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Community Board No. 2, Manhattan

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

September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

1. AOA786, LLC, d/b/a Panorama, 820 Broadway 10003 (RW – Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a fast-casual restaurant “delivering middle eastern cuisine with Lebanese, Turkish and Israel influences” in a 13 story, mixed use (residential apartments above and ground floor commercial) building (circa 1964) Broadway between 11th and 12th Streets in Greenwich Village; and,

ii. Whereas, the storefront premise has approximately 1,700 sq. ft. (with no basement), was previously operated as “Mama Gyro” with similar method of operation, the applicant presenting a Certificate of Occupancy consistent with the proposed usage; and

iii. Whereas, the premises will have 21 tables with 54 table seats, no bars, with an ordering counter without seats for a total patron seat capacity of 54 patrons, no TVs, background music only, one entrance/exit for patrons, one bathroom; a sidewalk café is planned but it will be closing every night by 9PM; and,

iv. Whereas, the hours of operation will be from 10 AM to 11 PM daily, the applicant signed and notarized a stipulations agreement with CB2, Man., which includes the following:

1. Premise will be advertised and operated as a fast-casual restaurant specializing in Middle Eastern cuisine.
2. The hours of service of beer and wine will be 10AM to 11PM Sunday through Saturday.

3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including DCA licensed sidewalk café).
6. Will operate a sidewalk café no later than 9PM every night (all tables and chairs will be removed and stored overnight).
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at 9:00 PM every night.
9. Will not install or have French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new Restaurant Wine license for **AOA786, LLC, d/b/a Panorama, 820 Broadway 10003** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

2. Frevo, LLC, d/b/a N/A, 58 MacDougal St. Ground Floor 10012 (RW – Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “small and intimate 20 seat restaurant” serving “fine dining French cuisine” in a six-story mixed-use building (circa 1900) on MacDougal Street at the intersection with King Street, the building falling within NYC LPC’s designated South Village Historic District; and,

ii. Whereas, the storefront premise is approximately 700 sq. ft., there will be an open kitchen surrounded by a 20 seat counter for a total patron seating of 20, with one bathroom, the storefront having previously operated as Comodo with a similar method of operation as an intimate restaurant with a restaurant wine license, there are operable windows on the front façade facing the sidewalk but the applicant has no plans to open them and will keep them closed at all times; and

iii. Whereas, there will be no exterior seating or sidewalk café, the hours of operation will be for dinner service only from 5:00 p.m. to 12:30 a.m. Sunday through Wednesday and from 5:00 p.m. to 1:00 a.m. Thursday through Saturday; and the applicant signed and notarized a stipulations agreement with CB2 which includes the following:

1. Premise will be advertised and operated as a fine dining French restaurant.
2. The hours of operation will be from 5:00 p.m. to 12:30 a.m. Sunday through Wednesday and from 5:00 p.m. to 1:00 a.m. Thursday through Saturday.
3. Will operate full service restaurant with the kitchen concept with counter seating.

4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (including licensed sidewalk cafés).
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at 9:00 PM every night.
9. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
10. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the new Restaurant Wine license for **Frevo, LLC, d/b/a N/A, 58 MacDougal St. Ground Floor 10012** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Passed, with 40 Board members in favor, and 1 recusal (R. Sanz).

Terri Cude, *Chair*
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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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

3. St. Tropez Soho, LLC, d/b/a St. Tropez, 196 Spring St. 10012 (RW – Restaurant, previously unlicensed location)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “intimate French restaurant” in a 6-story, mixed-use building (circa 1900) on Spring Street between Sullivan and Thompson Streets in Greenwich Village; the building falls within NYC LPC’s South Village designated Historic District; and,

ii. Whereas, the premises is a combination of two storefronts in the same building, the two storefronts having previously operated as retail clothing stores closing by 7 PM every night, neither storefront having previously operated for purposes of eating and drinking nor licensed for the service of alcohol, the applicant plans to gut renovate the entire premises, installing a full service electric kitchen, replacing the existing fixed storefront windows and opening up the front facades of both storefronts installing French style doors, the interior premises being approximately 1,200 sq. ft., with one bathroom; the applicant did not present a valid certificate of occupancy or letter of no objection permitting the change of use to eating and drinking but acknowledged and agreed that a letter of no objection would be obtained from the NYC Dept. of Buildings and filed with the NYS SLA prior to issuance of a license at this combined premise; and,

iii. Whereas, the combined premise will have 7 tables with an aggregate of 34 seats, 1 bar with 8 seats for total patron seating of 42, all service and patron areas will be on the ground floor, the basement being restricted to staff; and no sidewalk café was included in this application; and,

iv. Whereas, the hours of operation will be 12:00 p.m. to 12:00 a.m., Sunday to Wednesday and from 12:00 p.m. to 1:00 a.m. Thursday to Saturday; and the applicant signed and notarized a stipulations agreement with CB2, Man., which includes the following:

1. Premise will be advertised and operated as an intimate French restaurant.
2. Will obtain Letter of No Objection from NYC Dept. of Buildings prior to issuance of license.
3. The hours of operation will be: 12:00 p.m. to 12:00 a.m., Sunday to Wednesday and from 12:00 p.m. to 1:00 a.m. Thursday to Saturday.
4. Will operate full service restaurant with the kitchen open and full menu items available until closing every night.
5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
6. Will not have televisions.
7. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
8. There is no sidewalk café included.
9. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
10. Will close all doors & windows at 9:30 PM every night and anytime there is amplified music, live music, or DJ.
11. Will obtain all permits with NYC Landmarks prior to making any changes to the existing front façade of building.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new Restaurant Wine license for **St. Tropez Soho, LLC, d/b/a St. Tropez, 196 Spring St. 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

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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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

4. Local & Vine Co. Corp., d/b/a Local Vine, 282 Hudson St. 10013 (OP – Alteration to reconfigure interior seating)

i. Whereas, the Applicant and her Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an alteration to an existing on premise license (SN# 1296773) to reconfigure and add interior seating; and,

ii. Whereas, the existing storefront premises is roughly 1,200 sq. ft. and currently operates as a “neighborhood tavern specializing in local New York State products” in a mixed-use building on Hudson St. at the corner of Dominick Street between Dominick and Spring Streets (block 579/lot 1); with 6 tables and 32 table seats and 1 stand-up bar with 7 seats for total interior seating of 39; and,

iii. Whereas, the hours of operation for the interior premise remain 12PM to 12AM Sundays, 4PM to 12AM Monday through Thursday, from 4PM to 2AM on Fridays and from 12 PM to 2 AM on Saturdays, all doors and windows will be closed by 10PM daily, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, there is an existing sidewalk café that will continue to close by 10PM Sunday through Thursday and 11PM on Friday and Saturday (all tables and chairs will be removed at this hour).

v. Whereas, the Applicant previously executed a stipulations agreement with CB2, Man., which will continue to be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a Neighborhood Tavern.
2. The hours of operation will be 12PM to 12AM Sundays, 4PM to 12AM Monday through Thursday, from 4PM to 2AM on Fridays and from 12 PM to 2 AM on Saturdays.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk cafés.
6. The premises will not permit dancing.
7. Will operate a sidewalk café no later than 10PM Sundays through Thursdays, and 11PM on Fridays and Saturdays. All tables and chairs will be removed and stored at this hour.
8. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJs, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.
11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration for the existing on premise license for **Local & Vine, Inc. d/b/a Local & Vine, 282 Hudson St. 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor .

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Dear Sir/Madam:

At its Full Board meeting on September 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

5. C7 Ave. South, LLC d/b/a t/b/a, 1 7th Ave. South 10014 (New OP)

- i. Whereas**, the Applicant and the Applicant's Representative appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a new On-Premises liquor license to operate a "family friendly neighborhood" restaurant in a roughly 1,150 sq. ft. ground floor storefront within a 6-story, mixed-use building (circa 2006) on the corner of 7th Avenue South and Carmine St. in a landmarked district of Greenwich Village; and,
- ii. Whereas**, the storefront premise was previously occupied and operated as a full-service restaurant known as El Gallo de Oro, a certificate of occupancy being presented for commercial retail store use on the ground floor with a maximum occupancy of 60; and,
- iii. Whereas**, the storefront premise will have 15 tables and 35 seats and 1 stand up bar with 13 seats on the interior, for a total of 48 seats inside, there is also an existing sidewalk café located on 7th Avenue South façade only which includes 18 tables and 36 seats included in this application, there is full service kitchen, two bathrooms and existing French doors which run along the 7th Avenue South Façade; and,
- iv. Whereas**, the hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, all doors or windows will be closed by 10 PM every night music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the sidewalk café will close by 11PM Sunday through Thursday and by 12 AM Fridays and Saturdays (all tables and chairs will be removed and stored at this hour).

v. Whereas, the Applicant executed a stipulations agreement with CB2, Man., which will be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a full-service restaurant.
2. The hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will have no more than 2 televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
6. The premises will not permit dancing.
7. The sidewalk café will close no later than 11PM Sundays through Thursdays, and 12AM Fridays and Saturdays. All tables and chairs will be removed and stored at this hour.
8. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.
11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration for the existing on premise license for **C7 Ave. South, LLC d/b/a t/b/a, 1 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 On Premise License.

Vote: Unanimous, with 41 Board members in favor.

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September , 2018

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

Dear Sir/Madam:

At its Full Board meeting on September 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

6. B&G Hospitality LLC, d/b/a TBD, 343 West Broadway 10013 (New OP)

- i. Whereas,** Applicant and Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new On-Premises liquor license to operate "what will be a lively contemporary update on the classic bistro" restaurant "serving breakfast, lunch and dinner" in a roughly 2,320 sq. ft. two-story storefront premise (ground floor storefront 1,000 sq. ft. and 1,100 sq. ft. second floor) in a 2-story, commercial building (circa 1930) on West Broadway between Grand and Broome Streets in the Soho Cast Iron Historic District; and
- ii. Whereas,** the storefront premise has been unoccupied for just over one-year and was previously occupied and operated as a full-service restaurant known as Rolso, Inc. d/b/a Novecento, serving Argentinian fare, without any exterior service or seating, a certificate of occupancy being presented for eating and drinking on the ground floor and kitchen/storage on the second floor; and,
- iii. Whereas,** the storefront premise will have 34 tables and 87 seats and 2 stand up bars with 4 seats for a total of 91 seats inside, there is no sidewalk café permissible at this location but there are existing French Doors and Windows running along the front sidewalk; and,
- iv. Whereas,** there is no permit for a sidewalk café permitted at this location but the Applicant believes the property line for the premises extends out onto a portion of the public sidewalk in front of the premises to permit 120 sq. ft. of accessory outdoor seating for at least three tables and 12 seats, there having never been exterior outdoor seating previously at this particular storefront location and the Applicant admitted and acknowledged that he was not able to establish any evidence of such a property

right before CB2, Man., the Applicant seeking instead to reserve his right in the future to submit an alteration application for the purpose of having outdoor seating if it was able to provide conclusive evidence of such a property right while also agreeing to close any future outdoor seating by 10 PM during the week and 11 PM on the weekend nights should such property right be conclusively established in the future; and,

iv. Whereas, the hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, all doors or windows will be closed by 10 PM every night, music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

v. Whereas, the Applicant executed a stipulations agreement with CB2, Man., which will be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a full-service bistro restaurant.
2. The hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will have no televisions.
5. There will be no DCA sidewalk café.
6. If the operator is able to establish exclusive property rights extending out to the public sidewalk in the future, such exterior service will be close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays.
7. The premises will not permit dancing.
8. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.
11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new on premise license for **B&G Hospitality LLC, d/b/a TBD, 343 West Broadway 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 41 Board members in favor.

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Director
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Dear Sir/Madam:

At its Full Board meeting on September 20, 2018, 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:

7. **J.F. Jones, Inc., d/b/a Great Jones Café, 54 Great Jones St. 10012** (OP – layover at Committee)

Whereas, at CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant and his Attorney requested **to lay over** this application for an on premises license to October/2018 in order to meet with the local community 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, corporate change, alteration, transfer or other changes to the existing license for **J.F. Jones, Inc., d/b/a Great Jones Café, 54 Great Jones 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 41 Board members in favor.

Terri Cude, *Chair*
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Dear Sir/Madam:

At its Full Board meeting on September 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

8. Black Rose Hospitality, LLC, d/b/a N/A, 74 5th Ave. 10011 (RW – Withdrawn)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to withdraw** this application from further consideration, did not appear, present or discuss this application for a restaurant wine license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **Black Rose Hospitality, LLC, d/b/a N/A, 74 5th Ave. 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

Terri Cude, *Chair*
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Susan Kent, *Second Vice Chair*
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New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

9. BS Mulberry, LLC, d/b/a Beyond Sushi, 215 Mulberry St. 10012 (RW – Withdrawn)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to withdraw** this application from further consideration and did not appear, present or discuss this application for on premise license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **BS Mulberry, LLC, d/b/a Beyond Sushi, 215 Mulberry St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

Community Board No. 2, Manhattan

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

10. DL&Y, LLC, d/b/a Da Long Yi Hot Pot, 159 Canal St. Suite 200 10013 (RW – laid over to October/2018)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **DL&Y, LLC, d/b/a Da Long Yi Hot Pot, 159 Canal St. Suite 200 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 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

11. Showfields NY 1, LLC, d/b/a Pending, 11 Bond St. 10012 (OP – withdrawn and will resubmit in future)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to withdraw** this application from further consideration and did not appear, present or discuss this application for on premise license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **Showfields NY 1, LLC, d/b/a Pending, 11 Bond 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 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

12. Jomasa, LLC, d/b/a TBD, 110 Greene St. 10012 (OP – laid over to October/2018)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **Jomasa, LLC, d/b/a TBD, 110 Greene 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 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

13. Bowery Sushi, LLC, d/b/a Pending, 342 Bowery 10012 (OP – laid over to October/2018)

Whereas, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **Bowery Sushi, LLC, d/b/a Pending, 342 Bowery 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

14. An LLC to be formed by Eric Einstein, d/b/a Pieces, 8 Christopher St. 10014 (DJ, karaoke, drag performances)(OP – Bar/Tavern)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on-premises liquor license to continue operation of a long-established “neighborhood bar” (current license #1025501) in a 3-story 1910 mixed-use building on Christopher Street between Greenwich Avenue and Gay Street (block #593 lot #123) in Greenwich Village; the building falls within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the two-story premises are approximately 1,800 sq. ft., with 1,350 sq. ft. on the ground floor store level and an additional 450 sq. ft. in the basement, there is an existing certificate of occupancy and place of assembly permit for a maximum occupancy of 138 people; and

iii. Whereas, the premises has 5 tables with an aggregate of 20 seats and 1 bar with 30 seats for total patron seating of 50, all service and patron areas will be on the ground floor, the basement being restricted to staff; there is no sidewalk café; and,

iv. Whereas, the current owners of the ongoing establishment are the applicants and are pursuing a new license as part of a corporate restructuring; and have stipulated that no change in the character or method of operation of the existing bar is anticipated; and that hours will be 2:00 p.m. to 4:00 a.m. every night of the week (Sunday through Saturday); there will be a live DJ, entertainment level music, 4 televisions, karaoke, and drag performances; a door man will be provided to ensure operations do not disturb neighboring residences; and

v. **Whereas**, the Applicant executed a stipulation 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 license stating that:

12. Premise will be advertised and operated as a “neighborhood bar.”
13. The hours of operation will be: Sunday to Saturday 2PM to 4AM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
14. Will operate with less than a full-service kitchen, but will serve food during all hours of operation.
15. Will not operate as a Sports Bar or allow any portion of premises to be operated in that manner.
16. Will have no more than 4 televisions.
17. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
18. Will not have a sidewalk café now or in the future.
19. Will close all doors & windows at all times.
20. Will not install or have French doors, operable windows or open facades.
21. Will not make changes to the existing façade except to change signage or awning.
22. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
23. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
24. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
25. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
26. Will not have: Dancing, live music, promoted events, any event where cover fee is charged, velvet ropes or metal barricades.
27. There will be daily drag performances and karaoke

vi. **Whereas**, the current licensee contacted local residents and advised them of the changes; and,

vii. **Whereas**, there are currently approximately 21 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new tavern on-premise liquor license for **An LLC to be formed by Eric Einstein, d/b/a Pieces, 8 Christopher 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 Tavern On-Premise Liquor License.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (D. Diether).

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

15. Arthur's Tavern, Inc., d/b/a N/A, 57 Grove St. 10014 (live music)(transfer)(OP – Bar/Tavern)

i. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present a transfer application for an existing OP Tavern liquor license to continue operation of a long-established "Jazz Club & Tavern" (license #1025727) in a 3-story 1930 mixed-use building on Grove Street between Seventh Avenue South and Bleecker Street (block #591 lot #61) in Greenwich Village; the building falls within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, the two-story premises are approximately 800 sq. ft., with 450 sq. ft. on the ground floor store level and an additional 350 sq. ft. in the basement, has a maximum occupancy of 74; and applicant provided a Certificate of Occupancy consistent with the usage; and,

iii. Whereas, the premises has 12 tables with an aggregate of 32 seats and 1 bar with 12 seats, and a stage counter with 6 seats for total patron seating of 50, all service and patron areas will be on the ground floor, the basement being restricted to staff; there is no sidewalk café; and,

iv. Whereas, the applicants stipulated that no change in the character or method of operation of the existing Jazz Club and Tavern will occur; hours will be 6:00 p.m. to 2:00 a.m. Sunday through Wednesday and 6:00 p.m. to 4:00 a.m. Thursday, Friday, and Saturday; there will be a live entertainment level music; and

v. **Whereas**, the Applicant executed a stipulation 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 license stating that:

1. Premise will be advertised and operated as a Tavern Jazz Club.
2. The hours of operation will be: Sunday to Wednesday 6PM to 2AM and Thursday to Saturday 6PM to 4AM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate with less than a full-service kitchen, but will serve food during all hours of operation.
4. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
7. Sidewalk Café not included in this application.
8. Will close all doors & windows at all times.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not have: Dancing, DJs, promoted events, any event where cover fee is charged, velvet ropes or metal barricades
16. Will have security personnel/ door staff on Weekends only.
17. There are nightly live Jazz shows; music at all other times will be at quiet background levels.

vi. **Whereas**, there are currently approximately 43 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new tavern on-premise liquor license for **Arthur’s Tavern, Inc., d/b/a N/A, 57 Grove 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 Tavern On-Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

16. HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013 (OP – Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new restaurant on premise liquor license for an Italian restaurant specializing in pasta dishes located on the ground floor of a hotel; the proposed restaurant, while not licensed to serve alcohol outside of the demised premises located on the ground floor, is obligated under their lease to operate their food services in coordination with hotel services and to provide food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”; the current restaurant at this location has been operated by the Hotel Hugo under their existing liquor license for Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079; the applicant is leasing the space from Fortuna Realty SoHo Hotel, LLC; and,

ii. Whereas, the applicant appeared for a second time before CB2’s SLA Licensing committee after having been asked to return last month with the current licensee for this location, Fortuna Realty Hotel SoHo LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079 in order to present a concurrent alteration application to remove the existing ground floor restaurant from the current Hotel License; and,

iii. Whereas, the current licensee of this location, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC, operates an unlicensed rooftop bar with live music, promoted events and DJs on the 19th floor within a rooftop floor which is not within the demised premises on file with the Liquor Authority that operates as “Hotel Hugo’s Azul on the Rooftop”(<http://www.azulrooftop.com>); the current method of operation and stipulations at the NYS SLA (license SN#1276079) state the licensee “will only use ground floor and 18th floor for service of alcohol” and “will not operate a rooftop

garden” and “will not have DJs, live music, promoted events, any event at which a cover fee is charged, scheduled performances”, it being further noted at the Licensee’s 500 ft. hearing on February 6th, 2014 that one of its principals had previously operated a rooftop space improperly without all permits in place, and that they would “not have any outdoor space” at this location and “agreed to abide by a number of conditions proposed by the Community Board to address the municipality's concerns regarding the issuance of this license. Those conditions would become part of the approved method of operation if this license is issued, and the applicant would be subject to disciplinary action or possible non-renewal of the license if it failed to comply with the approved method of operation.”; and

iv. Whereas, Hotel Hugo’s Azul on the Rooftop located on the 19th floor including the large outdoor area operates and advertises an additional bar not on file with the liquor authority and contrary to their existing stipulations and representations, regularly hosts live music and hosts outdoor movies played on the rooftop at entertainment levels among various ongoing violations, those representations made at the 500 ft. hearing being false and upon which the issuance of the license being in the public interest and convenience and advantage was based; and,

v. Whereas, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC did submit to CB2, Man. a 30-day notice for an alteration application to remove the space under consideration for this new application and they were properly placed on CB2’s September Agenda, but subsequently notified CB2, Man. that they would not be appearing to explain their on-gong failure to abide by their stipulated method of operation; and,

vi. Whereas, the applicant which is the subject of this appearance, HH F&B, LLC, d/b/a Mulino a Vino SoHo, requested the opportunity to present their application before CB2, Man. without the Hotel appearing to confront and explain their on-going failure to abide by their stipulated method of operation; and,

vii. Whereas, as part of the proposed lease submitted by the applicant, HH F&B, LLC, d/b/a Mulino a Vino SoHo is obligated to operate their food services in coordination with hotel services within Hotel Hugo and to provide food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”; those other obligations to operate their food services in coordination with hotel services and to provide food services as indicated are all occurring within another licensed premises, Hotel Hugo, at the same location which appears to be in flagrant violation of many existing regulations and appears to be clearly in violation of their existing stipulations, ABC law and other regulations; as such this enjoined relationship would serve to benefit not only the applicant, but also the current hotel operator and licensee who is relinquishing the space within which this licensee seeks to operate and will remain as the new operator’s landlord; and,

viii. Whereas, CB2, Man. is opposed to the issuance of any license to any party for the ground floor restaurant area which is the subject of this application until the Liquor Authority has conducted appropriate enforcement, reviewed all aspects of the current hotel operation covered under SN#1276079 and investigated the usage of the 19th floor among other complaints and until such time that all improper operation ceases within Hotel Hugo, all disciplinary matters are concluded and until such time that operations on the 19th floor cease; and,

ix. Whereas, the Applicant, HH F&B, LLC, d/b/a Mulino a Vino SoHo, is willing to execute a stipulation agreement with CB2, Man. that they would agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the license stating that:

1. This application is for a new restaurant on premise liquor license for an Italian restaurant specializing in pasta dishes located on the ground floor of a hotel. The restaurant, while not licensed to serve alcohol outside of the demised premises located on the ground floor, is obligated under their lease to operate their food services in coordination with hotel services and to provide food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”.
2. The hours of operation of the restaurant are 8AM to 12AM 7 days a week. This includes the hours of operation for both the interior of the premises and the outdoor area within the property line. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate as a full service restaurant with the kitchen open and full menu items available during all hours of operation.
4. The premises, or any portion of the premises will not operate as a tavern, lounge or sports bar.
5. The premises will not have televisions.
6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime. There will be absolutely no music in any exterior spaces.
7. All doors and windows will be closed at 9pm except for patron ingress and egress and any time there is music played within the premises.
8. Will not make changes to the existing façade except to change signage or awnings.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”.
11. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
12. The premises will not have dancing, DJ’s, karaoke, live music, promoted events, cover charges, scheduled performances, velvet ropes, metal barricades or security guards.
13. There will only be changes to the décor. There will be no physical changes.
14. This application includes interior and exterior seating as follows:
 - Interior 1st Floor: Lounge Seating: 9 seats
 - Interior 1st Floor: 1 Stand-up Bar with 8 bar seats
 - Interior 1st Floor: Main Dining Room: 20 tables and 52 seats
 - Interior 1st Floor: Private dining room: 1 table and 12 seats
 - Outdoor 1st Floor: 9 tables and 22 seats
15. There will be a designated manager or employee to actively manage the exterior of the premises to ensure that patrons or smokers do not congregate outside the premises and to ensure that any groups leaving leave quietly.

x. Whereas, in light of issues outlined above with respect to the current operators of this location Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079 and the adjoining spaces within the Hotel Hugo, CB2 Man. cannot recommend approval of this application at this time until the conditions outlined above are met, despite the applicants willingness to enter into the above outlined stipulations; and,

xi. Whereas, there are currently approximately 11 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft of the premises; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of **HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013** on its application seeking an on-premise liquor license; and

THEREFORE BE IT FURTHER RESOLVED that if this application is pursued by the Applicant, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for determination and that if the concerns outlined above do not rise to the level of causing this application to be denied that those stipulations indicated above be added to the license and method of operation as a condition of issuance of the license.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

17. Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014 (Class Change to OP – existing TW SN#1261312)

i. Whereas, the Licensee appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a class change application from a tavern wine license (SN#1261312) to an on premise liquor license for a neighborhood café that meets the requirements for a restaurant operating under Section 64 and which in addition to meals offers a unique selection of craft beer, wine and custom roasted coffee; the applicant will also change the existing method of operation by reducing the hours of operation to Sunday to Thursday from 6AM to 11:30PM and Friday to Saturday from 6AM to 1AM and increasing the hours of operation for the sidewalk café until 10PM 7 days a week; and,

ii. Whereas, the current existing business has presented a number of application to CB2 and to the Liquor Authority and have agreed to various stipulations and changes over the years, CB2 having issued resolutions on this entity Upright Holdings 547, LLC (f/k/a Naum Medevoy, on Behalf of Entity to be formed) in December/2011, September/2012, December/2013, September/2014, December/2017 with stipulations agreed to where indicated; the most recent presentation to CB2 was in December/2017 at which time CB2's SLA Licensing Committee voted to deny this application, but the applicant requested to withdraw prior to CB2's December/2017 Full Board meeting; and,

iii. Whereas, in every previous presentation before CB2, Man. there having been significant community interest and detailed commentary and many additional meetings with local residents and the operator; this location not having been a licensed premises prior to the opening of this establishment in November 2013 and previous been vacant for 3 years and operated as a hair salon and spa prior; over time there has been significant opposition to aspects of the operation and at the initial

presentation of the application; most stipulations agreement have been reluctantly supported by members of the community with the understanding that the license has been a tavern wine license and therefore not subject to the 500 ft. rule; and,

iv. Whereas, the applicant performed outreach to the same residents, neighbors and community members that they have been in conversations with dating back to at least December 2011, many of who originally appeared in opposition to the issuance of the current tavern wine license but with whom the Licensee was eventually able to come to agreements codified in the previously described stipulations with respect to the existing tavern wine license; a tavern wine license not being subject to the 500 ft. rule; and,

v. Whereas, in conjunction with this class change application to a restaurant on-premise liquor license, the Licensee after meeting with some local residents agreed to reduce their hours of operation from 12AM to 11:30 PM Sunday to Thursday and from 2AM Friday and Saturday to 1AM and to increase the hours of operation of the sidewalk café until 10PM Monday to Friday from 9:30 PM; those changes only being proffered if the residents and CB2, Man. support the application; and,

vi. Whereas, after lengthy discussion within CB2's SLA Licensing Committee after hearing extensive testimony in opposition, the Licensee was offered new stipulations agreement with CB2, Man. including a stipulation that the Licensee would not apply for later hours of operation in the future on the new Restaurant On-Premise Liquor License; the offered stipulations were as follows:

1. This application is for a class change application from a tavern wine license to an on premise liquor license for a neighborhood café that meets the requirements for a restaurant operating under Section 64. In addition to meals, the restaurant will also offer a unique selection of craft beer, wine and custom roasted coffee.
2. The interior hours of operation are Sunday to Thursday from 6AM to 11:30PM and Friday to Saturday from 6AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times. On the evening prior to any National Holiday, the premises may operate until 1AM.
3. The hours of operation will be posted in the front window.
4. The existing sidewalk café (SWC) with 6 tables and 12 Seats will open no earlier than 10AM and close no later than 10PM 7 days a week. No patrons will remain in SWC at SWC closing time and all tables and chairs will be removed from the sidewalk café at closing. All sidewalk café barriers will be placed against the building or brought inside pursuant to Department of Consumer Affairs regulations. If necessary, will utilize the existing retractable awning to mitigate sound in the sidewalk café.
5. As a part of this application for a class change, the Licensee presented to CB2 to reduce their overall hours of operation as reflected above in order to be in line with other existing neighborhood restaurants and in order to gain support of some local residents and Community Board 2, Manhattan (CB2). It was discussed extensively and it is understood by all involved parties that CB2 would not have recommended in favor of this class change application and that public interest, convenience and advantage would not be met or served if the premises operated beyond the presented stipulated hours. While not currently observed as enforceable, the Licensee agrees that as part of applying for a class change application, that they will not in the future seek to extend the overall hours of operation of the premises.
6. The premises will operate as a restaurant with the kitchen open and full menu items available during all hours of operation.
7. The premises, or any portion of the premises will not operate as a tavern (section 64a) , lounge or sports bar.

8. Licensee may have no more than three televisions. There will be no more than one television in the basement and no more than two televisions on the ground floor (one in the bar area and one in the dining area). No televisions will be visible from outside the premises. Any time events are shown on television (TV's are in use) front door will be closed except for patron ingress and egress. The Licensee will not advertise sports events playing on tv's. The Licensee will only show "special sporting events" i.e. World Cup or major championship events (no regular season games or regular sporting events). The ground floor TV's will primarily be used as menu boards and remain on mute.
9. No commercial use of backyard including no customer or staff access, except as necessary for repair of air conditioning, ventilation and other mechanical equipment and exterior building maintenance.
10. The premises will play recorded background music only. No music will be audible in any adjacent residences at anytime.
11. All doors and windows will remain closed at all times. There are no operable windows in the front or rear of the premises.
12. There is existing soundproofing throughout the premises.
13. It is agreed that the Licensee has resolved complaints regarding air conditioning and kitchen ventilation equipment and eliminated audible noise outside the establishment to acceptable levels at this time after many years of complaints from local residents in the interior rear courtyard donut. The resolution of the ongoing sound issue from the ventilation and mechanical units was considered as an element of creating public interest. As a part of the resolution of this matter, a professional engineer installed a larger vent operating at a lower velocity.
14. The licensee will operate the new ventilation equipment fan at no higher than 70% of its existing speed as it is currently operated in 9/2018 in order to maintain the new lower noise levels that have resolved ongoing community complaints.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
16. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches".
17. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. The premises will not have dancing, DJ's, karaoke, live music, promoted events, cover charges, scheduled performances, velvet ropes, metal barricades or security guards.
19. There are no longer pinball machines within the premises.
20. This application includes:
 - Interior 1st Floor: 8 tables and 36 table seats, 1 Standup Bar with 18 bar seats
 - Interior Basement: 3 tables with 18 table seats.
 - Total interior seats: 68
 - Sidewalk Café: 6 tables and 12 seats
21. There will be a designated manager or employee to actively manage the exterior of the premises to ensure that patrons or smokers do not congregate outside the premises and to ensure that any groups leaving leave quietly.

vii. Whereas, the applicant was unwilling to execute those stipulations as presented; at the time of the committee meeting, the committee voted to recommend to deny the application but indicated that they would be willing to support the application, despite many reservations, if the hours of operation never went beyond what is indicated and if the applicant executed the stipulations above; in December/2017 the committee has unanimously recommended opposing a similar application presented by this applicant; the applicant was unwilling to make that representation at this time with respect to hours of operation which was considered a crucial element to both CB2's potential support and local residents support; and,

viii. Whereas, a number of local residents appeared before the committee and submitted correspondence, the majority of those who spoke indicated opposition to the class change application despite improvements in the last 6 months to fixing the ventilation system and reducing mechanical sounds which the applicant had stated they would do many years ago; those speaking stated that prior to the opening of this establishment noise only occurred at this location during normal retail hours of operation, there was no intrusion of sound into the residential donut in the rear yard, that there is nothing unique about this establishment, variations similar to this menu or the exact same being offered throughout the neighborhood, that the closest residential tenants not located within the building are in adamant opposition, the immediate adjacent building with ground floor residential tenant indicating that patrons lean up against their windows and congregate and smoke in front of the premises, prior to the opening of this establishment there were no patrons coming and going at this location after 9PM, many of those who testified stated that the issuance of a full liquor license would further exacerbate these issues, several tenants who spoke stated that simply applying for and being approved for a tavern wine license is not a pathway to being approved for an on-premise liquor license and if that were the case, this would have been addressed by the State Legislature if this were the intent of the Padavan Law (500 ft. law), that this location being within 500 ft. of well more than 3 licensed premises must demonstrate that the issuance of the license would be in the public interest and those speaking felt the applicant had failed to do so, there were complaints that the licensee does not remove sidewalk café barriers as they are required to do so or to move those barriers up against the building; it was repeated a number of times that this operation is for a bar as indicated by the establishments name and the manner and style of operation, the name originally referred to the premises operation as an establishment focusing on coffee as the concept was first opened and operated in Greenpoint, Brooklyn; it was pointed out that from the inception of this business here that there was adamant community opposition to the issuance of any on-premise liquor license at this location; and,

ix. Whereas, petitions in support and letters in support were presented including letters from the three building tenants, (it was noted that one of the principals owns the building) and there was testimony in support indicating that after many years, the ventilation system and mechanical noise issues had finally been addressed with a larger vent stack installed with a motor set to operate at 70% speed which significant reduces noise issues, the applicant agreeing to maintain those settings at all times, those testifying in support state they were only doing so provided the applicant agree to never extend their hours of operation; and,

x. Whereas, CB2, Man. does not believe that the application that has been presented rises to meet the public interest, convenience and advantage standard of the 500 ft. rule; and,

xi. Whereas, there are currently approximately 14 to 17 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a class change application from a tavern wine license (SN#1261312) to a restaurant on-premise liquor license as indicated for **Upright Holdings 547, LLC d/b/a Upright Brew House, 547 Hudson St. 10014**; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is pursued by the Applicant, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing; and,

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

Vote: Passed, with 40 Board members in favor, and 1 in opposition (R. Sanz).

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

Community Board No. 2, Manhattan

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

18. Perry & Hudson, LLC, d/b/a Dante, 551 Hudson St. 10014 (OP - Restaurant)

i. Whereas, the Applicant and Attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for an all day café/bar/restaurant offering fresh seasonal food, quality espresso and innovative beverages and Italian cocktails with kitchen open and full menu items available until closing every night; and,

ii. Whereas, the premises is located in a mixed-use building (c1901) in a designated historic district on Hudson Street between Perry Street and West 11th Street for a roughly 2,345 sq. ft. premise (ground floor 1,415 sq. ft. & basement 930 sq. ft. – no patron use of basement); there are 18 tables and 50 table seats and 1 standup bar with 15 seats, for a total of 65 interior seats; a portion of the premises had been previously licensed as a restaurant and this application now incorporates an additional part of the ground floor not previously licensed that was previously operated as a Bodega, Perry Street News & Grocery; the kitchen will also operate as a commissary kitchen preparing food to be taken offsite; the applicant states that they will obtain a new letter of no objection stating that the newly added adjoining store front and existing storefront is an allowable use at this location; there will be a future sidewalk café which only be located on Hudson Street but is not included in this application; and,

iii. Whereas, the proposed hours of operation are 10AM to 2AM 7 days a week, all patrons will be cleared and no patrons will remain after stated closing times; music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM, there will be no DJs, no promoted events, no live music, occasional private parties, no scheduled performances or cover fees, there will be no TV's; and,

iv. Whereas, the proposed principals have experience in operating and managing other establishments including Dante located at 79-81 MacDougal St., which is located within one of the most heavily licensed areas within CB2, Man. with many late night licenses in the immediate area of MacDougal St., Bleecker St. and West 3rd St. and operates with hours until 1AM Sunday to Thursday and 2AM Friday and Saturday, but that area is substantially different in character than this area of Hudson St.; and,

v. Whereas, the applicant contacted the local block association in the area, met with representatives, remained in email contact and were aware of the outstanding concerns with respect to the hours of operation from local residents, but were unwilling to reduce their hours of operation from 2AM 7 Days a week; the local neighborhood association, the West Village Residents Association, appeared in opposition as indicated below along with local residents given the hours of operation which they requested be no later than 11PM Sunday to Thursday and 12AM Friday to Saturday, which are consistent with actual operating hours of local restaurants; the local residents association and applicant were able to find agreement on most other issues and those issues are covered in the list of proposed stipulations below; and,

vi. Whereas, 7 local residents appeared in opposition to the application as presented, specifically the late hours of operation; they stated that neighborhood restaurants in the area do not operate until 2AM, they stated that operating as an all day café until those hours not reason enough to support those later hours of operation that result in significant impacts on quality of life, they expressed that no matter the experience of the operators or their backgrounds, late night hours of operation bring associated impacts from noise, rowdy patrons, patrons loitering outside smoking and impacts on traffic as they result from taxis and for hire vehicles circling and stopping in front the premises to solicit patrons among other impacts; those conditions do not currently exist at this location, local residents suggested hours of operation until 11PM Sunday to Thursday and 12AM on the weekends; during meetings with local residents the applicant indicated that they would close the kitchen at 12AM and operate as a bar until 2AM, residents indicated that there was concern with respect to mission creep at later hours of operation and that there was no need to add a late-night bar component to another establishment in this area in which local residents are already well served, there was significant push back from local residents with respect to the “norm” presented by the applicants of area operations, local residents stated that in this area, the Administrative Law Judges in other 500 ft. cases had stated on several occasions that hours for fine dining establishments were consistent with the hours being requested by local residents; this area is not the MacDougal St. corridor; and,

vii. Whereas, several letters in support were received and 1 resident spoke in support of the application indicating that he worked late hours and believed that the extension of the “Dante brand” from MacDougal St. would be a welcome addition at this location; and,

viii. Whereas, the applicant was willing to agree to certain stipulations, including all the stipulations indicated below, but would not agree to reduced hours of operation until 12AM Sunday to Thursday and 1AM Friday to Saturday; CB2, Man. believes that those hours of operation of 12AM Sunday to Thursday and 1AM Friday to Saturday are reasonable and minimize the impact on quality of life of local residents who requested closing hours of 11PM and 12AM and also allow the applicants room within which to operate their business without creating an undue impact on the quality of life of local residents which residents indicate would occur with hours of operation until 2AM 7 days a week; and

ix. Whereas, CB2, Man. shares similar concerns to the local residents in opposition and shares their concerns for impacts on quality of life with operating hours until 2AM; and,

x. Whereas, CB2, Man. would remove their recommendation to deny the issuance of this on-premise liquor license if the applicant entered into a stipulations agreement and 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. This application is for a restaurant on-premise liquor license for an all day café/bar/restaurant offering fresh seasonal food, quality espresso and innovative beverages and Italian cocktails with kitchen open and full menu items available until closing every night.
2. The hours of operation will be 10AM to 12AM Sunday to Thursday and 10AM to 1AM Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will have not have televisions or projectors.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
7. Will not install or have French doors, operable windows or open facades.
8. Will close front door at 10PM except for patron ingress and egress and anytime amplified music is played.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
14. Any future sidewalk café will be located on Hudson St. only and will close at 10PM 7 days a week.
15. Patron entrance/exit will only occur through corner double door with vestibule to minimize sound leakage. All other doors are for emergency exit only and will not be used by patrons or employees except for emergency egress.
16. There will be no more than 18 interior tables and 50 interior seats and 1 stand up bar with 15 bar seats for a total of 65 seats.
17. A copy of the executed stipulations will be physically attached to the liquor license on the premises in such a fashion as to be available for review along with the Liquor License.

xi. Whereas, should the applicant not agree to the stipulations outline above including hours of operation, CB2, Man. requests that those stipulations above including the hours of operation be added as conditions to the license and method of operation; and,

xii. Whereas, there are currently approximately 19 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses and a total of 30 On premise liquor licenses within 750 feet; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of **Perry & Hudson, LLC, d/b/a Dante, 551 Hudson St. 10014** on its application seeking an on-premise liquor license; and

THEREFORE BE IT FURTHER RESOLVED that if this application is pursued by the Applicant, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing; 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 for determination and that those stipulations indicated above be added to the license and method of operation as a condition of issuance of the license.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (R. Sanz).

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

Community Board No. 2, Manhattan

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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

19. RH NY MP F&B LLC, d/b/a Restoration Hardware NY The Gallery in the Historic, 9-19 Ninth Ave. 10003 (alteration to add food service and table service to the rooftop and move the interior café from the 4th floor to the 3rd floor)(RW – Retail Store and Restaurant)

i. Whereas, immediately following the August 29th SLA Full Board Meeting appearance by the Applicant to request reconsideration of the conditional approval of this license which was originally heard before the Members of the Authority on July 12, 2017, this item was placed on the next agenda for CB2, Manhattan's SLA Licensing Committee #2 Meeting that was held on September 6th, 2018 so that CB2, Man. could with minimal public notice and minimal time to review this matter provide a recommendation to the Liquor Authority on this matter; the applicant provided no notice of their appearance before the Authority on August 29th and provided no notice of physical alterations or notice of any request to change the method of operation of the rooftop to CB2, Man.; CB2 was not aware of the subject matter of the appearance on August 29th until just a few days prior to the appearance; and,

ii. Whereas, the applicant has not submitted to CB2, Man. any 30-day notice advising of any physical alterations nor notified CB2 of any requests to change any stipulations or conditions as described in the original licensing memorandum; the applicant never requested to be placed on CB2's agenda to discuss additional changes to the conditionally approved license despite ample time to do so since May 30th, 2018 when they first submitted the memorandum that was under consideration on August 29th before the Members of the Authority; it is not unusual and typically the norm after the passage of time or changes during the review of a pending application that representatives/attorneys for the applicant notify and provide copies of changes submitted to the Authority to CB2, Man. as both the current representative of the applicant and the previous representative of the applicant have done with other matters before CB2; the current Attorney stating that they had explicitly notified CB2 of this appearance or a specific member of CB2, Man., when no specific notification occurred not

withstanding that official notice regarding licensing matters occurs via a 30-day notice form or correspondence directed specifically to the proper normal CB2 contacts in CB2 Manhattan's Office; the Applicant never provided a copy of the memorandum submitted to the Liquor Authority on May 30th, 2018 to CB2, Man. prior to or at the September 6th CB2 Committee meeting to help explain what changes they were requesting to the conditionally approved license before the Members of the Authority, CB2, Man. having requested a copy of the memorandum from the Liquor Authority was able to understand the actual requests pending before the Members of the Authority; the applicant submitted materials to CB2 on September 5th, 2018 at 5PM for review prior to the meeting the following day; due to the long Holiday weekend for Labor Day between the SLA Hearing and CB2's meeting there was no opportunity for local residents to properly meet with the applicant outside of CB2's meeting or to have an opportunity to have discussions regarding the requested changes, the original conditional approval having been discussed at great length and hashed out over several CB2 meetings and meetings directly with local residents and before the Members of the Authority; and,

iii. Whereas, in the interim on September 5, 2018 an opening gala reception was held at the premises and on September 6th, 2018 a restaurant wine license became effective at the premises; on Sunday September 2nd, 2018 local Sunday NY Times Newspapers were delivered to local residents wrapped in a large advertisement for the premises including a "rooftop park and restaurant" and "barista bar and wine terrace" which were prominently featured and did not appear as ancillary services provided at the premises; and,

iv. Whereas, the materials submitted to CB2, Man. on September 5, 2018 at 5PM indicated that "changes include: moving the pantry from the 4th to the 3rd floor, adding seating to the outside space on the 5th floor and decreasing seating inside the restaurant on the 5th floor"; no materials were presented explaining why these changes were being presented; and,

v. Whereas, the applicant indicated to the Members of the Authority, but not CB2, Man., that with respect to moving the Pantry from the 4th floor to the 3rd Floor that *"This Pantry was not a point of contention at any level of review, and we are hoping that the Authority will allow us this slight amendment without requiring us to re-notify the Community Board and bring a proper alteration application here (which we couldn't do at this moment anyway, as we are still technically a "pending" license). The reason for this change is that with the necessary modifications to the facade of the building, the Pantry, if it were to stay where it currently is (4th floor), would obstruct the window line view. This was actually a request of some of our neighbors as well, as it really does greatly impact the aesthetic of the building."* and

vi. Whereas, the location of the Pantry on the 4th floor was not an area of contention because the pantry was located on the 4th floor; subsequent to the conditional approval of this license, it has become apparent that the applicant did not disclose the outdoor area surrounding the 3rd floor as a terrace/balcony created as a result of a setback in order to build the 3rd through 5th floors on top of the existing building; the applicant did not and still does not indicate that they have an outdoor area surrounding the 3rd floor in any questions on materials with respect to outdoor areas and many operable doors leading to the terrace; given the extensive discussions that occurred since day one with members of the community with respect to outdoor use or operable windows which were previously agreed to be closed at all times, it is difficult to understand how this oversight continues to occur; as presented now, the pantry has doors on either side of the pantry area which lead directly out on the 3rd floor balcony terrace; the applicant chose not to address any of the concerns raised by residents at CB2's meeting; now that a license has been issued for the premises, it would seem that the correct course of action

would be to submit a new 30-day notice and present these changes to CB2, Man. and follow the intent of existing regulations with respect to proper Community Board notification and handle this change as all other physical changes for all applicants are handled and discontinue use of the 3rd Floor Balcony until that time; and,

vii. Whereas, with respect to adding seating to the 5th Floor rooftop, the original presentation to CB2, Man. and DOB filings indicated that the rooftop was an accessory use and it was stated that the area would be utilized as an extension of the interior decorating showroom and furniture gallery to display and highlight Restoration Hardware's multitude of outdoor furniture offerings, as such the "seating" and table counts were not significant as the outdoor space was no different than any other area on the first to fourth floor with interior seating, there was extensive discussion with respect to outdoor music, which the community was opposed to but acquiesced to until 8PM at background levels, and to consumption of beer and wine in the outdoor area provided beer and wine was ordered either in the restaurant or in the pantry area, the Attorney for the Applicant was very clear in indicating what their intention was at the July 12th meeting stating: "Let me be clear about service outdoors, we made very clear to the Community Board from day one that as a matter of course from day to day we are not having wait staff serve on the 5th floor. It is not a restaurant, there won't be food, no tables will be set, there's no bar there, there's no wait staff assigned to that area, but when the stipulation came back and that all seemed fine, when the proposed stipulation came back it said you will never have wait staff outside."; the Attorney went on to state outlier examples which were exceptions to the day to day operation with no wait staff or table service; the current request is far beyond any anticipated service and the advertisement of the rooftop as a "wine terrace" far exceeds any anticipated or discussed use of the rooftop and is well beyond the norms that appear to have been approved by the members of the Authority and consistent with the complaints of members of the community stated at the beginning of the July 12th hearing that agreements with the applicant are constantly changing in interpretation after having been agreed to; it would appear that the correct course of action to consider any additional changes to the rooftop would be to submit a new 30-day notice and present these changes with respect to the roof layout to CB2, Man. and follow the intent of existing regulations with respect to proper Community Board notification and handle this change as all other physical changes for all applicants are handled; and,

viii. Whereas, the applicant did not submit in materials to CB2, Man. the changes requested in their memorandum to the Members of the Authority which stated that: *"In order to better regulate/control the number of people on the exterior rooftop, Applicant would like to have some form of formal F&B programming on the exterior rooftop. There will be no outside bar nor a point of sale at all, but we would like to have table service with a terrace menu. The end result of the Full Board Meeting with respect to this issue is where we need some clarification. On the one hand, it seemed as though the Members did NOT want us to serve any food on the rooftop at all (but alcohol service was permitted), while on the other, it seemed that they were just concerned about the outdoor space becoming a full-on extension of the restaurant itself. The need to serve some level of food outside has become important, from an operational standpoint."*; *"At the time of the Full Board Meeting, July 12, 2017, we had not yet opened our West Palm Beach location of RH Gallery. It officially opened in November of 2017. Upon opening, with an almost identical method of operation re: outdoor area, we quickly realized that this model led to an increased amount of general loitering. Certainly not what we had intended for the space. The way that we were able to overcome this situation and rectify things was by formally programming the area. By installing a food menu and table service, we were able to monitor crowds better, control the amount of time people were spending in the space and ultimately regulate the mood, volume and energy of the space as a whole. Any and all of our noise and environmental issues were resolved almost instantly."*; *"We know how sensitive residents-especially the ones of this community-can be to noise and related factors thereto. We feel that allowing even simple food service, would greatly improve our ability to control our outdoor space and be less[negatively] impactful on the*

neighborhood. Additionally, from an operations perspective, it's certainly more responsible to allow patrons to Have some form of sustenance while consuming alcoholic beverages. And it allows us to utilize the space, as it was intended - as "selling" or "show" space for our furniture. The element of programming to this space allows the tables on the outdoor portion to be reserved and seated for design appointments and table service only, and at the discretion of the gallery, which eliminates virtually all lingering/loitering.”; “Any guidance here would be appreciated. If the intention of the Authority was simply to prevent this from being a full-on extension of the restaurant, we accept that, agree with that and are happy to move forward with that understanding. If the intention of the Authority was to truly not allow any food service at all in the outdoor area (but to allow the drinking of alcoholic beverages only), we would ask the Authority to potentially reconsider this point or to consider working with us to allow for some element of this, as a means to better control the environment.”

ix. Whereas, CB2, Man. outlined to both the applicant when they initially appeared before CB2 several times and to the Members of the Authority its concerns with respect to the rooftop becoming a destination location; in fact it appears that there was confusion that CB2 was concerned that this would become a nightclub, which was never a concern of CB2, Man., but that it would become a destination location with the issues that the applicant now outlines has occurred at other locations and indicates that it has no viable plan to control except to create an outdoor restaurant which was the community’s major concern and CB2’s concern from the get go and the proposed solution to expand the operation into an eating and drinking establishment is precisely what the applicant indicated would not happen in response to CB2’s concerns; and,

x. Whereas, the applicant stated after the August 29th, 2018 hearing that it was “never our intention to remove the community from the process and feel strongly that the essence of our request goes hand in hand with what the CB wants and expects from a long-term neighbor”, which is not the case from CB2’s perspective or from members of the Community’s perspective who appeared at the September 6th, 2018 CB2 meeting; after listening to members of the community testify at CB2’s September 6th 2018 meeting, representatives of the Applicant chose not to respond to the concerns of the community or address their issues; and,

xi. Whereas, at the September 6th, 2018 CB2 hearing, 6 local residents appeared on short notice and spoke in opposition to the proposed changes, many felt that the Applicant’s credibility had been burned since they did not reach out to the members of the community with whom they had met with at the inception of the process well over a year ago and with whom they had agreed to many stipulations to gain their support and whom had indicated a willingness to remain in contact; according to members of the community, the applicant has throughout the process used their position as a nationally recognized brand to position this application as a process through which local residents should trust them as a nationally recognized brand, when throughout the process the applicant has proposed one concept and set of agreements and then changed those agreements shortly thereafter; whereas with respect to the rooftop, the applicant stated that they had extensive experience in operating their stores, in particular outdoor areas citing other operations as examples, discounting the concerns at the original presentation of members of the community, which the applicant is now saying are valid and that they cannot control the rooftop areas as presented due to uncontrollable crowds and the only manner in which to rectify this is to offer a food and beverage program throughout the rooftop area, which is now set up as an outdoor eating and drinking establishment with identical furniture being repeated over and over throughout the area which was anticipated to be set up as unique settings highlight the vast amount of variations of outdoor furniture available; it was pointed out that no one wanted any beer or wine on the outdoor roof and it was accepted by members of the community as an ancillary use if people were walking around, which was agreed to by the applicant and then somehow became an out door “wine

terrace”; that since the initial presentation to members of the community this application has been constantly morphing which is now a serious concern with members of the community, especially since the same applicants have a pending application for a full liquor license in a building located a block away with a hotel, rooftop pool, basement bar and ground floor restaurant; and,

xii. Whereas, the applicant has constantly used examples such as operations in Chicago, Il; in Greenwich, Ct and now West Palm Beach, Fl to guide their operations; none of those locations are located within New York City, within Manhattan or specifically within this very unique neighborhood in the Meatpacking District; and,

xiii. Whereas, it is clear that the generally accepted norm of providing proper notice to the local Community board with respect to changes or alterations in a licensed premises through a 30-day notice was not followed in this case; just because a license was conditionally approved does not absolve a licensee or applicant from following the normal procedures of notice to changes in any license as is the intent of existing rules and regulations just because the license has not yet been issued; and,

xiv. Whereas, CB2, Man. and members of the public had at most 1 week to comment on the rushed process which could have easily been handled in the normal course of business as all other applications are handled; the only reason this matter was requested to be delayed for review in order for CB2 to provide input was because of the public notice requirement whereby the liquor authority places a synopsis of the items to be considered on their website less than one week prior to their Full Board Meetings; and,

xv. Whereas, there has been significant accommodation to this applicant and application from the inception when they first met with members of the community, through multiple meetings before CB2 and before the Liquor Authority; despite CB2’s original position, there should be no confusion that both members of the community and CB2, Man. have ongoing opposition to additional rooftop operations in this immediate area because rooftops, no matter their size, style of operation, create significant intrusion upon local residents quality of life, there being a significant residential presence in the area at the roof top level, those residents already being greatly affected by an existing, unrelenting intrusion of other rooftop eating and drinking establishments from the Meatpacking area, the total cacophony of those impacts on a night to night basis from the many rooftop operations on those residents living thereat, the newest rendition of this application now presenting with a previously undisclosed 3rd floor terrace, together with the proposed changes to eating and drinking on the rooftop, thus creating an untenable and unreasonable situation where the addition of even one more rooftop such as this with accommodations to the operator is one more license too many;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of applications for alterations and changes in method of operation, for which CB2, Man. never received proper notice, for **RH NY MP F&B LLC, d/b/a Restoration Hardware NY The Gallery in the Historic, 9-19 Ninth Ave. 10003** as presented to the Liquor Authority on August 29th, 2018.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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September , 2018

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 20, 2018, 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:

20. CGM-GH, LLC, Paige GH Group, LLC and Hotel Gansevoort Group LLC, d/b/a Gansevoort Hotel, 18 Ninth Ave. 10014 (incorporate existing separately licensed restaurant area for The Chester into Hotel Liquor License) (OP – Hotel/Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **withdraw** this application for an alteration application to incorporate existing separately licensed restaurant area in the hotel into the existing Hotel 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Hudson Café NYC, LLC d/b/a Hudson Café NYC, 628 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

21. 523 Greenwich Restaurant, LLC and Fortuna Realty Soho, LLC, d/b/a Hotel Hugo, 523 Greenwich St. 10013 (Alteration application to remove ground floor restaurant from hotel license HL SN#1276079)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for an alteration application to remove the ground floor restaurant from the existing hotel 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; and

Whereas, the current licensee of this location, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC, operates an unlicensed rooftop bar with live music, promoted events and DJs on the 19th floor within a rooftop floor which is not within the demised premises on file with the Liquor Authority that operates as "Hotel Hugo's Azul on the Rooftop" (<http://www.azulrooftop.com>); the current method of operation and stipulations at the NYS SLA (license SN#1276079) state the licensee "will only use ground floor and 18th floor for service of alcohol" and "will not operate a rooftop garden" and "will not have DJ's, live music, promoted events, any event at which a cover fee is charged, scheduled performances", it being further noted at the Licensee's 500 ft hearing on February 6th, 2014 that one of its principals had previously operated a rooftop space improperly without all permits in place, and that they would "not have any outdoor space" at this location and "agreed to abide by a number of conditions proposed by the Community Board to address the municipality's concerns regarding the issuance of this license. Those conditions would become part of the approved method of operation if this license is issued, and the applicant would be subject to disciplinary action or possible non-renewal of the license if it failed to comply with the approved method of operation."; and

Whereas, Hotel Hugo's Azul on the Rooftop located on the 19th floor including the large outdoor area operates and advertises an additional bar not on file with the liquor authority and contrary to their existing stipulations and representations, regularly hosts live music and hosts outdoor movies played on the rooftop at entertainment levels among various ongoing violations, those representations made at the 500 ft hearing being false and upon which the issuance of the license being in the public interest and convenience and advantage was based; and,

Whereas, CB2, Man. respectfully requests that Liquor Authority conduct appropriate enforcement and review all aspects of the current hotel operation covered under SN#1276079 and investigate the usage of the 19th floor, violations of existing stipulations, the use of live music and broadcasting of films on the rooftop at entertainment levels among other violations and take appropriate action; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of alteration application for **Fortuna Realty Soho, LLC & 523 Greenwich Restaurant, LLC, d/b/a Hotel Hugo, 523 Greenwich St. 10013 HL SN#1276079** 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; and,

THEREFORE BE IT FURTHER RESOLVED that those complaints and concerns outlined above be reviewed and appropriate enforcement actions be undertaken by the Liquor Authority to address all violations as indicated above irrespective of any applications filed with the Liquor Authority by the Licensee.

Vote: Unanimous, with 41 Board members in favor.

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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

22. Hudson Café, Inc., d/b/a Hudson Café, 628 Hudson St. 10014 (Class Change) (OP – Restaurant) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **withdraw** this application for a class change application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Hudson Café NYC, LLC d/b/a Hudson Café NYC, 628 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

Terri Cude, *Chair*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

23. AV NY 1, LLC, d/b/a Pending, 15 8th Ave. 10014 (OP – Restaurant) (Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a restaurant on-premise liquor license application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **AV NY 1, LLC, d/b/a Pending, 15 8th Ave. 10014 (OP – Restaurant) 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 41 Board members in favor.

Terri Cude, *Chair*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

24. Rishank, LLC, d/b/a N/A, 110 Bedford St. 10014 (OP – Restaurant) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a restaurant on-premise liquor license application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Rishank, LLC, d/b/a N/A, 110 Bedford 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 41 Board members in favor.

Terri Cude, *Chair*
Daniel Miller, *First Vice Chair*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

25. Bento Brooklyn, LLC, d/b/a N/A, 675 Hudson St., 5th Floor 10014 (acoustic live music)(OP – Catering Establishment) (layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to layover this application for a catering on-premise liquor license application with acoustic live music 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 alteration application or proposed on premise liquor license, catering license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Bento Brooklyn, LLC, d/b/a N/A, 675 Hudson St., 5th Floor 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 41 Board members in favor.

Terri Cude, *Chair*
Daniel Miller, *First Vice Chair*
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Antony Wong, *Treasurer*
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September , 2018

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 20, 2018, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

26. Ars Nova Theater I, Inc., d/b/a N/A, 27 Barrow St. 10014 (live music in conjunction with musical theatre performance)(OP –Theater) (layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to layover this application for a theatre on-premise liquor license application with **live music in conjunction with musical theatre performance** 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 alteration application or proposed on premise liquor license, theatre on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Ars Nova Theater I, Inc., d/b/a N/A, 27 Barrow 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 41 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



Terri Cude, Chair
Community Board #2, Manhattan

TC/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Nydia M. Velázquez, Congresswoman
Hon. Carolyn Maloney, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly Member
Hon. Yuh-Line Niou, NY State Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, NYC Council Speaker
Hon. Margaret Chin, NYC Council Member
Hon. Carlina Rivera, 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