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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:** November 29, 2012  
**TIME:** 6:00 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Pier Consagra, Terri Cude, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Dodge Landesman, Raymond Lee, Edward Ma, Alexander Meadows, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS EXCUSED:** Florent Morellet

**BOARD MEMBERS ABSENT:** Coral Dawson, Gideon Gil, Arthur Z. Schwartz

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman and 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-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Andrea Swalec, Kelly Cardona, Howard A. Zipser, Jessica Loeser, Azoavi Mouli, Heejae Kim, Elaine Ng, Joseph Manoleas, Robert Merino, Lydia Andr, Brendan Kirkpatrick, Robin Goldberg, Meredith Nowikowski, Nora Martins, Brian Ripel, Paolo Savore, Shavyn Hahn, Daniel Barron, Stanley Wong, D.I. Brian DelPozo, P.O. Martin Baranski, Linda Alter, Judith Callet, Lincoln Anderson, Mason Stallinas, Keith Daly

### MEETING SUMMARY

Meeting Date –November 29, 2012  
Board Members Present – 45  
Board Members Excused–1  
Board Members Absent - 3

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Friends of LaGuardia Place

Anne Hearn spoke regarding the upcoming Friends of LaGuardia Gala at Le Souk.

#### Meatpacking Improvement Association

Meredith Nowikowski spoke regarding the MPIA and upcoming holiday events.

#### St. Luke's Christmas Fair

Jeannine Kiely made an announcement regarding the upcoming fair.

#### NYU

Joseph Manoleas announced several upcoming events.

#### Traffic Violations on Houston St.

Mason Stallinas and Keith Daly spoke regarding this issue.

#### Public Announcements

Lois Rakoff made announcements regarding the free concert in Washington Square Park on November 30<sup>th</sup>, and the honoring of Sen. Tom Duane by the Bellevue Community Advisory Board on December 19<sup>th</sup>.

### **Land Use and Business Development Items**

53 Greene St., Application #120325ZSM to the CPC for modification pursuant to ZR 74-711 to allow Use Group 2 and 6 on the ground floor and Use Group 2 on upper floors including a proposed new penthouse. Brian Ripel, Jessica Loeser, and Howard Zipser spoke in favor of the proposed application.

Lydia Andr spoke regarding this application.

**Sidewalks, Public Facilities & Access**

Restaurant Ventures of NY, Inc. d/b/a Savore Ristorante, 200 Spring St., with 10 tables & 20 seats  
Paolo Savore, proprietor, spoke in favor of the sidewalk café renewal.

**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

Hannah Friedman 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-Castaneda, Council Member Rosie Mendez’s office

**V. ADOPTION OF MINUTES**

Adoption of September and October 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 – 14 St. Luke’s Place** – Greenwich Village HD. Application to construct rooftop and rear-yard additions, and excavate the cellar.

**Whereas**, the applicant shares our concerns that the proposed glass curtain wall could cause glare towards the neighbors, as well as confusing birds who could crash into and get killed.

The architect suggested a matte-type finish; a board member mentioned there are also high-tech shading solutions, whereby the glass changes its reflectivity as the daylight changes, like some sunglasses do; and

**Whereas**, the rooftop addition is barely visible, but the mechanicals might be more adequately concealed; and

**Whereas**, illegal window replacement a few years ago caused the removal of historic masonry from the facade. However, LPC forced the violator to replace the destroyed bricks with new bricks, resulting in the return of the original symmetry, rhythm and character of the rear façade on the two upper floors; and

**Whereas**, so, regarding this restored rear-façade: the volume and massing is fine, but the treatment, the materials and the details are a separate issue. It is a curtain wall with the minimalist of muntins, employing materials and style more appropriate on Madison Avenue or in a commercial building. It is not what we expect in the Greenwich Village Historic District, and certainly not in the context of that particular row of 1850's houses on St. Luke's Place; and

**Whereas**, the applicant has created a conundrum for us and for the commission. With a glass façade, exposure of the interior is created – which allows household lighting to escape outward and disturb neighbors. So a privacy wall of bamboo is requested to rectify that self-created problem. In turn, the proposed solution to that problem has a negative impact on the doughnut and the integrity of St Luke's Place. In other words, their need for privacy to conceal the exposure the applicant created is having a deleterious effect on the historic fabric of the doughnut for all the other neighbors; and

**Whereas**, we need reassurance that the structural integrity of the adjoining buildings won't be compromised; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the roof top addition and the excavation, with the caveats mentioned in the *whereas* above; and.

**Further, be it resolved** that we question the rationale for such a tall and thick stand of bamboo, and, further, that we deny the request to destroy the symmetry and rhythm of the fenestration on the two upper floors of the rear façade with the proposed glass facade.

Vote: Unanimous, with 45 Board members in favor.

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

**1 - LPC Item: 38-40 Greene Street (90-94 Grand) SoHo Cast Iron Historic District)**  
Application to change the ground-floor storefront infill. Building built in 1867 by Griffith Thomas.

**Whereas**, the LPC Designation Report describes this building by Thomas Griffith as “handsome”, and the façade has been kept in its original condition relatively unscathed for 145 years, quite remarkable; and

**Whereas**, the existing infill of seven windows prominently occupies the side façade of this corner building; and

**Whereas**, the current fenestration has the scale, rhythm and materials that contribute to the building and the district; and

**Whereas**, the application to enlarge the windows would remove original stone material, alter the ratio of glazing to masonry, narrow the historic piers, interrupt the rhythm, and introduce a window dimension unlike any in the district; but

**Whereas**, the proposal to remove a door and replace it with a window on the Grand Street frontage would not seriously detract from the character of the building; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of any portion of this application to change the Greene Street façade, but recommends approval of the application to replace a door with a window on the Grand Street facade.

Vote: Unanimous, with 45 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 440 Broadway, on the east side of Broadway between Howard and Broome Streets. Board of Standards and Appeals Application # 283-12-BZ filed pursuant to Section 72-21 of the Zoning Resolution for a waiver to permit the legalization of the first floor of the existing building to permit retail use of the ground floor with accessory use in the cellar, below the floor level of the second story**

### **Whereas:**

1. The application was presented by applicant Richard Lobel of Sheldon Lobel PC; Guy Kohn, Architect; and Jeffrey Yachmetz representing the building owner 440 Broadway Realty Associates LLC;
2. Copies of the application were provided to committee members by the applicant in advance of the meeting;
3. The building is located within an M1-5B zoning district;
4. The building is located within the SoHo Cast Iron Historic District;
5. The Department of Buildings denied an application for the proposed conversion, noting its objection that “proposed retail (Use Group 6) below the floor level of the second story is not permitted, contrary to ZR 42-14(D)(2)(b).”
6. The building is currently used illegally for retail use;
7. The BSA has the authority to vary the application of Section 72-21 providing five findings are satisfied, and as the presentation of the application credibly established: a) there are unique conditions based on the combination of building obsolescence, small floor plates, and location in the historic district, b) there is no opportunity for reasonable return based on as-of-right use, c) the essential character of the neighborhood will not be adversely affected, d) the hardship is not self-created, and e) the variance sought is the minimum variance required to afford relief.
8. There was no public testimony for or against this application;
9. The applicant stated willingness to accept a stipulation in the variance such that eating and drinking establishments will not be allowed.

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

1. Supports granting of a variance for 440 Broadway to permit Use Group 6 on the ground floor with accessory use in the cellar if such variance stipulates that eating and drinking establishments are not allowed.

Vote: Unanimous, with 45 Board members in favor.

**2. 53 Greene Street, on the west side of Greene Street between Grand and Broome Streets. Land Use Review Application #120325ZSM to the City Planning Commission for modification pursuant to ZR 74-711 to allow Use Group 2 and 6 on the ground floor and Use Group 2 on upper floors including a proposed new penthouse.**

**Whereas**

1. The application was presented to the committee by Howard Zipser and Jessica Loeser of Akerman Senterfitt, Brian Ripel of RSVP Architects, and Tom Ciancarelli of AORE;
2. Copies of the application were provided to committee members by the applicant in advance of the meeting;
3. The property is located in an M1-5B district;
4. The property is located in the SoHo Cast Iron Historic District;
5. The application by 53 Greene Street Associates to the City Planning Commission is for modification pursuant to ZR 74-711 to allow residential and retail use on the ground floor and residential use on the upper floors in an existing six-story building and in a proposed penthouse addition;
6. While the M1-5B zone does not allow Use Group 2 residential use as-of-right, it does allow Joint Live Work Quarters for Artists;
7. While CB2 is on record in support of retaining opportunities for artists under JLWQA, we have also supported applications for Use Group 2 under the provisions of 74-711 allowing modification of use and bulk regulations in order to further the preservation of buildings within landmarked districts for projects that were considered to have no negative impacts on essential neighborhood character;
8. When questioned about why JLWQA would not work for this building, the applicant stated that financing would not be available but could provide no information to substantiate this claim;
9. The application states that prior use of the building included manufacturing on the ground floor and JLWQA on the upper floors, but that the building has been vacant for ten years;
10. The application provides the required documentation demonstrating compliance regarding restoration and maintenance of the building including substantial improvements to the front façade in connection with a Certificate of Appropriateness from the Landmarks Preservation Commission as well as a continuing maintenance program included in a restrictive declaration;
11. The number of proposed residential units does not exceed the allowed number;
12. The allowed FAR in the district is 5.0, but the application states that the existing building is non-complying and has an FAR of 5.4, including a recently removed mezzanine on the ground floor;
13. The requested modification includes residential use of a proposed new penthouse to be built using floor area transferred from the removed mezzanine;
14. The proposed penthouse includes single large room with a kitchen and with access to large roof areas to the east and west that will be suitable for use for large and potentially noisy parties that may cause a significant nuisance to nearby residences;
15. Because of the lack of a rear yard, the roof area to the west of the penthouse is very close to the windows of buildings on Wooster Street;
16. The application does not consider or address this potential for adverse impact;
17. Serving the penthouse with the building elevator increases the likelihood of nuisance on the roof and increases the height of the obstruction of the elevator bulkhead;
18. While the bulk transfer is as-of-right, the proposed use modifications are not, and it is relevant that the penthouse is not required for conforming full use of the allowed FAR;

19. The applicant provided a letter from the project architect documenting that the project would voluntarily agree to avoid blocking a lot line window of an adjacent building with the proposed penthouse and also would seek to the extent possible to achieve 1/3 coverage of the roof area with plantings;
20. The applicant provided text for planned use in an offering plan and Residential Rules and Regulations seeking to avoid uses of the roof that might create a noise nuisance, but offered no mechanism for external enforcement;
21. The applicant stated willingness to accept a restriction such that eating and drinking establishments will not be allowed;
22. Under the language of ZR 74-711, the City Planning Commission shall find that proposed bulk modifications will have minimal adverse effects on nearby structures in terms of scale, location, and access to light and air and that use modifications shall minimal adverse impacts within the building and the surrounding area;
23. Non-exclusive use of the roof would be more beneficial in general for residential use of a converted building with limited open space resources;
24. Under the language of ZR 74-711, the City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the development;

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

- 1) Commends the applicant for work under way to improve this building in conformance with the requirements of the SoHo Cast Iron Historic District and appreciates the acceptance of a restriction on eating and drinking establishments;
- 2) Does not object to the proposed modification to allow Use Group 2 and 6 on the ground floor if eating and drinking establishments are excluded to enhance the character of the development;
- 3) Does not object to the proposed modification to allow Use Group 2 on floors 2 – 6;
- 4) Objects to the addition of a penthouse *as proposed* because of likely adverse effects;
- 5) Prefers shared use of rooftop open space, but recommends approval of this application if the penthouse (1) does not include a kitchen, and (2) allows elevator access to the penthouse only from the 6<sup>th</sup> floor unit and not directly from the building lobby, and/or if the City Planning Commission prescribes appropriate conditions and safeguards to enhance the character of the development and to provide enforceable protections from potential nuisance or other adverse effects caused by use of the rooftop

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

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**App. to NYCDOT for revocable consents for:**

**1. Front stoop and fenced-in area at 134 West 4th Street (btw 6<sup>th</sup> Ave & Macdougall St)**

Block:543 Lot:50	Lot Frontage:22' Lot Depth:109	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:4
Total # of Units:4	Zoning: R7-2	

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

Whereas, the applicant appears to have gone to great effort to return the stoop to this brownstone carefully matched to the partner house next door while making the needed adjustment to maintain the 3’3” sidewalk clearance between the stoop and a tree pit as required under ADA regulations,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application to NYC DoT for a **revocable consents for a front stoop and fenced-in area at 134 West 4th Street (btw 6<sup>th</sup> Ave & Macdougall St)**

VOTE: Unanimous, with 45 Board members in favor.

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

**2. C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8th Ave. (btw W. 12<sup>th</sup> St & Jane St), with 5 tables & 10 seats, DCA#1277859**

Block:625 Lot:52                      Lot Frontage:55.08' Lot Depth:37                      Year Built:1920(estimated)  
Number of Buildings:2;              Number of Floors:3 Residential Units:4                      Total # of Units:6  
Zoning:C1-6                              Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were 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 two continuing issues, opening before the allowed hour of noon on Sunday (on which the CB2 office has received complaints), and over-seating the café, and

**Whereas**, the applicant was told again the allowed opening time on Sunday is noon and that the café is approved for only 5 tables, each with 2 seats and no other configuration, and

**Whereas**, the applicant was accompanied by Paula Fedderson, the president of the Jane Street Association, who told the committee she had mistakenly informed the applicant that opening time on Sunday was 11:00am and hoped this would not adversely impact this café which she feels has been a mainstay in the community for many years, and

**Whereas**, despite the above assertion, the committee has noted on several occasions the café opened even before 11:00am on Sunday,

**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 C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8th Ave. (btw W. 12<sup>th</sup> St & Jane St), with 5 tables & 10 seats, DCA#1277859**

**UNLESS the applicant signs an agreement with the office of Council Speaker Christine Quinn to cease operating prior to noon on Sunday and to seat only the approved configuration in the café.**

VOTE: Unanimous, with 45 Board members in favor.



**3. Restaurant Ventures of NY, Inc. d/b/a Savore Ristorante, 200 Spring St. (SE corner Sullivan St), with 10 tables & 20 seats, DCA#0920983**

Block:489 Lot:17                      Lot Frontage:25' Lot Depth:75                      Year Built:1920(estimated)  
Number of Buildings:1;              Number of Floors:5 Residential Units:12              Total # of Units:13  
Zoning: R7-2 ; Commercial Overlay: C1-5

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

**Whereas**, this café has been operated for several years by this applicant with issues as late as Sept. 2011 with over seating the café by using more than 2-top tables on Sullivan St and placing tables on Spring St where they are not approved, and

**Whereas**, the applicant stated that the over seating was no longer being done, and for the most part, the committee's recent inspections support that, but even though they were done now that the weather is cold, one 4-top table was set up at the south end of the café on Sullivan, and

**Whereas**, the CB2 office received one complaint several months ago about continued over seating by this establishment,

**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 **Restaurant Ventures of NY, Inc. d/b/a Savore Ristorante, 200 Spring St. (SE corner Sullivan St), with 10 tables & 20 seats, DCA#0920983**

**CONDITIONAL UPON the applicant signs an agreement with the office of Council Speaker Christine Quinn to seat only the approved configuration in the café.**

VOTE: Unanimous, with 45 Board members in favor.

**4. Caffe Silvestri Inc. d/b/a Caffe Napoli, 191 Hester Street (NE corner Mulberry St), with 21 tables & 42 seats, DCA# 0956923**

Block:237 Lot:36                      Lot Frontage:25' Lot Depth:75.25                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:6 Residential Units:15              Total # of Units:16  
Zoning:C6-2G

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

**Whereas**, this café has been operated for several years by this applicant with continuing issues with over-seating and seating of the café not being done to the approved plan, and

**Whereas**, the committee is confused how the current plan was approved in the first place in 2004 as it clearly does not provide a 3 foot service aisle to most of the tables, with the aisle shown on the print to be little more than 1 foot, and

**Whereas**, the approved plan also includes 8 seats on Hester St., but the applicant has just 2 seats there and the space where 4 of the seats should be is being used for storage, while the seating approved for that space is being used on Mulberry St instead, and

**Whereas**, on a recent inspection there were 43 seats in the café, too many of which were on Mulberry St. and also illegal a-frame signs and plants in the café that pushed parts of the seating even further into the public sidewalk on Mulberry St.,

**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 **Caffe Silvestri Inc. d/b/a Caffe Napoli, 191 Hester Street (NE corner Mulberry St), with 21 tables & 42 seats, DCA# 0956923**

**UNLESS the applicant files a new print with DCA which has the legally required 3 foot wide service aisle on Mulberry St., reducing the seating to account for the proper service aisle and for the use of space on Hester for storage instead of seating.**

VOTE: Unanimous, with 45 Board members in favor.

**5. 191 Grand Restaurant Corp. d/b/a Novella, 191 Grand St. (SE corner Mulberry St), with 15 tables & 30 seats, DCA# 1213603**

Block:237 Lot:12                      Lot Frontage:51' Lot Depth:90                      Year Built:1900  
Number of Buildings:1;              Number of Floors:6 Residential Units:35              Total # of Units:38  
Zoning:C6-2G

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

**Whereas**, this café has been operated for several years by this applicant with continuing issues with over-seating and seating of the café not being done to the approved plan, and

**Whereas**, the committee noted that on any recent inspection of cafes on or near Mulberry St. this café is consistently mis-seated, with all seats used on Mulberry St. instead of the approved seating placed on Grand St., and

**Whereas**, the café is also consistently overseated, and at the most recent inspection had 14 tables and 38 seats (8 more than approved) and all the seats were on the Mulberry St. side where there should be only 11 tables and 22 seats (all 2-seat tables), and

**Whereas**, this café was cited by DCA on 5/29/12 for using too much sidewalk space (caused by the over-seating on Mulberry St.), and also using loudspeakers in the café area, and

**Whereas**, at the time of the applicant's last renewal, these issues were noted to the applicant's representative, yet they continue unabated and it appears the applicant has no intention of properly managing the café seating or restricting the amount of seating to the 30 seats as approved,

**THEREFORE BE IT RESOLVED** that CB#2, Man. **STRONGLY** recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **191 Grand Restaurant Corp. d/b/a Novella, 191 Grand St. (SE corner Mulberry St), with 15 tables & 30 seats, DCA# 1213603**

VOTE: Unanimous, with 45 Board members in favor.

**6. 675 Hudson Vault, LLC d/b/a Dos Caminos, 675 Hudson St. (btw W 13<sup>th</sup> St & W 14<sup>th</sup> St), with 48 tables & 125 seats, DCA# 1159248**

Block:629 Lot:1 Lot Frontage:167.83' Lot Depth:70 Year Built:1910(estimated)  
Number of Buildings:1; Number of Floors:5 Residential Units:5 Total # of Units:10  
Zoning:M1-5 Landmark Building: Yes Historic District: Gansevoort Market

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

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

**Whereas**, the committee noted that there have been some issues recently with service stations being used in the café area as well as sidewalk space outside the café area and Ms. Schlazer committed to address the situation, and

**Whereas**, the committee noted there is a separate section of seating approved in a section of Hudson St at the south end of the restaurant that the operator is not using, but the applicant wishes to keep that space in the plan for the time-being,

**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 **675 Hudson Vault, LLC d/b/a Dos Caminos, 675 Hudson St. (btw W 13<sup>th</sup> St & W 14<sup>th</sup> St), with 48 tables & 125 seats, DCA# 1159248**

VOTE: Passed, with 44 Board members in favor. And 1 recusal-(Schlazer).

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

**7. Naco NYC, LLC d/b/a El Toro Blanco, 10 Downing (btw W. Houston St & Downing St), with 29 tables & 58 seats, DCA# 1446392**

Block:527 Lot:27 Lot Frontage:157.67' Lot Depth:284.83 Year Built:1940(estimated)  
Number of Buildings:1; Number of Floors:7 Residential Units:127 Total # of Units:137  
Zoning:R7-2R6; Commercial Overlay:C1-5 Landmark Building: Yes  
Historic District: Greenwich Village Historic Dist. Ext. II

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application and the applicant, John McDonald, and his architect, Gray Davis, were present, and

**Whereas**, the café is proposed for a sidewalk of substantial width that is constrained by a subway grate leaving 14' 6" of width and using 43' of frontage on 6<sup>th</sup> Ave at the south end of this large multi-use building, and

**Whereas**, the applicant stated the establishment is a Mexican restaurant with an SLA full On Premise license, and plans to operate 8:00 am – 1:00 am Sun-Wed and 8:00 am – 2:00 am Thurs-Sat, and

**Whereas**, the applicant was reminded that the sidewalk café cannot be open on Sunday until noon, and

**Whereas**, the plan presented was larger than either of the cafes approved for either of the previous two operators of the space with 4-top tables on either side of the service aisle. The committee questioned whether the awning could be extended enough to cover the outside row of tables and the applicant committed to ensuring that it does, or, if it does not, to reduce the café seating by that one row of 2-top tables, reducing the seating to 22 tables and 44 seats, similar to that approved for previous operators,

**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 **Naco NYC, LLC d/b/a Toro Blanco, 10 Downing (btw W. Houston St & Downing St), with 29 tables & 58 seats, DCA# 1446392**

**CONDITIONAL UPON the café seating being covered fully by the awning, or if it is not the café being reduced to 22 tables and 44 seats by reducing the seven outer 4-seat configurations to a single row of 2-seat tables as noted in Whereas clause 4.**

VOTE: Unanimous, with 45 Board members in favor.

**Street Activity Applications:**

**8. 12/1/12 St. Veronica Church, Christopher St. bet. Greenwich St. & Washington St., SAPO# 73383**

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

**Whereas**, this is a new application for a street fair at this location, but it is a single-block fair which will support continuing roof repairs on St. Veronica Church, which is on this block,

**THEREFORE BE IT RESOLVED**, that CB#2, Man. supports this street fair permit application on the date and at the location listed above.

Vote: Unanimous, with 45 Board members in favor.

**9. 12/12/12 La Guadalupe Virgin Celebration, West 14th St. bet. 8th & 9th Ave., SAPO# 73381**

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

**Whereas**, this is a new application for a street fair at this location, but it is a single-block fair which is intended to support continuing roof repairs on Our Lady of Guadalupe Church, which is on this block, and

**Whereas**, the application contained several errors, including the date (the 12<sup>th</sup> is a Wednesday), the location (SAPO is not approving new fairs on 14<sup>th</sup> Street due to the level of traffic disruption), and the Sponsor was listed as a private company, not the church, and

**Whereas**, while the applicant was able to update the application for the date (Sunday, Dec. 9) and change the Sponsor to the church, the applicant proposed moving the fair to Washington St. between 13<sup>th</sup> St. and 14<sup>th</sup> St., which given the distance from the church and extremely busy nature of this area near the High Line on Sundays, the committee was not willing to support, and

**THEREFORE BE IT RESOLVED**, that CB#2, Man. **DOES NOT** support this street fair permit application on the date and at either of the locations proposed above

Vote: Unanimous, with 45 Board members in favor.

## **SLA LICENSING**

### **1. Bowery Restaurant Group, LLC d/b/a TBD, 146 Bowery 10012 – New OP**

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

**Whereas**, this application is for a new on-premise liquor license on the ground floor and basement of a hotel, though not connected directly to the hotel, located on the corner of Bowery and Broome Street (Block #470 / lot #50), for a **4,175** sq. ft premise (1,900 s.f. in cellar and 2,245 s.f. in the ground floor) with 34 tables with 146 seats, 2 bars with 23 seats and 1 chef's counter with 8 seats, and the maximum occupancy is 218 people, but the applicant was unable to produce a certificate of occupancy and there is question as to the current occupancy being already utilized by other licensed premises, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 12:00 p.m. to 2:00 a.m. and Monday to Wednesday from 5:00 p.m. to 2:00 a.m. and Thursday to Saturday from 5:00 p.m. to 4:00 a.m.; the establishment will be a restaurant on the ground floor and a lounge in the basement, music will be quiet background only consisting of music from ipod/cd's in the restaurant's ground floor and live D.J. music in the basement; there will be no promoted events, there will be private parties with possible cover charges; and,

**Whereas**, 5 community members and 1 employee came to speak in support of this applicant, all from other districts stating that this was a good operator; and,

**Whereas**, 3 community members that actually live in this neighborhood spoke in opposition of this application including a member of a local neighborhood organization, the Bowery Alliance of Neighbors whose position is in opposition to this establishment stating over saturation and concerns that an establishment this big will have a major impact on traffic and noise and quality of life issues, noise from late night operations and from patrons of the lounge with a DJ in the evening hours, and several pieces of correspondence were also received in opposition; and,

**Whereas**, CB2 has recommend denying previous applications at this location and in this building because there are already 3 other separately licensed premises in the building which is also a hotel and the concerns regarding over saturation in the immediate area, the impact on traffic, the existing noise level and the simple premise that the 3 existing licenses already serve the needs of residents and hotel patrons; and,

**Whereas**, there are 9 on-premise licenses within 500 feet, many of which are multi floor, multi bar establishments, a number of beer and wine licenses and 5 pending licenses; and,

**Whereas**, this is **another** location within CB2 that has **never been licensed by the SLA**; and,

**Whereas**, CB2 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**, CB2 has recently heard a large number of beer and wine and on-premise license applications in this area for previously unlicensed locations in a relatively short period of time; and,

**Whereas**, CB2 is concerned that the rapid rate of applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an **overwhelming** impact on the character of the neighborhood, quality of life issues and traffic and noise concerns. Without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises could be catastrophic for the neighborhood; and,

**Whereas**, a board member of CB2 did meet and discuss this application with the operators prior to this hearing and suggested changes in hours of operation and some method of operations including a traffic plan that would make this application better suited for this heavily saturated neighborhood, all of which were ignored by this applicant; and,

**Whereas**, there is clearly an existing traffic condition throughout the proposed hours of operation particularly in the evenings as both streets of this corner location are high volume thoroughfares with an above average rate of traffic incidents; and,

**Whereas**, CB2 does not believe that this application offers any public interest or benefit; and,

**Whereas**, CB2 respectfully request that the SLA conduct a 500 ft. rule hearing; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new on-premise liquor license for **Bowery Restaurant Group, LLC d/b/a TBD, 146 Bowery 10012**.

Vote: Unanimous, with 45 Board members in favor.

## **2. SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal St – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license in a mixed use building, located on MacDougal Street between Houston and Bleecker Street (Block #526 / lot #25), for a 656 sq. ft premise with 8 tables with 20 seats, there will be no bar but there will be a dinning counter with 8 seats, and the maximum occupancy is 50 people, there is a sidewalk café with 14 seats to be included on this license but no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11:30 a.m. to 12:00 a.m. and Thursday to Saturday from 11:30 a.m. to 1:00 a.m.; the establishment will be a Japanese restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant did reach out to BAMRA the neighborhood association and reached an agreement regarding stipulations; and,

**Whereas**, the applicant has agreed to the following stipulation as well with CB2:

1. **Hours of Operation:** On each Sunday through Wednesday, the Establishment shall open at 11:30 AM and close no later than **MIDNIGHT**. On each Thursday through Saturday, the Establishment shall open at 11:30 AM close no later than **1:00 AM**.
2. **Crowd Management:** The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear. The Operator will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment.
3. **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. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operator or a Manager and the Operator or a Manager will make his phone number available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
4. **Music:** The Operator shall play soft, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct any sound outside of the Establishment. The Operator shall not permit DJs, live music, Karaoke, or outside promoters in the Establishment.
5. **Television:** The Operator shall have no televisions in the Establishment.
6. **Soundproofing:** As the Operator has removed the dropped ceiling in the Establishment, the Operator agrees to use any noise mitigation materials necessary such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. Should any noise be generated by sound reproduction equipment, by patrons and staff, or by commercial equipment such as HVAC equipment, air handlers, compressors and fans become an issue for neighboring residents, Operator will use best efforts to remedy the issue to make sure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code.
7. **Windows:** The Operator shall close all windows by 10:00 PM and ensure that while windows are open, sound is managed so as not to be a disturbance to the surrounding residents.
8. **Sanitation:** The Operator shall securely seal all garbage to eliminate garbage odor when refuse is placed on the street for pickup and 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.
9. **Lighting:** The Operator shall not install any lighting that adversely and unreasonably disturbs residents living near the Establishment.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer and Wine license for **SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal Street** **unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 45 Board members in favor.

### 3. 205 Thompson St. LLC, d/b/a TBD, 205 Thompson St. 10012 – NEW OP

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

**Whereas**, this application is for a new on-premise liquor license in a mixed use building located on Thompson Street between 3rd Street and Bleecker Street (Block #539 / lot #35), for a 3,000 sq. ft premise (1,000 s.f. for each level; ground, mezzanine and basement) with 32 tables with 80 seats, 1 bar with 15 seats (ground floor will have 9 tables and 18 seats with 1 bar with 15 seats; Mezzanine will have 23 tables and 62 seats and no bar or service bar; and basement will have no customer service – food prep and operations only), and the maximum occupancy is 146 people, there is no sidewalk café and no backyard or rooftop use; and,

**Whereas**, the hours of operation will be Sunday through Saturday from 12:00 p.m. (noon) to 12:0 a.m. (midnight); the establishment will be dining focused on Mexican food, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant did reach out to BAMRA the neighborhood association and reached an agreement regarding stipulations; and,

**Whereas**, the applicant has agreed to the following stipulation as well with CB2:

**Hours of Operation:** The Establishment shall operate from **NOON** to **MIDNIGHT** every day of the week.

1. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
2. **Traffic:** The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
3. **Manager:** The Operators shall have two (2) English-speaking managers on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
4. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.



5. **Television:** There will be one 32" television played without sound at the bar.
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. Should any noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans become an issue for neighboring residents, Operators will use best efforts to remedy the issue to make sure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code.
7. **Windows:** The Operators shall keep the Establishment's windows and doors closed at all times.
8. **Sidewalk Cafe:** The Operators has waived the right to a sidewalk café and will not apply for a sidewalk café license.
9. **Rooftop & Backyard:** The rooftop shall never be accessible to patrons and any staff or workers who need access to the roof shall keep all noise to a minimum while on it and there will be no use of any backyard space.
10. **Sanitation:** 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 to have garbage picked up at 1:00 AM.
11. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. The Operators agree to leave downward-directed security lighting on after the Establishment has closed.
12. **Security Cameras:** The Operators shall install security cameras both inside and outside the Establishment and shall make any recordings available to the police if requested.
13. **Delivery Bicycles:** All delivery bicycles will be kept in the alley next to the Establishment.
14. **Community Outreach:** The Operators shall meet with and address the concerns of the Cooperative Board of 211 Thompson Street and any stipulations to which both parties agree shall be added to CB2 Manhattan's resolution in addition to these BAMRA stipulations.
15. **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.
16. **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.
17. **License Renewal:** The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new on-premise liquor license for **205 Thompson St. LLC, d/b/a TBD, 205 Thompson St. 10012**, **unless** 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 45 Board members in favor.

#### **4. Spring Street Café, TBD, 14 Spring Street 10012 – Transfer OP**

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

**Whereas**, this application is for the transfer of a full On-Premise liquor license (#113387) in a mixed use building located on the corner of Spring Street and Elizabeth Street (Block #479 / lot #21), for a 1,800 sq. ft premise with 13 tables with 58 seats, 1 bar with 9 seats; the maximum occupancy is 146 people, **there will be a sidewalk café which is not included on this license until the applicant receives approval from CB2’s sidewalk committee**; and there is no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 10:00 a.m. to 12:00 a.m. and Monday to Wednesday from 10:00 a.m. to 1:00 a.m. and Thursday to Saturday from 10:00 a.m. to 2:00 a.m.; the establishment will be dining focused on a European style bistro, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no t.v.’s; and,

**Whereas**, there were concerns regarding the way the operator ran another location within this district and the operator/owner addressed these concerns and cleared the misunderstandings; and

**Whereas**, 4 community members spoke in support of this application including 1 person who lives directly above the other location; and,

**Whereas**, the applicant submitted a petition with 91 signatures, most of which were within the neighborhood, in support of this application as well as a petition in support of their current operation with 96 signatures; and,

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

1. The hours of operation will be Sunday from 10:00 a.m. to 12:00 a.m. and Monday to Wednesday from 10:00 a.m. to 1:00 a.m. and Thursday to Saturday from 10:00 a.m. to 2:00 a.m.
2. All doors and windows will be closed by 9:00 p.m. every day.
3. There will be no customer use in the basement.
4. Operator will maintain a full service restaurant only.
5. There will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no t.v.’s.
6. Posted notices for customers to respect residents and to be quiet.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** to the transfer of an On Premise license for **Spring Street Café, TBD, 14 Spring Street 10012** **unless** those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 45 Board members in favor.

**5. Toby's Public House II LLC d/b/a Toby's Public House, 86 Kenmare St. 10012 – alteration to add sidewalk cafe**

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

**Whereas**, this application is for the alteration to the Beer and Wine license (#1260753) in a mixed use building located on the corner of Spring Street and Elizabeth Street (Block #481 / lot #32), for a 2,000 sq. ft premise with 12 tables with 28 seats, 1 bar with 9 seats; the maximum occupancy is 74 people, the **sidewalk café would have 6 tables and 12 seats** and there is no backyard use; and,

**Whereas**, the hours of operation for the restaurant is Sunday to Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday to Saturday from 12:00 p.m. to 1:00 a.m.; establishment is dining focused on Italian style brick oven pizza, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV's; and,

**Whereas**, the operator agreed that the sidewalk café hours would be Sunday to Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.; and,

**Whereas**, 5 community members spoke against this application and 1 in support; and,

**Whereas**, the operator agreed to many stipulations with the SLA one of which is to close all doors and windows no later than 9:00 p.m. daily and community members state this is not being done; and,

**Whereas**, the operator states clearly that this is not a sports bar but evidence in the form of pictures and testimony was provided that the operator regularly has an illegal sandwich board on the sidewalk posting and promoting sporting events which has also been viewed on a regular basis by members of this committee; and,

**Whereas**, Chairman Dennis Rosen of the Liquor Authority stated in the SLA hearing for approval of the existing beer and wine license that this applicant not attempt to extend any more business or service from the application the SLA approved at that time; and,

**Whereas**, CB2 respectfully request that this application be placed on the SLA's Full Board hearing and be properly reviewed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends the **denial** to the alteration of the Beer and Wine License for **Toby's Public House II LLC d/b/a Toby's Public House, 86 Kenmare St. 10012.**

Vote: Unanimous, with 45 Board members in favor.

**6. South Brooklyn Pizza, Inc. 190 Bleecker Street 10012 – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license for a Pizza Restaurant serving \$1 slices and a very small menu of other items in a mixed-use building located between MacDougal St. and 6th Avenue, for a **200 sq. ft premise** ( according to their application) which has 8 tables with 19 seats, 1 bar

with no seats, for total of 19 seats, the maximum occupancy which is stated to be 75 but there is no Certificate of Occupancy provided, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 11:00 a.m. to 4:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this applicant did not reach out to neighborhood resident and business associations which all applicants in this area do given the highly saturated character of the area and had no one speaking from the community in support of this application; and,

**Whereas**, this establishment has been operating at this location for sometime and over the past summer at the local NYPD 6<sup>th</sup> Precinct Community Council Meeting over 15 members of the community spoke and raised complaints in regards to noise, loud music and unruly patrons and that the operator was not taking any corrective action to mitigate the problems caused by the establishment; and,

**Whereas**, this is another location within CB2's district that has never been licensed before by the SLA; and,

**Whereas**, though it is not applicable to Beer and Wine licenses, it still should be noted that there are 36 on premise licenses within 500 ft of this operation and that this is one of the areas within CB2 and New York City that has the highest density of licensed premises and severe quality of life, traffic and noise issues; and,

**Whereas**, this operator stays open often till 4 or 5 a.m. when there is business, beyond the legal hours of alcohol service; and,

**Whereas**, it is clear that licensing this establishment with hours of beer and wine service until 4 a.m. will only serve to deteriorate the already existing issues described in this resolution and in others for applications in this immediate area that the Liquor Authority should be familiar with and will further tax the resources of New York City to adequately respond to valid complaints from local residents; and,

**Whereas**, this operator has just filed Bankruptcy in the city and state of New York and CB2 is concerned that offering a beer and wine license in a location that has never been licensed before while a Bankruptcy notice has been filed and sells pizza for \$1 dollar a slice and beer from three taps and carafes of wine gives CB2 tremendous pause that this is appropriate to license and would hope the Liquor Authority take this into serious consideration; and,

**Whereas**, CB2 is also concerned that other pizza operations within this immediate area which have Beer and Wine licenses have been known to serve underage NYU students and have had severe underage drinking problems notwithstanding the fact that there are already plenty of establishments serving pizza and beer in the immediate area; and,

**Whereas**, CB2, Man. respectfully requests that this application be heard before the Full Board of the Liquor Authority; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the new Beer and Wine license for **South Brooklyn Pizza, Inc. 190 Bleecker Street 10012**.

Vote: Unanimous, with 45 Board members in favor.

**7. H&M Restaurant, Inc. d/b/a La Bella Vita, 163 Mulberry St. 10013 – New Beer and Wine**

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

**Whereas**, this application is for the new Beer and Wine license in a mixed-use building located on Mulberry Street between Grand and Broome Street (block # 471/ lot #21), for a 1,500 sq. ft premise which will have 22 tables with 44 seats and no bar for a total capacity of 44 and a maximum occupancy of 74, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 11:00 a.m. to 11:00 p.m.; establishment is dining focused on Italian cuisine, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV's; and,

**Whereas**, this location was an Italian restaurant which has been closed for 8 months; and,

**Whereas**, CB2 would not be against an SLA Beer and Wine license at this location however, there are concerns that part of the sidewalk has been included as an enclosed sidewalk café that has not been determined by the Department of Buildings or the Department of Consumer Affairs as being legal; and

**Whereas**, until the operator can provide proof that these agencies approved these changes, CB2 cannot approve possible illegal space for any SLA license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Beer and Wine license for **H&M Restaurant, Inc. d/b/a La Bella Vita, 163 Mulberry St. 10013**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any license for **H&M Restaurant, Inc. d/b/a La Bella Vita, 163 Mulberry St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee with clarification regarding this enclosed sidewalk space and CB2 has forwarded a recommendation to the SLA. CB2 also requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

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

**8. Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.**

**Whereas**, the applicant did not appear before the committee; and,

**Whereas**, this application is for the Corporate Change of their On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**9. Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**10. Jensen Liu, 157 Lafayette St. 10013**

**Whereas**, the applicant did appear before the committee and accepted a layover from the hearing; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Jensen Liu, 157 Lafayette 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 45 Board members in favor.

**11. 212 Lafayette Associates, LLC, 212 Lafayette St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for the alteration to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **212 Lafayette Associates, LLC, 212 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a

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

Vote: Unanimous, with 45 Board members in favor.

**12. Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for an alteration to upgrade their Beer and Wine license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed changes to their liquor license for **Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**13. 18 Front, Inc. d/b/a Mother's Ruin, 18 Spring St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas**, this application is for the alteration to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **18 Front, Inc. d/b/a Mother's Ruin, 18 Spring 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 45 Board members in favor.

**14. Rockin Raw, LLC, 171 Sullivan St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney's second requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Rockin Raw, LLC, 171 Sullivan 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 45 Board members in favor.

**15. Entity to be formed by Marco Antonini, TBD, 351 Broome St. 10013**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November 13th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Entity to be formed by Marco Antonini, TBD, 351 Broome St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**16. Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12th St. 10014 – New OP**

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

**Whereas**, this application is for a "new" on-premise liquor license in a previously unlicensed location for a restaurant/tavern license for bar/restaurant/club/cabaret in a location between 9<sup>th</sup> Avenue and Washington St. serving Brazilian/Mediterranean Food on the 6<sup>th</sup> and 7<sup>th</sup> Floor for a 8,400 square foot premise equally divided between the two floors with patron use on both floors with a total of 60 tables, 180 table seats, 2 bars with 20 seats for a total of 200 seats, with a proposed maximum occupancy of 240 people and the applicant will apply for a public assembly permit when the building has finished construction and a New York City Cabaret license for dancing; and,

**Whereas**, the hours of operation will be Monday-Friday from 6 p.m. to 4 a.m. and Saturday-Sunday from 11 p.m. to 4 a.m., the kitchen hours were not presented, music will be at background and entertainment levels with music from ipod/cd's, Live Music, and DJ's, there will be no tv's, there will be 6 security guards everyday, there will be sound proofing and a professional sound engineer will be used, but there will be windows on the 7<sup>th</sup> floor that open across the façade, there will be promoted events, scheduled performances, events for which a cover fee is charged and private parties and there will be to music stages appropriate for larger ensembles located on both floors and appropriate large sound systems for live bands and DJ's at entertainment volume levels; and

**Whereas**, a full menu was provided but not the hours of operation of the food service; and,

**Whereas**, there are concerns that no traffic plans were provided even though the applicant acknowledged the serious traffic concerns in the area and stated he would attempt to address vehicular and crowd control; and,



**Whereas**, the applicant stated that there would be live music and dj's but did not present full details of how these would be incorporated into the method of operation and stated that the only reason they would be applying for a New York City Cabaret License was that they could not control whether patrons would gyrate their hips or move in a manner similar to dancing which put him in a position of needing to protect the establishment from being in violation of New York City's cabaret laws, yet his CB2 Questionnaire states that this will be a cabaret/club and the applicant stated that on Saturdays he expected at least 600 patrons to move through the establishment; and,

**Whereas**, the applicant did meet with members of the community on the night that Hurricane Sandy made landfall and discussed the plans for premise; and,

**Whereas**, over 20 individuals from the immediate area appeared in opposition and several individuals appeared in support and a large number of correspondence was received in opposition to this application; and,

**Whereas**, those in opposition to the issuance of this license were very concerned specifically about the impact on traffic, parking and quality of life in this area, which is a topic very familiar to CB2 Manhattan and to which no solutions have been implemented despite years of complaints and meetings with City officials and in particular the existing traffic conditions in the evenings and during late night hours are already deplorable and have a direct impact on the quality of life in the immediately adjacent residential communities which result in traffic jams, honking horns, loud patrons arguing about taxi's and livery cars, drunk patrons wandering quiet residential cross streets and screaming as they exit the area at late hours; a link to a video showing these conditions was submitted and can be viewed here <http://vimeo.com/49547365>; and,

**Whereas**, those in opposition wonder how this could possibly be in the public interest given all the concerns and also questioned the applicant's ability to address the impact to the existing traffic and parking conditions and quality of life issues, citing the applicant's long involvement in licensed premises in the area which already contribute to this problem and have unsuccessfully addressed these issues; and,

**Whereas**, the community did acknowledge that the applicant was open about his plans for the location but expressed additional concerns regarding morphing concepts based on previous applications at this location which were originally for a high end Japanese restaurant with a very detailed list of stipulations whose primary purpose was to support a basement music venue for emerging music talent from a long standing member of the community and thoroughly addressed issues regarding potential outdoor uses on the rooftop level and sound mitigation from the upper floors; and,

**Whereas**, there needs to be a line when there are so many licensed venues in the Meat Packing District that new licenses for late night premises just exacerbate existing conditions beyond a tolerable level and that enough is enough and the area does not need a new late night club operating on the upper floors at a previously unlicensed location; and,

**Whereas**, the applicant did not provide any stipulations to mitigate concerns for the area which he is fully aware of and instead blames the city for lack of enforcement; and,

**Whereas**, this establishment does not serve the neighborhood or public interest for an area already inundated beyond it's capacity or the capacity of the city to properly provide adequate policing presence, traffic control and other measures to ameliorate the impact on quality and safety of life; and,

**Whereas**, a new license here will in effect grandfather a location through "build out" to forever be a

licensed premise even though no discussion or stipulations were discussed or entered into regarding the impact of the existing noise level that a club on the 6<sup>th</sup> and 7<sup>th</sup> floors would have without specific discussions of how to address sound attenuation and that music at later hours would be at entertainment levels with live music, bands and dj's with a façade full of operable windows and no explanation of the windows soundproofing capabilities to address this type of music volume when it cannot even be properly controlled by ground floor establishments in the area; and,

**Whereas**, there are no stipulations that addressed the potential use of outdoor space immediately adjacent to the 7<sup>th</sup> floor that is a result of a required setback by the New York City Landmark's Commission that could easily be used for patrons but which would impact the surrounding residential community through additional noise, in an area where residents already need to sleep with ear plugs or noise machines on high volume nights; and,

**Whereas**, the stance taken by local residents is not anti-business, but rather a clear argument that it is just too much for this particular area to incorporate more of these types of establishments; and,

**Whereas**, the applicant was unable to address how musicians and bands would load in and load out equipment for the large ensembles described and how that would impact traffic and pedestrian safety concerns and members of the community have been working with the 6<sup>th</sup> Precinct, the Mayor's Office and the owners of the establishments in the areas and that the existing problems did not seem like they could be fixed and the addition of a venue like this would just make the area more intolerable during high volume evenings, specifically Thursday-Saturday, that granting this license would further undermine the balance of the neighborhood; and,

**Whereas**, that the turnover at later hours in patrons would add a multiple to the capacity and that the capacity of the establishment does not take into account the large open areas on the top floor which, despite the applicants statements, would in fact be a dance floor, that the access only from elevators would result in queuing on the street which would add additional noise from patrons waiting, that smokers would need to constantly be going up and down the elevators impeding the free flow of patrons further exacerbating people waiting on the street for entrance; and,

**Whereas**, a few individuals spoke in support of adding another live music venue to the area and did not feel it was the applicants responsibility to address issues that the City should instead be addressing; and,

**Whereas**, CB2's SLA Committee notes that the applicant, while providing a food menu, floor plans and renderings did not present a complete presentation which would address the known issues in the area and that the applicant did not provide a copy of the SLA application as requested, nor did the applicant provide a 500 ft statement or satisfactorily address issues as they relate directly to the 500 ft rule in regards to traffic, existing noise levels, vehicular parking and quality of life concerns among others; and,

**Whereas**, CB2 has recommended "deny" "unless" for another operation at this location which included additional lower floors including the basement, but note that these other applications were unique in character and addressed community concerns and there was some level of public interest unique to the applicant and community members hesitantly supported the application and operation and the overall intent of those applications were to maintain a particular character based on what has existed in their other owned and operated businesses and that those businesses particular locations are more suitable in this area; and,

**Whereas**, the previous applicant that is now the potential landlord of this applicant had presented an

application that was primarily a high end food operation which was then altered in a subsequent application to add an ancillary music component on the 6<sup>th</sup> floor only with food only on the 7<sup>th</sup> floor and for which the upper floors would only serve to support a live music venue in the basement for emerging jazz musicians in which the previous applicant has a long history of running similar operations but which he stated needed to be supported by a high end restaurant on the upper floors because that operation was not financially viable on it's own and additionally the previous applicant entered into an extensive list of stipulations; and,

**Whereas**, CB2, Man. did recommend “deny” “unless” to the previous applicant but would like to clearly state that it does not believe that the public benefit or interest would be served in issuing a license to this applicant for this application at this location for the reasons indicated above; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an On Premise liquor license for **Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12th St. 10014.**

Vote: Unanimous, with 45 Board members in favor.

**17. Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square 10014 – Transfer of OP**

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

**Whereas**, this is a “transfer” application for a new on premise liquor license for a “neighborhood restaurant/bar in the casual West Village tradition with our aim being to establish a loyal local clientele” that “will be a warm and comfortable place for people of all walks of life to stop in to have an affordable, delicious and hearty meal” in a previously licensed location located between Bleecker Street and West 12th St. in a mixed use building for an approximately 700 square foot premise on the ground floor and a 700 sq ft basement for ancillary uses but not for patrons, there will be 10 tables and 25 table seats, 1 stand up bar with 15 seats for a total of 40 seats, the maximum occupancy as stated on the Certificate of Occupancy is 43; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 4 p.m. to 1 a.m. and Thursday to Saturday from 4 p.m. to 2 a.m., the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music from ipod/cd's that will not disturb residents in the building or other neighbors, there will be sufficient sound proofing so that sound does not interfere with the residents in the building by having a qualified contractor install “softrock” which is a soundproofing sheetrock material, there will be no dj's, no live music, no jukebox, there will be 1 tv, there will be no security personnel, there may be private parties;

**Whereas**, changes to the previous “method of operation” for the licensee from whom the license is being transferred include “minor cosmetic changes to interior, change in hours and menu”; and,

**Whereas**, there are at least 17 licensed premises within 500 feet; and,

**Whereas**, the applicant has a long history of working with many restaurateurs, several of whom hold licenses within CB2; and,

**Whereas**, the applicant performed some outreach in the community but did not reach out to the local block associations; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. Hours of operation will be Sunday to Wednesday from 4 p.m. to 1 a.m. and Thursday to Saturday from 4 p.m. to 2 a.m. At closing, all patrons will have left the premises.
2. Doors and Windows will remain closed at all times.
3. The applicant will install soundproofing.
4. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
5. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing
6. Music will at all times be background only.
7. Training will be provided for staff to properly manage the exterior of the premise.
8. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an on-premise liquor license for **Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square 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 45 Board members in favor.

**18. Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013 – New OP**

**Whereas**, the applicant appeared before the committee for a second time after being asked to perform additional community outreach; and,

**Whereas**, this is an application for a new on premise liquor license in a previous licensed premise for a “small neighborhood restaurant that specializes in American cuisine with an Asian influence”, that its “goal is to provide quality food for the local residents”, located between Hudson Street and Renwick Street in a mixed use building in a premise approximately 2,538 sq ft, with 1,788 sq ft. on the ground floor for patron use and approximately 750 square foot in the basement for ancillary uses but not for patrons, there will be 28 tables and 56 table seats, 1 stand up bar with 10 seats, 1 drink rail with 4 seats for a total of 70 seats, the maximum occupancy as stated on the Certificate of Occupancy is 70, there will be a sidewalk café which is included in this application which will have 10 tables and 20 seats and this is subject to approval by CB2’s Sidewalks and Street Activities Committee and the full board of CB2, Manhattan; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11 a.m. to 1 a.m. and Friday to Saturday from 11 a.m. to 2 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music from 4 small speakers with no bass music that will not disturb residents in the building or other neighbors, there currently exists sufficient sound proofing, there will be no dj's, no live music, no jukebox, there will be 1 tv, there will be no security personnel, there may be private parties on occasion (i.e. occasional birthday, anniversary etc.);

**Whereas**, there are at least 11 licensed premises within 500 feet; and,

**Whereas**, the applicant has a long history of working with many restaurateurs, several of whom hold licenses within CB2; and,

**Whereas**, the applicant performed some outreach in the community but did not reach out to the local block associations or condo associations initially and did so prior to returning to this meeting; and,

**Whereas**, the applicant did meet with the Condo Association in the building in which the premises is located and did come to agreement on aspects of the method of operation which are reflected below; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday to Thursday from 11 a.m. to 1 a.m. and Friday to Saturday from 11 a.m. to 2 a.m. At closing, all patrons will have left the premises.
2. No patrons will be in any outdoor areas or in the sidewalk café seating after 10 p.m. Sunday to Thursday or after 11 p.m. Friday and Saturday.
3. This will be a small neighborhood restaurant only and will not be a lounge/club.
4. The licensee will enforce quiet behavior and specific smoking areas for customers who use the sidewalk directly outside the building for smoking.
5. Doors and Windows will remain closed at all times.
6. Music will be background only from 4 small speakers with no bass music.
7. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
8. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing.
9. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on-premise liquor license for **Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013** **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 45 Board members in favor.

**19. 753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington St. 10014 - Upgrade to OP**

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

**Whereas**, this is an application for an upgrade from an existing Restaurant Wine License (SN#126369341) to a on premise liquor license, there will be no changes to the current operation other than the ability to offer patrons liquor cocktails and drinks”, the premise is located on the corner of Washington St. and Bethune St. in a mixed use building in a premise approximately 1,000 sq ft on the ground floor, there will be 11 tables and 39 table seats, 1 stand up bar with 6 seats for a total of 45 seats, the maximum occupancy is less than 75 persons as stated in a letter of no objection, there is an existing sidewalk café which is included in this application which has 8 tables and 17 seats and the applicant will return to CB2’s SLA Licensing Committee should more seats and tables be added to the sidewalk café and this is subject to approval by CB2’s Sidewalks and Street Activities Committee and the full board of CB2; and,

**Whereas**, the hours of operation will be Monday to Friday from 5:30 p.m. to 12 a.m. and Saturday and Sunday from 12 p.m. to 12 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music that will not disturb residents in the building or other neighbors, there currently exists sufficient sound proofing, there will be no dj's, no live music, no jukebox, there will be no tv's, there will be no security personnel, there will be no private parties;

**Whereas**, there are at least 7 licensed premises within 500 feet; and,

**Whereas**, the applicant performed outreach in the community and presented a petition in support; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Monday to Friday from 5:30 p.m. to 12 a.m. and Saturday and Sunday from 12 p.m. to 12 a.m. At closing, all patrons will have left the premises.
2. Doors and Windows will be closed promptly at 9 p.m. Sunday to Thursday and at 10 p.m. Friday and Saturdays and will remain closed after those times until opening the following day.
3. Music will be background.
4. There will be no dj's, live music, promoted events, private parties or any events at which a cover fee is charged.
5. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing.
6. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an upgrade from a beer and wine license to a full on-premise restaurant liquor license for **753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington 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 45 Board members in favor.

**21. Tango House, Inc. d/b/a Malbec Bar & Rest. aka Tango Theatre, 428 Lafayette St. 10003- (transfer)**

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

**Whereas**, this is an application to add a co-licensee by an endorsement application, the liquor license which is held by Colonnades Restaurant Associates, Ltd. (SN#1174339) will be changed to add Tango House, Inc. and will be operated as a restaurant and a tango dance entertainment space with no patron dancing, the premise is located on between East 4<sup>th</sup> Street and Astor place, in a mixed use building in a premise approximately 5,675 sq. ft., broken up into the entertainment space in the basement which is 3,219 sq. ft., a Mezzanine which is 1,460 sq. ft. and the 1<sup>st</sup> floor which is 1,006 sq. ft., there will be 51 tables and 118 table seats, 2 stand up bars with 22 seats and 6 banquets which seat 14 people for a total of 154 seats, there are no outdoor areas for patron use; and,

**Whereas**, the hours of operation will be Sunday from 11 a.m. to 2 a.m., Monday to Thursday from 5 p.m. to 2 a.m., Friday-Saturday from 11 a.m. to 2:30 a.m., the premise will be operated as a restaurant and tango dance entertainment space with no patron dancing, the kitchen will be open at until 1 hour prior to closing, music will be quiet background music in the restaurant portion of the operation on the 1<sup>st</sup> floor and mezzanine with no dj and at entertainment level with live music, but no dj in the entertainment space in the basement, there will be security personnel on Friday and Saturdays, there will be scheduled performances, there may be private parties, there will not be any events at which a cover fee is charged in any part of the premise including the basement entertainment space;

**Whereas**, the original resolution from CB2 dated September 22, 2005 for this license to which the applicant is being added as a co-licensee which was forwarded to the State Liquor Authority is as follows:

***6. Colonnades Restaurant Associates, Ltd., 428 Lafayette Street, NYC 10013***

***WHEREAS***, the applicant, applicant's attorney and applicant's landlord (who lives on premises), appeared before the committee; and,

***WHEREAS***, this application is for a new On Premise license, pursuant to an ownership change, for a currently operating 7,500 s.f. restaurant/theatre, located in a mixed use 5 story building between West 4th Street and Astor Place, with 107 table seats and 2 bars with 13 seats; and,

***WHEREAS***, the applicant stated that the hours of operation will be 5:00 p.m. – 2:00 a.m. Sunday – Thursday, 11:00 a.m. – 2:30 a.m. Friday and Saturday; music is provided by live band, D.J. and musical theatre; and,

***WHEREAS***, the applicant stated there are no plans to change current operations or to include an outdoor café or a backyard garden; and,

***WHEREAS***, no one from the community appeared in opposition to this application; and,

***THEREFORE, BE IT RESOLVED*** that CB#2, Man. has no objection to the approval of an On Premise license to Colonnades Restaurant Associates, Ltd., 428 Lafayette Street, NYC 10013.

*Vote: Unanimous, with 31 Board members in favor.*

**Whereas**, one of the principles, Robert Ogden, has been a licensee at this location since 1975 and is the landlord and has become an integral part of the fabric of this community; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday from 11 a.m. to 2 a.m., Monday to Thursday from 5 p.m. to 2 a.m., Friday-Saturday from 11 a.m. to 2:30 a.m. At closing, all patrons will have left the premises.
2. There will be no patron dancing on the premises.
3. There will only be live music and musical theatre in the entertainment space in the basement.
4. The licensee will no apply for a DCA cabaret license or operate as a nightclub.
5. The kitchen will be open until 1 hour prior to closing.

6. There will be no backyard garden or sidewalk café.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application to add **Tango House, Inc. d/b/a Malbec Bar & Rest. aka Tango Theatre, 428 Lafayette St. 10003** as a co-licensee by an endorsement application to the liquor license which is held by Colonnades Restaurant Associates, Ltd. (SN#1174339) **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 45 Board members in favor.

**22. Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond St., 10012 (SN 1267279)**

**Whereas**, the applicant appeared before the committee for a second time after being asked to perform additional community outreach; and,

**Whereas**, this application is for a new Beer and Wine license for a “family owned and operated restaurant focusing on French bistro style”, in a commercial building on Bond Street between Lafayette and Bowery (Block # 529 and Lot # 35,36), for a 1,680 s.f. Restaurant spread out between the 1<sup>st</sup> floor for patrons and the basement for ancillary uses only, which has 21 tables and 42 seats and 1 bar with 9 seats for a total of 51 seats, there will not be a sidewalk café or back yard garden, music will be background only from ipod/cd’s, the maximum legal occupancy is stated to be less than 75 persons; and

**Whereas**, the applicant states that the hours of operation will be Sunday to Tuesday from 11 a.m. to 1 a.m. and Wednesday to Saturday from 11:00 a.m. to 2:00 a.m.; and,

**Whereas**, CB2 has recommend to the Liquor Authority twice for denial of a license at this location for a previous licensee for both a beer and wine license and an upgrade to a full on-premise license, and notes that this applicant acquired the premise and lease through bankruptcy proceedings; and,

**Whereas**, after the licensee appeared before CB2’s SLA Committee in October 2012, the Committee requested the applicant perform outreach to the local neighborhood associations of which there are at least 3 which cover this immediate area and block and the local residential buildings to discuss their operation, but the applicant was not able to meet with the groups due to miscommunication over the month and instead hosted one open house immediately after the initial CB2 SLA Committee meeting which representatives of the local community were unable to attend; and,

**Whereas**, there continue to be a high density of existing licenses (22 OP licenses and at least 3 beer and wine licenses) within 500 ft. of this location and many of the establishments are large multi-bar, multi floor venues and there are 3 other existing OP licenses on this block which is primarily residential with many of the buildings having agreed to forego eating and drinking uses in the ground floor spaces during the building variance processes in order to maintain the residential character of the block; and,

**Whereas**, the community, consisting of residents, property owners, businesses, and developers continues to object to additional licenses in the area of NoHo and at this location in particular and a petition in opposition was submitted with 131 signatures of residential property owners and residents in the very immediate area, A representative appeared and presented a letter in opposition from the newly formed Noho Bowery Stake Holders which represents 250 property owners in the area, a representative of the Noho Neighborhood Association appeared and stated that the long standing Association was in opposition in particular due to the extension of licenses into cross streets and the late hours of operation; and,



**Whereas**, the primary concerns of those in opposition were the high number of existing liquor license in the area, both on-premise and beer and wine and that many of those venues were large multi floor, multi bar venues, that the side streets like the street on which the applicant is located are predominately residential in character with many of the buildings on this block having agreed with the New York City Board of Standards and Appeals to curtail eating and drinking establishments in order to preserve the residential character of this block, that this establishment would become a happy hour destination and a late night destination drawing customers from existing licensed premises both keeping late night revelers in the immediate area and impacting the business of already licensed businesses; and,

**Whereas**, unlike this application, the existing licensed premises on Bond Street with on premise licenses and the other unlicensed restaurant on Bond Street have earlier closing hours typically and stipulated for some at midnight: and,

**Whereas**, that the applicant has not provided credentials that would indicate any significant knowledge for running or managing a restaurant particularly in light of the fact that the previous operation failed and that this restaurant concept was not solid and does not take into account the foot traffic patterns in this neighborhood, there is concern that the applicant would use the approval of a beer and wine license and their operation as justification to upgrade to a full on-premise license in the future, that the applicant did not go to further lengths to meet with representatives of local community organizations to discuss their plans, and that there was tremendous concern that the later hours of operation would draw the large crowds which patronize establishments on the Bowery into the residential cross streets; and,

**Whereas**, CB2 agrees with the concerns presented by those in opposition, and asked the applicant if they would be willing to stipulate to closing at 12 a.m. 7 days a week to address the immediate concern on the impact of quality of life and the concerns that this would become a late night drinking establishment/wine bar and to agree not to seek to upgrade the license to an on-premise liquor license, which the applicant would not agree to; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends the denial of the application for a Beer and Wine license for **Kings 55 Group, Inc. d/b/a Le Philosophe, 55 Bond St., 10012 (SN 1267279)**; and

**THEREFORE BE IT FURTHER RESOLVED** that should the Liquor Authority consider this application despite CB2's recommendation for denial, that the applicant be required to stipulate to closing hours of 12 a.m. 7 days a week and stipulate to agreeing not to seek an upgrade to a full on-premise license in the future.

Vote: Unanimous, with 45 Board members in favor.

### **23. Mamagyro II, Inc., 820 Broadway, 10003 – New Beer and Wine**

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

**Whereas**, this is an application for a new beer and wine license for a restaurant in a previous licensed premise for a “mother-daughter owned business, Greek cuisine restaurant operating in NYC for almost two years” and “all of [their] treats come from years of family recipes passed down generation to generation” their “primary location on the Upper East Side has successfully served the Upper Manhattan community since January 2011” and their “purpose is to expand [the] business and serve the downtown Manhattan community”, the premise is located between East 11<sup>th</sup> and East 12<sup>th</sup> Streets in a mixed use

building, there will be 6 tables and 30 table seats, one countertop with 6 seats, 1 stand up bar with no seats, for a total of 36 seats, the maximum occupancy as stated is 50, there will be no outdoor seating and no sidewalk cafe; and,

**Whereas**, the hours of operation will be from 10 a.m. to 13 a.m. seven days a week, the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music from ipod/cd's that will not disturb residents in the building or other neighbors, there currently exists sufficient sound proofing, there will be no dj's, no live music, no jukebox, there will be no tv's, there will be no private parties, no scheduled performances, no outside promoters, no promoted events and no events for which a cover fee is charged; and,

**Whereas**, there are at least 6 licensed premises within 500 feet; and,

**Whereas**, the applicant performed outreach in the community; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Manhattan that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be 10 a.m. to 12 a.m. 7 days a week. At closing, all patrons will have left the premises.
2. Doors and Windows will remain closed at all times.
3. Music will be background only.
4. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
5. Contact information for Principal/Manager will be provided to community members upon request.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on-premise liquor license for **Mamagyro II, Inc., 820 Broadway, 10003** **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 45 Board members in favor.

#### **24. Growler Station NYC, LLC, 26 W. 8th St., Basement Store, 10011 - Upgrade**

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

**Whereas**, this is an application for an upgrade from a Grocery Store Beer License to a Tavern Wine License for a "retail beer-to-go store, with an offering of 24 craft beers on tap and over 600 types of beer from around the world" so that "customers will have the opportunity to taste beers prior to purchase" and "the main focus of the applicant's operations remain on selling beers to go", the premise is located between MacDougal Street and 5<sup>th</sup> Avenue in a mixed use building in a premise approximately 910 sq ft., on the basement floor for patron use, there will be 5 tables and 10 table seats, there will be no bars stand up or service, the maximum occupancy will be 35 persons, there will be a no outdoor spaces; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11 a.m. to 10 p.m. and Friday to Saturday from 11 a.m. to 11 p.m., the premise will be operated primarily as a "beer-to-go" operation

selling bottled beers and beer in “growlers”, music will be quiet background music from ipod/cd’s that will not disturb residents in the building or other neighbors, there will be no dj’s, no live music, no jukebox, there will be no tv’s; and,

**Whereas**, there are at least 20 on-premises licenses and 3 beer and wine licenses within 500 feet; and,

**Whereas**, the applicant did contact the local block association who communicated verbally that they were not in opposition to this application provided the applicant followed the method of operation as described; and

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will end at 11 p.m. 7 days a week. At closing, all patrons will have left the premises.
2. The Tavern Wine license will be for tasting purposes only. There will be no bar. Beer will be sold primarily ancillary to grocery sales.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a tavern wine license for **Growler Station NYC, LLC, 26 W. 8th St., Basement Store, 10011** **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 45 Board members in favor.

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

**25. Amici da Boom Inc., d/b/a Boom, 152 Spring St. 10012 (SN# 1242559)**

**Whereas**, the applicant **did not appear** before CB2’s SLA Licensing Committee on November 15<sup>th</sup>, 2012 after having been requested to so by CB2 Manhattan’s SLA Licensing Committee to address matters raised by the community in regards to the renewal of the licensee’s on-premise liquor license after the CB2 had received numerous complaints regarding the operation of the licensee, but instead their attorney submitted correspondence prior to the meeting on November 8<sup>th</sup>, 2012 indicating that the licensee was **withdrawing** their renewal application for an on-premise liquor license and that because the premise had been severely damaged by Hurricane Sandy the premises was now **out of business**; and

**Whereas**, several community members appeared before the Committee and submitted documentation showing extensive complaints and operation contrary to the approved “method of operation”; and,

***Whereas**, if for any reason should this applicant submit a renewal application in the future directly to the Liquor Authority, CB2, Manhattan requests that the licensee be asked to **return** to CB2’s SLA Licensing Committee so that the licensee can address these concerns directly and an appropriate recommendation can be forwarded to the Liquor Authority.*

**THEREFORE BE IT RESOLVED** that C2, Man. strongly recommends that the SLA deny any type of renewal license for proposed liquor license or changes to any existing for **Amici da Boom Inc, d/b/a Boom, 152 Spring St. 10012 (SN# 1242559)** until the applicant has presented their renewal 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 45 Board members in favor.

**26. 14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12th St.-(upgrade)**

**Whereas**, the applicant did not appear before CB2's SLA Licensing Committee on November 15<sup>th</sup>, 2012 after having requested to layover consideration of their application in October 2012, but notified CB2 on November 16<sup>th</sup>, 2012 that they would resubmit notification to CB2 to be placed on the December 2012 agenda for an upgrade application for SLA Serial #1119417 from a beer and wine license to a full on-premise license and will resubmit the application for consideration to CB2's SLA Licensing Committee at that time; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license or upgrade application for **14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12<sup>th</sup> 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 45 Board members in favor.

**26. Kennedy Organics, LLC 5 King St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant's attorney requested to layover consideration of this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license for **Kennedy Organics, LLC 5 King 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 45 Board members in favor.

**27. UBSOHO 10013, LLC 349 W. Broadway, 10013**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant's attorney requested to layover consideration of this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license for **UBSOHO 10013, LLC 349 W. Broadway, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**28. Alianza Restaurant Group, TBD 202 W. 14th St. 10011**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant requested to layover this application and then subsequently notified CB2 that they were withdrawing this application; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license for **Alianza Restaurant Group, TBD 202 W. 14th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**29. Fumee Inc. d/b/a Circa Tabac, 34 Watts St. 10013**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant requested to layover this application for a corporate change and then subsequently notified CB2 that they were withdrawing this corporate change application; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed liquor license or changes to any existing license or corporate change for **Fumee Inc. d/b/a Circa Tabac, 34 Watts 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 45 Board members in favor.

**30. Al Taglio Ltd, 196 Spring St. 10012**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant requested a layover of consideration for this new beer and wine license application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting after performing additional community outreach and properly submitting materials requested on CB2 Manhattan's Liquor License Questionnaire; and,

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA deny any type of proposed beer and wine or liquor license application for **Al Taglio Ltd, 196 Spring 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 45 Board members in favor.

**31. Hud Bar 01, LLC 501 Hudson St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant requested to **withdraw** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, beer and wine license or changes to any existing license for **Hud Bar 01, LLC 501 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 45 Board members in favor.

**32. Sub Culture NoHo, LLC, 45 Bleecker St. (representative requested layover)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on November, 15th, 2012, the applicant's representative requested to **layover** consideration of this application for a beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Sub Culture NoHo, LLC, 45 Bleecker St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**33. 150 RFT Varick St. d/b/a Greenhouse/WIP, 150 Varick St. 10013**

**Whereas**, the applicant **did not appear** before CB2's SLA Licensing Committee on November 15<sup>th</sup>, 2012 or notify CB2 Manhattan prior to the meeting of any action after having requested to be placed on the calendar to present their application to the New York City Department of Consumer Affairs for a Cabaret License; and,

**Whereas**, several members of the community appeared before the committee with extensive documentation and complaints in regards to the operation at this premise which they would have like to present had the applicant been present and have the applicant respond to; and,

**Whereas**, CB2 also has serious concerns in regards to the operation at this establishment;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the New York City Department of Consumer Affairs deny any type of proposed Cabaret License at this location for **150 RFT Varick St. d/b/a Greenhouse/WIP, 150 Varick 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 Department of Consumer Affairs (DCA) and requests that the DCA send this applicant back to CB2, should this application proceed directly to the DCA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,

Susan Kent, Secretary  
Community Board #2, Manhattan