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Daniel Miller, *First Vice Chair*
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Community Board No. 2, Manhattan

3 Washington Square Village
NEW YORK, NY 10012-1899
www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org
Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

1. San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012 (New Restaurant Wine)

A. Whereas, the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine license to operate a Japanese styled noodle shop Restaurant within a ground floor storefront located in a three-story mixed-use townhouse (Circa 1899) located in a Residentially zoned, landmarked neighborhood (R7-2) on MacDougal Street between Prince and West Houston Streets in SoHo; and,

B. Whereas, the premises was previously operated as a French-Vietnamese Restaurant known as Rouge et Blanc with a Restaurant Wine license, the applicant is not planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior operation of the storefront premises for eating and drinking with all exterior facades (windows and doors) remaining fixed and not operable and there being a letter of no objection presented permitting such use and occupancy thereat; and,

C. Whereas, the storefront premises is approximately 1765 Sq. ft., there is a full service kitchen, two patron bathrooms, one bar with 9 patron seats and 15 tables with 36 patron table seats for a total patron seating capacity at 45, there is no sidewalk café and no other outdoor areas for patrons; and,

D. Whereas, the hours of operation will be from 11 AM to 12 AM Sunday through Saturday, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a Japanese Restaurant specializing in noodles.
2. The hours of operation will be from 11 AM to 12 AM Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The premises will not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.
10. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and

F. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine application to **San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012** unless the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

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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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

2. Esterina Sorbillo, LLC, d/b/a Zia Esterina Sorbillo Mulberry, 112 Mulberry St. 10013
(Tavern Wine—previously unlicensed location)

A. Whereas, the applicant and the applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Tavern Wine license to operate a take-out pizzeria in a storefront location previously operated as a retail variety store on Mulberry Street between Canal and Hester Streets in the Little Italy Special District; and

B. Whereas, the applicant failed to provide any permits or certificate of occupancy to occupy and use the temporary food stand for eating or drinking uses, the location having never previously been licensed for the sale of liquor, there being a plan to gut renovate the storefront premises installing an open façade to the public sidewalk and adding a pizza oven with accessible bathroom to service patrons; and,

C. Whereas, the storefront premises is approximately 1,000 Sq. ft. (600 sq. ft. ground floor and 400 sq. ft. basement), one patron bathroom, one counter with 4 patron seats and no tables for a total patron seating capacity at 4, there is no sidewalk café and no other outdoor areas for patrons; and,

D. Whereas, the hours of operation will be from 11 AM to 11 PM Sunday through Saturday, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed by 10 PM every night, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a take-out pizzeria.
2. The hours of operation will be from 11 AM to 11 PM Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. All doors and windows will close by 10 PM every night.
10. There will be no pitchers of beer.
11. A certificate of occupancy of letter of no objection permitting use and occupancy for eating and drinking will be issued before opening/licensing is issued.
12. There will be a bathroom accessible to patrons; and

F. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine application to **Esterina Sorbillo, LLC, d/b/a Zia Esterina Sorbillo Mulberry, 112 Mulberry St. 10013** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

3. Be Westbourne, LLC, d/b/a TBD, 137 Sullivan St. 10012 (Transfer—Restaurant Wine)

A. Whereas, the applicant and her attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Restaurant Wine license to operate a new, casual dining Restaurant with a California-inspired menu within a ground floor storefront located in a 6-story mixed use building (Circa 1915) located in a Residentially zoned, landmarked neighborhood (R7-2) on Sullivan Street between Prince and West Houston Streets in Soho; and,

B. Whereas, the storefront premises was previously operated as a restaurant known as No Moore Oysters & Maritime, LLC d/b/a Navy (Ser. # 1275334) with a Restaurant Wine license, the applicant is planning to make changes to the layout of the interior premises but plans no changes to the exterior premises, there being an existing Accordion style set of doors on the South Side of the storefront which are operable and open out to the public sidewalk thereat; and,

C. Whereas, the leased storefront premises also includes a 1,300 SF exterior backyard which the prior operator used illegally since 2012 for eating, drinking and live music but which was never permitted and instead was repeatedly disapproved by the NYC Dept. of Buildings, the existing letter of no objection for the storefront premises permitting eating and drinking on the interior first floor only but does not extend to the rear yard or the basement; and

D. Whereas, the interior storefront premises is approximately 1,165 Sq. ft. (765 Sq. ft. first floor and 400 Sq. ft. basement), a full service kitchen, two bathrooms, no TVs, 6 tables with 22 patron table seats, 1 bar with 5 patron seats for a total patron seating capacity of 27 seats, there will be no sidewalk café and no outdoor areas for service to patrons; and,

E. Whereas, the hours of operation will be from 10 AM to 12 AM Sunday through Thursday and 10 AM to 1 AM Fridays and Saturdays, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed by 9 PM every night and there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees; and,

F. Whereas, four people appeared in opposition to the license citing concerns about late night hours, patrons hanging out on a bench located in front of the premises at night and concerns about noise from patrons exiting and hanging out in front of the premises late at night, there being many problems relating to excessive noise coming from the establish and prior operator in the past and because the prior operator failed to close his doors at night noise; and,

G. Whereas, two people appeared in favor of the application, each being friends of the applicant who do not reside on the block where the storefront premises is located; and,

H. Whereas, in light of the complaints regarding the use of the bench in front of the premises, the applicant agreed to remove the bench at night to prevent potential disturbance to her residential neighbors; and,

I. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and,

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

1. The premises will be advertised and operated as a full service Restaurant.
2. The hours of operation will be from 10 AM to 12 AM Sunday through Thursday and 10 AM to 1 AM Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk café or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The existing accordion doors facing the public sidewalk will be closed by 9 PM every night.
10. There will be no pitchers of beer.
11. There will be no all you eat/drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine application to **Be Westbourne, LLC, d/b/a TBD, 137 Sullivan St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

4. Entity to be formed by Fadilla Latjuba Vongerichten, d/b/a TBD, 20 Spring St. 10012 (New Restaurant OP)

A. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on premise liquor license to operate a family style full service Indonesian influenced Restaurant specializing in spicy sauces in a storefront premises of a six-story residential (Circa 1900) building at Spring Street between Mott and Mulberry Streets in the Nolita section of Manhattan; and

B. Whereas, the interior store premises is approximately 3,500 sq. ft. (ground floor 2,000 sq. ft. and basement 1,500 sq. ft.) with the basement premises being for storage and ancillary purposes only and not for eating and drinking, the storefront premises having been previously occupied as Bread, a full service restaurant; and,

C. Whereas, the applicant is not planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior operation of the storefront premises for eating and drinking with one window on the front façade being operable to the front sidewalk, there being a certificate of occupancy presented permitting such use and occupancy thereat; and

D. Whereas, the applicant is a well-known restaurateur who seeks to open a community driven food and beverage establishment focusing on Indonesian cuisine known as a "Sate House" with 14 tables with 49 seats, one stand up bar with 8 seats for a total patron seating capacity of 57, there being 2 bathrooms and no TV; and,

E. Whereas, the hours of operation will be 10:30 AM to 10 PM on Sundays, 8 AM to 11 PM Monday through Thursday, from 8 AM to 12 AM on Fridays and from 10:30 AM to 12 AM on Saturdays, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music—only passive prearranged music), no promoted events, no scheduled performances or cover fees; and,

F. Whereas, based on the applicant's proposed method of operation and hours of operation consistent with a full service restaurant specializing in Indonesian food, seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood containing noise therein, the public interest will be served despite there being there already being 29 liquor licenses within a 500 foot radius of these premises, 57 liquor licenses within 750 feet of the premises, 6 additional pending licenses within this same area and an unknown number of beer and wine licenses, many of which have only recently been added in the area; and,

G. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Indonesian Sate House Restaurant.
2. The hours of operation will be 10:30 AM to 10 PM on Sundays, 8 AM to 11 PM Monday through Thursday, from 8 AM to 12 AM on Fridays and from 10:30 AM to 12 AM on Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. There will not be any French doors or windows installed to the front façade and all existing doors and windows will be closed by 9 PM every night.
10. There will be no all you can eat/all you drink special or boozy brunches.
11. No outdoor tables or furniture will be placed on the sidewalk in front of the premises.
12. Will not leave its rear door propped open at any time.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Entity to be formed by Fadilla Latjuba Vongerichten, d/b/a TBD, 20 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 On Premise License, and

Vote: Unanimous, with 36 Board members in favor.

Terri Cude, *Chair*
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Dear Sir/Madam:

At its Full Board meeting on March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

5. ZMZ MacDougal Tavern LLC, d/b/a MacDougal Street Ale House, 122 MacDougal St. 10012 (OP/Corporate Change)

A. Whereas, the Licensee appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a corporate change of an existing on-premise liquor license for a neighborhood tavern operating since 1997 (by this applicant and licensee since 2005) serving light meals and cocktails in a warm and inviting atmosphere in a mixed use building located on MacDougal Street between West 3rd St. and Bleecker St.; and,

B. Whereas, the existing business owner and sole shareholder is creating a new company that will continue to own 100% of the Company previously known as Village 122 Café, Inc., there will be no change in the current method of operation in an approx. 1,200 sq. ft. premise ground floor premises with 8 tables and 34 seats and 1 stand up bar with 12 seats for a grand total of 46 interior seats, there is an existing Certificate of Occupancy; and,

C. Whereas, the hours of operation for the premises will continue be from 12PM to 4AM seven days a week, music will be quiet background only consisting of music from a jukebox and XM radio, all doors and windows will be closed at all times except for patron egress through the front door, there will be no d.js., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 8 TV's, there will be security every night; and,

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

1. The premises will be advertised and operated as a neighborhood tavern.
2. The hours of operation will be from 12PM to 4AM seven days a week.
3. There will be no backyard, rooftop or other outdoor space for the service of alcohol.
4. There will continue to be eight televisions.
5. All doors and windows will be closed at all times except for patron egress via the front door.
6. Will operate under only one d/b/a name.
7. There will be no dancing.
8. There will be no patron use of basement.
9. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a corporate change of an On Premise Liquor License for **ZMZ MacDougal Tavern LLC, d/b/a MacDougal Street Ale House, 122 MacDougal St. 10012** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

Terri Cude, *Chair*
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Dear Sir/Madam:

At its Full Board meeting on March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

6. First, LLC, d/b/a TBD, 57 7th Ave. South 10014 (New Restaurant OP)

- A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on premise liquor license to operate an Italian style restaurant specializing in different pasta dishes within a storefront premises located in a four-story mixed use (Circa 1960) building on Seventh Avenue South between Bleecker and Morton Streets in an historic district of Greenwich Village; and
- B. Whereas**, the interior store premises is approximately 845 sq. ft. (ground floor 475 sq. ft. and basement 372 sq. ft.) with the basement premises being for storage and ancillary purposes only and not for eating and drinking, the storefront premises having been previously occupied as Bobwhite Counter; and,
- C. Whereas**, the applicant is not planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior restaurant operating out of the same storefront premises for eating and drinking, with accordion style doors running along the front façade being operable to the front sidewalk; and
- D. Whereas**, the applicant seeks to open a community driven food and beverage establishment with an open pasta laboratory, open for breakfast, lunch and dinner with 5 tables with 14 seats, one stand up bar with 3 seats for a total interior patron seating capacity of 71, there being 1 bathroom and no TV; and,

E. Whereas, the hours of operation will be 8 AM to 12 AM Sunday through Saturday, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music—only passive prearranged music), no promoted events, no scheduled performances or cover fees; and,

F. Whereas, there will also be a sidewalk café, the sidewalk café closing every night by 11 PM with no other exterior areas for the service of alcohol thereat; and,

G. Whereas, based on the applicant's proposed method of operation and hours of operation consistent with a full service restaurant specializing in Italian pasta dishes, seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood, closing their doors by 10PM every evening, the public interest being served despite there already being 27 liquor licenses within a 500 foot radius of these premises, 56 liquor licenses within 750 feet of the premises, 6 additional pending licenses within this same area and an unknown number of beer and wine licenses; and,

H. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Italian Restaurant specializing in pasta dishes.
2. The hours of operation will be 8 AM to 12 AM Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes other than a sidewalk cafe.
7. The sidewalk café will close every night by 11 PM.
8. There will be waiter service to the sidewalk café at all times.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. All existing doors and windows will be closed by 10 PM every night.
12. There will be no all you can eat/all you drink special or boozy brunches.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **First, LLC, d/b/a TBD, 57 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 36 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

7. Corp. to be formed by Sanjay Laforest d/b/a TBD, 206 Spring St. 10012 (New OP)

- A. Whereas,** the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on premise liquor license to operate a French Creole Fine Dining Establishment on Spring Street between 6th Avenue and Sullivan Street in an historic district of Soho; and,
- B. Whereas,** the three story premises is approximately 7,791 sq. ft. (Cellar is 1,284 sq. ft., 1st floor is 2,200 sq. ft., 2nd floor is 2,200 sq. ft. and 3rd floor is 2,107 sq. ft. – with the basement premises being for storage and ancillary purposes only and not for eating and drinking), the three story premises having been previously occupied as Costata, a full service Italian contemporary steak concept restaurant with closing hours no later than 12 AM on the weekdays and 1 AM on the weekends; and,
- C. Whereas,** a certificate of occupancy permits eating and drinking on all three floor (total occupancy being 223 patrons for all three floors) with storage, kitchen and accessory toilets in the cellar, the applicant stating that despite the prior restaurant's use for eating and drinking on three floors he would not be using the third floor for any reason; and,
- D. Whereas,** the applicant's proposed hours of operation were Sunday through Thursdays from 12 AM to 2 AM and from 12 AM to 4 AM Fridays and Saturdays, the first floor will have 11 tables and 55 seats with one stand up bar with 5 bar stools, the second floor will have 31 tables and 98 seats with a second stand up bar with 10 bar stools, and the third floor will purported not be used for anything,

there will be no sidewalk café or other outdoor areas for the service of alcohol; music will be quiet background only consisting of music from ipod, there will be no d.j., no promoted events, no cover fees, no velvet ropes, no movable barriers and there will be no TVs; and,

E. Whereas, the applicant could not put forth any coherent reason for operating a restaurant until 2 AM during the week and 4 AM on the weekends, those hours being entirely inconsistent with the a full service restaurant and more similar to a late night lounge or bar, the applicant demonstrating no experience in operating an eating and drinking establishment and no experience in holding a liquor license, his background being in marketing and promotional activities, having operated a marketing group the last seven years, his application submitted demonstrating he would stop food service every night at 1 AM and there being additional concerns he would be operating the third floor as something other than a full service restaurant; and,

F. Whereas, the applicant did not perform outreach in the immediate area on Spring Street but instead presented a petition with signatures of people living outside the immediate area who would not be impacted by the proposed 4 AM closing requested, there being no one from the neighborhood appearing in support of this application; and,

G. Whereas, people living next door to the proposed premises, having seen postings from Community Board 2, appeared in opposition to license, those neighbors being concerned that a 4 AM closing with such a large patron capacity thereat would alter the quiet enjoyment of their existing neighborhood, the other restaurants in their immediate area closing by midnight every evening and there being no late night establishment in their immediate area; and.

G. Whereas, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, the existing business not being unique to the area, the applicant providing no coherent reason why he needed to operate his restaurant until 2 AM during the week and 4 AM on the weekends, such a change in late night hours, in contrast with the predecessor restaurant, being significant in the immediate area, especially with such a large patron capacity on multiple floors, the applicant not having any significant experience in operating such a large eating and drinking establishment or holding a liquor license in the past, the applicant thus failing to demonstrate a recognizable public interest, there being many existing eating and drinking establishments in the immediate area and within lower Manhattan like this one, an area already greatly saturated with licensed eating drinking establishments, there being 14 existing on premise licenses within 500 ft. of the subject premises and 35 existing on premise licenses within 750 ft. of the subject premises, 1 additional license pending with the NYS Liquor Authority in this same area without even including the vast numbers of other establishments in the area holding beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Corp. to be formed by Sanjay Laforest d/b/a TBD, 206 Spring St. 10012** on its application seeking a new OP license; and

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

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

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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

8. SoHo Grand Hotel, Inc., d/b/a SoHo Grand Hotel, 310 West Broadway 10013 (OP – Hotel Restaurant Bar “Gilligans”)(Extend Outdoor Hours of Operation)

A. Whereas, the applicant, a 16-story Hotel (circa 1996), its manager and its attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application seeking to modify and extend its late night hours and by adding music to an adjacent 5,479 sq. ft. exterior side yard bar called Gilligans, the Hotel being located on West Broadway between Canal and Grand Streets in SoHo, the exterior yard located on the adjacent south side of the Hotel but also extending from West Broadway to Thompson Street and all the way to Canal via three adjacent vacant lots purchased by the Hotel to sidestep zoning regulations and to permit its significant scale, bulk and height; and

B. Whereas, when CB2, Man. originally recommended to approve the Hotel’s existing license in May/1996, there was no application to serve alcohol to any exterior spaces or the above-referenced side yard, the application being for the interior premises of the Hotel only, and the resolution recommending approval did so on the pretext that “there is every indication that it will be a benefit to this community to have liquor available to the hotel’s guests on site, so that they need not go out[side] at night and add to problems caused by the over-proliferation of bars and restaurants in the immediate area of the hotel”; and

C. Whereas, the Hotel has for years been licensed and provided the privilege of serving alcohol to its guests on this existing pretext within the interior premises on various floors until 4 AM, with DJs, promoted events, private parties and with live entertainment music therein, that license never including the service of alcohol to any outdoor areas ancillary to the interior premises; and,

D. Whereas, despite not being granted any permit to operate an eating and drinking establishment in the exterior side yard, and despite not having or ever being issued a On-Premise liquor license from the NYS Liquor Authority to serve alcohol to patrons in the exterior side yard, the Hotel nonetheless, and for many years, improperly and illegally operated and advertised the entire 5,479 SF adjacent outdoor side yard area as a full service Bar known as “Gilligans”, and before that operated another Bar known as “The Yard” with one stand up bar and additional service bars, with entertainment level music, DJs and large parties causing noise and negatively impacting the area and its adjacent residential neighbors for many years; and

E. Whereas, the Hotel previously appeared before CB2, Man. on two separate occasions in April/2014 and then again in May/2014 with an application seeking to rectify their illegal and unlicensed operations, albeit retroactively, and to serve alcohol in the exterior south side yard/lot space adjacent to the Hotel, but the Hotel was never able to produce any documentation or demonstrate, in any coherent manner, that its proposed use of the outdoor side yard was legal and permitted for eating and drinking, the Hotel’s Special Permit originally issued to the Hotel in 1997 limiting retail eating and drinking to within the building on the second floor and did not extend to the exterior portions of the Hotel premises; and,

F. Whereas, the Hotel is zoned M1-5A, a specific type of zoning designation located in the SoHo area where retail use for eating and drinking is not permitted on the ground floor of the premises unless a Special Permit is issued permitting such use by the City Planning Commission; and

G. Whereas, in light of the prior history of unlicensed and illegal service of alcohol in the outdoor yard area known as Gilligans, because the Hotel was unable to produce any permits to use the side yard for eating and drinking, and because neighbors with bedroom windows adjoining the yard appeared in opposition to the continued use of the side yard as a bar, citing years of abuse and distrust of the Hotel’s management team who refused to heed their requests to control the late night noise coming from the Hotel’s operations, CB#2, Man. unanimously recommended denial of the alteration application in 2014; and,

H. Whereas, the Hotel filed an “alteration 1” application to the NYC Dept. of Buildings, the type 1 alteration being an application to change the use, occupancy or egress of the premises, in February/2014 to “convert existing accessory open space of Hotel to accessory eating and drinking area”, but that application was thereafter disapproved by the NYC Dept. of Buildings in January/2015 (NYC BIS Job No. 121912396); and,

I. Whereas, residents living in the buildings directly adjacent to the exterior on the southeastern side of the exterior yard of the Hotel have consistently appeared in regard to the Hotel’s outdoor operations and use of the side yard, citing a past marred for many years by music, large crowds, DJs when all the time they were unaware that the Hotel’s prior use and operation of the exterior side yard was unlicensed and without permits despite their countless complaints directly to the Hotel’s management, as well as the Hotel’s failure to prohibit use by patrons to smoke, congregate and drink on an exterior covered landing until 2:00 AM approximately 20-30 feet from their bedroom windows; and

J. Whereas, the Hotel’s CB2 questionnaire and the statements/admissions from the Manager of the hotel to the CB2 Committee in 2014 conceded that the Hotel had been operating, albeit unlicensed and without a special permit or certificate of occupancy for this purpose and use, the exterior Side Yard as a full service bar late into the night from 6 pm to 12 am Sunday through Wednesday and from 6 pm to 2 am Thursday through Saturday, and where there was live DJ entertainment and amplified music, promoted events, scheduled performances, private parties, events where a cover fee is charged and outside promoters that were used; and

K. Whereas, in response to these resident concerns and realizing the import of utilizing the exterior side yard, the Hotel appeared yet again before CB2, Man. in 2015 seeking a compromise and to execute a stipulation agreement with CB2, Man. that was acceptable and the only manner in which it could establish a potential public interest for the service of alcohol at the side yard, the side yard outdoor space to Hotel never being previously licensed for the service of alcohol and thus subject to the 500 ft. rule requiring a public interest be established as to the Hotel's use and occupancy of the exterior side yard; and,

L. Whereas, to reach a compromise the Hotel and its counsel agreed upon certain stipulations which were as follows:

1. The Hotel will not permit staff or patrons to enter or exit the exterior doors located in the Club Room leading to a covered second floor landing and covered staircase on the south side of the Hotel except for emergency egress and will not permit patrons on the exterior landing itself.
2. The Hotel presented an amended diagram (Exhibit "A") for the use of side yard that designates the location of all tables, one service station and one stand-up only bar, the stand-up bar being located on the far western side of the yard to ameliorate noise impacts on neighbors located on the eastern side of the yard, there will be 19 tables with 4 seats, an additional 9 tables with 2 seats and 10 seats at the stand-up bar, for a total of 104 seats.
3. There will only be table service of alcohol to patrons who are seated at a table or seated at the bar to prevent crowds of patrons from congregating in one location and there will only be food service from the interior Hotel to the outdoor tables located in the side yard.
4. There will never be any music played or speakers installed outside and no music emanating from the Hotel to the outside yard area at any time.
5. There will be no service of alcohol on the eastern side of the yard as designated in the Hotel's amended diagram (annexed to stipulation agreement with the Hotel) from the entrance gate on West Broadway up and until the Host Station and the Hotel will maintain and not remove the cover over the eastern side of the yard.
6. The exterior gate and entrance/exit on West Broadway will not be open until Noon on Sundays and will be closed every night at 10 PM sharp, the side yard will close Sunday through Thursday at 10 PM sharp and the side yard will close on Fridays and Saturday nights at 11 PM sharp, all business will cease, no loitering, no smoking, there will be no patrons or staff remaining after closing and the lights will be turned off.
7. There will be two bathrooms installed on the interior ground floor level to accommodate all patrons to the side yard.
8. The Hotel will not use or operate in any manner as an eating and drinking establishment in the side yard until it has obtained the proper certificate of occupancy from the New York City Department of Buildings which specifically demonstrates its proposed use is legal and permitted in the side yard.
9. There will be no other outdoor uses permitted at or about the Hotel other than what has been described in CB2 Man.'s two page stipulation agreement with CB2 Manhattan and the Hotel's amended diagram attached to the stipulation agreement as Exhibit "A".

M. Whereas, after the compromise was reached and stipulations agreed to by the Hotel to extend their privilege to serve alcohol beyond the interior premises, the Hotel was thereafter granted a temporary Certificate of Occupancy that purports to permit eating and drinking at an outside plaza with an occupancy of 150, presumably including the proposed side lot/yard; and,

N. Whereas, despite the years of unlicensed and illegal activities in that side yard causing a significant and harmful impact on those living immediately adjacent to the side yard, and despite their being a compromise in place to permit exterior uses within the large side yard allowing the Hotel to serve alcohol to its patrons in the side yard and to co-exist with its residential neighbors—neighbors in tenement buildings who resided there before the Hotel was built—the Hotel now seeks in this application to increase its late night hours of operation at the exterior rear yard to 11 PM during the week, 12 AM on the weekends and to add amplified music with a series of speakers to be placed in the outdoor side yard; and

O. Whereas, in support of the application the Hotel presented a Sound Acoustical Engineer paid by the Hotel to represent its interests and who claimed that the music would not disturb the neighbors because it was already a loud City and that he could design a system with a limiter which would not be invasive, although no actual system design or plans were produced, the number of speakers not described or identified (other to state there would have to be at least 8 speakers), the Engineer not providing any empirical evidence in support his theories or expertise other than to state it was his own experience, although he did agree to the common sense concept that “the more people drink the louder they will get”, or that the addition of music will just cause patrons to be louder so as to be heard over the music, the applicant further stating that patron occupancy of the side yard is 150 people, the sound engineering accepting the concept that that an increase in the number of people in one area will increase noise levels vs. the current stipulations agreement permitting approximately 100 patrons; and,

P. Whereas, no one appeared in support of this application from the immediate area but neighbors with adjoining bedroom windows within 15-20 ft. of the rear yard did appear, providing a petition signed by everyone affected by the proposed changes, in opposition to the increase in late night hours, providing a rich history of impactful and illegal late night and daytime Hotel uses of the side yard prior to being licensed to serve alcohol in the side yard and agreeing the existing stipulations agreement, including DJs, loud music loud enough to be heard a block away and concerts with no remediation by the Hotel despite years and years and years of complaints directly to the Hotel Management requesting that they be a good and reasonable neighbor, there being families with young children affected by the noise, the adjoining residents never being able to open their windows, the noise and music coming through ventilation pipes in their apartments, they hearing patrons in the side yard drinking all day long on the weekends and at night right up to the time when they go to bed, there never being a break from the time they come home to the time they go to bed, weekdays and weekends, the existing stipulations in place and reasonable time restrictions in place being the only relief from the anxiety that they will be able to go to sleep by a reasonable time every evening, the stipulations in place being not perfect but providing a compromise allowing them to move on with their lives and not be forced to move; and

Q. Whereas, CB#2 Man. also received opposition from New York Assembly Member Deborah Glick, who was opposed to any change in operating hours or for adding music to the side yard, stating that such changes would be detrimental to neighbors who thought the relatively recent agreement with the Community Board, the residents and the SoHo Grand should be more permanent and that it should be respected; it being important to maintaining a solution that ensures residents an opportunity to find rest and live comfortably in their own homes in neighborhoods highly saturated with liquor license; and,

R. Whereas, significant efforts were previously made to reach a compromise in this matter so that the Hotel could use the side yard for eating and drinking despite the closeness and significant impacts on those uses and occupancy on its existing residential neighbors; and,

S. Whereas, CB2, Man. feels strongly that the existing compromise must be maintained in this particular matter, any increase in operating hours or the addition of music being highly inappropriate and unjustified at this location and instead, should the applicant appear at the SLA CB2, Man. would recommend, if anything, that the outdoor hours be reduced and music never be permitted; and,

T. Whereas, the instant application clearly fails to establish evidence that the public interest would be promoted by altering the existing On-Premises liquor license to extend its late night hours in the side yard and to add music in the large exterior side yard of the premises; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **SoHo Grand Hotel, 310 West Broadway 10013** on its application seeking an alteration to its existing OP license and method of operation to increase its late night hours and to add music to its outdoor side yard in excess of 5,000 sq. ft.; and,

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

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because such an alteration will deviate from any existing public interest that may have been established via compromise and with implementation and enforcement of the existing stipulations in place as to exterior hours of operation and the prohibition of music within the exterior side yard.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, 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:

9. Gino Sorbillo, LLC, d/b/a Gino Sorbillo Bowery, 334 Bowery 10012 (OP – Pizzeria - Withdrawn).

A. Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new On Premise license to operate a Pizzeria on Bowery between Great Jones and Bond Streets within a Historic District in NoHo; and

B. Whereas, after consideration before CB2, Man., the applicant decided to withdraw this application for an On Premise license from consideration at these premises and will resubmit a new 30-day notice to CB2, Man seeking a Restaurant Wine license for the purpose of reappearing before CB2 Man. in April/2017 for this purpose;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Gino Sorbillo, LLC, d/b/a Gino Sorbillo Bowery, 334 Bowery 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back

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

Vote: Unanimous 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

10. Megapie Greenwich, Inc., d/b/a Pieology, 168 Bleecker St. 10012 (RW – Restaurant) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 7, 2017, the Applicant and/or its Attorney requested to lay over its application and presentation before CB2 Man. until April/2017; and

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Megapie Greenwich, Inc., d/b/a Pieology, 168 Bleecker St. 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

11. Luxor Lounge, Inc., d/b/a N/A, 118 MacDougal St. 10012 (OP – Lay over requested)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 7, 2017, the Applicant was not prepared to present his application and requested to lay over this application for an on premise license to April/2017;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Luxor Lounge, Inc., d/b/a N/A, 118 MacDougal 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 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

12. Wild Kitchen Corp., d/b/a N/A, 27 University Pl. 10003 (RW – Tavern) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 7, 2017, the Applicant requested to withdraw this application from further consideration;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Wild Kitchen Corp., d/b/a N/A, 27 University Pl. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

13. D. Elwell on behalf of an entity to be formed, d/b/a TBD, 78 W. 3rd St. 10012 (RW – Café/Coffee Shop) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 7, 2017, the Applicant requested to lay over this application for an on premise license to April/2017;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **D. Elwell on behalf of an entity to be formed, d/b/a TBD, 78 W. 3rd 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 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

14. The Vault, LLC, d/b/a Lively, Vault at 675 Hudson St. 10014 (OP - Corp. Change SN1226150)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a Corporate Change to the Liquor Authority for an existing On Premise Liquor License SN#1226150 whereby a change of the corporate structure/officers is occurring as a result of the purchase of the existing stock by Landry's Inc. related entities, that existing stock is currently owned by BR Guest Hospitality; the premises operates as an upscale lounge tavern in the basement; and,

ii. Whereas, the existing on-premise liquor license is located in a vault space underneath the street attached to a mixed use building located on Hudson St. with multiple other licensed venues in the building, there are 7 high top tables with no seats, 1 bar with 12 bar seats and 2 benches with which seat between 15 to 25 people each; the maximum occupancy is 200 people; there are two stairways which lead to the vault space, the actual doors to the premises are located at that vault level, the seating is as depicted on provided diagrams; there is an existing Temporary Certificate of Occupancy which is current, there is a place of assembly permit and there was previously a DCA Cabaret License which is expired; and,

iii. Whereas, the hours of operation will be from 9PM to 4AM 7 days a week (no patrons will remain after closing time); music will be background Sunday to Wednesday and by DJ Thursday to Saturday, the front doors at Vault level will remain closed at all times, there will be no live music, there will be no velvet ropes or barricades used; and,

iv. Whereas, the premises is currently closed but it is anticipated that it will be re-opened shortly after the corporate change is approved; and,

v. Whereas, the new principles/applicants agreed with CB2 that they would continue with the following as it pertain to their method of operation:

1. Premise will be advertised and operated as an upscale lounge with light fare.
2. The hours of operation will be on 9PM to 4AM 7 days a week. 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 tavern or sports bar.
4. The premise will not have televisions.
5. The premises will close all doors and windows at all times. There will be no French doors, operable windows or open facades.
6. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
7. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
8. There will be no live music.
9. There will be DJ’s only Thursday, Friday and Saturday. Music will be background music only Sunday to Wednesday.
10. There is no active Cabaret License at this time. Previous Cabaret License expired. Will present Cabaret application to CB2 as part of DCA Cabaret License application.
11. Will keep current at all times Certificate of Occupancy, Place of Assembly Permit and Cabaret License.
12. Security will monitor sidewalk at all times.

vi. Whereas, the applicant had a dialogue with neighborhood residents and the main concern raised is that there would be adequate security, crowd and traffic control at street level; the new principles agreed that they would at all times monitor the street level entrance to the premises to ensure minimal impacts to the surrounding community (the premises is located in a lower level vault space with the actual door at the vault level) which if necessary would mean that security personnel would be stationed at street level;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Corporate Change application for the existing on-premise liquor license SN 1226150 for **The Vault, LLC, d/b/a Lively, Vault at 675 Hudson St. 10014** unless the statements the Applicant has presented are accurate and complete, and that the operator continues to operate as they had previously agreed to as outlined above in stipulation v.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

15. Soho House New York LLC, d/b/a Soho House, 29-35 9th Ave. 10014 (Hotel License Alteration)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an alteration application for an existing hotel operating as Soho House under hotel liquor license #1122680; and,

ii. Whereas, the only changes will be to add 14 hotel rooms to the existing hotel premises on the newly acquired 2nd floor; and,

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

1. Premise will be advertised and operated as a Hotel as exists.
2. Alteration application is to add 14 hotel rooms to the existing hotel liquor license #1122680.
3. The 14 rooms are to be located on the newly acquired 2nd floor.
4. All permits will be obtained and Certificate of Occupancy altered prior to issuance of license.
5. All previous stipulations will remain unchanged.

iv. Whereas, the applicant communicated with local community groups and there was no objection to this change; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the alteration application to the existing hotel liquor license SN#1122680 for **Soho House New York LLC, d/b/a Soho House, 29-35 9th Ave. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Hotel On-premise Liquor License.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

16. FIMT Consulting, LLC, d/b/a TB, 63 Bedford St., 10014 (OP-Restaurant/transfer)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license for a neighborhood restaurant “serving approachable food and wine in a bistro setting” via asset purchase agreement; the applicant is proposing extending the current stipulated hours of operation; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license at a currently licensed location in a mixed use building on the Northwest corner of Morton St. and Bedford St. for a roughly 1,000 sq. ft premise (ground floor 500 sq ft, cellar 500 sq ft); there are 9 tables and 24 table seats, 1 standup bar with 11 seats and 2 counters with 7 seats for a total of 42 seats; there is no outdoor seating, a letter of no objection was presented; and,

iii. Whereas, the proposed hours of operation presented by the applicant will be Sunday to Wednesday from 11:30AM to 12AM and Thursday to Saturday from 11:30AM to 1AM (no patrons will remain after closing time), the existing stipulated hours for the current operator from which the applicant seeks to “transfer” the application are 12PM to 11PM 7 days a week; music will continue to be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will remain closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, a petition in support was presented however with the exception of just a few signatures (2-3), the majority of the signatories would not be impacted by changes to the current operation and most lived many blocks away; the applicant also reached out to local members of the community, but there was significant opposition to the proposed extended hours of operation from local residents; and,

v. Whereas, the applicant is a well known chef, John Fraser, and has existing licenses including within CB2, Man. and is well regarded, one of his other premises within CB2, Man. on University Place has stipulated hours of operation until 11PM during the week and 12AM on the weekends; and,

vi. Whereas, correspondence was received and local residents appeared to speak regarding the application; the unifying and clear opposition was that this location is predominantly residential and any extension of the hours of operation over what the current applicant operates which is until 11PM 7 days a week is not acceptable and there was vehement opposition to the proposed hours of operation; local residents have retained an attorney to represent their interests and the attorney spoke in opposition as well and addressed the underlying lack of public interest should the hours of operation be extended past 11PM; residents spoke to the significant increase in licensed premises in the area and the increase in quality of life issues, noise, vehicular traffic issues, parking issues, all associated with the significant growth in liquor licenses in the surrounding area and said that any extension of hours of operation over what was currently in place would have a deleterious impact of residents quality of life; given that the applicant is a well regarded chef, residents stated they would not be opposed to the application if the applicant changed their operating hours to end at 11PM; and,

vii. Whereas, correspondence from New York State Assembly Member Deborah J. Glick was received in opposition to any extension of hours of operation past 11PM at this location; and,

viii. Whereas, CB2, Man. has in recent times reviewed a number of applications in this immediate area including several on Bedford St. and recognizes the concerns of Elected officials and local residents on Bedford and Morton who would be immediately and directly impacted by changes to this licensed premises; and,

ix. Whereas, CB2, Man. is opposed to the proposed application as presented and believes that any extension of hours of operation would not be in the public interest and recommends denial of the application as proposed; and,

x. Whereas, should the applicant proceed with this application over the objections of immediately impacted local residents, CB2, Man. and local elected officials, CB2, Man. recommends that the Liquor Authority consider the following stipulations be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a neighborhood restaurant “serving approachable food and wine in a bistro setting”; and,
2. The hours of operation will be on Sunday to Thursday from 11:30AM to 11PM and Friday to Saturday from 11:30AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate as a full service restaurant, a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will not have televisions.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.

7. The premises will not operate a backyard garden or any outdoor area for commercial purposes including sidewalk café.
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, cover charges or promoted events.
10. The premises will maintain a fixed façade with no operable windows and close all doors at 9PM any time there is amplified music.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. Will provide direct phone number to owner or general manager for local residents upon request and immediately respond to noise issues.
14. Will actively control patron noise outside of establishment.
15. Will not change existing façade and windows. Will return to CB2 if windows or façade are changed in any fashion.

xi. Whereas, CB2, Man. believes that the above proposed stipulations have been agreed to in principle already by the applicant with the exception of the hours of operation and those hours presented represent a fair compromise; and,

xii. Whereas, there are currently 19 On Premise Liquor Licenses within 500 ft of the premises and 18 beer and wine licenses; and,

xiii. Whereas, CB2, Man. requests that a 500 ft hearing be conducted;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **FIMT Consulting, LLC, d/b/a TB, 63 Bedford St., 10014** on its application seeking a new Restaurant On-Premise Liquor License; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the Liquor Authority, CB2 respectfully requests that this item be Calendared to appear before the Full Board of the SLA and that those proposed stipulations presented above in there entirety be considered to be incorporated into any license issued.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

17. Dean & DeLuca Small Format Lq., LLC, d/b/a Dean & DeLuca, 33 Ninth Ave. 10014 (New OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on-premise liquor license for a café within a high end food store that will focus on coffee, beverages and food; while the premises will have an on-premise liquor license, the applicant stated that no hard liquor will be served on premise, only beer and wine, and that the full license will be utilized in order to do off-site catering with alcohol; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license for a previously licensed location in a commercial building located on 9th Ave between 13th and 14th Streets on the first floor and basement for a roughly 3,715 sq. ft. premise (1st floor 3,620 sq. ft. and basement 95 sq. ft. – no patron use of basement), the proposed café portion of the premises will have 28 seats and 1 stand up bar with no seats, there will be a future sidewalk café but the number of seats and tables has not yet been finalized, the future sidewalk café will close at 10PM and all tables and chairs will be removed at that time, there is an existing Certificate of Occupancy; and,

iii. Whereas, the hours of operation will be Monday to Friday from 7AM to 10PM and Saturday and Sunday from 8AM to 10PM (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the future

sidewalk café will close at 10PM 7 days a week, all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a café within a food store that will focus on coffee, beverages and food.
2. The hours of operation will be on Monday to Friday from 7AM to 10PM and Saturday and Sunday from 8AM to 10PM. 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 not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. Any future sidewalk café will close at 10PM. All tables and chairs will be removed at this time.
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, cover charges or promoted events.
10. The premises will close all doors and windows at 10PM and anytime there is amplified music.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. While this is an on-premise liquor license, only beer & wine will be served on the premises. The purpose of the On-Premise License is to do off-site catering.
14. There will be no private events at this location or in the attached areas.
15. There will be only 28 interior seats.

v. Whereas, there are currently approximately 27 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

vi. Whereas, a petition in support was submitted and the applicant had discussions with local residents, there was no opposition; and,

THEREFORE BE IT RESOLVED that CB2, Man recommends **denial** of a new Restaurant On Premise Liquor License for **Dean & DeLuca Small Format Lq., LLC, d/b/a Dean & DeLuca, 33 Ninth Ave. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

18. S&J Meatpacking, LLC, d/b/a The Wild Son, 53 Little West 12th St. 10014 (Class Change to OP- Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a class change from an existing Restaurant Wine License #1281010 to a Restaurant On-Premise Liquor License for a "healthy American style restaurant serving breakfast, lunch and dinner with a focus on vegetables, seafood and grains with an extensive coffee and juice program"; there will be no changes to the existing method of operation; and,

ii. Whereas, the premises is in a commercial building in a commercial district located on the ground floor on Little West 12th St. between 10th Avenue and Washington St. for a roughly 1,600 sq. ft. premise (800 sq. ft. ground floor and 800 sq. ft. basement - accessory use only) with 9 tables and 18 seats, one counter with 7 seats and 1 standup bar with 16 seats; there is an existing Certificate of Occupancy; and,

iii. Whereas, the hours of operation will be from 8AM to 11PM 7 days a week, there is no Sidewalk café included in this application, 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 d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a healthy American style restaurant serving breakfast, lunch and dinner with a focus on vegetables, seafood and grains with an extensive coffee and juice program.
2. The hours of operation will be on Sunday from 8AM to 11PM 7 days a week. 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 not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only 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.
8. The premises will not have DJ’s, cover charges or promoted events.
9. The premises will close all doors and windows at 10PM and any time there is amplified music.
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. All previous stipulations from Restaurant Wine license #1281010 will remain in effect with class change application.
13. There will be no change in the existing concept.

v. Whereas, the applicant spoke with local residents and community members and there was no opposition; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a class change to a Restaurant On Premise Liquor License for **S&J Meatpacking, LLC, d/b/a The Wild Son, 53 Little West 12th St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 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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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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

19. Bleecker Fish, LLC, d/b/a Fish Restaurant, 280 Bleecker St. 10014 (RW – transfer)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license in a currently licensed location for a family neighborhood seafood restaurant; and,

ii. Whereas, the premises is located in a mixed use building in a mixed-use district located on the ground floor on Bleecker St. between 7th Avenue and Jones Street with 22 tables and 49 seats and 1 bar with 8 seats, for a grand total of 57 seats, there is no sidewalk café and there are no other outdoor areas for patrons, the applicant states this is an allowable use, however no Letter of No Objection or Certificate of occupancy was presented; and,

iii. Whereas, the hours of operation will be Sunday from 12PM to 10PM, Monday to Thursday from 12PM to 11PM, Friday and Saturday from 12PM to 12AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be no use by patrons of the basement except for bathrooms; and,

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

1. Premise will be advertised and operated as a family neighborhood seafood restaurant.

2. The hours of operation will be on Sunday from 12PM to 10PM, Monday to Thursday from 12PM to 11PM, Friday and Saturday from 12PM to 12AM. 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 no more than one television no larger than 46 inches.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only 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.
8. The premises will not have DJ’s, cover charges or promoted events.
9. The premises will close all doors and windows at 9PM. There will be no 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. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be no sidewalk café.

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

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine license for **Bleecker Fish, LLC, d/b/a Fish Restaurant, 280 Bleecker St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

20. 7. RH NY MP F&B, LLC, d/b/a Restoration Hardware, 9-19 Ninth Ave. 10014 (RW – Retail Store and Restaurant – outdoor rooftop)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee first in December 2016 and in various capacities in the months after to present an application to the Liquor Authority for a restaurant wine license for a recently altered building which was previously a 2 story building with restaurant and garage that is now a 5 story building with exterior rooftop space; “Restoration Hardware plans to open and operate an interior decorating establishment, showroom and furniture gallery with a full service restaurant on the 5th floor”; and,

ii. Whereas, this application is for a new beer and wine license in a recently altered 5 story commercial building in the Meatpacking District located on the corner of 9th Ave and Little West 12th St. between 13th and 14th Streets; the licensed premises includes all 5 floors and the exterior rooftop with various provisions stipulated below; the building is approximately 70,902 sq. ft., the cellar is 5,962, the 1st floor is 15,367 sq. ft., the 2nd floor is 14,401 sq. ft., the 3rd floor is 12,400 sq. ft., the 5th floor is 10,273 sq. ft.; the building is an interior decorating establishment, showroom and furniture gallery which will include a 4th floor grab and go counter/café with 11 tables and 34 seats and a point of sale for beer and wine included as part of the gallery/showroom and a 5th floor restaurant which will have 27 tables and 128 seats, the exterior rooftop while connected to the restaurant is not part of the restaurant, it is part of the showroom/gallery and will be used to showcase outdoor furniture; there is currently no existing valid Certificate of Occupancy for this altered building and a new Certificate of Occupancy is anticipated as part of the alteration to the building which will be forthcoming; CB2 requests that no license be issued until a new and current C of O is issued and that any license be contingent upon any temporary C of O’s being maintained and kept current and valid at all times; and,

iii. Whereas, hours of operation for the interior showroom gallery on floors 1-4 and grab and go counter/pantry will be no earlier than 9AM and no later than 10PM 7 days a week; hours of operation for the 5th floor full service restaurant will be no earlier than 9AM and no later than two hours after the actual closing time of the 1st-4th floor gallery (latest closing time will be no later than 12AM) 7 days a week; no new patrons will be admitted or seated in the Restaurant after the 1st-4th gallery posted closing time (latest seating will be no later than 10PM); the exterior portion of the 5th floor will operate with the same hours of operation as the 1-4th floor showroom gallery; after the closing of the 1st-4th floor showroom gallery, the exterior portion of the 5th floor will be open for restaurant patrons to browse only until 11PM; during Special Events, the exterior of the 5th Floor will close at 10PM as indicated in the stipulations agreement; all patrons will be cleared and no patrons will remain after stated closing times in each of the separate areas; music will be quiet background only consistent with Restoration Hardware's other retail stores; there are provisions for special events outlined in the stipulations; all doors and windows will be closed by 10PM on the 5th floor, there will be no other open windows or facades; there will be no d.j. except as provided for in the stipulations agreement, there will be no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, CB2, Man. was advised the day of CB2's Full Board meeting in March/2017 that the Applicant would not agree to the stipulations outlined below because they would **(1)** not agree to no direct wait service from the restaurant to the exterior of 5th floor rooftop furniture gallery space, **(2)** that they would not agree to a commissioning sound test after outdoor speakers had been installed with residents, and **(3)** that they would not agree to keep closed all windows and facades on floors 1-4 at all times; it was not previously disclosed that the applicant planned to have large fully function windows across the 4th floor façade which they planned to have open and operable; and,

v. Whereas, the stipulations which were for the most part agreed to by the Applicant except as noted above and were formulated over the course of several Community Board appearances and discussions with the Applicant and which reflect the concerns of CB2, Man. and the local residential community with regards to this application and which CB2, Man. would like to have attached and incorporated in to the method of operation on the restaurant wine license under consideration stating that:

1. Premises will be advertised and operated as an upscale interior design gallery/interior decorating establishment and furniture showroom on floors 1-5 with a full service restaurant on the 5th floor.
2. The entire space will be licensed for consumption, however fixed points of sale of beer and wine will only occur in the 5th floor full service restaurant and at the 4th grab and go counter/pantry. There may be wait service to portions of the premise on occasion with remote wireless payment systems at the delivery point, however there will be no wait service to the 5th floor outdoor area. Licensee will notify and return to CB2 to present any changes.
3. The premises is primarily an upscale interior design gallery/interior decorating establishment. The 4th floor grab and go counter and 5th floor restaurant are ancillary services to support the interior design gallery/interior decorating establishment.
4. No portion of the premises will operate as a "bar", "lounge", "tavern" or "sports bar" as is defined for the general purposes of liquor licensing.
5. Premises will not have televisions except as used in the 1st through 4th floor furniture gallery areas to showcase products and as expressly permitted herein.
6. The operator will adhere to all NYC lighting ordinances at all times and will use reasonable efforts to avoid direct light sources (visible bulbs) from being visible to any nearby residential apartments.
7. Premises will not permit dancing and is not seeking a NYC DCA Cabaret License.
8. Premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances except as noted.

9. Premises will not operate any outdoor area for commercial purposes except for the exterior 5th floor furniture showroom gallery.
10. Premises will not open any windows or have open facades on floors 1-4. The 5th floor restaurant will have doors that open to the exterior showroom gallery. Those doors will close at 10 PM without exception. After 10PM one dedicated door will be used on the 5th floor for access to the exterior area by patrons.
11. There will be no unlimited drink or all you can eat and drink specials in any part of the premises. There will be no bottomless brunches or advertised boozy brunches at anytime.
12. Any Special Events will be managed in a manner that will not cause undue impact to the surrounding community by utilizing dedicated staff, if necessary, to manage patrons and traffic coming and going from the events and any other issues that may arise.
13. A manager's phone number will be provided to any local resident requesting it in order to address issues as they might arise during the course of operations that would impact surrounding residents.

Floors 1-4

14. The hours of operation for the interior showroom gallery on floors 1-4 and grab and go counter/pantry will be no earlier than 9AM and no later than 10PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times in each of the separate areas.
15. Except for opening night and Special Events (as defined below), music will be quiet ambient-recorded background music only. Music will adhere to NYC Noise regulations at all times. Music will be comparable to existing Restoration Hardware locations. Volume will remain at a fixed level during all hours of operation.
16. At this time, there will be no private events for outside 3rd parties on the 1st to 4th floor areas. Should this change, the operator will notify CB2 and return to CB2 to address.
17. On "opening night" and once a quarter thereafter, the premises may use DJ's/Live Music for special events hosted by the operator (not 3rd parties) on the 1st to 4th floor. Special Events will end by 10pm in the 1st through 4th floor. On opening night and twice a year thereafter, a Special Event may take place through the entire gallery (including the 5th floor), which will end by midnight and which shall adhere to NYC Noise regulations. During special events, use of the outdoor portion of the 5th floor will end at 10PM and use of any music in the outdoor area will adhere to the predetermine levels as indicated below.

5th Floor

18. The hours of operation for the 5th floor full service restaurant will be no earlier than 9AM and no later than two hours after the actual closing time of the 1st-4th floor gallery (latest closing time will be no later than 12AM) 7 days a week. No new patrons will be admitted or seated in the Restaurant after the 1st-4th gallery posted closing time (latest seating will be no later than 10PM). There will be no wait service to the exterior portion of the 5th floor. The exterior portion of the 5th floor will at all times be operated as a furniture showroom/gallery and exterior occupancy will never exceed the specific limit stated on the Certificate of Occupancy. The exterior portion of the 5th floor will operate with the same hours of operation as the 1-4th floor showroom gallery. After the closing of the 1st-4th floor showroom gallery, the exterior portion of the 5th floor will be open for restaurant patrons only until 11PM. During Special Events, the exterior of the 5th Floor will close at 10PM. All patrons will be cleared and no patrons will remain after stated closing times in each of the separate areas.
19. The 5th floor restaurant will operate as a full service restaurant with regular menu items available until closing every night. Regular seating arrangements will not be temporarily adjusted to seat larger or smaller parties (seating will remain fixed throughout operations),

however, RH may make permanent adjustments to seating arrangements from time to time. Except for Special Events defined elsewhere occurring on opening night and twice per year as indicated, there will be no other special events, 3rd party events or rentals of the 5th floor restaurant including weddings.. However the 5th floor restaurant may operate under a “buyout” arrangement provided the restaurant operates as it would at any other time (for example there would be no additional entertainment provisions, special seating arrangements, outside contractors or rentals, any changes to music etc.)

20. There will be no televisions on the 5th floor provided that screens/monitors with no sound may be used as décor and screens may be used for Special Events for presentation purposes
21. On the interior of the 5th floor, music will be quiet ambient-recorded background music only. There will be no DJ's or Live Music at anytime with the exception of the opening night and special events as indicated at which time there may be a DJ. Anytime a DJ is utilized, all doors and windows to the exterior will remain closed for the duration of the event and music levels on the 5th floor will continue to be background in nature. Music will adhere to NYC Noise regulations at all times. Music will be comparable to existing Restoration Hardware locations. Volume will remain at a fixed level during all hours of operation.
22. In consideration of certain agreements by the operator and given the unique operation of the exterior of the 5th floor, music on the exterior will be permitted between the opening time of the gallery and 8PM provided there is no undue impact to the surrounding community and if music at all times is quiet ambient-recorded background music only. Volumes will be set at a predetermined level, which will remain constant at all times. Sound limiters will be installed and calibrated so that at no time will sound levels exceed those predetermined limits. A commissioning test/run through after the final installation of all sound equipment on the 5th floor is installed and just before the opening of the premises will be performed and members of the community will be invited to participate at which time those levels will be finalized. The initial proposed setting measured 6 feet from each speaker is 75 dBA and 76 dBC. It is anticipated that all noise levels will be below NYC Noise regulations at all times and that they will never exceed those levels. A manager will be indentified who is responsible for ensuring compliance and will be the point person for any sound related issues. The operator and the Community may revisit these sound limits after the premises has been operating for 6 months or as necessary should residents or the premises be experiencing any sound related issues.

vi. Whereas, among other things, the applicant would not agree to three key components of the above stipulations, specifically, **(1)** they would not agree to have no wait service on the exterior portion of the rooftop and **(2)** they would not agree to a commissioning test after the actual sound equipment is installed on the 5th floor just prior to the opening of the premises with community members present to help identify any potential issues and **(3)** they disclosed after the fact that the 4th floor had numerous operable windows which they planned to have open during the course of operations which were not specifically stated in CB2's Questionnaire and which were not disused; CB2, Man. and the community feel very strongly that if there is wait service on the rooftop, the outdoor portion would no longer just be part of the “interior decorating establishment, showroom and furniture gallery” but would instead become an extension of the 5th Floor Restaurant; there is not opposition to patrons of any part of the premises moving through the rooftop with wine or beer, the specific objection is to the use of wait service in the exterior areas; specifically if a patron orders a drink or is delivered a drink in the exterior area it changes the nature of the use of the exterior area and that is significant concern to the community and has been identified as such to the applicant because it alters the nature and use of the exterior area; no language to ameliorate this concern was offered by the applicant as they stated they would not agree to this in order to allow all sorts of potential examples of exceptions; this was of great concern given the ongoing issues and impacts on quality of life that licensed outdoor spaces have in this area; the Certificate of Occupancy specifically states that the outdoor area use is “Interior

Decorating Establishment”; the community was also greatly concerned that they could not work with the applicant after all sound equipment is installed to make sure that there are no impacts from the set sound levels; a commission run through/test seems like a very reasonable step to take to ensure that there are no immediate or ongoing issues and help set a mutually agreed to standard that is not subject to ongoing dialogue; the applicant also failed to disclose the windows across the 4th floor façade which they planned to have as operational and leave open during the course of business knowing full well that sound and music issues were of significant concern to both CB2, Man. and members of the residential community; and,

vii. Whereas, a petition was presented, the applicant did reach out to local residents and there were discussions with residents and CB2, Man. which cumulated in the above noted stipulations with the exception of the above noted areas of non agreement; CB2’s SLA Licensing Committee’s initial recommendation before the applicant requested to layover the application in January after their original presentation was to deny the application as presented at that time; CB2 suggested to the applicant that CB2 and members of the community would be willing to continue an ongoing dialogue understanding that the outdoor 5th floor space was of great concern; the applicant appeared in various capacities after that original presentation to address various aspects and the stipulations above were formulated over the course of those meetings; there is significant concern from local residents that this 70,000 sq. ft. premises presented by the applicant as an “interior decorating establishment, showroom and furniture gallery” will have significant impact on the quality of life of the local community and could adversely impact the area if the stipulations outlined above are not agreed and adhered to; in particular, there was great concern regarding noise and music connected with the rooftop exterior space both mechanically generated and from people’s voices if the rooftop were used for any other purpose than as a interior decorating establishment, showroom and furniture gallery with comparable low density occupancy levels; there were concerns that the careful parsing of words and presentation which has been used in order to get permission to occupy the space in this specific capacity and not as a general retail store which is not permitted in this location as configured could result in ancillary uses of the rooftop space as an extension of the 5th floor restaurant and have eating and/or drinking component which add adverse impacts to the local community as they would alter the manner in which the space was anticipated to be used; by not agreeing to not have wait service to the outdoor areas, this concern appears valid; the stipulations agreement has provisions which in theory should address those concerns of area residents by placing parameters around various activities by the applicant which would not result in adverse impacts; in particular, no direct service to the outdoor area is of significant importance to those who are directly impacted; hours of operation of the outdoor space, hours of any use of music in the exterior; hours at which doors and windows at the rooftop level are closed; noise coming from the rooftop restaurant and the final closing hour when no patrons remain are all also of significant importance; should the 5th floor restaurant become a destination location with associated impacts and become more than an ancillary use, members of the Community and CB2, Man. may wish to revisit these parameters in the future; and,

viii. Whereas, should the applicant agree in their entirety the stipulations noted above, CB2, Man. would remove their recommendation for denial of the proposed license; and,

ix. Whereas, there are currently approximately 30 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **RH NY MP F&B, LLC, d/b/a Restoration Hardware, 9-19 Ninth Ave. 10014** on its application seeking a new restaurant wine license; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA for consideration and discussion and additional comment given its unique circumstances and that those proposed stipulations presented above in there entirety be considered to be incorporated into any license issued.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

21. MCD Hospitality, LLC, d/b/a Le Baratin, 26 Greenwich Ave. 10011 (Class Change from RW to OP)

i. Whereas, 2 of the Principles appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a class change application to upgrade a restaurant wine license to a restaurant on-premise liquor license in a currently operating location for a small neighborhood restaurant serving French bistro dishes; and,

ii. Whereas, this premises is located in a mixed-use building located on Greenwich Avenue between West 10th Street and Charles Street (Block #606 / lot #08), for a 900 sq. ft. premise with 14 tables with 35 seats, 1 bar with 8 seats, for a total of 43 seats and the maximum proposed occupancy is 50 people, there is no sidewalk café and no backyard use; and,

iii. Whereas, the hours of operation are Sunday to Thursday from 12PM to 12AM and Friday and Saturday from 12PM to 1AM (No patrons shall remain after the closing hour), music is quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the applicant has installed soundproofing using a professional sound engineer, there is no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, when opening this location, which was previously an unlicensed location in an area with many licenses, the applicant initially reached out to the community and established and executed a stipulations agreement with the Mid West 10th Street Block Association, which CB2 incorporated into a separate stipulations agreement which the applicant agreed to submit to the SLA for incorporation

into the “method of operation” on their SLA restaurant wine license; the applicant has agreed to an updated stipulations agreement with CB2, Man. with respect to this request for a class change to a restaurant on-premises liquor license which is substantively the same and includes in its entirety the original stipulations agreement with the Mid West 10th Street Block Association; and,

v. Whereas, the updated and executed stipulations agreement with CB2, Man. that the applicant has agreed to have attached and incorporated into the method of operation on the new restaurant on premise liquor license is as follows:

1. Premise will be advertised and operated as a small neighborhood restaurant serving French bistro dishes.
2. The hours of operation will be Sunday to Thursday from 8AM to 12AM and Friday to Saturday from 8AM to 1AM. 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 no more than 1 television no larger than 46 inches.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only 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.
8. The premises will not have DJ’s, cover charges or promoted events.
9. The premises will close all doors and windows at all times. There will be no 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. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. All existing stipulations from Restaurant Wine License #1269263 will remain in effect for new OP License including agreements made with the Mid West 10th Street Block Association. Previous stipulations are attached including stipulations agreed to with the Mid West 10th Street Block Association.
13. After 11PM Thursday to Saturday a staff member will be stationed outside to monitor sidewalk area to minimize patrons creating quality of life issues/congregating/loitering/creating noise. At other times designated staff member will monitor area at all times.
14. Will respond to all complaints in a timely manner.

vi. Whereas, the stipulations agreement referred to and incorporated above which was executed with the Mid West 10th Street Block Association on November 21st, 2013 states in part:

1. *Hours of Operation: On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.*
2. *Certificates, Permits and Related Documents: The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.*
3. *Traffic: The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought*

to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.

4. *Manager: The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.*
5. *Music: The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.*
6. *Soundproofing: The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.*
7. *Sidewalk Café: The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.*
8. *Front Door: The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.*
9. *Doors and Windows: The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and*

windows, the stipulations listed in “Soundproofing” will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.

- 10. Sanitation: The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.*
- 11. Lighting: The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.*
- 12. Advertising: The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.*
- 13. Notification Of Change Of Ownership: The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.*
- 14. Monthly And Quarterly Meetings: The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.*
- 15. Events: The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.*

vii. Whereas, over the years since the premises has opened, there have been complaints from local residents which the licensee has gone to lengths to address after initially having some issues in communicating with residents; the response to complaints appears to have improved over time; the complaints have included **(1)** Sidewalk congestion and crowding as a result of patrons waiting to enter, loitering after exiting and smoking and a general lack of management by restaurant staff (violation of stipulations), **(2)** Music volumes at levels higher than background level which is occasionally audible outside the establishment (violation of stipulations), **(3)** Doors remaining propped open during the day and evening allowing music and patron noise to be heard outside the establishment (violation of stipulations), **(4)** issues and complaints not resolved by Principals despite reaching out to them directly at various times over the course of 1 year of operation, **(5)** Complaints regarding the unresponsiveness, unprofessional attitude and general lack of interest of Principals to be good neighbors, **(6)** issues were predominately occurring on weekends after 10 pm until 1 am and during various specific sporting or cultural events; the complaints were documented in the form of photographs, videos, and detailed emails, and were the subject of a May/2015 Resolution to the Liquor Authority concerning the renewal of their license which included updated stipulations that the licensee would continuously monitor the sidewalk area at all times and station a staff member outside at 11PM on Thursday, Friday and Saturday until close; and,

viii. Whereas, two letters in opposition were submitted to CB2, Man. by residents who live immediately across the street in a large residential building requesting that the Upgrade application be denied based on specific events and violations of the agreed upon stipulations which have occurred since the last May/2015 appearance by the licensee before CB2, Man., one letter included correspondence between the letter writer and pictures documenting the events as they occurred; the Licensee presented a petition in support of their Class change application; 2 speakers who are regular patrons appeared in support of the applicant; and,

ix. Whereas, there are currently approximately 21 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a class change to a Restaurant On Premise Liquor License for **MCD Hospitality, LLC, d/b/a Le Baratin, 26 Greenwich Ave. 10011** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

22. The Otheroom, Inc, d/b/a The Otheroom, 143 Perry St. 10014 (OP – Class change from Tavern Wine)

- i. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application to upgrade an existing tavern wine license SN#1034250 to a tavern on-premise liquor license for a neighborhood tavern serving small plates; and,
- ii. Whereas**, this upgrade application is for an existing premises in a mixed-use building located on Perry Street between Greenwich St. and Washington St. for a roughly 960 sq. ft. premise on two floors (570 sq. ft. ground floor 390 sq. ft. basement) with accessory use in the basement (no patron use) with 9 tables and 20 seats, one stand up bar with 10 seats, 18 banquet seats for a grand total of 48 interior seats, there is also an existing sidewalk café included in this application with 2 tables and 6 seats, there is an existing Certificate of Occupancy; and,
- iii. Whereas**, the hours of operation will be Sunday to Wednesday from 5PM to 12AM and Thursday to Saturday from 5PM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, all doors and windows will be closed no later than 9 p.m. 7 days a week; and,
- iv. Whereas**, the applicant presented a petition with signatures, however only a few signatures were from within CB2, Man. and only a couple of signatures were from the immediate area, the applicants also currently hold 3 other tavern wine licenses in New York City; and,

v. **Whereas**, there were concerns that in upgrading the license to a tavern on-premise liquor license there would be an additional contributions to quality of life issues and that given that this location was mid-block in an area which is quiet in the evening and residential in character and not located on an avenue, later operating hours would exacerbate those issues, the applicant agreed and was willing to stipulate to earlier closing hours in exchange for a class change to a tavern on-premise liquor license and closing the sidewalk café at an early hour in light of the fact that no food is served and that there is currently no waiter service to patrons in the outdoor area as required by DCA regulations and that there are large operable windows that open onto the sidewalk; and,

vi. **Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA on premises liquor license stating that:

1. Premise will be advertised and operated as a neighborhood tavern serving small plates.
2. The hours of operation will be on Sunday to Wednesday from 5PM to 12AM and Thursday to Saturday from 5PM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will employ a doorman/security personnel if needed.
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, cover charges or promoted events.
10. The premises will close all doors and windows at 9PM and anytime there is amplified music without exception.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. A sound limiter will be installed and calibrated to minimize all sound issues so as not to be audible outside the premises.
14. Security staff will be utilized if it becomes necessary.
15. The DCA sidewalk café does not have food service. If it is legal to have a DCA sidewalk café without food service, the sidewalk café will close at 9PM 7 days a week and all patrons in the sidewalk café will be served by waiters only.

vii. **Whereas**, there are currently approximately 9 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an upgrade to the existing tavern wine license for **The Otheroom, Inc., 143 Perry St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA On Premise Liquor License.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, 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:

23. Good Luck Ribbon Corp., d/b/a N/A, 14 Bedford St. 10014 (New OP – Restaurant/Previously Unlicensed - Withdrawn)

i. Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new restaurant on premise liquor license operating until 1AM 7 days a week in a previously unlicensed location to operate an Italian restaurant on a residential street in a residential zoned within a historic district where no eating and drinking use had previously existed; and

ii. Whereas, after presenting before CB2, Man., the applicant decided to withdraw this application for an On Premise license from consideration at these premises after CB2's SLA Licensing Committee had recommended to Deny the proposed application, but prior to its presentation to the full board of CB2; the applicant has submitted a new 30 day notice to CB2, Man seeking a Restaurant Wine license for the purpose of reappearing before CB2 Man. in April/2017 for this purpose; and

iii. Whereas, there is significant community opposition to this application and a number of residents submitted correspondence and appeared in opposition stating among other things that this location had never been previously licensed, that this residential block already suffers greatly from quality of life issues from the proliferation of SLA Licenses in this residentially zoned area, that the nature of the narrow streets and sidewalk simply cannot absorb another evening operation with the accessory impacts on quality of life; the applicant already infringes on quality of life on the block through their operation located directly across the street; that there are 17 vacancies on 6th and 7th Avenues in the

immediate area which are more properly suited to this type of new use; that the Applicant has an adverse history with another of their licensed locations within CB2 with their immediate neighbors; it was brought to CB2's attention that there were irregularities with a petition which was submitted to CB2, Man. in support; and,

iv. Whereas, CB2, Man. shares similar concerns as local residents as they relate to this application and this location;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Good Luck Ribbon Corp., d/b/a N/A, 14 Bedford St. 10014** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 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

3 Washington Square Village
NEW YORK, NY 10012-1899
www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org
Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

24. Smorgasburg Events, LLC, d/b/a N/A, 76 Varick St. 10013 (RW)(Outdoor food court with bar and recorded music) (Layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 9th, 2017, the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Smorgasburg Events LLC, d/b/a N/A, 76 Varick St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

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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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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

25. FB 35 East 13, Inc., d/b/a N/A, 35 E. 13th St. 10003 (OP – BAR, currently operating as BAR 13, includes late-night live music, Rooftop, DJs and Patron Dancing) (Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 9th, 2017 the Applicant requested to **withdraw** this application after having requested repeated layovers for a new on-premise liquor license across multiple floors with outdoor rooftop 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; there is significant community opposition;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **FB 35 East 13, Inc., 35 E. 13th St. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 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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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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

26. FiftyTwo Merchants, LLC, d/b/a TBD, 52 Grove St. 10014 (OP - Restaurant) (layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 9th, 2017, the Applicant requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **FiftyTwo Merchants, LLC, d/b/a TBD, 52 Grove St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 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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April 3, 2017

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 March 23, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

27. Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry St. 10014 (OP-Restaurant – with sidewalk café-previously unlicensed location) (layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on March 9th, 2017, the Applicant requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry 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 36 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, Member of Congress
Hon. Nydia M. Velázquez, Member of Congress
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, NY State Assembly Member
Hon. Yuh-Line Niou, NY State Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Rosie Mendez, NYC Council Member
Hon. Margaret Chin, NYC Council Member
Hon. Corey Johnson, NYC Council Member
Jacqueline Held, Deputy Commissioner of Licensing, NY State Liquor Authority
Michael Jones, Chief Deputy Chief Executive Officer, NY State Liquor Authority
Jonathan Rodriguez, Hearing Bureau, NY State Liquor Authority
SLA Examiners