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COMMUNITY BOARD No. 2, MANHATTAN

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SLA LICENSING COMMITTEE

February 2011 (Part 2)

The SLA Licensing Committee of Community Board #2, Manhattan held its regularly scheduled monthly meeting on Wednesday, February 9th 2011 @ 6:30 PM – St. Anthony's Church, 151-155 Sullivan St.

Board Members Present: R. Lee (Chair), Richard Stewart (Vice-Chair), C. Booth, L. Rackoff and A. Kriemelman

Board Members Excused: Carol Yankay and Heather Campbell

Public Members Present: Dr. Shirley Smith and Robin Goldberg

Public Members Excused: None

Public Members Absent: None

Other Board Members Present: Sean Sweeney and Elaine Young

RESOLUTIONS:

1. David Kay d/b/a Rose Restaurant, 337 W. Broadway (at Grand), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license for a 2,400 s.f. French restaurant located in a mixed use building on the corner of West Broadway and Grand Street with 66 table seats and 2 bars with 6 bar seats; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday from 12:00 p.m. to 12:30 a.m.; Monday through Wednesday from 5:00 p.m. to 12:30 a.m.; Thursday and Friday from 5:00 p.m. to 1:30 a.m. and Saturday from 12:00 p.m. to 1:30 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will close all French Doors by 8pm seven days a week
2. The applicant will limit its closing hours to 12:30 a.m. Sun-Wed and 1:30 a.m. on Friday and Saturday
3. The applicant will provide a GM contact information to nearby residents
4. The applicant will not use third party promoters
5. The applicant will not operate a D.J. or Live Music in the establishment
6. The applicant will play only ambient background music in the establishment

Whereas, this committee would like to highlight the 1996 Supreme Court Case ruling in favor of the SoHo community's Article 78 proceeding - The SLA's one-sentence general conclusion that a liquor license will generate employment and tax revenues does not constitute 'reasons' why a particular liquor license at a particular location is in the 'public interest; and,

Whereas, this committee request that the SLA determines that the proposed establishment serves the interest of the public; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an On Premise license for **David Kay d/b/a Rose Restaurant, 337 W. Broadway**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous In Favor

2. Jimmy Chin & Stephen Breskin or Entity to be formed d/b/a Jimmy Chin’s, 481 Washington St., (Spring and Canal), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for an On Premise license for a 2,500 s.f. Chinese restaurant and Tavern located in a mixed use building on Washington Street between Spring and Canal Streets with 92 table seats and 1 bar with 16 bar seats; and,

Whereas, the applicant stated the hours of operation for the establishment are seven days a week from 1:00 p.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be Juke Box and background only; and,

Whereas, the applicant has reached out to members of the community prior to re-appearing; and,

Whereas, several members of the community appeared in strong opposition; saturation issues, citing overcrowding and late night noise and weekend traffic issues in the neighborhood; and,

Whereas, over 100 signatures from nearby residents signed a petition in strong opposition of the proposed establishment; and,

Whereas, no one appeared in support of the proposed establishment; and,

Whereas, members of this committee expressed their concerns with late night tavern, light fare Chinese restaurant in a newly licensed location in an area that is quickly converting into a dense residential area; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an On Premise license for **Jimmy Chin & Stephen Breskin or Entity to be formed d/b/a Jimmy Chin’s, 481 Washington St.**

Vote: Unanimous In Favor

3. AB Green Gansevoort, LLC et al, 844-848 Washington St (at West 13th), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in an upscale Hotel d/b/a The Standard Hotel for the covered beer garden in a 4,200 s.f. premise with 179 table seats and 1 bar with 12 seats; and a maximum capacity of 204; **to extend its closing hours in the to 1:00 a.m. Sunday to Thursday and 2:00 a.m. Friday and Saturday;** AND for an alteration to an existing rooftop bar located in a 2,222 s.f. premise on the 19th floor rooftop garden with 90 table seats with a maximum legal capacity of 185 persons; **to convert the service bar to a stand-up bar and to extend the closing hours to 2:00 a.m. daily and allow Background Music only;** AND for an alteration to an existing third floor private event space located in 1,400 s.f premise with 32 table seats with no bar; **to convert the 3rd floor private event space for INTERIOR public use only with operating hours seven days a week from 7:00 a.m. to 12:00 a.m.;** and,

Whereas, this application also includes a proposed **license for an existing North Plaza area consisting of 48 table seats and no bar with operating hours Sunday to Thursday from 7:00 a.m. to 12:00 a.m. and Friday and Saturday from 7:00 a.m. to 1:00 a.m.;** and,

Whereas, the applicant has been operating successfully for the past several years; and,

Whereas, the applicant met with members of the community prior to the hearing to address any concerns and issues with the Hotel establishment; and,

Whereas, the applicant has agreed to the original set of stipulations for the rooftop bar, beer garden and third floor premise; rooftop bar’s original stipulations - agreed to prohibit the use of outside promoters; and agreed to have the entrance to the rooftop solely at West 13th street; beer garden stipulations – agreed to no music of any kind played in the establishment; third floor premise – agreed to no music of any kind played in the 3rd floor terrace during private functions; and agreed to close the 3rd floor terrace for private functions by 2:00 a.m.; and,

Whereas, the applicant has agreed to include additional stipulations for this alteration applications:

1. The applicant will limit closing hours to 2:00 a.m. daily in the 19th Floor rooftop garden
2. The applicant will have Background Music only in the 19th Floor rooftop garden
3. The applicant will install speakers facing inward and away from neighboring buildings
4. The applicant will not market the 3rd Floor space for public use
5. The applicant will not use the 3rd Floor outdoor terrace for public use
6. The applicant will limit its closing hours to 12:00 a.m. daily in the 3rd Floor public space
7. The applicant will limit its closing hours to 1:00 a.m. Sunday through Thursday and 2:00 a.m. Friday and Saturday
8. The applicant will construct a barrier surrounding the North Plaza area
9. The applicant will play no music of any kind in the North Plaza area
10. The applicant will limit its closing hours of 12:00 a.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday in the North Plaza area

Whereas, the applicant has agreed to continue their community outreach efforts, including but not limited to regular meetings with nearby residents; and,

Whereas, a few members of the community appeared to express their concerns; citing late night traffic issues on Washington Street; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the proposed alterations to the On Premise license for **AB Green Gansevoort, LLC et al, 844-848 Washington St** unless all conditions agreed to by applicant relating to the sixth and seventh “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous In Favor

4. Arsenoi Inc., 404 Sixth Ave. (West 8th and West 9th Street), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for an On Premise license for a 4,013 s.f. Greek restaurant located in a mixed use building on 6th Avenue between West 8th and West 9th Streets with 89 table seats and 1 bar with 12 bar seats; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday 11:00 a.m. to 3:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant has not successfully reached out to members of the community as previously requested by this committee; and,

Whereas, a few members of the community appeared in opposition but left the meeting without providing a verbal testimony; and,

Whereas, the Co-Chair of the West 8th Street Block Association appeared to express some concerns with the proposed establishment but also proposed a few stipulations to the committee for consideration; and,

Whereas, no one appeared in support of the proposed establishment; and,

Whereas, members of this committee expressed their concerns with a late night Greek restaurant establishment in a residential area; and cited major issues with the previously licensed (although CB2 Manhattan had recommended a denial) establishment d/b/a Q-doba masquerading as a nightclub on the 2nd floor; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an On Premise license for **Arsenoi Inc., 404 Sixth Ave.**

Vote: Unanimous In Favor

5. Emerald Pub, 308 Spring St, NYC

Whereas, this application is for a renewal to an On Premise liquor license; and,

Whereas the operator has agreed to the following stipulation for their renewal license:

1. The operator has agreed to keep back door closed at all times
2. The operator has agreed to close the front door at 11:00 p.m. daily
3. The operator has agreed to make best efforts to manage its refuse outside the establishment
4. The operator has agreed to post a “respect neighbors” type sign in front of the establishment

Whereas, several members of the community appeared its concerns with the establishment; noise issues and poor management with refuse; and,

Whereas, a member of the community appeared in strong support of the applicant; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial to the renewal of an On Premise license for **Emerald Pub, 308 Spring St** unless those conditions agreed to by applicant relating to the second “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous In Favor

6. Mosle Khoshkeiman, d/b/a Howic, LLC, 3 Howard St., NYC

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of an On Premise liquor license to **Mosle Khoshkeiman, d/b/a Howic, LLC, 3 Howard St. and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous In Favor

7. Damien C. Vizuet d/b/a Pigeon Café, 22 W. 8th St., NYC

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of an On Premise liquor license **Damien C. Vizuet d/b/a Pigeon Café, 22 W. 8th St. and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous In Favor

Respectfully submitted,

**Raymond Lee, Co-Chair
CB2 Manhattan, SLA Licensing Committee**