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



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

## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** March 24, 2016  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building Auditorium, 557 Broadway

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Don Borelli, Richard Caccappolo, Lisa Cannistraci, Tom Connor, Terri Cude, Doris Diether, Cristy Dwyer, Billy Friedland, Susan Gammie, Jonathan Geballe, Robin Goldberg, Susan Kent, Jeannine Kiely, Maud Maron, Daniel Miller, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Shirley Smith, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, Anita Brandt, William Bray, Coral Dawson, Alexander Meadows, Robert Riccobono, Kristin Shea, Federica Sigel, Elaine Young

**BOARD MEMBERS ABSENT:** Robert Ely, Joshua Frost

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Ritu Chatree, Sasha Greene, David Gruber, Edward Ma, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** Daniel Ballen

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

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Cynthia Stokes-Adam, Thomas Hine, Brett Kaplan, Mark Dicus, Karen Watson, Austin Woo, Adolfeus Cole, Matt English, Jenna Jaffe, Paul Longo, Neil Tucker, Randy Weiner, Pete Davies, Danielle Tcholakian, Susan Schroeder, Randall Wiltz, Gonzalo Casals, Seline Cheah, Julia Marzolla, Peter Leonardi, Ashleah Goncales, Miranda Murray, Roger Sommerfield, Jamie Jensen, Cleveland Cxra, Robert Ashe, Lindsey Nelson, Gabriel Lewenstein, Terrell Biggums, Solana Chehtman, Robert Osborne, Heather Campbell, Anne Prentiebs, Will Griggs, Matt Kliegman, Donald Bernstein, Maud Deitch, Austin Peters, Sharon Pope

## MEETING SUMMARY

Meeting Date – March 24, 2016

Board Members Present – 36

Board Members Absent With Notification – 9

Board Members Absent - 2

Board Members Present/Arrived Late - 6

Board Members Present/Left Early – 1

### I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
LANDMARKS AND PUBLIC AESTHETICS	4
SCHOOLS & EDUCATION	11
SIDEWALKS/STREET ACTIVITIES	15
SLA LICENSING	19
TRAFFIC AND TRANSPORTATION	46
NEW BUSINESS	48

### II. PUBLIC SESSION

#### Non-Agenda Items

##### Bike New York

Sharon Pope spoke regarding the organization and provided information regarding their upcoming 5-boro bike tour.

##### Friends of the Highline

Solana Chehtman spok regarding Culture Shock, an introduction to the upcoming season at the Highline.

##### Various Events in CB2

Lois Rakoff made an announcement regarding Bellevue's Community Advisory Board, informed everyone about the upcoming Poe Room event on April 28<sup>th</sup>, and finally, announced the Washington Square Music Festival Benefit to be held on May 8<sup>th</sup>.

##### SoHo Broadway Initiative

Mark Dicus updated everyone regarding a community survey where data will be collected regarding illegal sidewalk use, among other things, and will be issuing a sidewalk vending guide.

## **Schools and Education**

### **Support of the Funding of Projects for Green Roofs, Walls and Outdoor Green STEM Curriculum**

Jeanine Kiely, Chair of the Schools & Education Committee, spoke in favor of participatory budgeting and voting for the 75 Morton green roof.

### **Support of Admissions Method(s) for 75 Morton Middle School that Reflect Community Preferences**

Heather Campbell and Robert Osborne, spoke in favor of the resolution regarding admission methods.

## **Sidewalks/Street Activities Items**

### **Bailey House Street Fair**

Robert Ashe, the promoter for the event, spoke in favor of the annual street event.

### **Hudson Park Library**

Miranda Murray, representing the library, spoke in favor of the street event.

### **Overseas Chinese Mission Street Event**

Austin Woo, representing the organization, spoke in favor of the annual street event.

## **SLA Licensing Items**

### **Kaleidoscope Holdings, LLC, d/b/a TBD, 142-144 Mulberry St. 10013**

Pete Davies spoke against the proposed application for a liquor license, stating that the building is not fireproof.

Karen Watson, Anne Prentiebs, Will Griggs, Matt Kliegman, Randy Weinger, Maud Deitch, Austin Peters, and Donald Bernstein (representing the applicant), spoke in favor of the proposed liquor license for a theater.

## **III. ADOPTION OF AGENDA**

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

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

**V. ADOPTION OF MINUTES**

Adoption of the January and February minutes

**VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.
2. **Treasurer's Report** Antony Wong reported
3. **District Manager's Report** Bob Gormley reported.

**STANDING COMMITTEE REPORTS**

**LANDMARKS AND PUBLIC AESTHETICS**

**FIRST LANDMARKS MEETING**

**1\* 20 E. 10th St.** - Application is to modify the stoop, construct a rear and rooftop addition, and excavate the rear yard and cellar.

**Whereas:**

- A The proposal is to remove brownstone stucco from the entry, install divided doors and transom, rebuild the stoop according to historical photographs and similar houses in the row; and,
- B Install ironwork from the period similar to other houses in the row; and
- C Replace windows with those of historical design as depicted in historical photographs; and
- D Demolish the three story extension and replace it with a four story extension that is 2'-9" deeper than the existing extension with placement of windows in a historical configuration; and
- E The penthouse is not visible from the street and was represented by the applicant, without accompanying drawings or renderings, as "all glass"; now

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

- A Approval of the renovations to the front and rear facades; and
- B Denial of the penthouse design unless it is modified from the described "all glass" design to include a considerable reduction in amount of glazing.

Vote: Unanimous, with 34 Board members in favor.

**2\* 11 5<sup>th</sup> Ave** Application is to install new storefronts, signage, and security cameras & replace existing granite surround at the 8th St. commercial façade.

**Whereas:**

A Granite and limestone facings are to be restored to original condition, storefront infill's are to be restored to uniform original design with 12" bulkheads; and

B Unobtrusive security cameras and LED strip lighting will be installed; and

C Modest size uniform signs will be installed on the sign band; now

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

Vote: Unanimous, with 34 Board members in favor.

**3\* 37 Barrow St.** - Application is to legalize façade work in noncompliance with Certificate of Appropriateness 07-2981, to legalize façade alterations completed without LPC permit(s).

**Whereas:**

A The applicant represented that the transom above the main entry, the pattern of the brick banding, and the lighting fixtures are the scope of the alterations that are in noncompliance with the Certificate of Appropriateness;

B The transom, banding, and lighting fixtures are appropriate to the building and the district; now

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

A Approval of the transom, banding, and lighting fixtures; and

B Denial of approval of any other alterations that are the subject of a violation until they have been brought to the Committee and the Board for review in order to make a recommendation to the Commission.

Vote: Unanimous, with 34 Board members in favor.

**4\* 128 MacDougal St.** - Application is to remove existing glass storefront and replace with reclaimed wood and glass facade, and paint the brick red.

**Whereas:**

A The non-historic infill is to be replaced with wood framing, wood paneling with bold diagonal detailing, and topped by a half window; and

B Signage of individual letters and lantern-like lighting fixtures are to be installed above the window; and

C The brick surround is to be stained to match the color of the existing surround of the main building entry; now

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

- A Approval of the infill, brick color, signage, and lighting; and
- B Denial of the bold diagonal pattern in the panel below the window and recommends no pattern or a simpler design.

Vote: Unanimous, with 34 Board members in favor.

**5\* 541 Broadway** - Application is to install an ADA-compliant ramp at the Broadway entrance.

**Laid Over**

**6\* 92 W. Houston St.** – Application is to install an awning. **Laid Over**

**7\* 86 Bedford St.** – Application is to legalize the installation of a dormer at the rear facade without LPC permits.

**Laid Over**

**8\* 30 Grove St.** – **Laid Over**

**9\* 372 W. Broadway** - Application is to install temporary signage. **Withdrawn**

**10\* 88 Perry St.** – Application is to legalize tile mural installed without LPC permits. **Laid Over**

#### **SECOND LANDMARKS MEETING**

**11. \*875 Washington St.** – Application is to installation of an art mural on existing bulkhead wall.  
(Moved from March 14th Landmarks Committee agenda)

#### **Whereas:**

- A. A master plan is proposed for the installation of a flat painted art installation on an existing corrugated metal panel on the wall of a roof bulkhead located on a the deck of a private business that is highly visible from the High Line and minimally visible from street level; and
- B. The panel’s (14’ X 33’) illumination was approved by LPC for the existing condition of the wall; and
- C. The applicant represents that the art will not be used for advertising and that each installation will remain in place for several years; therefore there would be no hardship in presenting each new proposal for review; and
- D. The intial proposed work of art was not shown and there were only vague representations that the art would likely be in strong colors and would be proper and attractive; and
- E. In similar applications each installation has been reviewed by the Committee or master plans have had specific, stringent guidelines and the Landmarks staff has been charged with reviewing each change to ensure that it conforms to the approved guidelines; now

**Be it resolved: that CB2, Man. recommends:**

- A. Denial of a master plan for the proposed art installation; and
- B. That each artwork be reviewed by the Committee and the Board to formulate a recommendation to the Commission; and
- C. That the lighting plan be reviewed to ensure that it is appropriate for a painted wall.

Vote: Unanimous, with 34 Board members in favor.

- 12. \*541 Broadway** - Application is to install an ADA-compliant ramp at the Broadway entrance.  
(Moved from March 14th Landmarks1 Committee agenda)

**Whereas:**

- A. Vault lights have been removed and the sidewalk area near the building is covered in diamond plate; and
- B. A switch back entrance ramp with an overall dimension of 22' X 7' - leaving 10'-8" of sidewalk space and a minimal railing is proposed; and
- C. The ramp is massive in appearance and occupies an inordinately large area of the sidewalk and disturbs the appearance of the landmark building; and
- D. The applicant offers no plausible explanation why moving the entrance to another bay would not permit a straight ramp without switchback to be installed; and
- E. The applicant did not provide evidence that the present use of a call button to summon staff to place a movable ramp is not in compliance with ADA regulations; and
- F. A call button for handicap assistance is to be painted to match the column on which it is installed; and
- G. The intercom for the residential entrance will be moved to an unobtrusive location on the inside of the column and painted to match; now

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

- A. That the diamond plate sidewalk covering, painting the call button, and moving the intercom be approved; and
- B. That the installation of the proposed ramp be denied.

Vote: Unanimous, with 34 Board members in favor.

13. **\*86 Bedford St.** – Application is to legalize the installation of a dormer at the rear facade without LPC permits. (Moved from March 14th Landmarks1 Committee agenda)

**Whereas:**

- A. The dormer is necessary to bring light and air to the top floor living space; and
- B. The dormer is not visible from any public thoroughfare and does not intrude on any neighboring property; and
- C. The dormer is in keeping with the style of the building and is in materials and color approved in the recent renovation of the building; now

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

Vote: Unanimous, with 34 Board members in favor.

14. **\*25 Bleecker St.** – Application is to demolish an existing 4-story building and replace it with a 6-story building plus penthouse addition.

**(laid over)**

15. **\*43-45 Wooster St.** – Application is to install a storefront for entry at grade, remove stair and install wood storefront to match adjacent.

**Whereas:**

- A. The proposed modification of the north bay of the commercial space is to have its historic entrance lowered to grade level with diamond plate covering the exposed sidewalk area; and
- B. The applicant provided no justification by necessity for the alteration to the historically referenced symmetrical infill; and
- B. The proposed asymmetrical bay with a door and sidelite to be installed at grade level and does not match the existing doors in the south bay; and
- C. The entire infill is to be painted in Plymouth Brown, a color with historical reference and prevalent in the areas; now

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

- A. Denial of the modification to the infill; and
- B. Approval of the painting of the infill in Plymouth Brown.

Vote: Unanimous, with 34 Board members in favor.



16. **\*27 Christopher St.** - Application is to construct a rooftop addition, alter ground-floor entrances, excavate the cellar, and modify courtyard elevations.

**Whereas:**

- A. The existing main entry and service entry are recent alterations and are not the original design; and
- B. The flagpole, windows, watertable between the ground floor and second floor, steps at the main entrance and balustrades below second floor windows will be restored according to a 1933 photograph.
- C. The infill of the main entry will be replaced with solid wood paneled door in keeping with the style of the building and the transom panel above will be filled with solid material; and
- D. The service entry will be raised, exterior stairs added and the window above shortened - all in keeping with the style of the main entrance; and
- E. The courtyard façades, not visible from any public thoroughfare, will be modified with numerous windows bricked up and new large windows introduced; and
- F. The cellar will be excavated to additional depths ranging from 1'-11" to 3'-9" in the main area and 7'-9" in the area of the pool; and
- G. New HVAC equipment, elevator tower, gallery, stair bulkhead, powder room, and pergola will be installed on the roof with the tallest element at 13'-9"; and
- D. The entire roof construction is clearly visible from the corner of Christopher Street and Grove Streets and minimally visible from other locations and is in scale with the building and not obtrusive; and
- E. The pergola stands out from the other roof construction giving a haphazard appearance; now

**Be it resolved:** that CB2, Man. recommends

- A. Approval of flag pole, façade, entries and courtyard alterations; and
- B. Approval of the elevator and gallery structures on the roof; and
- C. Denial of the pergola unless it is reduced in height to align with the adjoining gallery or moved to the north, out of sight.

Vote: Unanimous, with 34 Board members in favor.

17. **\*1 Horatio St.** - Application is to paint a wall mural at 1 Horatio St. / corner of 8th Ave.

**Whereas:**

- 1. The applicant requested an opportunity to make changes to he application based on discussions with the committee;

2. The applicant agreed to return to the Committee in April and delay the LPC hearing until after the April full Board meeting; now

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

1. Appreciated the applicant's responsiveness to community concerns
2. The Application is hereby laid over until April

Vote: Unanimous, with 34 Board members in favor.

18. **\*41 W. 11th St.** - Application is to expand the cellar level into the rear yard, and convert a two-level rear yard.

**Whereas:**

- A. The rear yard is to be excavated to a depth of approximately 11' (to align with the existing lower garden level) with a setback from the property line of 5' and covered with a patio paving material; and
- B. There is a large tree, thought to be 100 years old, in the adjoining garden to the rear and this tree is considered integral to the integrity of the well preserved doughnut; and
- C. The applicant represented that extensive research has been done by a qualified arborist to ensure that the root system of the tree which extends into the rear of the subject property is properly protected; and
- D. The applicant further represents that the conclusion is that the 5' buffer of unexcavated area at the rear of the garden is adequate for protection of the root system.
- E. The applicant further represents that this buffer will be increased if it is not deemed to be adequate when excavation is undertaken; and
- F. There was considerable testimony in person and by email from neighbors whose properties adjoin or are close to the subject property in the doughnut expressing concern that the excavation not disturb the root system of the tree and that other steps be taken to preserve the tree; and
- G. There were requests in person from the neighbors on either side that the monitoring systems that have been agreed to are increased in view of the newly proposed excavation; now

**Be it resolved:** that CB2, Man. recommends:

- II. Denial of the application unless the Commission receives detailed data about the condition of the tree and that adequate monitoring during the excavation and construction is in place to ensure that the buffer space for the root system of the tree be adequately protected and other necessary steps are taken to ensure that the tree can flourish.

Vote: Unanimous, with 34 Board members in favor.

## **SCHOOLS AND EDUCATION**

### **1. Resolution In Support of the Funding of Projects for Green Roofs, Walls and Outdoor Green STEM Curriculum**

#### **Whereas:**

1. Green roofs, walls and gardens provide hands-on, experiential learning in environmental sciences for students and the broader community and provide an outdoor classroom that teaches students about native habitat creation, stormwater management, climate change, urban agriculture and the relationship between nature and humans;
2. In 2013, the New York City School Construction Authority published the “[NYC Guide to Green Roofs on Existing School Buildings](#)” that explains the benefits of green roofs and provides guidance on cost and maintenance, following former Manhattan Borough President Scott Stringer’s 2010 publication of “Green Roofs for Existing School Buildings;”
3. In 2015, Manhattan Borough President Gale Brewer published “[How our Gardens Grow: Strategies for Expanding Urban Agriculture](#)” that recommends expanding urban agriculture to Manhattan’s schools, senior centers, and public housing facilities and announced up to \$1 million in capital funding for innovative school gardening programs in FY 2017;
4. The primary challenges to expanding urban agriculture are limited space, funding and resources to integrate gardening into school curriculum and the maintenance school programs during summer months;
5. There are many types of urban agriculture programs available for schools:
  - a. Extensive green roofs are 3-5 inches deep, and as a result have lower irrigation and maintenance requirements and are ideal for roofs with lower structural loading capacity. i.e. P.S. 41;
  - b. Intensive green roofs are best for roofs with greater structural loading capacity, up to 150 lbs per square foot and permit the growth of edible plants and herbs, native plants and habitat creation, but require greater irrigation and maintenance, i.e. Fifth Street Farm and City and Country School; and
  - c. Green walls are ideal for space constrained schools or where a retrofit of an existing school roof is not possible, i.e. City~As~School High School;
6. Green roof curriculum goes hand-in-hand with these programs providing a way for schools with green roofs and walls to integrate them into their exiting curriculum and to inspire other schools to install them;
7. Installing a green roof on existing school buildings requires significant up-front costs to retrofit the building and install the roof, and at a minimum requires the appropriate structural loading capacity, two stairwells that open onto the roof, extension of fire and public address systems to the roof, rooftop fencing and compliance with ADA requirements;
8. In May 2013, Community Board 2 passed a resolution calling for the renovation of 75 Morton and for this to include a “green roof with gardening;”

9. In May 2014, the SCA revealed renovation plans for 75 Morton and shared that there is space allocated for a green roof provided it can be separately funded; and,
10. In 2016, our elected officials received funding requests from CB 2, on behalf of 75 Morton, for a green roof at the new 75 Morton school; City~As~School High School for a greenhouse and vertical planters for its urban agriculture curriculum and to create partnerships with community groups, including nearby PS; and, PS 41, in collaboration with The National Wildlife Federation and The High Line, to create a K-12 curriculum guide for outdoor green STEM education.

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

1. Appreciates the allocation of green roof space as part of the 75 Morton gut renovation and reiterates the importance of this space for a state-of-the art middle and District 75 school;
2. Requests financial support from our elected officials so that the 75 Morton Green Roof project can be funded and completed during the currently scheduled gut renovation, avoiding additional costs associated with a post-construction retrofit and disruption to students, staff and faculty after the school opens in Fall 2017; and,
3. Requests additional financial support from our elected officials for:
  - a. City~As~School High School for a greenhouse and vertical planters for its urban agriculture curriculum and to create partnerships with community groups, including nearby PS 3;
  - b. NYC iSchool for funding and support of a self-sustaining rooftop that enables students to explore, invent, experiment, and share adventurous learning combining outdoor and indoor experiences as well as reduces the building's energy use; and,
  - c. PS 41, in collaboration with The National Wildlife Federation and The High Line, to create a K-12 curriculum guide for outdoor green STEM education.

VOTE: Unanimous with 34 Board Members in favor.

**2. Resolution In Support of Admissions Method(s) for 75 Morton Middle School that Reflect Community Preferences and Provide for Community Input and for the Release of Demographic and Test Data by Program for Three District 2 Middle Schools**

**Whereas:**

1. A new District 2 middle school and District 75 school will open at 75 Morton Street in Fall 2017 after ten years of advocacy by Manhattan Community Board 2 (CB2), Community Education Council District 2 (CECD2), parents, community activists and elected officials;
2. In an unprecedented manner, both the New York City Department of Education (DOE) and School Construction Authority (SCA) have been receptive to input from the community throughout the development of 75 Morton;
3. In the Spring of 2016, the DOE will establish the admissions method(s) for the new District 2 middle school to open at 75 Morton in Fall 2017;
4. The entering 6<sup>th</sup> grade class at 75 Morton will be a result of two drivers, the admission method(s) and the applicant pool:

- a. Admissions Method(s):
    - i. CB 2 residents are part of Community School District 2 (D2) that extends from the tip of Manhattan to 59<sup>th</sup> Street on the west side and approximately 96th Street on the east side;
    - ii. Within District 2, there is a middle school choice system whereby students must apply to middle schools, choose and rank schools they like and are accepted to one school;
    - iii. Within D2, there are three admissions methods:
      1. Screened, accounting for 65% of D2 seats, where schools select students based on combination of quantitative and/or qualitative screens;
      2. Zoned, accounting for 22% of D2 seats, where students living within the school zone are automatically admitted; and,
      3. Limited Unscreened, accounting for 13% of D2 seats, where a lottery matches students to the highest ranked limited unscreened school and students who attend a tour, open house or middle school fair receive priority.
    - iv. Elsewhere in New York City, other admissions methods include unscreened/100% lottery and diversity “set-aside” where a subgroup of students is prioritized for factors such as socioeconomic status;
    - v. The 23 middle schools in D2 are high performing, ranking 2<sup>nd</sup> in mean test scores out of 32 NYC districts; are racially diverse with a student population that is 33% White, 31% Asian, 20% Hispanic, 10% Black and 3% Other; are economically diverse with 44% of students qualifying for reduced or free lunch; and, serve students, 18% of whom have an Individualized Education Program (IEP) and 6% of whom are English Language Learners (ELLs);
    - vi. Within D2, three middle schools have multiple admissions methods and multiple tracks once the students are admitted, Baruch, Wagner and Sun Yat Sen, but test performance, socioeconomic and other data for these tracks is not publicly available;
  - b. The applicant pool is a function of geographic location, qualitative and quantitative measures (i.e. test scores, quality review, demographics, etc.), perceived reputation, size of school, parental attituded, school theme (if any) and the quality of school facilities;
5. To inform this process, CB 2, along with CECD2, 75 Morton Community Alliance (75MCA) and Manhattan Community Board 4 (CB 4)<sup>1</sup> hosted two envisioning meetings about the new school, in November 2015 about Educational Philosophy and School Theme and in January 2016 on Admissions;
  6. In November 2015, more than 120 community members discussed what type of theme and educational philosophy the community wants for 75 Morton and the consensus was no theme and instead a focus on a rich learning environment that fosters academic, emotional and physical growth and an approach that allows students to explore their potential and take academic risks while preparing them for the challenges they will face in high school and beyond;
  7. In January 2016, 160 community members discussed admissions explored through ranking preferences for school characteristics and a vote on six “Strawman” admissions methods:
    - a. Participants discussed, ranked and marked their preferred point on the range for five school characteristics:
      - i. Diversity of the student population ranging from concentrated in a single demographic group to more representative of the demographics in D2;

- ii. Academic Pace ranging from a wider range of depth and pace of learning to where all learning occurs at an accelerated pace;
      - iii. Student's Test and Performance at entry, ranging from diverse learners with a broad range of test and report card scores to more homogeneous where learners are selected based on higher test scores and grades;
      - iv. Geographic Proximity ranging from local as measured by proximity via either walking or public transit to more dispersed across D2; and,
      - v. Ease of Admissions ranging from selective admissions based on a variety of screens to open access based on students' interest in the school or residency;
    - b. Participants discussed and voted on one of six theoretical middle schools with a combination of admission methods and programs or tracks:
      - i. Zoned Admissions Method with a Single-Track;
      - ii. Dual Admission Method of Zoned and Screened with a Dual-Track for admitted students;
      - iii. Screened Admission Method with a Single-Track and with a screen for students with advanced academic records;
      - iv. Screened Admission Method with a Single-Track and with a screen for a wider range of academic records;
      - v. Limited Unscreened Admission Method with a Single-Track; and,
      - vi. Dual Admission Method of Screened and Limited Unscreened with a Single-Track for admitted students.
    - c. Of five school characteristics, attendees top three priorities were #1 Academic Pace with answers clustered to the right of average, but not accelerated (i.e. not another D2 middle school that only admits students with top test scores), #2 more representative demographic Diversity and #3 a diverse range of Student Test/Performance, while Geographic Proximity and Ease of Admissions ranked #4 and #5, respectively, although there was a strong preference for a local school among a minority of attendees; and,
    - d. Of the theoretical school admissions models, there was a strong preference for a dual admissions model with a slight overall preference for a single-track academic program once the students are admitted;
8. In February 2016, the Department of Education (DOE) presented two zoning scenarios for the 75 Morton middle school:
- a. The rationale is to create a middle school zone for 75 Morton and provide a zoned middle school option for students living in the unzone portion of District 2, approximately 23<sup>rd</sup> Street to 59<sup>th</sup> Street west of 5<sup>th</sup> Avenue;
  - b. The two zoning scenarios are based on residential address, not elementary school of attendance:
    - i. Scenario A: D2 residents currently zoned for PS 3, 41, 11, 33, 51 and 11, and,
    - ii. Scenario B: Scenario A plus D2 residents currently zoned for PS 89, 234 and 276;
  - c. Under both Scenarios A and B, CB 2 residents currently zoned for PS 3 or PS 41 will be zoned for 75 Morton, but CB 2 residents currently zoned for PS 130 and PS 340 will not be zoned for 75 Morton, regardless of where they attend elementary school:
    - i. Kindergarten zones changed in 2014-15 and CB 2 residents west of Greenwich Avenue on the north side of West 12<sup>th</sup> Street were rezoned from PS 3/41 to PS 340, The Sixth Avenue Elementary School, a new school on West 17<sup>th</sup> Street that opened in Fall 2014;
    - ii. Students zoned for PS 340 will remain zoned for M104 Baruch and students zoned for PS 130 will remain zoned for M131 Sun Yat Sen;

- d. The DOE continues to solicit feedback on these zoning scenarios and will present a zoning proposal to CECD2 for a vote in either late April or May 2016, that, if supported by at least six of twelve CECD2 members, would be approved;
  - e. Community members who reside in the PS 340 and PS 130 zones attended the March 14, 2016 Schools & Education Committee meeting and expressed the desire to be included in any middle school zone created for 75 Morton.
9. While it is highly likely that the DOE will create a second admission method for the middle school at 75 Morton, the DOE has not shared the timing, scope or process for determining this method nor if there will be more than one program or track, creating confusion about the admission method(s) for 75 Morton.

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

- 1. Urges the NYC Department of Education to establish admissions method(s) for the new middle school at 75 Morton Street that reflect the community’s preferences identified at the January 2016 admissions meeting, for a middle school that combines strong academics with demographics more representative of District 2 and a diverse range of student academic performance at entry, as well as for a dual admission model, with a preference for a single-track academic program once the students are admitted;
- 2. Urges the Department of Education to provide clarity on other admission method(s) and programs or tracks being contemplated;
- 3. Supports the goal to create a zoned middle school option for all students living in District 2, but recommends that middle school zones need not be based on elementary school zones and that any middle school zone for 75 Morton shall include all residents of CB 2, from the south side of 14th Street to the north side of Canal Street and from the Hudson River to the west side of the Bowery/4th Avenue, if the NYC Department of Education proposes and CECD2 adopts a rezoning of Community School District 2 middle school zones; and,
- 4. Reiterates its request that the DOE provide demographic and test result data for each program at M104 Simon Baruch Middle School, M131 Sun Yat Sen Middle School and M167 Robert F. Wagner Middle School.

VOTE: Unanimous with 34 Board Members in favor.

**SIDEWALKS/STREET ACTIVITIES**

**1\*. Modification for revocable consent to operate an unenclosed sidewalk cafe for:**

**International Hospitality Concepts LLC, d/b/a 29 7th Ave. South with 27 tables & 58 chairs (2022429-DCA)**

**Whereas**, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared with one supporter; and

**Whereas**, this cafe has operated for at least one year and the Board has not been notified of any issues with their operation.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced application for revocable consent to operate unenclosed a sidewalk café.

VOTE: Unanimous, with 34 Board Members in favor

**2\*. New App. for revocable consent to operate an unenclosed sidewalk café for:**

- 117 Avenue of the Americas Food Corp., d/b/a Souk and Sandwich, 117 Avenue of the Americas with 21 tables & 42 chairs (1502-2016-ASWC) WITHDRAWN
- 2nd City West Village LLC, d/b/a TBD, 525 Hudson St. with 4 tables & 8 chairs (1796-2016-ASWC)

**Whereas**, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared with the chef and manager; and

**Whereas**, the applicant has agreed to reduce the number to 3 tables and 6 chairs or a bench that is equal in size but not any bigger. And has agreed that at the end of every night to bring in the tables and chairs or bench.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced application for revocable consent to operate unenclosed a sidewalk café.

VOTE: Unanimous, with 34 Board Members in favor

**3. FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):**

**Whereas**, the renewals below were posted on the CB2, Man. website and there were no community members requesting these applications be heard, and

**Whereas**, these cafés have operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

**FYI Sidewalk Café Renewals:**

- 18 Greenwich Ave LLC, d/b/a Rosemary's, 18 Greenwich Ave. with 8 tables & 16 chairs. (1454964-DCA)
- Bobwhite Counter, LLC, d/b/a TBD, 57 7 th Ave. South with 10 tables & 30 chairs (2030454-DCA)
- Travertine, LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. with 15 tables & 30 chairs (1434421-DCA)

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Unanimous, with 34 Board Members in favor



**4\*. Street Activity Applications:**

- **5/1/16 - Log Cabin Republicans** - Greenwich Village Festival, University Place between Waverly Place and East 14th St.

**WITHDRAWN**

- **5/5/16 - Nolita Spring Fling Block Party**, Elizabeth St between Prince St. and East Houston St.

**Whereas** the applicant failed to appear before the committee;

**Therefore Be it Resolved** CB#2, Man. recommends **DENIAL** of this event.

Vote: Unanimous, with 34 Board members in favor.

- **5/29/16 – Portuguese SoHo Single Block Festival**, 6th Ave. between Spring St. and Dominick St.

**Whereas**, This event has been held previously without any complaints, the event will not amplified sound and will not be selling any food.

**Therefore Be It Resolved**, that CB#2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 34 Board members in favor.

- **6/3/16 - Crosby Street Expo**, Crosby St. between East Houston St. and Bleecker St.

**Whereas**, the applicant failed to appear before the committee;

**Therefore Be it Resolved** CB#2, Man. recommends **DENIAL** of this event.

Vote: Passed, with 31 Board members in favor, and 3 in opposition (S. Greene, L. Rakoff, R. Sanz).

- **6/16/16 – Hudson Park Library Summer Reading Kick-Off Party**, Leroy St. between 7th Ave. South and Hudson St.

**Whereas**, This event has been held previously to promote Summer reading for kids, and

**Whereas**, the event will be held in front of the library with tables featuring publishers;

**Therefore Be It Resolved**, that CB2, Man. recommends **APPROVAL** of this event.

Vote: Passed, with 31 Board members in favor, and 3 in opposition (S. Greene, L. Rakoff, R. Sanz).

- **6/19/16 – STONEWALL Veterans’ Association** – St. Stephen Our Lady of the Scapular Fair co-sponsored, University Place between Waverly Place and East 14th St.

**Whereas**, CB2, Man. for several years now and in prior resolutions, continues to maintain that STONEWALL Veterans is essentially a one-man organization that provides no benefit to anyone else; and

**Whereas**, St. Stephen Church is located in CB6 and has no indigenous relationship to CB2;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event, in its entirety, on University Place between Waverly Place and East 14th St.

Vote: Unanimous, with 34 Board members in favor.

- **7/3/16 – Pride on Astor Fair**, Astor Place between Broadway and Lafayette St.

**Whereas**, CB2, Man. for several years now and in prior resolutions, continues to maintain that Pride on Astor Fair is essentially a one-man organization that provides no benefit to anyone else; and

**Whereas**, the group no indigenous relationship to CB2, Man.; has no website, current member base or the ability to clearly state where the funds would go from this fair

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event, in its entirety, on Astor Place between Broadway and Lafayette Street.

Vote: Unanimous, with 34 Board members in favor.

- **7/30/16 – Overseas Chinese Mission Street Fair**, Hester St. between Elizabeth St. and Mott St.

**Whereas**, This event has been held previously without any complaints and the applicant brought letters of support from the surrounding business and community members

**Therefore Be It Resolved**, that CB#2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 34 Board members in favor.

- **(A)-9/3/16 – Bailey House ~~Waverly Block Association Waverly Place Festival Co-Sponsored~~ Festival**, Washington Square North between University Place and MacDougal St.

**Whereas**, This event has been held previously without any complaints, but applicant did not bring any letters of support from the surrounding business, community members or elected officials; and

**Whereas**, the applicant was not clearly able to explain the social services that are offered to the residents or how these services are funded.

**Therefore Be It Resolved**, that CB2, Man. recommends **DENIAL** of this event.

Vote: Failed, with 31 Board members in opposition and 3 in favor (S. Greene, L. Rakoff, R. Sanz).

**See substitute resolution below.**

- **9/3/16 – Bailey House ~~Waverly Block Association Waverly Place Festival Co-Sponsored~~ Festival**, Washington Square North between University Place and MacDougal St.

**Whereas**, This event has been held previously without any complaints; and

**Therefore Be It Resolved**, that CB2, Man. recommends **APPROVAL** of this event.

Vote: Passed, with 31 Board members in favor, and 3 in opposition (S. Greene, L. Rakoff, R. Sanz).

**5. FYI Street Activities Renewals:**

- **5/15/16 – Urban Bear Street Festival**, Little West 12th St. between Washington St. and 10th Ave.
- **5/21/16 - Village Center for Care - 6th Precinct Comm. Council Street Festival**, 1) Gansevoort St. between Washington St. and Hudson St., 2) Ninth Avenue between West 14th St. and Gansevoort St.
- **6/5/16 - Housing Works Bookstore's Open Air Street Fair**, Crosby St. between East Houston St. and Prince St.
- **10/2/16 - Our Lady of Guadalupe at St. Bernard Ninth Avenue Festival**, 9th Avenue between West 15th St. and West 14th St. **(LAID OVER)**

**Whereas**, the aforementioned street events have been held for 3 or more years without any issues; were published on the CB2 calendar of Meetings; and, no members of the community requested a public hearing be held regarding it;

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL of the aforementioned events.

Vote: Unanimous, with 34 Board members in favor.

**SLA LICENSING**

**1. Prestige Worldwide MC, LLC, d/b/a TBD, 373 Broome St. 10013** (Beer Wine license, previously unlicensed location)

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a Restaurant Wine license to operate a Café specializing in Japanese Matcha Tea in a street level storefront within a six-story mixed-use building (Circa 1900) on Broome Street between Mott and Mulberry Streets; and

**B. Whereas**, the storefront premises previously operated as a nail salon, has never previously been licensed for the service of alcohol and has never previously operated with a use and occupancy for eating and drinking, and

**C. Whereas**, this is the second storefront in the same building to seek a liquor license in the last 12 months where none previously existed; and

**D. Whereas**, the premises is approximately 950 SF (first floor 650 SF and 300 SF basement), it will be renovated and soundproofing will be installed, there will no full service kitchen but there will be one food/tea counter, two bathrooms, 12 tables and 23 seats; and

**E. Whereas**, the storefront premises is located within 200 feet of the Chapel of San Lorenzo Ruiz at 378 Broome Street and within 200 feet of the Holy Trinity Ukrainian Orthodox Church at 359 Broome Street; and

**F. Whereas**, at the time of the licensee’s initial presentation to CB2 in 2016, the licensee agreed, with his attorney present, not to seek an upgrade to an on-premise license in the future at the premises; and

**G. Whereas**, the hours of operation will be from 8 AM to 9 PM Sunday through Saturday seven days a week, new soundproofing will be installed, music will be background only, all doors and windows will be closed by 9 pm each evening, there will be no TVs, there will be no sidewalk café at this time, no private parties, no promoted events and no DJs; and

**H. Whereas**, the applicant executed a stipulations agreement with CB2 Man. that he agreed would be attached and incorporated in to their method of operation on their license and the stipulations are as follows:

1. Premises will close by 9 PM Sunday through Saturday seven days a week.
2. All doors and windows will be closed by 9 PM.
3. There will be no Sidewalk café at this time.
4. There will never be an upgrade to OP license at these premises.
5. Music will be quiet, background level inside restaurant only and there will be no d.j.s, promoted events, live music, scheduled performances or any events where a cover fee in charged.
6. The premises will be advertised and operated as a café specializing in Japanese Tea and will not operate as a Lounge, Tavern, Bar or Sports Bar.
7. There will be no televisions.
8. There will be no dancing.
9. There will be no alcoholic drink specials and no pitchers of beer.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant Wine License application for **Prestige Worldwide MC, LLC, d/b/a TBD, 373 Broome St. 10013** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**2. Kintaro Foods, LLC, d/b/a Bessou, 5 Bleecker St. 10012** (Beer Wine license, previously licensed location)

**A. Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a Restaurant Wine license to operate a Japanese restaurant with a full service kitchen specializing in modern Japanese food in a four-story mixed-use brick townhouse (Circa 1920) on Bleecker Street between Grand and Hester Streets in Little Italy; and

**B. Whereas**, the location was previously operated as an Italian restaurant (Bianca) with a beer and wine license and the new operator will continue to operate with the same or similar business hours; and

**C. Whereas**, the storefront premises is approximately 1070 SF (first floor 720 SF and 350 SF basement), there will be 18 tables with 36 seats, a chef station/counter with an additional 4 seats for a totals seating occupancy of 40, one bathroom but there will be no stand up bar and no sidewalk café at this time; and

**D. Whereas**, the hours of operation for the Restaurant will be from 11 AM to 11 PM Sunday through Thursday and 11 AM to 11:30 PM Fridays and Saturdays, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

**E. Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a Japanese Restaurant with a full service kitchen.
2. The hours of operation for the restaurant will be from 11 AM to 11 PM Sunday through Thursday and 11 AM to 11:30 PM Fridays and Saturdays.
3. There will be no outdoor service and no sidewalk café at this time.
4. All exterior doors or windows will close by 10 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be no televisions and the premises will not operate as a Bar, Tavern or Sports Bar.
7. There will be no stand up bar.
8. There will be no dancing.
9. There will be no pitchers of beer.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a transfer of a Beer and Wine license to **Kintaro Foods, LLC, d/b/a Bessou, 5 Bleecker St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Beer and Wine License.

Vote: Unanimous, with 34 Board members in favor.

**3. Tava Café, LLC, d/b/a Balzem, 202 Mott St. Unit B 10012** (upgrade to full liquor)

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee seeking to upgrade to full liquor to operate a small cafe and wine bar serving lunch and dinner in a mixed-use six-story building on Mott Street between Spring and Kenmare Streets; and,

**B. Whereas**, when the applicant originally appeared before CB2 Man. in January/2014 for his existing beer and wine license, he failed to acknowledge and withheld his plans to demolished the existing storefront to the premises install floor to ceiling accordion doors along the entire exterior façade, thereby failing to properly notify and inform CB2, Man. or the SLA with this significant change in his method of operation; and

**C. Whereas**, the applicant also reappeared before CB2 Man. in May/2016 to add service to a sidewalk café at which time it was revealed that the sidewalk café would be operated over two sets of recently installed metal basement doors embedded into the sidewalk and that the applicant had been operating with exterior candles and exterior lights wrapped around a tree on the public sidewalk creating concerns with safety; and

**D. Whereas**, when the applicant originally appeared before CB2 Man. in January/2014 for his existing beer and wine license and through an alteration application in May/2015 it executed stipulations agreements with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. Interior hours of operation will be from 10 am to Midnight Sunday through Wednesday and 10 am to 1 am Thursday through Saturday.
2. Music will be from ipod/cd's at quiet background levels inside the restaurant only.
3. The sidewalk café will close by 9 PM every night.
4. There will no TVs.
5. All Doors and windows will be closed by 9 pm every night except for patron egress and ingress through the entrance doorway in the middle of the café and not through the accordion doors.
6. There will be no A-Frame signage or benches placed on the sidewalk in front of the premises at any time.
7. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. The applicant will not operate a disco, nightclub or seek a DCA Cabaret License.
9. The premises will operate as a full service restaurant at all times.

**E. Whereas,** the applicant proposes to continue to maintain his existing method of operation with the above-referenced stipulations in the existing 1,400 SF storefront premises (1,000 SF ground floor and 400 SF basement for storage only), there are 17 tables and 46 seats, one stand up bar with 10 seats for a proposed occupancy of 56; and

**F. Whereas,** the establishment falls within the 500 foot rule as there are 25 OP liquor license within 500 feet of the premises and a total of 51 OP liquor licenses within 750 feet of the premises, with an additional six pending licenses but not including numerous other beer and wine licenses, the area being intensely over-saturated with licensed eating and drinking establishments; and

**G. Whereas,** there was opposition present to the application and a petition in support from the restaurant was presented; and

**H. Whereas,** after the Applicant appeared before CB2, Man. in January/2014 for their original Restaurant Wine license, they demolished the existing storefront and created a new storefront with a fully operable and retractable façade through the installation of accordion doors, this significant change was never presented to CB2, Man. prior to its completion; the result of this change in the façade was a significant impact in that the entire interior became open to the street in an area already inundated with noise from eating and drinking establishments at all hours; during busy periods, noise spills into the street significantly impacting the existing noise levels in the surrounding area; and,

**I. Whereas,** in May 2015, the Applicant applied for a Department of Consumer Affairs license sidewalk café even though at the time of the their original application to CB2, Man. for their Restaurant Wine License they indicated that there would be no sidewalk café and they further agreed not to block the sidewalk with illegal A-frame signage or to place benches on the sidewalk so as not to impact the quality of life of surrounding residents; the sidewalk café license was granted by the Department of Consumer Affairs and in order to include the sidewalk café as part of the licensed premises for the purposes of altering the existing Restaurant Wine license the applicant appeared before CB2 in May/2015, at that time it became clear that the only way to legally serve patrons in the sidewalk café per Department of Consumer Affairs regulations was through the operable façade/accordion doors when it was in the fully open position exposing the entire inside of the restaurant to the street (the Applicant cannot legally serve patrons in the sidewalk café through the front door due to the design), this self-created hardship resulted in a situation whereby in order to mitigate noise through the fully operable façade which the applicant had installed without presenting to CB2, Man. and in order to abide by the existing stipulations agreement from the inception of the

Restaurant Wine license that all doors and windows be closed by 9PM, it became clear that the applicant would have to stop service in the sidewalk café at 9PM and have all patrons leave as they would not be able to service the sidewalk café; the alteration application in May/2015 was controversial and generated significant discussion at CB2 and because the alteration application for the Restaurant Wine license was not subject to the 500 foot rule resulted in a split vote to recommend denying the application unless the stipulation to close the sidewalk café at 9PM was adhered to; and,

**J. Whereas,** personal observation by members of CB2’s SLA Licensing Committee on multiple occasions have shown that the Applicant does not always adhere to his agreement to close his doors and sidewalk café at 9PM; Sound egress from eating and drinking establishments is a significant concern in this area regardless of the hour of operation and the current outdoor and façade configuration are of significant concern due to their irregular circumstances created solely through the actions of the applicant; and,

**K. Whereas,** this Northern Mediterranean wine bar with cocktails concept with small plates/tapas, sandwiches, pizza and entrees is not unique in this area or in CB2, Man. and the applicant presented materials showing that the restaurant in its current iteration with a restaurant wine license seems to be sufficient to operate in a manner that satisfies his current clientele; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Tava Café, LLC, d/b/a Balzem, 202 Mott St. Unit B 10012** on its application seeking upgrade to a Full Restaurant On-Premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2 Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA so that the Community and CB2 Man. can be fully heard on this issue.

Vote: Unanimous, with 34 Board members in favor.

**4. Kaleidoscope Holdings, LLC, d/b/a TBD, 142-144 Mulberry St. 10013** (New OP, previously unlicensed location)

**A. Whereas,** the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a new on premise license to operate a Theater specializing in immersion shows using multiple stages in a three story commercial building (circa 1920) on Mulberry Street between Grand and Hester Streets in Little Italy; and

**B. Whereas,** the applicant seeks to use and occupy the entire building, with multiple storefronts with two addresses (142-144 Mulberry) stated to be 15,000 SF, including the basement, first and second floors of the premises; and

**C. Whereas,** the building was previously operated for years as a large variety gift store and never for the service of alcohol or for eating and drinking, there being no current permit to use and occupy the premises as a Theater or for eating and drinking, the certificate of occupancy allowing a “wholesale establishment” with produce storage, use group 11; and

**D. Whereas**, the premises will be completely renovated and front façade changed (new window frames, fixtures, lamps and awnings), there will be one entrance for patrons, six bathrooms, there will be stairs and an elevator installed, six performance spaces, a cellar cocktail bar and a main floor cocktail bar with 20 seats, six tables and lounges with 23 seats, there will be no full service kitchen the proposed menu and food service ancillary and secondary to alcohol service and the applicant seeks to serve alcohol before and after shows; and

**E. Whereas**, there will be two shows per evening, eight shows per week, each show running approximately two hours, with a rolling admission for ticketed patrons over a one-hour window before each performance and with a 290 patron occupancy; and

**F. Whereas**, the hours of operation will be from 12 PM to 12 AM Sunday through Wednesday, from 12 PM to 1 AM on Thursdays and from 12 PM to 2 AM Fridays and Saturdays, there will be no TVs, no sidewalk café or public/patron access to any exterior space ancillary to the premises such as a rooftop, no dancing, no DJs, no operable windows or French doors, but there will be live amplified music at entertainment levels, scheduled performances and there will be private parties; and

**G. Whereas**, a security plan was presented and the applicant agreed that there will be four (4) licensed and bonded security guards with ID during all shows and until all patrons have exited the premises with two security personnel posted at the front door and outside on the sidewalk and street keeping traffic moving, keeping outdoor patrons quiet and the sidewalk clear while an additional two security personnel will be located inside the front door on the main floor and in the cellar area as an additional floater; and

**H. Whereas**, a crowd control plan was presented and an interior staging area off the single patron entrance (750 SF) with stand up bar and capacity for 150 patrons will be constructed so that patrons enter the venue so it was agreed upon that there will be no outdoor queuing before each performance; and

**I. Whereas**, a sound proofing plan was also presented where the applicant claims “leading soundproofing experts” with “extensive experience” in “building high-end recording studios in residential buildings” making material representations that “no music will be audible in adjacent residences” and “no music will be audible on the street at any time”; and

**J. Whereas**, the applicant also presented a traffic plan which was flawed in that it asserted there would be no adverse impact from the proposed operations of the immersion theater despite two significant street festivals that occur yearly on this street closing the roadway, the first being the Feast of San Gennaro (over three weeks of September) and Mulberry Street Mall (all weekends during the summer months) on the questionable pretext that patrons will primarily take the subway to their shows when in fact the proposed Theater will be advertised and operated as a high-end destination (each show costing \$150) location/performance space requiring travel to and from the premises for those living outside the area, including up to 580 patrons coming into and out of the specific area and block attending two shows on any given night, Mulberry Street being a narrow roadway lined with mostly tenement buildings (four and five story circa 1900) with mixed uses occupied by existing storefront businesses (mostly restaurants) on the ground floor and all residential uses above the ground floor; and

**K. Whereas**, CB2, Man. has significant concerns about pedestrian and vehicle congestion and traffic brought into the roadway and area where no such destination performance and theater space ever previously existed, without any consideration or proposed plan as to fire safety after a recent fire claiming the life a woman on Spring Street occurred in 2013; and



**L. Whereas**, there were also significant concerns voiced about the questionable need for a full on-premise license until 1 AM on Thursday night and 2 AM on Fridays and Saturdays for a theater, when a beer and wine license and closing hours closer to midnight would be much more consistent with the operation of a theater, but despite those concerns the applicant claimed that the cocktail bars and late night drinking after the last show were essential to its business model; and

**M. Whereas**, the applicant has other late night immersion theater operations in the City of New York until 4AM, including “The Box”, an exclusive night club featuring shows that combine music, DJs, theater, burlesque and erotica in the Lower East Side, where there have been significant complaints and problems with late night noise and disturbances to neighbors and where the applicant did not deny these problems or certain charges brought by the State Liquor Authority due to those disturbances, as well as “Sleepnomore”, where three warehouses located on 27<sup>th</sup> Street in Chelsea were transformed into the fictional McKittrick Hotel for the retelling of Macbeth; and

**N. Whereas**, there was opposition presented for the proposed late-night theater by the Friends of Petrosino Square, citing among other issues, concerns about traffic and by unnecessarily adding another late night drinking establishment with a capacity of 290 patrons in the area already saturated with liquor licenses, there being 23 existing licenses within 500 feet of the proposed premises and 39 existing liquor licenses within 750 of the proposed premises and there being five additional pending licenses within this same geographical area, which does not even take into consideration the numerous beer and wine licenses existing thereat; and

**O. Whereas**, there were a number of people who appeared in favor of the application, albeit none of whom lived in the residential buildings adjacent to or across the street from the proposed theater, most of whom representing the business community in Little Italy, most notably the Little Italy Merchants Association or LIMA, asserting that the business environment in Little Italy has been adversely impacted post 9-11 and Hurricane Sandy and that the addition of the proposed operations and immersion theater will only enhance the business environment within Little Italy providing a positive enhancement to the overall character of the neighborhood; and

**P. Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. The premises Premise will be advertised and operated as a Theater, producing ticketed, dramatic shows as a branch of the Arts, with interactive aspects where the performance may happen amidst the ticketed audience on multiple spaces/stages.
2. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
3. The premises will only admit ticket patrons for theatrical performances.
4. Will operate with hours of operation from 12 PM to 12 AM Sunday through Wednesday, from 12 PM to 1 AM on Thursdays and from 12 PM to 2 AM Fridays and Saturdays (no patrons remaining after closing hours).
5. There will be no sidewalk café, rooftop or outdoor area for public access or patrons.
6. All doors and windows will be closed at all time.
7. Will not have French doors, operable windows or open facades and any doors and windows will remain closed at all times.
8. Will not have DJs, live music events not associated with theatrical performance, promoted events not associated with theatrical performance or any event where a cover fee is charged other than theatrical performance.

9. There will no TVs.
10. The premises will not permit dancing, even in the event a Cabaret License is applied for and issued.
11. There will be no outdoor lines or queuing, no exterior velvet ropes or stanchions on the public sidewalk and all patrons will be staged inside the premises, as initially presented, within a designated staging area large enough to accommodate all patrons inside the premises prior to each performance.
12. There will be no bottle service, except for beer or wine.
13. There will be four licensed security guards with ID during all shows and until all patrons have exited the premises posted at the front door, on the street keeping traffic moving, inside the front door on the main floor and in the cellar area as a floater.
14. On Friday and Saturday, no new patrons will be admitted after 12 am (midnight).

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new On-Premise liquor license to **Kaleidoscope Holdings, LLC, d/b/a TBD, 142-144 Mulberry St. 10013, unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

**A substitute resolution was submitted by Carter Booth, but was defeated.**

**Vote: Failed, with 25 Board members in opposition and 9 in favor (K. Berger, T. Bergman, C. Booth, T. Cude, D. Diether, R. Goldberg, S. Kent, L. Rakoff, S. Secunda, A. Wong).**

**An amendment was submitted by David Gruber and was also defeated.**

**Vote: Failed, with 28 Board members in opposition and 6 in favor (T. Bergman, B. Freeland, D. Gruber, S. Kent, J. Kiely, S. Sweeney).**

**A final amendment was then submitted by Carter Booth, which passed. See final vote below.**

Vote: Passed, with 33 Board members in favor, and 1 abstention (S. Secunda).

**5. ACT Ventures, LLC, d/b/a Trocquet, 161 Lafayette St. aka 155 Grand St. 10013** (Transfer of existing OP license)

**A. Whereas,** the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a transfer of an existing on premise license (CYM Restaurant Corp. d/b/a Parigot; Lic. #1184663 Exp. 2/28/2017) to operate a full service French Restaurant serving breakfast, lunch and dinner in a mixed use five story building (Circa 1920) on the corner of Lafayette and Centre Streets; and

**B. Whereas,** the premises was previously operated for years as a French Restaurant with closing hours no later than 11 PM Sunday through Thursday and 12 AM Fridays and Saturdays; and

**C. Whereas,** there is no plans to alter the interior of the premises and it will continue to operate with a full service kitchen in a 970 SF storefront premises with an additional basement used for storage purposes only, there will be one bathroom, no TVs, 21 tables with 42 seats, 1 stand up bar with 8 seats for a total patron occupancy of 50 seats; and

**D. Whereas**, the hours of operation will be from 8 AM to 1 AM Sunday through Saturday seven days a week, music will be background only, doors and windows will close by 10 PM every night, there will be no d.j.'s, no promoted events, no live music, no cover fees, no scheduled performances, no velvet ropes, no moveable barriers, no TVs, no back yard garden/outdoor space and no sidewalk café at this time; and

**E. Whereas**, there are 11 existing licensed premises within 500 feet of the proposed premises (not including beer and wine licenses), there are 37 licensed premises within 750 feet of the proposed premises (not including beer and wine licenses) and 9 additional pending OP licenses within this same area; and

**F. Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. The premises will be operated as a full service French restaurant.
2. Will operate with hours of operation from 8 AM to 1 AM Sunday through Saturday seven days a week.
3. There will be no sidewalk café at this time.
4. All doors and windows will be closed by 10 PM every evening.
5. Music will be quiet, background level only and there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
6. There will no TVs and the premises will not be advertised or operate as a Lounge, Tavern, Bar or Sports Bar.
7. The premises will not permit dancing.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a transfer of an existing On-Premise liquor license to **ACT Ventures, LLC, d/b/a Trocquet, 161 Lafayette St. aka 155 Grand St. 10013**, **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the OP License.

Vote: Unanimous, with 34 Board members in favor.

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

**6. Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette St. 10012** (Alteration to existing license, laid over meeting at request of applicant)

**Whereas**, before this month's CB2 SLA Licensing Committee meeting on March 8, 2016, the principal/applicant requested **to lay over** this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an alteration to an existing beer wine or on premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine or On Premise license to **Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing

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

Vote: Unanimous, with 34 Board members in favor.

**7. Major Dough Soho 463, LLC, d/b/a Sadelle's, 463 W. Broadway 10012 (OP Alteration) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2016, the Applicant requested **to withdraw** this alteration application from consideration and did not appear before CB2 regarding its application;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Major Dough Soho 463, LLC, d/b/a Sadelle's, 463 W. Broadway 10012 until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**8. Joyful Eats Two, LLC d/b/a Mimi Cheng's Dumplings, 380 Broome St. 10013 (RW) (requested layover to April/2016)**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on March 8, 2016 the principal/applicant requested **to lay over** this application for a beer wine license and plans to reappear for additional consideration in April/2016; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any Beer and Wine or On Premise license to **Joyful Eats Two, LLC d/b/a Mimi Cheng's Dumplings, 380 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 34 Board members in favor.

**9. Piacere Enterprises, LLC, d/b/a TBD, 351 Broome St. 10013 (failed to appear)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2016, the Applicant **failed to appear** or request to layover this application for an upgrade from restaurant wine to on premise license and provided no reason for their non-appearance;

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

**10. Lotus Blue, LLC, d/b/a TBD, 177 Prince St. 10012 (transfer) (RW) (Withdrawn)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on March 8, 2016 the principal/applicant requested **to withdraw** this application for a beer wine license and will not be reappearing for consideration on this matter;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any Beer and Wine or On Premise license to **Lotus Blue, LLC, d/b/a TBD, 177 Prince St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**11. Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 10013 (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2016, the Applicant attorney requested **to withdraw** this application for a new on-premise liquor license to the next month;

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

Vote: Unanimous, with 34 Board members in favor.

**12. Best Restaurant Group, LLC d/b/a Negril Village, 70 W. 3<sup>rd</sup> St. 10012 (failed to appear)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2016, the Applicant **failed to appear** or request to layover this application for an on premise license and provided no reason for their non-appearance;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Best Restaurant Group, LLC d/b/a Negril Village, 70 W. 3<sup>rd</sup> St. 10012** **until** the Applicant

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

Vote: Unanimous, with 34 Board members in favor.

**13. Go Zen Restaurant, Inc., d/b/a Go Zen Restaurant, 144 W. 4th St. 10012 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license for a "family restaurant serving vegan cuisine"; and,

**ii. Whereas**, this application is for a new restaurant wine license at a previously licensed location in a mixed-use building located on West 4<sup>th</sup> Street St between MacDougal St. and Sixth Avenue for a roughly 1,100 sq. ft. premise located on the ground floor with 17 tables and 40 table seats, there is no standup bar and one service bar; a Letter of No Objection from the New York City Buildings Department was provided; and,

**iii. Whereas**, the hours of operation will be 11:30AM to 11:30PM 7 days a week, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a family restaurant serving vegan cuisine; and,
2. The hours of operation will be 11:30AM to 11:30PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. There is no sidewalk café.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music. There will be no French doors, operable windows or open facades.
11. There will be no stand-up bar, there will be 1 service bar only.
12. There will be no unlimited drink or unlimited food and drink specials. There will be no pitchers of beer.

**v. Whereas**, the applicant presented a petition in support with 50 signatures; and,

**vi. Whereas**, there are currently approximately 29 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Go Zen Restaurant, Inc., d/b/a Go Zen Restaurant, 144 W. 4th St. 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**14. 10 Downing Restaurant, LLC, d/b/a Clover Grocery, 259 6th Ave. 10014 (New Beer & Wine)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a beer & wine license for an “upscale market, café and event space”; and,

**ii. Whereas**, this application is for a new beer and wine license at a previously unlicensed location which has never been used for this purpose before which is located in a mixed-use building located on 6<sup>th</sup> Avenue between Downing St. and Wes Houston St. for a roughly 1,000 sq. ft premise located on the ground floor and basement (basement for employees only), there is no standup bar, but there is one service bar; when the “grocery” is open to the public there will be 2 tables and 8 seats, when there are private events there will be an additional banquet table with 18 seats; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the public hours of operation for the upscale café and market will be Sunday from 9AM to 9PM and Monday to Friday from 8AM to 10PM and Saturday from 9AM to 10PM; if there are private events, the closing hour may be extended for the private event to no later than 10PM on Sundays, 11PM Monday to Wednesday and 12AM Thursday to Saturday; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as an upscale café, market and event space.
2. The public hours of operation for the upscale café and market will be Sunday from 9AM to 9PM and Monday to Friday from 8AM to 10PM and Saturday from 9AM to 10PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. If there are private events, the closing hour may be extended for the private event to no later than 10PM on Sundays, 11PM Monday to Wednesday and 12AM Thursday to Saturday. All patrons will be cleared and no patrons will remain after stated closing times for private events.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will not have televisions or projectors.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).

8. Any future licensed sidewalk café will close no later than 6PM 7 days a week (no patrons will remain in sidewalk café after 6PM).
9. No outdoor furniture will be utilized except for sidewalk café seating within any future sidewalk café.
10. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
11. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
12. The Premises will not have French doors, operable windows or open facades and will close all doors and windows at 9 PM except for patron ingress and egress.
13. There will be no standup bar. Service will be from service bar only.
14. During "public hours" of operation when premises is operating open to the public as an upscale café and market, banquet seating will be removed (18 seats as presented in diagrams).
15. Applicant/Licensee agrees to never seek to upgrade to a full on-premise liquor license.
16. A new restroom will be constructed on the ground floor within the café/market for patron use.
17. There will be no patron use of the basement except for handicap basement bathroom only with staff assistance.

**v. Whereas**, the applicant also operates a full service restaurant with an on-premise liquor license located in the same building and prepared foods and other items, but not alcohol, will be moved between the full service restaurant and this location utilizing a corridor in the basement which is shared with tenants of the building which bases a laundry room and other service areas of the building; the use of the corridor is specifically outlined in the applicants lease and an excerpt was provided showing the manner in which the basement corridor will be used;

**vi. Whereas**, a number of letters in opposition were submitted and several residents of the building appeared in opposition, primarily with regard to an additional licensed premises in the building, use of the basement corridor by the applicant, noise that would be generated by the applicant, and potential patron access to residential portions of the building; the applicant agreed to a number of stipulations to ameliorate those concerns including noise generated by any future potential sidewalk cafe; and,

**vii. Whereas**, there are currently approximately 29 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; the premises is also located within 200 feet of a school;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Beer & Wine License for **10 Downing Restaurant, LLC, d/b/a Clover Grocery, 259 6th Ave. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Restaurant On Premise Liquor License.

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

**15. HHLP Union Sq. Assoc., LLC, Hersha Hospitality Mgmt. LP as Mgr. & 132 4th Ave. Rest., LLC as Mgr. d/b/a Hyatt Union Sq., 73 E. 13th St. aka 132 4th Ave. 10003 (OP Alteration SN#1264972 – add existing restaurant onto hotel license)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an "alteration" application for an existing hotel license (SN# 1264972) to incorporate a currently licensed restaurant, 132 4<sup>TH</sup> Avenue Restaurant LLC



(SN# 1264970), located within the existing hotel onto the hotel's liquor license – essentially absorbing the entire premises “as is” into the existing hotel license; and

**ii. Whereas**, the newly incorporated space which was previously “132 4<sup>th</sup> Avenue Restaurant, LLC” will be operated in same fashion as the previous operation and the applicant will adhere to all stipulations and agreements that 132 4<sup>th</sup> Avenue Restaurant LLC previously had agreed to; and,

**iii. Whereas**, the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that they would adhere to all aspects of CB2's resolution dated March 2012 concerning “132 4<sup>th</sup> Avenue Restaurant LLC” including all agreements and stipulations and any other stipulations that have been agreed to concerning this location; and,

**iv. Whereas**, CB2's March 2012 resolution for “132 4<sup>th</sup> Avenue Restaurant LLC” is as follows:

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

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

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

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

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

*Whereas*, the applicants have agreed to the following stipulations:

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

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

*Whereas*, it is also noted that this applicant is party to a Memorandum of Understanding (MOU) with Hersha Hospitality Trust (“HT”), 132 4th Avenue Restaurant LLC (“Licensee”) and 77 E. 12 Owners, Inc. (“Community”), a portion of that agreement will also govern this establishment as it relates to this Restaurant as described above, but it is noted that the portion of the agreement that covers use of the rooftop in the building in which this premise is located is not included in this

*application, that CB2 has made no representations to support or deny the rooftop use at this time and that any use of the rooftop as part of any licensed premise must come before CB2 to submit an application to incorporate that area for consideration of a recommendation from CB2 either in support or in opposition; that 77 E. 12 Owners have presented no opposition to this application; and,*

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

***\*Memorandum of Understanding***

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

***Recitals***

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

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

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

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

- h) *The outdoor garden to the immediate west of the Premises shall be solely for the visual enjoyment of patrons, shall not be otherwise accessible by patrons, and patrons shall not be able to enter such garden. The garden will be softly lit (no flood lights) and will be completely turned off by 10 pm.*
- i) *HT and Licensee shall each provide Community with a working telephone number and the names of two designated persons that Community may call to make complaints or requests. Any changes in numbers or designated persons shall be promptly reported to Community's designated representatives identified below.*
- j) *HT and Licensee agree to cause their designated representatives identified below to meet with Community on a quarterly basis to discuss issues relevant to the subject matter of this MOU. Additional meetings shall also be held upon the reasonable request of any designated representative.*
- k) *Lighting on the Rooftop will at all times be focused away from the Building per the attached Lighting Plan.*
- l) *HT shall post in a location agreeable to Community a sign advising patrons to the effect of the following:*
- "You are entering a residential neighborhood. Please respect our neighbors by lowering your voices."*
- m) *The designated representatives of HT are Foiz Ahmed\_ and \_the General Manager of the Hyatt Union Square Hotel\_. The designated representatives of Licensee are \_Marco Moreira\_ and \_\_\_Director of Operations of the Premises restaurant\_. The designated representatives of Community are Lauren Angelo Seltzer and Bruce Ortwine. Each party shall promptly notify the other parties of any change in a designated representative.*
- n) *HT will make its best efforts to have all deliveries and garbage pick-up take place on 13<sup>th</sup> Street. HT and Licensee agree to store any waste in an interior space before it is brought out for removal (exact time of removal will be determined during discussions with potential carting companies). HT and Licensee will make reasonable efforts to schedule garbage pickup and deliveries at times that have the least impact on the neighborhood and agree to consult the Community before entering into a contract with a carting company. HT and Licensee will make reasonable efforts for*

*there to be no garbage pick-up or deliveries before Midnight or between the hours of 2 am and 6 am. HT and Licensee will investigate morning garbage pick-up, which may be coordinated with deliveries.*

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

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

*o) [Notices]*

- 2. HT shall cause Licensee to perform each of Licensee's obligations under this MOU.*
- 3. The parties expressly understand, acknowledge and agree that this MOU is a legally binding and enforceable agreement among them and their respective successors and assigns. Without limiting the generality of the foregoing, it is expressly agreed that Community has full standing to enforce each of the terms of this MOU and may exercise all remedies available at law and in equity in the event of a breach by HT or Licensee of any of the terms hereof.*
- 4. The parties will do and perform all future actions as may be necessary, desirable or otherwise appropriate to carry out the intent of this MOU.*

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

*Vote: Unanimous, with 45 Board members in favor.*

**THEREFORE BE IT RESOLVED** that CB2, Man, recommends **denial** of an alteration application for the existing On-Premise Liquor License for **HHLP Union Sq. Assoc., LLC, Hersha Hospitality Mgmt. LP as Mgr. & 132 4th Ave. Rest., LLC as Mgr. d/b/a Hyatt Union Sq., 73 E. 13th St. aka 132 4th Ave. 10003**, **unless** the statements the Applicant has presented are accurate and complete, and that those additional conditions and stipulations agreed to by the Applicant above are incorporated into the existing "Method of Operation" on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**16. V.D. Volk on behalf of an entity TBD (BLF Big Apple LLC), d/b/a TBD, 33 Greenwich Ave. 10014 (New Restaurant OP)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for a “neighborhood restaurant serving American fare with a southern twist”; and,

**ii. Whereas,** this application is for a new restaurant on-premise liquor license in a previously licensed location in a mixed- use building located on Greenwich Ave. between Charles St. and West 10<sup>th</sup> St. for a roughly 2,500 sq. ft. premise with 23 tables and 79 table seats, 1 standup bar with 6 bar seats, and 4 seats at a drink rail for a total of 89 seats; there is an existing certificate of occupancy, but no current Place of Assembly Permit; and,

**iii. Whereas,** the hours of operation will be Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a “neighborhood restaurant serving American fare with a southern twist”; and,
2. The hours of operation will be Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 1 42” television and there will be no sound. There will be no projection TV’s.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. Any future licensed sidewalk café will operate only from 10AM to 11PM Sunday to Thursday and 10AM to 12AM Friday to Saturday. No patrons will remain in the sidewalk café after the sidewalk café-closing hour. There will be no more than 20 tables and 44 seats in any future sidewalk café.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
11. The Applicant will erect a sound-abating canopy over the entire sidewalk café before operating a sidewalk café.
12. The applicant will take measures to ensure minimal noise/sound from employees at the rear of the building in the outdoor area including such activities as handling trash and empty bottles etc.
13. The operator will operate with only one d/b/a name only.

14. There will be no all you can drink or all you can eat and drink specials.
15. There will be no bottomless brunches.
16. There will be patron use of the basement.
17. There will only be planters and barriers on the sidewalk when the sidewalk café is in operation – all moved inside when sidewalk café is closed.
18. There will be no A-frames or sandwich boards.
19. There will be no use of the rear outdoor area by employees for breaks.

**v. Whereas**, the applicant met with the Residents Coalition of 33 Greenwich Ave and Jefferson Court and after extensive discussion agreed to the above referenced stipulations; it was further noted that this location has been subject to many long standing issues including noises issues from the interior operation, noise issues from use of the rear service area, noise issues from operation of the outside sidewalk café and noise issues from the enclosed area in front of the building line; the above noted stipulations and representations from the Applicant ameliorated the Coalition’s concerns provided the applicant adheres to their representations and stipulations; other correspondence in opposition was also received attesting to ongoing issues as described above and other issues and hours of operation beyond midnight; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **V.D. Volk on behalf of an entity TBD (BLF Big Apple LLC), d/b/a TBD, 33 Greenwich Ave. 10014, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**17. 50 Commerce Street Restaurant, LLC, d/b/a TBD, 50 Commerce St. 10014 (New Restaurant OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for a “first-class, neighborhood sit-down restaurant that will focus on seafood and will cater to the cultural growth of the West Village”; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license in a previously licensed location in a mixed- use building in grandfathered commercial use location located within a residentially zoned area located on the corner of Commerce St. and Barrow St. between Hudson and Bedford Sts for a roughly 2,620 sq. ft premise located over two floors (1,690 sq ft ground floor, 930 sq ft cellar) with 28 tables and 78 table seats, 1 standup bar with 13 bar seats for a total of 91 seats; there is an existing certificate of occupancy, but no current Place of Assembly Permit; and,

**iii. Whereas**, the hours of operation will be Sunday to Thursday from 9AM to 12AM and Friday to Saturday from 9AM to 1AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a first class neighborhood restaurant focusing on seafood; and,
2. The hours of operation will be Sunday to Thursday from 9AM to 12AM and Friday to Saturday from 9AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music. There will be no French doors, operable windows or open facades.
10. The entrance on Commerce Street will be the only entrance used for regular patron ingress and egress. The Barrow Street door will be used only for Emergency egress only.
11. The Applicant will obtain a new Place of Assembly permit and kept current at all times.
12. The façade will remain non-operable, meaning that there that there will never be operable windows or French doors.
13. There will be no all you can drink or all you can eat and drink specials.

**v. Whereas,** their was no objection from the local Block Association, the Bedford, Barrow, Commerce Block Association provided that the applicants are quiet respectful neighbors who address all noise complaints immediately and maintain the exterior cleanliness of the building; a petition in support was provided; one of the principals is the son of the landlord and grew up in the building; and,

**vi. Whereas,** there are currently approximately 10 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **50 Commerce Street Restaurant, LLC, d/b/a TBD, 50 Commerce St. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**18. Wolf Production LLC, d/b/a TBD, 117 West 10th St. 10011 (New Restaurant OP)**

**i. Whereas,** the Applicant appeared before CB2’s SLA Licensing committee on March 10th, 2016 to present an application for a new on-premise liquor license to operate a full service, fine dining restaurant with bar focusing on Austrian & Hungarian cuisine in a location; and,



**ii. Whereas,** the premises is located in a 3-story mixed-use residential building built in 1826 in a grandfathered commercial space located within a residentially only zoned area located on West 10<sup>th</sup> Street between Sixth Avenue and Greenwich Avenue in a 800 sq. ft. premises located on the ground floor with a 500 sq. ft. rear yard with 10 tables and 25 seats and 1 stand up bar with 10 seats in the interior for a total of 35 seats inside and an outdoor area for which no information was provided but was verbally stated to consist of 15 tables and 30 seats; the applicant did not provide a Certificate of Occupancy and no certificate of occupancy for this specific address is available on the NYC DOB website and no letter of no objection was provided – no additional documentation was provided that the rear yard in this residentially zoned area was allowed to be used for eating and drinking purposes either; and,

**iii. Whereas,** the hours of operation for the interior were presented as 11AM to 11PM Sunday, 12PM to 12AM Monday to Thursday and 12PM to 1AM Friday and 11AM to 1AM Saturday, no patrons would remain after the stated closing time, the closing time of the rear yard was presented as 10:30PM with no patrons remaining after closing in the rear yard, music was indicated as from ipods/cds at background levels, no music in the rear yard, there would be no DJ's, no Live Music, a manager would manage the premises, there would be no tv's, there are no plans to install sound proofing, doors and windows would be closed at 9PM, there would be no promoted events, but there will be private parties and private events and the rear yard would also be available for private parties and private events, there would be no scheduled performances, outside promoters, any events for which a cover fee is charged; and,

**iv. Whereas,** there are currently approximately 15 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**v. Whereas,** this premises was previously operated with a restaurant wine license for an Asian restaurant; the past operator was the subject of complaints from area residents for the operation of their rear yard garden; and,

**vi. Whereas,** at the meeting, the applicant stated that he was a principle in two actively licensed premises in CB3, Manhattan and one previously licensed premises, the previously licensed premises had received a Michelin Star; and,

**vii. Whereas,** the applicant reached out to and met with local residents and was able to hear their concerns and was able to address many concerns, but no resolution or compromise could be reached; specifically in regards to the operation of the rear yard garden for which no permits or documentation has ever been properly and fully presented showing that eating and drinking uses were allowed in the rear yard, no floor plan for the out door area was presented, the applicant stated in vague terms that they would enclose the rear yard but absolutely no plans were presented and the applicant was unfamiliar with any of the regulations regarding enclosing rear yard gardens or operating unenclosed rear yard gardens; and,

**viii. Whereas,** the applicant who is also a principal in 102 Avenue C, LLC SN#1260747 has 4 violations which have not been corrected for violations issued by the NYC Department of Buildings for their premises at 102 Avenue C for their illegally constructed rear yard enclosure which remains in operation to date without resolution of any outstanding complaints or correction to the satisfaction of the Department of Buildings (1) 12/10/2011 “NOTED AT REAR AT 1FL A METAL FRAMED STRUCTURE APPX 20'X16' HAS BEEN BUILT W/O A PERMIT REM; OBTAIN PERMIT”, (2) 7/18/2013 “WORK W/O A PERMIT. WORK NOTED: (REAR) YARD ERECTED AND ENCLOSURE MADE OF STEEL FROM AND PLASTIC 3 WALLS AND ROOF APPROX 20'X28'. REMEDY: OBTAIN A PERMIT OR RESTORE PREMISES TO PRIOR LEGAL CONDITION”, (3) 7/31/2013 “WORK W/O A PERMIT. NOTE AT EXPOSURE 3 A LARGE ENCLOSED OUTDOOR EATERY STRUCTURE APPROX 12'H X 18'L X 20'W ERECTED W/O A PERMIT & EQUIPED W/HANGING ELECTRICAL LIGHTS,

CHAIRS, TABLES & AN INDOOR A/C UNIT.”, and (4) 1/13/2015 “FAILURE TO COMPLY W/THE COMM'S ORDER TO FILE C OF C W/THE DOB'S FOR NOTICE OF VIO #35153356X ISSUED ON 11/26/14 PURSUANT TO 28-204.4 & 1RCNY102-01. NOTED: NO COMPLIANCE FOR VIOLATION. REMEDY: FILE A CERT OF COR”; and,

**ix. Whereas**, the applicant was unable to address the open violations for 102 Avenue C LLC except to say they were working on them even though the violations span over 5 years with the most recent from 2015 citing failure to comply with the Commissioners’ Order; and,

**x. Whereas**, while a petition in support was presented, CB2 received numerous correspondence in objection to the issuance of an on-premise license at this location from immediate residents including those within the same building and those immediately abutting the proposed premises citing the impact on quality of life as a result of noise and specifically addressing the issuance of a license at a location which has never had an on-premise license; residents indicated that the previous entity at this location had been licensed for 2 decades with a restaurant wine license which was not subject to the 500 ft rule and was never presented to the community, it was unclear if the rear yard use was legal and irrespective, ongoing issues with the operation of the rear yard were significant enough to warrant objection to any use past 10PM or to the applicant’s insistence of using it for private parties and events because of the sheer number of residential apartments that have been and would continue to be impacted through noise and that it has been shown through the previous entity that even with consideration, the rear yard cannot be operated past 10PM without an adverse impact on local residents; the owner of Patchin Place also voice his objection to the issuance of the license in addition to many of his tenants; and,

**xi. Whereas**, a number of residents appeared in opposition including the owner of the building next door and like the correspondence received indicated that operation of the rear yard beyond 10PM would adversely impact the historic Patchin Place residents located in surrounding buildings many of which directly abut the applicants premises and other surrounding buildings within direct line of site, it became clear that many of the residents were willing to reasonably work with the applicant, but not so far as hours of operation for the rear yard beyond 10 PM and hours of Operation of the interior beyond 12AM during the week and 1AM on the weekend similar to many of the local restaurants in the area; those appearing were articulate in explaining that the impacts of later operation would be adverse and it was difficult to ascertain any public interest because of the adverse impact on the quality of life to local residents who live within one of NYC’s very unique landmarked areas, in particular because it appeared that the applicant would operate willy nilly with any promises and pay fines instead of correcting any issues as evidenced by the outstanding violations at their other location and failure to comply with regulations or certify correction of the illegal conditions; and,

**xii. Whereas**, during the applicant’s presentation during CB2’s SLA Licensing Meeting’s public portion,, the applicant indicated that they would layover the application, after those appearing in opposition heard that the application would be laid over and left and during the executive portion of CB2’s SLA Licensing Meetings Executive Portion, the applicant indicated that they would instead ask that CB2 instead consider the Application as presented; the Committee seeing no other choice except to consider the application as presented in order to re-present a recommendation to CB2’s Full Board considered the incomplete application and past violations issued to the applicant, opposition by neighbors and made a recommendation to CB2’s Full Board recommending denial; and,

**xiii. Whereas**, CB2, Man. has great concerns regarding this application and applicant due to the lack of a complete presentation, the clear negative impact of the operation of any rear yard area, if legal, past 10PM and past open violations for other outdoor areas and illegal enclosures at the applicants other establishments among other issues; and,

**xiv. Whereas**, CB2, Man. believes this application should be denied in its entirety by the Liquor Authority and any application to be considered should be re-presented to the community and CB2 in particular in light of the applicant's statements that they would layover the application and subsequent decision to have it heard as presented;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to **Wolf Production LLC, d/b/a TBD, 117 West 10th St. 10011** on its application seeking a new on-premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the Liquor Authority, CB#2, Man, respectfully requests that this item be calendared to appear before the Full Board of the Authority and that CB2 be notified in advance of the meeting.

Vote: Unanimous, with 34 Board members in favor.

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

**19. Good Manners, LLC, 15 E. 12th St. 10003 (New OP)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016, the Applicant requested to **layover** this application for a new on-premise restaurant liquor license where one has never previously existed for an "all-day restaurant serving sustainably sourced New American food and beverage" and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**Whereas**, there were community residents who are immediate contiguous residents who appeared to register their opposition this application as presented; the applicant agreed that they had not performed adequate community outreach to their immediate neighbors and local block associations and the applicant stated that they would like to layover the application to further meet with their immediate neighbors and local residents; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Good Manners, LLC, 15 E. 12th St. 10003** **until** the Applicant has re-presented their application in front of CB2's SLA Licensing Committee with full and accurate information and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**20. CGM 13, LLC, d/b/a all'onda, 22 E. 13th St. 10003 (Layover - SN#1269193 OP Alteration to extend hours of operation)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016, the Applicant requested to again **layover** this application for an alteration to an existing restaurant on premise liquor license (SN#1269193) to extend the hours of operation and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**Whereas**, there were community residents who are immediate contiguous residents who appeared to register their opposition to any extension of hours of operation and to register complaints regarding their current method of operation and noise issues even though the application was not heard;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, requests for extension of hours of operation, transfer, upgrade or changes to any existing license for **CGM 13, LLC, d/b/a all'onda, 22 E. 13<sup>th</sup> St. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**21. Fiftyone Merchants, LLC, d/b/a Via Carota, 51 Grove St. 10014 (Withdrawn – SN#1275555 OP Alteration to add additional space)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016, the Applicant requested to **withdraw** this application for an alteration application to add additional space to an existing restaurant on premise liquor license SN#1275555;

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

Vote: Unanimous, with 34 Board members in favor.

**22. 2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014 (New OP – 3<sup>rd</sup> Layover)**

**Whereas**, the applicant requested to layover appearing for an application for a new on-premise liquor license prior to CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016 after having appeared before CB2's SLA Licensing committee in January and February 2016 to present an application for a new on-premise liquor license to operate a restaurant in a ground floor storefront for a "premium quick casual restaurant focused on blending Filipino flavors with modern cooking; our concept is concentrating on chef Jordan Andino grandmother's recipes and his American cooking influence; a soulful blend of Filipino and Mexican", in addition to seated customers, food will be available to go and for delivery; and,

**Whereas**, when the applicant first appeared in January/2016, it was noted that the premises did not have a patron bathroom which would preclude the premises from being licensed; the applicant requested a layover to see if this could be resolved; the applicant returned in February/2016 with diagrams indicating a new proposed patron bathroom in a different location than the current employee only bathroom located behind the kitchen; and,

**Whereas**, the previous entity at this location operated as a Mexican restaurant with a full restaurant on-premises liquor license, however it appeared that the license was issued in error as the premises did not have a patron bathroom as required by NY State regulations, there was an employee bathroom located in the rear of the premises which would require patrons to go through the kitchen to access which is in violation of NYC health codes; and

**Whereas**, the applicant had indicated at CB2's SLA Licensing Committee in February/2016 that they were prepared to have the committee vote on the matter in February/2016 despite open questions, but because their attorney was not present, were unaware that in addition to their verbal representations, which were not detailed, that they could provide additional information regarding the steps that they have taken in regards to ventilation issues, noise mitigation and other issues, and also that they could further meet with their immediate neighbors and address additional concerns and objections; and,

**Whereas**, after consulting with CB2, Man. after the meeting had taken place in February/2016 their attorney requested that their client be afforded the opportunity to come back and re-present their application to CB2's SLA Licensing Committee at a regularly scheduled meeting so that the Committee could present a recommendation to CB2's Full board with more complete information and a recommendation which would take into account all available information, in essence the Applicant has requested to layover this application until March/2016, and,

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016, the Applicant requested to again layover this application for a new on-premise liquor license in order to continue meeting with immediate residential tenants and further engage consultants to address ongoing issues and the applicant 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 on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **2<sup>nd</sup> City West Village, LLC, d/b/a 2<sup>nd</sup> City, 525 Hudson St. 10014** until the Applicant has re-presented their application in front of CB2's SLA Licensing Committee with full and accurate information and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**23. Luis Skibar or a Corporation TBD, d/b/a TBD, 173 Seventh Ave. South 10014 (New OP - Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 10<sup>th</sup>, 2016, the Applicant requested to layover this application for a new restaurant on premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Luis Skibar or a Corporation TBD, d/b/a TBD, 173 Seventh Ave. South 10014** until the

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

Vote: Unanimous, with 34 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

**1. Resolution requesting a Stop sign on Bedford St. at the intersection of Bedford and Downing St. and other safety measures (such as painted neckdowns, speed humps, and traffic light screens) on Bedford St. west from 6<sup>th</sup> Ave. (Ave. of the Americas).**

**Whereas** Bedford St., from its entry point west from 6<sup>th</sup> Ave. (Ave. of the Americas) through its Downing St. intersection and on to Carmine St., progresses in sharp curves and varied lane sizes, obscuring sight lines, causing abrupt turns and changes, creating confusion and seriously endangering both pedestrians and motor vehicles; and

**Whereas** the Bedford St. entrance from 6<sup>th</sup> Ave. is unusually wide (3 lanes/33' as opposed to the next parallel block, W. Houston St., 24' wide) with no lane markings, a situation that facilitates and encourages high speed vehicular movement from 6<sup>th</sup> into Bedford (even with a 15 mph sign, either not noticed or disregarded) that races forward with a sustained momentum all along the way (even where the street narrows to 24') in a neighborhood environment filled with pedestrians who are constantly put in harm's way as they try to cross the street; and

**Whereas** the danger to pedestrians is particularly pronounced at the intersection of Bedford at Downing St., where an absence of cautionary signage and requisite street markings creates a setting devoid of any restraints to control the speeding traffic and slow it down. The lack of such regulatory devices results not only in perilous road speeds but also in unsafe confusion and conflicts as pedestrians and drivers alike attempt to assess who has the right of way; and

**Whereas** graphic pedestrian signs in advance of the Bedford/Downing intersection are not seen or ignored by drivers, and trucks often parked at the corner interfere with visibility (forcing both pedestrians and vehicles to inch their way out dangerously into Bedford St. to ascertain crossing conditions as vehicles approach with no indication on the pavement of a crossing for people); and

**Whereas** a traffic light on Carmine St. one block ahead further exacerbates the hazardousness of the Downing St. crossing as drivers surge past it to catch the Carmine green light; and

**Whereas** parking was removed in 2009 on Bedford St. entering from 6<sup>th</sup> Ave to facilitate turning for fire trucks from FDNY Engine 25/Ladder 5, and, after consultation, the fire station has suggested to the Bedford-Downing Block Association that flexible plastic markers might be used to narrow the entry-point beyond the current small neckdown already there in order to slow down vehicles while being able to bounce down to allow fire trucks to pass. The BDBA also suggested that the FDNY trucks could swing wide on 6<sup>th</sup> Ave. to turn; and

**Whereas** the Bedford-Downing area has changed significantly with a heavy increase in pedestrians walking on Bedford and Downing Sts. every day, including students from four growing schools, commuters from the W. 4<sup>th</sup> and Houston St. subway stops, more neighborhood residents and workers, as well as more restaurants and their patrons, more delivery people, more construction workers and more tourists, in other words, more and more people at risk from the ever-increasing, in-need-of-control vehicular traffic and speeds; and

**Whereas** there was a large turnout of BDBA members and other members of the community, and many letters were received as well, all expressing concern about the danger from vehicles “whipping down the street as fast as they can go,” threatening pedestrian safety, with many close calls experienced, and all expressing their support for a Bedford at Downing Stop sign and other safety measures on Bedford St.;

**Therefore be it resolved** that CB2, Man. urges the NYC Department of Transportation (DOT) to install a Stop sign on Bedford St. at Downing St., along with a high visibility crosswalk and a painted “STOP” marker in the Bedford streetbed at that location; and

**Be it further resolved** that CB2, Man. asks that a single street lane be painted on Bedford St. to define a narrower width for channeling vehicular traffic; and

**Be it further resolved** that CB2, Man. requests that DOT install a screen on the lenses of the traffic light at the Bedford/Carmine St. intersection to obscure the light’s color designation from approaching drivers unless directly at the intersection (to discourage drivers from forging ahead from Downing St. to make the light); and

**Be it finally resolved** that CB2, Man. recommends that DOT investigate and consider the following proposals for reducing the speed of motor vehicles entering Bedford St. from 6<sup>th</sup> Ave.:

- A painted or gravel neckdown extending from the existing concrete neckdown on Bedford St. at 6<sup>th</sup> Ave.
- Installation of flexible markers/bollards to define the extended neckdown.
- A speed hump on Bedford St.
- Restoration of parking on the first stretch of Bedford St. after 6<sup>th</sup> Ave. where it was previously removed.
- Additional slow zone measures to highlight and further define the 15 mph zone.

Vote: Unanimous, with 34 Board Members in favor.

## **2. Resolution in support of a sign banning thru trucks from turning onto Minetta Lane from Macdougall St.**

**Whereas**, as indicated on the NYC truck route map, Minetta Lane is not a thru truck route, therefore no trucks should go there except for local deliveries and sanitation; and

**Whereas** large trucks constantly cut through to 6<sup>th</sup> Ave. (Ave. of the Americas) on Minetta Lane which they turn onto from Macdougall St., causing heavy damage on this fragile, extremely narrow street, where they do not belong; and

**Whereas** the tight turn from Macdougall St. onto Minetta Lane results in trucks driving over the sidewalk on Minetta (where there’s a vault) and crushing the sidewalk, as well as causing so much deterioration to the curb that at this point it’s almost level with the street; and

**Whereas** trucks going up on the sidewalk traversing the narrow street also run over tree guards installed to preserve and protect the trees there, and several of these tree guards have been destroyed; and

**Whereas** pedestrians feel threatened by these trucks and some report almost having been struck by them as they take up the street and overlap the sidewalk;

**Whereas** a large representation of neighborhood residents and businesses came to attest to the damage these thru trucks have caused and to ask for preventative measures. Correspondence was also received concerning this matter;

**Therefore be it resolved** that Community Board 2, Manhattan urges the NYC Department of Transportation to install a sign on the corner of Macdougall St. and Minetta Lane specifying No Thru Truck Traffic, to ban thru trucks from turning onto Minetta Lane from Macdougall St.

Vote: Unanimous, with 34 Board Members in favor.

### **NEW BUSINESS**

#### **Resolution to hire Josh Thompson to the position of Assistant District Manager**

**Whereas**, the CB2, Man. office posted the job vacancy notice for the position of Assistant District Manager on the Cityjobs website, the CB 2 website, and notified local universities of the vacancy; and

**Whereas**, the CB2, Man. office received fifty-four résumés in response to its solicitation; and

**Whereas**, after a review of the résumés by the District Manager and five Community Board 2 members selected by the CB2 Chair, six candidates were interviewed; and

**Whereas**, after deliberation, it was decided the position should be offered to Josh Thompson, whose academic credentials and work experience were impressive.

**THEREFORE, BE IT RESOLVED**, CB#2, Man. recommends that Josh Thompson be hired for the position of Assistant District Manager.

Vote: Unanimous with 33 Board Members in favor.

Respectfully submitted,

Keen Berger

Secretary  
Community Board #2, Manhattan