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COMMUNITY BOARD No. 2, MANHATTAN

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February 9, 2010

Mr. Dane E. Christian, Acting 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 January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. Il Buco Alimentari/Vineria LLC, 53 Great Jones St. (Lafayette and Bowery), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on Great Jones Street between Lafayette and Bowery for a 3,400 s.f. Italian restaurant and market with 74 table seats, 1 bar with 11 seats, and a maximum legal capacity of 80 persons; and,

Whereas, the applicant stated the hours of operation are Sunday - Thursday from 10:00 a.m. – 12:00 a.m. and Friday and Saturday from 10:00 a.m. – 1:00 a.m.; there will be a sidewalk café application but no backyard garden; music is background only; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents, including a new Certificate of Occupancy or Letter of No Objection from the New York City Department of Buildings to support such use; and,

Whereas, the applicant has agreed to the following set of stipulations in negotiation with the community and presented to this committee at our hearing:

1. The applicant has agreed to prohibit patron use of the roof and rear garden.
2. The applicant has agreed install a HVAC system that meets the specifications of buildings at 48 Bond, 51 Bond and 55 Bond Streets.
3. The applicant has agreed to confine background music to the rear/restaurant side of the establishment.

4. The applicant has agreed to close all front and rear windows by 9:00 p.m. daily.
5. The applicant has agreed to designate a staff member to monitor and control vehicular traffic in front of the establishment.
6. Suspension of an annual Pig Roast street event; and

Whereas, a member of community appeared to express her concerns with the Il Buco Pig Roast street festival on Bond Street; and,

Whereas, the committee strongly urges the applicant to discontinue the annual street festival; however, the committee acknowledges that this license application is unrelated to the existing SLA On Premise license of the establishment (Il Buco Restaurant) responsible for the Pig Roast street festival;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Il Buco Alimentari/Vineria LLC, 53 Great Jones St.** unless the conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

Jo Hamilton, *Chair*
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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

2. 228 Bleecker, LLC, d/b/a Aria, 117 Perry St. (Hudson and Greenwich), NYC

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

Whereas, this application is for an On Premise license in a mixed use building on Perry Street between Hudson and Greenwich Streets for a 1400 s.f. for an Italian restaurant with 28 table seats, 1 bar with 7 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday – Thursday from 11:00 a.m. – 11:00 p.m., Friday and Saturday from 11:00 a.m. – 12:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant provided a petition with over 150 signature in support; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **228 Bleecker, LLC, d/b/a Aria, 117 Perry St.**

Vote: Unanimous, with 37 Board members in favor.

Jo Hamilton, *Chair*
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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. Pear Tree Café, Inc., 92 W. Houston St., (West Broadway and Thompson), NYC

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

Whereas, this application is for an On Premise license in a mixed use building on W. Houston between W. Broadway and Thompson for a 1,620 s.f. restaurant/bar with 58 table seats, 1 bar with 10 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday - Thursday from 11:00 a.m. – 1:00 a.m. and Friday and Saturday from 11:00 a.m. – 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant has agreed to operate as a full service restaurant only and provide menu and food items available up to 1 hr prior to closing (available until 12:00 a.m. Sunday – Thursday and 1:00 a.m. Friday and Saturday); and,

Whereas, the applicant has violated the method of operation at her other licensed establishments by operating with a DJ and unauthorized use of a service bar; and,

Whereas, the applicant has agreed to operate with background music only and prohibit DJ music at all times; and,

Whereas, the applicant has reached out to BAMRA prior to this hearing; and,

Whereas, no one appeared in opposition from the community but a few members of BAMRA requested via email that the reduced operating hours are strictly enforced; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Pear Tree Café, Inc., 92 W. Houston St.** unless the conditions agreed to by applicant relating to the fourth and sixth “whereas” clauses 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 January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

4. 98 Kenmare Rest., Group, LLC d/b/a Civetta Ristorante, 98 Kenmare St. a/k/a 180 Mulberry St. (at Cleveland), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license for a 3,300 s.f. restaurant located in a mixed use building on Kenmare at Cleveland Place, with 167 table seats and 2 bars with 16/8 seats; and a maximum legal capacity of 249 persons; **to modify the current operating hours of 8:00 a.m. – 1:00 a.m. from Sunday – Wednesday and 8:00 a.m. - 2:00 a.m. from Thursday – Saturday to the PROPOSED HOURS of 8:00 a.m. – 4:00 a.m. Seven Days a Week** ; and,

Whereas, CB#2, Man. had previously approved the original application in February 2007 as a white table cloth restaurant with a celebrity chef and no bar/lounge in the basement; and,

Whereas, this operator purchased the LLC from its original applicant then operated a full service lounge in the basement without seeking any consideration from members of the community or CB#2, Man.; and,

Whereas, the committee and the Full Board has previously denied several applications on this residential block with a proposed late night operation; and,

Whereas, the committee has strong concerns with a large establishment operating a restaurant and basement lounge in a tenement building; and,

Whereas, several members of the community appeared to express concerns with the proposed alteration; citing concerns with the late night hours in a large establishment with a basement lounge; and strong concerns that the LLC will change again without any notification or consideration from the community; and,

Whereas, in light of the issues as stated above, the applicant had agreed to the following set of stipulations:

1. The applicant has agreed to close French doors and window facing the street at all times.
2. The applicant has agreed to provide menu and food items available up to 1 hr prior to closing.
3. The applicant has agreed to prohibit the use of third party promoters.
4. The applicant has agreed to revert to its original operating hours in the event the existing LLC is transferred, sold, modified or dissolved; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the proposed alteration to On Premise license for **98 Kenmare Rest., Group, LLC d/b/a Civetta Ristorante, 98 Kenmare St. a/k/a 180 Mulberry St.**

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

5. Company to be formed by Emil Stefkov d/b/a Olio, 3 Greenwich Ave. (Christopher and 6th Avenue), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a commercial building on Greenwich Avenue between Christopher and 6th Avenue for a 2,000 s.f. Italian restaurant with 64 table seats, 1 bar with 9 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are 8:00 a.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music is background and live only;

Whereas, the applicant has agreed to limit “live music” to only acoustical instruments, such as the piano, guitar or harp; and,

Whereas, the applicant has agreed to operate as a full service restaurant only and provide menu and food items available at all times; and,

Whereas, the applicant has agreed to prohibit any use of the rear garden; and,

Whereas, the applicant has presented a petition with over 40 signatures in support; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Company to be formed by Emil Stefkov d/b/a Olio, 3 Greenwich Ave**, unless the conditions agreed to by applicant relating to the fourth THROUGH the sixth “whereas” clauses 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 January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

6. PSSPNY, Inc. d/b/a Sofia's, 143 Mulberry St. (Hester and Grand), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an existing On Premise license in a mixed use building on Mulberry Street between Hester and Grand Street for a 1,800 s.f. Italian restaurant with 67 table seats, 1 bar with 7 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated there are no plans to change the previously approved method of operation; the applicant stated the hours of operation are 10:00 a.m. – 2:00 a.m. Seven Days a Week; there will be a sidewalk café but no backyard garden; music is background only; and,

Whereas, the applicant will also be relocating the stand up bar for aesthetic reasons; and,

Whereas, the applicant has been an employee for his father at this establishment for several years; the license will be transferred within the immediate family; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **PSSPNY, Inc. d/b/a Sofia's, 143 Mulberry St.**

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street (Thompson and 6th Avenue), NYC

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

Whereas, this application is for On Premise licenses for an upscale Hotel Lobby Bar, Cellar Floor Restaurant and Rooftop Bar collectively 5,600 s.f. (Hotel Bar is 1,000 s.f., Ground Floor Restaurant is 2,400 s.f. and Rooftop Bar is 2,200 s.f) on Grand Street between Thompson and 6h Avenue; and,

Whereas, this application is for 20 table seats with a maximum legal capacity of 50 persons for the Hotel Lobby Bar; and 85 table seats, 1 bar with 12 bar seats and a maximum legal capacity of 92 persons for the Cellar Floor Restaurant; and 50 table seats, 1 bar with 15 bar seats and a maximum legal capacity of 150 persons for the Rooftop Bar; and,

Whereas, the applicant stated the hours of operation are 7:00 a.m. – 12:00 a.m. Sunday – Wednesday and 7:00 a.m. – 1:00 a.m. Thursday – Saturday for the Hotel Lobby Bar and Cellar Restaurant; and 7:00 a.m. – 1:00 a.m. Sunday – Wednesday and 7:00 a.m. – 2:00 a.m. Thursday – Saturday for the Rooftop Bar; there will not be a sidewalk café application and no backyard garden; music will be background and live only for the Cellar Floor Restaurant; and music will be background only in the Rooftop Bar and played exclusively in the enclosed area; and music will be background and DJ only for the Hotel Lobby Bar, and,

Whereas, the applicant has reached out to members of the community prior to presenting this application; and,

Whereas, the applicant has agreed to the following set of stipulations:

1. The applicant has agreed to no amplified music of any kind in any of the outdoor areas.
2. The applicant has agreed that during evening hours the restaurant exit will be on 6th Avenue; and the applicant will direct its customers to this exit.
3. The applicant has agreed to have a taxi line on 6th Avenue to reduce traffic on Grand Street.
4. The applicant has agreed to conduct sound tests on the Rooftop Bar.
5. The applicant has agreed to community outreach measures including but not limited to hosting a monthly meeting with nearby residents.
6. The applicant has agreed to not have any advertisement signs on the Hotel.
7. The applicant has agreed to have food service available during all hours of operation.
8. The applicant has agreed to not seek or apply for a Cabaret License.
9. The applicant has agreed to arrange a discussion with acoustical consultants to address soundproofing for the neighboring building.

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

Whereas, several members of the community appeared to express their willingness to work with the applicant under the proposed operating guidelines; and,

Whereas, the applicant has executed an agreement with the community, and that agreement is attached;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street** unless the conditions agreed to by applicant relating to the sixth and seventh “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 35 Board members in favor and 2 in opposition (D. Diether, I. Dutton).

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

8. Travertine, LLC, 19 Kenmare Street, Store B aka 164 Elizabeth St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license for a 2,800 s.f. restaurant located in a mixed use building on Kenmare between Elizabeth and Bowery, with 113 table seats and 1 bar with 8 seats; and a maximum legal capacity of 124 persons; **to modify the current operating hours of 11:00 a.m. – 1:00 a.m. from Sunday – Wednesday and 11:00 a.m. - 2:00 a.m. from Thursday – Saturday to the PROPOSED HOURS of 11:00 a.m. – 3:00 a.m. from Sunday – Wednesday and 11:00 a.m. - 4:00 a.m. from Thursday – Saturday;** and,

Whereas, Community Board 2, Manhattan had previously approved the original application in August 2009 as an upscale restaurant with background music only; and,

Whereas, the committee and the Full Board has previously denied several applications on this residential block with proposed late night operations; and,

Whereas, several members of the community appeared to express concerns with the proposed alteration; citing issues with the late night hours in a residential area; and highlighted that the applicant has been operating with DJ music; and,

Whereas, the applicant has also acknowledged that the restaurant has been operating in violation of the licensed method of operation by playing DJ-run music; and,

Whereas, the committee has expressed concerns with the increased hours of operation with an newly licensed establishment (operating for only 4-5 months) in a saturated, residential area; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the proposed alteration to On Premise license for **Travertine, LLC, 19 Kenmare Street, Store B aka 164 Elizabeth St.**

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9. Frog Restaurant, Inc., d/b/a Frog, 71 Spring St. (Crosby and Lafayette), NYC.

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

Whereas, this application is for an alteration to an existing On Premise license for a 3,900 s.f. restaurant located in a commercial building on Spring Street between Crosby and Lafayette Streets, with 158 table seats and 1 bar with 12 seats; and a maximum legal capacity of 175 persons; **to modify the current operating hours of 11:00 a.m. – 12:00 a.m. Seven Days a Week to the PROPOSED HOURS of 10:00 a.m. – 2:00 a.m. Seven Days a Week; and to add 35 new table seats while relocating the stand up bar; and,**

Whereas, CB#2, Man. has recently denied the original application in December 2009; and,

Whereas, the previous operator had violated its duly licensed method of operation, including but not limited to operating until 4:00 a.m., use of DJs and velvet rope; and,

Whereas, the principal owner expressed his lack of knowledge of the previous operation; and,

Whereas, in light of the issues as stated above, the applicant had agreed to the following set of stipulations:

1. The applicant has agreed to no velvet ropes.
2. The applicant has agreed to no third party promoters

Whereas, the committee has expressed concerns with the increased hours of operation in a residential area; and, take issue with the principal's lack of management of the previous operation – operating in violation without rectifying the problems; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the proposed alteration to On Premise license for **Frog Restaurant, Inc., d/b/a Frog, 71 Spring St.**

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

10. SLP Management, d/b/a Slaughtered Lamb Pub, 182 W. 4th St. (Jones and Barrow), NYC

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

Whereas, a member of the community appeared to express his concerns with the noise emanating from the establishment; and,

Whereas, the operator has agreed to reach out to members to the community to resolve the noise issues; and,

Whereas, the committee strongly request that the applicant closes the bar area doors at all times; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for . **SLP Management, d/b/a Slaughtered Lamb Pub, 182 W. 4th St.** unless the condition agreed to by applicant relating to the third “whereas” clause is 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 January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

11. Schermand Partners LLC, d/b/a Vapiano, 113 University Pl., NYC 10003

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 CB#2, Man. strongly recommends denial of an On Premise liquor license to Schermand Partners LLC, d/b/a Vapiano, 113 University Pl., NYC 10003 **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, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

12. GMG Industries, Inc. d/b/a Tresanti, 40-42 Thompson St. a/k/a 5-15 Watts 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 CB#2, Man. strongly recommends denial of an On Premise liquor license to **GMG Industries, Inc. d/b/a Tresanti, 40-42 Thompson St. a/k/a 5-15 Watts St., NYC** 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, with 37 Board members in favor.

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

Sincerely,

A handwritten signature in blue ink that reads "Jo Hamilton". The signature is written in a cursive style and is set against a light blue rectangular background.

Jo Hamilton, Chair
Community Board #2, Manhattan

A handwritten signature in black ink that reads "Raymond Lee". The signature is written in a cursive style.

Raymond Lee, Chair
SLA Licensing Committee
Community Board #2, Manhattan

JH/fa

cc: Hon. Jerrold Nadler, Congressman
Hon. Thomas Duane, NY State Senator
Hon. Deborah Glick, Assembly Member
Hon. Scott Stringer, Man. Borough President
Hon. Christine Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Sandy Myers, CB2 liaison, Man. Borough President's office
Lolita Jackson, Manhattan Director, Commissioner, CAU
Thomas J. O'Connor, Deputy Commissioner for Government Affairs, NYS Liquor Authority
Applicant