft (612 sq ft on ground floor for patron use and 612 sq ft in the basement for non patron use) with a total of 15 tables and 31 seats and 1 bar with 6 seats for a total of 37 seats on the interior of the premise and the addition through this application of 6 tables and 12 seats in an outdoor sidewalk café area as licensed by the NYC Department of Consumer Affairs located entirely on 7<sup>th</sup> Ave. South, there is a letter of no objection issued by the NYC Department of Buildings for the interior 1<sup>st</sup> floor of the premise only; and,

**Whereas**, the hours of operation of the interior portion of the premise are Sunday to Thursday from 7 a.m. to 11 p.m. and Friday to Saturday from 7 a.m. to 12:00 a.m., the hours of operation for the sidewalk café will open as allowed under the sidewalk café laws and will close at the same time as the interior of the premise with no patrons remaining inside or outside in the sidewalk café at the end of the hours of operations, the establishment will continue to be a “full service restaurant serving breakfast, lunch and

dinner, music in the interior will continue to be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events; and,

**Whereas**, this applicant has operated another establishment, Doma, several blocks North on Perry St. for many years with no known issues; and,

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

1. The hours of operation of the interior portion of the premise are Sunday to Thursday from 7 a.m. to 11 p.m. and Friday to Saturday from 7 a.m. to 12:00 a.m., the hours of operation for the sidewalk café will open as allowed under the sidewalk café laws and will close at the same time as the interior of the premise with no patrons remaining inside or outside in the sidewalk café at the end of the hours of operations.
2. The licensee will adhere to all NYC Sidewalk Café Laws and Guidelines including no music in the sidewalk café area and will not open prior to the allowable opening times on weekends.
3. Interior music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events.
4. The applicant will abide by and adhere to all the information as presented in CB2 Manhattan's SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the extension of premises to include an outdoor sidewalk café for the existing Restaurant Wine license SLA Serial # **1260738** for **Zossima, Inc. d/b/a Doma Na Rohu, 27 1/2 Morton St. aka 60 Bedford St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 38 Board members in favor.

**28. Little West 12<sup>th</sup> LLC d/b/a Tenjune; STK, 26 Little West 12<sup>th</sup> St. 10014 (DCA Cabaret Application)**

**Whereas**, a representative of the applicant appeared before the committee; and,

**Whereas**, this is an application for a DCA Cabaret license on the basement level only of the premise which located in a commercial building on Little West 12<sup>th</sup> St. between 9<sup>th</sup> Avenue and Washington St.; the premise is a “female friendly steakhouse with a focus on steaks and seafood” restaurant and nightclub which operates under two establishments/dba's occupying an entire building spanning 5 floors which has, according to the Certificate of Occupancy presented by the applicant for 28 Little West 12<sup>th</sup> St, a maximum occupancy of 250 persons in the basement and 907 persons in the whole premise, specific seat and table counts for the basement were not provided but a diagram/schematic was provided and a statement that there were no physical changes to the existing layout and there are 70 tables and 315 seats and 3 Bars with 10 seats for a grand total of 325 seats in the whole premise over 5 floors; and,

**Whereas**, the applicant stated that the hours of operation are Sunday from 12 p.m. to 12 a.m., Monday from 5:30 p.m. to 12 a.m., Tuesday to Friday from 5:30 p.m. to 4:00 a.m. and Saturday from 12 p.m. to 4 a.m.; the music is by d.j.; and,

**Whereas**, there are some discrepancies regarding the address of the establishment which is licensed by the New York State Liquor Authority at 26 Little West 12<sup>th</sup> Street and that address was provided by the applicant to the SLA across numerous filings with the Liquor Authority, but now the applicant states the address is 28 Little West 12<sup>th</sup> St., which according to the NYC Department of Buildings is a physically different building with a separate Building Identification Number and raises some concerns (please see CB#2 Man.'s letter to the DCA dated November 30, 2007 regarding the DCA Cabaret application at the time for this premise which references 26 Little West 12<sup>th</sup> St); and,

**Whereas**, the applicant has filed a DCA Consumer Affairs application for the lower level lounge in the basement only d/b/a Tenjune; and,

**Whereas**, the applicant has executed a stipulations agreement stating that the DCA Consumer Affairs application is for the basement level only; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man, has no objection to the approval of a NYC Department of Consumer Affairs Cabaret License for the basement level only of the premise operated by Little West 12<sup>th</sup> LLC d/b/a Tenjune/STK, at 26 Little West 12<sup>th</sup> St, 10014.

Vote: Unanimous, with 38 Board members in favor.

**29. Little West 12<sup>th</sup> LLC d/b/a Tenjune; STK, 26 Little West 12<sup>th</sup> St. (on-premise liquor license renewal SLA Serial #1164726)**

**Whereas**, a representative of the licensee appeared before the committee; and,

**Whereas**, the applicant appeared at the request of CB#2, Man. to discuss their renewal application for an on-premise liquor license (SLA Serial #1164726); and,

**Whereas**, this location operates as two separate d/b/a's STK and Tenjune, Tenjune is a nightclub with cabaret license and is located in the basement and STK is a "female-friendly steakhouse with a focus on steaks and seafood" located on the other floors; the establishment is a 4 story plus roof top use premise with a 5,500 sq ft. Basement, a 4,800 sq ft 1<sup>st</sup> floor, a 4,800 sq ft 2<sup>nd</sup> floor, a 4,800 sq ft 3<sup>rd</sup> floor and a 3,800 sq. ft. rooftop which operates Sunday from 12 p.m. to 12 a.m., Monday from 5:30 p.m. to 12 a.m., Tuesday to Friday from 5:30 p.m. to 4:00 a.m. and Saturday from 12 p.m. to 4 a.m., there are 70 tables and 315 seats throughout the premises, 3 bars with 10 seats for a total of 325 seats, the maximum legal occupancy is 907 persons; and,

**Whereas**, there are some discrepancies regarding the address of the establishment which is licensed by the Liquor Authority at 26 Little West 12<sup>th</sup> Street and that address was provided by the applicant to the SLA across numerous filings with the Liquor Authority, but now the applicant states the address is 28 Little West 12<sup>th</sup> St., which according to the NYC Department of Buildings is a physically different building with a separate Building Identification Number and raises some concerns; and,

**Whereas**, CB#2, Man. has received written and verbal complaints from residents in the area complaining about music coming from the rooftop of this establishment that can be heard several blocks away; and,

**Whereas**, a number of residents spoke at the meeting regarding the music that can be heard several blocks away that is coming from the rooftop area of this premise and stated that they had tried to approach managers and staff at the establishment to address this issue but there were no communicative employees or staff present to address their concerns; additionally, residents noted that attempts to reach a qualified manager or staff member to discuss these issues by phone and by email were ignored; and,

**Whereas**, the roof-top and upper floors of this establishment were added to this premise by means of an alteration application to the Liquor Authority that was presented to CB#2, Man. in April 2007 and at the time CB#2 Man. submitted a resolution to the Liquor Authority recommending Denial of the alteration expressing strong concerns over the addition of an open air roof-top and the issue of sound traveling directly into the neighboring residential community; and,

**Whereas**, the concerns regarding potential noise from the roof-top which were addressed in April 2007 have clearly been validated and have been further exacerbated by the addition of amplified music;

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. Recommends Liquor Authority **deny** the renewal application for the Full On-Premise license for **Tenjune; STK, 26 Little West 12<sup>th</sup> St. (SLA Serial #1164726)**; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. would withdraw our objection to the renewal of the on-premise liquor license **if**:

1. The licensee **removed the use of all music on the rooftop** of the premise.
2. The licensee would have a **responsive Manager on the premise at all hours** of operation.
3. The licensee instituted procedures that would allow complaints and concerns from the local community to reach appropriate managerial staff who are on the premise, empowered to make decisions and who are able to appropriately respond in a timely manner and who would keep the principles of the establishment informed of all contact with community residents whether contact be in person, in writing, via email or via telephone call.

Vote: Unanimous, with 38 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. Swiss Institute, 18 Wooster Street, 10012**

**Whereas**, at this months CB#2, Man. SLA Licensing Committee meeting on July 12, 2012, the applicant requested to lay over consideration for their application for a new on-premise liquor club license at the above noted premise and will continue community outreach and will re-present their application at a future meeting of CB#2's SLA Licensing Committee;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Swiss Institute, 18 Wooster Street, 10012** until the applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB#2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**31. Laduree SoHo LLC, d/b/a Laduree, 396-398 W. Broadway 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant's attorney requested a layover of consideration for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license for **Laduree SoHo LLC, d/b/a Laduree, 396-398 W. Broadway 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

### **32. Ginza 4 LLC, 817 Washington St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant's attorney requested a layover of consideration for this application in order to perform additional community outreach and the attorney will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, the applicant was scheduled to appear in early August before the full board of the New York State Liquor Authority in regards to this application, but has also agreed to request that the appearance be moved to another date which will occur after they have presented their application before CB#2, Man.;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license for **Ginza 4 LLC, 817 Washington St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

### **33. Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South (Current License #1261220)**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant requested to lay over consideration for their application for an upgrade from a restaurant wine license to an on-premise liquor license at the above noted premise and will continue community outreach and will re-present their application at a future meeting of CB2's SLA Licensing Committee; and,

**Whereas**, the applicant has agreed not to submit this application to the New York State Liquor Authority until the application has been presented to CB#2, Man.

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed on-premise liquor license or any type of changes to any existing license for **Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South** until the applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.



**34. Tong Hospitality, Inc. d/b/a Spice, 39 E. 13<sup>th</sup> St. 10003 (SLA Serial #1198847)**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant requested to lay over consideration for their application for an alteration to an existing on-premise liquor license at the above noted premise and will continue community outreach and will re-present their application at a future meeting of CB2's SLA Licensing Committee;

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed alterations to the liquor license for **Tong Hospitality, Inc. d/b/a Spice, 39 E. 13<sup>th</sup> St. 10003** until the applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**35. Faylow Corp. d/b/a Crispo Restaurant, 240 W. 14<sup>th</sup> St. 10011 (SLA Serial #1024882)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on April 12, 2012, the applicant requested to withdraw from consideration this alteration application to include additional space and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they chose to move forward with this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license alterations or changes for the existing license of **Faylow Corp. d/b/a Crispo Restaurant, 240 W. 14<sup>th</sup> St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**36. Galata, Inc. d/b/a I Tre Merli, 463 W. Broadway, 10012 (SLA Serial #1025086)**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant's representative requested to lay over consideration for their application at the request of CB2's SLA Licensing Committee for an alteration to an existing on-premise liquor license at the above noted premise due to concerns that the representative at the meeting was not authorized to enter in to any stipulations agreements or to stipulate that the applicant would continue to adhere to previous stipulations agreement after alterations to the existing license are made; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed alterations to the liquor license for **Galata, Inc. d/b/a I Tre Merli, 463 W. Broadway, 10012 (SLA Serial #1025086)** until the applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**37. L Plus L Productions, LLC, d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South 10014 (SLA Serial #1234388)**

**Whereas**, the applicants appeared at this months CB2 SLA Licensing Committee meeting on July 12, 2012, however the applicants failed to bring a copy of CB2's Liquor License Questionnaire or any other supporting documents as they were requested to do so for their application for a "corporate transfer" of the above noted premise and license and CB2 Manhattan was therefore unable to consider the application for a corporate change, but is willing to place this item on the agenda for a future meeting after receiving notice from the applicant; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed "corporate change" for **L Plus L Productions, LLC, d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South 10014 (SLA Serial #1234388)** until the applicant has re-presented their application with all the materials requested by CB2 Manhattan in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**38. Spice Market LLC d/b/a Spice Market, 29-35A 9<sup>th</sup> Ave. 10014-(1<sup>st</sup> & cellar) (SLA Serial #1146124)**

**Whereas**, the applicant failed to appear before CB2's SLA Licensing Committee after having been requested to so by CB#2, Man. upon CB2's receipt of a 30 day notice regarding this license and a request for a corporate change; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alterations to the liquor license or "corporate change" for **Spice Market LLC d/b/a Spice Market, 29-35A 9<sup>th</sup> Ave. 10014-(1<sup>st</sup> & cellar) (SLA Serial #1146124)** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**39. Upright Holdings 547 LLC, (formerly known as Naum Medevoy), 547 Hudson St. 10014 (SLA Serial #1261312)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on July 12, 2012, the applicant's attorney requested a layover of consideration for this application for a tavern wine license in order to perform additional community outreach and the attorney will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is pending before the Full Board of the New York State Liquor Authority; and,

**Whereas**, the applicant was scheduled to appear in early August again before the full board of the New York State Liquor Authority in regards to this application, but has agreed to request that the appearance be moved to another date which will occur after they have presented their application before CB#2, Man.;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license including a tavern wine license for **Upright Holdings 547 LLC, 547 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

## **STREET ACTIVITY & FILM PERMITS**

### **APPROVAL of Street Fair Permit Application Renewal**

**WHEREAS**, the street fair permit applications listed below are renewal applications which were approved by the Committee and CB#2, Man. 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. 9/22/12-NYC Fire Museum Antique Fire Engine Muster, 278 Spring St. bet. Hudson St. & Varick St.**

Vote: Unanimous, with 38 Board members in favor.

**2. 10/4/12-26th Annual NYU Wellness Expo, Washington Pl. bet. Greene St. & Washington Square East**

Vote: Unanimous, with 38 Board members in favor.

**3. 9/23/12 Cycle for the Cause (fka Braking the Cycle), W 13<sup>th</sup> bet 7<sup>th</sup> & Greenwich Aves.**

Vote: Unanimous, with 38 Board members in favor.

**4. 9/29/12 Film Safety Training (NYU Tisch) Washington Pl. bet Broadway & Mercer St.**

Vote: Unanimous, with 38 Board members in favor.

**5. 10/31/12-NYU and CB2 Children's Halloween Parade, LaGuardia Pl. bet. Washington Sq. South & W. 3rd St.**

Vote: Recusal by CB#2, Man.

## **The Following Applications Were No Shows**

6. 9/12/12-Cooper Union Fall Orientation, Cooper Sq bet 5<sup>th</sup> & 8<sup>th</sup> Sts.

7. 9/15/12-The Drawing Center Grand Re-opening, 35 Wooster St. bet Grand St. & Broome St.

## **TRAFFIC AND TRANSPORTATION**

### **1. Presentation by NYC DOT on "Street Racks" for Cafe Habana (corner of Prince St & Elizabeth St)**

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the NYC DOT representative, Wallace Murray, was present, and

**Whereas**, the proposal is to replace the first parking space on the west side of Elizabeth St north of Prince St with 5 bike racks (with space for 10 bikes) bordered on each end by flexible bollards and large planters as part of a relatively new program at DOT, and

**Whereas**, this is proposed in partnership with Café Habana which has agreed to be the maintenance partner and be responsible for cleaning and snow removal of the space and care of the planters and plantings, and

**Whereas**, the project also includes parking lane striping along the west side of that entire block of Elizabeth St. and posting a restriction on turns from Prince St for trucks more than 33 feet long, and

**Whereas**, one member of the community expressed concern about the loss of parking and noted that if a large garbage can bin, two tree pit fence/benches – which DOT confirmed were illegal – and additional illegal freestanding benches were removed there would be enough room for bike racks on the sidewalk, and

**Whereas**, while some of the committee support removal of the illegal benches around the tree pits, all of the committee felt the street bike racks were a far better idea than ones on the sidewalk, and

**Whereas**, a few speakers thought a location further up Elizabeth St – bordered on both ends by parked cars – might be safer, particularly from vehicles turning from Prince St onto Elizabeth St, the committee prefers the location as presented, particularly as it is simply a reuse of an existing parking space and there was no evidence offered that there have been issues with turns in that location, and

**Whereas**, one member of the committee questioned the southwest/northeast orientation (counter to the direction of Elizabeth St traffic) and Mr. Murray committed to have DOT look at that issue,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of **Street Bike Racks on the west side of Elizabeth St. at the northwest corner of Prince St.**

VOTE: Unanimous, with 38 Board members in favor.

**2. Proposal by NYC DOT to route CitySights tour buses coming south on 7th Ave. S. to turn left (east) onto W. 4<sup>th</sup> St., then right (south) onto Broadway (alternative to current Bleecker St. route)**

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the NYC DOT representative, Colleen Chattergoon, was present, and

**Whereas**, the proposal is to reroute tour buses operated by CitySights NY from their current route east along Bleecker St between 7<sup>th</sup> Ave S and Broadway to a route using W. 4<sup>th</sup> St instead, and

**Whereas**, this proposal is based in part on the greater width of W. 4<sup>th</sup> St and the assertion that it is less residential than Bleecker, although several speakers strongly contested that assertion, and

**Whereas**, numerous community members agreed with the position articulated by CB2 Board member Tobi Bergman that this proposal would simply move the buses from the least desirable route to the 2<sup>nd</sup> least desirable route, which is complicated by its proximity to the newly renovated Washington Square Park and the presence of large number of pedestrians from the park and NYU, and

**Whereas**, one member of the community pointed out that Gray Line buses already use Greenwich Ave/W. 8<sup>th</sup> St as their eastbound route and Ms. Chattergoon felt that might be a preferable route and DOT would discuss the proposal with CitySights, and

**Whereas**, Ms. Chattergoon was also asked why a route from 7<sup>th</sup> Ave S down to Houston St. (which is currently one way westbound) and then east to Broadway had been ruled out, and Ms. Chattergoon committed to providing CB2 with that rationale,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this proposal by NYCDOT to route CitySights tour buses coming south on 7th Ave. S. to turn left (east) onto W. 4<sup>th</sup> St., then right (south) onto Broadway (alternative to current Bleecker St. route) and

**BE IT FURTHER RESOLVED** CB#2, Man. requests DOT examine the feasibility of routing CitySights buses east from 7<sup>th</sup> Ave S along Greenwich Ave and then on 8<sup>th</sup> St to Broadway; and

That DOT provide CB#2, Man. with the rationale for ruling out the use of Houston St – specifically the block between 7<sup>th</sup> Ave S and 6<sup>th</sup> Ave – as an option for this bus traffic

**VOTE:** Unanimous, with 38 Board members in favor.

**3. Request for Alternate Side Parking, west side of Elizabeth St. bet. Spring and Prince Sts.**

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the requestor, William Bray, who is a member of the Board of CB#2, Man., was present, and

**Whereas**, the request is to change the parking regulations on the west side of this block from the current No Parking 8:00am – 6:00 pm Mon-Fri, to Alternate Side Parking while the east side of Elizabeth St would remain No Parking 7:00am – 6:00pm Except Sunday, and

**Whereas**, Mr. Bray gave the committee a petition in support of the proposal with approximately 100 signatures with the assertion that the area is no longer as commercial as in the past and the parking is needed by residents, and

**Whereas**, a petition with approximately 92 signatures – many of them residents – opposing the proposed change was presented under the signature of Julia Alvidrez of Gawker Media which is located on this block at 210 Elizabeth St with the assertion that the limited parking allows delivery vehicles, taxis, and other vehicles to load and unload without double parking and this reduces the inevitable issues such as horn honking, etc, and

**Whereas**, Colleen Chattergoon from NYC DOT suggested the possibility of doing just the south half of the proposed block, but most people in attendance also did not favor this, and

**Whereas**, as the immediate community seems substantially divided on the value of this change and the committee generally questions the value of alternate side parking in any case,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this request for **Alternate Side Parking, west side of Elizabeth St. btw Spring St & Prince St**

Vote: Unanimous, with 38 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,

Susan Kent, Secretary  
Community Board #2, Manhattan