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COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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April 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 March 21, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. Yoke Mei Chau, d/b/a Aux Epices, Inc, 121 Baxter St - New Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building located on Baxter Street between Canal and Hester Street (Block #206 / lot #5), for a 550sq. ft premise with 12 tables and 25 seats and no bar and the maximum occupancy is 35 people, there will be no sidewalk café and no courtyard use; and,

Whereas, the applicant states that the hours of operation will be Sunday to Wednesday from 7:00 a.m. to 10:00 p.m. and Thursday to Saturday from 7:00 a.m. to 11:00 p.m.; the establishment is a French and Malaysian restaurant with quiet background music consisting of background music from iPod; there will be no scheduled performances and private parties; and,

Whereas, stipulations regarding the method of operation have been establish with CB#2, Man. and are signed by the applicant for CB#2, Man.; and,

Whereas, those stipulations are as follows:

1. Hours of operation will be Sunday to Wednesday from 7:00 a.m. to 10:00 p.m. and Thursday to Saturday from 7:00 a.m. to 11:00 p.m.
2. There will be no live music, DJ's, promoted events or events that require a cover charge.
3. Music will be quiet background only.
4. All doors and windows will be closed by 9:00 p.m.

Whereas, the operator submitted a petition with 29 signatures in support of this beer and wine license; and,

Whereas, there was no one from the community in opposition of this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the request to a Beer and Wine license for **Yoke Mei Chau, d/b/a Aux Epices, Inc, 121 Baxter St, unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

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NY State Liquor Authority
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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

2. International Culinary Center, LLC d/b/a L'Ecole & FCI Catering & Events, 462 Broadway 10013 - Alteration to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is to include the additional 3rd, 4th and 5th floors of this business with the primary use of the 5th floor for school events. The applicant has previously been required to file special event permits 4 to 5 times each month for the 5th floor space. To eliminate this repeated filing the applicant is requesting that the 5th floor be considered as part of their current license. In order to do so under one license, the SLA requires that all spaces be contiguous, thus the inclusion of the 3rd and 4th floor; and

Whereas, this application is for the alteration of a On Premise license (#1025240) in a commercial building, located on Broadway between Grand and Broome Street (Block #473 / lot #1), for a 70,000 sq. ft premise (1st floor 10,000sf, 2nd floor 20,000sf, 3rd floor 10,000sf, 4th floor 20,000sf and 5th floor 10,000sf.) On the 1st floor there are 23 tables and 83 seats and 1 bar with 9 seats. The second floor will use the Theatre (room #2-031) with 80 seats. Both the first and second floors are currently licensed. The 3rd floor will have no service or seating. The 4th floor will use the Italian Culinary kitchen in room 04-028 room for seated dinners with 35 seats. The 5th floor will use most of the open spaces on both the Crosby Street side and the Broadway side with a total of 120 seats. There will be no permanent bars or service bars on any floor except for the currently existing bar on the 1st floor, all others will be temporary setups for each event, and the maximum occupancy for all floors during any one period of time is 1158; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday: 11:30 a.m. – 11:00 p.m., Monday to Friday from 12:00 p.m. to 12:00 a.m. and Saturday from 12:00 p.m. to 1:00 a.m.; the establishment is a culinary school with a restaurant, music will be background with occasional live music, however the applicants current lease does not allow amplified music. There will be private events but no velvet ropes, no movable barriers; and,

Whereas, the applicant has agreed to the following stipulations:

1. There will be only 1 permanent bar with 9 seats on the 1st floor (currently exists) all other bars or service bars will be temporary and removed after each event.
2. There will be no liquor service of any kind on the 3rd floor.
3. Though the maximum occupancy is 1158, there will be no more than 331 seats being used at any given time combined on floors 1-5.
4. There will not be any amplified music on any floor.
5. Hours of operation for all floors are Sunday to Friday from 11:30 a.m. to 11:00 p.m. and Saturday from 12:00 p.m. to 1:00 a.m.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the alteration of the On Premise license for **International Culinary Center, LLC d/b/a L'Ecole & FCI Catering & Events, 462 Broadway, unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
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Dear Mr. Christian:

At its Full Board meeting on March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

3. 116 MacDougal G Corp. d/b/a “116” MacDougal St – OP renewal

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the renewal of the full On Premise license; and,

Whereas, the applicant did not notify CB#2, Man. via a 30 day notification of their intent to renew their license before its expiration; and,

Whereas, this location has been closed for over 30 days, probably much longer, with perhaps only occasional private parties and CB#2, Man. currently has an application for a new license at this location from a different applicant which is to be heard in April 2013; and,

Whereas, CB#2, Man. does not believe that a renewal should be granted during this transition based on the fact that this operation has been closed for months with only private events being held at this location; and

Whereas, the operator is no longer following in course of approved method of operation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal request for the full On Premise license for **116 MacDougal G Corp. d/b/a 116 MacDougal St.**

Vote: Unanimous, with 37 Board members in favor.

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NY State Liquor Authority
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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

4. Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012 - Corporate Change

Whereas, the applicant appeared before the committee; and,

Whereas, this application is to request a Corporate Change in officers; and,

Whereas, this application is for the alteration of their full On Premise Liquor licenses #1243820 and #1243821 in a mixed use building (Block# 00532 / Lot# 25) on the corner of Broadway and Bleecker for a 4,325 s.f. restaurant and bar/lounge with a total between the ground floor and basement of 39 tables and 130 seats, 2 bars and 18 seats and a maximum legal capacity of 299 persons; and

Whereas, the hours of operation are:

Restaurant (1st Floor)

Monday – Wednesday from 7:00 a.m. to 11:00 p.m.

Thursday and Friday 7:00 a.m. to 12:00 a.m.

Saturday from 7:00 a.m. to 12:00 a.m.

Sunday from 7:00 a.m. to 10:00 p.m.

Lounge (Basement)

Sunday – Thursday from 6:00 p.m. to 2:00 a.m.

Friday and Saturday from 6:00 p.m. to 2:00 a.m.

Whereas, the corporate change is to remove Kelly Engel and replace this principal with Spencer Lehy; and,

Whereas, the applicant previously signed a Stipulation Agreement with CB#2, Man. that there are no other changes to the daily operations of this establishment and the Memorandum of Understanding that was signed by the applicant and the community that all previous stipulations within the Memorandum of Understanding are still active;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to the Corporate Change for **Corner Shop, LLC d/b/a Corner Shop Café/ The Vault at Pfaff's, 643 Broadway 10012.**

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
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April 9, 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

5. Travertine, d/b/a Ken and Cook/Lil Charlie's, 19 Kenmare St. 10012 – Alteration to OP

Whereas, this applicant again did not appear before the committee but instead sent legal representation; and,

Whereas, this application is an alteration to the existing OP license to include the sidewalk café and to convert the current service bar in the basement to a stand-up full service bar; and,

Whereas, this application is for the alteration of the current On Premise license (#1217867) in a mixed use building located on Kenmare Street between Bowery and Elizabeth Street (Block #478 / lot #12), for a 3,000 sq. ft premise (1,800 on the ground floor and 1,200 sf. in the cellar) with 12 tables with 64 seats on the ground floor and 1 bar with 8 seats and 9 tables and 45 seats and 1 stand up bar with no seats in the cellar for a grand premises total of 21 tables and 117 seats; the maximum occupancy is 150 people, there will be a sidewalk café which is to be included in this application with 15 tables 30 seats and there is no backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Saturday from 11:00 a.m. to 4:00 a.m.; establishment is a full service restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) on the ground floor and a d.j. in the basement, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, CB#2, Man. has had repeated complaints with this operator at this location; and,

Whereas, with the exception of the original license which was recommended for approval with stipulations, CB#2, Man. has recommend denial for past alterations and renewals and CB#2, Man. respectfully requests that those materials be reviewed for an overview of the outstanding issues at this location; and,

Whereas, this application is to add a sidewalk café which was denied by CB#2, Man. but approved by the Department of Consumer Affairs over objections of the community; and,

Whereas, this application is also to request the alteration of a service bar in the basement to a stand-up bar which has already existed illegally, and it is widely known that the basement has been operated as a club and not a restaurant with food sales being *ancillary* to liquor sales in direct contradiction to statements made by the applicants and materials originally presented to CB#2, Man.; and,

Whereas, they have been using a DJ in the basement which is against their agreed method of operation from the original application with CB#2, Man.; and,

Whereas, after many years of operating, there is **STILL no current Certificate of Occupancy or Letter of No Objection** and CB#2, Man. questions how the SLA can continue to allow a license at this address; and,

Whereas, there is a current violation for open flame in the basement; and,

Whereas, there were 7 community members from this neighborhood in opposition to any alterations and have clearly stated that it has become a full time job for this community to defend their rights against this operator who continues to ignore the rights of the taxpaying residents who must endure this blatant disrespect; and,

Whereas, at the time of the hearing in March 2013 it was noted that there were nine (9) **ECB violations** issued on March 1, 2013 for serious building department violations including a **Stop Work Order**, and violations for illegal occupancy, occupancy without a current certificate of occupancy among other violations but for which the details were not yet available at the time of the hearing and therefore could not yet be presented; and,

Whereas, the licensee is operating in violation of their agreed upon and signed Stipulations dated September 18, 2008; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alterations of the existing On Premise license for **Travertine, d/b/a Ken and Cook/Lil Charlie's, 19 Kenmare St. 10012** to include the sidewalk café and to convert the service bar in the basement to a standup bar; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that this matter be **heard before the Liquor Authority's Full Board** before a determination is made and that the community at that time be able to present evidence of ongoing violations at the location despite the licensee's claims at a recent disciplinary hearing in front of Chairman Rosen and Commissioner Greene and that given the lack of current legal occupancy of the premise that the Liquor Authority consider recalling the current license until the applicant can present an affirmative finding and currently dated documentation showing legal occupancy of the premise.

Vote: Unanimous, with 37 Board members in favor.

David Gruber, *Chair*
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Jo Hamilton, *Second Vice Chair*
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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

6. Forcella Eatery, Inc. d/b/a Forcella La Pizza DiNapoli, 334 Bowery, 10012 – Alteration to Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of the Beer and Wine license (#127555) to include a sidewalk café at a mixed-use building located on Bowery between Bond and Great Jones Street (Block #530/lot #38), in a 1,900 sq. ft premise with 22 tables and 54 seats and 1 stand up bar and the maximum occupancy is 60 people, there will be no backyard use; and,

Whereas, the applicant is also to include additional closing hours during the weekdays which will now be operating from Sunday to Saturday from 12:00 p.m. to 12:00 a.m.; the establishment is an Italian Brick oven pizzeria restaurant with quiet background consisting of music from iPod/; there will be no scheduled performances or private parties; and,

Whereas, stipulations regarding the method of operation have been established with CB#2, Man. and are signed by the applicant for CB#2, Man.; and,

Whereas, those stipulations are as follows:

1. Hours of operation will be Sunday to Saturday from 12:00 p.m. to 12:00 a.m.
2. There will be no live music, DJ's, promoted events or events that require a cover charge.
3. Music will be quiet background only.
4. There will be no sandwich board advertisements out on the sidewalk

5. There will be consideration to pedestrians while the scaffolding next door is up to give a clear and safe walking corridor.
6. Operator will strictly adhere closing times to the sidewalk café to their new hours of operation.

Whereas, the operator submitted a petition with 58 signatures in support of this beer and wine license to include the sidewalk café and the new hours of operation that increase closing time from 11:00 pm to 12:00 am during the weekdays; and,

Whereas, two members of the community spoke in opposition to this application articulating the same reasons that CB#2, Man. originally recommended denial for the original beer and wine license when the license was first issued;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the request to the alterations of the Beer and Wine license for **Forcella Eatery, Inc. d/b/a Forcella La Pizza DiNapoli, 334 Bowery, 10012** to include the sidewalk café, unless those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Passed, with 36 Board members in favor, and 2 in opposition (D. Diether, J. Geballe)..

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Dear Mr. Christian:

At its Full Board meeting on March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

7. Burger Joint New York II, LLC, Burger Joint, 33 West 8th St. 10003 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed-use building located on 8th Street between 5th Avenue and MacDougal Street (Block #572 / lot #60), in a 2,982 sq. ft premise with 16 tables and 53 seats and 1 bar with 12 seats and the maximum occupancy is 74 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Thursday from 11:30 a.m. to 12:00 a.m. and Friday and Saturday from 11:30 a.m. to 1:00 a.m.; establishment is a full service restaurant, 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 will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be only one TV which sound will be kept off; and,

Whereas, the applicant reached out to the West 8th Street Block Association and agreed to the following stipulations which were adopted by CB#2, Man. and signed by the applicant as well; and,

Whereas, those stipulations are as follows:

1. Method of Operation

- a. The establishment is a legitimate restaurant. It is not a nightclub, dance club, sports bar, or similar establishment.
- b. Although it will have a bar, it will be a restaurant in character, with the focus on food.

- c. There will be only one television on which the sound will be kept off.
 - d. Kitchen will remain open until closing.
- 2. Hours
 - a. The establishment will shut down by 12:00 a.m. Monday through Thursday, and by 1:00 a.m. Friday and Saturday.
 - b. After 6 months of operation, we will revisit the Thursday hours and the block association will support an extension if the relationship with the neighbors has been positive.
- 3. Windows
 - a. The windows will be brought into compliance with the zoning for the Special Limited Commercial District, which requires:
"All permitted #uses# shall be located within #completely enclosed buildings#."
 - b. Should city interpretation of the LC district zoning regulations allow restaurant windows to open, the operator agrees to ensure that said windows are nevertheless closed by 10:00 pm every night of the week.
 - c. Should city interpretation of the LC district zoning regulations allow restaurant windows to open, the operator agrees to take necessary steps to ensure that any background music in the restaurant does not travel substantially beyond the space.
 - d. The rail/shelf currently along the window will be removed. No rail or shelf will be placed along the window.
- 4. Patron Noise
 - a. The operator will use persuasion, reminders, etc. to encourage evening patrons to come and go (and smoke) quietly, keep their voices down, and respect the hour and the resident's right to quiet homes.
- 5. Music
 - a. The operator stipulates that there will be no live music and that background music will be played at a soft level so as not to permeate into adjoining apartments and spaces.
- 6. Garbage
 - a. The operator will work with the Village Alliance BID to coordinate the carter and the time of daily trash pick-up to minimize the number of noisy garbage trucks on the block.
 - b. The operator will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash.
 - c. The operator will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems for the residents.
- 7. Backyard
 - a. There will be no glass separation or similar noisy work in the back yard, nor will it be used as a break space. The rear door will remain closed at all times.

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the new On Premise license for **Burger Joint New York II, LLC, Burger Joint, 33 West 8th St. 10003**, **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 37 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

8. Bold Food Lafayette Street, LLC, d/b/a Bolo Restaurant, 324 Lafayette St. 10012 – New OP

Whereas, the applicant appeared before the committee for a restaurant concept they described as a “Contemporary restaurant serving Mediterranean inspired food”; and,

Whereas, this application is for a new On Premise license in a commercial building located on Lafayette Street between Houston and Bleecker Street (Block #522 / lot #28), in a 5,398 sq. ft premise (3,550 sq ft on the ground floor and 1,800 sq. ft. in the basement) with 26 tables and 121 seats and 1 bar with 26 seats and the maximum occupancy is 250 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 1:00 a.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m.; establishment is a full service restaurant, 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 will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV’s; and,

Whereas, the applicant reached out to residential neighbors and the NoHo Bowery Stakeholders (NBS) and established a “memorandum of agreement” (MOA) with NBS directly and the Applicant agreed to stipulate with CB2, Manhattan that they would adhere to the MOA with NBS in it’s entirety and request that the Liquor Authority incorporate the MOA into the “method of operation” for their on-premise liquor license; and,

Whereas, the MOA with NBS dated and executed March 12th, 2013 is as follows:

Memorandum of Agreement

This AGREEMENT is made as of March 12, 2013 (the "Agreement") by and between , Bold Food Lafayette Street, LLC a NY State corporation with an address at c/o Bold Food 1140 Broadway, Suite 1203, New York, NY 10001 doing business as Bolo and operating at 324 Lafayette St., NoHo-Bowery Stakeholders, Inc. with an address at 17 Bleecker St., ("NBS") and other individuals whose names and addresses may be attached as Exhibit A to this Agreement (the "Community Members" and said Community Members and NBS sometimes collectively referred to as the "Community");

WHEREAS, Bold Food Lafayette Street, LLC is an applicant to the New York State Liquor Authority ("SLA") for a new license that will permit liquor service within a new restaurant space pursuant to an application filed with the SLA on or about March 9, 2013 and identified as Application Number TBD _____ (the "SLA Application");

WHEREAS, Bold Food Lafayette Street, LLC represents that it will be an applicant to the NYC Department of Buildings ("DOB") to renovate on the site (the "Building") for use as a Restaurant establishment (Use Group F-4) as described in plans that will be filed at the Department of Buildings in accordance with Floor Plans reduced images of which are attached to this Agreement as Exhibit B and incorporated hereto; Attached plans submitted here will match those that will be filed for permitting at DOB.

WHEREAS, Demaimon Corp. represents and affirms (i) that, as of the date of this Agreement, is sole owner of the Property and the Building; (ii) Bold Food Lafayette Street, LLC as sole operator and lessee has full legal right, title and authority to enter into this Agreement, make all of the promises it has made to NBS in this Agreement, and undertake to all of the legal obligations it has agreed to accept in this Agreement; and,

WHEREAS, NBS and the Community Members have expressed their objections to Bold Food Lafayette Street, LLC with regard to certain aspects of the SLA application, including but not limited to (i) the locations of permitted food and liquor service inside the Building, (ii) the capacities and hours of operation of the food and liquor venues shown in the Plans and requested in the SLA Application, and (iii) the applicability of this location to the 500' rule as relates to density of liquor licenses in this area; and

WHEREAS, Community Members and additionally both residential and commercial members of the community, including many represented by NBS appeared prepared to testify in opposition to the SLA Application at a duly calendared public hearing of the SLA Committee of Manhattan Community Planning Board No. 2 ("CB 2") on March 12, 2013; and,

WHEREAS, Bold Food Lafayette Street, LLC expressed a willingness to address many of the concerns raised by the community, and to enter into a written agreement with the Community Members and NBS to memorialize its intentions in exchange for expressions of support from those present, that CB 2 should recommend approval of the SLA Application; and,

WHEREAS, after direct negotiations with Bold Food Lafayette Street, LLC, NBS and the Community Owners, who represent the overwhelming majority of residents of the affected blocks of Crosby and Lafayette Sts., agreed to provide support for the SLA Application as modified by the terms of this Agreement throughout the remaining review of the SLA Application by CB 2 and the SLA, affirmed herein, provided that Bold Food Lafayette Street, LLC agreed that (i) they would agree to the terms in this Agreement, (ii) they would take all necessary steps to align its DOB Plans and SLA application in accordance with the terms of this Agreement, and (iii) they would agree to permit a copy of this Agreement to be attached to any CB 2 resolution in regard to the SLA application and (iv) they would commit to the SLA that this Agreement is binding on the method of operation recorded with the SLA license, and,

WHEREAS, the Parties now wish to memorialize their mutual agreements in writing through this Agreement.

NOW THEREFORE, based on the mutual promises and covenants contained herein, it is AGREED by each of the Parties that:

- 1. Bold Food Lafayette 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.*
- 2. Bold Food Lafayette Street, LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.*
- 3. Bold Food Lafayette Street, LLC 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 1:00 a.m. Sunday through Wednesday, and 2:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.*
 - b. The inside capacity and Public Assembly Permit attached to this license will reflect the following maximum usage: 135 table seats; 1 bar with 25 food/bar seats with no more than 175 patrons on the premises. This number is not to be substituted by DOB capacity which may be greater than the above stated and agreed capacity of the venue.*
 - c. There will be no sidewalk café with this application.*
 - d. The establishment will be designed with the front reception desk, which will be staffed at all times that the restaurant is in operation, in immediate proximity to the restaurant's entrance front door in order to facilitate constant monitoring of any activity taking place outside the premises, particularly with respect to guests arriving at or departing from the establishment.*
 - e. 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 containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2 am and 7 am, seven days a week.*
 - f. 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, modifications and design.*

4. Commitments regarding Special Events.

Special Events will be defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including Bold Food Lafayette Street, LLC which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:

- (i) Bold Food Lafayette Street, LLC will limit the number of guests attending Special Events to no more than the total permitted Public Assembly named on the venue's license per day at any given time.*
- (ii) Bold Food Lafayette Street, LLC will require that any Special Event for 50 or more guests will require the responsible party (and if it is Bold Food Lafayette Street, LLC that is holding the Special Event, they will be equally bound) to enter into an Events Contract stipulating:*
 - a) that the event will be primarily food service oriented with incidental liquor service,*
 - b) that any special event will end by the hours of operation previously stated for any given day,*
 - c) that dedicated Special Events personnel will be required for the entire period of the event to ensure that guests congregating or smoking on the Street be directed away from any other residential or merchant building entrances; that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,*
 - d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,*
 - e) that in the event an outside party will use its own sound amplification devices, the maximum permitted volume established for sound system pursuant to paragraph 6 of this Agreement will apply to those devices.*

5. Commitments to Appoint Community Liaison.

Bold Food Lafayette Street, LLC will assign at least one person ("Community Liaison") who will be available to speak with NBS officers or directors during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.

6. Commitments to Contain Sounds.

Bold Food Lafayette Street, LLC agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaint be made to NBS and presented to Bold Food Lafayette Street, LLC and should any measures taken by Bold Food Lafayette Street, LLC to answer such complaint(s) not be sufficient to abate such sound, Bold Food Lafayette Street, LLC agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels.

Such testing will establish a permitted maximum volume for the venue's interior sound systems and such volume will be made part of any Special Events contract as set forth in paragraph 5.

In the event of exterior HVAC system sound, a testing period will be established for not less than one week during normal hours of daytime and evening operation. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring or sound meter device(s).

If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, Bold Food Lafayette Street, LLC agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.

7. Commitments to Prevent Odors and Restrict Locations of Mechanical Systems.

Bold Food Lafayette Street, LLC having taken over facility that has not previously served a full menu or operated a kitchen agrees to install and maintain its mechanical systems to provide industry standard venting and equipment that will minimize kitchen-related venting sound and odors. The location of all mechanical equipment whether installed in the rear yard, on the building's exterior or on the building's roof top will be designed and installed in such a manner as to meet these commitments. At the minimum, said design and installation will mirror that as presently in place which is successfully servicing the immediately adjacent NoHo Star restaurant.

Upon installation of kitchen venting and HVAC systems, Bold Food Lafayette Street, LLC agrees to a sound and odor testing period of not less than one week of full operation during evening service hours. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring or sound meter device(s).

Should additional equipment be added Bold Food Lafayette Street, LLC agrees no vents or hoods will be placed at sidewalk level or within 15 feet of a window of a contiguous building; that they upon conference with affected building owners/residencies will install appropriate equipment, including but not limited to electrostatic precipitator(s) sufficient to contain such sound or odors within an agreed upon period between all parties but no longer than 120 days.

8. Commitments regarding Public Support and Cooperation.

Provided the SLA Application and the DOB Plans remain consistent with the terms and intent of this Agreement, and the terms of any license approved by the SLA pursuant to the SLA Application are consistent with the terms and intent of this Agreement, NBS agrees that no Party to this Agreement shall appear, either directly, through a representative or proxy or through cooperation with any association in opposition to the SLA Application nor shall any Party to this Agreement subsequently commence or assist in any legal, administrative, or any other public proceedings which seeks to overturn approval of the SLA Application.

Bold Food Lafayette Street, LLC whose principals are: Laurence Kretchmer and Bobby Flay agree that 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 NBS. as representatives of the community and be contingent upon a similar agreement subject to review and attachment to the new or altered license.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the request for a new On Premise license for **Bold Food Lafayette Street, LLC, d/b/a Bolo Restaurant, 324 Lafayette St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 4th and 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

9. Ted Z Chang or Astraea Management, Inc. d/b/a Uncle Ted's, 163 Bleecker St. 10012 – New OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a commercial building located on Bleecker Street between Thompson and Sullivan Street (Block #539 / lot #39), in a 890 sq. ft premise with 13 tables and 54 seats and 1 bar with 6 seats and the maximum occupancy is 74 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m.; establishment is a full service Chinese restaurant, 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 will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be only one TV with no sound; and,

Whereas, the applicant reached out to the neighborhood association (BAMRA) and established a signed agreement with stipulations; and,

Whereas, stipulations regarding the method of operation have been establish with CB2 and are signed by the applicant for CB2; and,

Whereas, those stipulations are as follows:

1. **Hours of Operation:** The Establishment shall operate from **11:00 AM** to **MIDNIGHT** every day of the week. Operator has the option to stay open until **1:00 AM** on **Friday and Saturday nights**, but may close at midnight, if he chooses.
2. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
3. **Traffic:** The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. **Manager:** The Operators shall have an English-speaking manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.
6. **Television:** The Operator shall have one television in the Establishment located at the bar, played without sound.
7. **Facade:** The Operators shall not structurally change the facade of the restaurant.
8. **Sidewalk Cafe:** The Operators waive the right to apply for a sidewalk café license.
9. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible.
10. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. The Operators agree to leave downward-directed security lighting on after the Establishment has closed.
11. **Delivery Bicycles:** Operator shall manage delivery bicycles and the employees who ride them to obey all applicable laws.
12. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
13. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved.

14. **License Renewal:** The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.
15. All Windows and doors will remain closed at all times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the request for a new On Premise license for **Ted Z Chang or Astraea Management, Inc. d/b/a Uncle Ted's, 163 Bleecker St. 10012, 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

10. James Apteker d/b/a Capitale JA, LLC, 130 Bowery 10013 – transfer of catering license

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the Transfer of the existing Catering license (#1121708) in a commercial building located on Bowery between Grand and Elizabeth Street (Block #480 / lot #61), in a 15,000 + sq. ft premise with seating for 810 and 2 bars possibly more depending on the event and the maximum occupancy is 810 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Saturday from 8:00 a.m. to 4:00 a.m.; establishment is an event based Catering Company, 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 will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, stipulations regarding the method of operation have been establish with CB2 and are signed by the applicant for CB2; and,

Whereas, those stipulations are as follows:

1. New owners will maintain the same high standards of management and operations as was done by previous owners.
2. New owners will adhere to all City noise code regulations.

Whereas, there were no objections from the community on this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the transfer of the existing Catering license for **James Apteker d/b/a Capitale JA, LLC, 130 Bowery 10013, unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

11. Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth St – Upgrade to OP

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade the existing license (#1253812) to a full On Premise license in a commercial building located on Elizabeth Street between Houston and Prince Street (Block #1-508 / lot #28), in a 2,250 sq. ft premise with 12 tables and 48 seats and 1 service bar and the maximum occupancy is 62 people, there will be no sidewalk café or backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday to Saturday from 11:00 a.m. to 1:00 a.m.; establishment is a family style Mexican restaurant, 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 will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, the applicant has appeared before CB2 for the third time to request this upgrade; and,

Whereas, the applicant has operated for 2.5 years and has complied with all the requests of CB2 and there is no significant opposition to upgrade to a full On Premise license; and,

Whereas, the reason for the upgrade is to create a small menu of cocktails that pair with the food menu and to not operate a full scale bar; and,

Whereas, stipulations regarding the method of operation have been established with CB2 and are signed by the applicant for CB2 and are requested both to be included into the method of operation on their SLA license; and,

Whereas, those stipulations are as follows:

1. The hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday to Saturday from 11:00 a.m. to 1:00 a.m.
2. All windows or doors will be closed by no later than 9:00 p.m.
3. Will continue to adhere to all stipulations that were established under the previous Beer and Wine license.
4. There will be only 1 service bar and all food and alcohol will be done by table service only.

Whereas, there were 2 objections and 3 supporters from the community on this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the upgrade to a full On Premise license for **Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth St., unless** those conditions and stipulations agreed to by the applicant relating to 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, 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:

12. The Bowery Kitchen LLC d/b/a Pearl & Ash, 220 Bowery

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** the proposed Beer and Wine license for **The Bowery Kitchen LLC d/b/a Pearl & Ash, 220 Bowery** 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

13. The Culture Project, Inc. d/b/a The Culture Project, 45 Bleecker St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed new Beer and Wine license for **The Culture Project, Inc. d/b/a The Culture Project, 45 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

14. Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed beer and wine license for **Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

15. Fair Folks and a Goat, LLC d/b/a fair Folks and a Goat, 96 W. Houston St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine license to **Fair Folks and a Goat, LLC d/b/a fair Folks and a Goat, 96 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

17. Café Nadery, LLC, 16 W. 8th St. 10011

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Café Nadery, LLC, 16 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

18. Pearl and Ash, LLC, 220 Bowery, 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Pearl and Ash, LLC, 220 Bowery, 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

19. My Café, LLC, Kopi Kopi, 68 W. 3rd St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **My Café, LLC, Kopi Kopi, 68 W. 3rd 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

20. La Vecindad Corp. 116 MacDougal St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; 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 **La Vecindad Corp. 116 MacDougal St.** 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

21. Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in April 2013; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway** 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

22. South Village Hospitality Group LLC d/b/a Carroll Place, 157 Bleecker St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a Cabaret license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Cabaret license for **South Village Hospitality Group LLC d/b/a Carroll Place, 157 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 37 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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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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

23. AJD-NYC, Inc. d/b/a De Santos, 139 W. 10th St. 10014 (Corp Change)

Whereas, the applicant and attorney appeared before CB#2, Man.'s SLA Licensing committee to present an application for corporate change to an existing full on-premise license (SN 1114388) to increase the shares of the primary shareholder to 86% for a "restaurant serving traditional American cuisine using local organic and seasonal ingredients" that is "located in a brownstone and features seating in a cozy, rustic interior and on a garden patio"; the restaurant serves dinner and weekend brunch in a unique space that was once home to legendary New York musicians and artists such as Janis Joplin, Bob Dylan and Jean Michel Basquiat"; and,

Whereas, this application is for a corporate change for an existing restaurant full on premise license in a mixed use building built in 1880 located on West 10th St. between Greenwich Avenue and Waverly Place for a approximately 3,344 square foot premise (1st floor 1,364 Sq. Ft and Basement and Sub cellar -1,980 sq. ft and rear yard approx. 240 sq. ft) there are 25 tables with 96 table seats spread across the basement, 1st floor and rear yard, 1 stand up bar with 10 bar seats for a total of 106 seats and the applicant states that the maximum occupancy is 100 people on the ground floor and 74 people in the basement, there is no sidewalk café but there is a rear yard as previously mentioned; and,

Whereas, **NO** current public assembly permit was presented, **NO** letter of no objection was presented, and **NO** evidence that use of the rear yard is approved for eating and drinking and/or commercial use which is necessary as this appears to be a grandfathered location in a R6 residential zoning area; and,

Whereas, there is a **letter of no objection** (LNO) on file with the Department of Buildings which was issued to the New York City Department of Consumer Affairs **dated February 6, 2012**, which specifically states “This letter is in response to your request dated December 5, 2011 for Letter of No Objection for 139 West 10th Street. There is no Certificate of Occupancy on file for this address. The block and lot records for this property indicates that on the 1st Floor and Basement there is a commercial space. Therefore, the Department has **No Objection to an Eating and Drinking Establishment, Use Group 6, Non-Place of Assembly, for less than seventy-five (75) persons, on the First (1st) Floor & Basement** of the above referenced premises. **The Rear Yard should not be used for Eating and Drinking.** If this building is hereafter altered or its use changes an application for such alteration work or change of use must be filed and a certificate of occupancy shall be issued pursuant to Article 116, Chapter 1 of Title 28 of the Administrative Code of the City of New York.”[emphasis added]

Whereas, after inquiring with the Department of Buildings for clarification of the LNO dated 2/6/2012, it was clearly articulated by a Department of Buildings representative that the occupancy for less than 75 persons for the First Floor and Basement was inclusive of both floors combined, meaning Occupancy above 75 in the entire premise of both floors would not be allowed; and,

Whereas, diagrams were presented in March 2013 showing 6 tables and 18 seats in the basement, 13 tables and 54 seats on the first floor with one standup bar with 10 seats, and 9 tables and 27 seats in a rear yard for a total of 82 interior seats and 27 exterior seats for a grand total of 109 seats which is clearly in contradiction to the above referenced Letter of No Objection Dated 2/6/2012 and,

Whereas, in March 2013 the applicant stated that the hours of operation are Monday to Friday from 6pm to 3 am and Saturday to Sunday from 11am to 3am, that music is from ipod’s/cd’s at background (quiet) levels and that soundproofing was installed, that private parties are held, but no promoted events, scheduled performances, no live music, and no events for which a cover fee is charged, that there are no security guards, no accordion windows or French doors; and,

Whereas, Section H (2) of the original Liquor Authority application from which this license was originally transferred indicates that the food is “Italian Food”; and,

Whereas, Section H (2) of the original Liquor Authority application from which this license was originally transferred indicates that the proposed method of operation “The applicant will operate the business seven days per week, from 5:00 p.m. to 12:00 p.m. Monday through Saturday and from 4:00 p.m. to 11:00 p.m. on Sunday. There will be no entertainment.”

Whereas, CB#2, Man.’s resolution from February 2001, which was forwarded to the Liquor Authority on March 5, 2001 clearly states that CB#2, Man. opposes the granting of this license and in particular indicated that the rear yard food establishment was a significant concern because of the harm it causes to the quality of life of overlooking residents, in particular in residential districts, it also notes that there was strong complaints about noise from a tenant of an adjoining building; and,

Whereas, CB#2, Man. has received complaints regarding this establishment in the past years and at the March 2013 CB2 hearing, 7 residents appeared to speak in opposition complaining of issues in regards to kitchen venting and smoke from heavy reliance on grilling and the detrimental impact that this was having on surrounding residential units in the rear that did not exist prior to the change in the style of food of this restaurant from Italian food which did not rely on the grill to American food and the heavy reliance on the grill, that the basement has been operated as a lounge and nightclub separately “branded” Janis with Dj’s and Live music at various points in time, that because of the late night operations which did not exist when this was operated as an Italian restaurant there are groups of

people constantly loitering in front of the premises and around the exterior of the stairway which does not occur around other premises on the block, that there is constantly noise at night from patrons when the establishment is busy at night and after there weekend brunch events, that there are often lines of people waiting to enter the establishment in the evenings, that there have been advertisements of live music, poetry readings and lounge style events in the basement, that there has been dancing and dj's at points in time in the basement, that the overcrowding that occurs within the establishment and on the street creates a situation where residents need to walk into the street to pass the establishment in this residential area for which this is a grandfathered use and that this did not happen when the establishment was operated as Café Torino, an Italian restaurant and that this "bait and switch" has significantly deteriorated the quality of life on the street and has made it very difficult to balance the grandfathered commercial use against the residential character of this area; and,

Whereas, the applicant denied that there had ever been a lounge, live music or dancing in the basement, despite advertisements on their Facebook page, that the smoke issues were not there fault because the venting was in compliance with the law and it just happens that the building within which they are located is lower than the surrounding buildings and that the adjoining buildings would not allow them to attach venting to their buildings to bring it above the adjoining buildings; and,

Whereas, it appears that there are numerous significant issues that are listed in the proceeding Whereas clauses and because the current shareholder who is increasing the number of shares he owns in the business to 86% from 56%, CB#2, Man. respectfully requests that the Liquor Authority review the character and fitness aspects of the applicant who appears to have operated in contradiction to the law and the previously stated method of operation from which this license was originally transferred;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the corporate change request application for **AJD-NYC, Inc. d/b/a De Santos, 139 W. 10th St. 10014**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests the Liquor Authority review the above noted details and consider recalling or canceling either part or all of this license until the applicant can *demonstrate in an affirmative fashion* that use of the rear yard is permitted and that the interior occupancy and floor plans as presented are in fact legal and permitted with documentation that is current and dated after 2/11/2012.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

24. John Dory, LLC d/b/a Market Table, 54 Carmine St. 10014 (upgrade to OP)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for an upgrade to an existing beer and wine license (SN 1190057) to a full on-premise license for a "seasonal American restaurant that will focus on customer service and value"; and,

Whereas, this application is for an upgrade of an existing restaurant wine license in a mixed use building located on Carmine St. at the intersection of Bedford St. and Carmine St. in a previously unlicensed location for on-premise liquor for a roughly 1,200 sq. ft premise on one floor with 23 tables with 52 table seats, 1 stand up bar with 7 bar seats for a total of 59 seats and the maximum occupancy is 60 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 10 a.m. to 10 p.m., Monday to Thursday from 11 a.m. to 11 p.m. and Friday and Saturday from 10:00 a.m. to 12 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), the applicant has installed soundproofing consisting of corkboard on the top of the ceiling and inserted foam between floor joists, 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 presented a petition from local residents with 90 signatures and no residents appeared or submitted letters of opposition, and,

Whereas, the applicant holds 2 other liquor licenses located in CB2, Man. and this restaurant which is currently in operation for a number of years has received no complaints; and,

Whereas, there are at least 27 on-premise licenses within 500 ft, and CB2 respectfully requests that a 500 ft hearing be conducted; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA on-premise liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation are Sunday from 10 a.m. to 10 p.m., Monday to Thursday from 11 a.m. to 11 p.m. and Friday and Saturday from 10:00 a.m. to 12 a.m. At closing time all patrons will have vacated the premises.
2. The premises will be advertised as a full service American Restaurant
3. There will be no sidewalk café.
4. All doors and windows will be closed at 10 p.m. every night without exception.
5. There will be no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an upgrade to a full on-premise liquor license for **John Dory, LLC d/b/a Market Table, 54 Carmine 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 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

25. The Marrow Restaurant, LLC d/b/a The Marrow 99 Bank St. 10014 (addition of space)

Whereas, the licensee appeared before CB#2, Man.'s SLA Licensing committee to present an application to add 1 table and 20 seats in the basement for a private dining room to an existing on-premise liquor (SN 1266010) for a "contemporary German and Italian neighborhood restaurant"; and,

Whereas, the licensee agreed to the following stipulation via an executed CB2 Stipulations agreement which they agreed to submit to the Liquor Authority to be incorporated into the existing "method of operation" on their SLA on-premise liquor license as an addendum.

Whereas, the additional stipulation is as follows:

1. The basement portion of the premises will have only 1 table and 20 seats and will be operated as a private dining room only and will not be utilized in any fashion for patrons until an amended Certificate of Occupancy is issued by the NYC Department of Buildings indicating that such use is legal.

Whereas, there are no other changes to the existing operation; and,

Whereas, CB#2, Man.'s original recommendation to the Liquor Authority dated July 31, 2012 is as follows:

At its Full Board meeting on July 19, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. The Marrow Restaurant, LLC, 99 Bank St. 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood restaurant serving a meat menu” with a full food menu for a full service, sit down restaurant in a residential cooperative building for a premise located on the first floor and basement with patron use of the first floor and food storage, food prep and restrooms in the basement with 28 tables and 62 seats and 1 bar with 11 seats for a total of 73 seats, there will be no open French doors or open windows in the premise and there will be no outdoor areas where alcohol is served; and,

Whereas, the applicant states that the hours of operation are Sunday from 11 am to 12 am, Monday to Thursday from 11:30 am to 12 am, and Friday to Saturday from 11:30 am to 1:00 am; at the end of the hours of operation, no patrons will remain in the premise, 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 will be no d.j., no promoted events, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, there will not be a sidewalk café application and there will be no outdoor seating of any kind; and,

Whereas, the applicant clearly stated that the footprint covered by this application and as described in the applicant’s diagrams is exactly the same as the last licensee, Paris Commune, with the exception that a new handicap accessible bathroom will be added to newly acquired space on the ground floor; and,

Whereas, the ground floor of the location has allowable patron use for eating and drinking according to the Certificate of Occupancy, the basement space does not; the applicant will be applying to alter the Certificate of Occupancy to allow patron use of the basement portion of the premise and after a revised Certificate of Occupancy has been issued showing allowable patron use of the basement portion of the premise, the applicant will return to CB2’s SLA Licensing Committee prior to any use of the basement area for patrons for a recommendation to the NY State Liquor Authority; and,

Whereas, the applicant has agreed to the following stipulations:

- 1. The applicant will limit its closing hours to 12:00 a.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday.*
- 2. The applicant will return to CB2’s SLA Licensing Committee prior to patron use of the basement area and furthermore will not use the basement for patron eating and drinking use until the applicant has obtain an amended Certificate of Occupancy from NYC Department of Buildings showing specifically that eating and drinking use is allowed in the basement (at the time of this application, eating and drinking use is only allowable on the ground floor and no patron use is permitted in the basement), at that time, the applicant will present an additional 1 table and 20 seats in the basement; and,*
- 3. All Doors and windows will be closed by 10 pm (there are currently no operable windows).*
- 4. The premise will be operated as a full service restaurant only.*
- 5. Music will be quiet background music only.*

6. *The applicant will abide by and adhere to all the information as presented in CB2, Man.'s SLA Licensing Questionnaire with the exception of the above stipulations and will return to CB2 Manhattan should there be any changes.*

***Whereas**, the applicants also have two other restaurants within the confines of CB2 Manhattan, Perilla Rest LLC, 9 Jones St. and Chili Tam LLC dba Kin Shop at 469 6th Avenue; and,*

***Whereas**, the applicant had reached out to members of the community and held a number of "open houses" over the course several weeks at the location and presented many letters as well as a petition in support and over 18 members of the community appeared at CB2's SLA Licensing committee in support of the application with no letters or persons appearing in opposition; and,*

***THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new on-premise liquor license for **The Marrow Restaurant, LLC, 99 Bank St. 10014** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.*

Vote: Unanimous, with 38 Board members in favor.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the alteration to the existing on premise liquor license SN1266010 for **The Marrow Restaurant, LLC d/b/a The Marrow 99 Bank 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 3rd "whereas" clause above are further incorporated into the existing "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 37 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

26. Nourish NYC, LLC d/b/a TBD (Nourish Kitchen & Table), 95 Greenwich Ave. 10011 (New B&W)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new beer and wine license for a "gourmet takeaway food shop and café, highlighting seasonal ingredients and local purveyors" that will "aim to bridge the gap between healthy eating and incredibly delicious food" that also "hope[s] to serve the neighborhood as its "kitchen away from home"; and,

Whereas, this application is for a new beer and wine license in a previously unlicensed location, located in mixed use building located on Greenwich Avenue between Bank St. and West 12th St. for a 585 sq. ft premise with 1 tables with 12 seats, and 1 window and chef's counter 7 seats for a total of 19 seats and the maximum proposed maximum occupancy of 30 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 7:30 a.m. to 10:00 p.m., Monday to 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 quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from small speakers, the applicant has not installed soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, and no T.V.'s; and,

Whereas, the applicant performed little to no outreach, even though the immediate area has two active neighborhood associations and no one appeared in opposition or support; and,

Whereas, this location has never been previously licensed for the sale of any type of alcohol and CB2 has concerns about the loss of retail stores that support the daily needs of residents and a diverse retail mix and a growing concern that too many locations have or will become licensed which is causing quality of life issues; and,

Whereas, by point of illustration, there are 11 on-premise licenses within 500 ft. of this location; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA beer and wine license; and,

Whereas, the stipulations are as follows:

1. The applicant will not upgrade to a full on-premise license in the future.
2. The hours of operation will be Sunday from 7:30 a.m. to 10:00 p.m., Monday to 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. At closing time all patrons will have vacated the premises.
3. The applicant has agreed to all answers as indicated in CB2, Manhattans Liquor License Questionnaire.
4. There will be no sidewalk café or backyard garden.
5. All doors and windows will be closed at 10 p.m. every night without exception.
6. There will be no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **Nourish NYC, LLC d/b/a TBD (Nourish Kitchen & Table), 95 Greenwich Ave. 10011, 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 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

27. Entity to be formed by Yao Qin (BGH Dining Inc.) dba Jinya Ramen Bar, 24 Greenwich Ave. 10011 (New B&W)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application for a beer and wine license for a "Japanese noodle shop based out of Los Angeles" that "plans to serve traditional Japanese noodle dishes to the West Village community"; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a previously licensed location, for a 2,271 sq. ft premise (1st floor 1,646 sq ft, and basement for non-patron use 625 sq ft) with 13 tables with 47 seats, 1 bar with 9 seats, and a food counter with 11 seats for a total of 67 seats and the maximum proposed maximum occupancy is less than 75 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 11 a.m. to 10:30 p.m., Monday to Thursday from 11:00 a.m. to 11:30 p.m. and Friday and Saturday from 11:00 a.m. to 12:30 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) from small speakers, the applicant has installed soundproofing between the ground floor and second floor, 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 1 T.V.; and,

Whereas, the applicant presented a petition with 138 signatures in support and the local neighborhood association, the Mid West 10th Street Block Association, presented an executed stipulations agreement with the applicant; and,

Whereas, the applicant reached out to the community and established and executed a stipulations agreement with the Mid West 10th Street Block Association, which CB2 has incorporated into a separate stipulations agreement with CB2 in which the applicant agreed to submit to the SLA the stipulations to be incorporated into the “method of operation” on their SLA restaurant wine license; and,

Whereas, the stipulations are as follows:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be

the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. If installing this double door vestibule proves to be impossible within the legal constraints of the NYC buildings code or otherwise impracticable, the Operator agrees to take other comparable noise reducing measures. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.

15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a beer and wine license for **Entity to be formed by Yao Qin (BGH Dining Inc.) dba Jinya Ramen Bar, 24 Greenwich Ave. 10011, 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 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

28. Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011 (Transfer B&W)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application for a beer and wine license for a "small restaurant which will specialize as a raw bar"; and,

Whereas, this application is for a new Beer and Wine license via a "transfer" application (existing license SN 1243995) in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a currently licensed location, for a 354 sq. ft premise on one floor with 6 tables with 12 table seats, no bars and no bar seating, for a total of 12 seats and the maximum occupancy is 15 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and

Whereas, the hours of operation will be Sunday to Thursday from 8 a.m. to 12 a.m. and Friday and Saturday from 8:00 a.m. to 1 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) from 2 small speakers, the applicant has not installed additional soundproofing, 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 reached out to the community and established and executed a stipulations agreement with the Mid West 10th Street Block Association, which CB2 has incorporated into a separate stipulations agreement with CB2 in which the applicant agreed to submit to the SLA the stipulations to be incorporated into the "method of operation" on their SLA restaurant wine license; and

Whereas, the stipulations are as follows:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be

respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a beer and wine license for **Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011**, 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 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

29. Eater Eats Crow, LLC d/b/a Sel et Gras, 131 7th Avenue South, 10014-(upgrade to OP)

Whereas, the applicant appeared before the committee again requesting an upgrade to the existing restaurant wine license (SLA Serial # 1261220) that has been in place for approximately 10 months after first appearing in July 2012 and then September 2012; and,

Whereas, in September 2012, just prior to CB2's Full Board meeting, the applicant's attorney withdrew an application that had been recommended for denial to the Full Board of CB2 by CB2's SLA Licensing Committee that was substantively the same, except that there were an additional 4 tables and 14 seats in the outdoor sidewalk café than what is described below and the concerns of the committee and members of the community remain unchanged at this time; and,

Whereas, this application is for an upgrade to an existing restaurant wine license (SLA Serial # 1261220) that has been in place for 10 months for a "French coffee specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens" located in a 2 story mixed residential/commercial building on the corner of West 10th Street for a 1500 sq ft premise (1000 sq ft ground floor, 500 sq ft basement – no patrons) with 12 tables and 26 table seats and 1 stand up bar with 6 seats for a total of 32 interior seats and for an outdoor sidewalk café with 10 tables and 28 seats; and,

Whereas, the applicant stated that the hours of operation would be Sunday from 8 a.m. to 12 a.m., Monday from 8 a.m. to 1 a.m., and Tuesday-Saturday from 8 a.m. to 2 a.m., the applicant stated that they would stop service on the sidewalk café at 12 a.m. seven days a week, would close all doors and windows by 10 p.m., that the kitchen would be open until close and was willing to stipulate to the foregoing items; and,

Whereas, the applicant further stated that music would be quiet background only generated passively from ipod/cd's, that there would never be a dj or live music, that there would be no tv's, that the sound system would consist of ipod generated small speakers with sound proofing in the ceiling, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged and no private parties; and,

Whereas, in March 2013, 3 speakers spoke in support and in September 2012, 5 speakers spoke in support, 1 of whom lives in the immediate community, and a petition was presented in July 2012 with over 500 signatures in support gathered from people on the street and numerous letters of support were submitted to CB#2, Man. via email in support generally stating their pleasure that this restaurant had opened and some additional letters were submitted in March 2013; and,

Whereas, 2 speakers spoke in opposition in March 2013, no speakers in opposition appeared at the September 2013 meeting, but 4 appeared at the July 2013 meeting in opposition and CB2 received numerous emails in opposition in July and September 2012 and in March 2013; and,

Whereas, those in opposition were disappointed that the original restaurant wine license was not heard at a public meeting at CB2, that operation for only 10 months in a previously unlicensed location was not a reason that demonstrated public interest to approving an upgrade, that the involvement of the applicant's long term boyfriend, Jason Hennings (self described by applicant in July 2012), who is identified on a NYC Department of Buildings filing for this premise as the Owner/Lease Holder and whose signature appears on the same document under a statement that "I hereby state the information on this form is correct and complete to the best of my knowledge" (Link: <http://a810-bisweb.nyc.gov/bisweb/BScanJobDocumentServlet?requestid=5&passjobnumber=120933115&passdocnumber=01&allbin=1010837&scancode=SC100219012>) and who identified himself to a reporter and in the press as the owner of this establishment (Link: <http://www.dnainfo.com/new-york/20120223/greenwich-village-soho/diablo-royale-owner-opening-french-restaurant-long-vacant-village-space-ixzz26OCiLPKv>) which was confirmed with the reporter by a member of the public, is of great concern to members of the community given his disciplinary history with the Liquor Authority (he is a principle in Serial Numbers 1190644, 1206239 and 1166320) and his operations at one of his locations nearby, Deviled Foods LLC, dba Diablo Royale which has received complaints, there was also great concern regarding the large number of outdoor seats versus the indoor seats, that the petition that was originally submitted in July 2012 contained names of people who did not reside in the buildings stated on the petition, that the area was oversaturated with 31 full on premise licenses within 500 ft, that there was no community outreach performed when the original beer and wine license was sought, and that it was too soon to ascertain the potential impact of a sidewalk café of this size in this area in relation to the small number of seats inside because the location had just opened and has been open for a full spring, summer and fall season; and,

Whereas, CB#2, Man. understands why members of the community may be in support of this application, however after careful consideration, the short duration of the existing operation with a restaurant wine license in a previously unlicensed location is not sufficient cause to consider approving an upgrade to a full on-premise license, especially because the applicant did not start off by applying for a full on-premise license, this area already has 31 Full On-Premise licenses within 500 ft, which is a number that places a significant burden on the applicant to demonstrate public interest, simply operating a "French coffee specializing in delicious cuisine, expertly prepared and served with panache in a warm and inviting atmosphere welcoming young lovers, families and senior citizens" does not serve the public interest, the impact on the existing noise level would be significant by granting a full liquor license to an establishment that runs close to 50% of their business of seated patrons outside on the sidewalk, the class and character of existing licenses provides for similar delicious cuisine of all sorts and French café's are certainly not unique in the Village or CB2, adding the number of patrons as

they turn over through the course of the evening in warmer months would also impact vehicular traffic and parking in the area which is already over burdened, and in particular, cabs stopping to pick up and drop of patrons can and will cause additional traffic conditions in an already popular area, and furthermore, CB#2, Man. is not in a position to verify the involvement of Mr. Hennings in this application, but it is of concern that he has presented himself to both the New York City Department of Buildings on Official Filings as an Owner/Lessee and presented himself in the Press as an Owner, and while it is not clear to CB2 what the disciplinary history is, it is well known that he has a very contentious relationship with the SLA, CB2 is also not in a position to properly ascertain whether or not the applicant's statements that Mr. Hennings is not in fact the owner or lessee and that she is both the owner and lessee are accurate; and,

Whereas, CB#2, Man.'s Sidewalk's and Street Activities Committee and CB#2, Man.'s Full Board did recommend approval to New York City's Department of Consumer Affairs (DCA) for a sidewalk café that included more seats on the exterior than the interior of the premise, that recommendation relies on an entirely different set of criteria as defined by the DCA which leaves very little room for CB2 to recommend anything less than the number of seats available in the proscribed DCA regulations which is completely different than the criteria for recommending whether or not the sidewalk café should be approved for a full liquor license, or any SLA license at all and that approval in and of itself is not a reason to not take into account what the effect of serving alcohol will have on the public interest and quality of life in the area; and,

Whereas, CB#2, Man. also has substantial concerns that upgrading the licenses of "small plate" restaurants before they have operated for some time has, in effect, increased the number of "bars" which are supposed to be operating as restaurants with alcohol as *ancillary* to their food business but instead operate with *food* as ancillary to their bar and many of them contribute greatly to quality of life issues in the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for the application to upgrade to a Full Restaurant OP License for **Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7th Ave. South 10014.**

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

30. Howard Kagan or Company to be formed (Chelsea Opera House, LLC, Comet Opera, LLC and Variety Worldwide Miami, LLC), TBD (Natasha, Pierre and the Great Comet of 1812), 437-451 West 13th Street - NW corner Lot W. 13th St. Washington St. (New Summer Seasonal OP)

Whereas, the applicant, their attorney and representative and various staff involved with the operation of the premises appeared before CB#2, Man.'s SLA Licensing committee to present an application for a "seasonal supper club operating from May/June to mid-September presenting a full length theatrical production of an opera based on the principle love story in Leo Tolstoy's War and Peace; The supper club will offer Russian themed acts before and after the theatrical presentation to accompany the restaurant service with Russian and Eastern European styled cuisine complimented by wine and cocktails" in a temporary soundproofed "tent" structure with food prepared off the premises; and,

Whereas, this application is for a new seasonal license for a temporary structure to be erected on an empty lot to be operated only through mid September 2013 located in a commercial district surrounded by residential areas on the North West corner of West 13th St. and Washington St for an approximately 6,000 square foot premise on the ground with 35 tables with 199 table seats, 1 stand up bar with no seats for a total of 199 seats and the maximum occupancy is 300 of which approximately 80 will be cast musicians and staff, there is no sidewalk café and no use in any unenclosed areas; and,

Whereas, the hours of operation will be Sunday from 12 p.m. to 11:30 p.m., closed Monday, Tuesday and Wednesday from 4 pm to 11:30 pm, Thursday to Friday from 4 p.m. to 12:30 am and Saturday from 12 pm to 12:30 a.m., food will be available at all times, music will be live at entertainment levels in accordance with the theatre production only, the applicant presented a detailed sound study by a qualified sound engineer outlining that the temporary tent structure will be sound proof so that the performance will not violate any provisions of the NYC Sound laws and codes, the applicant has

installed soundproofing in the construction of the tent, is utilizing an interior “room with-in a room” in which all performances will take place, and entrances to the interior “room” are offset from the exterior entrances of the temporary tent as some of the sound mitigating procedures in addition to using a professionally designed sound system, there will be no d.j.’s, no private parties, no scheduled performances except as described above or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and music will be performed live only; there will be scheduled performances for the main show and guests will be ticketed; and,

Whereas, the applicant provided a traffic study and said they would follow the recommendations and make adjustments as need to mitigate traffic issues and would have dedicated staff to direct both pedestrian and vehicular traffic; and,

Whereas, there will only be one entrance/exit utilized for regular ingress and egress of patrons and there will be coordinated deliveries and trash pickups in a service corridor/driveway that is within the empty lot on which the production is situated so that no on-street parking will ever be utilized for trash or food pickup’s and deliveries or other truck deliveries.

Whereas, there will be 6 performances each week at, 1 each day at 8:00 p.m. ending no later than 10:30 p.m., and 2 performances at early times, 1 each on Saturday and Sunday; and,

Whereas, the applicant met and communicated with local representatives of the neighborhood, and took into account into their plans many of the concerns presented as they related to traffic, noise, loud patrons etc.; and,

Whereas, there are at least 12 on-premise licenses within 500 ft, most with very large occupancies, multiple licenses and late night operating hours and this area is a regular source of quality of life issues for the community in particular as it relates to noise, traffic, parking, and other quality of life issues and CB2 respectfully requests that a 500 ft hearing be conducted should members of the community choose to voice their concerns to the Liquor Authority directly; and,

Whereas, the applicant submitted a detailed and comprehensive 500 foot statement; and,

Whereas, there is only 1 bar located in the “lobby” area as indicated in the plans from which all service will occur and from which all table service will be provided, there will be no food or alcohol service during the main performance

Whereas, several letters were received expressing concern and caution regarding the impacts this seasonal license could have in the area, and concerns were raised by a member of the community on the traffic impacts and on the effectiveness of the soundproofing of the temporary “tent” structure which his research by calling the manufacturer of the main soundproofing material indicated it was not very effective for bass levels below 100 hz, with which the applicant’s sound engineer did not agree; and

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA on-premise seasonal liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday from 12 p.m. to 11:30 p.m., closed Monday, Tuesday and Wednesday from 4 pm to 11:30 pm, Thursday to Friday from 4 p.m. to 12:30 am and Saturday from 12 pm to 12:30 a.m., At closing time all patrons will have vacated the premises.
2. The applicant will adhere to all details outlined in materials presented to CB2 on March 14th all statements within CB2's SLA Licensing Questionnaire and additional details provided during CB2's SLA meeting on March 14th, 2013.
3. The applicant will adhere to all recommendations as provided in the sound report from Acoustilog, Inc.
4. The premises will be operated and advertised as a Theatrical Supper Club.
5. The premises will not operate as a nightclub/disco.
6. The premises will install soundproofing.
7. The last main theatrical event, which begins at 8 pm, will end no later than 10:30 p.m. on all evenings.
8. The applicant will provide a manager and principles contact info to members of the community if requested to do so.
9. The applicant will not have variety acts outside of the main performance space, the "room within a room"
10. The applicant will not allow any additional or new customers on any evening after 8:30 p.m. (1/2 hour after the last main theatrical event is scheduled to begin).
11. There will be no patron dancing.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a seasonal license for **Howard Kagan or Company to be formed (Chelsea Opera House, LLC, Comet Opera, LLC and Variety Worldwide Miami, LLC), TBD (Natasha, Pierre and the Great Comet of 1812), 437-451 West 13th Street, 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 13th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.**

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

- 31. PR Grand Hotel Restaurant, LLC, TBD, 23 Grand St. 10013-(cellar) (Corporate Change)**
- 32. PR Grand Hotel Restaurant, LLC, TBD, 23 Grand St. 10013-(ground floor) (Corporate Change)**
- 33. PR Grand Hotel Leaseco, LLC, & James Hotel Mgt. LLC, TBD, 27-31 Grand St. 10013 (17 floors) (Corporate Change)**
- 34. PR Grand Hotel Bar, LLC, TBD, 27 Grand St. 10013-(rooftop) (Corporate Change)**

Whereas, the four above licenses were heard as a block; and,

Whereas, the applicants and attorney appeared before CB#2, Man.'s SLA Licensing committee to present an application for a corporate change for the above referenced licenses represented by the Liquor Authority Serial Numbers: 1244592, 1244493, 1244594, and 1244584; and,

Whereas, there were no other changes to any portion of any of the existing licenses since last presented to CB#2, Man. in January 2010 and March 2010; and,

Whereas, the original licenses were governed by an extensive set of stipulations executed with a community group and stipulations with CB#2, Man. both of which were to be incorporated into the "method of operation" on the existing licenses; and

Whereas, the applicant agreed to an additional stipulation in March 2013 that they agreed that they would submit to the SLA in order for it to be incorporated into their method of operation, which states:

1. The applicant will adhere to the previously agreed upon Amended and Restated Memorandum of Understanding with the Moondance Community Group dated March 3, 2010, as amended by that certain First Amendment to Amend and Restated Memorandum of Understanding dated as of October 11, 2010 (the "Community Agreement") and specifically the Applicant and other current applicants will abide by the conditions set forth in the Community Agreement from and after the date on which PR Grand Hotel Leaseco LLC acquires the hotel.

Whereas, below are the two previous resolutions passed by CB2 in January and March 2010 referencing the above 4 existing liquor licenses:

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

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

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

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

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

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

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

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

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

9. *The applicant has agreed to arrange a discussion with acoustical consultants to address soundproofing for the neighboring building.*

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

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

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

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

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

AND

At its Full Board meeting on March 18th, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3. BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St. (Thompson and 6th Avenue), NYC

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

***Whereas,** this application is for On Premise license for a 3,100 s.f. (700 s.f. interior and 2,400 s.f. exterior) Plaza Café in an upscale Hotel on Grand Street between Thompson and 6th Avenue with 130 table seats, 1 bar with 30 bar seats and a maximum legal capacity of 191 (60 persons interior and 131 persons exterior); and,*

***Whereas,** the applicant stated the hours of operation for the proposed Plaza Café Lower Terrace are Sunday - Wednesday from 7:00 a.m. – 12:00 a.m. and Thursday – Saturday from 7:00 a.m. – 1:00 a.m.; and the hours of operation for the proposed Plaza Café Upper Terrace are Seven Days a Week from 7:00 a.m. – 11:00 p.m.; there will not be a sidewalk café application but will include a backyard garden; music will be background for the interior space only and no amplified music of any kind for the exterior spaces; and,*

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

***Whereas,** the applicant has agreed to all the stipulations in the fully executed Memorandum of Understanding with members of the community and attached herein; and,*

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

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for ***BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St.***, unless the conditions agreed to by applicant relating to the fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 37 Board members in favor, and 1 in opposition (D. Diether).

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the corporate change applications to the existing on premise liquor licenses covered under **Serial Numbers: 1244592, 1244493, 1244594, and 1244584**, **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 5th “whereas” clause above are further incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 36 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

35. Famous Ben's of 14th Street Corp. d/b/a Famous Ben's, 2 West 14th St. 10011 (New B&W)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application for a new beer and wine license for a "an old world pizzeria serving the neighborhood families and friends with the finest pizza in the city" that is currently operating; and,

Whereas, this application is for a new beer and wine license for a restaurant in a previously unlicensed location in a commercial building located on 14th Street near 5th Ave. Avenue for an approximately 3000 sq. ft premise (2,000 sq ft 1st floor, 1,000 sq ft basement – no patron use) with 8 tables and 16 table seats and 10 counter seats with no bars for a total of 26 seats and the maximum proposed maximum occupancy of 40 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 12:00 p.m. to 10:30 p.m., Monday to Wednesday from 11:00 p.m. to 11:00 p.m., and Thursday to Saturday from 11:00 a.m. to 12:30 a.m., there will be no music the applicant has not installed soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, and no T.V.'s; and,

Whereas, the applicant presented a petition with 135 signatures in support; and,

Whereas, this location has never been previous licensed for the sale of any type of alcohol and CB2 has concerns about the loss of retail stores that support the daily needs of residents and a diverse retail mix and a growing concern that too many locations have or will become licensed which is causing quality of life issues; and

Whereas, by point of illustration, there are 8 on-premise licenses within 500 ft. of this location; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA beer and wine license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday from 12:00 p.m. to 10:30 p.m., Monday to Wednesday from 11:00 p.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:30 a.m., at closing time all patrons will have vacated the premises.
2. The premises will not offer “pitcher service” for beer.
3. The premises will be operated and advertised as a pizzeria restaurant.
4. There will be no music, no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a beer and wine license for **Famous Ben’s of 14th Street Corp. d/b/a Famous Ben’s, 2 West 14th St. 10011**, **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 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA beer and wine license.

Vote: Unanimous, with 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

36. A Peaceful Corner Inc., 393 Canal St. (aka 8 Thomson St.) 10013 (Transfer OP)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a "transfer" of an existing full on premise license (SN 1217920) for a "full service Japanese Restaurant and Sushi Bar with Karaoke rooms primarily serving the Japanese community"; and,

Whereas, this application is for the transfer of an existing full on-premise license for a premise on the 2nd floor in a commercial use building located on Canal St. between Thompson St. and West Broadway for a roughly 2,200 sq. ft premise with 10 tables with 36 table seats, 1 stand up bar with 7 bar seats and 22 seats in karaoke rooms for a total of 65 seats and the maximum occupancy is 74 people as stated in a letter of no objection, there is no sidewalk café, no backyard use and no outdoor areas; and,

Whereas, the hours of operation will be Sunday to Thursday from 12 p.m. to 3 a.m. and Friday – Saturday from 11:00 a.m. to 4 a.m., music will be from computerized karaoke at entertainment levels, there are no plans to add additional sound proofing, there will be no d.j.'s, no promoted events, there will be private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 5 T.V.'s and there will be several private karaoke rooms; and

Whereas, the applicant was previously a principal in a previous entity BINY Enterprise Inc. at this location which was licensed with a similar method of operation and was licensed in April 2001 prior to the current licensee from whom he is "transferring" the license, and,

Whereas, no one appeared in opposition; and,

Whereas, the applicant executed a stipulations agreement with CB2 which the applicant agreed to submit to the Liquor Authority to be incorporated into the “method of operation” on their SLA on-premise liquor license; and,

Whereas, the stipulations are as follows:

1. The hours of operation will be Sunday to Thursday from 12 p.m. to 3 a.m. and Friday – Saturday from 11:00 a.m. to 4 a.m. At closing time all patrons will have vacated the premises.
2. The premises will be advertised as a Japanese Restaurant and Karaoke.
3. The licensee will operate the kitchen until closing.
4. The licensee will not operate a nightclub or disco or apply for a DCA Cabaret license.
5. There will be no d.j.’s, no live music, no promoted events, no events for which a cover fee is charged and no scheduled performances.
6. The licensee will continue the current method of operation with new hours of operation as described above.
7. Music will be background and karaoke only.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the “transfer” of a full on-premise liquor license for **A Peaceful Corner Inc., 393 Canal St. (aka 8 Thomson St.) 10013, 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 37 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, 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:

37. Doozo Restaurant, Inc., 216 Thompson St. 10012 (SN 1210126) (corp change - attorney requested layover)

Whereas, prior to this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on March 14th, 2013, the applicant's representative requested to **layover** this application for a **corporate change** and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of corporate change, proposed liquor license, alteration, upgrade or changes to any existing license for **Doozo Restaurant, Inc., 216 Thompson St. 10012 (SN 1210126)** 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 47 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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April 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 March 21, 2013, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

38. The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014 (attorney requested layover)

Whereas, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on March 14th, 2013, the applicant's representative requested to **layover** this application for a new on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, alteration, upgrade or changes to any existing license for **The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio 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 37 Board members in favor.

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

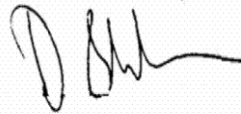
Sincerely,



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