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COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

1. 212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. 10012 – Alteration to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of the current on-premise liquor license (1206817) on the ground floor located between Kenmare and Spring Street (Block #482 / lot #31), for a 3,500 sq. ft premise with 25 tables with 57 seats, 1 bar with 8 seats for a total of 65 seats and the maximum occupancy is 74 people, there is a sidewalk café but no backyard use; and,

Whereas, the application is to convert the back dining room's service bar into a full service stand-up bar with no seats because the applicant stated that overzealous employees were serving customers sitting at tables over the bar (ie stand up bar) because at times service was slow because there is only one employee working table service and making drinks for customers and customers were coming up to the bar directly; and,

Whereas, the applicant states there will be no other change in the Method of Operation and that the hours of operation will continue to be Sunday to Wednesday from 8:00 a.m. to 1:00 a.m. and Thursday to Saturday from 8:00 a.m. to 2:00 a.m.; the establishment will be a restaurant, music will be quiet background only consisting of music from ipod/; there will be no promoted events and no televisions; and,

Whereas, 4 community members spoke against this applicant stating that this location does public promotions about drinking and not eating at their restaurant and that they have had projected images of television events and an unmanaged crowd on their sidewalk and have previously stated that the ; and,

Whereas, the applicant did submit a petition in support with 112 signatures, but the petition it self did not state the request for the alteration but merely stated the current hours of operation so CB2 feels this petition is void of any value regarding this alteration request; and,

Whereas, CB2 is concerned that this alteration will change the dinning atmosphere in the back room of this restaurant into a potential lounge which would be a contradiction to the method of operation as provided by the applicant as a restaurant because there are only 5 tables and 10 seats in the backroom which is located down a corridor from the main dining room in the back and it is hard to imagine that one waiter proving table service to this area with slow service is a reason to add a second additional stand up bar serving customers directly over the bar and accepting currency for a premise that only has a maximum capacity for 74 persons and 10 seats in this area and it seems beyond the reasonable realm of understanding that customers in a restaurant with sit down table service would allow customers sitting at tables which are serviced by waiters to walk up to a stand up bar to order drinks when there is only 1 waiter servicing the area and making drinks and the concern is that with a licensed stand up bar in the backroom that this area would simply become an area for drinking only later in the evening with stand up patrons with no seats at the bar and no table service with currency passing over the bar which is a contradiction to the method of operation as a restaurant which is generally understood to be sit down service only and that the area would predominantly service standing customers in the new stand up bar area only which is removed from the front of the restaurant and from view of the front of the premise; and,

Whereas, CB2 does not believe that this application offers any public interest or benefit but quite the opposite; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the alteration to the on-premise liquor license for **212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. 10012.**

Vote: Unanimous, with 37 Board members in favor.

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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

2. Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012 – upgrade to Full OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade of their current Beer and Wine license (#1259029) in a mixed use building, located on Lafayette Street between Kenmare and Sprint Street (Block #482 / lot #24), for a 900 sq. ft premise with 13 tables with 40 seats, 1 bar with 3 seats, and the maximum occupancy is 74 people, there is a sidewalk café to be included on this license but no backyard use; and,

Whereas, the hours of operation will continue to be Sunday from 10:00 a.m. to 10:00 p.m. and Monday to Saturday from 10:00 a.m. to 12:00 a.m.; the establishment is a family restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

Whereas, there were 3 community members against this upgrade request and stated that the conversations with the owners, prior to getting their Beer and Wine license, was that they would promise not to upgrade in exchange for community support which the members of the community did not support at the time of the original application for a beer and wine license; and,

Whereas, several members of the community appeared in support of this application stating that this establishment has been a neighborhood benefit servicing a large number of local patrons and that the hours of operation had not adversely impacted quality of life in the area and was in fact a neighborhood benefit; and,

Whereas, the applicant stated that the upgrade was initiated by customer request and not by financial needs and submitted a petition clearly stating the upgrade request with 184 signatures in support of this request; and,

Whereas, the applicant and CB2 originally reached an agreement regarding stipulations which will continue to be active for this new Full On-Premise license; and,

Whereas, the applicant has agreed to the following stipulation:

1. All doors and windows will be closed no later than 10:00 p.m., 7 days a week.
2. Sidewalk café will be closed and tables and chairs removed no later than 10:00 p.m., 7 days a week.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the upgrade to Full On Premise license for **Molly Picon, LLC d/b/a Jack's Wife Freda, 224 Lafayette St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 7th "whereas" clause above are incorporated into the "Method of Operation" along with the original stipulations agreed to at the inception of the restaurant wine license on their SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

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Bo Riccobono, *First Vice Chair*
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Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

3. Entity to be formed by Marco Antonini, 351 Broome Street – New Beer and Wine

Whereas, the applicant appeared before the committee to present plans for an Italian restaurant serving organic food and beer and wine; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building located on Broome Street between Bowery and Elizabeth Street (Block #470 / lot #50), for a 1,900 sq. ft premise (950 s.f. for ground and 950 s.f. for the basement) with 10 tables with 35 seats, 1 bar with 11 seats and the maximum occupancy is less than 74 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 11:30 a.m. to 3:00 a.m. and Monday to Thursday from 12:00 p.m. to 3:00 a.m. and Friday from 12:00 p.m. to 4:00 a.m. and Saturday from 11:30 a.m. to 4:00 a.m.; the establishment will be an Italian restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

Whereas, the applicant made a minimal attempt to reach out to the community regarding these plans and spoke to only 1 community member; and,

Whereas, a number of community members that actually live in this neighborhood spoke in opposition of this application stating over saturation and concerns that yet another license in this area will have a major impact on traffic and noise and quality of life issues, noise from late night operations and from patrons; and,

Whereas, CB2 does not understand how “an Italian restaurant serving organic food with a beer and wine license” needs closing hours of 3 a.m. Sunday through Thursday and 4 a.m. Friday and Saturday, this method of operation is not unique to the neighborhood, and CB2 does not understand how this would serve the community except to further exacerbate the existing impact of late night establishments in this area on late night quality of life issues and late night traffic issues which are extreme in this area given the late night vehicular traffic going to and coming from the Williamsburg Bridge and given that there are already 3 existing licenses within this building serving food and 2 additional potential pending licenses in this building recently heard by CB2 with food components that have stated that they would service the needs of hotel patrons for which no establishment has a direct entry in the hotel but would have to provide delivery service the same as other area food businesses and that the late night hours and the applicant stated that the main need for late hours was to service hotel guests which already seem to be well served with the existing licensees in the building and the other existing establishments in the area of which those predominantly focused on food service close at earlier hours; and,

Whereas, CB2 has recommended denying previous applications at this location and in this building because there are already **3** other separately licensed premises in the building which is also a hotel and no establishment has direct entrances to the hotel and the concerns regarding over saturation in the immediate area, the impact on traffic, the existing noise level and the simple premise that the 3 existing licenses already serve the needs of residents and hotel patrons; and,

Whereas, there are 9 on-premise and licenses within 500 feet, many of which are multi floor, multi bar establishments, at least 7 beer and wine licenses and 5 pending licenses; and,

Whereas, this is **another** location within CB2 that has **never been licensed by the SLA**; and,

Whereas, CB2 has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, CB2 has recently heard a large number of beer and wine and on-premise license applications in this area for previously unlicensed locations in a relatively short period of time including the other unlicensed storefronts in this building; and,

Whereas, CB2 is concerned that the rapid rate of applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an **overwhelming** impact on the character of the neighborhood, quality of life issues and traffic and noise concerns. Without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises could be catastrophic for the neighborhood; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new Beer and Wine license for **Entity to be formed by Marco Antonini, 351 Broome Street**.

Vote: Unanimous, with 37 Board members in favor.

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

Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

4. Bowery Time LLC and Aguila & Sol LLC as Manager, d/b/a Hecho en Dumbo/Salon Hecho/King's Cross, 354-356 Bowery 10012 – Renewal of OP (SN# 1205823)

Whereas, the applicant appeared before the committee per the request of CB2; and,

Whereas, the applicant, Bowery Time LLC and the manager, Aguila & Sol LLC are running 3 different venues, Hecho En Dumbo located on the ground floor of 354 Bowery, Salon Hecho on the ground floor of 356 Bowery and Kings Cross located in the basement of 356 Bowery within 2 buildings under 1 SLA license with 1 additional stand up bar (SN 1205823); and,

Whereas, CB2 requested their appearance due to community requests, complaints and concerns; and

Whereas, CB2 is unsure as to what exactly is the method of operation for this renewal, but questions whether or the applicant is approved to operate three different venues with three different d/b/a's with only two stand up bar licenses; and,

Whereas, the 3 locations that are licensed under 1 SLA license consist of more than 74 people across the the three areas (205 persons) but the applicant and their lawyer claim that a Public Assembly permit is not necessary and their expediter states in a letter to CB2 that "all three establishments are independent of each other and listed as so on the certificate of occupancies" and that the Department of Buildings does not require a Public/Place of Assembly Permit; however, CB2 has difficulty understanding how the three locations are operated independently when there is one license from the Liquor Authority and only one kitchen which is shared by all three premises; and,

Whereas, the licensee indicates that the total occupancy across the three spaces is 205 persons yet the original “Establishment Questionnaire” submitted to the SLA indicates a legal maximum occupancy of 139 persons with 33 tables and 105 table seats and the difference between the stated occupancy and the current occupancy is significant; and,

Whereas, the applicant seems to have changed the operation and interior design without submitting any alteration applications with CB2 and the floor plans appear to be different from what is currently approved and on file with the Liquor Authority; and,

Whereas, this license was originally a “transfer” license, yet the previous operation on the Establishment Questionnaire on file with the SLA is described as a “restaurant” (see Section G, Question 2 (d)) but the majority of the current space is run as a lounge and bar; and,

Whereas, the applicant’s lawyer assures CB2 that there are no violations but they did admit that there is an additional service bar that currently exists within the space of “Salon Hecho” on the ground floor to the left of the front entrance of 356 Bowery that is not in any of the previous applications and appears to be an unlicensed bar and would counter the claim that the three establishments are run independently because there are only two properly licensed bars in the establishment across the three separately identified areas; and;

Whereas, the licensee admits to and advertises “live” music in addition to DJ in the space known as “Salon Hecho” on the ground floor of 356 Bowery when the original method of operation on file with the SLA states only that there will be a d.j. and background music and no dancing (see Section H, Proposed Method of Operation Question 2 &3); and,

Whereas, a resident above the premise stated that the music is very loud and audible within their home on a regular basis Thursday-Saturday nights and this seems to contradict an establishment that has “background music” but the licensee has made some efforts to work with them but there are still problems with music remaining on after 4 am and very loud “live” music from musicians; and,

Whereas, there are numerous 311 complaints on file and there appear to be at least 2 underage violations pending (See 1511-2011/Case No. 72652 and 1877-2011/Case No. 73806) and it is unclear if there are more violations from the NYPD in or in the immediate proximity of the premises; and,

Whereas, CB2 respectfully request that the SLA attain a more definitive description of the interior space and method of operation that can go on record for CB2 and the Liquor Authority to refer in case of noncompliance in the future; and,

Whereas, if the Liquor Authority determines that there are in fact differences as to the current establishment and method of operation that appropriate enforcement actions be taken so that the licensee comes into compliance with what they are legally entitled to operate so that any operations beyond what is legally permissible cease; and,

Whereas, CB2 recognizes that the Liquor Authority has already granted the renewal of this license, but that it does not go into effect until Jan 1, 2013 and CB2 requests that this matter be reviewed in light of the issues raised above and any appropriate actions be taken by the Liquor Authority prior to the license becoming active on Jan 1 2013; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the renewal of their On Premise license for **Bowery Time LLC and Aguila & Sol LLC as Manager, d/b/a Hecho en Dumbo/King Cross, 354-356 Bowery 10012.**

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
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Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

5. 169 Thompson Restaurant, LLC, d/b/a Lobster Club, 169 Thompson St. 10012 - New OP

Whereas, this applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building located on Thompson Street between Bleecker and West Houston (Block #525 / lot #24), for a 250 sq. ft premise with 4 tables with 10 seats and no bar; the maximum occupancy is 20 people, there will be no sidewalk café and there is no backyard use; and,

Whereas, the hours of operation for the restaurant is Sunday to Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:00 a.m.; establishment is dining focused on Italian/American seafood restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, the applicant reached out to BAMRA, the neighborhood association, and established a stipulation agreement which CB2 has also adopted and the applicant has agreed they would submit to the Liquor Authority to be incorporated into their "method of operation"; and,

Whereas, the stipulations are as follows:

1. **Hours of Operation:** The Establishment shall operate each Sunday through Thursday from 11:00 AM to 1:00 AM and each Friday and Saturday from 11:00 AM to 2:00 AM.
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
3. **Traffic:** The Operators will use reasonable efforts to remedy any pedestrian and vehicular traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. **Manager:** The Operators shall have Owners or English-speaking managers on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.
6. **Television:** The Operators shall have no televisions in the Establishment.
7. **Soundproofing:** The Operator shall ensure that all sound coming from the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. Should any noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans become an issue for neighboring residents, Operators will use best efforts to remedy the issue to make sure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code.
8. **Windows:** The Operators shall keep the Establishment windows closed at all times.
9. **Sidewalk Cafe:** The Operators waive the right to apply for a sidewalk café license
10. **Basement:** The basement shall never be accessible to patrons.
11. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible.
12. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. Signage will be muted neon.
13. **Security Cameras:** The Operators shall install security cameras outside the Establishment and shall make any recordings available to the police, if requested.

14. Reservations: Establishment will seat patrons using reservations for dinner and will accommodate walk-in customers as seating is available, managing patrons waiting so that lines do not form. This includes having hosts take the phone numbers of patrons waiting for a table to be called when their table is ready and directing the patrons not to wait outside in a line and to drive or walk back to the restaurant when they have been called and their table is ready.
15. Take-Out: Establishment will have take-out service. All take-out transactions will occur within the restaurant and not through any window to the outside.
16. Community Outreach: Operators have conducted community outreach and will be readily accessible to address any community concerns as outlined in number 4 above.
17. 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.
18. 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.
19. License Renewal: The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.

Whereas, this applicant has proven to be an outstanding operator with 2 other locations within CB2, and though this location has never been licensed before, CB2 supports this operator's request to license a new location within our district; and,

Whereas, the applicant also submitted a petition with clear explanation of their intent with 300 signatures in support of their request with the majority of signers providing addresses that were in the immediate area of this application;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new On Premise license for **169 Thompson Restaurant, LLC, d/b/a Lobster Club, 169 Thompson St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

6. Jensen Liu, Salon Lafayette, 157 Lafayette St., 10013 – New OP

Whereas, the applicant appeared before the committee for a second time; and,

Whereas, this application is for a new On Premise license for an art themed Restaurant serving international comfort food in a commercial building located on the corner of Lafayette and Grand St. (Block #234 / Lot # 11), for a 2,100 sq. ft premise which has 41 tables with 94 seats, 1 bar with 15 seats, there are no service bars, for a total of 109 seats, the proposed occupancy is 130 and the maximum occupancy is 188, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 7:00 a.m. to 12:00 a.m. and Thursday to Saturday from 7:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from a small Bose acoustic sound system, there will be no tv's, 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, this location has been licensed before (SN# 1166022 – JASL Café LLC d/b/a/ Moomia) and the previous tenant's liquor license was not renewed by the SLA for cause; and,

Whereas, this applicant reached out to neighborhood resident and business associations and the Board President of 161 Grand, the building that would be most affected by this establishment, appeared before the committee in support of this application with a signed petition from residents of the building; and,

Whereas, the applicant agreed to the following stipulations:

1. The hours of operation will be Sunday to Wednesday from 7:00 a.m. to 12:00 a.m. and Thursday to Saturday from 7:00 a.m. to 1:00 a.m.
2. Music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,
3. All doors and windows will be closed at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new On Premise license for **Jensen Liu, Salon Lafayette, 157 Lafayette St., 10013** **unless** those conditions and stipulations agreed to by the applicant relating to 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

7. Tourbillon47, LLC, TBD, 47 E. Houston St. 10012 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the new On-Premise license in a mixed-use building located on East Houston Street between Mott and Mulberry Street (block # 509/ lot #21), for a 1,600 sq. ft premise which will have 24 tables with 48 seats and 1 bar with 12 seats for a total capacity of 60 and a maximum occupancy of 65, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 12:00 p.m. to 1:00 a.m. and Monday to Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 12:00 p.m. to 2:00 a.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no private parties, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, the applicant's lease has stipulations which CB2 has adopted; and,

Whereas, the applicant agreed to the following stipulations:

1. The hours of operation will be Sunday from 12:00 p.m. to 1:00 a.m. and Monday to Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 12:00 p.m. to 2:00 a.m.
2. All doors and windows will be closed by no later than 10:00 p.m. every night.

3. The establishment will be a restaurant and bar – it will never become a lounge/bar only.
4. Kitchen will be operated/supervised by a full time chef.
5. Tenant will not sell or compete with the bar tenant on the same premises by selling hard liquor and wines to the extent of more than 50% of its total restaurant gross.

Tenant understands that space must be operated as a sit down establishment with no more than twenty customers standing at any given time unless it is a private party. Also no dancing and no loud music. The noise levels and music levels shall be as set forth herein in Section 67. Any breach thereof shall be considered material and Landlord shall be entitled to cancel this Lease upon 10 days written notice to cure and Tenant's failure to take material steps to cure.

- **NOISE.** Tenant must keep in place current sound proofing in ceiling of the demised space. Tenant expressly acknowledges that sound levels are a material provision of this Agreement. Tenant agrees that it shall not(a) unreasonably disturb residential tenants with noise, music, or loud sounds, or (b) Tenant must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed: 40 decibels as measured from inside nearby residences, AND 4 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, or anywhere in the apartments above between 10:00 pm and 9:00 am Bass sounds measurements are weighted in the "C" scale and may not exceed 3 dB(C) above the ambient sound if the ambient sound is greater than 50 dB(C). Additionally low frequency noise below 200 Hz cannot exceed 3db above the ambient level between 10 PM and 9 AM. Landlord may, in its sole discretion, require Tenant to engage a professional sound engineer to undertake a sound remediation survey of the demised premises, and thereafter, to implement sound remediation so as to ensure that Tenant's use of the demised premises does not disturb other tenants of the building in which the demised premises are located. Landlord shall also have the right to restrict operating hours, pursuant to Section 69. Additionally, Landlord, in its sole discretion, may serve a "Notice to Cure Noise Problems" if a Noise Problem, as hereafter defined, occurs.

The Notice to Cure Noise Problems shall provide Tenant with a fifteen (15) day cure period. In the event that Tenant has not effectuated a cure within such time period, then Landlord may, in its sole discretion, deliver a notice of termination to Tenant, terminating the Lease ten (10) days from the date on which the cure period expired. If Landlord does not terminate the Lease within sixty (60) days from the date of the Notice to Cure, the Noise Problem shall be deemed to have been resolved.

- Business will not stay open past 2 A.M.. Upon sole discretion of Landlord, in the case of any Noise Problems or at least five (5) noise complaints from at least two (2) different tenants of the building within any ninety (90)day period, closing hours can be changed to 1 AM week nights and 2 AM weekends.

- The restaurant has permission to have a Full "on premise liquor license" with the following stipulations:

- A. Business must be run as a restaurant and not a bar.
- B. Net revenues shall be in accordance with Section 44.
- C. A financial statement must be available to the Landlord to prove there is no breach of the revenue limits, every four (4) months.
- D. A full menu and kitchen must be active with no bar activity more than one hour after kitchen is closed. After 11pm, the menu may be limited, with the reasonable approval of the Landlord..
- E. No more than 20 customers may be standing at a single time

This paragraph is material and a breach thereof the lease automatically becomes month to month at landlord discretion.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new On Premise license for **Tourbillon47, LLC, TBD, 47 E. Houston St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise 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

COMMUNITY BOARD NO. 2, MANHATTAN

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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

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

8. Oberon Hospitality Partners, LLC d/b/a Rector's Café-Restaurant-Bar, 295 Lafayette St

Whereas, the applicant did appear before the committee and requested a layover at the hearing in order to have more time to respond to concerns from CB2; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Oberon Hospitality Partners, LLC d/b/a Rector's Café-Restaurant-Bar, 295 Lafayette St** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

9. Howard Project, LLC, 3 Howard Street, 10013

Whereas, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Howard Project, LLC, 3 Howard Street, 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*
Keen Berger, *Assistant Secretary*

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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

10. Robert Meller or Corp. to be formed, d/b/a TBD, 174 Bleecker St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Robert Meller or Corp. to be formed, d/b/a TBD, 174 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.

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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

11. Subculture NoHo, LLC 45 Bleeker St.

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to withdraw the application from consideration but will resubmit at a later date; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** the proposed beer and wine license for **Subculture NoHo, LLC 45 Bleeker St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

12. Rockin Raw, LLC, 171 Sullivan St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on December 11th, 2012, the applicant's attorney requested to layover the application from consideration and will come back in February; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** the proposed Beer and Wine license for **Rockin Raw, LLC, 171 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.

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



Antony Wong, *Treasurer*
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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

13. Pizza of 32 Spring Street, Inc. d/b/a Lombardi's, 32 Spring St. 10012

Whereas, the applicant failed to appear before CB2's SLA hearing on December 11th; and,

Whereas, this application is for the Corporate Change to their On-Premise license; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Pizza of 32 Spring Street, Inc. d/b/a Lombardi's, 32 Spring 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*
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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

14. R&G Spring, LLC f/k/a Al Taglio, Ltd. d/b/a Piccola Cucina, 196 Spring St. 10012

Whereas, the applicant appeared before the committee for a second time after appearing the previous month with an incomplete CB2 questionnaire package; and,

Whereas, this is an application for a new beer and wine license for a restaurant in a previously unlicensed premise for a family restaurant serving Italian food with “no bar”, the premise is located between Sullivan Street and Thompson Street in a mixed use building, there will be 10 tables and 20 table seats, no stand up bar, 1 service bar for waiter service only, the maximum occupancy as stated by the applicant is 20 people, there will be no outdoor seating, no backyard garden and no sidewalk cafe; and,

Whereas, the hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music from ipod/cd’s that will not disturb residents in the building or other neighbors, there currently exists sufficient sound proofing, there will be no dj’s, no live music, no jukebox, there will be no tv’s, there will be no private parties, no scheduled performances, no outside promoters, no promoted events and no events for which a cover fee is charged; and,

Whereas, there are at least 15 on premise liquor licenses within 500 feet; and,

Whereas, the applicant performed some outreach in the community and posted notices in the storefront window and the applicant has been operating a pizza business in the location for a number of years and is now opening an Italian restaurant in the location which this application is for; and,

Whereas, the applicant agreed to a set of stipulations which they have executed as a stipulations agreement with CB2, Manhattan that they agreed they would submit to the Liquor Authority and be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be advertised as a family restaurant with Italian food.
2. The hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. All customers will have left the premises at the closing hour.
3. The premises will be operated as a full service restaurant only with no stand up bar and waiter service only.
4. Music will be quiet background only.
5. All doors and windows will be closed by 10 p.m.
6. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
7. Contact information for Principal/Manager will be provided to community members upon request.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a beer and wine license for **R&G Spring, LLC f/k/a Al Taglio, Ltd. d/b/a Piccola Cucina, 196 Spring St. 10012** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Beer and 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

15. Kennedy Organic, LLC, 5 King St. (a/k/a 224-226 Avenue of the Americas) 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a new on premise liquor license in a previously licensed premise for a “small, independently owned, neighborhood restaurant serving Italian inspired cuisine in an historic community” that “plan[s] to offer brunch, lunch and dinner”, located between Houston and King Street in a mixed use building in a premise approximately 1,648 sq ft, with 1,106 sq ft. on the ground floor for patron use and approximately 542 square foot in the basement for ancillary uses but not for patrons, there will be 22 tables and 52 table seats, 1 stand up bar with 9 seats, for a total of 61 interior seats, the maximum occupancy as stated on the Certificate of Occupancy is 74, there will be a sidewalk café which is included in this application which will have 27 tables and 54 seats and this is subject to recommendation for approval by CB2’s Sidewalks and Street Activities Committee and the full board of CB2, Manhattan; and,

Whereas, the hours of operation will be Sunday from 10 a.m. to 12 a.m., Monday to Thursday from 1 p.m. to 12 a.m. and Friday from 12 p.m. to 1 a.m. and Saturday from 10 a.m. to 1 a.m., the premise will be operated as a restaurant only, the kitchen will be open at all times and a full food menu will be available at all hours until closing, music will be quiet background music only, there currently exists sufficient sound proofing or the applicant will install, there will be no dj’s, no live music, no jukebox, no tv’s, there will be no security personnel, there may be private parties on occasion (i.e. occasional birthday, anniversary etc.);

Whereas, there are at least 10 licensed premises within 500 feet; and,

Whereas, the principles have not held any previous liquor licenses, but one of the principles is a sommelier with experience working in other licensed premises within CB2 including Babbo, Cru and Lupa; and,

Whereas, the applicant performed some outreach in the community; and,

Whereas, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2, Man. that they agreed would submit to and request to have attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday from 10 a.m. to 12 a.m., Monday to Thursday from 1 p.m. to 12 a.m., Friday from 12 p.m. to 1 a.m. and Saturday from 10 a.m. to 1 a.m. At closing, all patrons will have left the premises.
2. The premise will be operated as a full service restaurant serving Italian food.
3. Because this a full service restaurant only, there will be no security/doorman personnel.
4. All Doors and Windows will be closed by 10 p.m., however the window on King Street will be closed by 5 p.m. daily.
5. Music will be quiet background only.
6. There will be no dj's, live music, promoted events or any events at which a cover fee is charged.
7. The kitchen will be open at all times until closing and the full food menu will be available at all times until closing.
8. There will be no tv's.
9. Contact information for Principal/Manager will be provided to community members upon request.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an on-premise liquor license for **Kennedy Organic, LLC, 5 King St. (a/k/a 224-226 Avenue of the Americas) 10012** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

16. Hud Bar 01, LLC, d/b/a Hudson Grill, 501 Hudson St. a/k/a 131 Christopher St, 10014

Whereas, this application is for a new Beer and Wine license for a “family style restaurant providing high quality American ‘comfort’ food at affordable prices”, in a mixed residential/commercial building on the corner of Hudson Street and Christopher Street, for a 1,703 s.f. Restaurant located only in the basement, which has 16 tables and 62 table seats and 1 bar with 14 seats for a total of 76 seats, there will not be a sidewalk café or back yard garden, music will be quiet background only from ipod/cd’s from a small speaker system consisting of 1-2 speakers, there will be 2 tv’s, the maximum legal occupancy is proposed to be 142, but a Certificate of Occupancy is not yet been issued or approved but has been applied for; and,

Whereas, the applicant states that the hours of operation will be Sunday to Monday from 11 a.m. to 1 a.m., Tuesday to Wednesday from 11 a.m. to 2 a.m. and Thursday to Saturday from 11 a.m. to 3 a.m., there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no plans to manage vehicular traffic and no ropes or movable barriers, there may be one security guard/doorman at the street level entrance on Christopher Street; and,

Whereas, this is a basement venue which was previously used for storage and covers the majority of the basement area and the main entrance will be on Christopher Street located roughly in the middle of the façade of the building through a hallway and down a stairway which enters into the middle of the basement premise with an emergency egress on Hudson Street; and,

Whereas, the menu presented consists primarily of appetizers and light fare and burgers and sandwiches with three entrée’s consisting of fish and chips, a bbq mixed grill and risotto; and,

Whereas, the applicant did host several open house events which were publicized through fliers and several community residents attended and a petition was presented but the petition indicated the application was for an on-premise license, which the applicant originally intended to apply for, but there is some question as to whether the 200 ft. rule is applicable and as such the application was modified to a restaurant wine license; and,

Whereas, the President of the Christopher Street Patrol and the Vice President of the Greenwich Village Block Associations spoke in opposition of the application and spoke in opposition on behalf of the Presidents of the West 10th St. Block Association, The Christopher Street Block Association, The Perry Street Block Association, The Bedford, Barrow and Commerce Street Block Association, the Grove Street Block Association and all individual members of the Christopher Street Patrol; and,

Whereas, several members of the community who are in the process of forming a new Block Association in the area also appeared in opposition after having attended one of the open houses hosted by the applicant and discussing the proposed premises and concept; and,

Whereas, the principal, John Souto, owns the building and has no restaurant experience and the proposed Manager who appeared before the committee does not have experience running a “family style restaurant” but does have experience running licensed premises having been a principal of Holiday Cocktail Lounge and several other licensed premises; and,

Whereas, those in opposition raised a number of issues and concerns and in particular that this location has never been previously licensed and is currently ancillary storage for the several storefronts located on the ground floor, that there is no need for a “family style restaurant” to be open until the hours proposed by the applicant, that a “family style restaurant” located in a basement location without an elevator would not be family friendly given the stairs and basement venue, there were questions as to whether or not a basement venue such as this is viable for a successful restaurant as the West Village predominantly has a street level presence and charm and almost all restaurants are located on the ground floor with windows as a significant attraction to diners, that the presence of TV’s would most likely result in this becoming a sports bar type venue, and that this area Thursday through Saturdays in particular has become a destination location which has resulted in crime, quality of life issues at the expense of the community who lives there and that having new licensed premise of any type, in particular one with the qualities above only serves to exacerbate an already untenable situation; and,

Whereas, in particular, those in opposition raised serious concerns regarding the history of public safety on this particular block (the Christopher Street Path Station is also located on the Block) and noted that it has for decades been a focal point of Police and community patrol activity given the level of crime and quality of life issues, and as evidence they pointed to two NYPD tower lights which are turned on at night to illuminate the area and one of those tower lights is located directly across the street from this location and has been in place for over a year, the significant amount of Police resources which are allocated to crime and quality of life issues in this area and that the Block Associations in the immediate area and those who appeared in opposition are adamantly opposed to any new beer and wine or on-premise liquor licenses in the area, in particular those operating later in the evenings, given the long history of crime and quality of life issues which they feel are directly linked to the number of licensed venues in the immediate area and that this area is frequented by those drawn to the nightlife activity and seemingly intent on committing criminal acts as evidenced by the many strategies that the NYPD has implemented over the years to deter crime in the area and crime statistics

Whereas, a high density of licenses already exist (14 OP licenses, an unknown number of beer and wine licenses and at least 3 pending licenses) within 500 ft. of this location; and,

Whereas, CB2, Manhattan agrees with the concerns presented by those in opposition and has great concern that this will become another late night drinking establishment that would exacerbate the existing conditions as described above in this area and further impact the community by adding to the issues in this immediate area which would continue to divert City resources which should be allocated more evenly across CB2; and,

Whereas, the applicant was asked if they would be willing to stipulate to earlier closing hours more consistent with a family style restaurant, if they would agree to never seek to upgrade the license to a full on-premise license, if they would forego having happy hour pricing and committing to being open for lunch 7 days a week, have a security person/door person on the ground level during all hours of operation, and keep the kitchen open during all hours of operation, but the applicant was not willing to the suggested stipulations, but was willing to discuss closing slightly earlier; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** of the application for a Beer and Wine license for **Hud Bar 01, LLC, d/b/a Hudson Grill, 501 Hudson St. a/k/a 131 Christopher St, 10014.**

THEREFORE BE IT FURTHER RESOLVED that should the Liquor Authority consider this application despite CB2, Man.'s recommendation for denial, that the Liquor Authority consider requiring the applicant to stipulate to closing hours of 12 a.m. Sunday to Thursday and 1 a.m. Friday to Saturday, stipulate to agreeing not to seek an upgrade to a full on-premise license in the future, stipulate to no happy hour pricing, stipulate to serving lunch 7 days a week, stipulate to a security guard/doorperson for all hours of operation on the ground floor entrance, stipulate to having the kitchen open during all hours of operation with the full menu available at all times and stipulate to operating as a restaurant only and not as a bar.

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

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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

17. MCD Hospitality, LLC, 26 Greenwich Ave. 10011 (beer & wine)

Whereas, the applicant appeared before the committee to present the concept of a “small family neighborhood restaurant that will focus on French food”; “two brothers, Michael Touchard and Cyril Touchard will operate and run the restaurant full time”; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street (Block #606 / lot #08), for a 900 sq. ft premise with 18 tables with 37 seats, 1 bar with 6 seats, for a total of 43 seats and the maximum proposed occupancy is 50 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), the applicant will install soundproofing using a professional sound engineer, 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, this is another location within CB2 that has never been licensed by the Liquor Authority; and,

Whereas, the applicant reached out to the community and established and executed a stipulations agreement with the Mid West 10th Street Block Association, which CB2 has incorporated into a separate stipulations agreement in which the applicant agreed to submit to the SLA the stipulations to be incorporated into the “method of operation” on their SLA restaurant wine license; and,

Whereas, the stipulations 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. Front Door: The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. Doors and Windows: The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. Sanitation: The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. Lighting: The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. Advertising: The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. Notification Of Change Of Ownership: The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. Monthly And Quarterly Meetings: The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. Events: The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new Restaurant Wine/Beer and Wine license for **MCD Hospitality, LLC, 26 Greenwich Ave. 10011** unless those conditions and stipulations agreed to by the applicant relating to the 6th Whereas clause are incorporated into the "Method of Operation" on the SLA On-Premise 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

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

18. Corp. to be formed by Jared Gordon, d/b/a Analogue, 41 E. 11th St. 10003

Whereas, prior to this months CB2 SLA Licensing Committee meeting #2 on December, 13th, 2012, the applicant's attorney requested to **layover** consideration of this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Corp. to be formed by Jared Gordon, d/b/a Analogue, 41 E. 11th St. 10003** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

19. UBSOHO 10013, LLC 349 W. Broadway, 10013

Whereas, the applicant **did not appear** before CB2, Man.'s SLA Licensing Committee meeting #2 on December, 13th, 2012 for an on-premise liquor license at the above referenced address after being placed on the agenda and having been requested to appear; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, any temporary licenses or changes to any existing license for **UBSOHO 10013, LLC 349 W. Broadway, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

20. David Kay d/b/a Love, 446 W. 14th St., 10014

Whereas, the applicant, David Kay appeared at this month's CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, but the applicant's attorney was not present and the applicant did not have a completed CB2 Questionnaire or supporting material as required and had not performed adequate community outreach and Mr. Kay requested at the meeting to **layover** consideration of this application for a new on-premise liquor license and said that he or his attorney will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premise liquor license or changes to any existing license for **David Kay d/b/a Love, 446 W. 14th St., 10014** until the applicant has presented their SLA application and completed CB2 SLA Questionnaire and supporting materials 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*
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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

21. John Dory LLC, d/b/a Market Table, 54 Carmine St. a/k/a 28 Bedford St. 10014

Whereas, prior to this month's CB2's SLA Licensing Committee Meeting #2 on December 13th, 2012, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license (upgrade to existing restaurant wine license #1190057) and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, alteration, upgrade or changes to any existing license for **John Dory LLC, d/b/a Market Table, 54 Carmine St. a/k/a 28 Bedford St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 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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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

22. Entity to be formed by Stephanie Markowitz, TBD, 176 Prince St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, the applicant's attorney requested to **layover** consideration of this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine or on-premise liquor license or changes to any existing license for **Entity to be formed by Stephanie Markowitz, TBD, 176 Prince 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*
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December 27, 2012

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 December 20, 2012, Community Board #2, Manhattan (CB2) adopted the following resolution:

23. Scotto Casa NY, LLC 167 7th Avenue South, 10014

Whereas, prior to this months CB2 SLA Licensing Committee Meeting #2 on December, 13th, 2012, the applicant's representative requested to **layover** consideration of this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine or on-premise liquor license or changes to any existing license for **Scotto Casa NY, LLC 167 7th Avenue South, 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

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

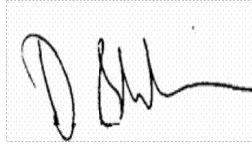
Sincerely,



Richard Stewart, 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. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
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