

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

Community Board No. 2, Manhattan

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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

October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

1. 5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10013 (Renewal of OP license # 1025224, exp. 7/31/2016).

A. Whereas, at the request of Community Board 2, Manhattan's SLA Licensing Committee the Licensee appeared in order to address long standing issues raised by members of the community in regards to the operation of the Licensee's establishment, a bar/tavern located with an open back yard in a five story mixed use tenement building (Circa 1900) on Spring Street between the Bowery and Elizabeth Street; and,

B. Whereas, CB2 Man. has received significant complaints regarding the operation of this establishment for years and more specifically with regard to the (1) licensee's use and occupancy of a backyard ancillary to the establishment's premises which is surrounded by residences and operated until 12:00 a.m. every night; (2) loud, pounding, invasive bass music traveling through the walls of the establishment and from open doors into neighboring residences until 4 a.m., (3) and long lines of patrons queuing on the public sidewalk before and after midnight, resulting in an unreasonable intrusion of noise, disruption and traffic in front of the establishment; and,

C. Whereas, at CB2 Manhattan's SLA Licensing Committee meeting in July/2016 residents and the Bowery Block Association appeared and complained that they have (1) endured throbbing bass vibrating through the walls and ceilings of the establishment until 4 a.m. (2) that the music is loud, violates NYC law and is in excess of 80-100 decibels ("dbs") on a regular basis before and after 12:00

a.m. (3) that the establishment encourages its patrons to make noise by hosting private parties with DJs and celebrating sporting events (4) large lines of patrons overwhelming the public sidewalk at night (photos were presented depicting exactly that problem) to get into the establishment and/or patrons otherwise smoking, loitering, shouting, breaking bottles, vomiting and fighting (5) music can be heard in the backyard until 12 a.m., that doors leading to the rear yard are open from the premises which allows loud music to permeate the rear yard (6) the rear yard is noisy from drunken patrons throughout the day on the weekends and at night until 12 a.m. and that there have been no attempts by the Licensee to ameliorate, cover, dampen, sound-proof or insulate that noise from the many residences in four separate buildings that surround the rear yard; and

D. **Whereas**, the Licensees (Hakan Keramahmutoglu and Ayse Nazan Eke) for Sweet & Vicious were conspicuously absent and did not appear before CB2 Man. in July/2016 or September/2016 to address these ongoing issues but two Managers of the establishment did appear (Evan Hungate and Burak Ucertas) on each occasion, along with the attorney for the Licensees but the Managers and attorney never provided any reliable or coherent details about the whereabouts of the licensees except to state that Mr. Keramahmutoglu has been out of the country taking care of his elderly Mother (Ayse Nazan Eke) even though it was clear that his Mother is also co-named and co-identified with Mr. Keramahmutoglu as the only other principal of the business and the co-licensee on the liquor license; and

E. **Whereas**, the storefront interior premises is approximately 3500 sq. ft. over two floors (1750 sq. ft. each floor) and the rear yard is approximately 2000 sq.ft., with 17 interior tables with 34 seats, one (interior) stand up bar with 15 seats and 50 additional exterior seats in the rear yard, there being no certificate of occupancy, letter of no objection or permit presented for the use and occupancy of rear yard for eating and drinking and there being questions and concerns raised about whether the proper occupancy for the entire premises, including the rear yard space, was properly permitted in the manner in which the entire space is being occupied and used for eating and drinking; and

F. **Whereas**, the two Managers, the Licensee's attorney and a number of employees appeared in support of the license renewal in July/2016, concerned that the SLA would close the premises by not renewing the license and stating in substance that they were unaware of the numerous existing problems arising from the interior premises or the use and occupancy of the rear yard, further stating in substance that they were willing to work with the Community and the residential neighbors to attempt to rectify the existing problems and thereby requested to lay over their renewal application so that they could meet with their neighbors for this purpose, and further agreed to reduce the hours of operation in the rear yard to close by 10:00 p.m Sunday through Thursday and by 11:00 p.m. Friday and Saturday over the rest of the Summer months while also agreeing to work to reduce the music levels and vibrating bass sounds coming from within the establishment, setting up a sound limiter for that purpose and to remove the bass speakers from operating therein; and,

G. **Whereas**, this matter was thereafter laid over and adjourned to September/2016 to permit the two Managers to meet with the residential neighbors and Block Association in an attempt to ameliorate the existing problems and to try to come to a compromise on hours of operation in the rear yard and to make further efforts in good faith to sound proof the establishment; and

H. **Whereas**, the two Managers and Licensee’s attorney appeared, albeit again without the Licensee, before CB2 Manhattan’s SLA Licensing Committee in September/2016, at which time they agreed to execute a stipulations agreement with CB2 Man. that would be attached and incorporated in to their method of operation on their On premise license into the future and the stipulations are as follows:

1. The premises will continue to operate as a Bar and Tavern with hours of operation from 12:00 p.m. to 4:00 a.m. every night.
2. The hours of operation for the rear yard will be 2:00 p.m. to 10:00 p.m. Sunday through Thursday and from 2:00 p.m. to 11:00 p.m. Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times; lights will be turned off and all business will cease in the rear yard.
3. Umbrellas will be installed in the rear yard to dampen noise and to create more privacy for the surrounding residential neighbors living in the surrounding buildings.
4. There will be no music played in the rear yard.
5. Signage will be installed in the rear yard prominently identifying the closing hours of the rear yard for patrons and encouraging patrons “To respect our neighbors by keeping noise levels down”.
6. Signage will also be prominently installed at the front of the premises at the sidewalk “To respect our neighbors by keeping noise levels down when entering and exiting”.
7. The premises will not operate as a sports bar or night club or allow any portion of the premises to be operated in such a manner.
8. The premises will not permit dancing.
9. The operator will employ security outside the premises and on the public sidewalk every night by 10:00 p.m. for crowd control and to reduce noise and traffic congestion.
10. The premises will not have a sidewalk café.
11. The premises will play recorded background music with a limiter that will not permit music levels to exceed 70 dbs. No music will be audible in any adjacent residences at any time.
12. All bass subwoofer speakers will be eliminated.
13. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
14. The premises will not have French doors, operable windows or open facades (front and rear) and will keep all doors closed at all times.

I. **Whereas**, the Managers of the establishment also spoke in good faith of additional sound-proofing measures to cover the rear yard in the future and/or to further dampen sound from the interior and exterior of the premises with the assistance of Acoustilog, a sound-proofing consultant, and further agreed with the Community members and Block Association which reappeared in September/2016 to continue to work together and with their neighbors to prevent further disruption and to continue to abide by the new stipulation agreement for that purpose.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License for **5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10013** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee above are incorporated into the existing “Method of Operation” on the On-premise Liquor License.

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

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Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

2. Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013 (New Beer and Wine – Previously unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to continue to operate a small Greek café and bakery with a yogurt bar serving pastries, pies, salads, sandwiches within a two-story mixed use building (Circa 1900) within a M1-5 zoned area on Broome Street between West Broadway and Thompson Street; and

B. Whereas, the bakery café is located within a 2,000 sq. ft. storefront premises (1,000 sq. ft. first floor and 1,000 sq. ft. basement) with one entrance/exit, one bathroom, there are 9 tables with 16 seats for a total patron occupancy no greater than 16; there is no sidewalk café and no backyard or exterior uses; and,

C. Whereas, the building and premises was previously used and occupied for residential purposes only until 2014 and had never previously operated for eating and drinking and never for the service of alcohol; and

D. Whereas, the applicant has been operating the bakery at the premises since 2014 and presented a certificate of occupancy for the building which permit a retail store on the first floor of the building with a maximum occupancy of 16; and

E. Whereas, the applicant has been placing tables and chairs for patrons on the public sidewalk in front of the premises in conjunction with its bakery operations but without a permit or sidewalk café license; and

F. Whereas, the applicant agreed and stipulated that it would no longer place the tables and chairs on the sidewalk without a permit or license and that there would be no service of alcohol outside of the premises; and

G. Whereas, the hours of operation are from 7:00 a.m. to 11:00 p.m. seven days a week, music will be quiet and background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

H. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Greek Bakery and Cafe.
2. Will operate with hours of operation from 7:00 a.m. to 11:00 p.m. Sunday through Saturday.
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 any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. There will be no pitchers of beer or all you can eat/drink specials.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. The premises will not have French doors, operable windows or open facades.
12. All existing doors and windows will be closed by 9 p.m. every evening.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Beer/Wine license to **Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for a BW License.

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

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Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

3. Culinary Solution, Inc., d/b/a Ato, 28 Grand St. 1001 (New Beer and Wine – Previously unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to operate a “quiet sushi restaurant” with take-out services in a mixed-use six-story building (Circa 1930) on Broome Street between 6th Avenue and Thompson Sts. in a 520 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 8 tables with 18 seats, no stand up bar for an occupancy no greater than 18; there is no sidewalk café and no backyard or exterior uses; and,

B. Whereas, the premises was previously operated for years as a clothing store, but never for eating and drinking and never for the service of alcohol; and

C. Whereas, the existing front façade is fixed and the applicant has no plan to install French doors or operable windows; and

D. Whereas, the hours of operation are Sundays from 10:30 a.m. to 3:30 p.m., Monday through Thursday from 11:00 a.m. to 10:30 p.m. and from 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays, music will be quiet, ambient and background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

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

1. Premises will be advertised and operated as a Thai restaurant with a full service kitchen and take-out services.
2. Will operate with hours of operation Sundays from 10:30 a.m. to 3:30 p.m., Monday through Thursday from 11:00 a.m. to 10:30 p.m. and from 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays.
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 any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. There will be no pitchers of beer or all you can eat/drink specials.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. The premises will not have French doors, operable windows or open facades.
12. All existing doors and windows will be closed by 9 p.m. every evening.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Beer/Wine license to **Culinary Solution, Inc., d/b/a Ato, 28 Grand St. 1001** **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" for a BW License.

Vote: Unanimous, with 38 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

4. Khao Thai Eatery, Inc., d/b/a Khao Thai Kitchen, 235 Sullivan St. 10012 (New Beer and Wine – Previously unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to represent an application for a new Beer and Wine license to operate a small Thai food Restaurant with take-out services in a mixed-use five story building (Circa 1900) located in a landmark district on Sullivan Street between Bleecker and West 3rd Sts. in a 800 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 9 tables with 25 seats, 1 service bar with no seats for an occupancy no greater than 25; there is no sidewalk café and no backyard or exterior uses; and,

B. Whereas, the premises was previously operated for years as Freshco Burrito Taco serving Mexican fare and take-out services, but the premises has never been previously operated for the service of alcohol; and

C. Whereas, the hours of operation are Sunday through Thursday from 11:30 a.m. to 10:30 p.m. and from 11:30 a.m. to 11:30 p.m. on Fridays and Saturdays, there is currently no plan for music but should music be added it will be background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

D. **Whereas**, the applicant met with the Bleecker Area Merchants and Resident’s Association and received the support of this Neighborhood Group agreeing to operate in a responsible manner consistent with its stated method of operations as a small take-out restaurant specializing in Thai food; and

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

13. Premises will be advertised and operated as a Thai restaurant with a full service kitchen and take-out services.
14. Will operate with hours of operation Sunday through Thursday from 11:30 a.m. to 10:30 p.m. and from 11:30 a.m. to 11:30 p.m. on Fridays and Saturdays.
15. 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.
16. The premises will not have any televisions.
17. The premises will not permit dancing.
18. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
19. The premises will not have a sidewalk café.
20. There will be no pitchers of beer or all you can eat/drink specials.
21. The premises will play quiet ambient recorded background music only.
22. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
23. The premises will not have French doors, operable windows or open facades.
24. All existing doors and windows will be closed by 9 p.m. every evening.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Beer/Wine license to **Khao Thai Eatery, Inc., d/b/a Khao Thai Kitchen, 235 Sullivan 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” for a BW License.

Vote: Unanimous, with 38 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

5. Dig Inn 70 Prince Street, LLC, d/b/a Dig Inn, 70 Prince St. 10012 (New Beer Wine, previously licensed location)

A. Whereas, the applicant appeared before CB2's SLA committee for the purpose of seeking a beer and wine license for a storefront premises located in a landmarked three-story mixed use building (Circa 1900) on Prince Street at the corner of Crosby Street; and

B. Whereas, the interior storefront premises is approximately 3,000 SF (1,100 SF ground floor, 1,100 SF second floor and 800 SF cellar), was previously occupied and operated as a restaurant (Back Forty West); and

C. Whereas, the applicant seeks to open a fast-casual restaurant with counter services serving American food, mostly vegetables from farmers and partners serving breakfast, lunch dinner and weekend brunch with hours of operation from 9:00 AM to 10:00 PM on Sundays, from 7:00 AM to 10:00 PM Monday through Thursday, 7:00 AM to 12:00 AM Fridays and from 9:00 AM to 12:00 AM on Saturdays; with 17 tables and 45 seats, a food counter but no stand up bar for a total patron seating capacity of 45, there will be two bathrooms and a new interior staircase will be installed to the second floor within the interior premises; and

D. Whereas, the applicant previously appeared before CB2 Man. in August/2016 seeking an On Premise liquor license at the same premises, at which time significant concerns were raised by CB2 Man.'s SLA Committee and neighbors who opposed the license, about the necessity of an on premise

license for a fast casual restaurant without table service, among other reasons, there being no “public interest” established, at which time the applicant withdrew such application and resubmitted a new 30 day notice for a beer and wine for the same premises a month later; and

E. Whereas, the applicant operates other fast casual restaurants with the same name and a similar method of operation in Boston and in New York City, all of which operate with a beer and wine licenses only; and

F. Whereas, music will be background only, there will be sidewalk café or other exterior uses or occupancy, no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge, no plans to build or install new French windows or doors; and

G. Whereas, there will be only one entrance for patrons, which currently exists right at the corner of Crosby and Prince Sts. and all other doors to the premises will be to exit the premises or for emergency egress, there is an existing window on Prince St. that can open but will be closed by 10:00 every evening; 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 restaurant beer and wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service American restaurant with a full service kitchen.
2. The hours of operation will be from 9:00 AM to 10:00 PM on Sundays, from 7:00 AM to 10:00 PM Monday through Thursday, 7:00 AM to 12:00 AM Fridays and from 9:00 AM to 12:00 AM on Saturdays.
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. There will be no outdoor service and no sidewalk café.
6. 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.
7. There will no TVs.
8. The premises will not permit dancing.
9. There will be no boozy brunches or all you can eat/drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application to **Dig Inn 70 Prince Street, LLC, d/b/a Dig Inn, 70 Prince 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 Restaurant Beer and Wine License.

Vote: Unanimous, with 38 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

6. ISG Enterprises, Inc., d/b/a Sushi Sushi, 126 MacDougal St. 10012 (New Beer and Wine – Previously unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Beer and Wine license to continue to operate a small Sushi Restaurant with take-out services in a mixed-use five story building (Circa 1930) located in a landmark district on MacDougal Street between Bleecker and West 3rd Sts. in a 400 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 3 tables with 18 seats, 1 cashier counter station with no seats for an occupancy no greater than 18 patrons; there is no sidewalk café and no backyard or exterior uses; and,

B. Whereas, the premises was previously operated for years as a Gyro sandwich shop with take-out services, there being no full service kitchen within the small storefront premises and the premises having never been operated for the service of alcohol; and

C. Whereas, the hours of operation are from 11:00 a.m. to 11:00 p.m. Sunday through Saturday seven days a week, music will be background only (quiet), there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Sushi restaurant with take-out services but without a full service kitchen.
2. Will operate with hours of operation from 11:00 a.m. to 11:00 p.m. Sunday through Saturday seven days a week.
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 any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient recorded background music only.
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 not have French doors, operable windows or open facades.
11. All existing doors and windows will be closed by 9 p.m. every evening.
12. There will be no pitchers of beer or all you can eat/drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Beer/Wine license to **ISG Enterprises, Inc., d/b/a Sushi Sushi, 126 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” for a BW License.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
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Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

7. Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013 (New On Premise license).

A. Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for an upgrade his existing restaurant wine license (Ser.# 1289128) to an On Premise liquor license and to increase his hours of operation until 2:00 a.m. while continuing to operate a Malaysian & Southeast Asian Restaurant on the ground floor storefront of a newly built (circa 2015) seven story commercial use building in the Little Italy Town District on Grand Street between Mulberry Street and Mott Street; and

B. Whereas, the applicant has been operating his restaurant for just ten months and previously appeared before CB2, Man. for his Restaurant Wine license in July/2015, there being no prior license to sell alcohol at these premises prior to November/2015; and

C. Whereas, the premises is located in a 5,099 SF space (1,560 SF Ground Floor and 3,539 SF Cellar) with 30 tables and 162 seats, no stand up Bars for a total seating occupancy of 162, a full service kitchen, seven bathrooms and two entrances/exits for patrons (one which will be connected to a Hotel located at 196 Grand Street); there is no sidewalk café or outdoor space; and

D. **Whereas**, the applicant has been operating his Restaurant until 1:00 a.m.—there being an existing stipulation agreement in place to 12:00 a.m. Sunday through Thursday and 1:00 a.m. on Fridays and Saturdays—but now he seeks to operate until 2:00 a.m. every night seven days a week; and

E. **Whereas**, the applicant could provide no coherent reason for the increase in hours other than he was fearful of other competing businesses in the area; and

F. **Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, there being approximately 40 other licensed eating and drinking establishments within 500 ft. of the premises in question, with an additional 5 pending licenses for the same area and there being approximately 59 licensed premises within 750 ft. of the subject premises; and

G. **Whereas**, the applicant submitted no public interest statement but stated in substance that some of his patrons having been requesting “hard” liquor and that he needs full liquor to keep up with other competing restaurants in the area; and

H. **Whereas**, there is nothing unique to the applicant’s current method of operation as a restaurant serving Malaysian food in the surrounding area, in the borough of Manhattan or City of New York, there being numerous other such restaurants locally and nearby, all of which close by 11 p.m. and which operate—as applicant currently operates—with a beer and wine license; and

I. **Whereas**, the applicant has only been in business for 10 months, did not demonstrate significant experience in operating a full service restaurant and had never previously held an On premises liquor license, there being no other establishments on the same block which operate after 12:00 a.m. and where there is already a significant oversaturation of licensed establishments operating in the Chinatown/Little Italy portion of CB2, Man. where applicant currently operates;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** on its application seeking a new On Premise 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: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

Community Board No. 2, Manhattan

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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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

8. Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 10003 (Withdrawn – Applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant withdrew this application for a beer/wine license 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 **Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 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 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

9. OCA Positive Food, LLC d/b/a N/A, 250 Mott St. South Store 10012 (BW - lay over at request of applicant and did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant requested **to lay over** it application for a beer and wine license 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 **OCA Positive Food, LLC d/b/a N/A, 250 Mott St. South Store 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

10. 524 Broadway Tenant LLC, d/b/a WeWork, 524 Broadway 10012 (Layover requested - Applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested **to lay over** this application for a beer and wine license and did not appear before Cb2 Man.; and

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 **524 Broadway Tenant LLC, d/b/a WeWork, 524 Broadway St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

11. WW 379 W. Broadway, d/b/a WeWork, 379 W. Broadway St. 10012 (Layover requested - Applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested **to lay over** this application for a beer and wine license and did not appear before Cb2 Man.;

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 **WW 379 W. Broadway, d/b/a WeWork, 379 W. Broadway St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

12. WeWork 154 Grand, LLC d/b/a WeWork, 154 Grand St. 10013 (Layover requested - Applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested **to lay over** this application for a beer and wine license and did not appear before Cb2 Man.;

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 **WeWork 154 Grand, LLC d/b/a WeWork, 154 Grand St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

13. 428 Broadway Tenant, LLC d/b/a WeWork, 428 Broadway 10013 (Layover requested - Applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested **to lay over** this application for a beer and wine license and did not appear before Cb2 Man.;

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 **428 Broadway Tenant, LLC d/b/a WeWork, 428 Broadway 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

14. FB 35 East 13, Inc., 35 E. 13th St. 10003 (OP - layover requested by applicant's attorney at meeting)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2016, the Applicant and his counsel requested **to lay over** this application for an On Premise license and agreed to reappear in October/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 **FB 35 East 13, Inc., 35 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 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

15. Be Westbourne LLC d/b/a t/b/a, 98 Kenmare St. 10012 (Withdrawn and applicant did not appear)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant requested **to withdraw** this application for an on premise liquor license 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 **Be Westbourne LLC d/b/a t/b/a, 98 Kenmare St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

16. 68 Perry Street Corp., d/b/a The Corner Bistro, 331 W. 4th St. 10014 (SN# 1028435 OP – Corporate Change)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present a corporate change to an existing restaurant on-premise liquor license SN# 1028435 to add 2 new principles Lorraine O'Donnell and Elizabeth McGrath, wife and daughter of the previous principle who recently passed away; the premises will continue to be operated as a neighborhood bar and restaurant as it has for the last 50 years; and,

ii. Whereas, the premises is located on the corner of Jane St. and West 4th Street on the ground floor in a mixed-use building in a Landmark Historic District in the West Village with a total occupancy of 74 people, in a 1,200 square foot space with one bar with 27 seats, 14 tables with 35 seats for a total of 62 interior seats; and

iii. Whereas, the hours of operation will continue to be from 11am to 4am 7 days a week, music will be from ipod/cd's at background levels only, there is existing soundproofing, there is no live music, no DJ's, no promoted events, no scheduled performances, no cover fees, no velvet ropes, no movable barriers, there will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food is served at all hours of operation, there are 3 TVs and all doors and windows will be closed by 9 pm seven days a week; and

iv. Whereas, the new principles executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA restaurant on-premise liquor license as follows:

1. Premise will be advertised and operated as a neighborhood bar & restaurant.
2. The hours of operation will be from 11AM to 4AM 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” or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 3 televisions no larger than 60 inches. There will be no projector tv’s.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes 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, or promoted events.
9. The premises will close all door and windows at 9PM every night and anytime there is amplified music. There will not be French doors, operable windows or open facades.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application for the existing on-premise liquor license SN#1028435 for **68 Perry Street Corp., d/b/a The Corner Bistro, 331 W. 4th 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 On-Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

17. D & C Loop, Inc. d/b/a Sushi Para 88, 212 W. 14th St. 10011 (Alteration Application SN# 1288386- RW - Add Outdoor Rear Yard Dining)

Whereas, the Principal did not appear but the applicant's representative and a manager re-appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing restaurant wine license to add a rear yard garden dining area; the restaurant wine license for the establishment was originally issued on October 8, 2015 for a traditional Japanese (sushi) style restaurant; and,

Whereas, this alteration application is to add a 35 ft. by 22 ft. rear yard outdoor dining area (770 sq. ft.) with 10 tables and 20 seats to an existing restaurant wine license located in a 7-story mixed-use building located on the ground floor on 14th St. between 7th Ave. and 8th Ave. for a roughly 2,000 sq. ft. premise (1,300 sq. ft. ground floor for patron use and 700 sq. ft. basement for storage only) with 6 tables and 38 seats and 1 standup bars with 12 seats for a total of 50 interior seats, there is no sidewalk café included with this application, there is an existing Letter of No Objection for Patrons on the 1st Floor only; and,

Whereas, the rear yard hours of operation will be until 10 PM 7 days a week with no music in the rear yard, the interior hours of operation will continue to be from 11am to 12am (midnight) 7 days a week (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 10 pm without exception 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,

Whereas, when the applicant 1st appeared before CB2, Man. in May 2014 the applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license SN#1288386 stating that:

1. The premises will be advertised and operated as a traditional Japanese (sushi) style restaurant.
2. The hours of operation will be 11am to 12am (midnight) 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. All doors and windows will be closed at all times except for patron ingress and egress.
10. The premises will not operate a backyard garden for public, employee or private use.
11. The Premises will not promote, advertise or serve unlimited food with alcohol specials at the premises.
12. The premises will not sell pitchers of beer.

Whereas, the applicant had requested additional time of a month and had laid over their application to try and reach neighbors who would be directly impacted by the addition of outdoor seating and did so by sending registered letters to the buildings residents along with an offer of a \$50 gift certificate for a letter of support; they presented a petition with one resident’s signature and were unable to reach residents of the buildings located on 13th St which face the rear of the premises; and,

Whereas, CB2, Man. has significant concerns regarding this application in that **(1)** the existing stipulations clearly stipulate that there will be no outdoor rear yard garden, the main principle who appeared at the initial CB2 meeting on 2015 along with a translator specifically agreed there would be no rear yard dining and signed and executed a stipulations agreement that was notarized, **(2)** the representative stated in September 2016 that the two principals including one who lives in NJ and one who lives in Illinois are absentee owners who are not regularly present at the premises unprompted **(3)** that in pictures provided to CB2, the existing conditions showed tables and chairs already in the rear yard and set up, **(4)** no permits were presented that specifically state that the rear yard can be used for eating and drinking purposes, a previous letter of no objection refers to use of the interior of the 1st floor only, **(5)** there was extreme concern because there are apparently fire escapes that drop down into the rear yard and no explanation was provided how operation of the rear yard would exist with the fire escapes **(6)** even while detailed photos of all areas of the rear were specifically requested, edited photos showing cropped views were presented so as not to show the full current existing condition, **(7)** a diagram was presented not to scale showing the rear yard with an unexplained “exit” without indicating where it lead presumably as some sort of dedicated exit for the fire escapes that drop into the rear yard, **(8)** without pictures, it was difficult to ascertain use of the rear yard particularly one with 770 sq. ft. with only 10 tables and 20 seats – pictures presented appeared to obscure the current use of the rear yard **(9)** the establishment has been operating for less than a year, and **(10)** no sufficient reason was provided as to why CB2, Man. should agree to change the existing stipulations agreement which is clear in that it states there will be no use of the rear yard, the previous operator at this location had also agreed to no use of the rear yard; and,

Whereas, CB2, Man. does not agree to changes to the existing stipulations agreement and opposes this application for the reasons stated above;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an alteration application to the existing Restaurant Wine License SN#1288386 for **D & C Loop Inc., d/b/a Sushi Para 88, 212 W. 14th St. 10011**; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that should the Licensee pursue this alteration application, CB2, Man. requests that this matter be placed before the Members of the Authority at a regularly scheduled Full Board meeting for determination so that this issue may be addressed particularly as it relates to the agreed upon stipulations and use of outdoor space.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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

October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

18. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 (New OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee after having appeared a number of times in 2015 and 2016 to present a new application to the Liquor Authority for a new restaurant on premise liquor license for a Full Service Restaurant with a Steakhouse theme serving Lunch and Dinner 7 days a week and Brunch on the Weekends; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license at a location which has been unlicensed for a number of years in a commercial 3-story building located on Greenwich Avenue between West 11th St. and Perry St. for a roughly 4,000 sq. ft. premise (1,000 sq. ft. each basement, 1st, 2nd and 3rd floors, Patron dining on 1st and 2nd floor only, patron use of bathrooms in basement, 3rd floor office only), with 10 tables and 40 table seats across the 1st and 2nd floors and 1 bar located on the 1st floor with 8 bar seats for a total of 48 interior seats, there is no sidewalk café included with this application; there is an existing Certificate of Occupancy and a letter of no objection was presented indicating an eating and drinking establishment, UG#6, Non-Place of Assembly for less than 75 persons at the 1st and 2nd floor; and,

iii. Whereas, the hours of operation will be Sunday from 10AM to 12AM, Monday to Wednesday from 12PM to 12AM and Thursday to Friday from 8AM to 2AM and Saturday from 10AM to 2AM, 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 live music, 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. Premise will be advertised and operated as a Full Service Restaurant with a Steakhouse theme serving Lunch and Dinner 7 days a week and Brunch on the Weekends.
2. The hours of operation will be Sunday from 10AM to 12AM, Monday to Wednesday from 12PM to 12AM and Thursday to Friday from 8AM to 2AM and Saturday from 10AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. There is no sidewalk café included with this application.
4. A full food menu will be available at all times and the kitchen will remain fully open at all hours of operation.
5. 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.
6. The premises will have 1 television only no larger than 60 inches. There will be no projector tv’s.
7. The premises will not permit dancing and will never seek a New York City Department of Consumer Affairs Cabaret License.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
9. The premises will never operate rooftop outdoor seating or patron use of any rooftops. Specifically the 2nd floor rear outdoor area (“rear lower roof”) located to the rear of the building will never be used for any patron dining or patron occupancy and will be used by staff for maintenance purposes only.
10. The premises will play quiet ambient-recorded background music only. All music will at all times adhere to NYC noise codes & laws and will also not be audible in any adjacent residences at any time.
11. The premises will not have DJ’s, live music or cover charges or promoted events.
12. There will be no sidewalk a-frame signage, menu boxes, greeting or hostess stations or other outdoor furniture.
13. The premises will close all doors and windows at 9PM every night and anytime there is any type of music.
14. Applicant will post signs requesting patrons to please be considerate to residential neighbors.
15. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or other drink specials beyond ½ price or 2 for 1 specials at anytime.
16. Patron dining will be limited to the interior of the ground floor and interior of the 2nd Floor. There may be patron use of bathrooms in the basement only. The 3rd floor will be for office use only.
17. There will be no more than 10 tables and 40 table seats across the 2 patron dining floors and 1 bar located on the ground floor with 8 bar seats for a total of 48 interior seats.
18. Applicant (identified as “Tenant” in agreement) agrees to at all times adhere to an agreement provided to CB2 Manhattan dated September 13, 2016 by and among RG 910 FRANKLIN LLC, FRANKLIN AVE INVESTORS LLC, ELIZABETH ASSOCIATES, L.L.C., (collectively "62 Greenwich Owner"), 62 GREENWICH LLC and FRANK GOCAJ (collectively "Tenant"), and ROBERT MICHELETTO and BRIGITTE KLEINE, (collectively "Adjacent Property Owner").
19. Prior to the opening of the Applicant’s restaurant at the 62 Greenwich Ave and issuance of any Liquor License, Applicant agrees to and shall install the following improvements (i) Sheet metal panels shall be applied to the inside of each pane of glass in the Rear Glass Wall, including the door, completely covering the vision area; and (ii) Acoustic separation between the occupied spaces (the entire first and second floors) and the exterior above the Rear Lower

Roof shall be achieved by the existing envelope plus a metal stud and gypsum board system that completely separates the occupied spaces from the Real Glass Wall. There shall be no gaps or openings in this system except for self-closing door(s), which will have a keyed lock on both sides. These door(s) shall remain closed at all times except during actual passage. The improvements will meet or exceed the descriptions on the aforementioned agreement dated September 13th, 2016. The system shall consist of a three part arrangement as described.

20. Applicant agrees that The Rear Lower Roof of the 62 Greenwich Ave Property shall not be accessed, used or occupied at any time by the 62 Greenwich Owner or the Applicant/Tenant or any of their customers, employees or invitees for any purpose, except that the 62 Greenwich Owner and/or the Applicant/Tenant may access the Rear Lower Roof solely to perform necessary building maintenance during the hours of 10 a.m. and 4 p.m. Monday thru Friday. In this regard, the 62 Greenwich Owner and/or the Applicant/Tenant shall ensure that the door to the Rear Lower Roof is securely locked at all times and that any keys to said door are maintained safely and securely by the 62 Greenwich Owner and the Tenant.
21. Applicant agrees that the wooden security/privacy fence currently on the perimeter of the Rear Lower Roof shall remain in place and shall not be removed. The wooden/security fence is 6 feet 9 inches high (including a parapet below) and does not permit any visibility to the adjacent property from the Rear Lower Roof.
22. Applicant agrees that after the Improvements identified in the Agreement dated September 13th, 2016 as described above have been installed, they may only be removed under the circumstances as outlined in the aforementioned agreement dated September 13, 2016.
23. The applicant will notify CB2 immediately should there be any changes to the above referenced agreement dated September 13, 2016.

v. Whereas, over the various appearances in 2015 and 2016 by this applicant, immediately abutting stakeholders including local residents have appeared and objected to the application for a variety of reasons including violations of building codes, illegal renovations by past owners including the installation of a see through glass rear 2 story façade, landmark regulations, proposed outdoor rooftop eating areas, noise, potential mechanical issues, visual issues, and a host of other issues describe in letters and in appearances; and,

vi. Whereas, the immediate abutting stakeholders and residents have been able to come to an agreement with the Applicant and building owner which was provided to CB2; the is dated September 13, 2016 by and among RG 910 FRANKLIN LLC, FRANKLIN AVE INVESTORS LLC, ELIZABETH ASSOCIATES, L.L.C., (collectively "62 Greenwich Owner"), 62 GREENWICH LLC and FRANK GOCAJ (collectively "Tenant"), and ROBERT MICHELETTO and BRIGITTE KLEINE, (collectively "Adjacent Property Owner"); the Applicant agreed to adhere to the Agreement in its entirety; and

vii. Whereas, a petition in support was presented and letters in support were presented; and,

viii. Whereas, letters from the adjacent property owners Robert Michelleto, Brigitte Kleine, Nancy Stein and Carl Stein were received in favor and Mr. Michelleto appeared and spoke in favor; and,

ix. Whereas, there are currently approximately 12 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new Restaurant On Premise Liquor License for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** 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 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

Community Board No. 2, Manhattan

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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

19. E D O Food IV, LLC, (EDO FOOD IV, LLC) d/b/a Hummus Place, 71 7th Ave. S. 10014 (SN# 1214767 - Upgrade to Full Liquor License)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee in September 2016 to present a class change/upgrade application to the Liquor Authority from existing restaurant wine license SN#1214767 to a restaurant on-premise liquor license for a premises which will continue to operate under the same method of operation and same hours of operation as they have for the last 7 years as a “neighborhood restaurant focused on healthy Middle Eastern cuisine, specifically Hummus and Vegetarian dishes”; and,

ii. Whereas, this application is for an upgrade to a restaurant on-premise liquor license; the premises is located in a 1 story commercial building between Bleecker St and Barrow St. with 17 tables and 35 seats no standup bar for a total of 35 interior seats; there is also a licensed sidewalk café with 4 tables an 8 seats included in the application, the applicant provided a copy of a Certificate of Occupancy, however that Certificate of Occupancy #19420 dated 2/2/1934 which was provided has been superseded by a new Certificate of Occupancy #40035 dated 6/30/1952; and,

iii. Whereas, the hours of operation will continue to be 11AM to 10:30PM 7 days a week (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 existing accordion doors across the entire façade and there is patron seating directly in front of the accordion doors and a sidewalk café with 4 tables and 8 seats; all doors and windows will be closed at 10:00PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

iv. Whereas, the Applicant was willing to enter into a stipulations agreement with CB2, Man. in line with the materials presented to CB2 and their statements during the presentation to CB2 which they said they agreed they would submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a neighborhood restaurant focused on healthy Middle Eastern cuisine, specifically Hummus and Vegetarian dishes.
2. The hours of operation will be 11AM to 10:30PM 7 days a week (No patrons shall remain after the closing hour). 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. There will be no standup bar
5. The premises will have no televisions.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime and will at all times be in compliance with all NYC Noise codes.
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 10PM every night and anytime there is amplified music.
11. There will be wait table service to all seated patrons for alcohol service.
12. They would not return to extend their hours of operation.
13. There will be no unlimited food and drink or unlimited drink specials or sale of beer by the pitcher.
14. There will be no “boozy brunches” or marketing for “boozy brunches”.

v. Whereas, when asked why the applicant was seeking to upgrade their license, the applicant’s attorney said that they had explored this expansion of offerings before but did not want to be hasty, that this location was chosen to explore offering full alcohol service, that they were aware of concerns that it could turn into a bar but were happy to stipulate to no stand up bar, that while sensitive to saturation concerns (there are 33 OP licenses within 500 ft) they believed that this was a unique hummus restaurant and that they should be able to offer Ouzo to their customers among other offerings that they are not currently able to offer, that they were unique in that they had earlier closing hours of 10:30, the applicant previously had 5 similar locations but now operates just 2 locations, that he has been a good operator for 7 years, that because this was a pure restaurant they believed this over rode any objections, that this was a tweak necessary to stay relevant in a changing era and that they have 9.5 years left on their lease; and,

vi. Whereas, a number of local residents appeared in opposition including 2 representatives of the West Village Residents Association and a resident who lives across the street from the applicant; they expressed the following **(1)** they stated that the restaurant was well run and that it provide a very casual menu of healthy foods that were well suited to beer and wine offerings only, not liquor and cocktails, **(2)** that there was no public interest to upgrading to a full liquor license given that across this neighborhood all variety of foods and alcohol are available in every conceivable variety, including Ouzo which the applicant’s attorney stated was lacking in the area, they cited that there were at least 33 OP Liquor licenses within 500 feet and 61 within 750 ft., **(3)** that good operation alone does not constitute a public benefit but is an expectation of all operators whether licensed or not, **(4)** that there

was concern that the applicant does not currently have table service for food at the premises, **(5)** that should the applicant be seeking increased revenues perhaps they should extend their hours of operation a bit later into the evening instead of seeking a full OP and then extending their hours of operation in the future, **(6)** that there was no such thing as an “Ouzo license” and that granting a license would result in another licensed establishment where there are clearly a sufficient amount without providing a sincere public benefit; **(7)** that there should be significant concern regarding any establishment which has a fully operable façade and full liquor service and outdoor table seating, one of the largest issues in this neighborhood is noise and outdoor seating is a contributor to noise; **(8)** that an upgrade to a full OP license would create an increased value to the perceived value of the sale of the lease and any new owners would simply seek to expand on any existing license if it were issued; **(9)** that issuance of a restaurant wine license is not a pathway to a full OP license and that this just represents an the excessive liquor license creep which is pervading the community; and **(10)** that the issuance of this license would not enhance any patrons experience as the food lends itself to beer and wine service not cocktails and liquor and that this is simply pandering to the alcohol tourism which is becoming the norm in this community; and,

vii. Whereas, the applicant has not addressed public benefit to the satisfaction of CB2, Man.; early hours of operation, no standup bar, being a good operator and offering healthy food and alcohol such as Ouzo does not sufficiently address public benefit in an area which has such a wide variety of food and alcohol available; and

viii. Whereas, there are currently 33 On Premise Liquor Licenses within 500 ft of the premises, an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to **E D O Food IV, LLC, (EDO FOOD IV, LLC) d/b/a Hummus Place, 71 7th Ave. S. 10014, existing SN# 1214767**, on its application seeking a class change/upgrade from a restaurant wine license to a full on-premise liquor license.

Vote: Passed, with 27 Board members in favor, and 11 in opposition (S. Aaron, R. Caccapolo, T. Connor, K. Faccini, J. Gallagher, L. Racusin, R. Rothstein, S. Russo, S. Secunda, C. Spence, S. Wittenberg).

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

20. Super Noriega, LLC, d/b/a Baby Brasa, 173 7th Ave. South 10014 (OP – Restaurant)

- 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 on-premise liquor license for a full service Peruvian restaurant specializing in Peruvian rotisserie chicken; the Principal owns a similar establishment but will provided an expanded food menu at this location; and,
- ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location in a stand alone commercial building as the only tenant located on the Northeast corner of 7th Avenue South and Perry St. for a roughly 2,100 sq. ft. premise (ground floor 1,100 sq. ft. mezzanine 500 sq ft and basement 500 sq ft.– no patron use in basement) with 27 tables and 68 table seats and 1 standup bar with 8 seats, for a total of 76 interior seats; there is an enclosed sidewalk café; there is an existing Certificate of Occupancy and the applicant will present an updated Place of Assembly Permit; and,
- iii. Whereas**, the hours of operation will be Sunday to Wednesday from 12PM to 12AM and Thursday to Saturday from 12PM to 1AM (no patrons will remain after closing time), 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 wine license stating that:

1. Premise will be advertised and operated as a Peruvian restaurant specializing in Peruvian rotisserie chicken.
2. The hours of operation will be Sunday to Wednesday from 12PM to 12AM and Thursday to Saturday from 12PM 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 or projector tv’s.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes 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, or promoted events.
9. The premises will close all door and windows at 9PM every night and anytime there is amplified music. There will not be French doors, operable windows or open facades.
10. This application includes an enclosed sidewalk café.
11. There will be no sale of pitchers of beer.
12. There will be no unlimited drink or all you can eat and drink specials.
13. There will be no “boozy brunches”.
14. The rear door on Perry St. will remain into the kitchen will remain closed at all times except for deliveries.
15. There will be no speakers in the enclosed sidewalk café.

v. **Whereas**, a petition in support was presented; and,

vi. **Whereas**, there are currently 16 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Super Noriega, LLC, d/b/a Baby Brasa, 173 7th Ave. South 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 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

21. Kubbeh LLC, d/b/a Kubeh, 464 Avenue of the Americas a/k/a 77 West 11th Street 10011
(New OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee in September 2016 to present a new application for a restaurant on-premise liquor license for a “new casual full-service and take out restaurant serving variations of ‘kubeh’ a traditional Middle Eastern soup dumpling combo commonly known in Middle Eastern cuisines, paired with cocktails to accompany dishes. Kubeh and other dishes served are comfort dishes made traditionally by the women of the house”; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license, the premises was previously licensed but the premises has been vacant for about a year; the premises is located in a 3-story mixed-use building with 1 story rear extension, the location is in a corner building but because it has an “L” shaped configuration it is not located in the corner space but still has facades and doors located on both Avenue of the Americas (6th Avenue) and West 11th St.; the premises will occupy 1,600 sq. ft. on the ground floor for patrons and 600 sq. ft. in the basement – no patron use; plans were presented with 11 tables and 56 table seats, 1 standup bar with 14 seats and 1 service bar for a total of 70 interior seats; there is no sidewalk café included with this application; the applicant provided a copy of a Certificate of Occupancy and indicated total occupancy would be less than 74; and,

iii. Whereas, the hours of operation will be 8AM to 12AM Sunday to Thursday and 8AM to 1AM Friday and Saturday (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 is no sidewalk café, all doors and windows will be closed at 9:00PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

iv. Whereas, the Applicant was willing to enter into a stipulations agreement with CB2, Man. in line with the materials presented to CB2 and their statements during the presentation to CB2 which they said they agreed they would 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 new casual full service and take out restaurant serving variations of kubeh, a Middle Eastern soup dumpling.
2. The hours of operation will be 8AM to 12AM Sunday to Thursday and 8AM to 1AM Friday and Saturday. (No patrons shall remain after the closing hour). All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions. There will be no projector TV's.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime and will at all times be in compliance with all NYC Noise codes.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
10. No sale of pitchers of beer.
11. No unlimited drink or food and drink specials.
12. There will be no boozy brunches.
13. 11th Street door will be used only as an emergency exit – there will be no other uses including no deliveries.
14. Will use best efforts to address mechanical noise issues from rooftop systems. Will address all rattling and shaking and regularly maintain so as not to create excessive noise.

v. Whereas, when asked why the applicant was seeking a full liquor license for a very casual style food the applicant and attorney among other things stated that the premises had previous licensed when it was last in operation a year ago, that the food to liquor ratio would be 80% food to 20% liquor, they believed this unique food menu warranted a full liquor license and that the hours of operation were restaurant hours, that the operators were experienced; CB2, Man. had requested a copy of the Applicants application to the SLA including any Public Interest statements, but a copy of the application was not provided and no public interest statement was provided; and,

vi. Whereas, a several letters in support were presented and a petition in support was presented; and,

vii. Whereas, when asked about PS 41, Greenwich Village School located at 116 West 11th St. which is located within 200 ft. of the proposed premises, the Attorney for the applicant stated that he did not believe that School was located on 6th Avenue (a/k/a Avenue of the Americas) and that because the Applicant's premises did not use the door located on the West 11th St. façade, the location was not subject to the "200 Foot Rule" because it was located on 6th Avenue; a number of CB2 Board members questioned this and had the following concerns, **(1)** the Eastern most door for PS 41 is located just off the corner of 6th Avenue and appears to be regularly used for ingress and egress in addition to the main front door of the School located further down the block on West 11th St., it appears both the Easternmost door and the School front door are within 200 ft. of the Applicant's Avenue of the Americas entrance **(2)** PS 41 has a small frontage on 6th Ave which is clearly noted in the NYC Buildings Property Profile which indicates addresses for the one building at that location as 463 Avenue of the Americas and 100-124 West 11th St. therefore it would seem to indicate that the School is on the corner and therefore located on both streets(<http://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?boro=1&houseno=116&street=west+11th+st&go2=+GO+&requestid=0>) **(3)** the building in which the Applicant is located is a corner building, albeit the applicant is not in the corner spot but the Applicant has an "L" shaped premises with facades on both West 11th St. and Avenue of the Americas adjacent to both sides of the corner unit, this would seem to indicate it is on both streets despite which doors are used for regular ingress or egress, it does not make much sense to say that the premises is not located on both streets just because a door is not used, it would seem the only factor is which door the measurement is taken from, not which door decides which street the premises is located on; and

viii. Whereas, a local resident who lives in the building appeared in opposition with concerns regarding the hours of operation which are longer than the previous operator, the density of existing liquor licenses in the area, the impact on noise that this establishment would have with its style of casual food and liquor consumption and need for a high turnover of clientele, that the menu was not substantive, with concerns regarding the rooftop ventilation system located on the 3rd floor specifically of a building built in the 1800's, not the mechanicals located on the roof of the 1-story extension, which have been a source of complaints for many years, that the operators did not inspect nor did they even know about the mechanicals on the roof of the 3rd floor even though they had stated that they had had a professional come into review all the mechanicals and that expert did not even inspect the exhaust system that clearly goes to the 3rd floor roof and is visible from the street; and

ix. Whereas, members of CB2, Man. had similar concerns with **(1)** the presumption of the issuance of a liquor license because the premises had been previously licensed, **(2)** that a simple fast casual restaurant warranted a liquor license despite a seemingly different style of food offering, simple inexpensive food offerings typically do not have a full liquor license establishment, **(3)** that while the hours of operation included early opening hours of 8AM, no morning food offerings were presented as part of any menu or explanation of morning service **(4)** that the main operator and principal who will be at the premises does not have experience as a principal and until recently was a front of house food server at a high end establishment as well as a private chef hosting pop-up events in other establishments, **(5)** that the primary fixture in the premises is what appears to be at least a 35-foot bar with 14 seats which extends most of the length of the premises and a 19 seat communal table, **(6)** that the total number of seats is 70 in the premises but the maximum occupancy is 74 which leaves no room for more than 4 staff or standees **(7)** that the alcohol drink prices are higher than the food prices **(8)** that the applicant would not consider a restaurant wine license or laying over to fully review the premises mechanical and exhaust conditions prior to promise fixing what could be an un-budgeted cost prohibitive expenditure, **(9)** that while at first the applicant insisted that an expert had reviewed all the mechanical systems and insisted that they were all located above the 1st floor extension of the building, they stated that the expert did not go on the roof of the 3 story building to inspect the kitchen ventilation system and stated they were not aware that's where it was located, **(10)** that the fast casual

nature of the business would result in a high turn over at a liquor serving establishment and that high turn over would have an impact on noise through the high turnover of patrons which would be much greater than that of the previous operator who closed about a year ago and could have an impact on increased vehicular traffic and demands on parking, **(11)** that the applicant did not deliver a sufficient public interest in their presentation and instead relied on the uniqueness of a simple soup dumpling based dish served in a variety of ways which does not rise to differentiate itself in such a way to overcome the class and character of existing establishments in the area given the number of offerings and premises within CB2 and even within 500 ft; and

x. Whereas, despite a willingness to enter into a stipulations agreement with CB2, Man. the applicant has not addressed public benefit to the satisfaction of CB2 that would warrant support of the application; and

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to **Kubbeh LLC, d/b/a Kubbeh, 464 Avenue of the Americas a/k/a 77 West 11th Street 10011**, on its application seeking a new restaurant on-premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. respectfully requests that the Liquor Authority re-review the application of the 200 ft. rule for this location and address the concerns noted above.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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

22. CGM-GH LLC & Paige GH Group LLC, d/b/a The Chester, 18 9th Ave. 10014 (OP Renewal SN# 1146048)

i. Whereas, after emailing the attorney Alan Gardner of the Licensee directly regarding CB2's request that the Licensee appear before CB2's SLA Licensing Committee on September 14th, 2016 to address ongoing issues at the establishment and the renewal of their on-premise liquor license SN# 1146048, neither the Attorney nor the Licensee responded nor did they appear at the meeting; and,

ii. Whereas, CB2, Man. had placed the renewal application on the Agenda at the request of several members of the Community who have been experiencing ongoing issues with the applicant; and,

iii. Whereas, several members of the community appeared in opposition and letters in opposition were provided outlining various complaints; and,

iv. Whereas, an overview of the complaints are as follows: music is not at background levels as filed with the SLA and is often audible more than 1 or 2 blocks away, exterior music is played late into the evening, operating outside of agreed upon hours of operation, managers are unresponsive and not knowledgeable regarding existing agreements and/or the law, live dj's used outside, speakers placed outside in locations against existing agreements and also in such a manner as to exacerbate music issues, excessive seating beyond what is allowed in their area diagram as on file at the SLA, premises does not conform to plans on file with the SLA, music is played at very loud volumes when no customers are present in both indoor and outdoor areas; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends that the SLA **deny** the renewal of the liquor license for **CGM-GH LLC & Paige GH Group LLC, d/b/a The Chester, 18 9th Ave. 10014 (OP Renewal SN# 1146048)** until such time that the Licensee addresses the ongoing complaints and either appear before CB2 Manhattan directly or meet directly with impacted residents with representatives of CB2 and the NYPD 6th Precinct present; and,

THEREFORE BE IT FURTHER RESOLVED that should the Licensee not come into compliance immediately, CB2, Man. respectfully requests that the SLA and other enforcement bodies investigate any complaints they receive and take appropriate enforcement actions and continue to do so until there are no longer violations.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

23. Mazi Hospitality Group, LLC, d/b/a N/A, 9 Jones St. 10014 (New OP – Layover)

i. Whereas, at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 14th, 2016, the Applicant requested to **layover** this application for a restaurant on-premise restaurant liquor license in order to continue to meet with residents who would be immediately impacted by the issuance of a license at this location in order to continue ongoing discussions 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 **Mazi Hospitality Group, LLC, d/b/a N/A, 9 Jones St. 10014** **until** the Applicant has presented their application again in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

24. Clean Table, LLC, d/b/a TBd, 28 7th Ave. 10014 (New RW - layover)

i. Whereas, after not appearing without prior notice at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 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 prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB#2, 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 **Clean Table, LLC, d/b/a TBD, 28 7th Ave. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

25. Kut Operating Corp. d/b/a KUT, 301 6th Ave. 10014 (New RW – withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 14th, 2016 the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA 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 Kut Operating Corp. d/b/a KUT, 301 6th Ave. 10014 until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

26. Random, LLC, d/b/a Chit Chat, 268 Bleecker St. 10014 (New RW – laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 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 prior to any filings with the SLA 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 **Random, LLC, d/b/a Chit Chat, 268 Bleecker St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

27. Eric Cerato, d/b/a Le Garage Corp., 97-99 7th Ave. South 10011 (OP - withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 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 prior to any filings with the SLA 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 **Eric Cerato, d/b/a Le Garage Corp., 97-99 7th Ave. South 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

28. Grey Lady West, LLC, d/b/a Grey Lady, 173 7th Ave. So. 10014 (OP – withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 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 prior to any filings with the SLA 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 Grey Lady West, LLC, d/b/a Grey Lady, 173 7th Ave. So. 10014 until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Tobi Bergman, *Chair*
Teri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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October 12, 2016

Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 22, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

29. Mangia Bene, LLC, d/b/a Paradiso, 135 7th Ave. S. 10014 (OP – Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 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 prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB#2, 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 **Mangia Bene, LLC, d/b/a Paradiso, 135 7th Ave. S. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Robert Ely, Chair
SLA Licensing 1 Committee
Community Board #2, Manhattan



Carter Booth, Chair
SLA Licensing 2 Committee
Community Board #2, Manhattan



Tobi Bergman, Chair
Community Board #2, Manhattan

TB/fa

cc: Hon. Jerrold L. Nadler, Member of Congress
Hon. Nydia M. Velázquez, Member of Congress
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, NY State Assembly Member
Hon. Alice Cancel, NY State Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Rosie Mendez, NYC Council Member
Hon. Margaret Chin, NYC Council Member
Hon. Corey Johnson, NYC Council Member
Jacqueline Held, Deputy Commissioner of Licensing, NY State Liquor Authority
Michael Jones, Chief Deputy Chief Executive Officer, NY State Liquor Authority
Jonathan Rodriguez, Hearing Bureau, NY State Liquor Authority
SLA Examiners