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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. VAP Union Square LLC, d/b/a Vapiano, 113 University Pl. (East 12th and 13th Street), NYC.

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

Whereas, this application is for an On Premise license for a 8,000 s.f. casual Italian restaurant in a commercial building located on University Place between East 12th and 13th Streets with 218 table seats, 2 bars with 8 bar seats and a maximum legal capacity of 290 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday – Wednesday from 11:00 a.m. – 12:00 a.m. and Thursday – Saturday from 11:00 a.m. – 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be background only; and,

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

1. The applicant has agreed to operate as a restaurant only.
2. The applicant has agreed to prohibit outside speakers or sound amplification.
3. The applicant has agreed to close the entire establishment by 12:00 a.m. Sunday – Wednesday and 2:00 a.m. Thursday – Saturday while terminating liquor service 30 minutes prior to closing.
4. The applicant has agreed to not store garbage dumpsters outside the premises and refuse will not be placed at the curb for pickup until 1 hour prior to closing and before scheduled pickups.
5. The applicant has agreed to keep the backdoor (leading to the courtyard) shut at all times. The courtyard will not be used by customers or to store refuse. The courtyard will only be used to service and maintain the equipment and for no other purpose by staff or customers.

6. The applicant has agreed to shut all doors and windows facing University Place by 10:00 p.m. daily and doors and windows facing West 13th street will be shut completely at all times.
7. The applicant has agreed to replace double doors leading to the courtyard with a soundproofing doors and insulation will be added to the mezzanine window.
8. The applicant has agreed to have a General Manager present at all times.
9. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit.

Whereas, the applicant has effectively reached out to the neighboring residential buildings; and,

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of an On Premise license for **VAP Union Square LLC, d/b/a Vapiano, 113 University Pl.** unless those conditions agreed to by applicant relating to and outlined in the fourth “whereas” clause are incorporated into the “Method of Operation” on the SLA On Premise license; and,

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the SLA verify that the establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship).

Vote: Unanimous, with 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

2. The Vault, 675 Hudson St. aka 22-36 Ninth Ave. (West 13th and 14th Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a change to a previously approved SLA On Premise license to include a DCA Cabaret license in a mixed use building on Ninth Avenue between West 13th and West 14th Streets for a basement lounge with 100 table seats with 1 bar and 10 seats plus 1 service bar; and,

Whereas, the applicant stated there are no plans to change the previously approved license application; the hours of operation are seven days a week from 9:00 p.m. – 4:00 a.m.; there will not be a sidewalk cafe and no backyard garden; music is D.J. and live only; and,

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends approval of the proposed DCA Cabaret license for **The Vault, 675 Hudson St. aka 22-36 Ninth Ave.**

Vote: Passed, with 39 Board members in favor, and 1 recusal (W. Schlazer).

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. Stephan Weiss Studios, Ltd., d/b/a Urban Zen Center, 711 Greenwich St. (Charles and West 10th), NYC

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

Whereas, this application is for an SLA catering license for a 11,775 s.f. event space/studio facility in a commercial building located on Greenwich Street between Charles and West 10th Streets with a maximum legal capacity of 490 persons; and,

Whereas, the applicant is seeking a catering license to obtain more control of the private events/fundraisers, which will help fund the Urban Zen Center programs and initiatives (healthcare, empowering children and preserving cultures); and,

Whereas, members of the community appeared to express their concerns with past events/fundraisers; citing noise issues with amplified music and from loading and unloading equipment and furniture for the events; also, citing issues with idle cars and limousines and blocking traffic on the sidewalk and the streets; and,

Whereas, the applicant had reached out to members of community and this Community Board prior to this hearing; and have since agreed to the following set of stipulations to properly address the issues:

1. The applicant has agreed to implement an acoustical program to address noise/bass issues.
2. The applicant has agreed to require all trucks to load and unload parallel to the curb.

3. The applicant has agreed to revise garbage storage and removal procedures so that pick-up will occur between 6 a.m. and 9. a.m. and garbage will be stored inside until pick-up.
4. The applicant has agreed to provide staff to clean up street and sidewalk litter after events.
5. The applicant has agreed to prohibit event rental trucks from delivering or picking up tables, chairs, etc. after 10pm and before 8am.
6. The applicant has agreed to stop liquor service for the large (defined as 75+ guests) events by 12:30 a.m. on weeknights and 1:30 a.m. on weekends and finish the event 30 minutes thereafter.
7. The applicant has agreed to provide clearly identified Stephan Weiss Studio staff during large events with sufficient authority to monitor the streets and sidewalks.
8. The applicant has agreed to an all-event prohibition of amplified music on the rooftop terrace.
9. The applicant has agreed to disallow one-night permits for third party liquor service events (unless under extraordinary circumstances or circumstances beyond its control).
10. The applicant has agreed to include all of the above restrictions in any third-party contract offered by Stephan Weiss Studios for large events.
11. The applicant has agreed to provide reasonable advance notice to all neighboring buildings for large events.
12. The applicant has agreed to increase communication with neighboring buildings regarding availability of Urban Zen Foundation programs.
13. The applicant has agreed to quarterly meetings with members of the community and Community Board during the next 12-month period to continue its good faith efforts.

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of a Catering license for **Stephan Weiss Studios, Ltd., d/b/a Urban Zen Center, 711 Greenwich St.** unless those conditions agreed to by applicant relating to and outlined in the fifth “whereas” clauses are incorporated into the “Method of Operation” on the SLA Catering license.

Vote: Passed, with 39 Board members in favor and 1 in opposition (R. Stewart).

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

4. RF Hudson LLC, d/b/a Red Farm, 529 Hudson St. (Charles and West 10th), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on Hudson Street between Charles and West 10th Streets for a 1,200 s.f. Asian restaurant with 40 table seats, 1 bar with 4 bar seats, and a maximum legal capacity of 45 persons; and,

Whereas, the applicant stated the liquor service hours are seven days a week from 11:00 a.m. – 2:00 a.m. while the restaurant and kitchen will remain open until 4:00 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 terminate liquor service by 2:00 a.m. daily; and,

Whereas, the applicant has agreed to install soundproofing in the establishment; and,

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of an On Premise license for **RF Hudson LLC, d/b/a Red Farm, 529 Hudson St.** unless those 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 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

5. 551 Hudson Restaurant, LLC, d/b/a undecided, 551 Hudson St. (at Perry 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 the corner of Hudson and Perry Street for a 1,260 s.f. restaurant with 49 table seats, 1 bar with 17 bar seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 8:00 a.m. – 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music is background only; and,

Whereas, the applicant has agreed to reduce its hours of operation by closing at 2:00 a.m. daily; and,

Whereas, the applicant has agreed to operate the kitchen and have food items available up until 1 hour prior to closing (available up until 1:00 a.m. daily); and,

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of an On Premise license for **551 Hudson Restaurant, LLC, d/b/a undecided, 551 Hudson St.** unless those 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 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

6. Walkam Group, Inc., d/b/a to be determined, 16 W. 8th St. (5th and 6th Avenues), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a 1,200 s.f. café/tavern d/b/a Gizzi's located in a commercial building on West 8th Street between 5th and 6th Avenues with 36 table seats and 1 bar with 6 bar seats; and a maximum legal capacity of 45 persons; and,

Whereas, the applicant stated the hours of operation for the establishment is Seven Days a Week from 8:00 a.m. – 1:00 a.m.; there won't be a sidewalk café application and no backyard garden; music will be live only; and,

Whereas, the applicant has been operating the establishment as a café only for 3 months without a liquor license; and,

Whereas, the applicant would like to convert the café into a full service food and beverage establishment; and,

Whereas, this Committee could not establish the public benefit in converting a café into a full service liquor café/tavern operation without reaching out to members of the community; and,

Whereas, a member of the community expressed his opposition of the proposed licensed establishment; citing saturation issues on the block; and,

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of the proposed On Premise license for **Walkam Group, Inc., d/b/a to be determined, 16 W. 8th St.**

Vote: Unanimous, with 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. I Tre Merli, 463 W. Broadway (Prince and W. Houston), NYC

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

Whereas, the operator appeared before the committee; and,

Whereas, the operator has been operating this restaurant for over 20 years; and,

Whereas, the operator appears in violation of their SLA On Premise license by allowing late night dancing, DJs and creating a nightclub atmosphere; and,

Whereas, the Department of Consumer Affairs has recently issued a violation for operating an illegal sidewalk; and

Whereas, the community has submitted information and web links showing DJ's, dancing and nightclub activity; and,

Whereas, this applicant has dozens of 311 calls registered regarding noise issues; and,

Whereas, the operator admitted using third party promoters and DJs; and,

Whereas, the several members of the community appeared in vehement opposition; citing overcrowding and noise issues from late night and weekend brunch parties; and,

Whereas, two members of the community appeared in support of the operator; citing the operator's loyalty and service to the community; and,

THEREFORE, BE IT RESOVED that CB#2, Man. strongly objects to the renewal of the On Premise license of **I Tre Merli, 463 W. Broadway** and calls on the State Liquor Authority and Department of Consumer Affairs to verify that the establishment is not operating in violation of their duly licensed Method of Operation.

Vote: Unanimous, with 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

8. Cucina Gourmet LLC, d/b/a De Santos, 139 West 10th St. (at Greenwich Avenue), NYC

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

Whereas, the operator appeared before the committee; and,

Whereas, the operator is in violation of their existing SLA On Premise license acquired via stock transfer; the establishment has been operating later than their licensed closing hours of 12:00 a.m. Monday – Saturday and 11:00 p.m. on Sundays while operating both a restaurant and a late night basement lounge with DJs; and,

Whereas, the establishment has been operating illegally as 2 DBA's, "De Santos" and "Janis Lounge" under 1 On Premise license; and,

THEREFORE, BE IT RESOVED that CB#2, Man. strongly objects to the renewal of the On Premise license of **Cucina Gourmet LLC, d/b/a De Santos, 139 West 10th St.** and calls on the State Liquor Authority to verify that the establishment is not operating in violation of their duly licensed Method of Operation.

Vote: Unanimous, with 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9. Chili Jam, LLC, TBD, 33 W. 8th St., NYC 10011

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 RESOVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Chili Jam, LLC, TBD, 33 W. 8th St., NYC 10011 and requests that the SLA send this applicant back to CB#2, Man. 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 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

10. Brown Stew, LLC, d/b/a Miss Lily's, 132 W. Houston St., NYC 10012 (change in operation and catering license)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a alteration to their current method of operation by adding a new On Premise liquor license to include the second floor of the establishment in a mixed use building on W. Houston between Sullivan and MacDougal Streets for a 2,500 s.f. restaurant with the original 19 tables and 55 seats and 1 bar with 8 seats on the first floor and an additional 3 tables and 38 seats with a service bar only on the second floor, and a total maximum legal capacity of 114 persons; and,

Whereas, the applicant stated the hours of operation are Sunday – Wednesday from 8:00 a.m. – 1:00 a.m. and Thursday – Saturday from 8:00 a.m. – 2:00 a.m. on the first floor and Sunday through Saturday (7 days a week) 12:00 p.m. – 12:00 a.m. on the second floor; there will eventually be a request for a sidewalk café (3 tables and 12 seats) but no backyard garden; music will be background only, no DJ or outside promoters; and,

Whereas, the applicant has agreed to operate as a full service restaurant only and agrees not to apply for a Cabaret License; and,

Whereas, the applicant has provided a Sound Protection Report that stated NYC Noise Code limits for commercial music was exceeded and that modifications with acoustical construction would be required and was completed; and,

Whereas, the applicant agreed to no use of any kind in the backyard garden and will also build a fence and add plantings to help baffle sound, though it is the concern of CB2 that additional restaurant space on the second floor will add an unmanageable increase in ambient noise that will not be controlled by fences or plantings and,

Whereas, the second floor of this establishment has never been previously licensed; and,

Whereas, CB#2, Man. requested a denial of a similar application in May 2010 for: Michael Sinensky or Corp., to be formed d/b/a The Village Pourhouse, 174 Bleecker St., NYC which also included use of the backyard garden and which also abutted the MacDougal-Sullivan Gardens Historic District.; and

Whereas, The outdoor area of this property immediately joins the gardens of the MacDougal-Sullivan Gardens Historic District which was designated by the Landmarks Preservation Commission August 2, 1967 based on "careful consideration of the history, architecture and other features of this area"; and,

Whereas, this applicant has a "Letter of No Objection" for the 1st floor but must now get an updated "Certificate of Occupancy" for the addition on the second floor and obtain a public assembly permit for the premise; and,

Whereas, 2 of the principles of this application, while not principles at other establishments, are affiliated and employed at other locations, specifically The Box located at 189 Chrystie St and 1OAK located at 453 West 17th St., that have a history of problems and unacceptable reputations within this district, which cause concerns within the community as to whether this will be a restaurant or become a night club; and,

Whereas, CB#2, Man. has concerns regarding potential traffic problems at this address given the nature of the application in regards to its operation as a destination location, the congested nature of this highly oversaturated neighborhood and in regards to Houston Street's use as a major cross-town thoroughfare and the lack of both on-street parking and parking garages that operate at capacity, lack of arrangements for waiting car service and that the applicant does not currently have a traffic plan; and

Whereas, many full service restaurants on this street and in the immediate area have closing hours earlier than agreed to by this applicant; and,

Whereas, there were 60 community members against this applicant that attended this hearing; and,

Whereas, the community submitted a petition with 76 names against the applicant; and,

Whereas, the community believes that location is in violation of the "200 ft rule" and provided a signed New York State Licensed Land Surveyor "Distance Certification Sketch Report" that this establishment is in fact 160.2 ft away from St. Anthony of Padua Church and 164.3 feet from the Children's Aide Society; and,

Whereas, the community has provided a list of 48 licensed establishments within 500 ft. of 132 West Houston St.; and,

Whereas, CB#2, Man. does not see any community benefit by allowing this applicant a license; and,

THEREFORE, BE IT RESOVED that **CB#2, Man.** recommends **denial** of the New, On Premise license for **Brown Stew, LLC, d/b/a Miss Lily's, 132 W. Houston St., NYC 10012;** and

THEREFORE BE IT FURTHER RESOLVED that **CB#2, Man.** recommends that the SLA verify that this establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship in relation to The Shrine Church of St. Anthony of Padua located at 154 Sullivan St. across the street) and calls on the SLA to conduct a 500 ft. rule hearing.

Vote: Unanimous, with 40 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

11. BKLYN Local Draft d/b/a TBD, 220 W. Houston St., NYC 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise liquor license in a commercial building on W. Houston between 6th Avenue and Varick Street for a 1,400 s.f. restaurant and bar with 6 tables and 36 seats and 1 bar with 12 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday to Wednesday from 10:00 a.m. – 2:00 a.m. and Thursday to Saturday from 10:00 a.m. – 4 a.m.; there will be no sidewalk café and no backyard garden; music will be low level background only and will not have a DJ or outside promoters; and

Whereas, the applicant agrees not to allow dancing, that they will not apply for a cabaret license or use “velvet ropes” in front of space; and

Whereas, the applicant agrees to close all doors and windows no later than 10 p.m.; and,

Whereas, the applicant agrees to keep the kitchen open and offer a full menu as proposed to CB#2, Man. until ½ hour before closing; and,

Whereas, there was a petition with over 150 names in support of this applicant but CB#2, Man. would like to state that the signatures only included email addresses and not home addresses; and,

Whereas, CB2 has concerns in regards to the applicant strictly adhering to the above described method of operation because this applicant will be operating next door to a senior care facility/ nursing home / hospital; and,

Whereas, this buildings Certificate of Occupancy states that the second floor directly above this applicant is dedicated to being a “Social Club” and that CB2 was informed that regular AA meetings are conducted on the 2nd floor; and,

THEREFORE, BE IT RESOVED that **CB#2, Man.** recommends denial of a new On Premise license for **BKLYN Local Draft d/b/a TBD, 220 W. Houston St., NYC 10014** unless all conditions agreed to by applicant are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

12. Matthew Oliver Maddy d/b/a Hot Talk, LLC, 168 Elizabeth St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building on Elizabeth Street between Kenmare and Spring Street for a 1,000 s.f. restaurant with 10 tables and 25 seats, 1 bar with 6 seats, and a maximum legal capacity of 42 persons on the cellar floor only (below grade); and,

Whereas, the applicant stated the hours of operation are Tuesday – Friday from 5:00 p.m. to 12:30 a.m. and Saturday and Sunday from 11:00 a.m. to 12:30 a.m., closed on Mondays; there will be no sidewalk café but will have a backyard garden to be used on Saturday and Sunday from 12:00 p.m. to 5:00 p.m. only; music will be background only; and

Whereas, the applicant has agreed to not use the garden space for at least 1 year and not included it as part of the licensed premise in its application to the SLA, though CB#2, Man. urges no use in this garden space ever; and,

Whereas, the community and CB#2, Man. has great concern about the noise in the courtyard/backyard garden if this applicant is given a license to use this space; and,

Whereas, the current “Certificate of Occupancy” dated Dec. 27, 1989, does not show permissible use of basement space nor does it offer a legal capacity; and,

Whereas, this location does not currently have a certificate of occupancy and the proposed premise is in what is currently accessory cellar space to a laundromat located on the ground floor.

Whereas, CB#2, Man. received testimony both written and verbally that there is great concern regarding the NYC Department of Buildings permits to “allow repair of damaged concrete slab and steps and a new block wall for boiler room enclosure but no enlargement proposed”; compared to the actual work that is taking place in basement; and,

Whereas, there is no record of applications to the NYC DOB to alter use of the proposed premise from accessory cellar use therefore requiring an updated “C of O”; and,

Whereas, the community claims that there has been over 3 dumpsters of dirt and construction material that has been taken out of the basement and piled in the backyard and decorated with plants and converted in to the proposed backyard garden space; and,

Whereas, the current entrance to this establishment is a **hatch** in the sidewalk in front of a Laundromat that would certainly not comply with the American Disability Act if changes are made since it would be considered a new location and not grandfathered in; and,

Whereas, this basement space has never had an SLA License before; and,

Whereas, this applicant is within 200 ft. of the Lshing Shuneikai Church; and,

Whereas, this applicant has chosen a location that has just received 6 new SLA licenses in the last 365 days within 500 ft. and more specifically is within 500 ft of 25 licensed premises, 11 Restaurants with OP license, 6 Bars with OP licenses and 8 Restaurants with Beer and Wine Licenses; and

Whereas, the applicant had done insufficient community outreach and must reach out to local residents and organizations to thoroughly explain and address their concerns; and,

Whereas, the applicants assertion that the premises use of tilework, specialty finishes, turn of the century motif, and their intent to provide an elevated level of cuisine, family style fine dining in an innovative “New American” style is not sufficient to meet the public interest benefit; and,

Whereas, a representative for the newly formed “Northern Little Italy Neighborhood Association” opposes this application; and,

Whereas, the community submitted a petition against the applicant with 76 signatures: and,

THEREFORE, BE IT RESOVED that **CB#2, Man.** recommends denial of the new On Premise license for **Matthew Oliver Maddy d/b/a Hot Talk, LLC, 168 Elizabeth St., NYC 10012.**

THEREFORE BE IT FURTHER RESOLVED that **CB#2, Man.** recommends that the SLA verify that this establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship in relation to The Lshing Shuneikai Church and calls on the SLA to conduct a 500 ft. rule hearing.

Vote: Unanimous, with 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

13. 128 Billiard, Inc. d/b/a Tropical, 128 Elizabeth St., NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building on Elizabeth Street between Grand and Broome Street for a 1,680 s.f. Billard Hall with 6 tables and 24 seats, 1 bars with 8 seats, and a maximum legal capacity of 64 persons; and,

Whereas, the applicant stated the hours of operation are from 12:00 p.m. – 2:00 a.m. 7 days a week; there is no sidewalk café and no backyard garden; and,

Whereas, the applicant has agreed that because the premises is noted by the NYC Dept. of Buildings as being zoned for use group 8 (Billiard Parlor) it will focus outdoor advertising and signage only on the Billard business and not on the Tavern Food it offers; and,

Whereas, during previous appearances by this applicant in front of CB#2, Man. over at least the last five years, it has been noted that the premises has signage indicating it is a Bar/Lounge in large neon letters above the premise and that an awning at the location states in block text “BBQ YAKITORI Grilled Skewers” as well as illegal sandwich boards displaying a comprehensive food menu, in addition to signage stating “Billiards”; and,

Whereas, the location of this establishment is within 200 ft of the Holy Trinity Ukrainian Orthodox Church, specifically the Certificate of Occupancy identifies the proposed premise as being housed in a large commercial building identified as Block Number 470, Lot #50, BIN# 1006944, which is a corner

building, and even though the Billiard Parlor is not on the corner, the building in which it is housed is and the front door maybe within 200 ft of both the primary entrance to Holy Trinity Ukranian Orthodox Church at 359 Broome St. and is within 200 ft. of the entrance to church owned space on Elizabeth St.; and,

Whereas, CB#2, Man. has recommended denial to multiple applications from the applicant for Full on Premise licenses and Beer and Wine licenses requested in the past; and,

Whereas, this neighborhood is over saturated with SLA licenses; and,

Whereas, there are over 14 SLA licenses within 500 ft. of this establishment; and,

Whereas, the applicant had done insufficient community outreach and must reach out to local residents and organizations; and,

Whereas, this applicant has been on the CB2 agenda for over 6 months and withdraws just before each meeting and CB#2, Man. feels that this was a guise to wear out the community from appearing for their hearing; and,

Whereas, 1 community member came to support and 4 to oppose this applicant; and,

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of the new On Premise license for **128 Billiard, Inc. d/b/a Tropical, 128 Elizabeth St., NYC 10013**, UNLESS the SLA verifies that this establishment does not violate the 200-foot rule by its proximity to the Holy Trinity Ukranian Orthodox Church at 359 Broome St.

Vote: Passed, with 33 Board members in favor, 6 in opposition (I. Dutton, A. Hearn, K.W. Ma, L. Rackoff, D. Reck, R. Stewart) and 1 abstention (D. Diether).

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

14. 344 Bowery Retail, LLC, d/b/a Sala Restaurant, 344 Bowery St., NYC 10012

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

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

Whereas, the applicant has made no attempts to notify this committee or members of the community of layovers or postponements for the 2nd time; and,

THEREFORE, BE IT RESOVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to **344 Bowery Retail, LLC, d/b/a Sala Restaurant, 344 Bowery St., NYC 10012** **and requests that the SLA send this applicant back to CB#2, Man. 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 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

15. Aurora Catering, Inc., 231 Mott St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an upgrade to a new On Premise license in a mixed use building on Mott Street between Spring and Prince St., for a full service Italian restaurant located in 3,675 s.f. premise, with 19 tables and 50 seats, 1 bar and 8 seats and a maximum legal capacity of 60 persons; and

Whereas, the applicant stated the hours of operation will be Sunday to Saturday from 11 a.m. to 2 a.m.; there will be no sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant agreed to close all windows at 9 p.m.; and,

Whereas, this location has never been previously licensed before for an On Premise License, only for Beer and Wine; and,

Whereas, the applicant created confusion because the menu provided to CB#2, Man. states that dinner is From 4 p.m. to 11 p.m. Mon-Thu and from 4 p.m. to Midnight Fri-Sat and 4 p.m. to 10 p.m. Sun, and this differs significantly from the hours requested by the applicant for a full service restaurant which would provide a full menu up until closing; and,

Whereas, the community states that the area is already over saturated with bars and restaurants, that the neighborhood has serious issues with overcrowding and late night noise and is concerned that the location impacts vehicular traffic and parking in the immediate area and will continue to do so; and,

Whereas, this board has previously denied any SLA licensing to this applicant due to over saturation and that this applicant has not offered anything new or unique as an asset to this neighborhood; and,

Whereas, licensing this location, while this committee has denied so many others in this highly over-saturated neighborhood, would be inappropriate and considered favoritism; and,

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial to the proposed On Premise license for **Aurora Catering, Inc., 231 Mott St., NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

16. Ten Degrees Corp., d/b/a/ TBD, 202 Mott St., NYC 10012

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

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 is the second application for the same address at tonight's hearing; and,

THEREFORE, BE IT RESOVED that CB#2, Man. strongly recommends denial of the transfer of an On Premise liquor license to **Ten Degrees Corp., d/b/a/ TBD, 202 Mott St., NYC 10012** **and requests that the SLA send this applicant back to CB#2, Man. 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 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

17. Village Tart, LLC, 86 Kenmare St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of an existing Beer and Wine license in a mixed use building for a restaurant located in 2,048 s.f. premise on Kenmare St. between Mulberry and Cleveland Place with 12 tables and 31 seats and 1 bar with 5 seats and a maximum legal capacity of 36 persons; and

Whereas, the applicant stated the hours of operation will be Sunday to Saturday from 7 a.m. to 2 a.m.; there will be a sidewalk café but no backyard garden; music will be background only; and,

Whereas, the alteration to this license is to cover the sidewalk that was approved by CB#2, Man. which will be for 8 tables and 16 seats; and,

Whereas, CB#2, Man. has denied every request for a full On Premise and Beer and Wine license for this location; and,

Whereas, while CB#2, Man. has not changed its previous position in regards to the need for this applicant to operate with a Beer and Wine license; and,

Whereas, the SLA has already issued a Beer and Wine License to the premise; and,

Whereas, the applicant performed outreach to their immediate neighbors and was able to reach a compromise regarding the location and placement of outdoor seating; and,

Whereas, the applicant has operated in a consistent manner in regards to its business plan and method of operation as first presented to CB#2, Man. in November 2008 and subsequent meetings; and,

THEREFORE, BE IT RESOVED that CB#2, Man. recommends approval to the proposed alteration of the Beer and Wine license for **Village Tart, LLC, 86 Kenmare St., NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 24, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

18. Barcar New York, LLC d/b/a/ The Arden, 27 Morton St. aka 60 Bedford St., NYC 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building on the corner of Bedford Street and Morton St., for a restaurant located in 416 s.f. premise, with 8 tables and 16 seats, 1 bar and 6 seats and a maximum legal capacity of 30 persons; and,

Whereas, the applicant has agreed that the new hours of operation will be Sunday to Saturday from 7 a.m. to 12:30 a.m.; there will be no sidewalk café and no backyard garden; music will be background only; and,

Whereas, this applicant originally was requesting a Full On Premise license but has returned to CB2 to with an application for a Beer and Wine service only, altered their method of operation and has agreed to the following stipulations:

1. The applicant will sign an agreement that they will never expand their original space to the Laundromat next door or apply for a lease at 62 Bedford.
2. The applicant agrees never to apply for a full on premise license.
3. Sidewalk crowd control will be managed by trained staff members.
4. Agrees to return to the committee if there are any changes in ownership.
5. Agrees to Soundproofing of all walls, windows, and ceiling.
6. Applicant will provide a "Letter of No Objection" or "C of O".
7. Hours of operation will be 8 a.m. to 12:30 a.m. 7 days a week.

8. Kitchen will stay open and provide food until at least one hour before closing.
9. There will be no form of live music or outside promoters, DJ's or DJ events.
10. The space will always be maintained as a restaurant.
11. All garbage pick-ups will be coordinated with Carting Service for Snack Taverna.
12. Two phone contacts: Manager and Owner will always be available to the community.

Whereas, there were 9 people in support of this application at the hearing stating that the applicant is:

- respectful to owners in the neighborhood
- currently has no violations with the Police or the SLA
- have changed their original plan to be more accommodating to the neighborhood
- this location is very small and were doubtful that it would have a negative impact
- would prefer this applicant rather than unknown for this location
- are aware that the one of the principals has lived on Morton Street for 20+ years

Whereas, there were 17 people against this application who also represented the Morton Street Block Association, the Board of Directors of 32 Morton Street and the Bedford Barrow Commerce; and,

Whereas, the Bedford Barrow Commerce submitted a petition with 277 signatures against the applicant; and,

Whereas, there are separate petitions with a total of 78 signers from immediately local residents and property owners on the following local streets against the applicant:

- Commerce Street Residents – 9 signatures
- Bedford Street Residents – 15 signatures
- 31 Morton Street Residents – 6 signatures
- The Townhouses of Bedford Street – 19 signatures
- Barrow Street Residents – 20 signatures
- Miscellaneous – 9 signatures

Whereas, there are currently 38 establishments within 500 ft that have SLA licenses; and,

Whereas, this location has never had a previous SLA license of any kind; and,

Whereas, the community is concerned that adding this additional location creates a doorway onto Bedford Street that would invite more traffic and noise; and,

Whereas, the community has nothing against the applicant but feels it is about balance and quality of life issues and has serious concerns regarding the incursion of restaurants, bars, and nightlife establishments into what is primarily a residential neighborhood and feels that adding even one more license in this neighborhood no matter how small will affect the precarious balance that already exists; and

Whereas, the type of operation as described by the applicant is not unique, does not offer services and food not currently available in the immediate neighborhood and does not serve the public interest;

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of a Beer and Wine license for **Barcar New York, LLC d/b/a/ The Arden, 27 Morton St. aka 60 Bedford St., NYC 10014.**

Vote: Passed, with 32 Board members in favor, and 8 in opposition (S. Ashkinazy, D. Collins, F. A. Meadows, Morrellet, R. Sanz, W. Schlazer, S. Secunda, E. Young, W. Schlazer)

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 25, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

19. Tacombi NYC LLC, d/b/a Tacombi NYC, 267 Elizabeth St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building on Elizabeth Street between Prince and East Houston; for a restaurant located in a 2,040 s.f. premise, with 12 tables and 48 seats and no bar; with a maximum legal capacity of 74 persons; and,

Whereas, the applicant has stated that the hours of operation will be Sunday to Thursday from 7:00 a.m. to 12:00 a.m. and Friday to Saturday from 7:00 a.m. to 2:00 a.m.; there will no sidewalk café or backyard garden; music will be background only; and,

Whereas, this applicant has agreed to close all doors and windows by 8:00p.m.; continue to serve food from a full menu up until 1 hour before closing; will secure soundproofing within the establishment and make available contact information for the neighborhood; and,

Whereas, the applicant has submitted a petition with 64 signatures in support of this license; and,

Whereas, this board has previously recommended denial of any type of SLA licensing to this applicant due to over saturation in December 2009; and,

Whereas, this board has concerns that this specific location and design and style of this restaurant will create a late night destination which could cause traffic and noise issues in an already highly saturated area which has frequent and ongoing complaints of noise and large numbers of late night foot traffic; and

Whereas, this location has never been previously licensed before for any SLA license and is currently approved for accessory garage use for 2 commercial vehicles and for a welding shop; and,

Whereas, there were 4 community members who stayed until 1:30 a.m. at this hearing to oppose this application;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of a Beer and Wine license for **Tacombi NYC LLC, d/b/a Tacombi NYC, 267 Elizabeth St., NYC 10012**

Vote: Unanimous, with 40 Board members in favor.

Jo Hamilton, *Chair*
Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

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June 25, 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 June 17, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

20. Metacompany, LLC d/b/a Hung Ry America, 55 Bond St., NYC 10012

Whereas, the applicant appeared for a 2nd time before the committee; and,

Whereas, this application is for a new Beer and Wine license in a commercial building on Bond Street between Lafayette and Bowery; for a restaurant located in a 1,000 s.f. premise, with 21 tables and 42 seats and 1 bar with 9 seats; with a maximum legal capacity of 60 persons; and,

Whereas, the applicant has stated that the hours of operation will be Sunday to Saturday from 12:00 p.m. to 12:00 a.m.; there will no sidewalk café or backyard garden; music will be background only; and

Whereas, the applicant agrees that windows will always be closed and will never be opened; and,

Whereas, NoHo is opposed to anymore licenses of any kind on Bond Street for addresses that have not been previously licensed; and,

Whereas, there is a high density of existing licensed establishments (35 Licenses) within 500 ft. of the proposed location; and'

Whereas, NoHo Manhattan has submitted a letter and petition of 125 signatures from 77 households, against this application; and,

Whereas, the community, consisting of residents, property owners, businesses and developers object to additional licenses in the area of NoHo and members appeared at the first hearing, citing quality of life concerns such as noise and traffic that already exist in this neighborhood; and,

Whereas, NoHo Manhattan has met with the applicant to discuss their method of operation and consider other available options within the neighborhood; and,

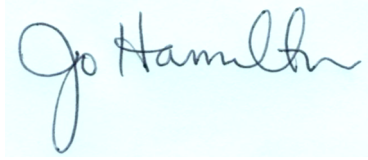
Whereas, the applicant after speaking with NoHo Manhattan still went forward and signed a lease at 55 Bond Street; and,

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of a Beer and Wine license for **Metacompany, LLC d/b/a Hung Ry America, 55 Bond St., NYC 10012.**

Vote: Unanimous, with 40 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 with a large, looped "J" and "H".

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 with a large, looped "R" and "L".

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

JH/fa

cc: Hon. Jerrold L. Nadler, Congressman
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
Sandy Myers, CB2 Liaison, Man. Borough President's office
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