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COMMUNITY BOARD No. 2, MANHATTAN

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SLA LICENSING COMMITTEE

February 8th, 2011

The SLA Licensing Committee of Community Board #2, Manhattan, held a meeting on Tuesday, February 8th, 2011, @ 6:30pm – at St. Anthony’s Church, 151-155 Sullivan St. (Lower Hall).

Board Members Present: R. Stewart (Co-Chair), C. Booth(Vice-Chair), H. Campbell,

Board Members Excused: A. Kriemelman, L. Rakoff, S. Feinberg, C. Yankay, R. Lee (Co-Chair),

Board Members Absent: None

Public Members Present: Dr. Shirley Smith, Robin Goldberg

Public Members Excused: None

Public Members Absent: None

Other Board Members Present:

The following resolutions from CB2’s SLA committee are a suggested outcomes from those in attendance due to the lack of a quorum:

RESOLUTIONS:

1. Elizabeth Restaurant Group LLC, d/b/a Nolita Tavern, 265 Elizabeth St., NYC 10012

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

Whereas, this is an application for a Burger and Steak Pub-like bistro/restaurant with extensive fondue and dessert menu; and,

Whereas, this application is for a new Full OP license for a restaurant in a residential building on Elizabeth Street between Prince St. and Houston for a total of 3600 s.f. (2200 s.f. for the main restaurant, 1400 s.f. basement and 600 s.f. for rear garden space) with 40 tables and 60 seats, 1 bar with 6 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation of the existing interior area are Sunday to Wednesday from 10:00 a.m. to 1:00 a.m. and Thursday to Saturday from 10:00 a.m. to 2:00 a.m. and the backyard garden will be 10:00 a.m. – 11:p.m. 7 days a week, there will be no sidewalk cafe; music will be quiet background only; and,

Whereas, the applicant agreed not to have any music in the garden space and to keep the retractable roof closed at all times: and,

Whereas, the applicant would like to install 2 – 4 televisions in and around the bar; and,

Whereas, the community provided testimony objecting to a burger and steak pub style restaurant in the neighborhood citing the residential character of the area on this residential street and the existence of other similar style pubs that create quality of life concerns in the neighborhood and stated that they had strong concerns regarding the operation with TV's that could create a sports style pub during certain hours of operation and with noise issues for the outdoor rear garden that is surrounded by residential buildings and felt that the description of the method of operation provided by the applicants was inappropriate for the neighborhood. They also felt strongly that the lack of interest in reaching out to members of the community, even when they were previously provided with contact information of both telephone and email addresses at a previous meeting and the request of this committee to meet with community members demonstrated a lack of interest in being a community friendly establishment. The community also stated strongly that they would not object to a restaurant that would cater to the residential character of this location and that would focus on food that would better suit the community; and

Whereas, the applicant was originally laid over from this committee last month so they could do community outreach but seemed to do minimal outreach and even failed to talk to either of the Chairs of the NLINA Association (Northern Little Italy Neighbors Association - the key neighborhood association at this location) or LINA (Little Italy Neighbors Association) even though contact information was provided; and,

Whereas, there are already over 20 licensed premises within 500 feet and CB2 request that the SLA conduct a 500 ft. rule hearing; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of this new Full OP license for **Elizabeth Restaurant Group LLC, d/b/a Nolita Tavern, 265 Elizabeth St., NYC 10012.**

Vote: 4/0 unanimous in favor

2. Emperor Japanese Tapas Shabu, 96 Bowery, 1st Floor, NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a family friendly restaurant that focuses on serving quality hot “pot” styled fare with a warm relaxed atmosphere; and,

Whereas, this application is for a new Full OP license in a commercial building (block #239 and lot #35) on Bowery on the corner of Grand St. and Bowery for a 2,160 s.f. restaurant with 14 tables and 50 seats, 1 bar with 10 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant requested to have the hours of operation being Sunday to Saturday 11:00 a.m. –11:00 p.m.; there will be no sidewalk café, there will be no backyard garden, music would be background only; and,

Whereas, the applicant provided a Certificate of Occupancy that was not the current Certificate of Occupancy (the one provided was dated October 17, 1952 showing the use is allowed); and,

Whereas, the current Certificate of Occupancy as provided on the NYC Dept. of Buildings Website is dated November 3, 1986 and shows allowed use on the first floor is Use Group 11B for “Wholesale Establishment – equipment showroom” and according to the NYC Zoning Resolution, Article 3, Section 32-20, restaurant use is not included as a permitted use; and,

Whereas, the applicant was not able to explain the discrepancy in the uses allowed in the current Certificate of Occupancy, but did state that they would correct the situation if needed; and,

Whereas, there were no community opposition regarding this application; and

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the new full OP license to **Emperor Japanese Tapas Shabu, 96 Bowery, 1st Floor, NYC 10013** unless the issues regarding zoning and the “Certificate of Occupancy” are correct or corrected to allow restaurant use at the location.

Vote: 4/0 Unanimous in favor

3. B&R Sorrento Corp., d/b/a La Nonna, 134 Mulberry St, NYC 10003

Whereas, the applicant appeared before the committee; and,

Whereas, this Italian restaurant (whose corporate name used to be ASC Inc. d/b/a La Nonna) is transferring ownership to two new principals, who have worked at the location for some time, under the corporate name B&R Sorrento Corp., d/b/a La Nonna; and

Whereas, this application is for a new Full On Premise license in a mixed use building on Mulberry Street between Hester and Grand Street in a 2,400 s.f. restaurant with 31 tables and 62 seats, 1 service bar which will have no seats and a total capacity of 74 persons; and,

Whereas, the applicant requested to have the same hours of operation as the existing license which are Sunday to Saturday 12:00 p.m. –12:00 a.m.; there will be a request for a sidewalk café, but there will be no backyard garden, music would be quiet background only; and,

Whereas, this location has been a restaurant for the last 20 years, and the only real change of the method of operation is the elimination of the stools at the existing bar, and the conversion of that bar to a service bar; and

Whereas, there were 2 members of the community who spoke regarding their concerns that the new owners would maintain a quiet restaurant; and

Whereas, the new owners agreed to decrease their hours of operation from 1:00 am to midnight 7 days a week; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of a new Full On Premise license to **B&R Sorrento Corp., d/b/a La Nonna, 134 Mulberry St, NYC 10003** unless the mentioned hours of operation are enforced.

Vote: 4/0 Unanimous in favor

4. English Road, LLC, 264 Bowery, NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Bourbon Bar and Southern Fare Tavern; and,

Whereas, this application is for a Full On Premise license in a mixed use building (block 507 / lot 32) on Bowery, between Houston and Prince Street in a 2,400 s.f. location (1400 s.f. restaurant and 1000 s.f. basement) with 11 tables and 38 seats, 1 stand up bar with 11 seats and a total capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation would be Sunday to Saturday 12:00 p.m. – 4:00 a.m.; there will be a no sidewalk café, and no backyard garden, music would be live with a D.J. at entertainment volume for some of the time and quiet background for other times which were not determined or specified; there will be promoted events and private parties that could be requiring “cover fee” charges; and,

Whereas, the community provided testimony that this location while vacant for several years had previously been operated illegally as a late night bar with DJ and Dancing and had caused many problems for the immediate neighborhood including significant late night noise issues from music due to inadequate soundproofing of party walls that are immediately adjacent to residential units on the sides as well as residents above among other issues; and

Whereas, there was also strong opposition from this community regarding the appropriateness of a tavern with D.J.’s and late night hours at this location due to the high percentage of residential living around this address and the recent changes in the neighborhood which have been focused on fostering a residential community in the last few years including a new supermarket, a new hardware store, a new gallery, a new YMCA, new large scale residential development, the recent opening of the New Museum among other positive changes in a previously wholesale neighborhood with a large artist population; and,

Whereas, there were 8 members of the community who spoke in opposition regarding their concerns, 7 letters written requesting to deny this application and over 20 emails requesting the same; and,

Whereas, the applicant stated that soundproofing already existed but they plan to add more to the existing soundproofing; and,

Whereas, though there is existing soundproofing in this space from previous tenants, the community reiterated in response to the applicants stated plans to add soundproofing that the existing soundproofing was never enough and that a building as old as this one will never be able to be soundproofed adequately; and,

Whereas, this space requesting licensing also has an additional back room space identified on the floor plans as “community art display and storage space” that is illegal to occupy according to the applicant and not usable by the ruling of the Department of Buildings, but the applicant stated that they plan to hang art in it and put a glass wall in front of this space to add “ambiance”, but it was unclear how a space not legally constructed that includes a bathroom and not legal to occupy could be “under contract” and part of the licensed premise; and

Whereas, the community is concerned that this art space will promote art openings which will cause large gatherings that will spill out into the streets; and,

Whereas, the committee is unsure about how to approve a space not authorized by the D.O.B. that would be included in the liquor license; and,

Whereas, the applicant did not provide kitchen plans or plans for the basement because the plans were not finalized; and,

Whereas, while the applicant did attempt to contact immediate neighbors it was done just days before CB2’s regularly scheduled SLA Committee meeting and their correspondence did not include their hours or the fact that the location would be utilizing a DJ; and

Whereas, the applicant has attended CB2 SLA meetings and after seeing concerns of this board and the community during previous meetings, still came before this committee and requested a live D.J. at entertainment level and a 4:00 a.m. closing which clearly shows a lack of willingness to move into this neighborhood as a friendly addition; and,

Whereas, the applicant gave an incorrect account of other licenses within 500 Ft and claimed there was only one other (Pulino’s at 282 Bowery) even though a previous applicant in 2010 at this location stated there were at least 10 licensed premises within 500 ft; and

Whereas, CB2 requests that the SLA conduct a 500 ft. rule hearing; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends the denial of the new Full OP license to **English Road, LLC, 264 Bowery, NYC 10012.**

Vote: 4/0 Unanimous in favor

5. St. Jude Enterprises, LLC, d/b/a Benito’s 1, 174 Mulberry St., NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a family style Italian restaurant; and,

Whereas, this application is for an On Premise license for a space that has been inactive for 6 months, in a mixed use building on Mulberry Street between Broome and Grand Street for a 1,140 s.f. restaurant with 9 tables and 36 seats, 1 bar with 4 seats, and a maximum legal capacity of 74 persons; and,

Whereas, applicant stated that this is a new license, however he will be using the previous operations name, signage and menu; and

Whereas, the applicant stated the hours of operation are Sunday – Saturday from 11:00 a.m. to 12:00 a.m.; there will be a sidewalk café but no backyard garden; music will be quiet background only; and,

Whereas, the applicant submitted a petition with 15 names in support of this license; and,

Whereas, there was no community opposition regarding this license; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval of the On Premise license for **St. Jude Enterprises, LLC, d/b/a Benito’s 1, 174 Mulberry St., NYC 10013.**

Vote: 4/0 Unanimous in favor

6. 9 GJ & Bar & Restaurant, Inc., Acme Bar and Grill, 9 Great Jones St., NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this is an alteration application for a family style Southern restaurant; and,

Whereas, this application is for the alteration of an existing On Premise license which will include converting the existing basement live music venue into more restaurant space with tables and chairs, in a mixed use building (block 530 / lot 12) on Great Jones Street between Great Jones Alley and Lafayette Street for an existing 3,600 s.f. restaurant with 55 tables and 133 seats, 2 bars with 26 seats, and a maximum legal capacity of 201 persons; and,

Whereas, the applicant stated the hours of operation remain unchanged and are Sunday – Saturday from 11:00 a.m. to 4:00 a.m.; there will be no sidewalk café and no backyard garden; music will remain unchanged and continue to be quiet background and occasional D.J.; and,

Whereas, the alteration to this license is a decrease in basement occupancy from 74 to 61 people and a change in use from live performance to tabled restaurant service, basement bar will increase from 7 seats to 10 seats; bar on 1st floor will decrease from 25 seats to 16 seats and be relocated from the left side of room to the right side of room so to be able to install an ADA compliant restroom; and finally on the 1st floor – tables and chairs will be replaced with banquet seating; and,

Whereas, CB2 and the community feels that these alterations are a benefit to this location and will eliminate concerns that the community had regarding lines outside on the sidewalk for the “live music” in the basement; and,

Whereas, there was some community support and no community opposition regarding this license;

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval of the On Premise license for **9 GJ & Bar & Restaurant, Inc., Acme Bar and Grill, 9 Great Jones St., NYC.**

Vote: 4/0 Unanimous in favor

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

7. Augusto Cardona or Entity to be formed, d/b/a TBD, 352 Bowery, NYC 10012

Whereas, the applicant requested to be withdrawn from the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Augusto Cardona or Entity to be formed, d/b/a TBD, 352 Bowery, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

8. Augusto Cardona or Entity to be formed, d/b/a TBD, 348 Bowery, NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Augusto Cardona or Entity to be formed, d/b/a TBD, 348 Bowery, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

9. Toby's Public House II, LLC d/b/a Toby's Public House II, 86 Kenmare St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Toby's Public House II, LLC d/b/a Toby's Public House II, 86 Kenmare St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

10. Parm Restaurant, LLC, d/b/a TBD, 248 Mulberry St., NYC 10012

Whereas, the applicant requested to be withdrawn from the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Parm Restaurant, LLC, d/b/a TBD, 248 Mulberry St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

11. Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. aka 184 Mulberry St., NYC 10012

Whereas, the applicant requested to be withdrawn from the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. aka 184 Mulberry St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

12. JNR 86 LLC, 86 Kenmare St., NYC 10012

Whereas, the applicant requested to be withdrawn from the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **JNR 86 LLC, 86 Kenmare St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

13. 68 West 3rd Café Inc. TBD, 68 W. 3rd St., NYC 10012

Whereas, the applicant requested to be withdrawn from the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to 68 West 3rd Café Inc. TBD, 68 W. 3rd St., NYC 10012 until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

14. Moshi West Broadway, LLC, 330 West Broadway, NYC 10013

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to Moshi West Broadway, LLC, 330 West Broadway, NYC 10013 until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

15. Spring Bar LIC, Inc., d/b/a Spring Bar, 5 Spring St. NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to Spring Bar LIC, Inc., d/b/a Spring Bar, 5 Spring St. NYC until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

16. GDP Enterprises, Inc. d/b/a Agozar, 324 Bowery aka One Bleecker St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **. GDP Enterprises, Inc. d/b/a Agozar, 324 Bowery aka One Bleecker St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

17. Forcella Eatery, Inc. d/b/a Forcella, 334 Bowery, NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Forcella Eatery, Inc. d/b/a Forcella, 334 Bowery, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

18. Asia Dog, LLC, 66 Kenmare St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Asia Dog, LLC, 66 Kenmare St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

19. Entity to be formed by Tracey Hecht Smilow & David Smilow, d/b/a The Hutch, 130 W. 10th St., NYC 10014

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Entity to be formed by Tracey Hecht Smilow & David Smilow, d/b/a The Hutch, 130 W. 10th St., NYC 10014** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

20. Yeah Shanghai Deluxe, Inc., 135-137 Grand St., NYC 10013

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly recommends denial of any proposed liquor license to **Yeah Shanghai Deluxe, Inc., 135-137 Grand St., NYC 10013** until the applicant has presented their application in front of the SLA Licensing Committee 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: 4/0 Unanimous In Favor

Respectfully submitted,



Richard Stewart, Co-Chair
CB2 Manhattan SLA Committee