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COMMUNITY BOARD NO. 2, MANHATTAN

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. 98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 98 Kenmare aka 187-189 Mulberry St. 10012 – Renewal of OP

Whereas, the applicant did not appear before the committee but sent their legal representative; and,

Whereas, this is a renewal of a license that was placed into “safe keeping” and then recently removed from “safe keeping” after supposedly correcting violations which resulted in severe fines from the SLA for not actually running a full service restaurant as stated in their “method of operation”; and,

Whereas, CB#2, Man. requested the licensee come before our hearing committee on June 11th, 2013 to confirm CB2’s records regarding method of operation, floor plans, hours of operation, and legal occupancy, but their attorney did not consider it necessary to fill out the CB2 questionnaire and gave us no details on this operation other than to say it would be whatever was on the record before even though he did not have the information nor did he know what was on record; and,

Whereas, CB#2, Man. had previously approved the original application in February 2007 as a “white table cloth restaurant” with a “celebrity” chef which did not include the significant bar/lounge operation in the basement; and,

Whereas, CB#2’s February 2007 resolution which was submitted to the Liquor Authority is as follows:

2. 98 Kenmare Restaurant Group LC, 86-98 Kenmare St., NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a white table cloth restaurant, with an internationally known chef, in the location previously licensed as Nolita's, and for decades before that as Patrissy's, in a 3300 s.f. premise in a mixed use building, with the entrance on Kenmare Street between Cleveland Place and Mulberry Street, with 160 table seats, 2 bars with 24 seats, and a maximum legal capacity of 249 persons; and

WHEREAS, the applicant appeared before the committee in December with operating hours until 4 a.m. and a more lounge style seating arrangement on the basement floor; that application was denied by the committee and the Full Board of CB#2, Man.; the applicant has canvassed the area and changed the operating plan and application accordingly, hoping to fit in the neighborhood as a restaurant only, at a location that has been a restaurant for roughly 80 years; and

WHEREAS, the applicant stated the hours of operation would be 8:00 a.m. – 1:00 a.m. Sunday-Wednesday and 8:00 a.m. – 2:00 a.m. Thursday-Saturday; in light of community concerns, applicant stipulated to reduce the hours for the ground level floor to 12:00 a.m. on weekdays and 1:00 a.m. on weekends; there will be a sidewalk café application but not a backyard garden; music will be background only; applicant and chef are contracted to purchase two residential units in the building, with applicant to live there as primary residence; and

WHEREAS, two members of the community appeared in opposition, citing potential noise and overcrowding issues, as well as the close proximity of other similar licensed establishments; and

WHEREAS, the landlord, who appeared before the committee, agreed to stipulate that applicant's lease reflect restaurant use only;

THEREFORE, BE IT RESOLVED that CB#2, Man. objects to the approval of an On Premise license to **Kenmare Restaurant Group LC, 187-189 Mulberry Street, NYC**, unless the conditions pertaining to hours of operations in the 4th "**WHEREAS**" above are incorporated in the Method of Operation on the SLA license application.

Vote: Passed, with 27 Board members in favor, 7 in opposition, and 2 abstentions.

Whereas, subsequent to the original application to the February 2007 resolution the committee and the Full Board has previously recommended denial of a number of applications on this residential block and in the immediate area with proposed late night operations because of license density and the simple issue that there are a number of establishments in the area with such types of operations such as this which have had a "method of operation" drift from restaurant to bar/lounge use which contribute significantly to quality of life and traffic issues; and,

Whereas, the committee has strong concerns with this large establishment operating a restaurant and basement lounge in a tenement building who did not originally present this concept; and,

Whereas, this operator apparently purchased the existing LLC from a previous owner who appeared in February 2007 at which time the entire space was presented as a full service restaurant and then operated a bar/lounge in the basement without seeking any consideration from members of the community or CB#2, Man.; and,

Whereas, the original application in February 2007 was for an On Premise license for a 3,300 s.f. restaurant located in a mixed use building on Kenmare at Cleveland Place, with 167 table seats and 2 bars with 16/8 seats; and a maximum legal capacity of 249 persons; and,

Whereas, the hours of operation were 8:00 a.m. – 1:00 a.m. from Sunday – Wednesday and 8:00 a.m. - 2:00 a.m. from Thursday – Saturday; and,

Whereas, in January 2010 the existing Licensee applied for an alteration of the current hours to be able to close at 4:00 a.m. 7 days a week for which CB#2, Manhattan recommended denial, but was approved by the SLA, but the proposed application at the time to CB2 made no indication of any changes to any other aspects including “method of operation” or the subsequent use of a significant portion of the premises (the basement) for bar/lounge use; and,

Whereas, at the time of the proposed alteration of hours to 4 a.m. closing in January 2010, which was controversial, the applicant agreed to the following stipulations irrespective of CB2’s recommendation:

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

Whereas, a the existing LLC has recently been modified by adding an additional principle; and,

Whereas, since February 2007 the “trade name” has changed at least 3 times with no notification to the Liquor Authority (From Civetta to Kenmare to Maisono) and the method of operation has appeared to have changed several times in style of food service to no food service and there has never been an alteration presented to CB2 to include a basement lounge, in fact there have been no alterations presented to CB2 with the exception of changing the hours of operation, which is why CB2 requested that the Licensee appear at this renewal to explain the current application; and,

Whereas, the Licensee’s attorney basically told CB2’s SLA Committee on June 11th, 2013 that the SLA approved taking the license out of safe keeping and without any input from CB2, Manhattan approved of the previous method of operation including a significant bar/lounge operation over a large portion of the premises, and that the community board was not needed in this process nor was CB2’s input relevant and that the Licensee did not need to come before us on this renewal and as such was advised by the attorney not to appear which was taken as an offensive slap to the volunteers that work hard on this committee and to members of the community who rely on good faith communications with Licensees in an attempt to mitigate as many issues as possible through good faith discussions and efforts; and,

Whereas, CB2’s SLA Committee does not feel that this is a renewal because we do not believe that the method of operation is consistent with the original application and as such the renewal should not be approved and instead an alteration application should be submitted prior to renewal; and,

Whereas, many community members / neighbors appeared before this hearing and are concerned that there was NO outreach to inform anyone on the reopening at this location and since they have re-opened this establishment within the last week prior to this meeting there are already complaints about lack of managing their patrons, venting issues, traffic issues and quality of life issues which CB2 is surprised that the Licensee is not willing to appear and address if in fact they feel that there “method of operation” is in keeping with what is currently on file with the Liquor Authority; and,

Whereas, an eye witness viewed the installation of a D.J. booth into their basement bar/lounge area prior to this hearing (June 11th, 2013) which would clearly be a violation of their **original agreement in their method of operation** (February 2007) as stated by their lawyer, which was to be background music only; and this would seem to be the beginning signs that these operators are still disregarding promises to the community and to the Liquor; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the On Premise license for **98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 98 Kenmare aka 187-189 Mulberry St. 10012;**

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. requests that this renewal application be placed on a future calendar of the Full Board of the Liquor Authority prior to renewal so that the Commissioners of the Liquor Authority can review this item directly; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that the Liquor Authority review the “method of operation” on file for this Licensee and consider asking this applicant to actually appear before CB#2, Man. prior to renewal with an alteration application to reflect their actual current method of operation and hours of operation along with a completed CB2 Liquor License questionnaire.

Vote: Unanimous, with 44 Board members in favor.

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Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

2. NY Tacumi, Inc. d/b/a Ramen Takumi, 1 University Place, 10003 - New Beer and Wine

Whereas, the principals appeared before the committee; and,

Whereas, this application is for a Beer and Wine license in a mixed-use building located on the corner of University Place and Washington Square North (Block #548/lot #0001), with a 1,300 sq. ft. premise with 16 tables and 64 seats and 1 bar with 10 seats and the maximum occupancy is 74 people, there is no sidewalk café and no backyard garden; and,

Whereas, the applicant states that the hours of operation will continue to be Sunday through Saturday 11:00 a.m. – 11:00 p.m.; the establishment is a Japanese Noodle restaurant, there will be quiet background music only, there will be no scheduled performances or events with a cover charge, private parties or promoted events but will have 2 TV's to show food menu on one and TV programming on the other with no or low sound; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are from 11:00 a.m. to 11:00 p.m. 7 days a week.
2. Will operate a full service restaurant only.
3. Will close all doors and windows at 9 p.m. every night.
4. Will not have D.J.'s, live music, promoted events, events with a cover charge or performances.
5. Will have background music only.
6. There will be no patron use of the basement and will be for storage only.
7. Will not have sandwich board advertisement on the sidewalk.
8. Will not have karaoke.

Whereas, there were no community members in opposition to this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to a new Beer and Wine license for **NY Tacumi, Inc. d/b/a Ramen Takumi, 1 University Place, 10003** unless those conditions and stipulations agreed to by the applicant relating to 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 44 Board members in favor.

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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 June 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. Adam Rosatti on behalf of entity d/b/a Burgerfi, 704 Broadway – New Beer and Wine

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

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Broadway between East 4th Street and Washington Place (Block #545/lot#7502), for a 8,891 sq. ft. premise, there would be 32 tables 130 seats and no bar, and a maximum occupancy of 110 between the ground floor and mezzanine but will be proposing a new maximum occupancy of 195; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation would be Sunday to Wednesday from 9:00 a.m. to 1:00 a.m. and Thursday to Saturday from 9:00 a.m. to 2:00 a.m.; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge; and,

Whereas, CB#2, Man.'s SLA committee previously requested that the applicant lay over this application in order to fully complete and execute a community agreement with local residents which was presented by both the Applicant's Attorney and an attorney retained by Community Members as almost complete; and,

Whereas, the residents of the building established a list of stipulations presented by their attorney to the applicant reflecting oral agreements that were made between them at the previous presentation of this application that the applicant chose not to agree to or sign claiming that the wording was too restrictive and that they agreed to most of the stipulation but that the attorney for the residents was unwilling to compromise; and,

Whereas, there were 20 letters from residents of the building and neighbors presented in opposition and 10 community members/ residents that spoke in opposition stating concerns for their school age children and health problems caused by 2nd hand smoke and the noise pollution from patrons which will cause interrupted sleep for the entire family, traffic concerns and quality of life concerns among others; and,

Whereas, the residents of the building were opposed to a 9:00 a.m. opening and had requested an 11:00 a.m. opening instead; and,

Whereas, there was one person who spoke in support of the application who was the landlord for the commercial condo retail space;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the Beer and Wine license for **Adam Rosatti on behalf of entity d/b/a Burgerfi, 704 Broadway**; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that this item be placed on the calendar at a future Full Board meeting of the Liquor Authority in order for the Commissioners to review this matter and make a final determination; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. is very concerned with any license going into such a large, 8,891 sq. ft. location with so many family residents living above and around the location and would respectfully ask that the SLA consider the following stipulations which are not out of line with what other similar establishments in CB2 have agreed to if the SLA does grant this license as requested by community members and which are as follows (from an agreement proposed by community members to the applicant):

1. **License Application.** Burger FI New York (BFNY) agrees to downgrade its license application from a full liquor license to a restaurant wine and beer license.

2. **Method of Operation.** BFNY agrees to the following terms and conditions regarding its method of operation:

Hours of Operation - Opening hours shall be 11 a.m. seven days per week. Closing hours shall be on or before 11 p.m. on Sunday and Monday; on or before midnight on Tuesday and Wednesday; and on or before 1 a.m. on Thursday, Friday and Saturday.

Music- BFNY shall not permit DJs or live music in the Premises. Music shall be background music only and shall be played at a level that will be determined by an independent acoustics expert to be reasonable and not disturbing to the peace, comfort or repose of the residents above.

Televisions – The number of televisions on the Premises will be limited to two. The size of each of the televisions will be limited to 42 inches. The televisions shall be played on mute or a level that will be determined by an independent acoustics expert to be reasonable and not disturbing to the peace, comfort or repose of the residents above.

Doors and Windows - To minimize sound escaping from the interior of the premises, all exterior doors and windows on the Premises shall not be left open. If any windows are to be added or replaced, they are to be added or replaced with non-operable windows. If any doors are to be added or replaced, they are to be added or replaced with doors that are solid enough so as to limit sound from escaping from the interior of the premises.

Outdoor Sound: BFNy shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the premises.

General Business Operations- The premises shall be operated as restaurant and will maintain a full working kitchen on premises serving a full menu until closing. BFNy will not operate the premises as nightclub, bar, sports bar, lounge and will not have bouncers, DJs, live amplified music, outside promoters or allow promoted third party events. BFNy shall not offer any discounted or drink specials. All alcohol shall be sold at full price at all times.

Prohibited Uses- No dancing shall be permitted. BFNy shall not apply for a cabaret license. BFNy shall not establish any outdoor service or outdoor seating (including benches) or seek to obtain permission for any outdoor service or outdoor seating, including, but not limited to, any unenclosed sidewalk café permit. BFNy shall not attempt to steer the public from the sidewalk into the premises and shall not distribute any fliers on the sidewalk or street.

Sanitation—BFNy shall not store garbage or garbage dumpsters outside of the premises. BFNy shall schedule daily garbage pickup during reasonable hours so as not to disturb the residents above. BFNy shall not place refuse at the curb. Any garbage that is stored on the Premises in advance of the daily garbage pick-up must be contained in an area that is maintained and protected against vermin. BFNy shall take immediate steps to call in a licensed exterminator in the event of any infestation of rodents or insects. BFNy will actively engage to keep the sidewalks in front of the Premises free of debris and waste.

Signage and Exterior Lighting – BFNy shall not install any banners or flags on the façade. No signage which emits light shall be permitted. Lights may be mounted to illuminate any signage provided that the lighting is directed downward at the façade of the establishment and not outward or upward so as to disturb the residents above. Signage and exterior lighting shall comply with Landmark and other local zoning requirements.

HVAC and Kitchen Venting Systems—All HVAC and Kitchen Venting Systems shall be code compliant and installed by licensed, insured contractors. All plans and specifications for these systems shall be subject to the prior written approval of the Condominium Association. Upon the commencement of operations, BFNy shall insure that smells shown to be emanating from the premises do not disturb the residents above and will maintain documentation to demonstrate that the equipment is being maintained and/or serviced in accordance with the manufacturer's recommended maintenance and repair program. Upon request, BFNy shall implement whatever measures necessary to abate any extant odor issues emanating from the operation of the premises.

Soundproofing—BFNy shall install soundproofing for both the interior of the premises and for its internal and external mechanical equipment, including HVAC and Kitchen Venting Systems. All plans and specifications for soundproofing shall be subject to the prior approval of the Condominium Association, which approval shall not be unreasonably withheld or delayed. Upon the commencement of operations, BFNy shall insure that sounds and noise shown to be emanating from the premises do not disturb the residents above. Upon request, BFNy shall implement whatever measures necessary to abate any sound and noise issues emanating from the operation of the premises.

Patron Control—BFNy will provide staff with supervisory authority on premises during all hours of business. BFNy will designate staff to monitor the sidewalk to discourage patrons and others from loitering in front of the premises during business hours, particularly at closing time.

Basement – The Premise’s basement shall not be used to seat or serve patrons.

Capacity – BFNY shall ensure that the capacity of the Premises, including patrons and staff, will not exceed 110, which is the capacity permitted by the current Certificate of Occupancy.

Freight Elevator – Deliveries shall be made through the front door of the Premises and taken down to the basement through the stairway. In accordance with the standard practice of the condominium, the freight elevator shall only be used for large, heavy items. The freight elevator is only available for use during weekdays and on at least 24-hour advance notice to the superintendent/operator of the elevator. Unauthorized persons may not operate the freight elevator.

Liability – The Condominium Association shall be added as an additional insured party on BFNY’s liability insurance policy.

3. **Relations with Condominium Association.** BFNY will provide a telephone number of the local BFNY manager and/or representative who works at the Premises and has supervisory authority of the Premises for building residents to contact during hours of operation to quickly resolve any immediate problems. BFNY representatives shall meet with representatives from the Condominium board upon reasonable request to discuss and resolve any on-going issues.

4. **Binding Stipulation.** BFNY agrees that this Agreement shall be attached as a binding stipulation to BFNY’s license application to the Authority and to any license issued there from. The stipulation shall be considered a material representation as to the manner in which it will operate its establishment.

5. **Withdrawal of Opposition.** In consideration of BFNY’s agreement to abide by the terms and conditions embodied in this Agreement, the Condominium Association agrees to withdraw any opposition to the grant of the RW license to BFNY. The Condominium Association, however, reserves the right to file a complaint with the Authority and/or to seek court relief in the event of a future breach by BFNY of this Agreement.

6. **Corporate Successor.** In the event that the Condominium Association incorporates itself under the same or similar name, such entity shall be considered to be a successor to the Condominium Association under this Agreement with the same rights, privileges and obligations. BFNY shall not seek to transfer its wine and beer license to new principals without prior written notification to the Condominium Association and a written commitment on the part of the new principals to fully comply with the stipulations contained herein and the conditions attached the license.

7. **Entire Agreement.** This Agreement contains the entire understanding and agreement of the parties concerning the operation of the Premises, and supersedes all prior oral and written understandings and agreements.

8. **Amendment.** This Agreement may be modified or amended only by a written instrument signed by BFNY and the Condominium Association.

9. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

Vote: Unanimous, with 44 Board members in favor.

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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on June 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

4. No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012 – Beer and Wine Transfer

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the transfer of a Restaurant Beer and Wine license (#1217142) in a mixed-use building, located on Sullivan Street between Prince and Houston (Block #517/lot #3), for a 1,165 sq. ft. premise (765 sq. ft. on ground floor and 400 sq. ft. in the basement) with 18 tables and 48 seats and 1 bar with 10 seats and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m.; music will be background only, there will be no scheduled performances or events with a cover charge, no live music and no DJ's, no outside promoters and no use of any televisions; and,

Whereas, the applicant submitted a petition with 20 signatures in support but the petition does not mention the hours of operation; and,

Whereas, the applicant agreed to the following stipulations:

1. Will not operate as a nightclub.
2. Will close all doors and windows no later than 9:00 p.m. everyday.
3. The hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m., at closing time no patrons will remain in the premises without exception.

4. Music will be background only, there will be no scheduled performances or events with a cover charge, no outside promoters. no live music and no DJ's.
5. Will not have any TV's.

Whereas, there was significant concern from CB#2, Man. that while this is a "transfer" application and there were no stipulations in place with the prior operation, the new operation will be substantively different, namely that the method of operation was for that of a neighborhood French restaurant serving fine French Cuisine at this location for over 20 years with advertised hours of operation 5:30 pm to 11 pm daily and the location will now be an oyster bar with beer and wine service with much later hours of operation than the previous operations in this residential area; and,

Whereas, the issuance of a temporary license and subsequent new license is contrary to the spirit of a transfer license in that the operation will not be recognizable to the past operation and that the hours of operation are significantly different and therefore this should in fact be filed as a brand new license and no temporary license should be issued, and,

Whereas, while CB#2, Man. understands that the Principals in this transfer application are involved in some other licensed premises that do not have adverse histories, the dramatic change in hours over the previous/existing licensee at this location is of significant concern given the past operating history of one of the Principals in this "transfer" in regards to the Beatrice Inn (SN#1179615), which was located within CB#2, Man. in a highly residential neighborhood which had a documented history of creating significant quality of life violations among other issues and that the operation that was presented original to CB#2, Man. for that license did not reflect the actual operation of the premise (operating contrary to their presented method of operation) and there is concern here at this location on Sullivan Street which is also a highly residential neighborhood given the potential for significant quality of life issues in conjunction with the hours of operation and that the applicants for this transfer application were not forthcoming in their community outreach as to their hours of operation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the "transfer" of a Restaurant Beer and Wine license for **No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012; and**

THEREFORE BE IT FURTHER RESOLVED that CB#2 Man. respectfully requests that should the Liquor Authority consider granting this license as a new license or as a transfer license that the Stipulations outlined in the "5th Whereas" clause above be incorporated into the new license and that the Liquor Authority consider adding an additional stipulation that the closing hours be limited to 12 am (midnight) 7 days a week for the reasons outlined above.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
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Dear Mr. Christian:

At its Full Board meeting on June 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

5. Mamigia, Inc., 173 Mott St. 10013 - New Beer and Wine

Whereas, the applicant appeared before the committee for a new restaurant wine license; and,

Whereas, this application is for an Italian owned, family style Caffe with an unpretentious setting, the cooking is earthy, and the welcome is genuine; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building located on Mott Street between Grand and Broome Street (Block #471/lot #43), for a 1,150 sq. ft. premise (1000 sq. ft. on the ground floor and 150 sq. ft. in the basement for accessory use only – basement access will be through a non-exclusive shared stairwell) with 17 tables with 34 seats and 1 bar with 3 seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:00 a.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), no DJ's, there will be no outside promoters, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, the principle in this operation is a principle of several other operations including one within CB#2, Man. which operates very similarly to the proposed operation for this location with no complaints; and

Whereas, this premises is located in a corner building and there is the Most Holy Crucifix Church at 378 Broome Street which is within 200 ft. of this location so the operators may not be able to upgrade at any time to a full On Premise license; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are Sunday to Wednesday from 11:00 a.m. to 11:00 p.m.
and Thursday to Saturday from 11:00 a.m. to 12:00 a.m.
2. Will operate as a full service restaurant.
3. All Doors and Windows will be closed by 10:00 p.m.
4. Music will be background only.
5. There will be no DJ's, no outside promoters, no velvet ropes, no movable barriers and no TV's.
6. There will be no sidewalk café.
7. There will be no seating in the street front windows.
8. There will be no patrons in the basement.

Whereas, there were 2 community members in support of this application and no one opposed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the New Beer and Wine license for **Mamigia, Inc., 173 Mott St. 10013** **unless** those conditions and stipulations agreed to by the applicant relating to 6th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *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 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

6. Laduree SoHo, LLC, TBD, 396-398 West Broadway 10012 – New OP

Whereas, the applicant appeared before the committee for a second time to present the concept of a restaurant, tea salon and Patisserie and Chocolatier similar to their operations in Paris; and,

Whereas, this application is for a new On Premise license in a mixed-use building, located on West Broadway between Broome and Spring Street (Block #488/lot #23 and Lot#12), for a 6,500 sq. ft. premise (3,000 sq. ft. on ground floor and 3,500 sq. ft. in Basement) with 40 tables and 110 seats inside and 95 additional seats in the backyard and 1 service bar inside and 1 standup bar in the backyard; a maximum occupancy of 120 with a proposed occupancy of 205 to include backyard; there is no sidewalk café use; and,

Whereas, the hours of operation for the inside will be Sunday through Thursday from 7:30 a.m. – 12:00 a.m. and Friday and Saturday from 7:30 a.m. to 1:00 a.m. and the hours of operation for the backyard will be Monday through Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m. music will be background only, there will be no DJ or live music, no scheduled performances and no outside promoters but will have private parties; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are for the inside will be Sunday through Thursday from 7:30 a.m. – 12:00 a.m. and Friday and Saturday from 7:30 a.m. to 1:00 a.m. and the hours of operation for the backyard will be Monday through Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m.
2. Will close all doors and windows no later than 10:00 p.m.
3. Will have background music only.

4. Will close backyard no later than 11:00 p.m. while entertaining Private Parties.
5. There will be no DJ or live music, no scheduled performances and no outside promoters.
6. There will be no TV's inside.
7. Will not permit smoking in backyard space.
8. There will not be a sidewalk café.

Whereas, one CB2 Board member attended the hearing and acknowledged that there was a meeting between the operator and possibly 15 neighborhood residents to discuss closing hours and noise mitigation; and,

Whereas, no one from the community appeared at the hearing and opposed this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the New On Premise license for **Laduree SoHo, LLC, TBD, 396-398 West Broadway 10012** unless those conditions and stipulations agreed to by the applicant relating to 4th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

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

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. South Village Hospitality Group, LLC d/b/a Carroll Place, 157 Bleecker St 10014 – Cabaret

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Cabaret License for a full service Bistro/ Club in a mixed use building for a 5,500 sq ft premise (2,200 sq ft ground floor and Basement and 1,100 sq ft mezzanine) on Bleecker Street between Thompson and Sullivan Street (block # 539 / lot # 36), there will be no sidewalk café and no use of a backyard garden, there will be 54 tables and 140 seats and 1 bar with 20 seats for a total of 170 seats with a proposed occupancy of 180 or less and the maximum occupancy for the premise will be 180; and,

Whereas, the applicant indicated that the hours of operation would be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 4:00 a.m.; and,

Whereas, CB2 has established stipulations which this operator agreed to and should still be active regardless of the change to an additional Cabaret License which are the following:

- The establishment will close at 2:00 a.m. Sunday through Wednesday nights.
- The establishment will close at 4:00 a.m. Thursday through Saturday nights.
- The kitchen will be open until 2:00 a.m. all nights of the week.
- All doors and windows will be closed by 10:00 p.m. every night of the week.
- All doors and windows will be closed when any sporting event is being played on televisions in the establishment.

- All doors and windows will be closed when any live music is being played in the establishment.
- A professional sound test using a decibel meter will be conducted across Bleecker street from the establishment to determine the level at which background music can be played without exceeding New York City noise code decibel limits. A limiter and compressor and any other means necessary will be installed in the establishment's sound system to prevent background music from ever exceeding this level.
- Sound system controls will be locked, with access limited to owners and managers who agree to abide by all New York City noise codes, the levels set by the results of the sound test described above. Sound levels will be regularly tested with decibel meters to ensure compliance, and records of those tests will be kept.
- Only four televisions, no larger than 42 inches, will be installed in the establishment: two on first floor behind the bar and two on the mezzanine.
- Televisions will never operate with sound, and no speakers will ever be connected to those televisions.
- No line for any event in venue will ever be formed on sidewalks or any part of Bleecker Street or any other street in the BAMRA area. All such lines will be formed within the establishment.
- All ventilation, exhaust and air conditioning systems will meet or exceed New York City codes.
- No neon will be used for signage; and if any of the lighting used for signage is too bright in any resident's dwelling, that lighting will be dimmed.
- No owner, manager or any other employee of the establishment will allow the establishment to participate in or host any "pub/bar crawl" or any similar bar-to-bar, organized drinking event.
- The establishment will have no live act end later than 11:00 p.m. on Wednesday.
- The establishment will have no live act end later than 12:00 a.m. on Thursday.
- The establishment will have no live acts ending later than 2:00 a.m. on Friday and Saturday nights.
- The establishment will have small jazz groups on occasion during brunches and dinners as background music only, and playing only at background volume levels.
- The establishment will employ one person as security on Wednesday and Thursday nights and two people for security on Friday and Saturday nights.
- Insulated glass will be installed in all storefront windows.
- The establishment will install a dropped ceiling or isolation hangers with effective soundproofing material in the ceiling cavity.
- All speakers in the establishment will be "directional speakers" (i.e., speakers specifically built to prevent sound leaking out of the back of the speaker), will hang no higher than three-quarters of the distance from the floor to ceiling and will be installed on isolation brackets
- There will be a holding area or vestibule inside the establishment to contain overflow so to keep the lines off the sidewalks.
- Staff will leave after closing and not loiter in front of the building.

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the approval of a Cabaret License to **South Village Hospitality Group, LLC d/b/a Carroll Place, 157 Bleecker St. 10012.**

Vote: Unanimous, with 44 Board members in favor.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
Bob Gormley, District Manager



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, 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:

8. ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 Bleecker St. 10012

Whereas, after this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9. 31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones St. 10012

Whereas, prior to this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to lay over the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

10. James Hudolfston or Entity to be formed, 173 Mott St. 10013

Whereas, prior to this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdrawn the application from consideration; and,

Whereas, this application is for a new On Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed On Premise license for **James Hudolfston or Entity to be formed, 173 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

11. Rockin Raw, LLC, 171 Sullivan St. 10012

Whereas, prior to this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to lay over the application from consideration; and,

Whereas, this application is for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

12. RV Partners, 190 Bleecker St. 10012

Whereas, during this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the committee requested that the applicant layover the application from consideration until the operator could return to New York City and meet with the committee; and,

Whereas, this application is for a new Beer and Wine;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine for **RV Partners, 190 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

13. Manhattan Maharaja, TBD, 138 W. Houston St. 10012

Whereas, prior to this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Manhattan Maharaja, TBD, 138 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

14. Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

15. The Juke Group, LLC, 170 Mott St. 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **The Juke Group, LLC, 170 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

16. Mafray Corp., 45 W. 8th St. 10011

Whereas, at this month's CB2 SLA Licensing Committee meeting on June 11th, 2013, the committee requested to layover the application from consideration until further community outreach had been done; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Mafray Corp., 45 W. 8th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

17. Pacific 4, LLC, d/b/a The Broome, 431 Broome St., 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the committee requested to layover the application from consideration until further community outreach had been done; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Pacific 4, LLC, d/b/a The Broome, 431 Broome St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

18. WeWork Retail, LLC, d/b/a/ TBD, 154 Grand St., 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **WeWork Retail, LLC, d/b/a/ TBD, 154 Grand St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

19. 199 Prince Chod, LLC, TBD 199 Prince St., 10012

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **199 Prince Chod, LLC, TBD 199 Prince St., 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

20. WeWork 175 Varick, LLC, d/b/a TBD, 175 Varick St., 10014

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **WeWork 175 Varick, LLC, d/b/a TBD, 175 Varick St., 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

21. Automatic Slim's Inc., 131 Bank St. AKA 733 Washington St., 10014 (OP Renewal – SN1025457)

Whereas, the licensee was requested to appear before CB2's SLA licensing committee at the request of the committee; and,

Whereas, Automatic Slims Inc., DBA Automatic Slims was originally licensed in 1986 at this location; and,

Whereas, the principal appeared before the committee and completed CB2's SLA Licensing Questionnaire which indicated that the establishment is a "neighborhood bar/restaurant" located on the corner of Bank St. and Washington St. in a 1,500 sq ft premise (1,100 sq ft ground floor and 400 sq ft. basement – accessory use only) in a mixed use commercial/residential building with 8 tables and 24 seats and 1 bar with 15 seats for a total of 40 seats, there is no sidewalk café or outdoor seating, the maximum occupancy is less than 75; and,

Whereas, the current method of operation includes operating hours of Sunday from 1 p.m. to 11 p.m., Tuesday to Wednesday from 5:30 p.m. to 2 a.m., Thursday from 5:30 p.m. to 3 a.m. and Friday to Saturday from 5:30 p.m. to 4 a.m., there is 1 t.v., music is from ipod/cd's at entertainment level, there is no d.j., there is existing sound proofing, there are occasional private parties; and,

Whereas, residential neighbors submitted a petition against renewing the license with 32 signatures from the immediate area and 5 residents appeared, including those who live in the same building and those who directly abut the premise and lodged complaints about the licensed premise, including loud music audible both in apartments above the establishment and in adjoining residential buildings

(specifically bass level music and an independent professional sound engineer was hired by one resident who stated noise levels were above NYC regulations but test results were not available at the meeting), loud and unruly patrons in front of the premises specifically Thursday-Saturday evenings between 10 p.m. and 4 a.m., allegations of over-serving patrons, traffic conditions resulting from taxi's stopping in front of and waiting in front of the premises causing traffic issues, and similar quality of life issues that had been ongoing for many years; and,

Whereas, there was lengthy testimony from those opposed to the renewal of the license who asked that the principal agree to certain stipulations in order to mitigate sound and unruly crowds in front of the premises; and,

Whereas, the principle presented a petition with 79 signatures in support and several others appeared in support but did not speak and the principle of the establishment outlined steps that he has undertaken over the last several years to mitigate sound and explained that he currently employed 2 licensed security guards on the weekends, one inside the establishment and one checking id's, sound mitigation has included adding sound proofing materials and reduction in the number of speakers as well as having a sound meter on premises, but no sound limiters were installed, and the principle stated just in the last few weeks the regular sound volume had been reduced and that he has added a dedicated cellular phone for residential neighbors to call with complaints but conceded that it was up to employees to hear the phone and answer it and he also stated that he was not at the premises on Thursday to Saturday nights when the majority of complaints have been made ; and,

Whereas, the applicant conceded that there was room for some improvement and was willing to accommodate residents requests for improved efforts; and,

Whereas, the principle agreed to execute a stipulations agreement with CB#2, Man. that he agreed would be attached and incorporated in to the existing method of operation on the existing SLA license going forth from the current renewal date stating that:

1. The Licensee will retain Acoustilog, Inc. or comparable audio professional to return to establishment and calibrate existing sound equipment and/or install new sound attenuation devices in music system and calibrate them to ensure 100% compliance at all times with NYC Noise Code both outside the premises and in neighboring residential units.
2. The Licensee will provide additional training to all staff regarding noise issues and sound issues and how to appropriately respond to complaints.
3. The Licensee will add an additional security person dedicated exclusively to outdoor area surrounding establishment (in addition to interior security person and security person who checks id) for Friday and Saturday nights from 10 p.m. to 4 a.m. for a total of 3 security guards on and immediately outside the premises at those times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the renewal application for **Automatic Slim's Inc., 131 Bank St. AKA 733 Washington St., 10014 (OP Renewal – SN1025457)** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 9th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA On-Premise license.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

22. 70 Super Noodle, Inc. d/b/a Old Town Hot Pot, 70 7th Ave. South, 10014 (RW Corporate Change – SN1253342)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" removing the existing 100% principal, Tao An and replace with a new 100% Principal, NFN Yixiniule for the existing restaurant wine license SN1025457, which is for a "family restaurant that will focus on serving lunch and dinner", there are no other changes; and,

Whereas, this application is for a corporate change to an existing RW license and the following information was presented for the existing license to which the new applicant was willing to add stipulations to the existing license as noted in a further "Whereas" clause; the location is in a 1 story commercial building in a mixed use district located on the ground floor on 7th Avenue South between Bleecker and Commerce St. for a roughly 610 sq. ft premise on one floor with 8 tables and 32 seats in the interior, for a grand total of 32 seats, there will be one service bar only, there is no sidewalk café and no outdoor areas for patrons, There is an existing "Letter of No Objection" issued by the NYC Department of Buildings; and,

Whereas, the hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. (midnight) music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and

Whereas, the proposed new 100% principal Yixiniule executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the existing method of operation on the existing SLA license stating that:

1. The premise will be advertised and operated as a restaurant/noodle shop/
2. The hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. (midnight)
3. The establishment will be operated as a full service restaurant only.
4. There will be no backyard garden or sidewalk café.
5. There will be background music only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music).
6. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions in the establishment.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a corporate change for **70 Super Noodle, Inc. d/b/a Old Town Hot Pot, 70 7th Ave. South, 10014 (RW Corporate Change – SN1253342) adding** Yixiniule as a 100% Principle unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

23. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Corporate Change – SN1266901)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" removing an existing 25% owner, Jaime Reixach with the result being that the existing 75% owner, Francesco K. Barosi will now be a 100% Owner; and,

Whereas, there was also an additional "alteration application" for this license which was submitted separately at the same time and is not included in this resolution, but which CB#2, Man. recommended denial; and,

Whereas, the premises has had no changes to the existing method of operation and there are no changes from the previous Licensee from which this application was "transferred" at this time; and,

Whereas, in June 2012, at CB2's SLA Committee meeting the Licensee agreed with CB#2, Man. at their initial application for a "transfer application" to continue and maintain the existing stipulations in effect for the previous Licensee, Rambla, LLC and that the new Licensee would abide by all the negotiated and agreed upon stipulations negotiated with the NoHo Bowery Stakeholders in a similar agreement; the fully executed in a Memorandum of Agreement dated June 14, 2012 includes the following stipulations:

1. 45 Bond Street LLC will not at any time seek a sidewalk café license at this location.
2. 45 Bond Street LLC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.

3. 45 Bond Street LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.
4. 45 Bond Street LLC at 45 Bond St., will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
 - a. The establishment will close at 12:00 a.m. Sunday through Wednesday, and 1:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
 - b. The inside capacity and Public Assembly Permit will reflect the following usage: 39 tables and 104 seats with no more than 120 patrons on the premises.
 - c. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front of this establishment, Thursday through Saturday from 8:00 p.m. to closing.
 - d. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up.
 - e. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage and design.
5. Any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NoHo-Bowery Stakeholders, Inc. as representatives of the community and be contingent on the full Board's approval.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a corporate change application for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Corporate Change – SN1266901)** unless those conditions and stipulations agreed to in June 2012 relating to the 4th “whereas” clause continue to be incorporated into the “Method of Operation” on the existing SLA On-Premise license.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

24. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Alteration – SN 1266901)

Whereas, the Licensee appeared before CB#2's SLA Licensing committee to present an alteration application to add a sidewalk café with 4 tables and 8 seats to the existing on-premise license; and,

Whereas, there was also an additional application for corporate change application to this license which was submitted separately and is not included in this resolution, but which CB#2, Man. recommended approval; and,

Whereas, when the Licensee originally appeared before CB#2, Man. in June 2012, the recommendation to the Liquor Authority from CB2 was to deny the application unless the Licensee agreed to certain stipulations, which they did and executed a Memorandum of Understanding; and,

Whereas, in June 2012, at CB2's SLA Committee meeting the Licensee agreed with CB#2, Man. to abide by all the negotiated and agreed upon stipulations negotiated with the NoHo Bowery Stakeholders; the fully executed in a Memorandum of Agreement dated June 14, 2012 includes the following stipulations:

5. 45 Bond Street LLC will not at any time seek a sidewalk café license at this location.
6. 45 Bond Street LLC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
7. 45 Bond Street LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.
8. 45 Bond Street LLC at 45 Bond St., will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:

- f. The establishment will close at 12:00 a.m. Sunday through Wednesday, and 1:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
 - g. The inside capacity and Public Assembly Permit will reflect the following usage: 39 tables and 104 seats with no more than 120 patrons on the premises.
 - h. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front of this establishment, Thursday through Saturday from 8:00 p.m. to closing.
 - i. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up.
 - j. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage and design.
5. Any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NoHo-Bowery Stakeholders, Inc. as representatives of the community and be contingent on the full Board's approval.

Whereas, the premises was subject to the "500 ft rule" at the time of the original application and therefore the agreement to stipulations was a critical factor in CB2 Manhattan's recommendation; and,

Whereas, the applicant has **failed to comply with item #1 in the existing stipulations** by applying for a New York City Department of Consumer Affairs Sidewalk Café License and by applying for this alteration to add a sidewalk café consisting of 4 tables and 8 seats, additionally the applicant was unable to show any support from neighbors or from the Noho Bowery Stakeholders indicating that any change to the existing stipulations was supported by the community; and,

Whereas, the applicant has **failed to comply with item #4 e. in the existing stipulations** in that there is currently no active Certificate of Occupancy, the most recent *temporary* Certificate of Occupancy, CO Number 104588135T003 expired on 8/17/2008 and as such there is no active Public Assembly Permit (occupancy by more than 74 persons) which is a significant safety concern and at the time of the Licensee's appearance in front of CB2 in June 2012 the Licensee emphatically stated that this would be in place prior to operation and that it was "an easy fix" which would be addressed immediately; and,

Whereas, CB#2, Man. respectfully requests the Liquor Authority to **review whether this on-premise license was issued and activated in error** as the Licensee could not have provided a current Certificate of Occupancy as required at the time of filing with the Liquor Authority on 10/25/2012 or at the time of the issuance of the license on 1/14/2013; and,

Whereas, the President of the Noho Bowery Stakeholders appeared in opposition to this alteration application citing the existing Memorandum of Understanding and Stipulations, stating that those were still in effect and that in the past month representatives of the Licensee had met with members of the community to discuss adding the exterior sidewalk café but there was no community support whatsoever; and

Whereas, a representative of an adjoining building stated that the recently constructed building as a consequence of strong input from the local community had constructed the building with Ground Floor Residential use, in part because there was an understanding that the agreement of no sidewalk café for

this Licensee was in place and stated strongly that there was strong opposition that this alteration application be granted;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the application for a license alteration for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Alteration – SN 1266901)**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests that the Liquor Authority investigate how this license was issued without the Licensee having appropriate NYC Building Department Certifications namely a valid and current Certificate of Occupancy and valid Place of Assembly Permit which is of significant safety concern given the multi floor and high occupancy nature of this location.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

25. 11 Carmine Tacos, LLC, d/b/a Dos Toros, 11 Carmine St., 10014 (RW Alteration – SN1254722)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing Restaurant Wine License SN1254722 to add a sidewalk café to the existing premise and agreed to stipulations for the existing "fast casual taqueria specializing in Mexican food"; and,

Whereas, this application is for an alteration to an existing Restaurant Wine license to add a sidewalk café with 4 tables and 8 seats (plans indicate 6 tables and 12 seats but the applicant indicated this was an error) and the following information was presented for the existing license to which the new applicant was willing to add stipulations as noted in a further "Whereas" clause; the premises is in a 5 story mixed commercial/residential building in a mixed use district located on the ground floor on Carmine St. between Bleecker St. and Sixth Ave. for a roughly 2,000 sq. ft premise on two floors (1000 sq ft ground floor and 1,000 sq ft basement – accessory use only not for patron use) with 3 tables and 12 seats in the interior, 3 counter seats at the front window and 1 stand up bar with 0 seats, for a grand total of 15 interior seats, this alteration application also includes the addition of a sidewalk café with 4 tables and 8 seats, There is an existing "Letter of No Objection" issued by the NYC Department of Buildings; and,

Whereas, the hours of operation, which were modified from the submitted questionnaire, will be Sunday to Friday from 11:30 a.m. to 11 p.m. and Saturday from 12 p.m. to 11 p.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only

passive prearranged music), there are existing accordion windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their existing method of operation on their current SLA restaurant wine license stating that:

1. The premise will be operated as a full service restaurant only.
2. There is no backyard garden.
3. All doors and windows will be closed by 10 p.m. every night.
4. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock.
6. Licensee will provide waiter service for alcohol/beer & wine service in the sidewalk café in order to comply with NYC Department of Consumer Affairs Sidewalk Café regulations.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of license alteration for **11 Carmine Tacos, LLC, d/b/a Dos Toros, 11 Carmine St., 10014 (RW Alteration – SN1254722) to add the sidewalk café with 4 tables and 8 seats unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Passed, with 42 Board members in favor, and 2 in opposition (K. Berger, R. Sanz).

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

26. Bubby's MP, LLC d/b/a Bubby's MP, 73 Gansevoort St. 10014 (New OP)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for a "family style diner operating in the same fashion as our sister restaurant Bubby's at 120 Hudson St. which has been [operating] since 1990"; and,

Whereas, this new on-premise application is for a previously licensed premises (not a "transfer") for a roughly 3,020 sq. ft premise, 1,920 sq. ft on the ground floor and 1,100 sq ft in the basement for accessory use only with 30 tables and 74 seats and 1 stand up bar with 14 seats for a grand total of 88 interior seats, there is no sidewalk café included in this application but there will be a sidewalk café application in the future, there is no rear yard, the applicant will renew the currently expired Temporary Certificate of Occupancy prior to Operating which states a maximum occupancy of 137 and will obtain a Place of Assembly permit; and,

Whereas, the hours of food operation will be Sunday to Thursday from 6 a.m. to 4 a.m. seven days a week and the hours of alcohol service will end at 1 a.m. seven days a week, music will be quiet background only from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there maybe private dining parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be French doors; and,

Whereas, there are at least 29 full on premise licenses within 500 feet, many of those venues are large multi floor locations with significant capacities; and,

Whereas, the applicant met with many members of the community and as a consequence of that dialogue was able reach agreement with a significant number of members of the community on the proposed “method of operation” and stipulations the applicant is willing to enter into; and,

Whereas, this address has a history of operating outside of the scope of the established method of operation and previous licensees have appeared numerous times before the Full Board of the Liquor Authority and there is a high level of concern by members of the community that this not be repeated of which the current applicant is fully aware; and,

Whereas, notwithstanding any community support, there are still concerns in regards to any “new” on premises licenses in the area due to the significant volume of licenses, the high number of quality of life issues and complaints, existing crime levels in the area, the existing noise levels and existing traffic situation in the Meat Packing Area and lack of Police resources to address these issues on an ongoing basis; and,

Whereas, CB#2, Man. received a large number of email correspondence outlining residents concerns; and

Whereas, several members of the community testified that they saw no public interest in issuing the liquor license if food was served 24 hours a day and that they preferred that food service cease at 4 am and that the premises be closed from 4 a.m. to 6 a.m. daily to facilitate easing quality of life and traffic concerns by not encouraging patrons at area Meat Packing Area venues from remaining in the vicinity; and

Whereas, after extensive dialogue, the applicant was willing to agree to stipulations in order to gain area residents support; and

Whereas, the applicant will execute a stipulations agreement with CB#2, Man. that they agree will be attached and incorporated in to their method of operation on their SLA on-premise license as a condition to CB#2 Manhattan’s support stating that:

1. The establishment will be operated as a full service restaurant only.
2. The establishment will be operated similarly to the Principles “sister” restaurant Bubby’s at 120 Hudson St.
3. Service of all alcohol will stop at 1:00 AM every night without any exception.
4. Food Service hours will be from 6 a.m. until 4 a.m.
5. The Premises will be closed from 4 a.m. to 6 a.m. seven days a week without exception (from 1:00 a.m. to 4 a.m. there will be no alcohol service)
6. All doors and windows (including French Doors) will be closed no later than 10 p.m. seven days a week.
7. No music will be audible from more than 25 feet from the premises at any time.
8. Music will be background only.
9. There will be no live music, dj’s (active manipulation of music), promoted events or promoters, scheduled performances or any events for which a cover fee is charged and there will be no dancing.
10. There will be no velvet ropes and no exterior patron waiting. Patrons will either wait inside or be notified when a table is available by remote messaging system in order to prevent congregating outside the premises.
11. If there is an ownership change of greater than 40%, the licensee agrees to present the Corporate Change Application to the Liquor Authority in front of CB2’s SLA Licensing Committee prior to submitting the Corporate Change Application to the Liquor Authority.

12. CB2 and residents have no objection after 1 year of operation to discussing the extension of food service hours (not alcohol service which will continue to end at 1 a.m.) from 4 a.m. to 5 a.m. on Friday, Saturday, and Sunday mornings in conjunction with an opening time of 7 a.m. on those same days. There is no representation that CB2 or members of the community will support such a change to the stipulations at that time.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Bubby's MP, LLC d/b/a Bubby's MP, 73 Gansevoort St. 10014 (New OP)** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 14th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license and CB2, Manhattan receives an executed copy of the stipulations agreement prior to the submission of this application to the Liquor Authority.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

27. An entity to be formed by Kurt Gutenbrunner, 713 Washington St., 10014 (New OP)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for a "New England style fish restaurant"; and,

Whereas, this application is for a new premises which includes a previously licensed restaurant wine space (same principal) in conjunction with an adjoining store front in the same building located in a mixed use building Washington St. between Perry St. and West 11th St. for a roughly 900 sq. ft premise on the ground floor with 11 tables and 58 seats and 1 stand up bar with 8 seats for a grand total of 66 seats, there is no sidewalk café included in this application, there is no rear yard and no other outdoor areas for patrons, a new Certificate of Occupancy is being applied for from the NYC Department of Buildings to reflect the newly created combined space; and,

Whereas, the hours of operation will be Sunday to Thursday from 10 a.m. to 1 a.m. and Friday to Saturday from 10 a.m. to 2 a.m., music will be quiet background only from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there maybe private dining parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, the applicant will be adding new sound dampening materials to the ceiling; and,

Whereas, the applicant presented a petition with 20 signatures in support from area residents; and,

Whereas, the principal is also a principal in 5 other licensed premises in New York City including an adjacent Schatzi Corp DBA Wallse which is located next door; and,

Whereas, there are 11 licensed premises within 500 feet of this location; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA on-premise license stating that:

1. The hour of operation will be will be Sunday to Thursday from 10 a.m. to 1 a.m. and Friday to Saturday from 10 a.m. to 2 a.m.
2. The establishment will be operated as a full service restaurant only.
3. There will be no backyard garden.
4. There will be background music only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music).
5. There will be soundproofing installed in the premises.
6. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions in the establishment.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise liquor license for **An entity to be formed by Kurt Gutenbrunner, 713 Washington St., 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
Bob Gormley, District Manager



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, 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. Sushi Nakazawa, LLC, 23 Commerce St. 10014 (New RW)

Whereas, at this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant requested to **layover** this application for a new restaurant wine license because they had not fully complied with CB2's requested information specifically including floor plans and food menu, did not provide a certificate of occupancy or proof from the Department of Buildings of the proposed change in use/occupancy from a Hair Salon to Sushi Restaurant in a premises where no liquor license had ever existed before or on an entire residential block where no liquor license had ever been issued before and because there was no evidence of community outreach performed on this very residential block for a previously unlicensed location even though the applicant had appeared the previous month and observed the CB2 process for hearing license applications and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Sushi Nakazawa, LLC, 23 Commerce St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

29. Fortuna Realty Hotel Realty, LLC, 523-525 Greenwich Street, 10013 (New OP – Hotel)

Whereas, the applicant did not appear appeared before CB#2, Manhattan's SLA Licensing Committee Meeting #2 on June 13th, 2013 as requested to do so after the applicant submitted a 30 day notice to CB2, and no attempt to contact CB2 was made requesting an adjournment or layover of consideration of the application for a Hotel Liquor License and multi floor venue prior to the meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, hotel liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Fortuna Realty Hotel Realty, LLC, 523-525 Greenwich Street, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

30. Can Carlos NYC LLC, 5 Bleecker St. 10012 (Layover – New RW)

Whereas, prior to this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant's representative requested to layover this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Can Carlos NYC LLC, 5 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

31. Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 Christopher St., 10014 (Layover – New RW)

Whereas, prior to this month's CB#2, Manhattan's SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant's representative requested to **layover** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 Christopher St., 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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July 10, 2013

Dana E. Christian, 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 20, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

32. Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square 10014 (Withdrawal – New OP)

Whereas, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant's representative requested to withdraw this application for a new on premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA 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.

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

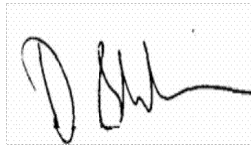
Sincerely,



Richard Stewart, Co-Chair
SLA Licensing Committee
Community Board #2, Manhattan



Carter Booth Co- Chair
SLA Licensing Committee
Community Board #2, Manhattan



David Gruber, Chair
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, NY State Assembly Speaker
Hon. Brad Hoylman, 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
Pauline Yu, CAU
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority
SLA Examiners