

Tobi Bergman, *Chair*
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

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

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

FULL BOARD MINUTES

DATE: April 21, 2016
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Don Borelli, Anita Brandt, William Bray, Richard Caccappolo, Ritu Chatterjee, Erik Coler, Doris Diether, Cristy Dwyer, Robert Ely, Kathleen Faccini, Cormac Flynn, Billy Freeland, Joshua Frost, Susan Gammie, Jonathan Geballe, Robin Goldberg, Sasha Greene, Edward Ma, Daniel Miller, Lauren Racusin, Robert Riccobono, Robin Rothstein, Sandy Russo, Maury Schott, Kristin Shea, Shirley Smith, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS ABSENT WITH NOTIFICATION: Katy Bordonaro, Jeannine Kiely, Maud Maron, Lois Rakoff, Shirley Secunda, Frederica Sigel

BOARD MEMBERS ABSENT: Daniel Ballen, Alexander Meadows

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Lisa Cannistraci, Tom Connor, Terri Cude, Coral Dawson, David Gruber, Susan Kent, Rocio Sanz, Chenault Spence

BOARD MEMBERS PRESENT/LEFT EARLY: Chenault Spence

BOARD STAFF PRESENT: Bob Gormley, District Manager; Florence Arenas, Community Coordinator; Josh Thompson, Assistant District Manager, 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; Eric Bottcher, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Jeanine Bianco, Eva Xu, F. Denner, Jim Fouratt, Jesse Beck, Donna Baxter, Janet Liff, Steve Castellano, Val Paese, Dianne Reid, Raquelle Stiefler, Madeleine Thompson, Anna Siftar, Rick Sughrue, Joseph Castellano, Aron Watman, David Bocarsky, Kim Manocherian, Pam Lischin, Ray Cline, Peter Davies, Michael Ryan, John Short, Julia Carrizosa, Stephanie Cummings, Rebecca Janisch, Augustine Hope, Nichole Huff, Philippe Luciano, Jean Lyman Goetz

MEETING SUMMARY

Meeting Date – April 21, 2016
Board Members Present – 39
Board Members Absent With Notification – 6
Board Members Absent - 2
Board Members Present/Arrived Late - 9
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
ARTS & INSTITUTIONS	4
LANDMARKS AND PUBLIC AESTHETICS	5
LAND USE & BUSINESS DEVELOPMENT	10
PARKS/WATERFRONT	10
QUALITY OF LIFE	14
SLA LICENSING	18
TRAFFIC AND TRANSPORTATION	53
NEW BUSINESS	57

II. PUBLIC SESSION

Non-Agenda Items

Affordable Housing

Peter Davies spoke regarding the need to preserve affordable housing.

Falun Dafa/Falun Gong

Eva Xu spoke regarding the organization's free exercise program.

Elizabeth Street Garden

Kristen Shea made an announcement regarding the garden.

BAMRA

Ray Cline spoke regarding upcoming meetings.

Consumer Benefits and Paid Sick Leave

Philipe Luciano, from the Dept. of Consumer Affairs, reported on the law and benefits that are now in effect.

Washington Square Music Festival

Jean Lyman Goetz made an announcement regarding the upcoming events.

NYU Poe Room

Nichole Huff, representing NYU, spoke regarding the upcoming Poe Room Event.

Landmarks & Public Aesthetics Items

92 W. Houston St. – Awning Installation

Aron Watman, the applicant, spoke in favor of the proposed awning installation.

62 Cooper Square – Flagpole and Signage Installation

Kim Monocherian, the architect, spoke in favor of the flagpole and signage installation.

Parks/ Waterfront

Rudin/Washington Square Park

Jim Fouratt inquired as to why the park has not been turned over as of yet.

SLA Licensing Items

2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014

Stephanie Cummings, Rebecca Janisch, and Augustine Hope, all spoke against the proposed liquor license application.

Traffic and Transportation Items

For-Hire Vehicles

Janet Liff, spoke in favor of the resolution regarding for-hire vehicles.

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

Eric Bottcher, Council Member Corey Johnson’s office

Vincent Fang, Council Member Margaret Chin’s office;

V. ADOPTION OF MINUTES

Distribution of March minutes

VI. EXECUTIVE SESSION

1. **Chair's Report** Tobi Bergman reported.

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

STANDING COMMITTEE REPORTS

ARTS & INSTITUTIONS

Resolution in support of increased funding for Arts and Culture in FY2017

Whereas, New York City is the cultural capital of the world, and

Whereas, New York's arts and culture are integral to furthering the aspirations of our city's youth, and it is crucial that the youth get an art-rich education, and

Whereas, cultural institutions and organizations draw and inspire millions of people and are a medium of economic development for the City, and

Whereas, the IDNYC program initiative has given 340,000 cardholders the ability to redeem free year-long memberships at museums, performing arts centers, and other arts and culture institutions, a program largely underwritten by privately run public institutions that volunteered to donate their time and services to the program, and

Whereas, the City's cultural groups have launched a campaign dubbed "NYC Inspires" to push City Hall to increase their budget by \$40 million this year, and

Whereas, a public hearing was held at City Council on March 23, 2016 regarding the FY2017 Preliminary Budget with a focus on increasing funding for culture, and

Whereas, the funding would be split between Cultural Institution Group members and small community-based nonprofit cultural organizations throughout the City, and

Whereas the funding will support additional programs that will reach individuals in all five boroughs and enrich the lives of artists, students, seniors and all New Yorkers, and

Whereas, the 2016 fiscal year allocation for the Cultural Development Fund, the DCLA program which makes grants to all the program groups and local arts councils, stands at \$28 million, which is reportedly \$2 million less than when the fund was established in 2008, and

Whereas, there have been rising costs throughout the arts and culture sector, and

Whereas, CB2, Man. has a long history of supporting the arts and culture in our community and throughout the City,

Therefore Be It Resolved that CB2, Man. supports the City Council’s recommendation urging the deBlasio Administration to invest in the arts and culture by increasing funding for arts and culture in FY2017 by \$40 million.

VOTE: Passed with 35 board members in favor, 3 board members in abstention (S. Smith, D. Miller, S. Aaron), and 1 board member (K. Berger) in opposition.

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1. *75 Spring St. – Application is to replace windows on the 9th floor at the Spring and Crosby façades

Whereas

- A. The rounded windows are proposed to be replaced with aluminum double pane windows, and
- B. The top original round sash to be replaced are proposed to be square top- visible on the inside and the masonry round exterior to attempt to camouflage the square sash
- C. The arched windows are a distinctive element of the building and are especially noticable because of the building’s being on a corner lot
- D. The replacement does not respect the original windows and is visible from the exterior

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

Vote: Unanimous, with 39 Board members in favor.

2. *64 Wooster St. - Application is to replace existing dilapidated freight elevator with new traction freight elevator, which increases the height of the existing bulkhead.

Whereas:

- A. The current third floor machine room cannot be legalized in connection with replacing of a freight elevator nor is the cellar usable of this purpose, and
- B. A rooftop structure that would accommodate a replacement elevator that would serve the floors now served by the existing elevator would extend approximately 8’ above the rooftop, and
- C. The proposed tower is to permit the new elevator to serve the unoccupied roof and would extend 24’6” above the rooftop, and
- D. The proposed tower is clearly visible from a number of locations along a public thoroughfare, is taller and thinner than any other visible rooftop mechanicals in the area and presents an obtrusive presence in the roofscape of the neighborhood, now

Therefore be it resolved that CB2, Man. recommends denial of the application.

Vote: Unanimous, with 39 Board members in favor.

3. ***92 W. Houston St.** – Application is to install an awning.

Whereas:

- A. A half rounded, black canvas awning over the door provides needed shelter and is in keeping with the design of the building facade and is not objectionable in the context of the streetscape, now

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

Vote: Unanimous, with 39 Board members in favor.

4. ***90 W. 3rd St.** – Application is to install new storefront, signage, and painting the existing brick façade. (will be reviewed at staff level at the LPC-no CB review).

NOT HEARD

5. ***270 6th Ave.** – Application is to replace storefront, and install awning and lighting.

Whereas:

- A. The existing infill is aluminum and glass with an exterior roll down gate and cloth awning, and
- B. The proposed infill is to match the infill of the adjacent restaurant with operable windows, yellow cloth awning 8 - 10' deep and matching light fixtures, and
- C. The neighboring example is in keeping with the building and with the streetscape, now

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

Vote: Unanimous, with 39 Board members in favor.

6. ***393 W. Broadway** – Application is to establish a Master Plan for the installation of a painted wall sign on the north facing façade of the building.

Whereas:

- A. The sign is proposed to be 330 square feet on the plain north wall of the building sign facing Spring street, and
- B. Historical photograph evidence was presented showing that there has been a sign, since painted over or removed, in the proposed space, and
- C. The criteria for style, color, percentage of image and text that have been established in approved prior instances in the district, to wit 60 Grand Street and 305 Canal St., and
- D. The Landmarks Commission staff will review each proposed design to ensure that it adheres to the established criteria, and
- E. There will be no illumination, now

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

Vote: Unanimous, with 39 Board members in favor.

SECOND LANDMARKS MEETING

7. *1 Horatio St. – Application is to paint a wall mural at 1 Horatio St./corner of 8th Ave.

Whereas:

- A. The lower wall area (approximately aligned with the ground floor) is to be painted to match the brick above, and
- B. There will be a painted white sign with the shop logo surrounded by a painted black border; and
- C. The sign will be placed higher than the position depicted in the rendering.
- D. A sign in on this wall is approved only for the commercial tenant of the building and any change to the design for this tenant or a new design for a new tenant must come before the Committee for approval

Therefore be it resolved that CB2, Man. recommends approval of this application as amended by repositioning the sign higher.

Vote: Unanimous, with 39 Board members in favor.

8. *597 Broadway – Application is to install a sidewalk chairlift.

Whereas

- A. There are two steps into the commercial space and accessibility provided by a portable ramp, and
- B. The steps cannot be lowered on account of structural and service construction – clearly depicted in photographs - below the steps, and
- C. The mechanism is to be within the recessed entryway and the platform is to be stored beside the building, occupying no more than 18 inches of sidewalk, and
- D. The applicant represented that a system to provide storage within the recessed entryway would necessitate reconfiguring of the entrance infill, now

Therefore be it resolved that:

- A. CB2, Man. recommends denial of this application unless the design for the lift provides for location of the mechanism and storage of the platform within the recessed entryway, and
- B. The applicant presents a revised plan to the Committee for review before a hearing before the Landmarks Commission.

Vote: Unanimous, with 39 Board members in favor.

9. *21 ½ King St. – Application is to convert a multi-family dwelling to a single-family dwelling.

Whereas:

- A. The façade will be restored with details copied from the intact, matching neighbor; and
- B. The light wells will be filled in, producing a solid wall and the space claimed by making the garden deeper and the new, rear façade will have new, larger undivided windows that are minimally visible from a distant view on a main thoroughfare and.
- C. The roof parapet will be raised to accommodate a flattened roof, will be occupied and will be reached by a minimally visible stair bulkhead, and

- D. The parapet and sidewall will be in gray or brick color stucco in the event that the existing brick is too degraded to be restored and repointed, now

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

Vote: Unanimous, with 39 Board members in favor.

11. *25 Bleecker St. – Application is to demolish an existing 4-story building and replace it with a 6-story building plus penthouse addition.

Whereas:

- A. The applicant represented, without photographs and without a report from a structural engineer or documentation from the Department of Buildings, that the building is so depilated that it cannot be salvaged, and
- B. There was testimony from both the applicant and a member of the Committee that a proposal for replacing the façade was approved by the Commission in 2014 and there was no explanation by the applicant as to why the building’s condition had become so compromised as to be unsalvageable during the ensuing two years since this approval, and
- C. The building, though considerably altered, nevertheless retains its proportion and the upper two stories appear to retain their window openings, and
- D. The building is part of a row of three similar buildings that, as a whole present, an historical row and must remain intact to respect the scale and cohesiveness in a streetscape that alternates between similar rows of early 19th century dwellings and later taller historic buildings- all of which contribute to the character of the landmark district, and
- E. A proposal was submitted for a new 6 story building with penthouse, and
- F. There was testimony from the Greenwich Society for Historic Preservation including considerable historic reference opposing demolition of the building, and that it is imperative that the scale of the c. 1830, and
- G. There was testimony from Zella Jones representing NoHo-Bowery Stakeholders with other residents at 33 Bleecker and 41 Bond opposing the demolition on historic and aesthetic, grounds, asserting that the building was occupied and for this reason questioning the representation that it was too dilapidated to be salvaged and providing documentation of three instances in the area where the Commission had denied demolition in a similar situation, to wit 383 Lafayette Street, 340 Bowery, 21-23 Bleecker Street, and
- H. There was testimony from the building manager at 41 Bond Street and a resident of the neighborhood opposing demolition, now

Therefore be it resolved that CB2, Man. recommends denial of the application to demolish the building and if the existing building is demolished, the front façade of the replacement building should remain identical to the version approved March 2014 for the replacement of the façade of the existing structure, with any additional structure limited to set-back or penthouse additions that are not visible from any public thoroughfare.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (R. Sanz).

12. *88 Perry St. – Application is to legalize tile mural installed without LPC permits.

Whereas:

- A. The tile mural was installed in 1972 and serves as a worthy reminder of the Spanish flavor of the neighborhood, and
- B. There are examples of various Spanish styles in a number of altered buildings in the area, and
- C. Whereas the Perry Street Block Association and residents of the area regard the mural as a “landmark” of Perry Street worthy of preservation, and
- D. The Greenwich Village Society for Historic Preservation gave testimony in favor of approving the application, now

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

Vote: Unanimous, with 39 Board members in favor.

13. *303 Bleecker St. –Application is to legalize the installation of an HVAC unit at installed without LPC permits

Whereas the units are misally visible, now

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

Vote: Unanimous, with 39 Board members in favor.

14. *62 Cooper Square – Application is to install two flags and flagpoles.

Whereas:

- A. Two poses in bronze are proposed with 5’ X 8’ flags depicting the commercial tenant’s logo and cut on the angle of the pole in order to lie flat resembling a banner; and
- B. The brackets are to be “mechanically fastened” directly into limestone facade, and
- C. There exists an historical photograph of one flag and a bracket high above the proposed location, and
- D. The applicant represented that the condominium board of the upper floors has expressed its approval of the design, and
- E. Fastening brackets into the limestone façade will compromise the historic material, and
- F. This building of considerable historic and architectural significance will be unduly compromised by this proposal, and
- G. The lack of visibility of the establishment alleged by the applicant is temporary, primarily due to construction of the plaza and indeed, the premises with ample signage in the windows, will be extremely visible across the inviting, open space of Cooper Square, and

Therefore be it resolved that:

CB2, Man. recommends denial of this application.

Vote: Unanimous, with 39 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 511 Canal Street (between Greenwich and Renwick Streets) BSA Cal No. 2016-4128- BZ: application for a Special Permit ZR 73-36 for a Dogpound Fitness LLC physical culture establishment.

Whereas:

1. Applicant wishes to operate a fitness center with approximately 3256 square feet of floor area on the ground-floor level of an existing six-story building located at the above-named premises;
2. As represented, applicant appears to have satisfied the necessary findings.
3. No one from the public appeared to speak either in favor of or against this application.

Therefore, CB2, Man. has no objection to the application.

Vote: Unanimous, with 39 Board members in favor.

2. 670 Broadway (corner of Bond Street) BSA Cal No. 2016-4126-BZ: application for a Special Permit ZR 73-36 for an Equinox physical culture establishment.

Whereas:

- a. Applicant wishes to operate a fitness center with gross square footage of 31,638 square feet of floor area on the sub-cellar, cellar, first, second, mezzanine and third levels of a five-story commercial building located at the above-named premises.
- b. Total zoning floor area for the PCE will be 22,293 square feet.
- c. It is anticipated that the PCE will eventually have approximately 6,000 to 7,000 members with patron visits estimate ed at 600 to 800 per day.
- d. As represented, applicant appears to have satisfied the necessary findings.
- e. No one from the public appeared to speak either in favor of or against this application.

Therefore, CB2, Man. has no objection to the application.

Vote: Unanimous, with 39 Board members in favor.

PARKS/ WATERFRONT

1. Resolution on latest plans by the Department of Parks & Recreation for addressing sound levels from non-amplified instruments and music played at high volume in Washington Square Park

Whereas:

1. The Department of Parks & Recreation has tried to balance enforcement of citywide noise regulations with requests from the local community to allow free expression in Washington Square Park. However, our committee has received many complaints from park users and neighbors over the past few years regarding disturbance caused by constant drumming, the playing of recorded music by performers, and loud horn playing (even when not electrically amplified), and our committee has held meetings and has written resolutions asking that these issues be addressed and park rules be more consistently enforced.

2. The New York City Department of Parks & Recreation has assigned a Parks Enforcement Patrol (PEP) sergeant to address the ongoing noise complaints expressed by neighbors and park-goers.
3. The sergeant will use a decibel meter to monitor and measure both ambient noise levels and specific sound levels emanating from non-amplified instruments.
4. The sergeant will “get to know” the musicians, educate them on sound levels and “keep them aware of what the levels are and how compliance works,” with the goal of “voluntary compliance,” but PEP management stated: “We’re not interested in any kind of crackdown.”
5. Sarah Nielson, Washington Square Park Administrator, stated that the sound levels deemed acceptable in Washington Square Park are “slightly more lenient than DEP’s general rule,” and that musicians will get a warning if they are 10 decibels above the level of the area’s ambient noise as measured from a distance of 30 feet, whereas DEP’s standard is 15 feet.
6. Ms. Nielson stated that the goal of the plan to utilize meters is to “apply science rather than my opinion versus your opinion.”
7. Ms. Nielson explained that this plan came out of discussions between New York City’s Law Department, the Parks Department, and the Department of Environmental Protection, which regulates sound issues.
8. The new sergeant will be responsible for supervising all of the Parks Enforcement Patrol (PEP) officers in the park.
9. The sergeant will be trained to use the decibel meter, and then the other PEP officers will be trained and certified to use the decibel meters.

Therefore be it resolved that CB#2, Man.:

1. Sees this assignment of a sergeant to Washington Square Park, and the communicated plan to use decibel meters to measure non-amplified sound, as positive steps forward in addressing this ongoing series of noise complaints from the community.
2. Asks that the Department of Parks & Recreation keep us updated on the progress of the initiative, including regular reports to this committee.

VOTE: Unanimous, with 39 Board Members in favor.

2. Proposal to install chains and signs for effective night time closing of Washington Square Park

Whereas:

1. During design review for the renovation of the Washington Square Park, the Parks Department included a perimeter fence, but in response to requests from CB2, Man. and elected officials agreed that no gates would be installed.
2. The existing fence is attractive and works to protect plantings, and the non-gated look conforms with the spirit and history of the park.
3. The design also includes use of simple chain fences throughout the park to protect lawns and planted areas.
4. Washington Square Park closes at midnight, the latest legal closing time of New York City Parks.
5. Illegal nighttime use of the park can create a nuisance for neighbors and may encourage people to sleep in the park or use the park for other illegal purposes.
6. Residential neighbors have complained about illegal late night use.
7. There are nine path entrances into the Park and one wide opening at the arch.
8. The 6th precinct is responsible for enforcement of the night time closing.
9. The precinct uses metal police barricades at the entrances to close off the entrances.

10. The barricades are ugly when in place and also when pushed to the side when the park is open.
11. The barricades are cumbersome and time-consuming to place.
12. The barricades are ineffective because they are not locked, and people are able to push them to the side, and therefore NYPD cannot issue summonses to people who enter.
13. The precinct has repeatedly requested a more effective and efficient way to close the park.
14. With the completion of the perimeter sidewalk, renovation of the park will be complete.

Therefore be it resolved that CB2, Man. requests the following:

1. Installation of an effective and attractive means of closing park entrances that is consistent with the reason for the community's original opposition to the installation of entrance gates.
2. A design consisting of chains identical to the ones used throughout the park.
3. That, at the path entrances, the chains be fastened to the fence pylons, with approximately half the length of the chain on each side.
4. That when not in use, the chains be stored inside the pylons.
5. That, when the park is closed, the chains be connected at the center with a padlock and the length be such that they hang with an appearance similar to the chains throughout the park
6. That there be a "Park Closed" sign hanging at the center of each chain.
7. That the chains may be marked or painted to improve visibility
8. That the Parks Department design and install a simple method of similar chains to close the wide opening at the arch, possibly using movable and stackable tripods.
9. That a suitable method be included to allow access by emergency vehicles.
10. That local elected officials consider expressing support for this method of securing the park at night.

VOTE: Passed, with 34 Board Members in favor, 4 in opposition (S. Smith, J. Gallagher, B. Freeland, K. Berger), and 1 abstention (S. Russo).

3. Resolution on status and progress of park improvement projects in our District

Whereas:

1. Our District has experienced a noteworthy number of high quality park improvement projects over the last 3-4 years, projects that have significantly improved the quality of life of our residents, including renovation of James J. Walker field, renovation of Bleecker Street Playground, development of a new playground at Minetta Lane, opening of a new play area on LaGuardia Place, and the renovations of Washington Square Park, among others.
2. Our District has enjoyed a substantial and much appreciated level of attention from the Department of Parks & Recreation in recent years such that though the park space per 1000 residents metric is among the lowest of any community in New York City, the quality level of the relatively few parks that exist in our neighborhoods seems to be comparatively quite high.
3. The great majority of the renovation and park creation projects that have been undertaken in our District have been run effectively and completed within reasonable expectations of duration and delivery dates.
4. However, recently, progress of important, approved and funded projects, specifically the renovations of DeSalvio Playground, Little Red Square, and Father Fagan Park (a fully-funded project the duration of which is now approaching 5 years, with a target date now being communicated of at least another year), have not followed this pattern, i.e., have not been progressed as successfully as the other projects mentioned in point 1 above.

5. Further, we believe that similar park renovation projects taking place in other Districts in the City have progressed more successfully than these projects in CB2 that have been delayed. Other Districts have realized results more in keeping with that which we had experienced.

Therefore be it resolved that CB2, Man.:

1. Urges the Department of Parks & Recreation to apply greater attention and focus on the renovations of DeSalvio Playground, Little Red Square, and Father Fagan Square.
2. Urges the Department of Parks & Recreation to increase and improve communications with the community concerning the status of these critical, long-awaited, and long promised initiatives.

VOTE: Unanimous, with 39 Board Members in favor.

4. Resolution after presentation by Friends of High Line about upcoming programming including an event with Target Corp

Whereas:

1. The High Line operates as a private entity with a lease arrangement with the Department of Parks & Recreation.
2. The Friends of the High Line is tasked with raising significant amounts of money each year to maintain the park and run programming.
3. The DPR allows the Friends of the High Line to hold 5 events or “sponsor activations” to raise money from sponsors.
4. This neighborhood, and the level of activity, under and around the High Line is vastly different now than at the beginning of the Park’s creation when the arrangement with DPR was established. At the time the Park was opened, the surrounding streets were busy only during the active hours of the meat market, such that the allowance for a concession might have made sense. However, now, with the opening of Santina Restaurant, the Whitney Museum, the events organized by the Meatpacking BID, and the growth of businesses that have sprouted along the entrance to the High Line, a significant increase in people, noise, and traffic has significantly hampered peaceful enjoyment by those who live in the community. Any additional activity is a detriment to quality of life.
5. One such event, the “Friends of the High Line and Target Partnership,” is an “activation” that will take place from Friday, April 8 - Monday, April 11, 10am - 8pm each day. It will be constructed both in one of the two corridors on the High Line at 14th St. and in the street level plaza directly below the High Line. Park visitors will be invited but not required to opt into this free experience.
6. This plan has been approved by the DPR.
7. Our committee believes Friends of the High Line should have come to our committee to tell us about this event much earlier than they did and that they should come to us 45 days before such events in the future.

Therefore be it resolved that CB#2, Man.:

1. Expresses great fondness and support for the High Line,
2. Expresses appreciation for the work of the Friends of the High Line,
3. Asks that, from this moment forward, the Department of Parks & Recreation and the Friends of the High Line bring such planned events to CB2 for review, and perhaps come up with a “template” for such events to make our review easier and more efficient, as a concession for this substantial intrusion into public space.

4. Requests that the contract between DPR and Friends of the High Line be presented to CB2 before its next renewal date so that the question of concessions, opportunities for producing income, and permitted activities receive community input.

VOTE: Unanimous, with 39 Board Members in favor.

5. Resolution request to the Department of Parks & Recreation (“DPR”) to install a low permanent fence, possibly a hoop fence, around the Arthur Strickler Garden and the adjacent planted triangle on the west side of Hudson Street at Bethune Street

Whereas:

1. The gardens at Hudson and Bethune Streets have been bordered by minimal bamboo and plastic ‘fences’ that have been in very bad repair for some time. Both gardens are also bordered by well-installed low, small granite brick edging.
2. The fences had become damaged, and in some areas dangerous, and so were recently removed. In addition, around the Arthur Strickler garden a row of Belgian blocks sitting on top of the smaller granite brick edging was never properly cemented, and the blocks have been completely loose for some time and continually end up in various places on the poorly lit sidewalk, presenting a tripping hazard.
3. Much of the maintenance and planting work on the gardens is done by volunteers
4. As a result of there being no bordering fences, dog owner regularly allow their pets to roam freely in the gardens don’t clean up after them
5. Recently, new “No Pets” signs were put up by nearby residents and virtually all were torn down within days.

Therefore be it resolved that CB2, Man. asks DPR to:

1. Remove all the loose, large Belgian blocks and consider using them elsewhere (e.g., the Archive Greenstreets garden at the corner of Greenwich St. & Christopher St.).
2. Repair any existing problem areas along the small granite brick edging of the two gardens.
3. Install a 15” high hoop border fence around the Arthur Strickler garden.
4. Install a 10-12” high hoop border fence around the smaller triangle garden.
5. Install new DPR “No Pets Allowed” signs in both gardens, with at least 4 in the larger Arthur Strickler garden.

VOTE: Unanimous, with 39 Board Members in favor.

QUALITY OF LIFE

1. Passive House Standards

Whereas:

1. One City Built to Last: Transforming New York City’s Buildings for a Low-Carbon Future, authored by the Mayor’s Office of Long-Term Planning and Sustainability, sets out a plan to reduce New York City’s greenhouse gas emissions (GGE) by 80 percent by 2050.
2. The plan notes that there are about 69,000 existing buildings in the City and that buildings contribute approximately 71 percent of citywide emissions.

3. The plan seeks to make substantial reductions in GGE from buildings, and, among other strategies, points to Passive House Standards that can be applied to new construction and to retro-fitting existing buildings. The plan cites Knickerbocker Commons, a mid-sized, affordable housing building constructed to Passive House Standards, as an example of a project already completed.
4. There is growing press attention being paid to Passive House projects, both new construction and renovations, including the building being constructed by Cornell Tech on Randall's Island, which will be the largest Passive House high-rise in the world.
5. Passive House Standards are being promoted by professional organizations, including Passive House New York, and the Passive House Institute US, and the techniques and technologies are well developed.
6. The benefits of Passive House standards on energy efficiency and the quality of indoor environments are well-documented by the new projects in the United States and by projects in Europe where the standards have been applied for many years.
7. The costs of incorporating Passive House Standards in construction and renovation can be little or no more expensive than standard construction, and with full adoption of the standards across the building industry can be no more expensive than current construction techniques.
8. Transitioning to Passive House standards requires changes in policies and regulations (including NYC Department of Buildings and New York State Energy Research & Development Authority), education of stakeholders (including building owners, developers, contractors, and the general public); and incentives to encourage building owners and contractors to choose to use Passive House Standards.
9. In commemoration of Earth Day 2016, the Borough President of Manhattan is encouraging community boards throughout the borough to adopt resolutions in support of Passive House Standards being further studied and implemented throughout the City.

Now, therefore, be it resolved that:

1. CB2, Man. applauds the City's commitment made toward implementing Passive House standards, as presented in One City Built to Last.
2. Encourages the City to re-double that commitment by mounting a program to pursue all of the steps that will be necessary to implement the standards, including necessary legislation and rulemaking by legislative bodies and agencies at both the City and State levels; educating building owners, developers, construction contractors, and the general public about the benefits and techniques of Passive House Standards; creating and/or encouraging demonstration projects throughout the City in the public and private sectors; and developing incentives to encourage the adoption of Passive House standards.

VOTE: Unanimous, with 39 board members in favor.

2. New Applications for revocable consent to operate an unenclosed sidewalk café for:

The Wren New York, LLC, 344 Bowery, with 6 tables and 15 chairs (2674-2016-ASWC)

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

Whereas, the applicant agreed to remove one table with one chair that would partially block the door to the restaurant, such redesign to be memorialized in a revised drawing; and

Whereas, the applicant has already stipulated with CB2, Man. to close the sidewalk café with no patrons remaining seated at 11:00 p.m. every night;

Therefore Be It Resolved that CB2, Man. recommends approval of the sidewalk café for **The Wren New York, LLC, 344 Bowery**, with 5 tables and 14 chairs.

VOTE: Unanimous, with 39 board members in favor.

UBC, LLC, d/b/a Mr. Donahues, 203 Mott Street, with 4 tables and 8 chairs (3082-2016-ASWC)

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

Whereas, the applicant explained that the door at the left of the façade is not required for access to the premises (only 9 interior seats), and is to be closed and secured, which allows for redesigning the outdoor seating plan and waiter service aisle to gain one table that is 16” wide with 2 chairs, such redesign to be memorialized in a revised drawing; and

Whereas, the applicant agreed to close the sidewalk café at 11:00 p.m. every day;

Therefore Be It Resolved that CB2, Man. recommends approval of the sidewalk café for **UBC, LLC, d/b/a Mr. Donahues, 203 Mott Street**, with 5 tables and 10 chairs.

VOTE: Unanimous, with 39 board members in favor.

Tourbillon 45, LLC, d/b/a Café Altro Paradiso, 234 Spring Street, with 5 tables and 20 chairs (3007-2016-ASWC)

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

Whereas, the applicant agreed to close the sidewalk café at 11:00 p.m. on weekdays and midnight on weekends; and

Whereas, the applicant agreed to speak with the nearby Ducati dealer about no longer parking motorcycles on a portion of the sidewalk that would be in front of the sidewalk café;

Therefore Be It Resolved that CB2, Man. recommends approval of the sidewalk café for **Tourbillon 45, LLC, d/b/a Café Altro Paradiso, 234 Spring Street**, with 5 tables and 20 chairs.

VOTE: Unanimous, with 39 board members in favor.

Icon Two, LLC, 218 Bowery, with 11 tables and 24 chairs (3200-2016-ASWC)

Whereas, the area was posted, community groups were notified, and there was one community member, representing the Bowery Block Association, present; and

Whereas, the owner agreed to remove one table and 3 chairs and to relocate one table and 2 chairs that would in their original location partially block the entrance to the restaurant, such redesign to be memorialized in a revised drawing; and

Whereas, in response to concerns from the public, including a reported memorandum of understanding between the owner and the Bowery Block Association about not combining two adjacent cafés operated by the same owner, the owner agreed not to combine the two cafés and agreed to mark the corners of the café on the sidewalk; and

Whereas, the owner has already stipulated with CB2, Man. to stop seating additional patrons in the sidewalk café at 10PM, stop all service of Alcohol at 10PM and remove all tables and chairs from the sidewalk by 11:30PM each night;

Therefore Be It Resolved that CB2, Man. recommends approval of the sidewalk café for Icon Two, LLC, 218 Bowery, with 10 tables and 21 chairs, to be memorialized in a revised drawing.

VOTE: Unanimous, with 39 board members in favor.

HSNYC, LLC, d/b/a High Street on Hudson, 637 Hudson Street, with 10 tables and 20 chairs (3347-2016-ASWC)

Whereas, the area was posted, community groups were notified; and

Whereas, the Community Board office received 5 emails from nearby residents urging that no seating be permitted on the Horatio side of the restaurant; and

Whereas, the committee recommended and the owner agreed to adjust the layout that is close to the layout approved for the sidewalk café that was operated at the site by a different operator, such redesign to be memorialized in a revised drawing;

Whereas, the owner has already stipulated with CB2, Man. that the café will close at 11:00 p.m. 7 days a week with no patrons remaining in the sidewalk café at that time;

Therefore Be It Resolved that CB2, Man. recommends approval of the sidewalk café for HSNYC, LLC, d/b/a High Street on Hudson, 637 Hudson Street, with 10 tables and 20 chairs.

VOTE: Unanimous, with 39 board members in favor.

FYI Sidewalk Café Renewals:

Panzi Enterprises, LLC, d/b/a Panca, 92 7th Avenue South, with 13 tables and 36 chairs (1250013-DCA)

Therefore Be It Resolved that CB2, Man. recommends approval of the above-referenced renewal application for revocable consent to operate an unenclosed sidewalk café.

VOTE: Unanimous, with 39 board members in favor.

FYI Street Activities Renewals:

1. **6/3/016 – 6/5/16 – 2016 World Science Festival Street Fair** (Special Event); 1) LaGuardia Place between Washington Square South and West 3rd Street; 2) Washington Square South between MacDougal Street and Washington Square East; 3) West 4th Street between Washington Square East and Mercer Street.

2. **6/6/16 – 11/17/16 – South Village Farmer’s Market**; Avenue of the Americas between Carmine Street and Wet 3rd Street.
3. **6/18/16 – Order Sons of Italy Block Party**; 203 Grant Street between Mulberry Street and Mott Street.
4. **6/21/16 – Make Music New York on Greene Street Block Party**; Greet Street between Grand Street and Broome Street.
5. **6/21/16 – Make Music New York at Astor Place Block Party**; Astor Place between Broadway and Lafayette Street.
6. **6/21/16 – Make Music New York on Cornelia Street Block Party**; Cornelia Street between Bleecker Street and West 4th Street.

THEREFORE BE IT RESOLVED that CB2, Man. recommends approval of the above-referenced renewals.

Vote: Unanimous, with 39 Board members in favor, with the exception of #2.

Vote for #2: Vote: Passed, with 38 Board members in favor, and 1 recusal (D. Gruber).

SLA LICENSING

1. Principessa Soho LLC, d/b/a The Little Prince, 199 Prince St. 10017 (Renewal of OP license)

A. Whereas, CB2 Manhattan’s SLA Licensing Committee requested the Licensee appear for the renewal of its existing on premise liquor license (Lic. #1259036, Exp. 3/31/2016) because it has been operating an illegal exterior sidewalk café over the last two years in degradation to its previously agreed method of operation; and

B. Whereas, when the licensee first appeared and presented its application before CB2, Man. in July/2011 for it on premise license, it affirmatively denied any intention to operate a sidewalk café, rear yard, rooftop or any outside, exterior space in conjunction with its street level, 1000 SF storefront premises to be operated as a restaurant serving Italian food located within a six story mixed use building (Circa 1900) on Prince Street between MacDougal and Sullivan Streets; and

C. Whereas, after the License presented its application to CB2, CB2 Man. recommended approval of the license based on the material representations presented to CB2 Man. and CB2 Man. issued a deny/unless resolution in the Licensee’s favor to the NYS Liquor Authority as follows:

David Reuben or LLC to be formed, 199 Prince St. (MacDougal and Sullivan Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an existing On Premise license in a mixed use building on Prince Street between MacDougal and Sullivan Streets for a 1,000 s.f. restaurant with 18 table seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states the hours of operation are Sunday, Tuesday through Thursday from 12:00 p.m. to 1:00 a.m. and Friday and Saturday from 12:00 p.m. – 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant has agreed to the following stipulations:

- 1. The applicant will limit its closing hours to 1:00 a.m. on the weekdays and 2:00 a.m. on the weekends.*
- 2. The applicant will use only 1 French door. The remaining 2 French doors will be used for emergency purposes.*

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the transfer of an On Premise license for **David Reuben or LLC to be formed, 199 Prince St.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

D. Whereas, despite the licensee’s statements and material representations to CB2 Man. that it would not have a sidewalk café at the premises or extend its liquor license to any exterior uses or services, after the licensee obtained his liquor license to sell alcohol with the NYS Liquor Authority it constructed an illegal café on an exterior platform at the front of the premises and installed permanent planters around the perimeter of the platform placing tables and chairs for eating and drinking over the public sidewalk without any permits or authority to do so and without providing notice to CB2, Man. and/or the NYS Liquor Authority for an alteration of its existing license for this purpose; and

E. Whereas, the sidewalk café has generated numerous complaints from the licensee’s neighbors arising from noise and late night drinking at the unlicensed and illegal cafe, those complaints being registered with numerous 311 complaints over the past two years, in addition to there being three (3) separate violations issued to the licensee from the NYC Department of Consumer Affairs (“DCA”) on August 19, 2014, June 11, 2015 and October 23, 2015 for which the licensee paid fines but failed to ceased operations and alcohol service at the illegal cafe; and

F. Whereas, six persons from the neighborhood appeared in opposition to the renewal of the license citing the illegal use of the sidewalk café, the late night drinking and noise emitting from the use of the exterior space and the concerns that such use, in violation of its previously method of operation will encourage further poor and inappropriate conduct if the operator simply pays the fines as a cost of doing business but continues to operate the business in degradation of existing rules and laws; and

G. Whereas, Members of the SoHo Alliance also presented a copy of a Summons issued to the licensee on December 23, 2015 by an Inspector from the City of New York for having an “unauthorized encroachment”, consisting of “an extended dining area/platform built on the public sidewalk” and over City Property in violation of Section 19-133 of the NYC Administrative Code, requiring the licensee to remove the unauthorized encroachment; and

H. Whereas, the licensee conspicuously failed to appear before CB2 Man’s SLA Committee instead sending a Manager who acknowledged the multiple violations from DCA resulting in fines and “litigation” he claimed the business was “fighting” but demonstrated no real insight or understanding into Licensee’s actions or prior representations to CB2 Manhattan; and

I. Whereas, when it was explained to the licensee’s Manager that no permission had ever been issued by the NYS Liquor Authority for the operator to serve alcohol to any portion of the exterior premises, the Manager stated that currently the Licensee was not operating the illegal exterior sidewalk café and stated that it would not continue to use and operate the illegal exterior café thereat, but stopped short of agreeing to cease all future operations at the café until it followed the laws from DCA and from the NYS Liquor Authority to obtain the requisite permission for this purpose; and

J. Whereas, when CB2 Man. requested that the applicant/licensee agree to cease its exterior sidewalk café operations by means of an executed a stipulations agreement with CB2 Man. it refused to do so; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **Principessa Soho LLC, d/b/a The Little Prince, 199 Prince St. 10017** on its application seeking to renew its existing Restaurant On-Premise liquor license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and

THEREFORE BE IT FURTHER RESOLVED that CB#2 Man. also respectfully requests that the Liquor Authority review the conduct of the Licensee for violations of their approved “method of operation” and representations presented to the SLA and conduct appropriate enforcement.

Vote: Unanimous, with 39 Board members in favor.

2. Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette St. 10012 (Alteration to Existing OP license)

A. Whereas, the applicant and the applicant’s attorney appeared before CB2’s SLA Licensing committee to present an alteration to an existing on premise license to operate a café and coffee shop with a full service kitchen at street level during the day and a lounge in the basement at night in a two-story commercial building (Circa 1850) on Lafayette Street between Prince Street and Jersey Lane; and

B. Whereas, the applicant also sought to move an interior stand up bar on the first floor and move a bathroom due to a fire sustained at the premises in the past; and

C. Whereas, the first floor and basement premises is approximately 2,500 SF, there will be continue to be 25 tables with 66 seats, 2 stand up bars with 14 seats for maximum legal capacity of 125 persons, there will be no sidewalk café, no exterior rooftop or outdoor space used and all doors and windows will be closed at all times; and

D. Whereas, the hours of operation for the premises will be from 7 AM to 4 AM Sunday through Saturday, music will be quiet and background only, there will be no d.j.s or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

E. Whereas, neighbors living in the immediately adjacent residential building previously appeared to complain of loud, entertainment level music, emitting a loud bumping bass sound from the premises every time the front door was opened to the premises until 3:30 AM on a frequent basis over the last two years, while also shaking and vibrating portions of the adjacent building where the residential neighbors reside; and

F. Whereas, such music levels were in violation of the operators prior agreement with CB2, Man. previously incorporated in their existing license to operate with music played only at background levels; and

G. Whereas, the licensee appeared with his attorney, agreed to stop playing the loud music and promised to work with his neighbors to install sound proofing at the premises to prevent further disruption to neighbors, retaining Acoustilog, Inc., a soundproofing specialist who conducted tests on February 12, 2016 at the premises and who provided a report dated February 16, 2016 and a subsequent letter dated March 7, 2016 providing certain recommendations to help alleviate the existing problems with its neighbors; and

H. Whereas, the licensee agreed to perform and abide by all the recommendations from Acoustilog, Inc. relating to its sound system to recalibrate its existing sound limiter, rebuild a south wall to the premises adjacent to the neighboring residential building, rebuild the ceiling with additional layers of sheetrock, remount and isolate certain outdoor mechanical equipment on the roof top of the premises and used by the Licensee and to install sound locks at the front door; and

I. Whereas, at the request of neighbors the licensee also agreed to have licensed security at the front door of the premises from 11 PM until closings every night and to only operate its late night operations through the same, single door with sound locks every night until closing; and

J. 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 advertised and operated as a café/restaurant and bar with a full service kitchen.
2. The hours of operation will be from 7 AM to 4 AM Sunday through Saturday.
3. There will be no outdoor service and no sidewalk café.
4. All exterior doors or windows will be closed at all times.
5. Music will be quiet, background level inside the restaurant and bar 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 Tavern or Sports Bar.
7. There will be no dancing.
8. There will be licensed security at the front door every night from 11 PM until closing.
9. There will be only one entrance/exit for patrons after 10 PM every night.
10. Applicant agrees to and will adhere to all recommendations to soundproof premises from Acoustilog, Inc. report dated March 7, 2016 and additional recommendations from Acoustilog, Inc. letter dated March 7, 2016

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration license to **Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette 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 on premise license.

Vote: Unanimous, with 39 Board members in favor.

3. The Wren New York, LLC, d/b/a The Wren, 344 Bowery 10012 (alteration application to add sidewalk café to existing license, lic. #1253507)

A. Whereas, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking an alteration to add a sidewalk café to its existing on premise license while continuing to operate a Gastropub serving brunch on the weekends and dinner nightly in a mixed use six-story building at Bowery and Great Jones Street; and,

B. Whereas, there was never previously a sidewalk café at the licensed premises, the proposed occupancy for the sidewalk café is for 6 tables 15 seats and the licensee agreed to close the sidewalk café by 11 PM every night, no other changes to the existing business being sought or requested, the existing method of operation to the interior premises remaining unchanged in all respects continuing to do business as The Wren; and

C. Whereas, the licensee/applicant also presented a letter from the 344 Bowery Board Association, signed by the President, representing the mixed-use building where the licensee currently operates, stating that the operator had a meeting with its residential neighbors located directly above the proposed sidewalk café, that the sidewalk café would close every night at 11 PM, that the café tables would be reserved for dining guests only, that a meeting would be held one month after the café had opened to see how it is going and to address any concerns of neighbors and that the Wren staff will make every effort to ensure the noise and disruption from the café is as minimal as possible for the residents living above the sidewalk café; and

D. 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. All prior stipulations and agreements for premises remain in full effect.
2. The premises will be advertised and operated as a Gastropub serving brunch and dinner daily with hours of operation from 11 AM until 2 AM Sunday through Wednesday and from 11 AM until 4 AM Thursday through Saturday.
3. 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.
4. All doors and windows will close by 10 PM every night.
5. The sidewalk café will close at 11 PM every night.
6. 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.
7. There will no TVs.

8. The premises will not permit dancing even in the event a Cabaret License is applied for and issued.
9. Music will be quiet, background level inside the gastropub and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
10. There will be no dancing.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application to **The Wren New York, LLC, d/b/a The Wren, 344 Bowery 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 OP License.

Vote: Unanimous, with 39 Board members in favor.

4. 45 B Street Restaurant LLC d/b/a t/b/a, 45 Bond St. 10012 (New OP – Previously Licensed location)

A. Whereas, the applicant and applicant's attorney 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 previously licensed location for a "modern upscale restaurant serving farm-to-table fare with an emphasis on seasonal, indigenous ingredients and the 'whole beast'; and

B. Whereas, this application is for a new restaurant on premise liquor license located in a mixed use 6 story loft building built in 1899 located on the ground floor and basement on Bond St. between Lafayette St and Bowery for a roughly 2,900 sq. ft. premise (1,700 sq. ft. ground floor and 1,200 sq. ft. basement, both with patron use) with 21 tables and 89 table seats and 1 standup bar on the ground floor with 11 seats and 1 stand up bar in the basement with 4 seats and 4 seats at a kitchen counter for a total of 108 interior seats, this application does not include a sidewalk café and there are no other outdoor areas for patrons, and no benches on the sidewalk, there is an Certificate of Occupancy which states the maximum occupancy is 143 and the applicant will obtain an updated Place of Assembly Permit; and,

C. Whereas, the hours of operation will be Sunday to Wednesday from 8am to 1am and Thursday to Saturday from 8am to 2am (No patrons shall remain after the closing hour), 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 9 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

D. Whereas, the applicant previously met with one of the local stakeholder organizations, the Noho Bowery Stakeholders, and a number of agreements were discussed and issues reviewed and as a result the applicant presented a list of proposed stipulations to CB2, Man. which they were willing to incorporate into a stipulations agreement with CB2, Man.; and,

E. 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 into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a “modern upscale restaurant serving farm-to-table fare with an emphasis on seasonal, indigenous ingredients and the ‘whole beast’” and will operate at all times as a full service restaurant.
2. The hours of operation will be Sunday to Wednesday from 8am to 1am and Thursday to Saturday from 8am to 2am. 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 included with this application. Any future application for a sidewalk café will not be presented prior to the 2017 sidewalk café season and no guarantees are set forth as to approval of any sidewalk café application by CB2, Manhattan or the recommendation of approval of alcohol service within 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 any time.
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. Alcohol service will not begin before noon Sunday to Friday. Alcohol service will not begin before 10am on Saturdays.
12. There will never be more than 105 patrons (staff additional) in the premises at any time. This number of patrons, “guests”, is not to be substituted by DOB capacity, which may be greater than the above stated and agreed configuration capacity of the restaurant.
13. The establishment’s personnel will manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk immediately in front, and to additionally keep that portion of the sidewalk clean during all hours of operation.
14. The establishment will actively engage in all efforts to keep the sidewalk immediately in front of the premises and gutters free of debris and waste at all times, including the provision of containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2 AM and 7 AM, seven days a week.
15. Licensee will abide by all the regulations of the Department of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage, modifications and design.
16. Licensee will assign at least one person (“Community Liaison”) who will be available to speak with local residents during normal weekday business hours concerning any matter related to compliance with the terms of these stipulations. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of these stipulations in the event emergency contact is required.
17. Licensee agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaints be made to the Licensee and should any measures taken by Licensee to answer such complaints not be sufficient to abate such sound, the Licensee agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels.

18. Licensee agrees to maintain its mechanical systems to provide industry standard venting and equipment that will minimize and/or prevent kitchen-related venting sound and odors.
19. Licensee agrees that any change in the method of operation, contrary to the terms and restrictions in these stipulations and in the materials submitted to CB2, Man. at the time of the initial application, will be submitted and reviewed for recommendation and approval through CB#2, Man.. This also includes the addition of any future sidewalk café, which is not included in this application.
20. Licensee will maintain a reservation system for patrons at all times. Any walk in guests who are unable to be accommodated or guests for whom tables are not yet ready and who are unable to be hosted within the restaurant will not be permitted to queue or loiter in front of the establishment, but will instead be contacted by cell phone or other electronic means by the Licensee when their seating is available. At times, patrons may be encouraged to visit other establishments in the neighborhood until such time their table is ready. All conversations regarding seating and accommodation of guests with Restaurant staff will occur inside the restaurant. At all times, the licensee will use best practices to mitigate any quality of life issues, excess noise or traffic issues in managing their patrons as they come and go.
21. There will be no patron use/service in the basement spaces.

F. Whereas, there are currently approximately 24 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 Premises Liquor License for **45 B Street Restaurant LLC d/b/a t/b/a, 45 Bond 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 On Premise License.

Vote: Unanimous, with 39 Board members in favor.

5. Blue Bell Restaurant, LLC, d/b/a Cantine Parisienne, 153 Elizabeth St. aka 40 Kenmare St. 10012 (Alteration to existing OP license, lic. # 1232139; Exp. 5/31/2017)

A. Whereas, the applicant appeared with his attorney before CB2’s SLA Licensing committee to present an application for an alteration for an existing restaurant on premise license to operate a French restaurant located in the ground floor storefront of a eight story Hotel on the corner of Elizabeth and Kenmare Streets (Circa 2006); and

B. Whereas, the alteration application is being presented for the sole purpose of moving a stand up bar within the premises in preparation of transferring the license to another business (The Food Commission LLC d/b/a Bread) in the same ground floor storefront which was also simultaneously heard and reviewed by CB2’s SLA Licensing Committee; and

C. Whereas, should the transfer not occur the applicant concedes and agrees that no other proposed changes will occur and the existing method of operation will be maintained in all respects continuing to do business as Cantine Parisienne; and

D. Whereas, the existing storefront premises is operated with approximately 1,800 SF for both ground floor and cellar, with 16 tables with 50 patron seats, 1 bar with 10 patron seats, there will continue to be no TVs, three bathrooms and music will be background only; and

D. Whereas, the hours of operation for the Restaurant will continue to be from 7:00 AM to 12:00 AM Sunday through Saturday seven days/nights a week, the premises will continue operate as a full service French food restaurant, 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; and

E. Whereas, the applicant previously presented an alteration application for a sidewalk café (as of 2014) but despite such prior request has never operated the sidewalk café, originally proposed with 42 seats covering approximately 470 Sf. of the public sidewalk in front of the premises closing by 11 PM every night; and

F. Whereas, the applicants 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. All previously agreed upon stipulations will remain in full effect prior to any transfer of the existing license and those stipulations are as follows:
2. The premises will continue to be advertised and operated as a full service restaurant serving French food.
3. The hours of operation for the restaurant will be from 7:00 AM to 12:00 AM Sunday through Saturday seven days/nights a week.
4. There will be no outdoor areas other than the licensed sidewalk café located on the public sidewalk directly in front of the premises.
5. Any future sidewalk café will close by 11 PM every night.
6. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
7. 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
8. There will be no televisions and the premises will not operate as a Bar, Tavern or Sports Bar.
9. There will be no dancing.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an alteration application to an existing on premise license to **Blue Bell Restaurant, LLC d/b/a Cantine Parisienne, 153 Elizabeth St. aka 40 Kenmare 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 On Premise License.

Vote: Unanimous, with 39 Board members in favor.

6. New York Kimchi, Inc., d/b/a t/b/a, 102 MacDougal Street 10012 (Restaurant Wine, previously licensed location)

A. Whereas, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a new Restaurant Wine license to operate a full service Korean Restaurant serving lunch and dinner within a 800 SF ground floor storefront in a mixed use six-story building (Circa 1904) on the corner of MacDougal and Bleecker Streets; and

B. Whereas, the premises will be operated as a restaurant with a full service kitchen and with closing hours no later than 11 PM Sunday through Thursday and 12 AM Fridays and Saturdays: and

C. Whereas, there will be 5 tables and 26 patrons seats, no bars, one entrance/exit, one bathroom, no TVs, 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 back yard garden/outdoor space and no sidewalk café at this time; and

D. 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 advertised and operated as a full service Korean restaurant with a full service kitchen.
2. Will operate with hours of operation from 11 AM to 11 PM Sunday through Thursday and 11 AM to 12 AM Fridays and Saturdays.
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.
8. There will be no pitchers of beer.
9. There will be no (unlimited) all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a restaurant wine license to **New York Kimchi, Inc., d/b/a t/b/a, 102 MacDougal Street 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 License.

Vote: Unanimous, with 39 Board members in favor.

7. Morars, LLC, d/b/a TBD, 36 E 4th St. 10003 (Transfer of existing Restaurant Wine license)

A. Whereas, the applicant appeared with the applicant's attorney before CB2 Manhattan's SLA Licensing Committee for a transfer of an existing Restaurant Wine license to operate a full service Italian Restaurant serving lunch and dinner within an approximately 3,000 SF ground floor storefront (1,500 SF) and basement space (1500 SF for storage purposes only) in a mixed use five story building (Circa 1910) on East 4th Street between Bowery and Lafayette Streets; and

B. Whereas, the premises was previously operated as a Restaurant with a Restaurant Wine license (Aroma; lic. #1156800, exp. 2/28/2017) and the applicant will continue to operate the premises as a Restaurant with a full service kitchen, albeit with a new menu but with the same closing hours no later than 12 AM Sunday through Saturday and with a similar method of operation; and

C. Whereas, there will be 9 tables and 20 patrons seats, one bar with 9 seats, existing French doors at the front façade, one entrance/exit, one bathroom, no TVs, 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 back yard garden/outdoor space and no sidewalk café at this time; and

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

1. The premises will be advertised and operated as a full service Italian restaurant with a full service kitchen.
2. Will operate with hours of operation from 12 PM to 12 AM Sunday through Saturday.
3. There will be no sidewalk café or exterior outdoor space 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.
8. There will be no pitchers of beer.
9. There will be no (unlimited) all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a restaurant wine license to **Morars, LLC, d/b/a TBD, 36 E 4th St. 10003** **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 License.

Vote: Unanimous, with 39 Board members in favor.

8. E2 Lafayette, LLC, d/b/a By Chloe, 240 Lafayette St. 10012 (New OP, previously unlicensed location)

A. Whereas, the applicant appeared before CB2's SLA committee for the purpose of seeking a new OP license for a storefront premises located in a five-story mixed use building (Circa 1900) on Lafayette Street between Spring and Prince Streets; and

B. Whereas, the interior storefront premises is approximately 1,477 SF, was previously occupied and operated as a yogurt shop for two years and previous to that, a retail clothing store business but the premises has never been used or occupied for eating or drinking nor previously licensed for the service of alcohol, there currently being no permit, no letter of no objection from the NYC Dept. of Buildings or a current Certificate of Occupancy provided or presented which permits such use and occupancy; and

C. Whereas, the applicant seeks to open a "fast-casual food counter service" restaurant serving vegetarian food with hours of operation from 8:30 AM to 10 PM Sunday through Tuesday and from 8:30 AM until 12 AM Wednesday through Saturday, with 11 interior tables and 32 interior seats, a food counter but no stand up bar for a total patron seating capacity of 32, requiring a complete gut renovation of the premises, the installation of a new full service kitchen and the installation of new mechanical systems where none had existed previously; and

D. Whereas, the applicant failed to provide any building plans or diagrams explaining how it planned to renovate or lay out the space, install and build out the kitchen and install the new mechanical systems and venting so that they could be reviewed to ascertain the potential impact on the proposed alterations with the immediate neighbors; and

E. Whereas, when the applicant first appeared before CB2, Man. in February/2016 it had not made any recognizable efforts to perform any outreach in the neighborhood area, to those living above and immediately adjacent to the storefront premise, there being two neighbors who appeared before CB2 Man. in February and again in March who demonstrated concerns about noise coming from the proposed premises; and

F. Whereas, in light of such concerns the applicant requested to adjourn and lay over the presentation to March/2016 to perform additional outreach to the neighbors but when the applicant returned in March/2016 it presented a petition with signatures but had not specifically communicated with the same neighbors living above the proposed premises who appeared the month earlier; and

G. Whereas, the applicant has operated another restaurant with a similar method of operation within CB2 Man. on Bleecker Street for nine months, the location has become very trendy and popular where long patron lines extending outside the front door and onto the public sidewalk occur frequently creating exacerbating concerns of disruption and increased noise at the proposed location; and

H. Whereas, the applicant stated that even though the sale of alcohol represented only 1-2% of its sales at the Bleecker Street location, it could not survive without a full on premise license and its business model required the sale of a specialty cocktail; and

I. Whereas, the applicant stated that there were plans for a sidewalk café in the future but that it had not yet applied for such a license and that was not a part of the current application; and

J. Whereas, four people appeared in opposition to the application, including the Friends of Petrosino Square, citing its concerns of adding yet another licensed establishment in an area already overly-saturated with liquor licenses and where there are already 20 licensed establishments within 500 feet of the proposed premises (not including beer and wine) with 3 additional pending licenses, 28 licensed establishments within 750 feet of the proposed premises, there being many other similar and fast-casual food establishments already existing in the area, within CB2, Man. and within walking distances to the proposed premises and where there are other vacant, existing alternative storefronts within CB2, Man. and throughout the Boro of Manhattan and City of New York which have been previously licensed representing a more appropriate location for the applicant's proposed business model other than this unlicensed location in a residential neighborhood; and

K. Whereas, there were additional concerns voiced about the appropriateness of a on-premise license for the applicant's fast-casual business model where there is no table service and where there is only counter service, where a beer and wine license would be a more appropriate license; that the applicant only researched and reviewed storefront locations in the area which had never been licensed and did not seek out other vacant storefront locations that had been previously licensed, that the business will be trendy and create a significant increase in traffic and noise to a location previously unlicensed and which had closed by 9 PM every night, there are already too many liquor licenses, restaurants and bars within walking distance and nearby, many of which have only recently been added to the Area and many bars and restaurants which provide the same or similar services in the area, there being no coherent reason for adding yet another licensed establishment where there is vacancy elsewhere for such purpose, there being no permit for such use or occupancy and there is no public interest established;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **E2 Lafayette, LLC, d/b/a By Chloe, 240 Lafayette St. 10012** on its application seeking a new OP 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; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises has never been licensed for the service of alcohol at any point in the past.

Vote: Passed, with 32 Board members in favor, and 7 in opposition (D. Borelli, T. Connor, J. Gallagher, L. Racusin, R. Sanz, K. Shea, C. Spence).

9. The Food Commission, LLC, d/b/a Bread, 153 Elizabeth St. 10012 (Transfer of existing OP license,)

A. Whereas, the applicant and his attorney appeared before CB2's SLA Licensing committee to present an application for a transfer of an existing restaurant on premise license to operate an Italian restaurant located in the ground floor storefront of a eight-story Hotel (Nolitan) on the corner of Elizabeth and Kenmare Streets (Circa 2006); and

B. Whereas, the premises was previously operated as a Restaurant with a On Premise liquor license (Blue Bell Restaurant, LLC, d/b/a Cantine Perisienne; lic. # 1232139, Exp. 5/31/2017) and the applicant will continue to operate the premises as a Restaurant with a full service kitchen and a similar method of operation, albeit with a new menu, a sidewalk cafe and a new food focus with extended hours of operation on the weekends until 1 AM; and

C. Whereas, the applicant has operated its business for approximately 15 years in another location within the same neighborhood and is seeking to relocate its restaurant business to the corner ground floor storefront within the Nolitan Hotel; and

D. Whereas, the existing storefront premises consists of an approximately 1,800 SF space (ground floor and cellar), with 18 interior tables with 52 interior patron seats, 1 bar with 9 patron seats, there will continue to be no TVs, three bathrooms and music will be background only; and

D. Whereas, the hours of operation for the Restaurant will continue to be from 7:00 AM to 12:00 AM Sunday through Thursday and from 7:00 AM to 1:00 AM Fridays and Saturdays operate as a full service Italian food restaurant, 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, even though the prior licensee never previously operated a sidewalk café, the applicant proposes to operate such a café over the public sidewalk in front of the premises with 42 seats covering approximately 470 Sf. of the public sidewalk that will close by 11 PM every night; and

F. Whereas, the applicants 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 continue to be advertised and operated as a full service restaurant with a full service kitchen serving Italian food.

2. The interior hours of operation for the restaurant will be from 7:00 AM to 12:00 AM Sunday through Thursday and from 7:00 AM to 1:00 AM Fridays and Saturdays.
3. There will be no outdoor areas other than the licensed sidewalk café located on the public sidewalk directly in front of the premises.
4. There will only be table service to the sidewalk café and the sidewalk café will close by 10 PM every night.
5. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
6. 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
7. There will be two small televisions but the premises will never operate as a Bar, Tavern or Sports Bar.
8. There will be no dancing.
9. There will be no boozy brunches or unlimited all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration application to an existing on premise license to **The Food Commission, LLC, d/b/a Bread, 153 Elizabeth St. aka 40 Kenmare 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 On Premise License.

Vote: Passed, with 37 Board members in favor, and 2 in opposition (J. Frost, A. Wong).

10. Nicky Cast Pizza, Inc., d/b/a Denino's Pizzeria & Tavern, 93 MacDougal St. 10012 (New OP – Previously Licensed location)

A. Whereas, the applicant and applicant's attorney 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 previously licensed location for a “family restaurant serving Pizza and Italian Food; and,

B. Whereas, this application is for a new restaurant on premise liquor license located in a mixed-use 6-story loft building (Circa. 1900) located on the ground floor and basement on MacDougal St. between West 3rd and Bleecker Sts. for a roughly 2,500 sq. ft. premise (1,600 sq. ft. ground floor and 900 sq. ft. basement and no patron use of basement) with 19 tables and 52 table seats and 1 standup bar with 10 seats for a total of 62 interior seats, this application includes a sidewalk café on the public sidewalk directly in front of the premises and there being no other outdoor areas for patrons; and

C. Whereas, the interior hours of operation will be Sunday to Thursday from 11AM to 1AM and from 11 AM to 2 AM on Fridays and Saturdays (No patrons shall remain after the closing hour), the sidewalk café will close by 10 PM every night, 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 10 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 2 small TV's; and

D. 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 the stipulations are as follows:

1. The premises will continue to be advertised and operated as a full service restaurant with a full service kitchen serving Italian food.
2. The interior hours of operation for the restaurant will be from 11:00 AM to 1:00 AM Sunday through Thursday and from 1100 AM to 2:00 AM Fridays and Saturdays.
3. There will be no outdoor areas other than the licensed sidewalk café located on the public sidewalk directly in front of the premises.
4. There will only be table service to the sidewalk café and the sidewalk café will close by 10 PM every night.
5. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
6. 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
7. There will be two small televisions which will operate without sound and the premises will never operate as a Bar, Tavern or Sports Bar.
8. There will be no dancing.
9. There will be no boozy brunches or unlimited all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new on premise license to **Nicky Cast Pizza, Inc., d/b/a Denino's Pizzeria & Tavern, 93 MacDougal 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 On Premise License.

Vote: Unanimous, with 39 Board members in favor.

11. 125 Hospitality, LLC, d/b/a Groove, 125 MacDougal St. 10012 (OP/Corporate Change)

A. Whereas, the Licensee appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a corporate change of an existing on-premise liquor license for an American style restaurant and bar operating since 2006 with live music performances consisting of Jazz, Blues and Rhythm and Blues music serving lunch and dinner in a mixed use building located on the corner of MacDougal and West 3rd Sts.; and,

B. Whereas, the business will continue to be operated by the same owner/sole shareholder but the corporate structure will be changed from a corporation to a limited liability company, there will be no change in the current method of operation in an approx. 2600 sq ft premises (1,300 sq. ft. ground floor and 1,300 sq. ft. basement) premises with 15 tables and 64 seats and 1 stand up bar with 10 seats for a grand total of 74 interior seats, there is an existing sidewalk café; and,

C. Whereas, the hours of operation for the premises will continue be from 12PM to 4AM seven days a week, music will entertainment levels during performances, all doors and windows will be closed by 10 PM every evening or when music is playing, there will be no d.js., there are 6 TV's; and,

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

1. The premises will be advertised and operated as an American style restaurant and bar offering live music performances consisting of Jazz, Blues and Rhythm and Blues music.
2. The hours of operation will be from 12PM to 4AM seven days a week.

3. There will be no backyard, rooftop or other outdoor space for the service of alcohol other than the sidewalk cafe.
4. There will continue to be six televisions.
5. All doors and windows will be closed by 10 PM every night or at all times when music is being played.
6. There will be no dancing.
7. There will be no patron use of basement.
8. There will be no d.j.s.
9. The sidewalk café will close by 10:30 every evening (no patrons remaining)

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a corporate change of an On Premise Liquor License for **125 Hospitality, LLC, d/b/a Groove, 125 MacDougal 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: Passed, with 38 Board members in favor, and 1 in opposition (D. Diether).

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

12. Joyful Eats Two, LLC d/b/a Mimi Cheng’s Dumplings, 380 Broome St. 10013 (RW)
(Withdrawn at request of applicant)

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on April 12, 2016, the principal/applicant requested **to withdraw** this application from consideration and did not appear before CB2 regarding its application; and,

Whereas, this application is for a 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 **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 39 Board members in favor.

13. TH NYC Restaurant 1 LLC, d/b/a N/A, 177 Prince St. 10012 (OP) (request to layover application to May/2016 and did not appear)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on April 12, 2016, the Applicant requested **to lay over** its application to May/2016 and did not appear for its application for a beer wine or on-premise license;

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 **TH NYC Restaurant 1 LLC, d/b/a N/A, 177 Prince St. 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 39 Board members in favor.

14. Joy Luck Palace, Inc., d/b/a TBD, 98 Mott St. 10013 (New OP, requested layover to May/2016 and did not appear)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on April 12, 2016 the principal/applicant requested to lay over and adjourn this application to May/2016 for a beer wine license or on premise license and did not appear;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Joy Luck Palace, Inc., d/b/a TBD, 98 Mott 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 39 Board members in favor.

15. KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013 (OP) (layover at request of applicant and did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2016, the Applicant requested to lay over and adjourn this application for a restaurant wine to on premise license to May/2016 and did not appear;

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 **KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

16. Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 10013 (lay over at request of applicant and did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2016, the Applicant attorney requested **to lay over** this application for a new on-premise liquor license to May/2016;

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.

17. 157 Lafayette Café, LLC, d/b/a Salon de Lafayette St. 10013 (Upgrade to OP-failed to appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2016, the Applicant **failed to appear** and present his application for an upgrade to on-premise liquor license and failed to give any reason for such 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 **157 Lafayette Café, LLC, d/b/a Salon de Lafayette St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

18. San Remo Group One, LLC, d/b/a San Remo, 201 Lafayette St. 10012 (OP- Applicant Requested layover to May/2016 at meeting)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2016, the Applicant appeared and requested **to lay over** this application for a new on-premise liquor license to May/2016;

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 **San Remo Group One, LLC, d/b/a San Remo, 201 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 39 Board members in favor.

19. Jomelo, LLC, d/b/a Socarrat Nolita, 284 Mulberry St. 10012 (OP-upgrading to OP) (laid over at request of applicant and applicant did not appear)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on April 12, 2016, the Applicant requested **to lay over** this application for a new on-premise liquor license to May/2016;

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 **Jomelo, LLC, d/b/a Socarrat Nolita, 284 Mulberry 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 39 Board members in favor.

20. Atla Lafayette, LLC, d/b/a TBD, 372 Lafayette St. 10012 (OP- laid over at request of applicant and applicant did not appear)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on April 12, 2016, the Applicant requested **to lay over** and adjourn this application for a new on-premise liquor license to May/2016;

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 **Atla Lafayette, LLC, d/b/a TBD, 372 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 39 Board members in favor.

21. Hao Noodle and Tea, LLC, d/b/a TBD, 401 Sixth Ave. 10014 (New Restaurant 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 restaurant wine license for a “high end Chinese restaurant specializing in flavorful ‘flour’ based and seasonal foods with an emphasis on Chinese tea ceremony”; and,

ii. Whereas, this application is for a new restaurant wine license at a previously licensed restaurant wine location in a commercial building located on Sixth Ave. between Waverly Pl and West 8th St. for a roughly 3,950 sq. ft. premise (ground floor and basement 1,975 sq. ft. each – no patrons in basement) located on the ground floor with 21 tables and 67 table seats, there is no standup bar and one service bar; there is an existing Certificate of Occupancy; 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 10PM 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 wine license stating that:

1. The premises will be advertised and operated as a high end Chinese restaurant specializing in flavorful “flour” based and seasonal foods with an emphasis on Chinese tea.
2. The hours of operation will be Sunday to Thursday from 1PM to 11PM and Friday to Saturday from 1PM to 12AM. 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 10PM every night and anytime there is amplified music. There will be no French doors, operable windows or open facades.
10. There will be no stand up bar. There will be a service bar only.
11. There will be no all you can drink or all you can eat and drink specials.
12. There is no sidewalk café included in this application.
13. There will be no patron use of basement.

v. Whereas, there are currently approximately 19 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 Wine License for **Hao Noodle and Tea, LLC, d/b/a TBD, 401 Sixth 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 Wine License.

Vote: Unanimous, with 39 Board members in favor.

22. Berrak NYC, LLC, d/b/a Nighthawks, 679 Greenwich St. 10014 (Upgrade to Restaurant On-Premise Liquor)

i. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority to upgrade from an existing restaurant wine license to a restaurant on-premise liquor license for a full service, family owned Mediterranean Bistro; and,

ii. Whereas, this application contains no other changes except for an upgrade to an on-premise liquor license the premises continues to be located in a mixed use building in a residentially zoned district (R6) located on the ground floor on the Northeast Corner of Greenwich St and Christopher St for a roughly 1,000 sq. ft. premise with 17 tables and 40 seats and 1 bar with 10 seats, for a grand total of 50 seats, there is no sidewalk café included in this application (and it appears a sidewalk café would be precluded by the underlying zoning) and there are no other outdoor areas for patrons, there is an existing Certificate of Occupancy issued by the NYC Department of Buildings; and,

iii. Whereas, the hours of operation will continue to be Sunday to Wednesday from 7 AM to 12 AM and Thursday to Saturday from 7 AM to 2 AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be no use by patrons of the basement; and,

iv. Whereas, the applicant executed a new stipulations agreement with CB2, Man. that they agreed would be attached and incorporated into the new method of operation on the new restaurant on premises liquor license stating that:

1. Premises will be advertised and operated as a full service, family owned Mediterranean Bistro.
2. A full food menu will be available at all times and the kitchen shall remain open and menu items available until closing every night.
3. The hours of operation are Sunday to Wednesday from 7 AM to 12 AM (midnight) and Thursday to Saturday from 7 AM to 2 AM. No patrons will remain after closing time.
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.
6. The premises will not permit dancing.
7. There is no backyard garden.
8. There is no sidewalk café.
9. Sufficient soundproofing is already installed.
10. All doors and windows will be closed at all times except for ingress and egress.
11. There will be no French doors or windows. There are no operable windows.
12. There will be no DJs, live music, promoted events, any events at which a cover is charged or scheduled performances.
13. There will be no all you can drink or all you can eat and drink specials.
14. This will be a restaurant operation only (full-service restaurant until close).

v. 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,

vi. Whereas, there were some concerns that the premises was located within 200 ft of the Church of St. Veronica located at 149-155 Christopher St., which is a part of the Arch Diocese of NY, but the applicant stated the distance was greater than 200 ft.; and,

vii. Whereas, the applicant presented a letter in support from the Christopher Street Block and Merchant Association and a petition in support; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On-premise liquor license for **Berrak NYC, LLC, d/b/a Nighthawks, 679 Greenwich St. 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 39 Board members in favor.

23. 4 Charles Street Restaurant LLC (Corp to be formed by Brendan Sodikoff), d/b/a TBD, 4 Charles St. 10014 (On Premise Liquor)

- i. Whereas**, the attorney for the applicant and a manager not empowered to make decisions for the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an on-premise liquor license for a basement premises located in 3 story building (circa 1910) on Charles St. between Greenwich Avenue and Waverly Place; and
- ii. Whereas**, the premises is located on the basement level (1,000 sq. ft. for seating and kitchen) and sub cellar (500 sq. ft. for storage use only) with 12 tables and 40 table seats and 1 standup bar with 4 bar seats for a total of 44 seats; there currently being no permit, no letter of no objection from the NYC Dept. of Buildings or a current Certificate of Occupancy provided or presented which permits such use and occupancy; and,
- iii. Whereas**, the applicant seeks to open a “small restaurant that will focus on steak and fish” with hours of operation 8AM to 4AM 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), there will be no security personnel, no televisions, no d.j., no promoted events, no scheduled performances or cover fees, no private parties; and,
- iv. Whereas**, the applicant failed to provide any plans or diagrams showing the details of the kitchen layout; and,
- v. Whereas** the applicant represented that the premises currently has a valid Certificate of Occupancy and all appropriate permits, yet none were produced as requested and no explanation was provided; and,
- vii. Whereas** the applicant had previously notified CB2 of their intent to file a liquor license at this location and was placed on the CB2 agenda in January 2016, but they then withdrew that notice; and,
- viii. Whereas** the Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board for this application was sent to CB2, Man. on March 3, 2016 and was received by CB2 on March 7th, 2016; and,
- ix. Whereas**, the applicant submitted their application to the New York State Liquor Authority on March 30, 2016 which is less than 30 days after providing notice to CB2, Man.; and,
- x. Whereas**, the applicant provided no justification or reasoning for operating the establishment beyond 12AM during the week and 1AM on the weekends other than that the law does not require them to work with its neighbors to come to a reasonable compromise and solution so that the business will operate in the future in a responsible manner in this residential community; the prior licensee was always closed by 12AM with no patrons remaining 7 days a week; and,

xi. Whereas, the principal does own and operate other restaurants, but does not reside in New York City, has not previously been licensed by the New York State Liquor Authority, did not appear before CB2, Man. and has no experience operating a restaurant in New York City or in a residential neighborhood in New York City; and,

xii. Whereas a manager who works for the applicant appeared but was unable to provide much information regarding the method of operation of the establishment including hours of operation or any details on how this applicant would run this establishment except to say they would operate between the hours of 8AM and 4AM, they would manage the premises professionally, that they would keep notes on problem patrons, that they would not restrict guests or their behavior at all and that there would be no additional impact of the community beyond the impact of the restaurant that was previously at the location but which closed by 12AM 7 days a week; he was unable to articulate any specifics on what this meant, the character or feel of the premises, the proposed name, how details of the operation would be managed or how this would be accomplished, whether patrons would be able to be seated for drinks only;

he further stated that there would be no impacts from noise or traffic, but could not provide any details on how this might be accomplished or why this would be the case especially in light of the fact that there was extreme concern from local residents about the impact of patrons and operations and impacts on quality of life after 12AM on this residential street surrounded by residential apartment units; and,

xiii. Whereas an extensive cocktail menu was provided including drinks that serve 4 patrons at once in addition to a food menu; and,

xiv. Whereas, the applicant presented petitions in support and explained that they had several people obtaining signatures in support from individuals on the street in the immediate days prior to the applicant's appearance before CB2, Man. and previously in January 2016, various petitions were presented stating support for a "restaurant" named Bavettes Prime Rib or 4 Charles St Restaurant depending on which petition was presented with various hours of operation indicated or none at all; a local resident who was approached to sign the petition on the day of CB2's hearing stated he was told by the petitioner that while the form stated 4AM they would actually close completely at 2AM, but they did not have this on the form; it was also stated that various contradictory information was stated to those approached and the applicant stated that the trade name was still to be determined even though it was presented to some local residents as Bavettes Prime Rib; it remains unclear what was actually represented verbally to those who signed the petition; and,

xv. Whereas, the manager for the applicant stated that this new operation as presented would be the same style operation as the previous operator, El Charro Restaurant (4 Charles Street Rest Inc.) and would continue to operate as a friendly neighborhood establishment; it was pointed out that El Charro Restaurant closed no later than 12AM and often by 11PM on all nights of the week and that operations past that time would impact quality of life of neighborhood residents as use beyond 12AM had not occurred at this premises in the past; and,

xvi. Whereas, the applicant held no open house and did not reach out directly to their immediate neighbors in immediately surrounding buildings including contiguous buildings; and,

xvii. Whereas, a significant number of letters in opposition were received with concerns specifically expressed as to the late hours of operation, lack of understanding as to the method of operation, concerns related to impacts on noise, traffic and overall quality of life and the lack of any proper outreach on behalf of the applicant who had apparently been looking at this space for months; and,

xviii. Whereas, a number of local residents who live on the block and immediately next door to the applicant's location, including representatives of building co-ops, appeared in opposition to the issuance of this license as presented; their concerns included that **(1)** the applicant did not even bother to reach out directly to those who live immediately next door or on the block; **(2)** that the hours of operation are well beyond the hours of operation of other established neighborhood restaurants including the restaurant previously at this location; **(3)** that a neighborhood friendly restaurant should operate in line with neighborhood friendly hours of operation in a heavily residential neighborhood; **(4)** that the actual operator and principal could not be bothered to appear himself at the hearing or could not host an open house meeting prior to the meeting to present his operation which made it difficult to understand how this was intended to be a neighborhood friendly business; **(5)** that meat and seafood were not original concepts in this neighborhood and there was great concern that instead of a good focus on food that there would be a focus on louder music and cocktails which would take this far away from the style of operation of the previous operator; **(6)** that there were concerns that as they do at other establishments cars and taxis would be waiting at later hours for patrons impeding the traffic on Charles street which would result in horn honking, **(7)** there were concerns about the impact of noise from the increased hours of operation over the restaurant previously at this location; **(8)** that because of the location of this establishment in a residential neighborhood an increased amount of foot traffic from patrons and noise from conversations would be generated at later hours in the evening; and,

xix. Whereas, the applicant stated that there are 5 licenses located within 500 feet of the premises, but there are actually 21 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

xx. Whereas, there is concern with the inconsistency of information and accuracy of information that has been presented to CB2, Man.;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **4 Charles Street Restaurant LLC (Corp to be formed by Brendan Sodikoff), d/b/a TBD , 4 Charles St. 10014** on its application seeking a new OP license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the Liquor Authority, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the Authority; and,

THEREFORE BE IT FURTHER RESOLVED that it is respectfully requested that despite any representations by the Applicant, that if this application is to be considered by the Liquor Authority that a 500 foot hearing be conducted to determine the actual and relevant facts so that they may be considered; and,

THEREFORE BE IT FURTHER RESOLVED that should the Liquor Authority consider the issuance of this license in light of concerns outlined above, that the following stipulations be considered to be applied to the issuance of any license: **(1)** hours of operation no later than 8AM to 12AM Sunday to Thursday and 8AM to 1AM Friday to Saturday-no patrons remaining after closing hour; **(2)** quiet ambient recorded background music only; **(3)** operation as a full service restaurant only **(4)** no DJ's or live music **(5)** no patron dancing **(6)** no televisions **(7)** no operable windows and door closed at 9PM **(8)** No private parties.

Vote: Unanimous, with 39 Board members in favor.

24. Good Manners, LLC, 15 E. 12th St. 10003 (New Restaurant On Premise Liquor)

i. Whereas, the Applicant appeared again before Community Board 2, Manhattan’s SLA Licensing Committee for a second time after having laid over for one month to meet with local residents and multiple block associations to present an application to the Liquor Authority for a new restaurant on premise liquor license for a “all day restaurant serving sustainably sourced new American food and beverages”; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license in a location previously licensed with a restaurant wine license in a mixed-use building located on East 12th St. between University Place and Fifth Ave. for a roughly 1,800 sq. ft. premise (939 sq. ft. ground floor and 860 sq. ft. basement – no patrons in basement) with 18 tables and 44 table seats, 1 standup bar with 10 bar seats for a total of 54 seats; there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation will be Sunday from 11AM to 12AM, Monday to Thursday from 7:30AM to 12AM, Friday from 7:30AM to 1AM and Saturday from 11AM 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 an all day restaurant serving sustainably sourced new American food and beverages.
2. The hours of operation will be Sunday from 11AM to 12AM, Monday to Thursday from 7:30AM to 12AM, Friday from 7:30AM to 1AM and Saturday from 11AM 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 or patron seating (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 not have French doors, operable windows or open facades and will close all doors by 9PM every night and anytime there is amplified music.
10. There is no sidewalk café.
11. There will be no all you can drink or all you can eat and drink specials.
12. Air conditioning and other mechanicals will be placed on roof.
13. Rear windows will be replaced with double paned windows.
14. Rear windows will be outfitted with light shades and plantings.
15. Exhaust venting will be replaced and run up rear of building to code 10ft from all windows and roofline.
16. Roll down gates over rear windows will be removed.

17. No patron access to rear yard.

18. Will post “please respect the neighbors” type sign in visible location in front of premises.

v. Whereas, the applicant met with various residents and members of the local block associations surrounding this location who originally appeared in opposition to the issuance of this license to discuss ways in which to mitigate the impacts of the change in use to this location to a full service restaurant from a bakery style operation and to address issues as they relate to noise and intrusion into the rear yards of adjoining residences and issues with the rear windows as they currently exist; as a result of those discussions, the applicant agreed to a series of stipulations which are indicated above and the residents removed their objections to the issuance of the license; and,

vi. Whereas, there are currently approximately 16 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 **Good Manners, LLC, 15 E. 12th St. 10003**, 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 39 Board members in favor.

25A. 2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014 (New Restaurant On Premise Liquor)

i. Whereas, after having laid over the application at a previous meeting to meet with tenants in the building to resolve issues raised at that time, the Applicant appeared again 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 “premium quick casual restaurant focused on blending Filipino flavors with modern cooking; [the] concept is concentrating on chef Jordan Andino grandmother’s recipes and his American cooking influence; a soulful blend of Filipino and Mexican”; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license in a previously licensed location (thought to have previously been licensed in error as there was previously no patron bathroom) in a mixed- use building located on Hudson St. between Charles St. and West 10th St. for a roughly 450 sq. ft. premise with 1 table and 6 table seats, 1 standup bar with 3 seats, and 4 seats at a counter for a total of 13 seats; there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation will be from 11AM to 11PM 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 all times 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; a new patron bathroom accessible by the public (not located behind the kitchen) is to be constructed in order to comply the Liquor Authority regulations; 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 quick casual Filipino and Mexican Restaurant; and,
2. The hours of operation will be from 11AM to 11PM 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. 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 keep all doors and windows closed at all times except for patron ingress and egress. There will be no French doors, operable windows or open facades.
10. There have already been sound tests and the sound system will be re-tested prior to use once the audio system is installed with automatic sound limiter to be set to levels acceptable to tenants above and locked with no further changes permitted. This work will be done by Acoustilog.
11. The kitchen vent system will be maintained as tested on 4/11/16 (i.e. no changes to speed settings or equipment used).
12. There will be no outdoor seating or sidewalk café for 12 months after SLA license is issued.
13. The front door will be kept closed at all times except patron ingress and egress.
14. Customers will not be permitted to consume food or beverages on building stoop.
15. There will be no all you can drink or all you can eat and drink specials.
16. Will follow all recommendations from Acoustilog report.
17. Will post a “please be considerate of neighbors” type of sign.

v. Whereas, the applicant met with the tenants in the building and members of the local residents association, the West Village Residents Association, to discuss ways in which to mitigate the impacts of the issuance of this new liquor license and to address issues as they relate to noise and disruption of quality of life issues; as a result of those discussions, the applicant agreed to a series of stipulations which are indicated above; the issues at hand specifically relate to **(1)** tenants living directly above the premises stated that they could clearly hear people talking in the premises after soundproofing measures had been taken let alone music and operational sounds in the premise which gave pause to members of CB2’s SLA Licensing Committee in regards to whether this location should even be considered as appropriate for the issuance of a on-premises liquor license; **(2)** whether there was adequate soundproofing installed as a result of ongoing dialogue, for which final tests had not yet been done, but there was some confidence expressed that this could be resolved with final testing and setting of limits on a sound limiter and other sound mitigation techniques as outlined in recommendations from Acoustilog, a sound engineering company; **(3)** concerns regarding hours of operation and the impacts of patrons moving in and about this residential building at later hours in particular in relation to the quick casual nature of the food operation and the prominent location of the bar in the premises; **(4)** concerns with congestion in front of the residential entrance which immediately abuts the space in front of the residence; **(5)** the impact of a future sidewalk café and how patrons would wait in line to enter this small premises and the proportion of exterior seating to interior seating; **(6)** responsiveness of the operators to issues and complaints – the previous operator had many issues but was responsive to tenants; **(7)** confidence that impacts of mechanicals, venting and gas issues would be resolved; and **(8)** that the hours of operation would match most of the other eating establishments in the area; and,

vi. Whereas, the applicant presented a petition in support; and,

vii. Whereas, there are currently approximately 18 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 **2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson 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.

THE ABOVE RESOLUTION WAS CHANGED TO AN OUTRIGHT DENIAL AT THE FULL BOARD. PLEASE SEE NEW RESOLUTION BELOW.

25B. 2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014 (New Restaurant On Premise Liquor)

i. Whereas, after having laid over the application at a previous meeting to meet with tenants in the building to resolve issues raised at that time, the Applicant appeared again on April 14th, 2016 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 “premium quick casual restaurant focused on blending Filipino flavors with modern cooking; [the] concept is concentrating on chef Jordan Andino grandmother’s recipes and his American cooking influence; a soulful blend of Filipino and Mexican”; and

ii. Whereas, this application is for a new restaurant on-premise liquor license in a previously licensed location (thought to have previously been licensed in error as there was previously no patron bathroom) in a mixed- use building located on Hudson St. between Charles St. and West 10th St. for a roughly 450 sq. ft. premise with 1 table and 6 table seats, 1 standup bar with 3 seats, and 4 seats at a counter for a total of 13 seats; there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation will be from 11AM to 11PM 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 all times 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; a new patron bathroom accessible by the public (not located behind the kitchen) is to be constructed in order to comply the Liquor Authority regulations; 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 quick casual Filipino and Mexican Restaurant; and,
2. The hours of operation will be from 11AM to 11PM 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. 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 keep all doors and windows closed at all times except for patron ingress and egress. There will be no French doors, operable windows or open facades.
10. There have already been sound tests and the sound system will be re-tested prior to use once the audio system is installed with automatic sound limiter to be set to levels acceptable to tenants above and locked with no further changes permitted. This work will be done by Acoustilog.
11. The kitchen vent system will be maintained as tested on 4/11/16 (i.e. no changes to speed settings or equipment used).
12. There will be no outdoor seating or sidewalk café for 12 months after SLA license is issued.
13. The front door will be kept closed at all times except patron ingress and egress.
14. Customers will not be permitted to consume food or beverages on building stoop.
15. There will be no all you can drink or all you can eat and drink specials.
16. Will follow all recommendations from Acoustilog report.
17. Will post a "please be considerate of neighbors" type of sign.

v. Whereas, the applicant met with the tenants in the building and members of the local residents association, the West Village Residents Association, to discuss ways in which to mitigate the impacts of the issuance of this new liquor license and to address issues as they relate to noise and disruption of quality of life issues; as a result of those discussions, the applicant agreed to a series of stipulations which are indicated above; the issues at hand specifically relate to **(1)** tenants living directly above the premises stated that they could clearly hear people talking in the premises after soundproofing measures had been taken let alone music and operational sounds in the premise which gave pause to members of CB2's SLA Licensing Committee in regards to whether this location should even be considered as appropriate for the issuance of a on-premises liquor license; **(2)** whether there was adequate soundproofing installed as a result of ongoing dialogue, for which final tests had not yet been done, but there was some confidence expressed that this could be resolved with final testing and setting of limits on a sound limiter and other sound mitigation techniques as outlined in recommendations from Acoustilog, a sound engineering company; **(3)** concerns regarding hours of operation and the impacts of patrons moving in and about this residential building at later hours in particular in relation to the quick casual nature of the food operation and the prominent location of the bar in the premises; **(4)** concerns with congestion in front of the residential entrance which immediately abuts the space in front of the business; **(5)** the impact of a future sidewalk café which the applicant intends to add at a later date and how patrons would wait in line to enter this small premises and the proportion of exterior seating to interior seating; **(6)** responsiveness of the operators to issues and complaints – the previous operator had many issues but was responsive to tenants; **(7)** confidence that impacts of mechanicals, venting and gas issues would be resolved; and **(8)** that the hours of operation would match most of the other eating establishments in the area; and,

vi. Whereas, the applicant presented a petition in support; and,

vii. Whereas, there are currently approximately 18 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

viii. Whereas, after CB2’s SLA Licensing Committee meeting in April 2016 and prior to CB2’s April 2016 Full Board meeting an incident occurred at and in front of the proposed premises on April 15th, 2016 between the residents who live directly above the premises and employees of the proposed licensee and a relative of a proposed principle; the incident began as a result of after hours construction work and noise and music being played in the premises during after hours construction and the residents’ request to stop the after hours work and noise; the incident as describe to Members of CB2 Manhattan by the residents who live above the premises included allegations of racist statements, a physical incident and harassment; those statements caused great concern to Members of CB2 who as a result choose to not support this application based on the conduct of employees of the proposed Principals; additional statements made by the residents involved led the Board to believe that one of the Principals who had had an opportunity to address this incident as it unfolded chose instead not to stop and intervene which made the Board question whether the Principals were capable of operating a licensed establishment; subsequent to the residents testimony, a Principal of the establishment denied that the incident had occurred; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014;** 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 39 Board members in favor.

26. Bleecker Pizza, LLC, d/b/a Bleecker Street Pizza, 69 7th Ave. South 10014 (New Restaurant 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 transfer of a restaurant wine license for a Pizzeria; the owners are changing from a Corporation to an LLC; the principals have been operating the establishment since 2004; and,

ii. Whereas, this application is for a “transfer” of a restaurant wine license at a currently licensed location in a commercial building located on the corner of 7th Avenue South and Bleecker St. for a roughly 450 sq. ft. premise located on the ground floor with 10 tables and 30 table seats, and a sidewalk café with 3 tables and 6 seats; there is no standup bar; there is an existing Certificate of Occupancy; and,

iii. Whereas, the hours of operation are Sunday to Thursday from 10AM to 2AM and Friday to Saturday from 10AM to 4AM, 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 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes; 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 wine license stating that:

1. The premises will be advertised and operated as a Pizzeria; and,
2. The hours of operation will be Sunday to Thursday from 10AM to 2AM and Friday to Saturday from 10AM to 4AM. 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. There will be no French doors, operable windows or open facades.
10. There will be no all you can drink or all you can eat and drink specials.

v. Whereas, several letters were received expressing concerns with the manner in which the operator handles their trash from patrons; the specific concerns were that **(1)** a large amount of trash bags are placed throughout the evening on the curb impeding pedestrian traffic at this corner well before the hours at which time the operator closes; **(2)** that the NYC Dept. Of Sanitation trash can immediately in front of the premises on the corner is often overflowing with the operators patrons’ trash resulting in paper plates and napkins blowing down adjacent residential historic streets (Barrow and Commerce) becoming trapped in flower beds, along stoops and in the gutter; **(3)** that the operator should be power washing more regularly the sidewalk surrounding the establishment to match the cleanliness of the adjacent businesses; and **(4)** that delivery bikes are constantly locked up in front of the premises impeding pedestrian traffic flow; and,

vi. Whereas, the operator stated that he would look into ways to address the trash issues including potentially storing trash in the basement prior to taking out, emptying the DSNY trash can at the end of each evening and more regularly cleaning the sidewalk in front of the premises; and,

vi. Whereas, there are currently approximately 33 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 “transfer” application for an existing Restaurant Wine License for **Bleecker Pizza, LLC, d/b/a Bleecker Street Pizza, 69 7th Ave. South 10014 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 39 Board members in favor.

27. Off Cuts, LLC, d/b/a Quality Eats, 19 Greenwich Ave. 10014 (OP Alteration to include Sidewalk Café)

Whereas, the Licensee sent a Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board dated March 10, 2016 to Community Board 2 Manhattan to provide notice of an alteration application to add a newly licensed Department of Consumer Affairs sidewalk café to the licensed premises; and,

Whereas, the proposed licensed sidewalk café was presented to CB2, Manhattan’s SLA Licensing Committee #2 in June 2015 as part of their original presentation to CB2, but was not included in their application to the SLA at the time;

Whereas, in June 2015 the Licensee agreed to a set of stipulations in conjunction with the issuance of their Restaurant On-Premise Liquor License; a portion of the stipulations covered the operation of the sidewalk café; and,

Whereas, CB2, Man. chose not to rehear this application as it was covered in CB2’s resolution from June 2015;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** this alteration application as described in the Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board dated March 10, 2016 for **Off Cuts, LLC, d/b/a Quality Eats, 19 Greenwich Ave. 10014** **unless** the statements the Licensee has previously made and represented continue to be accurate and complete, and that those conditions and stipulations agreed to by the Applicant in June 2015 continue to be included in the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 39 Board members in favor.

28. Aramark Educational Service, LLC, 60 Washington Square S. 10th Fl. 10012 SN1022656
(Catering Establishment OP License – Corporate Change)

Whereas, the Licensee sent a Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board dated March 3, 2016 to CB2, Man. to provide notice of a corporate change application due to internal restructuring that has resulted in changes to the officers of the corporation and principals; and,

Whereas, the Licensee has stated that there are no changes to the method of operation for this catering establishment; and,

Whereas, CB2, Man. chose not to hear this application;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** this corporate change application as described in the Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board dated March 3, 2016 for **Aramark Educational Service, LLC, 60 Washington Square S. 10th Fl. 10012 SN1022656** **unless** the statements the Licensee has made to CB2, Man. in correspondence are accurate and complete, and that there are no changes to the existing “Method of Operation” on the SLA Catering Establishment On Premise Liquor License.

Vote: Unanimous, with 39 Board members in favor.

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

29. 228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014 SN#1239342 (OP Renewal - layover)

Whereas, members of the local community and the local residents association, the West Village Residents Association requested that the renewal application for Aria be placed on the Agenda for CB2, Manhattan’s SLA Licensing Committee #2 Meeting on April 14th, 2016 well in advance of the expiration

of the existing license on May 31, 2016 in order to again raise complaints regarding the Licensees adherence to agreed upon stipulations and other complaints; a similar request was made two years ago and the licensee appeared at that time but there seem to be continuing issues; and,

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Licensee requested to **layover** this item so that they could have a dialogue with members of the community prior to appearing before CB2 Manhattan; the Licensee agreed to appear in May 2016 before CB2;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of renewal to any existing license for **228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014 SN#1239342** **until** the Applicant has presented their renewal application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard with respects to the renewal of this License.

Vote: Unanimous, with 39 Board members in favor.

30. Fifty One Merchants, LLC, d/b/a Via Carota, 51 Grove St. (OP Alteration to add additional space - Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **layover** 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 39 Board members in favor.

31. Deviled Food, LLC, d/b/a Diablo Royale, 189 W. 10th St. (OP Alteration - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** this application for an unknown alteration to an existing restaurant on premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

Whereas, CB2, Man. has passed a number of resolutions related to the operation of this premises which have not been favorable and respectfully requests that those resolutions be reviewed in conjunction with any future applications for this premises;

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 to any existing license, requests for extension of hours of operation, transfer, upgrade or changes to any existing license for **Deviled Food, LLC, d/b/a Diablo Royale, 189 W. 10th St.** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

32. 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 #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** this application for an alteration to an existing 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, requests for extension of hours of operation, 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 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 39 Board members in favor.

33. Whitney Museum of American Art, Whit Food II, LLC, Hudson Yards Catering LLC, d/b/a Untitled, 99 Gansevoort St. 10014 (OP Alteration - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** this application for an alteration to an existing restaurant on premise liquor license to add an additional outdoor bar 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, requests for extension of hours of operation, transfer, upgrade or changes to any existing license for **Whitney Museum of American Art, Whit Food II, LLC, Hudson Yards Catering LLC, d/b/a Untitled, 99 Gansevoort 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 39 Board members in favor.

34. CGM 13, LLC, d/b/a all'onda, 22 E. 13th St. 10003 (OP) (extend hours of operation) (SN#1269193 OP alteration - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** 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 in March 2016 at CB2, Manhattan's SLA Licensing Committee #2 Meeting 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. 13th 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 39 Board members in favor.

35. Pasticceria Rocco, Inc., d/b/a Pasticceria Rocco Inc., 243 Blecker St. 10014 (New RW - Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **layover** this application for a new restaurant wine 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 **Pasticceria Rocco, Inc., d/b/a Pasticceria Rocco Inc., 243 Blecker 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 39 Board members in favor.

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

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** 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 36 Board members in favor.

37. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 (OP) (New OP - Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 14th, 2016, the Applicant requested to **withdraw** 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; 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 **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in response to presentation regarding the Special Event "Design Pavillion" (in celebration of NYCxDESIGN) proposed at Astor Place Plaza (5/7 - 5/15).

Whereas an overview of a special event, "Design Pavillion," proposed to be held at Astor Place Plaza as part of Design Week (NYCxDesign), was presented by Shaw & Co. Productions; and

Whereas the event will feature several exhibitions encompassing design disciplines, some interactive, some educational, as well as promotional, including (among others):

- An IBM display with a robot and interactive problem-solver.

- A “Blur Bar” display from Dupont Corian containing new technology, cellphone charging and seating.
- An architectural model of the World Trade Center from 125 Greenwich St. Developers.
- An installation of mushroom/earth-friendly biodegradable materials from Ecovative Biomaterials Company.
- An art piece called “The Pool” that is flat, changes colors, and can be walked on; and

Whereas hours are expected to be from 8 a.m. to 8 p.m., and the event days are proposed from 5/7 to 5/15 with setup on 5/5 and 5/6 and breakdown on 5/16, altogether 12 days, an exceptionally long duration to occupy a public plaza and highly irregular considering that previously an event never took more than five days (e.g., last year’s NYCxDesign activation took no more than three days 5/15-5/17, 2015); and

Whereas estimated attendance to the event is 500 to 999, however, “Design Pavillion” is conceived as “a public hub during NYCxDesign” that will have daily programming and be advertised on the NYCxDesign and the Design Pavillion websites, through NBC NY digital platforms, social media and E-blasts, which could easily bring thousands more to this small space in an area where 50,000 pedestrians a day frequent the south side; and

Whereas the proposed event will occupy the entire newly renovated plaza which will not have been opened previously and has not yet been completed, preventing the public from using this public space for several days, a space which was planned and designed for the public’s relaxation and enjoyment. In addition, at this time, the community has some issues with the quality of construction, which need to be worked out; and

Whereas there will be 24-hour security, with 3-4 guards at night and 5-6 guards in the day, insurance coverage and full maintenance activities; and

Whereas the event is not described as a commercial endeavor, and there were assurances that nothing would be sold, nevertheless, it is a branded presentation with a clearly promotional, business-related flavor; and

Whereas there will be sound amplification, but the producer indicated it would be modified and only used during the few performances. The producer also indicated willingness to work closely with the community, monitor activities and quickly respond to any complaints; and

Whereas the producer emphasized the strong educational aspect of the activation and an intention to reach out to and invite local elementary and junior high school children to participate, along with a willingness to consult Community Board 2 Manhattan’s office for information on local schools, as was suggested; and

Whereas the producer responded positively to the suggestion by the Village Alliance Business Improvement District (BID), which is the maintenance partner for the Astor Place Plaza, to explore presenting less of the activation in that one area (to avoid crowding) and using one or more of the adjacent spaces for some presentations, and agreed to work with the BID to find a possible area; and

Whereas the event will not be enclosed, but covered by a partial tent structure that allows it to be walk-through, open, and inviting to the community and is free to the public;

Therefore be it resolved that CB2, Man. regrets that even before the Astor Place Plaza has officially opened and before construction concerns have been resolved, assignment of an outside event is already being considered, and without giving the community a first chance to freely experience this new space that was planned for community use; and

Be it further resolved that CB2, Man. recognizes and appreciates the educational offerings of the proposed event that are free and open to the public and the willingness of the organizers to work with the community; and

Be it further resolved that CB2, Man. urges that before installation of the proposed event is considered, concerns about construction, such as quality of concrete, uneven surfaces, and drainage, be addressed, to ensure safety and avoid the need for costly repairs; and

Be it further resolved that CB2, Man. asks that, should the event take place, that every effort is made to reduce the excessive number of days it currently is planned for, preferably to no more than five days; and

Be it further resolved that should the event take place, CB2, Man. encourages Ilene Shaw of Shaw & Co. Productions to work with William Kelley, Executive Director of the Village Alliance, to identify and secure other adjacent or nearby locations to accommodate some parts of the event and provide more space and access for pedestrians, as well as to avoid crowding; and

Be it finally resolved that, should the event take place, CB2, Man. recommends that Ilene Shaw work with the CB2 office to identify and reach out to local schools to encourage their participation in the educational activities to be offered.

Vote: Unanimous, with 39 Board Members in favor.

2. Resolution requesting that Uber, Lyft and other For-Hire Vehicle companies be regulated similar to NYC Taxicabs

Whereas NYC is wrestling with congestion, aging infrastructure and the need to provide greater transportation access while reducing the impact of motor vehicles, challenges that are particularly acute within Manhattan’s core business districts and central neighborhoods and that have been exacerbated in recent years by the growth in For-Hire Vehicles (FHVs) especially app-based electronic dispatch (or e-dispatch/E-hail) services such as Uber and Lyft; and

Number of TLC FHV Licenses

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
FHV Drivers	54,543	55,350	56,693	61,752	81,243
FHV Vehicles	36,195	40,356	40,339	48,580	63,261

Source: TLC Annual Reports, 2011 to 2015

Whereas the increase in vehicular traffic leads to higher emissions, increased congestion, increased wear-and-tear on infrastructure and, with more app-based FHVs circulating, reduced ridership on public transportation (according to the NYC Department of Transportation/DOT, 75% of trips made by e-hail app vehicles originate in Manhattan, south of 60th Street) (*streetsblog.org*, 06/30/2015); and

Whereas the Taxi and Limousine Commission (TLC) is currently updating certain rules for Taxis and other FHV's including Liveries, Black Cars and E-hail companies such as Uber and Lyft (*Crain's NY 01/14/2016*); and

Whereas New York City is committed to maintaining a healthy taxi system and currently the TLC maintains different regulations for Yellow and Green Cabs versus all other FHV's; and

Whereas the number of yellow cabs is limited to 13,600 via medallion sales, and their average occupancy rate is 54%, while the number and occupancy rate of other FHV's are unlimited, leading to an excessive supply of empty E-hail vehicles flooding Manhattan's core business districts and central neighborhoods or left idling on Manhattan's already congested streets; and

Whereas yellow cabs are the *only vehicles authorized by the NYC Administrative Code to pick up street hails*. Other FHV's (such as Black Cars and Uber and Lyft E-hails) are defined as vehicles providing service after prior arrangement and *are prohibited from picking up street hails*, although many do so anyway; and

Whereas 20% of Yellow Taxi fleets are currently required to be Handicap Accessible with half of them expected to be accessible by 2020, and 33% of the Green Boro Taxi fleet must be Accessible by 2024, but there's no judicial or statutory mandate for handicap accessibility in E-dispatched vehicles and other non-street-hailed FHV's; and

Whereas the MTA (Metropolitan Transportation Authority) reports that the agency lost \$10 million in annual revenue with the rise of E-hail vehicles. Yellow cabs pay a surcharge (currently \$0.50) to help fund the MTA, yet Uber, Lyft and other E-dispatch vehicles do not do so, although an investment on their part in the MTA would help offset their negative impact on mass transit; and

Whereas as part of the OneNYC plan, NYC is committed to creating a sustainable fleet for its own vehicles and reducing its overall greenhouse gas (GHG) emissions 80% below a 2005 baseline by 2050. If similar emission standards are **not** set for FHV's, the benefits of reduced emission may be erased by the emission increases from private fleets; and

Whereas currently, a disproportionate share of FHV's providing service after prior arrangement are Suburbans, Escalades, and other oversize vehicles and SUVs. Besides creating additional air pollution, these cars inflict more wear and tear on the streets, use an excessive amount of curbside space and present greater potential harm to pedestrians and cyclists; and

Whereas the great many pedestrians and growing numbers of bicyclists using NYC's streets must be safeguarded from the risk of vehicular conflicts and harm as the influx of FHV's increases; FHV drivers need to be sensitized to these users' vulnerability and educated in adhering to measures that ensure their safety;

Therefore, be it resolved that CB2, Man. urges that legislation be adopted by NYC regulating FHV's providing service after prior arrangement (including E-hail services like Uber and Lyft) similarly to regulations for Taxis, in order to reduce emissions, reduce congestion, and reduce wear-and-tear on city streets; and

Be it further resolved that CB2, Man. recommends that the following should be included in the regulatory framework that is adopted:

-- New licenses issued by the TLC for E-hail and other FHV's should be capped at a number such that they have at minimum a 54% occupancy rate, similar to yellow cabs.

-- There should be stronger enforcement of vehicle seizure after two violations of picking up a street hail. This would entail allocating increased funding for TLC enforcement staff beyond the 196 currently employed.

-- At least 20% of all FHV's issued a license by the TLC should be Handicap Accessible, with the goal, as for yellow cabs, of being 50% Handicap Accessible by 2020.

-- All FHV's should be required to pay a **surcharge** similar to yellow cabs to help fund the MTA. The Independent Budget Office suggests a surcharge of \$2.25 for taxi trips and \$2.75 for other FHV trips beginning below 59th Street. NY State Senators Hoylman and Dilan have introduced legislation in Albany proposing that 25% of sales tax revenues from Transportation Network Companies such as Uber and Lyft be dedicated to the MTA or Upstate providers, depending on the origin on the trip.

(<https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/senators-dilan-hoylman-introduce-measure-dedicate-tnc-tax>).

-- The TLC should set Emission Standards for all yellow cabs and FHV's on par with the new standards being promulgated for NYC's own fleet or similar standard, along with a reasonable time period for compliance. Since these standards would be set for the entire fleet, it would allow for heavier vehicles such as SUVs, as long as lighter, fuel-efficient vehicles or EV's offset such vehicles.

Be it finally resolved that CB2 also recommends that the TLC also require annual on-line driver training courses focusing on pedestrian and cyclist safety and rights.

Vote: Passed, with 34 board members in favor, and 4 in opposition (S. Smith, S. Aaron, C. Dawson, T. Conner).

NEW BUSINESS

6/18/16 - BAMRA Bleecker Street Festival Co-Sponsored Event, Bleecker Street between Seventh Avenue South and LaGuardia Place

Whereas, this event has been held for more than two decades; and

Whereas, this event has always been located on Bleecker Street between Broadway on the east and 6th Avenue on the west; and

Whereas, the long-time location of the event is within the boundaries of the sponsor, BAMRA; and

Whereas, CB2, Man. has not received complaints about the long-time location of the event; and

Whereas, this year, with no reason given to the community board, the location of the event was moved west, so that the eastern boundary would be LaGuardia Place and the western boundary would be 7th Avenue South; and

Whereas, this relocation moved the event outside the boundaries of BAMRA and resulted in it cutting across the boundaries of two block associations, namely the Carmine Street Block Association and the Central Village Block Association; and

Whereas, Bleecker Street, west of 6th Avenue, is considerably more narrow than Bleecker Street between Broadway and LaGuardia Place, making it less suitable for a large street fair; and

Whereas, CB2, Man. has already received many complaints about the event from retail store owners on Bleecker Street between 6th Avenue and 7th Avenue South; and

Whereas, the street fair that used to be on Bleecker Street between 6th Avenue and 7th Avenue South was moved after many years of complaints from retail storeowners and residents.

Therefore Be It Resolved that CB2, Man. *rescinds* the resolution passed at its February 18, 2016 full board meeting which recommended approval of the BAMRA Bleecker Street Festival Co-Sponsored Event located on Bleecker Street between Seventh Avenue South and LaGuardia Place; and

Therefore Be It Further Resolved that CB2, Man. strongly urges The Mayor's Street Activity Permit Office to return the event to Bleecker Street between Broadway and 6th Avenue, where it has been held for more than two decades; and

Therefore Be It Further Resolved that, if this street fair is returned to its long-time location, CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous with 41 Board members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan