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COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. 888 Dumpling LLC d/b/a Miss Yu Bowery Dumpling (Previously Hok S. Lam, Miss Yu), 188 Bowery a/k/a 2 Spring St. (New OP – previously unlicensed basement premises)

Whereas, the applicant appeared before CB2's SLA committee for the purpose of seeking a new OP license in the basement premises of a six-story mixed use loft building at the southwest corner of Spring and Bowery; and

Whereas, the premises was previously used as storage for a restaurant supply store; and

Whereas, the applicants seek to open a Dumpling House with late night service until 2 am in a 4200 sq. basement involving a complete gut renovation of the premises, a new full service kitchen and installation of new mechanical systems where none had existed previously; and

Whereas, the premises does not have a valid Certificate of Occupancy or Public Assembly Permit allowing the premises to be operated as a eating or drinking establishment with a liquor license; and

Whereas, the renovation of the basement premises will create a new entrance to the premises on Spring Street and not on the Bowery; and

Whereas, the proposed Bar and Restaurant seeks to have 52 tables with 175 seats, one bar with 14 seats for a total occupancy of 199 patrons with hours of operation from 12 pm to 2 am every night; and

Whereas, the applicants originally sought to have a 4 am closing time but thereafter reduced those hours to 2 am; and

Whereas, the applicants have never held a liquor license or operated a restaurant and all their previous experience included operating bars in Midtown until 4am; and

Whereas, the proposed menu is mostly appetizers, salads, noodles and dumplings with the most expensive places being \$15 or less in price, similar to the price points of a Bar and not a Restaurant; and

Whereas, the proposed basement premises will require new egress from the Bar/Restaurant leading directly into the main staircase and hallway used by the Residential Tenants of the building creating significant concerns of security and safety for the existing Residents, who include families with children and who have resided in the building for decades; and

Whereas, the basement premises also includes a rear courtyard outdoor space that faces the rear windows of a large adjacent residential community creating concerns of noise coming from the Bar/Restaurant; and

Whereas, applicant proposed speakers throughout the establishment for “ambient” music but no soundproofing was proposed; and

Whereas, Residential Tenants of the building, appeared before CB2 Man. and were unanimously opposed to a new liquor license in their building, citing concerns with late night noise and crowds, an aggravation of an existing heavy volume of pedestrian and vehicle traffic, the over-saturation of liquor licenses in the neighborhood and produced photographs of the interior building where new egress from the Bar/Restaurant directly into the Residents staircase and common hallway is proposed; and

Whereas, many neighborhood and block associations also appeared and spoke in opposition to the new liquor license application, including the Little Italy Neighbors Association, Bowery Block Association, the Friends of Petrosino Square and the Nolita Place Condominiums, a 67 Unit Condominium building located directly across the Street at 199 Bowery; and

Whereas, a petition with 91 signatures was presented in opposition to this application; and

Whereas, an on-line petition with 213 electronic signatures was presented in support of this application; and

Whereas, people also appeared in favor of the new proposed establishment and to support the applicants based on their previous operation of Bars but only one person actually lived nearby the location and he had only lived in his apartment for four months; and

Whereas, there are already 26 liquor licenses within a 500 foot radius of these premises, many of which have only recently been added to the Area and many bars and night clubs, including the General/Finale NYC located right across the Bowery from the proposed premises and Sweet & Vicious, located right across Spring Street from the proposed premises; and

Whereas, these existing establishments (located across from this proposed establishment) at Spring and Bowery already generate considerable sidewalk and traffic congestion, that the General/Finale NYC alone contains three bars and night clubs causing gridlock caused by private cars and limos, double parked and blocking the intersection for vehicles attempting to turn left onto Spring, leading to the honking of horns late at night at a heavily congested intersection; and

Whereas, there are an additional 22 liquor licenses within a 700 foot radius of the proposed premises for a total of 48 liquor licenses within a few blocks of the proposed license and it is anticipation with the addition of yet another large 22 story hotel (Citizen M. currently being built at the corner of Delancey and Bowery) will further seek to establish even more liquor licenses in the immediate area; and

Whereas, members of the CB2 SLA Committee are very concerned about the applicants prior experience, which relates only to operation of late night bars and not restaurants, the applicant's claims that they will be opening up a Restaurant serving dumplings and not a bar despite a menu and price point that suggests the operation of a bar, the large size of the premises and the significant number of new patrons invited into a basement premises in a building primarily occupied by residential tenants with families, the complication of creating egress from the basement premises into the residential portion of the building, hallways and staircase, the recent addition of many late night establishments, bars and night clubs in the immediate area, the number of existing late night bars and OP licenses in the surrounding residential area, the licensee's failure to establish a public interest or benefit for operating a bar and restaurant at these premises in a residential building until 2 am or alleviate the Committee's concerns with additional traffic, noise, exhaust and the failure to obtain all the proper licenses and permits to operate an eating and drinking establishment at these premises; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for **888 Dumpling LLC d/b/a Miss Yu Bowery Dumpling (Previously Hok S. Lam, Miss Yu), 188 Bowery a/k/a 2 Spring St.** on its application seeking a new OP license.

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

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500 foot hearing because the basement premises has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 37 Board members in favor.

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Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

2. Kale NYC LLC d/b/a Officina Mille Miglie, 371 Broome Street aka 173 Mott Street 10013
(BW License, previously unlicensed storefront location)

Whereas, the applicant presented before CB#2, Man. and seeks to open an Italian restaurant in a corner storefront previously operated as a store selling Aquariums and tropical fish at the south west corner of Broome and Mott Streets in a mixed use, five-story building; and

Whereas, the storefront premises has never been licensed for the service of alcohol or operated as an eating and drinking establishment, the premises will be gut renovated with a new full service kitchen requiring installation of new mechanical systems; and

Whereas, the licensed premises will be 1200 s.f., there will be 13 tables in 33 seats, 1 bar with 8 seats; and

Whereas, the applicant seeks to change the front façade of the new corner storefront and install new French windows and doors that open out to the sidewalk but further agreed not to install new French Windows and doors on Broome Street and only on Mott Street to reduce noise emitting from the new Restaurant caused by the open façade doors during operating hours; and

Whereas, CB#2, Man. is very concerned about the open storefront doors that will be installed and used on the Mott Street façade during operating hours when these premises are surrounded by residential buildings; and

Whereas, because of those concerns applicant specifically agreed to close those doors and windows on the Mott Street side façade every evening at 10 pm; and

Whereas, the applicant may seek to operate a new sidewalk café in the future but a sidewalk café is not included in the application that is currently being presented and the applicant will have to come back to CB#2, Man. if that occurs; and

Whereas, there is no backyard garden, there will be only one TV, music will be quiet background only and new soundproofing will be installed; and

Whereas, the hours of operation will be from 8 am to 12 am every night, Sunday through Saturday, there will be occasional private parties but no promoted events, DJs, live music, scheduled performances or any events for which a cover fee is charged; and

Whereas, with his attorney present, the applicant agreed never to upgrade to a full OP license at these corner storefront premises; and

Whereas, a letter of opposition was presented to CB#2, Man. from the Chinatown Head Start Organization, asserting that the new eating and drinking establishment is inappropriate for the mixed use residential neighborhood already saturated with too many liquor licenses and that by adding more eating and drinking patrons to the area will only add to traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area; and

Whereas, there are already 24 liquor licenses within a 500-foot radius of the proposed Restaurant and two Churches (Holy Trinity and Chapel of San Lorenzo Ruiz) within 200 feet of the premises; and

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

1. Applicant will obtain a letter of no objection or certificate of occupancy from the NYC Building Department for occupying the premises as a eating and drinking establishment before opening and operating the corner storefront premises (letter of no objection or certificate of occupancy shall be dated after July 2014).
2. Hours of operation will be from 8 am to 12 am every night from Sunday through Saturday (at closing all patrons will have vacated the premises).
3. Will close all doors and windows by 10 pm every evening.
4. New soundproofing will be installed.
5. Music will be quiet, background level inside restaurant only, there will be only one TV and there will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Will never seek upgrade to full OP license at these premises.
7. As a part of the renovation of the space, no French doors and windows to be installed on the Broome Street storefront façade and any doors/windows will be fixed, and will not be operable or designed to open up and out to the public sidewalk.
8. Will operate as an Italian Restaurant and not as a bar or tavern.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Beer Wine license to **Kale NYC LLC d/b/a Officina Mille Miglie, 371 Broome Street aka 173 Mott Street 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the OP License.

Vote: Unanimous, with 37 Board members in favor.

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. 323 MM NYC LLC d/b/a Michelangelo Mamo, 323 West Broadway 10013 (new OP License)

Whereas, the applicant appeared before CB#2, Manhattan's SLA Licensing Committee for a full On-Premise liquor license to operate a full service Italian restaurant in a two-story commercial use building on West Broadway between Grand and Canal Streets; and

Whereas, the premises was previously operated as a restaurant (Jezebel 2012-2103) with a license to sell alcohol; and

Whereas, the total licensed premises will be 4500 s.f. over two floors and a 500 sf basement for storage but not patrons, 4 bathrooms with 50 tables and 150 seats, one bar with 10 seats for a total patron occupancy of 160, there will be no TVs, quiet background music only, there will be no sidewalk café or outdoor garden and there are no French doors or windows that will open out; and

Whereas, the applicant agreed to operate with hours of operation from 11 am to 12:30 am Sunday through Thursday and from 11 am to 1:30 am Friday and Saturday; and

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

1. The premises will be operated as a full service Italian restaurant only.
2. Will operate with hours of operation from 11 am to 12:30 pm Sunday through Thursday and from 11 am to 1am Friday and Saturday.
3. There will be no TVs.

4. There will be no outdoor area, no rooftop area/use or sidewalk café.
5. There will be no French doors or windows installed and all existing doors/windows will be closed by 10 PM every evening.
6. Music will be quiet, background level only, there will be private parties but there will not be live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On-Premise liquor license to **323 MM NYC LLC d/b/a Michelangelo Mamo, 323 West Broadway 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the OP License.

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

4. ABAW, LLC d/b/a to be determined, 220 West Houston Street, 10014 (Transfer of OP-License #1238857, previously licensed location)

Whereas, the applicant appeared before CB#2, Manhattan's SLA Licensing Committee for a new On-premise Liquor license to operate a bar in a ground floor space in a four story mixed use townhouse in a historic district at the corner of W. Houston and LaGuardia Place; and

Whereas, the 1800 s.f. premises was previously operated as a Sports Bar doing business as Busker's Bar & Restaurant (contrary to their original presentation to CB#2, Man. that stated they would operate as a restaurant), but the current applicant stated and agreed that the existing premises will not be operated as a Sports Bar and that the premises will be operated as a Restaurant and Gastro Pub with only one TV; and

Whereas, there will not be any extensive renovations to the premises, 10 to 12 tables with 50 seats, one bar with 12 seats, one TV no more than 40 inches in width, there will be background music only, no sidewalk café or outdoor garden and they will not install French doors or windows; and

Whereas, the applicant will operate from 11:30 am to 2 am Sunday through Wednesday and from 11:30 am to 4 am Thursdays through Saturdays; and

Whereas, the operator met the Bleeker Area Merchants & Residents Association ("BAMRA") and further agreed to abide by certain stipulations with BAMRA that are being incorporated herein; and

Whereas, the applicant will use reasonable efforts to remedy any traffic issues, shall employ security guards on the weekends and as needed, and keep the sidewalk clear of patrons from hanging out in front of the premises at night

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a gastro pub and not as a sports bar with multiple TVs.
2. Will operate with hours of operation from 11:30 am to 2 am Sunday through Wednesday and from 11:30 am to 4 am Thursdays through Saturdays.
3. There will be only one TV.
4. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Will employ security on the weekends.
8. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.
9. All stipulations agreed to with BAMRA are incorporated into stipulations agreed to with CB2 Manhattan.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an OP license to **ABAW, LLC d/b/a to be determined, 220 West Houston Street, 10014** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for an OP License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, 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:

5. Soseb LLC, d/b/a Cocotte, 110 Thompson St. 10012 (RW) (withdrawn by attorney)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the applicant's attorney requested to lay over and/or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **Soseb LLC, d/b/a Cocotte, 110 Thompson 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; and,

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

6. RV Partners, Inc., Bombay Duck Co., 190 Bleecker St. 10012 (attorney requested layover to September)

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the attorney requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a new beer and wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer/Wine or On Premise license to **RV Partners, Inc., Bombay Duck Co., 190 Bleecker 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 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. Broome Street Food and Drink, LLC, 529 Broome St. 10013 (Request for layover by applicant at meeting)

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a Beer/Wine or On-Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Broome Street Food and Drink, LLC, 529 Broome St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

8. MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 10013 (change of class from OP to Catering Establishment License) (withdrawn by attorney before meeting and will resubmit)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for an alteration to change an existing On-Premise liquor license to catering establishment license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 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 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9. No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan St. 10012 (attorney requested layover)

Whereas, immediately prior to this month's CB2 SLA Licensing Committee meeting on July 10, 2014, the principal's attorney requested to layover and adjourn the instant application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a new On-Premise liquor license at a previously unlicensed location; and,

Whereas, despite the layover request at the last minute, twenty-five residents living on Sullivan Street between Prince and Houston Streets appeared to voice their strong opposition to the formation of an eating and drinking establishment where only an unlicensed catering business with café exists:

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan 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 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

10. Beyond the Kitchen, Inc., 133 W, 3rd St. 10012 (applicant requested layover prior to meeting)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to layover and adjourn the instant application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a new On-Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Beyond the Kitchen, Inc., 133 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

11. Rafi Gibly/Corp. to be formed, d/b/a Hudson Square Hotel, 219 Hudson St. 10013 (Attorney requested layover to September meeting)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to layover and adjourn the instant application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a new On-Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Rafi Gibly/Corp. to be formed, d/b/a Hudson Square Hotel, 219 Hudson 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

12. Paali Enterprises, Inc. d/b/a Village Prime, 300-302 Bleecker St. 10014 (New OP)

Whereas, the applicant re-appeared before Community Board 2, Manhattan's SLA Licensing committee for a second time after receiving a negative recommendation with substantive changes to their application to the Liquor Authority for a restaurant that "will be serving aged steak and seafood with a great selection of wines that will complement all the dish on the menu"; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location that has been closed for some time; the premises is in a mixed residential/commercial district located on the ground floor and basement on Bleecker Street between Barrow St./7th Ave South and Grove St. for a roughly 3,600 sq. ft. premise divided between 1,500 sq. ft. on the interior ground floor, 600 sq. ft. in an exterior rear/side yard and 1,600 sq. ft. in the basement, basement is for accessory use only with no patron seating, there will be 18 tables and 42 seats on the interior and 1 standup bar with 5 seats for a total of 47 interior seats and 6 tables and 24 seats in the rear/side yard for a grand total of 71 seats; there is no sidewalk cafe, there is an existing Certificate of Occupancy, but the Certificate of Occupancy does not indicated that use of the rear yard/side yard is permitted and the **applicant was unable to produce any documentation showing that outdoor eating and drinking use for patron use is permitted**; and,

Whereas, the hours of operation of the interior of the premises are from 11 am to 2 am 7 days a week; the hours of operation of the exterior rear yard/side yard are Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm, the rear yard will be "dark" at closing times and no patrons or staff shall remain in the outdoor area; music on the interior 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 music in any outdoor areas; 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,

Whereas, the applicant executed a stipulations agreement with CB#2., Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a high end aged steak and seafood restaurant and will be operated as a full service restaurant only.
2. The hours of operation of the interior of the premises are from 11 am to 2 am 7 days a week.
3. The hours of operation of the exterior rear yard are Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm. The rear yard will be “dark” at closing times and no patrons or staff shall remain in the outdoor area.
4. All doors and windows, including any windows facing rear yard and doors to rear yard, shall remain closed at all times expect for ingress and egress. There will be no French doors or windows.
5. Music will be ambient quiet background only in the interior and there will be absolutely no music in the exterior.
6. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
7. There will be no sidewalk café.
8. There will be no more than 1 television in the interior of the premises.
9. There will be no smoking in the rear yard exterior area.
10. The rear yard garden will not be used unless the NYC Department of Buildings indicates that use is allowed for eating and drinking purposes.

Whereas, the applicant did reach out to members of the community initially and after receiving a negative recommendation from CB#2, Man., the applicant re-approached members of the community and was able to generate some support for the application by reducing the hours of operation of the rear yard/side yard garden to Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm and was able to gain support for longer hours of operation on the interior as indicated in the above stipulations; and,

Whereas, there are approximately 29 on-premise liquor licenses within 500 ft. and a large additional number of beer and wine licenses all in close proximity to residential neighbors; and,

Whereas, a representative of an adjoining condominium building 34-36 Barrow St with 11 units appeared and spoke stated that they were not in opposition provided that the applicant agreed to the stipulations discussed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Paali Enterprises, Inc. d/b/a Village Prime, 300-302 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 relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

13. A&V West, Inc. d/b/a Gardenia, 64 Downing St. 10014 (New OP - Transfer)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "transfer" of a Restaurant On-Premise Liquor License for a "family restaurant featuring Latino cuisine"; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location; the premises is in a mixed use district located on the ground floor with accessory use in the basement on Downing Street between Bedford and Varick Streets for a roughly 1,653 sq. ft. premise of which 861 sq. ft. is on the first floor and 792 sq. ft. is in the basement with 13 tables and 34 seats, and 1 standup bar with 12 seats for a total of 46 seats; the maximum legal capacity is less than 74 persons; there is no sidewalk café; there are no other outdoor seating areas or backyard garden; and,

Whereas, the hours of operation will be from 10 am to 1 am 7 days a week, all doors and windows will be closed at all times except for ingress and egress, music will be ambient 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,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a family restaurant featuring Latino cuisine and will be operated as a full service restaurant only.

2. The hours of operation will be from 10 am to 1 am 7 days a week. No patrons shall remain at closing.
3. There will be no outdoor areas or sidewalk café.
4. There is existing soundproofing.
5. All doors and windows shall remain closed at all times expect for ingress and egress.
6. Music will be ambient quiet background only.
7. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
8. There will be no televisions.
9. There will be no patron use of basement.
10. There will be no change to the existing façade, windows will always remain as fixed closed non-operable windows.

Whereas, the applicant has another licensed premises in CB3, Manhattan and performed community outreach with the local block association;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **A&V West, Inc. d/b/a Gardenia, 64 Downing St. 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

14. Naco NYC LLC, d/b/a El Toro Blanco, 10 Downing St. 10014 (OP Renewal - SN1265770)

Whereas, at the specific request of residential tenants and neighbors of El Toro Blanco, CB#2, Man. requested the Principle to appear before CB2 Manhattan's SLA Licensing Committee to address their concerns and complaints; and,

Whereas, the Principle, the General Manager, the Director of Operations and the Principles Attorney appeared to address the concerns addressed by the community; and,

Whereas, CB#2, Man. received complaints both at the meeting and in writing from several representatives of neighborhood groups including from the 10 Downing St. Tenants Association and residents of an adjoining building to the South specifically that (1) the adjacent courtyard to the South which is an escape route for a number of tenants in the event of fire or other emergency is being used every day for food and beverage deliveries, laundry and trash and that a service station cart has been partially blocking one of the gates, and that delivery bicycles had been stored in the courtyard – this is specifically prohibited in the existing stipulations (2) that there have been benches placed along the perimeter of the sidewalk café – this is specifically prohibited in the existing stipulations (3) that a “new” unlicensed private dining room had recently been acquired through an adjoining space and is being used regularly for between 30 and 40 patrons for patron dining and private parties but that the space had not yet been added into the existing liquor license and that loud music from the newly acquired unlicensed space is easily audible on a regular basis in the residential hallway through an existing door from the acquired space into the residential hallway (4) that smokers from the restaurant were congregating in front of 255 Sixth Ave directly to the South of the restaurant and that patrons were removing drinks from the boundaries of the premises while they smoke and (5) that cleaning activities like the cleaning of kitchen mats hosing down the sidewalk were happening at unreasonable

early morning hours (6) deliveries are happening outside reasonable hours (7) the door to the courtyard is banging and slamming constantly at all hours due to employees use of the courtyard – this is specifically prohibited in the existing stipulations against agreed upon stipulations (8) the awning in the sidewalk café is not being utilized to mitigate patron noise into residential units above the premises (9) that the sidewalk café is laid out contrary to approved plans on file with the SLA and NYC DCA; and,

Whereas, residents also complained that the restaurant had been non-responsive to their concerns, including one resident who stated that there had been over 100 complaints to 311 since the restaurant has opened in October 2012 (CB2 notes that there are 127 311 complaints assigned to the NYPD with the address of 10 Downing most noise related between 10/2012 through 7/20/2014, but CB2 also notes there is more than 1 licensed premise located at 10 Downing), but it also became evident that complaints were perhaps not delivered to appropriate members of the staff and/or management; residents also stated that they had not requested a quarterly meeting with restaurant which is part of the original stipulations agreement; and

Whereas, there was dialogue in response to the concerns addressed by the residents and the Principal stated that he would address those issues that were being created by his premises, adhere to the original stipulations and that he would try to improve other conditions to the extent possible that were outside his control, residents were provided with appropriate contact information and encouraged to contact the manager on duty at the restaurant directly anytime there are problems so that they could take steps to the address the issues; and,

Whereas, the Licensee executed a stipulations agreement with CB2 with steps to address and resolve complaints that they agreed would be attached and incorporated in to the existing method of operation on the their existing On-Premise Liquor License SN1265770 stating that:

1. All existing stipulations will remain in effect.
2. Licensee will change carting companies in order to have only daytime pickup of trash.
3. Licensee will advise landlord to fix side gate to prevent slamming.
4. Licensee will remove exterior service station in sidewalk café.
5. Licensee will remove all benches and planters not indicated on sidewalk café plan.
6. Licensee will place sign conspicuously advising patrons not to smoke in front of adjacent building – 255 Sixth Ave.
7. Licensee will return to submit alteration application to properly reflect addition of private dining room from recently acquired space.

Whereas, for clarification, the existing stipulations currently attached to the existing method of operation as agreed to by the Licensee in April 2012 are as follows:

1. *Close no later than 12am on Sunday through Thursday nights & 2am on Friday and Saturday nights, meaning no customers will remain after the closing time.*
2. *Retain the existing awning or install a new noise-mitigating awning, to be kept in place all year.*
3. *Close the French doors facing the sidewalk no later than 10pm on Sunday through Thursday nights & 11pm on Friday and Saturday nights.*
4. *Provide noise monitoring by a sound engineer in second story apartments during the first month of operation, the locations of which will be determined by the 10 Downing Street Tenants Association -- this is in order to establish an acceptable base line for sound emanating from the restaurant and any future sidewalk cafes.*
5. *No use of the courtyard or backyard garden.*

6. *No benches on the perimeter of the restaurant for smokers or others waiting to be seated.*
7. *Sign(s) requesting no smoking & low level of noise.*
8. *Courtyard on the south side of the building cannot be blocked at any time -- it provides an escape route for tenants in the event of a fire or other emergency.*
9. *Restaurant's employees & patrons are restricted to using bathrooms within the confines of the restaurant – they should not be allowed to access the bathrooms in the basement or residential areas of 10 Downing St.*
10. *Garbage & trash should be carted away during daytime hours so as not to wake tenants living in the 127 apartments at 10 Downing St.*
11. *All garbage must be stored in vermin-proof containers until carted away*
12. *Restaurant agrees to quarterly meetings if requested by the 10 Downing Street Tenants Association*

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN1265770 for **Naco NYC LLC, d/b/a El Toro Blanco, 10 Downing St. 10014** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the existing On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

15. 228 Bleecker, LLC d/b/a Aria, 117 Perry St. 10014 (OP Renewal- SN1239342)

Whereas, over the last several years, CB#2, Man. has received a number of complaints directly pertaining to the operation of Aria located at 117 Perry St., specifically that the licensee has been operating outside of the “method of operation” as stated to CB2 at the inception of the license and beyond their originally agreed to hours of operation; and,

Whereas, as requested, the Licensee and his attorney appeared before CB2 Manhattan’s SLA Licensing Committee to address these concerns; and,

Whereas, there was a variety of discussion regarding past operations from the inception of the license, but it appears that in the recent past the licensee has been operating in general compliance with their existing “method of operation” to the extent that they are not substantively impacting the quality of life of neighboring residents; and,

Whereas, several residents appeared and one in particular stated that they had previously had significant issues, but after working for several years with the Licensee the issues have been mitigated, a representative of a local community organization also appeared and indicated the same; and,

Whereas, a number of residents appeared and spoke in support of the Licensee; and,

Whereas, the Licensee executed a stipulations agreement with CB2 reaffirming statements and clarifying their method of operation that they agreed would be attached and incorporated in to the existing method of operation on the their existing On-Premise Liquor License SN1239342 stating that:

1. All existing stipulations will remain in effect (except as modified here).

2. The hours of operation are Sunday to Thursday from 11 am to 11 pm and Friday to Saturday from 11 am to 12 am (midnight)
3. There will be no backyard garden or sidewalk cafe.
4. There will be a doorman/security 7 days a week.
5. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
6. Music will be quiet ambient background music only.
7. There will be no televisions.
8. At closing time, no patrons will remain.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN1239342 for **228 Bleecker, LLC d/b/a Aria, 117 Perry St. 10014** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

16. Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. South aka 163 West 10th Street 10014 (New RW)

Whereas, the applicant re-appeared before Community Board 2, Manhattan's SLA Licensing committee to present to CB#2, Man. for reconsideration at the suggestion of the Chairman of the New York State Liquor Authority# an application for a restaurant wine license for a "small neighborhood restaurant serving couples and families delicious Italian cuisine, reasonably priced, and served in a warm and convivial atmosphere" and,

Whereas, (1) the above noted applicant appeared before CB#2, Man. in February 2014 to present a similar application for a restaurant on-premise liquor license at this location for which CB#2, Man. recommended denial to the Liquor Authority; (2) in March 2014, the above noted applicant submitted a 30 day notice to CB2 informing CB2 that a Restaurant Wine application had been submitted to the Liquor Authority and the applicant declined CB2's request to appear before CB2's SLA Licensing Committee and for the reasons outlined in CB2's March 2014 resolution, CB#2, Man. recommended denial of a restaurant wine license; (3) On June 3rd, 2014 the previous Restaurant Wine application for which CB#2, Man. was notified in March 2014 was heard before the Full Board of the New York State Liquor Authority, at which time Chairmen Rosen and Commissioner Greene voted to not approve the Restaurant Wine application, also at that time, Chairman Rosen stated one of the reasons was the noise impact on immediate residents and suggested that the applicant perhaps return to CB2 Manhattan to discuss this matter further should they choose to continue pursuing this matter; and,

Whereas, for a complete background on concerns and objections regarding this application, many of which continue to exist, and for a proper understanding of the baseline from which negotiations between the applicant, residents and CB#2, Man. began in discussing the current Restaurant Wine application presented here, CB#2, Man. urges a review of CB2 Manhattan's correspondence on file at the Liquor Authority (1) dated March 5th, 2014 in reference to the original February 2014 On Premise Liquor application and correspondence on file (2) dated March 26th, 2014 in reference to the original March 2014 Restaurant Wine application; and,

Whereas, the proposed premises for Prime 135 NYC, LLC is located in a mixed use 5 story rental tenement building (16 residential units) on the ground floor located on 7th Avenue South between West 10th Street and Charles Street, the building is also known as 163 West 10th St and also fronts West 10th St., the premises will be approximately 1,100 sq. ft. with 12 tables and 30 seats, 1 stand up bar with 8 seats for a total of 38 interior seats; there is also a 600 sq. ft. outdoor patio area which will have 7 tables and 16 seats; there will be in the future, but it is not included in this application, an application for a sidewalk café potentially with 6 tables and 12 seats which will be presented to CB2's Sidewalks and Street Activities before it is presented to CB2's SLA Licensing Committee in the future; there is an existing temporary certificate of occupancy which indicates "Restaurant in Conjunction with Cellar" and the maximum occupancy on the ground floor (1st floor) is indicated as 32 persons (note that the proposed premises exists exclusively on the 1st floor with no connection at all to the premises which exists in the basement/cellar); the applicant states that there will be an updated Certificate of Occupancy obtained showing a stand alone restaurant on the 1st floor; and,

Whereas, the applicant stated that the hours of operation would be Sunday to Wednesday from 11:30 am to 11:30 pm and Thursday to Saturday from 11:30 am to 12:30 am, music will be background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the applicant states they will install soundproofing as there is no current soundproofing by installing "acoustical ceiling panels and high density soundboard sheetrock", there will be no d.j., no promoted events, there will be very occasional private parties, no velvet ropes, no movable barriers, no security, there will be no T.V.'s; management and staff will insure that the premises sidewalk is free from crowds and congestion; and,

Whereas, this application is for a location which has never been previously licensed for an on-premise liquor license, but a portion of the premises has previously been licensed for a restaurant wine license (a small area on the ground floor adjacent to the outdoor area with approximately 300 sq. ft.) which had operating hours ending at 11 pm Sunday to Thursday and midnight Friday and Saturday; the current configuration of the proposed premises for Prime 135 NYC, LLC was created by combining 4 retail spaces on the ground floor (portion of previous restaurant, barber shop, hair salon and flower shop), with the exception of the small portion that was previously licensed for the restaurant wine license, the spaces comprising the proposed space were non-eating and drinking uses, the location also includes an outdoor space within the property line which includes approximately 7 tables and 16 seats and will include a future sidewalk café, which is not a part of this application, which will potentially have 6 tables and 12 seats for a total of 28 outdoor seats; the previously licensed restaurant wine license was primarily in the basement of the location and the kitchen was in the basement; the basement space which is now going to be a jazz venue located entirely in the basement which was presented to CB2 Man. in January 2014 and the Full On-Premise License is currently pending for Mezzrow, LLC with the SLA SN1276530; CB#2, Man. recommend deny unless stipulations are adhered to for Mezzrow, LLC to the Liquor Authority after extensive community outreach and negotiations, installation of appropriate soundproofing, a number of stipulations and because the principle for Mezzrow, LLC has significant experience operating another jazz venue located just one block away with an on-premise liquor license; and,

Whereas, the applicant performed community outreach by reaching out to local community organizations and posting a notice in the subject building, the week prior to CB2's SLA Licensing Committee meeting and during a long holiday weekend, inviting tenants to meet with him on one evening; several tenants did meet with the applicant at the meeting and a representative of the local Block Association also met with the applicant; and,

Whereas, the applicant, local residents and the local Block Association were able to work on an agreement in the few days prior to CB2's SLA Committee Meeting in July 2014, but the agreement was not finalized or all terms agreed to until the agreement was reviewed point by point at CB2 Manhattan's SLA Licensing Committee on July 10th, 2014; and,

Whereas, concerns were still expressed by residents despite the fact that an agreement was reached similar to those expressed and communicated in CB2's Resolution referenced earlier pertaining to previous applications by this applicant for this location in February 2014 and March 2014; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a small neighborhood Italian restaurant.
2. The hours of operation will be from Sunday to Wednesday from 11:30 am to 11:30 pm and Friday to Saturday form 8 am to 1am. No patrons shall remain at closing.
3. All exterior/outdoor areas will close by 11 pm 7 days a week. No Patrons shall remain in exterior areas after closing.
4. Kitchen shall remain open until premises closes.
5. Soundproofing shall be installed.
6. All doors and windows will be closed at all times except for ingress and egress (no exceptions).
7. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
8. Music will be ambient quiet background only on the interior and no music in the exterior.
9. There will be no exterior benches anywhere in the premises.
10. Please see executed stipulations agreement with CB2 for other specific stipulations.
11. All stipulations agreed to with the Mid West 10th Street Block Association dated 7/14/2014 and 7/15/2014 are annexed and incorporated into this stipulation agreement with CB2 Manhattan.

Whereas, the stipulations agreed to with the Mid West 10th Street Block Association dated 7/14/2014 and 7/15/2014, which are incorporated into CB2's Stipulation Agreement with **Prime 135 NYC, LLC d/b/a Prime 135** as indicated above are as follows:

Hours of Operation: *The Establishment shall be open from 11:30AM - 11:30PM from Sunday to Wednesday and 11:30AM – 12:30AM from Thursday to Saturday. The rear courtyard adjacent the Establishment will be open from 11:30AM – 11:00PM each day.*

1. ***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.*
2. ***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 Manhattan Community Board 2, if requested, to determine if a security guard is necessary. The Manager of the*

Establishment and any other on duty managerial staff will provide the Mid-West 10th Street Block Association and the residents of 163 West 10th Street and the adjoining building at 161 West 10th Street with their cell phone numbers. The Operator and/or Manager of the Establishment will provide their email addresses and respond to all emails that are transmitted to him in a timely manner.

3. **Music:** *The Operator shall only have quiet background music (no dance music or live music performances will be permitted) inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs or outside promoters in the Establishment.*
4. **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 and the Mid-West 10th Street Block Association. 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. In order to effectively eliminate the intrusion of noise from the Establishment's operations into the homes of residents of.... [Please refer to the executed stipulations agreement for the complete text of this paragraph...]*
5. **Usage Of Entrance At 163 West 10th Street:** *Patrons and waitstaff of the Establishment shall not enter the Establishment from 163 West 10th Street. The Operator will work with the Owner of 163 West 10th Street and ensure that a separate lock is installed on the second internal door at the entrance of 163 West 10th Street and only provide residents with keys as soon as the Establishment opens for business. No access to the second door will be provided to the Establishment's staff or patrons. Food deliveries will be allowed between 11:30AM and 8:00PM after which all food deliveries will be done through the Seventh Avenue side of the Establishment. The outer door will remain closed until the second ground floor Establishment opens at 1:00PM or closed entirely when that Establishment is closed for the day. Notwithstanding the foregoing, no deliveries or other work shall be permitted outside of the Establishment, other than garbage pickup (on the Seventh Avenue South side) from closing hours until 8:00AM. No bicycles that are used in connection the Establishment will be placed in front of 163 West 10th Street. All bicycles will be placed on the Seventh Avenue South side of the Establishment.*
6. **Rear Courtyard:** *The Operator agrees to immediately apply for the right permissions from the appropriate New York City agency(s) to install a sound abating canopy extending from the building line over the entire rear courtyard so that noise from patrons and staff is minimized. The covering shall be installed within 30 days after obtaining the right permission from the appropriate New York City agency. Until the right permission is obtained for a sound abating covering the Operator shall install large patio umbrellas immediately above the tables and seats in the rear courtyard. There will be no more than seven tables and a total of 14 seats in the rear courtyard. Smoking of any kind by any person shall not be permitted in the rear courtyard and the Operator also agrees to direct patrons and staff who are smoking, talking on their cell*

phones or congregating to move away from the courtyard and entrance of the Establishment, either north towards the corner of Seventh Avenue South and Charles Street, or west across Seventh Avenue South. The Operator further agrees that if the patio umbrellas or the sound abating canopy covering prove not to be effective in preventing outside noise from the Establishment disturbing its neighbors (i.e., there is a record of complaints by residents of 163 West 10th Street and/or 161 West 10th Street to 311, to the Mid-West 10th Street Block Association, and/or to the Operator directly that is presented at the meeting that will be held three months after the opening date of the Establishment, or at any time thereafter, of persistent noise emanating from the courtyard), the Operator agrees to undertake such additional noise abatement measures as shall be agreed to at a hearing before Manhattan Community Board 2. The Operator agrees that if an agreement with Manhattan Community Board 2 on appropriate noise abatement measures is not reached within 60 days of an initial hearing on such matter that the courtyard will be immediately and permanently closed to any kind of access or use by patrons (including attendees at any private event) or by other members of the public. Patrons and prospective patrons will not be permitted to wait or linger in the courtyard. Instead, they will be instructed to wait inside the Establishment or to leave the premises and immediate area to be called back when their table is ready. All patrons must be removed from the courtyard by no later than 11:00PM, regardless of when seated. All patrons in the courtyard must be seated. Seating in the courtyard will at all times be limited to no more than 14 patrons seated at tables, and courtyard seating must be reserved only for patrons ordering food. There will be no seating at benches. All furniture and other items that will not remain in the courtyard overnight must be removed from the area and stored no later than 12:00AM (i.e., one hour after closing time of the courtyard). The Operator will exercise reasonable care to minimize any noise associated with the nightly removal and storage of furniture and other items from the courtyard, which shall include instructing staff to refrain from loud and unnecessary conversation while performing their tasks in the courtyard, and to lift and carry items rather than dragging them away. Additionally, the Operator agrees to install a movable barrier and to take all reasonable measures within his power to prevent unauthorized access to and use of the courtyard by any person when the Establishment is closed for business. For the avoidance of doubt, the Operator acknowledges that compliance with the stipulations regarding use of the courtyard (including but not limited to the Operator's commitment to agree on additional noise abatement measures with Manhattan Community Board 2 or to permanently close the courtyard if noise is not effectively abated) is a material condition to the initial approval (and to any renewal) of the License.

7. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open at any time.
8. **Outdoor Seating:** Until such time that the Operator applies for a sidewalk café license and obtains the required permissions for a sidewalk café license from the appropriate New York City agency, the Operator agrees not to place any sidewalk benches or other seating outside of the Establishment other than the 14 seats permitted pursuant to the stipulations covering use of the rear courtyard and as may be permitted pursuant to a separate license to operate a sidewalk café (if granted).
9. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept on the Seventh Avenue South side 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 coordinate trash pickup with other neighborhood bars and restaurants in order to limit the number of trucks

that collect trash on the block during early morning hours. Garbage pickup will only be from the Seventh Avenue side of the Establishment.

10. **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.*
11. **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 or place sandwich boards outside the Establishment.*
12. **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.*
13. **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.*
14. **Events:** *The Operator shall not allow outside promoter sponsored events.*

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. South a/k/a 163 West 10th Street, 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 10th and 11th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

17. Duet NY, LLC d/b/a Duet Brasserie, 74 7th Ave. aka 37 Barrow St. 10014 (New OP)

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 bakery, patisserie and restaurant with French and American foods that will be operated as a full service restaurant only (no bar/lounge); and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location located on the corner of 7th Avenue South and Barrow St. with the entrance directly on the corner in a 2 story commercial building on the ground floor and second floor (with accessory use of basement), the building is also known as 74-76 7th Avenue South, the premises is stated to be approximately 2,800 sq. ft. (1,170 sq. ft. ground floor, 740 sq. ft. 2nd floor and 890 sq. ft. cellar) with 15 tables and 60 seats throughout the premises, 1 stand up bar with 8 seats on the ground floor (seating primarily for breakfast service in conjunction with bakery/patisserie) and an additional 6 seats located in the waiting area; there is an existing certificate of occupancy which indicates "eating and drinking use"; there is an existing enclosed sidewalk café to be licensed by the NYC Department of Consumer Affairs which is included in the square footage of the ground floor previously indicated; and,

Whereas, the hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday from 8 am to 1am (no patrons shall remain at closing), music will be ambient 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,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a bakery, patisserie and restaurant with French and American foods and will be operated as a full service restaurant only (no bar/lounge).
2. The hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday form 8 am to 1am. No patrons shall remain at closing.
3. There will be no outdoor areas, but there is an existing enclosed sidewalk café.
4. Music will be ambient quiet background only.
5. There will be no televisions.
6. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
7. There will be no patron use of basement.
8. Sidewalk hatch will be kept closed (not remain opened) except for deliveries.
9. All windows on the 2nd floor will remain closed at all times.
10. Windows in the enclosed sidewalk café will be closed by 10 pm (no exceptions).
11. The door on Barrow St. off corner (westerly most door on Barrow St.) will be used as a service door only and for emergency egress only.
12. There will be no music in the enclosed sidewalk café.

Whereas, the applicant reached out to local residents and block associations and CB#2, Man. received correspondence from the Friends of Barrow Street expressing no opposition provided the above noted stipulations are adhered to, a representative of an immediate neighboring condominium building appeared and expressed no opposition provided the stipulations above are adhered to; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **Duet NY, LLC d/b/a Duet Brasserie, 74 7th Ave. aka 37 Barrow St. 10014 (New OP)** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

18. Virgola, LLC d/b/a Virgola, 28 Greenwich Ave, Store #2 10011 (SN#1270294 - Upgrade RW to OP)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an "upgrade" from an existing Restaurant Wine License (SN#1270294) to a Restaurant On-Premise Liquor License for a "small, quiet cozy raw bar with seafood"; and,

Whereas, this application is for an "upgrade" as described above for an existing "raw bar with seafood" in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a currently licensed location, for a 354 sq. ft. premise on one floor with 6 tables with 12 table seats, there are no stand up bars but there will be a small service bar in the kitchen, for a total of 12 seats and the maximum occupancy is 15 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday to Thursday from 8 a.m. to 12 a.m. and Friday and Saturday from 8:00 a.m. to 1 a.m., 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) from 2 small speakers, the applicant has not installed additional soundproofing, 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; and,

Whereas, the applicant reached out to the community and executed a new updated stipulations agreement with the Mid West 10th Street Block Association reflecting the application to upgrade their existing restaurant wine license to a restaurant on-premise liquor license; and,

Whereas, the Mid West 10th Street Block Association stated that at all times the Licensee has adhered to his current stipulations and has had a positive and proactive relationship with the community and Block Association; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the “new” method of operation for the upgraded Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a full service restaurant with raw bar.
2. The hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday from 8 am to 1am. No patrons shall remain at closing.
3. There will be no use of the rear yard/backyard garden.
4. Music will be ambient quiet background only.
5. All doors and windows will be closed by 9 pm every night (no exceptions)
6. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
7. There will be no change to the existing restaurant wine method of operation as it currently exists with this upgrade to a restaurant on-premise liquor license.
8. All existing stipulations for the current restaurant wine license will remain in effect with this upgrade to a restaurant on-premise liquor license.
9. All stipulations agreed to with the Mid West 10th Street Block Association dated 6/25/2014 are annexed and incorporated into this stipulation agreement with CB2 Manhattan.

Whereas, the stipulations agreed to with the Mid West 10th Street Block Association dated 6/25/2014 which are incorporated into CB2’s Stipulation Agreement with Virgola, LLC as indicated above are as follows:

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. **Rear Garden:** *The Operator agrees not to apply for usage of the rear garden space behind the Establishment.*
9. **Front Door:** *The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install 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.*
10. **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.*

11. **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.*
12. **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.*
13. **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.*
14. **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.*
15. **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.*
16. **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.*

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an “upgrade” from the existing Restaurant Wine License (SN#1270294) to a Restaurant On Premise Liquor License for **Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6th and 7th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Susan Kent, Secretary
Keen Berger, Assistant Secretary

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR WHO DID NOT APPEAR BEFORE CB2 AS REQUESTED:

19. 74 Fifth Ave. Market Corp., 74 5th Ave. 10011 (RW Alteration – NO SHOW SN#1196583)

Whereas, the applicant/licensee **failed to appear** before CB2's SLA Licensing Committee after the applicant/licensee's representative requested to layover this item 3 times at CB2's SLA Licensing Committee Meetings (the item was heard 3 times over the course of 3 months – not requested to be laid over prior to each meeting) due to incomplete preparation and incomplete documentation as specifically requested by CB#2, Man. and which all other applicants are able to provide to CB2; and,

Whereas, previous requests for layovers were requested in order to present a completed package for review including static and complete floor plans; address issues with late night operation (premises will be open 24 hours); explain how with a 24-tap beer system the premises could monitor for underage drinking when there was no table service and seating areas located in a mezzanine are out of view of the service point at the entrance of the store; address underage procedures because the premises is located directly across the street from a large University Dormitory (the New School); address issues that it seemed highly unusual that a "market" style convenience store establishment with "to go" foods for sale on the ground floor and an upstairs mezzanine for patron dining would change in the evenings by placing numerous additional tables and chairs on the ground floor to accommodate patrons for the consumption of beer and wine and then remove those tables during the day to accommodate patrons looking for "to go" style convenience store food; to address concerns that in order to sell enough draft beer with 24 taps that the business would change its underlying business to be predominantly a drinking establishment during the evening hours without any plans to mitigate

quality of life impacts; and in order to address these concerns the applicant would prepare a complete package addressing those concerns and will resubmit the application package for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

Whereas, the representative of the applicant who appeared in the past in June 2014 stated that even though CB#2, Man. had requested a response to the above concerns last month and the month prior etc., conceded that he did not have a complete package and that CB2 Manhattan's request was reasonable given the size and seating of the operation; he was previously provided the contact information for the Chair of the Committee to answer any additional questions prior to returning each month but never reached out; and,

Whereas, the applicant/licensee previously voluntarily presented a signed list of stipulations that they would adhere to which are as follows:

There will be a reduction in the amount of tap beer selections on hand, it will be reduced to 14.

- a. Hours of operation will remain 24 hours per day with sale of beer and wine stopping at 1 am from Monday to Wednesday and 3am Thursday to Sunday.
- b. The kitchen will remain open 24 hours a day to serve food.
- c. There will be a manager and assistant manager on duty 24 hours per day.
- d. There will be 10 tables permanently placed downstairs and there are 12 bar stools.
- e. There will also be a staff member at the door from 6pm on when beer is served.
- f. Anyone requesting a beer or wine must produce id, other than a student ID (ex. Drivers license, green card etc.).
- g. The upstairs seating area will close at 9pm daily.
- h. The sound system is controlled by the management and will be set at a background level.
- i. All beer and wine will be consumed on premises.

Whereas, despite previously presenting the above list of stipulations which could not be properly discussed due to the applicant/licensee's inability to present a complete package as requested by CB#2, Man. and which all other applicants are able to provide in order to review and formulate a recommendation to the Liquor Authority and because the applicant/licensee is choosing to not appear before CB#2, Man.;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, **alteration**, transfer, upgrade or changes to any existing license for **74 Fifth Ave. Market Corp., 74 5th Ave., 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Susan Kent, Secretary
Keen Berger, Assistant Secretary

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

20. America Ootoya, Inc., 41 E. 11th St. Store #1 10003 (RW - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to **layover** this application for a new restaurant wine license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine license, on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Erik McManus or entity to be formed, 679 Greenwich 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

21. Marc Dizon, d/b/a Collective Hospitality, LLC, 21 W. 8th St. 10014 (New OP – Layover)

Whereas, at the beginning of this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant requested to **layover** this application for a new on-premise restaurant liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Marc Dizon, d/b/a Collective Hospitality, LLC, 21 W. 8th 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *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

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

22. Erik McManus or entity to be formed, 679 Greenwich St. 10014 (New OP - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to **layover** this application for a new on-premise restaurant liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Erik McManus or entity to be formed, 679 Greenwich 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

23. Sugar Factory American Brasserie Meatpacking, LLC d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014 (New OP - withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to withdraw this application for a new on-premise restaurant liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Sugar Factory American Brasserie Meatpacking LLC d/b/a Sugar Factory, 1-3-5 Little W. 12th 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 37 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

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July 25, 2014

Dana E. Christian, Director
Licensing Issuance Division
NY State Liquor Authority
317 Lenox Avenue
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

24. Down and Dirty Tacos and Tequila Bar Meatpacking LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (New OP - withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to withdraw this application for a new on-premise restaurant liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Down and Dirty Tacos and Tequila Bar Meatpacking, LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington 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 37 Board members in favor.

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

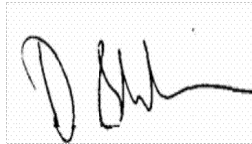
Sincerely,



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



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



David Gruber, Chair
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, NY State Assembly Speaker
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Pauline Yu, CAU
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority
SLA Examiners