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**COMMUNITY BOARD No. 2, MANHATTAN**

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**1. Forcella Eatery, Inc., 334 Bowery, NYC 10012**

**Whereas**, the applicant appeared before the committee for the third time; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building on Bowery between Bond and Great Jones Street (block #530 / lot # 38); and,

**Whereas**, the applicant stated the hours of operation is Sunday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.; and,

**Whereas**, there were 9 community members in attendance against this application and 2 community members in support; and,

**Whereas**, there was a petition presented by the applicant with 65 signatures (8 which were from within the building of 14 apartments) in support of this application; and,

**Whereas**, there was also 2 petitions presented by the community, one with 184 signatures (including 7 from residents within the building) and the other with 42 signatures (by property and building owners in the immediate area) against this application; and,

**Whereas**, the community, consisting of residents, property owners, businesses and developers have repeatedly objected to the adding additional new licenses in the immediate area citing quality of life concerns such as noise, traffic, sheer density of existing licenses, the rapid transformation of the area in the last number of years but have worked with some applicants in a number of other locations to work out mutually acceptable agreements; and,

**Whereas**, the owner of the Penthouse at 54 Bond Street was represented by counsel stating the great concerns regarding the smoke from the brick oven would directly cause a multiple of “Quality of Life” problems for this apartment and was disappointed that the applicant did not present detailed schematics of their venting plan even after having been asked by this committee at the last presentation to make these plans available; and,

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

**Whereas**, while this is a Beer & Wine License application, there are over 28 licensed premises within 500ft, including 28 full on-premise licenses; and,

**Whereas**, CB#2, Man. has repeatedly recommended denial of a license at this location not only on the basis of saturation (even though this is a Beer and Wine application) but also, in this case, on the basis that there are already many restaurants focusing on Pizza in the immediate area and there have been several applications for a pizza style eatery at this location and all were denied and it would be unfair to approve this one; and,

**Whereas**, C#B2, Man. repeatedly requested the applicant to reach out to the NoHo Community and establish some agreement and yet the parties were not able to move forward on any discussion topics or come to any agreements; and,

**Whereas**, CB#2, Man. and NoHo Community repeatedly requested safety plans and codes for installing a brick oven into the ground floor of a residential building that is over a hundred years old which were never presented; and,

**Whereas**, the applicant submitted the following stipulations to CB#2, Man.’s SLA Committee:

1. Hours of operation are Sunday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.
2. There will be no “Happy Hours” type service or gimmicks.
3. There will be no “Sandwich Board” advertising on the sidewalk.
4. There will never be a request for a sidewalk café.
5. The applicant will never apply for a Full On Premise license with the SLA.
6. All windows and doors will be closed by 9:00 p.m.
7. The applicant agrees to update any equipment necessary to contain smoke from the wood-burning stove within 90 days of opening.
8. The applicant will adjust any necessary sound proofing if needed within 90 days of opening.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new Beer and Wine license for **Forcella Eatery, Inc., 334 Bowery, NYC 10012**; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. recommends that if the SLA should approve this license that all the stipulations agreed to in the 13th Whereas clause in this resolution are incorporated into the “Method of Operation”.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
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NY State Liquor Authority  
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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**2. Il Buco Alimentaria/Vineria, 53 Great Jones St., NYC**

**Whereas**, the applicant re-appeared before the committee for the third time; and,

**Whereas**, this is an application for a full service restaurant specializing in fine food and wines; and,

**Whereas**, this application is for a new Full OP license in a mixed-use building (block #530 and lot #31) on Great Jones Street between Bowery and Lafayette Street for a 6,400 s.f. restaurant and shop with 28 tables and 89 seats, 2 bars with 24 seats and a food counter with 12 seats, and a maximum legal capacity of 155 persons; and,

**Whereas**, the applicant stated the hours of operation are from Sunday from 9:00 a.m. to 12:00 a.m., Monday through Thursday from 7:30 a.m. to 12:00 a.m. and Friday from 7:30 a.m. to 1:00 a.m. and Saturday from 9:00 a.m. to 1:00 a.m.; there is no sidewalk café at this time, no roof top use by patrons, no backyard garden and music will be background only; and,

**Whereas**, the applicant had originally submitted an application for a full on-premise license in the preceding month which was a modification to an application originally presented in January 2010, but had withdrawn that application to meet with local community members and the local neighborhood association; and,

**Whereas**, the applicant met with the neighborhood associations and other community members and created the following stipulations that are to be included by CB2:

1. Commitments to Prohibit Outdoor Assembly. iB/V agrees that it will not permit food or liquor service on any rooftop surface of the Building at this time, but reserves the right at a future date to request that the Community Owners agree in written form to modify this Agreement to allow daytime or early evening dining on the rooftop and Community Owners agree to consider same in good faith, provided that iB/V acknowledges that such consideration may include iB/V's

performance with regard to the other provisions of this Agreement, included but not limited to controls of odors and noise emanating from the rooftop mechanical equipment. For the avoidance of doubt, Community Owners expect that, until such time as this Agreement may be modified at some future point, no patrons will have rooftop access for any purpose or function, except as may be necessary to provide egress from the second floor restaurant area to the stair bulkhead on the lower roof. iB/V agrees that its employees will be permitted rooftop access to maintain rooftop landscaping and mechanical equipment as necessary on the rooftops and will be permitted access for routine breaks during the course of the workday from 9:00 am until 10:00 pm, provided iB/V will take measures to assure that staff will respect the privacy and quiet enjoyment of adjacent neighbors, which shall include that staff will not (i) smoke, (ii) congregate more than six (6) at any one time, (iii) play instruments or recorded music.

2. Commitments to Landscape Rooftops. iB/V agrees to landscape the rooftops of the Building prior to the restaurant opening.
3. iB/V agrees to design and operate the Building so as to comply with all NYC Noise Code standards. All music in the building will comply with NYC noise code standards. Any music played in iB/V will be background music only, with the single exception of a private event requesting live music, which live music will revert to background music at 12 am Fridays and Saturdays and 11 pm Sundays through Thursdays. Sound testing will be performed within thirty (30) days after the opening of the restaurant to patrons to assure that any amplified or non-amplified sound from the interior of the building is not present or audible outside or in the contiguous residences beyond NYC noise control code levels. Such testing will establish a permitted maximum volume and such volume will be made part of any Special Events contract as set forth in paragraph 5. Those Community Owners with property contiguous to the Building agree to make available and provide access to at least one unit for the installation and monitoring or sound meter device(s)
4. All doors, skylights and windows of the Building other than the restaurant entrance and the sidewalk-level windows Great Jones Street will be closed by 10 pm every night.
5. All waste bins will be maintained inside the building and all waste will remain inside the building until no more than 30 minutes prior to the scheduled time of pick-up. All organic waste will be brought outside in sealed bins rather than brought curbside and left in bags.
6. iB/V will make reasonable best efforts to contract for waste carting for morning pick-up as to avoid arrival between the hours of 2am and 6 am. iB/V agrees it will make best efforts to limit garbage pick up to one pick-up per day.
7. iB/V commits to take all reasonable measures to assure that no vehicles related to operation of the restaurant will park or double-park on on Great Jones Street and to assure that all trucks with refrigeration will shut off their motors while standing on Great Jones Street.
8. iB/V will not permit, nor will it permit any third party to establish, any presence on Great Jones Street other than customary restaurant services. No rope lines, checkpoints, check-in tents will be established at any time outside the Building.
9. iB/V will make every effort to ensure that large numbers of vans, limousines, SUV's, taxicabs are not waiting at any given time. Arrivals will be informed of the availability of parking agreements with nearby parking lots and garages.

10. Employees, visitors and contractors of iB/V will be expressly prohibited from congregating on the Great Jones Street sidewalk.
11. iB/V will make every effort to keep sidewalk noise to a minimum. iB/V will install a plaque that will be posted so as to be visible from the sidewalk advising “Please respect the peace and quiet of our neighbors.” (or similar language).
12. All rooftop mechanical equipment will be installed and maintained so as to remain in compliance with all relevant NYC noise codes. iB/V agrees to test noise levels for a one-month period after the opening of the restaurant using a competent consultant acceptable to Community Owners and to share the test results with the Community Owners. Community Owners with property contiguous to the Building agree to cooperate with regard to this testing by permitting access to their buildings as necessary for the installation and monitoring of sound meter device(s). If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, iB/V agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.
13. iB/V agrees to install and maintain in good working order prior to the opening of the restaurant a state-of-the-art UV hood to control kitchen exhausts and odors. In the event such equipment proves ineffective, as evidenced by [insert standard], iB/V agrees to either immediately modify its baking and/or cooking plan or promptly take the additional steps of installing and maintaining in good working order a precipitator on the upper roof.
14. Commitments regarding “Special Events”. A “Special Event” is defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including iB/V, which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:
  - (i) iB/V will limit the number of guests attending Special Events in the Building to no more than 125 persons per day at any given time.
  - (ii) iB/V will require that any Special Event for 50 or more guests will require the responsible party (and if it is the iB/V that is holding the Special Event, then iB/V itself will be equally bound) to enter into an Events Contract stipulating:
    - (a) that the event will be primarily food service oriented with incidental liquor service,
    - (b) that the event will end one hour before licensed closure,
    - (c) iB/V management will ensure that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,
    - (d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,
    - (e) that in the event an outside party will use its own sound amplification devices, the time limits and volumes will be consistent with this Agreement.
  - (iii) iB/V agrees that will not enter into Special Events contacts with “promoters,” *i.e.*, third party booking agents advertising events to the public.

15. Commitments to Appoint Community Liaison. iB/V agrees to assign at least one person (“Community Liaison”) who will be available to speak with the Parties during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.
  
16. Commitments to Contain Sounds to within the Building. iB/V agrees to design and operate the Building so as to comply with all NYC Noise Code standards. Sound testing will be performed to assure that any amplified or non-amplified sound from the interior of the building is not present or audible outside or in the contiguous residences beyond NYC noise control code levels. Such testing will establish a permitted maximum volume and such volume will be made part of any Special Events contract as set forth in paragraph 5. A testing period will be established for not less than one month at the opening of the restaurant. Those Community Owners with property contiguous to the Building agree to make available and provide access to at least one unit for the installation and monitoring or sound meter device(s)

**Whereas**, the applicant has signed a Memorandum of Understanding document that is attached to this resolution (see attached) which incorporates these stipulations; and,

**Whereas**, the applicant submitted a petition with 361 signatures in support of the new restaurant; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new full on premise license for **Il Buco Alimentaria/Vineria, 53 Great Jones St., NYC** unless all stipulations agreed to in the 6th Whereas clause in this resolution are incorporated into the “Method of Operation”.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**3. Twelve Spring St. Rest. Corp. d/b/a The Vig Bar, 12 Spring St., NYC 10012**

**Whereas**, the applicant and their lawyer appeared before the committee; and,

**Whereas**, this application is for an alteration of the Full On Premise license, in a mixed use building (block 478 / lot 18) on Spring Street between Bowery and Elizabeth Street, for a total of 1,500 s.f. bar with 8 tables and 45 seats and 1 bar with 9 seats, there will be no sidewalk café and no back yard garden, and a maximum legal capacity of 200 persons inside; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Saturday from 4:00 p.m. to 4:00 a.m.; music will be background and also live DJ; and,

**Whereas**, this application is actually to correct the fact that the applicant already made alterations inside the establishment without notice to CB2 and the SLA; and,

**Whereas**, the alteration entails moving the food prep area to behind the bar and building a DJ booth in its' place; and,

**Whereas**, on May 13, 2008 the applicant, Twelve Spring St Rest Ltd, appeared before Community Board 2's SLA Licensing committee to present their original application for the transfer of this license with the same DBA, Vig Bar, from the previous licensee, Udamann Enterprises Inc. (License number 1025186), and at that time, the previous licensee, Udamann Enterprises Inc. was operating under SAPA and information was presented by members of the community of a concurrent proceeding being conducted by the SLA to cancel or revoke the license and further said that Michael Smith, Public Information Officer at the SLA indicated that the SLA would not accept or hear any transfer application at the time until the matter was resolved and as a result, CB2 laid over the application because it would not be accepted by the SLA at that time (Please refer to letter from Kerri J. Obrien, Director of Licensing Operations for the SLA dated March 26, 2007 to Udamann Enterprises Inc., regarding non-renewal of the previous license and explanation of SAPA) ; and,

**Whereas**, the previous licensee at this location using the same DBA, Vig Bar, had a troubling adverse history dating back to 2003 through the time of the application of the current licensee, which included serving underage persons, exhibiting disorderly conduct and excessive noise, failing to conform to all building and fire, health and safety regulations and utilizing unlicensed security guards (see DO#2644-2002/Case#21, DO#803-2004/Case#15085, DO#3617-2005/Case #29411, DO#1537-2005/Case#24860, DO#515-2006/Case #30839, DO#2665-2006/Case#35336); and,

**Whereas**, the current applicant circumvented the community input process and never returned to Community Board 2 to present their application after the legal proceedings with the previous licensee were resolved and therefore Community Board 2 was denied the opportunity to present information relevant to this application prior to the SLA making a decision on whether to grant this applicant a liquor license at 12 Spring St. utilizing the same method of operation as the previous licensee which were clearly of concern; and,

**Whereas**, this establishment has a record of noise and crowd control problems; and,

**Whereas**, the applicants filed and received a “Place of Assembly” permit for 200 people in March of 2011 and still failed to notify CB2; and,

**Whereas**, had the applicant followed the correct notification procedures, CB2 would have certainly required a hearing on this establishment to negotiate stipulations or at least establish a resolution that would be on file with the SLA but were not given the chance; and,

**Whereas**, CB#2, Man. feels that by coming before us regarding the alteration to “correct” the error of not notifying the board is a mute point when we have not been able to offer any input on the original transferred license or discuss community concerns with the noise and crowd control at this establishment; and,

**Whereas**, installing a DJ booth would never have been approved by CB2 without stipulations and is an issue that runs concurrent with noise complaints; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **denial** to the alteration of the On Premise license for **Twelve Spring St. Rest. Corp. d/b/a The Vig Bar, 12 Spring St., NYC 10012**; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. recommends the SLA review the history of this applicant original application and the transfer of the license from the previous applicant before approving any changes.

Vote: Unanimous, with 44 Board members in favor.



Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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Dana E. Christian, Acting Director  
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NY State Liquor Authority  
317 Lenox Avenue  
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Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**4. TNTE LLC, 265 Elizabeth Street, NYC 10012**

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

**Whereas**, this is an application for a new Full OP license for an upscale Asian restaurant that is in a mixed use building (block 508 / lot 30) on Elizabeth Street for a 2,000 s.f. restaurant which will include 24 tables and 66 seats, 1 bar with 8 seats and a maximum legal capacity of 74 persons, there will be no sidewalk café but will include an enclosed backyard garden; music will be background only; and,

**Whereas**, the applicant stated the hours of operation are Sunday from 10:00 a.m. to 9:00 p.m., Monday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 1:00 a.m.; and,

**Whereas**, the applicant agrees to obtain all necessary permits to permanently enclose the existing backyard garden and will do so before opening for operations; and,

**Whereas**, the applicant's architect appeared and stated that he believed there would not be any issues with permanently enclosing the backyard garden and had consulted with the DOB who had verbally assured him that the application would most likely be approved; and

**Whereas**, the applicant agrees to not have promoted events, outside promoters or live performances and that the music would be quiet background only throughout the premise; and,

**Whereas**, the applicant agrees to not put out benches or sandwich board ads on the sidewalk; and,

**Whereas**, the applicant agrees to maintain open communications with the community and surrounding neighbors; and,

**Whereas**, CB#2, Man. request that the SLA conduct a 500 ft. rule hearing; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new Full OP license for **TNTE LLC, 265 Elizabeth Street, NYC 10012** **unless** all the stipulations agreed to in this resolution in the 3rd, 4th, 6th, 7th and 8th Whereas clauses are incorporated into the “Method of Operation”.

Vote: Passed, with 42 Board members in favor and 2 in opposition (T. Bergman, D. Diether).

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**5. MTOWN, Inc. d/b/a/ Piazza Seventeen, 17 Cleveland Pl., NYC**

**Whereas**, the applicant re-appeared before the committee for the second time after having received a negative recommendation from CB#2, Man. for a full OP license; and,

**Whereas**, this is an application for a full service Italian restaurant; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building (block #481 and lot #8) on Cleveland Place between Kenmare and Spring Street for a 700 s.f. restaurant with 13 tables and 26 seats and no bar and a maximum legal capacity of 74 persons; there will be no sidewalk café and no backyard garden, music is background only; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Saturday from 9:00 a.m. to 2:00 a.m., 7 days a week; and,

**Whereas**, the applicant has agreed to close all doors and windows by 10:00 p.m., 7 days a week; and

**Whereas**, the community has concern for quality of life issues in this residential square and believes that this operation will only further contribute to the deteriorating quality of life with increases in late time pedestrian traffic due to the proliferation of licensed premises in the immediate area (at least 16 within 500 ft. and 10 out 15 of the store fronts bordering Petrosino Square on which this address is located) and the belief that this location will function primarily as a late night pizza location with beer and wine further exacerbating an already oversaturated and loud area (see CB2's resolution dated June 2011 in regards to renewing La Esquina's liquor license (License #1162928)); and,

**Whereas**, the applicant did respond to previous requests and agreed to make it into a small restaurant instead of just a bar and decreased the bar size by 1/3; and,

**Whereas**, there are already 16 OP licenses within 500 ft of the applicant's location; and,

**Whereas**, this location is in a highly saturated area and though there is not a 500 Ft hearing for beer and wine, CB#2, Man. request the SLA to seriously consider the over saturation as a very clear issue; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** of the new Beer and Wine license for **MTOWN, Inc. d/b/a/ Piazza Seventeen, 17 Cleveland Pl., NYC.**

Vote: Passed, with 41 Board members in favor, and 3 in opposition (C. Booth, D. Diether, G. Gil)

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Antony Wong, *Treasurer*  
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Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**6. Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St, NYC**

**Whereas**, the applicant re-appeared before the committee for the third time after returning to CB#2, Man. after presenting their application to the SLA; and,

**Whereas**, this is an application for a full service Pan-South American restaurant; and,

**Whereas**, this application is for the transfer of a Full OP license in a mixed-use building (block #493 and lot #16) on Prince Street between Elizabeth and Mott Street for a 1,500 s.f. restaurant with 22 tables and 44 seats, 1 dinning counter with 10 seats, 1 banquette with 16 seats, 1 bar with 9 seats, and a maximum legal capacity of 103 persons (after all permits are received from the NYC DOB); there is no sidewalk café and no use of the backyard garden; background music only; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Saturday from 11:00 a.m. to 1:00 a.m. 7 days a week; and,

**Whereas**, CB#2, Man. had originally denied this application unless a certain method of operation was adhered to in February, 2010 but had subsequently addressed a letter to the SLA on June 21, 2011 stating that the applicant while operating under temporary licenses had failed to honor their presented method of operation and requested that the SLA deny the application; and

**Whereas**, CB#2, Man. agreed at the request of community members, to rehear the application after the community members had an opportunity to meet with the applicant to establish new stipulations and review the new method of operation; and,

**Whereas**, this applicant has had numerous problems with the community which seemed to stem from misuse by one of the owners (principals) who no longer is a partner in this business; and,

**Whereas**, the two other partners have reached out to the community and worked out the problems with the community by agreeing to the following stipulations:

1. Hours of operation will now be 11:00 a.m. to 1:00 a.m. 7 days a week and NO LATER.
2. They will run this establishment as a restaurant.
3. They will not operate as a Disco/Nightclub/Bar.
4. They will not apply for a Cabaret License and no dancing will be allowed.
5. They will never be any use of the backyard for any reasons at all.
6. They will close all doors and windows by 10:00 p.m.
7. There will be no live music, no DJ's, no promoted events, no performances.
8. There will be no signs on the sidewalk.
9. The applicant will not allow occupancy of over 74 people until all the proper building department permits and certificates of occupancy and public assembly permits are in place.

**Whereas**, the community is very skeptical regarding this applicant based on the history of noise and crowds, illegal building and unauthorized hours of operation; and,

**Whereas**, the community did agree to these stipulations but are very concerned about the enforcement of these stipulations; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends the **denial** of the transfer or renewal of the Full OP license for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St, NYC** unless all the stipulations agreed to in this resolution in the 7th Whereas clauses are incorporated into the "Method of Operation"; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. request that the SLA attempt to keep a strict enforcement of the stipulations.

Vote: Passed, with 43 Board members in favor, and 1 in opposition (D. Diether).

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**7. Akram Restaurant Management, Inc. d/b/a Da Gennero, 129 Mulberry St., NYC 10013**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this applicant is expanding to a 450 s.f space next door to the original restaurant acquired through the vacancy of a retail space; and,

**Whereas**, this application is for the alteration of the currently existing On Premise license, for an Italian restaurant in a mixed-use building on Mulberry Street between Hector and Grand Street to include an additional 6 tables and 12 chairs in the sidewalk café fronting space that was just recently acquired; and,

**Whereas**, the applicant stated the hours of operation are Sunday –Thursday from 10:30 a.m. to 1:00 a.m. and Friday – Saturday from 10:30 a.m. to 2:00 a.m.; there will be a no backyard garden; music will be quiet background only; and,

**Whereas**, this addition next door has not had a SLA license of any kind for over 20 years; and,

**Whereas**, CB#2, Man.'s Sidewalk Café committee and CB#2, Man.'s Full Board took the extraordinary step and denied the expansion of the sidewalk café because the applicants current operations in the sidewalk café are always in contradiction to the license for the sidewalk café such as not following proper layout, adding additional tables and chairs beyond the approved number and serving from the sidewalk instead of the service isle; and,

**Whereas**, until the applicant properly follows the law, rules and regulations regarding use of their existing sidewalk café area CB2 feels that at this time it would be inappropriate to license this new area; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends the denial of the alteration to the On Premise license for **Akram Restaurant Management, Inc. d/b/a Da Gennero, 129 Mulberry St., NYC 10013.**

Vote: Unanimous, with 44 Board members in favor.



Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *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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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**8. New Restart, Inc. d/b/a Mambo Italiano, 145-147 Mulberry St., NYC 10013**

**Whereas**, the applicant re-appeared before the committee after last appearing in June 2011 for a different configuration for the proposed additional space for which CB#2, Man. recommended that the SLA deny the application; and,

**Whereas**, in July 2009, CB#2, Man. recommended approval for a On Premise license in a mixed use building on Mulberry between Grand and Hester streets for a 5,000 s.f. Italian restaurant with 84 table seats, 1 bar with 10 seats, and a maximum legal capacity of 142 persons on the first floor only; and the applicant stated the hours of operation are 12:00 p.m. – 1:00 a.m. Sunday – Thursday and 12:00 p.m. – 2:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music is background only; and,

**Whereas**, this application is for the alteration of the currently existing On Premise license, for an Italian restaurant in a mixed-use building on Mulberry Street between Hester and Grand Street (block 236 / lot 7502) to expand seating into the basement, which has never been licensed before, to include 24 tables and 48 chairs and a service bar and add an additional 14 tables and 40 seats on the first floor ( for a total of 34 tables and 124 table seats and 1 bar with 10 seats on the first floor and 48 seats in the basement creating a grand total of 182 seats)

**Whereas**, the applicant appeared before this committee with an application to increase the total number to 292 seats but has agreed to reduce the total number of seats to 182; and,

**Whereas**, the applicant appeared before this committee before with a request to have a cabaret license which was denied; and,

**Whereas**, the basement space at this location has never licensed before and the request will essentially double the current size of this operation and create a very large location for this neighborhood, so this committee requests that the applicant comply with DOB requirements to obtain a current/updated Certificate of Occupancy and Place of Assembly permit before use of the space is permitted; and,

**Whereas**, there is still no evidence that the applicant has applied for or received a Place of Assembly permit that is required for the current approved operation and which the applicant stipulated in July 2009 that they would obtain prior to opening the establishment; and,

**Whereas**, there are at least 20 licensed OP establishments within 500 feet of the proposed expansion and many beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **Approval** of the alteration to the On Premise license for **New Restart, Inc. d/b/a Mambo Italiano, 145-147 Mullberry St., NYC 10013.**

Vote: Passed, with 42 Board members in favor, and 2 in opposition (C. Booth, D. Diether).

Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**9. St. Jude Enterprises, LLC d/b/a Benito's 1, 174 Mulberry St., NYC 10003**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for the alteration of a Full OP license in a mixed use building on Mulberry Street between Broom and Grand Street to include a sidewalk café with 4 tables and 8 seats; and,

**Whereas**, the applicant stated the hours of operation are from 11:00 a.m. to 12:00 a.m. seven days a week; there is a sidewalk café included in this application, but no backyard garden, and music is background only; and,

**Whereas**, the applicant stated that all food and liquor service in the sidewalk café will be conducted from the service aisle and not from the public sidewalk, which was a concern that CB2 had when the sidewalk café license was applied for; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alteration of the Full OP license for **St. Jude Enterprises, LLC d/b/a Benito's 1, 174 Mulberry St., NYC 10003 Street** unless the 4<sup>th</sup> Whereas clause is incorporated into the "Method of Operation"

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

**10. Mother's Ruin, LLC 18 Spring St., NYC 10013**

**Whereas**, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Mother's Ruin, LLC 18 Spring St., NYC 10013** 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 44 Board members in favor.

Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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July 28, 2011

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Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

**Whereas**, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. 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** 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 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**12. Sogno Restaurant Corp. d/b/a The City Tavern, 22 E. 13th St., NYC 10003**

**Whereas**, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Sogno Restaurant Corp. d/b/a The City Tavern, 22 E. 13th St., NYC 10003** 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: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**13. Altamarea Group LLC, d/b/a Osteria Marini, 218 Lafayette St., NYC 10013**

**Whereas**, the applicant requested to withdraw from consideration of the application until they have corrected some outstanding violations but will return to the CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Altamarea Group LLC, d/b/a Osteria Marini, 218 Lafayette 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: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

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Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**14. Sigma Burger Pie, LLC, d/b/a Sigma Burger Pie, 68 W. 3rd 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 CB#2, Manhattan strongly recommends that the SLA deny any proposed liquor license **Sigma Burger Pie, LLC, d/b/a Sigma Burger Pie, 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: Unanimous, with 44 Board members in favor.



Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**15. Ginza 4 LLC, d/b/a Pending, 54 Crosby St., NYC 10012**

**Whereas**, the applicant requested to withdraw from consideration of the application until they have corrected some outstanding violations but will return to the CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Ginza 4 LLC, d/b/a Pending, 54 Crosby 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: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**16. Ryan Chadwick, d/b/a Esco, 173 Mott 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 CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Ryan Chadwick, d/b/a Esco, 173 Mott 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: Unanimous, with 44 Board members in favor.

Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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July 28, 2011

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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**17. 1140 Broadway Mussel Corp. d/b/a TBD, 220-224 W. Houston 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 CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **1140 Broadway Mussel Corp. d/b/a TBD, 220-224 W. Houston 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: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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**REVISED-DENIAL UNLESS**

July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**18. Physical Onion, LLC 61 W. 8<sup>th</sup> St. (6<sup>th</sup> Avenue and MacDougal Street), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on West 8<sup>th</sup> Street between 6<sup>th</sup> Avenue and MacDougal Street) for a 2,400 s.f. (2,400 s.f. ground floor and 2,400 s.f. cellar (cellar used for storage and offices only)) bar with 32 table seats, 1 bar with 16 seats with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are seven days a week from 2:00 p.m. to 2:00 a.m.; there is no sidewalk café application and no backyard garden; music is DJ and Ipod at entertainment levels only; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 2:00 a.m. seven days a week
2. The applicant will seal all windows shut
3. The applicant will post a "please respect the neighbors" type sign
4. The applicant will fully soundproof the establishment
5. The applicant will police smokers and other loitering outside in front of the establishment
6. The applicant will install a vestibule/double door at the entrance

**Whereas**, the applicant had reached out to members of the community including but not limited to the West 8<sup>th</sup> Street Block Association and nearby residents; the applicant has submitted over 12 letters of support from immediate neighbors; support letters from various community organizations and charities such as the Greenwich Village-Chelsea Chamber of Commerce and submitted a petition with over 4000 signatures in support; and,

**Whereas**, over 40 people appeared in support of the proposed establishment versus 20 people appeared in opposition; and,

**Whereas**, the members in the neighborhood and representatives from the West 8<sup>th</sup> Street Block Association appeared in strong opposition; stating over saturation of on premise liquor licenses in the area and raising issues with a late night bar establishment on the block; citing most establishments with an On Premise license in the area are restaurant type establishments that close no later than 2:00 a.m. seven days a week; and,

**Whereas**, the committee expressed concerns with the proposed late night weekend hours on a saturated block – currently over 13 licensed establishments within 500 feet; negative feedback was also received from current and recent neighbors of the bar on Christopher Street; this Committee acknowledged however that the applicant has performed an extensive amount of community outreach; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial unless** of an On Premise license for **Physical Onion, LLC 61 W. 8<sup>th</sup> St.**

Vote: Passed, with 33 Board members in favor, 8 in opposition (H. Campbell, C. Booth, R. Ely, A. Greenberg, D. Gruber, B. Riccobono, C. Spence) and 3 in abstention (D. Diether, Ah. Hearn, L. Rakoff).

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**19. David Reuben or LLC to be formed, 199 Prince St. (MacDougal and Sullivan Streets), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for transfer of an existing On Premise license in a mixed use building on Prince Street between MacDougal and Sullivan Streets for a 1,000 s.f. restaurant with 18 table seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant state the hours of operation are Sunday, Tuesday through Thursday from 12:00 p.m. to 1:00 a.m. and Friday and Saturday from 12:00 p.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 the following stipulations:

1. The applicant will limit its closing hours to 1:00 a.m. on the weekdays and 2:00 a.m. on the weekends
2. The applicant will use only 1 French door. The remaining 2 French doors will be used for emergency purposes

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the transfer of an On Premise license for **David Reuben or LLC to be formed, 199 Prince St.** 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, with 44 Board members in favor.

Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**20. ADSAD, LLC, d/b/a Onegin, 391 6<sup>th</sup> Ave. (Greenwich Avenue and Waverly Place), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a commercial building on 6<sup>th</sup> Avenue between Greenwich Avenue and Waverly Place for a 3,300 s.f. Russian Restaurant with 101 table seats, 1 bar with 11 seats with a maximum legal capacity of 122 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels only; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will operate as a full service restaurant only
2. The applicant will limit its closing hours to 1:00 a.m. on Weekdays and 2:00 a.m. on Weekends.
3. The applicant will not seek a DCA Cabaret License.
4. The applicant will not seek a DCA Sidewalk Café permit
5. The applicant will monitor smokers outside the establishment
6. The applicant will obtain all required certificates, permits and related documents from the NYC Department of Buildings prior to opening the establishment.

**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 **ADSAD, LLC, d/b/a Onegin, 391 6<sup>th</sup> Ave.** 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, 44 with Board members in favor.**

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, 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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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**21. San Marion at SoHo, d/b/a Pending, 66 Charlton St**

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

**Whereas**, this application is for an On Premise license in a Hotel establishment d/b/a Sheraton Four Points on Charlton Street between Varick and Hudson Streets for a 2,000 s.f. bar/restaurant with 200 table seats, 1 bar with 6 seats, and a maximum legal capacity of 149 persons; and,

**Whereas**, the applicant state the hours of operation are seven days a week from 6:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

**Whereas**, the applicant will be holding the new license for the Hotel bar/restaurant once the Hotel establishment relinquishes the license with the State Liquor Authority; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval to an On Premise license for **San Marion at SoHo, d/b/a Pending, 66 Charlton St** subject to the relinquishment of said license by the Hotel d/b/a Sheraton Four Points.

Vote: Unanimous, with 44 Board members in favor.



Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**22. Daniel Mitovski on behalf an entity to be determined, TBD, 308-310 Bleecker St. (Seventh Avenue South and Grove Street), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for transfer of an On Premise license in a commercial building on Bleecker Street between Seventh Avenue South and Grove Street for a 2,000 s.f. restaurant with 84 table seats, 1 bar with 10 seats with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are seven days a week from 11:00 a.m. to 2:00 a.m.; there will be a sidewalk café application and backyard garden; music will be IPod/CDs at background levels only; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will operate as a full service restaurant only
2. The applicant will limit its closing hours to 2:00 a.m. seven days a week
3. The applicant will cure all outstanding violations pertaining to the illegal backyard enclosure
4. The applicant will limit its backyard closing hours to 10:00 p.m. daily
5. The applicant will obtain all required certificates, permits and related documents from the NYC Department of Buildings prior to opening the establishment.

**Whereas**, the existing backyard garden structure is illegal with several open violations; applicant has agreed to cure these violations and obtain the proper permits for a legal backyard garden enclosure; the applicant intends to erect a canvas enclosure; and,

**Whereas**, the committee expressed concerns with the proposed enclosure for the backyard in a residential area; citing the proposed canvas enclosure is inadequate for mitigating noise; applicant has failed to reach out to the neighboring residents who may be impacted by the proposed backyard garden; 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 **Daniel Mitovski on behalf an entity to be determined, TBD, 308-310 Bleecker St.**

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**23. Whitehall NYC, LLC d/b/a Whitehall, 19 Greenwich Ave. (West 10<sup>th</sup> Street and Christopher Street), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on Greenwich Avenue between Christopher and West 10<sup>th</sup> Streets for a 1,200 s.f. upscale restaurant with 52 table seats, 1 bar with 14 seats with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Thursday from 10:00 a.m. to 12:30 a.m. and Friday and Saturday 10:00 a.m. to 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music is iPod/CDs at background levels only; and,

**Whereas**, the applicant had reached out to members of the community; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 12:30 a.m. on Weekdays and 2:00 a.m. on Weekends.
2. The applicant will obtain all required certificates, permits and related documents including a letter of no objection from NYC Department of Buildings prior to opening the establishment.
3. The applicant will ensure that there will be no less than 3 staff managers on duty at all times
4. The applicant will have a General Manager on duty during all hours of operation who is capable of adequately communicating with residents of the community.
5. The applicant will hire a certified acoustical consultant to make recommendations to meet or exceed the current New York City Noise Code guidelines for residential areas. The applicant will use best efforts to soundproof the establishment.
6. The applicant will not permit any doors or windows of the establishment to be open prior to the opening of the establishment and no later than 9:00 p.m. daily.

7. The applicant will not have DJs, Live Music or outside promoters in the establishment.
8. The applicant will not post signage on discounted drink promotions of any kind.
9. The applicant will work with the community and local FDNY Squad 18 Firehouse to determine and address traffic congestion and noise issues that are identified.
10. The applicant will not host third party private events.
11. The applicant will not store garbage or garbage dumpsters outside the establishment. The applicant will place refuse at the curb at the latest time possible before pick up.
12. The applicant will hold monthly meetings with representatives of the community during the first six months of operation and quarterly thereafter to address any issues raised by the community.
13. The applicant will notify the Community Board in the event of a change of ownership.

**Whereas**, the applicant submitted a petition with over 200 signatures in support of the proposed establishment; and,

**Whereas**, the applicant is currently operating another bar/restaurant establishment d/b/a Highlands a few blocks from the proposed establishment; and,

**Whereas**, no one appeared in opposition from the community but it had been communicated via email that the committee should adjourn this matter until the West 10<sup>th</sup> Street Block Association has weighed in; however, the applicant has since executed a stipulations agreement with members of the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Whitehall NYC, LLC d/b/a Whitehall, 19 Greenwich Ave.** unless those conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**24. Brown Stew LLC, d/b/a Miss Lily's, 132 W. Houston St. (Sullivan and MacDouga l), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an existing Beer and Wine license for a Jamaican restaurant located in 1,800 s.f. premise in a mixed use building located on West Houston between Sullivan and Macdougall Streets with 58 table seats and 1 bar with 5 bar seats and a maximum legal capacity of 74 persons; **to add 3 tables with 10 seats in an unenclosed sidewalk cafe; and,**

**Whereas**, the applicant stated there are no plans to change the previously approved operation; and,

**Whereas**, the applicant stated that there will be NO MUSIC played in the sidewalk cafe; the applicant agreed to close the sidewalk café by 10 p.m. daily and prohibit smoking in the café area; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to a Beer and Wine license for **Brown Stew LLC, d/b/a Mis Lily's, 132 W. Houston St.** unless the 3<sup>rd</sup> and 4<sup>th</sup> "Whereas" clauses are included in the Method of Operation of the license.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**25. Gans Mex, LLC, d/b/a MPD, 817 Washington St., (NYC**

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

**Whereas**, the operator has been running the establishment for over 3 years; and,

**Whereas**, the applicant originally appeared in front of Community Board 2 in September 2006 at which time the applicant presented the proposed premise as a Mexican restaurant with hours of operation from 11 a.m. to 1:00 am and that music would be background only; and,

**Whereas**, In the applicants original application to the SLA in the “Proposed Method of Operation” section, the applicant described the establishment as a “restaurant”, that they would have music and that it would be “background music only”, would not permit dancing, and that the hours of operation would be “11 a.m. – 1 a.m. – 7 days a week”, that they would not employ a manager, and that they would have 1 security personnel; and,

**Whereas**, on 12/05/2010, 817-33 Washington St. LLC, the landlord (of whom members also appear to be principals of the applicants LLC) was served an ECB Violation #34878490Z, which is still listed as of July 20, 2011, as “No Compliance Recorded” and Hearing Status “In Violation” for “Operation of Place of Assembly w/o a current C of O Noted: Premises is a Eating & Drinking Establishment with a occupancy for 137 Persons no PA permit provided at time of inspection. Rem: Obtain a Place of Assembly”; and,

**Whereas**, on 12/23/2010 an application was filed with the New York City Department of Buildings for a Place of Assembly Permit for the location and the application was approved the same day and there were subsequent filings amending the original application on 2/2/2011 and 4/20/2011; and,

**Whereas**, the operator has consistently violated the DEP Noise code while permitting dancing in the establishment without a DCA Cabaret license; and,

**Whereas**, the operator has been deceptive throughout the process; meeting with members of the community and Community Board yet unwilling to execute a stipulations agreement and was absent at the committee hearing and instead sent an individual who stated the was the manager of the location and is not a principal and was not able to address any issues except to state that there has been dancing in the premise in response to a direct question; and,

**Whereas**, several members of the community appeared to express concerns with the establishment; overcrowding and noise issues on this block; citing loud bass emanating from the establishment to illegal dancing in the establishment; and,

**Whereas**, CB#2, Man. Board members have witnessed the applicant violating its approved seating in its sidewalk café by hosting lounge seating (sofas, etc.) with its sidewalk café space;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the renewal of an On Premise license for **Gans Mex, LLC, d/b/a MPD, 817 Washington St.**

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**26. Off the Wagon, 109 MacDougal St., NYC**

**Whereas**, the operator appeared before the committee; and,

**Whereas**, this application is for renewal of an On Premise license for a tavern/bar on MacDougal Street between Bleecker and West 3<sup>rd</sup> Streets; and,

**Whereas**, the operator stated no changes to their previously approved method of operation; and,

**Whereas**, the operator has agreed to the following set of stipulations to be amended in their current method of operation:

1. The operator will close all accordion doors by 9:00 p.m. daily
2. The operator will close all accordion doors before 9:00 p.m. in the event sound/noise exceeds 42 decibels to adhere to NYC DEP noise code guidelines (e.g. during major sporting events).

**Whereas**, several member of the community appeared opposing this application and requested that the bar doors/windows are closed at all times; citing loud noise emanating from the establishment, particularly during major sporting events; and,

**Whereas**, the applicant has established dialogue with residents to address their concerns; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a renewal to the On Premise license of **Off the Wagon, 109 MacDougal St.** unless those conditions relating to the fourth “whereas” clause above are incorporated into their duly licensed “Method of Operation”.

Vote: Unanimous, with 44 Board members in favor.



Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

**28. Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14<sup>th</sup> St., NYC**

**Whereas**, the applicant did not appear before the committee nor requested 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 **Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14<sup>th</sup> St., NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**29. Ayza Upper West Side Inc. 1 7<sup>th</sup> Avenue South, NYC**

**Whereas**, the applicant did not appear before the committee nor requested 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 **Ayza Upper West Side Inc. 1 7<sup>th</sup> Avenue South, NYC** until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**30. Greenwich Gardens, LLC d/b/a TBD, 609 Greenwich St., NYC**

**Whereas**, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an alteration of an existing On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license **Greenwich Gardens, LLC d/b/a TBD, 609 Greenwich St., NYC** until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**31. Gnosh, Inc. d/b/a Gnosh, 203 Spring St., NYC**

**Whereas**, the applicant did not appear before the committee but withdrew their application; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Gnosh, Inc. d/b/a Gnosh, 203 Spring St., NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

Brad Hoylman, Chair  
Bo Riccobono, First Vice Chair  
Alison Greenberg, Second Vice Chair  
Bob Gormley, District Manager



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

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July 28, 2011

Dana 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 July 21, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**Currywurst Bros. USA 182 LLC d/b/a Currywurst Bros., 182 Bleecker St. (Sullivan and MacDougal), NYC**

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

**Whereas**, this application is for a Beer and Wine license in a mixed use building on Bleecker street between Sullivan and MacDougal Streets for a 2,434 s.f. casual German sausage restaurant with 48 table seats with a food counter with 12 seats with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application but will have a rear yard garden; music will be iPod/CDs at background levels only; and.

**Whereas**, the rear yard is part of the unique MacDougal-Sullivan Gardens Historic District, designated in 1967, one of New York's first and most renowned historic districts (**SEE ATTACHED NYC LANDMARK COMMISSION DESIGNATION**); and

**Whereas**, the rear yards in this district are unique in that they are specifically called out in the Findings and Designation of the Landmark Commission as follows: "that the pioneering efforts of William Sloane Coffin, preserving and making use of these old buildings and his idea of creating communal gardens, were when first initiated revolutionary in concept; and that they were destined to have far-reaching, beneficial effects on the development of our City"; and

**Whereas**, an eating and drinking establishment within these gardens disrupts their quiet communal character and diminishes their extraordinary historic character that is specifically and integrally related to their residential use; and

**Whereas**, the rear yard portion of the premises is directly beneath the rear windows of apartments and will have a negative impact on the residential life in adjacent buildings; and

**Whereas**, the fast food nature of the establishment is not a good fit for an establishment serving beer and wine in an area saturated with eating and drinking establishments; and

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will close the backyard garden at 10:00 p.m. daily
2. The applicant will waive his rights to not seek an On Premise Liquor License.
3. The applicant will stop serving at 12:00 a.m. on weekdays and 1:00 a.m. on weekends.
4. The applicant will not apply for a DCA cabaret license.
5. The applicant will not play music in the backyard garden.

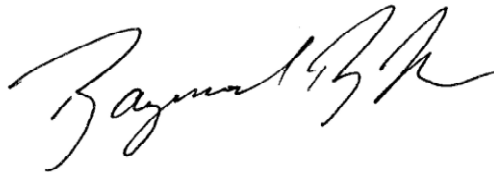
**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for Currywurst Bros. USA 182 LLC d/b/a Currywurst Bros., 182 Bleecker St. despite their agreement to the above conditions and even if such conditions are incorporated into the "Method of Operation" on the SLA On Premise license.

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



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



Brad Hoylman, Chair  
Community Board #2, Manhattan

BH/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  
Lolita Jackson, Manhattan Director, CAU  
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority  
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority

