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COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

1. Ballato's Restaurant Corp., d/b/a Ballato's, 55 East Houston Street 10012 (existing OP license seeking corporate change among existing shareholders – SN1224039)

Whereas, the applicant appeared before CB2's SLA committee; and,

Whereas, the applicant has operated an Italian Eatery Restaurant at 55 E. Houston Street in a five-story mixed use building between Mott & Mulberry Streets for many years with a restaurant wine license and recently upgraded to a on-premise restaurant liquor license in 2009 and now seeks to transfer shares of ownership among family members for estate planning only; and

Whereas, the current hours of operation are from 12 pm to 12 am from Sunday to Thursday and 12 am to 1am on Friday and Saturday, there are 17 tables and 69 seats and no bars, there are no TVs and music will be background only, there is no sidewalk café or backyard garden; and

Whereas, the restaurant operates on the 2000 SF first floor, has interior stairwell to the basement and uses a 1000 SF basement for storage purposes only, two bathrooms and one entrance/exit for patrons directly to the public sidewalk; and

Whereas, the applicant stated that there would be no change in its existing and above described method of operation as an old-style Italian Restaurant, there will be no live music, promoted events or scheduled performances, there will be occasional quiet private parties but there would be no change in the current method of operation into the future;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the corporate change to the existing full on-premise liquor license for **Ballato's Restaurant Corp., d/b/a Ballato's, 55 East Houston Street 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that the above-stated and existing "Method of Operation" will continue on the On Premises License.

Vote: Unanimous, with 42 Board members in favor.

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New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

2. Entity T/B/A d/b/a Holiday Inn Soho, 138 Lafayette Street, 10013 (Hotel OP License at previously licensed location)

Whereas, the applicant appeared before CB2's SLA committee; and

Whereas, this application is for a transfer of existing Hotel OP license at a franchised Hotel with an existing Lounge and Restaurant/Bar on premises and previously operated as PNY IV Bev LLC, serial number 1198277 (Exp. Dated 12/31/2015) seeking to operate a Restaurant/Bar and Lounge within a Holiday Inn located at the corner of Lafayette and Howard Street in a 14 story mixed use building; and

Whereas, there will be no outdoor space, no sidewalk café or garden associated with these premises, there will be with 12 tables with 48 seats, 1 bar with 10 seats and mini bar in guest rooms; and

Whereas, the hours of operation will be from 6 am to 11 pm seven days per week, there are 4 TVs, music will be background only; and

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

1. Will not operate as a Nightclub/Disco or seek Cabaret license.
2. Will operate the enclosed garden no later than 10 pm (lights out) daily.
3. Will not operate an outdoor garden or outdoor space.
4. Will employ two to three doorman/security personnel on a daily basis.
5. Will operate from 6 am to 11 pm seven days a week.

6. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premises license to **Entity T/B/A d/b/a Holiday Inn Soho, 138 Lafayette Street, 10013** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Hotel OP License.

Vote: Unanimous, with 42 Board members in favor.

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NY State Liquor Authority
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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

3. Sweet 101 LLC, d/b/a Baby Grand, 161 Lafayette St., 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a corporate change or "transfer" of the existing On-Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or "transfer to the Beer and Wine or On Premise license for **Sweet 101 LLC, d/b/a Baby Grand, 161 Lafayette St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

4. Forks & Parrot, LLC d/b/a Anyway Cafe, 517-519 Broome St. 10013

Whereas, after this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a new On Premises license in a previously unlicensed location;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or "transfer to the Beer and Wine or On Premise license for **Forks & Parrot, LLC d/b/a Anyway Cafe, 517-519 Broome St. 10013** until the applicant has fully 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 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

5. 74 Fifth Ave. Market Corp., 74 5th Ave., 10011

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for a corporate change to the Beer and Wine or On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **74 Fifth Ave. Market Corp., 74 5th Ave., 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 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

6. Corkbuzz LLC d/b/a Corkbuzz Wine Studio, 13 E. 13th Street, 10003

Whereas, during this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for an alteration to the hours of operation for the existing on-premise restaurant liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Corkbuzz LLC d/b/a Corkbuzz Wine Studio, 13 E. 13th Street, 10003** 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 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 10014

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant's attorney requested that the applicant layover this application from consideration until an application and all necessary paperwork was ready for review; and,

Whereas, this application is for the alteration to the existing On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the On Premise license for **ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 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 42 Board members in favor.

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NY State Liquor Authority
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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

8. The Princess and the Frog Flavors Corp. d/b/a The Frogs Crown, 204 Spring St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant and/or his or her attorney requested that a layover or to withdraw this application from consideration until an application and all necessary paperwork was ready for review; and

Whereas, this application is for a full OP license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **The Princess and the Frog Flavors Corp. d/b/a The Frogs Crown, 204 Spring 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 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9. Donostia Bakery LLC d/b/a Home Sweet Home, 341 West Broadway, 10013

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on March 11, 2014, the applicant and/or his or her attorney requested that a layover or to withdraw this application from consideration until an application and all necessary paperwork was ready for review; and

Whereas, this application is for a full OP license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license for **Donostia Bakery LLC d/b/a Home Sweet Home, 341 West Broadway, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

10. Little West 12th St. LLC and Basement Manager LLC d/b/a STK & Tenjune, 26 Little W. 12th St. 10014 (Corporate Change – SN1164726)

Whereas, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “corporate change” to reflect that the licensee is now a publicly traded company operating under “The One Group, LLC” and “Committed Capital Acquisition Corporation”; the portion of the premises currently operating under the trade name “STK” is a modern American steakhouse and the basement portion of the premises currently operating under the trade name “Tenjune” is a night club; and,

Whereas, there will be no changes to the existing establishment or method of operation or any other changes; and,

Whereas, the Licensee reaffirmed through the execution of a “stipulations agreement” with CB2 in conjunction with this corporate change application that the licensee would:

1. Continue to operate under the exact same “method of operation”; and
2. All previously agreed to stipulations will remain in effect through this corporate change; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a “corporate change” to the existing On Premise Liquor License, SN1164726 for **Little West 12th St. LLC and Basement Manager LLC d/b/a STK & Tenjune, 26 Little W. 12th 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 and any existing stipulations agreements are incorporated into the “Method of Operation” on the on premise liquor license.

Vote: Unanimous, with 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

11. 246 Hospitality Group LLC, d/b/a TBD, 248 W. 14th St. 10011 (“transfer”/New OP)

Whereas, the applicants and their attorney appeared before the committee and,

Whereas, this application is for a “transfer” of an existing on premise liquor license (previously 14th Street Hospitality Group LLC, d/b/a Snap, SLA Serial #1240098) for a sports bar with full service kitchen/restaurant operating with a tavern license; and,

Whereas, this location will continue to operate as a sports bar with a full service kitchen and is located in a 2 story 4,400 sq. ft. premise (2,200 sq. per floor) in a mixed use building commercial residential building located on the first floor and basement, the premises is located between 7th and 8th Avenues, with 1 stand up bar with 10 seats and 26 tables with 72 seats on the ground floor and 1 stand up bar with no seats and 10 tables and 52 seats in the basement for a total of 2 stand up bars, 36 tables and 134 seats, the maximum occupancy is 122 persons on the ground floor and 74 in the basement for a total of 196 as indicated by the applicant; there is an existing certificate of occupancy indicating the same maximum occupancy, there is an existing Place of Assembly Permit for 196 persons which the applicant will update to reflect the new ownership, there is no backyard garden, there is no sidewalk cafe; and,

Whereas, the applicant stated the hours of operation for the interior are 11 am – 4 am 7 days a week, music is quiet background only at all times, music will be generated from iPod/c.d.’s, there may be dj’s Thursday to Sunday but music will continue to be background only and the dj’s will not be allowed to bring any additional sound amplification equipment utilizing the existing sound system which is under direct control of the establishment, there is existing sound proofing; there will be no promoted events,

no scheduled performances, no outside promoters, no events for which a cover fee is charged, there may be private parties, there will be no “velvet ropes” or barricades, there will be security on premise Thursday to Saturday from 10 pm to ½ hour after close (4:30 am), there will be 16 televisions located throughout the premises; and,

Whereas, the current operator, contrary to what was originally presented to CB2 Manhattan, operates the basement portion of the premises as a separate entity, d/b/a Stash, which is billed as a “lounge” and advertised separately and has it’s own website and is identified differently from Snap, the sports lounge;

Whereas, this applicant specifically and repeatedly stated that the basement portion of the premises will be operated under the same d/b/a or more specifically the whole premises ground floor and basement will be operated under one d/b/a only and that the basement will be an extension of the ground floor “sports bar” but may occasionally be used for private parties where the whole basement is utilized; and

Whereas, the applicant presented a petition which appeared to be signed by local residents and no one appeared in opposition; and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their “method of operation” on their SLA license stating that:

1. The premises will be advertised and operated as a sports bar with full service kitchen/restaurant (Tavern/License).
2. The premises will not operate as a nightclub/disco as defined under NYS ABC law.
3. The premises will not seek a NYC DCA Cabaret License.
4. There will be no dancing.
5. There will be no sidewalk café.
6. There will be no backyard garden.
7. The premises will employ a doorman/security personnel Thursday to Saturday from 10 pm to ½ hour after closing (4:30 am).
8. There is existing soundproofing.
9. All doors and windows will remain closed at all times except for ingress/egress (i.e. no doors will be propped open and all windows will remain closed.)
10. There will be no “French” doors or windows.
11. There will be no live music, there will be no promoted events, there will be no outside promoters, there will not be any event for which a cover fee is charged, there will be no scheduled performances.
12. There may be DJ’s but only Thursday to Sunday; DJ’s will be background music only (not entertainment level noise).
13. There will be no velvet ropes.
14. There will be an interior holding area for waiting patrons – there will be no lines maintained outside the premises.
15. The applicant/licensee will waive all rights to seek a NYC DCA Cabaret License.
16. No DJ’s will bring additional sound equipment – all sound volumes will be consistent throughout the week (i.e. not louder Thurs to Sunday than Mon to Wed).
17. The premises will operate under 1 d/b/a name only. The basement area will not be advertised under a different name and will only be used as an extension of the ground floor premise even if used for private events.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the transfer of an on-premise liquor license and the issuance of a new on-premise liquor license for **246 Hospitality Group LLC, d/b/a TBD, 248 W. 14th St. 10011** unless the statements the applicant has presented are accurate 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 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

12. 150 RFT Varick Corp. d/b/a Greenhouse/WIP, 150 Varick St. 10013 (Renewal - SN 1173366) previously sent

Whereas, the general manager, Ray Montgomery, and the Licensee's attorney, Warren Pesetsky, appeared before CB2's SLA Licensing committee on March 13th, 2014 after having been requested to appear by CB2, Manhattan, at the behest of the local community, in regards to the upcoming renewal of the on-premise liquor license SLA Serial Number 1173366 for 150 RFT Varick Corp. d/b/a Greenhouse & WIP located at 150 Varick St.; and,

Whereas, there is a long history of issues at this premises that CB#2, Man, has conveyed to the Liquor Authority in several resolutions since the inception of this license in 2006, that have been communicated to the Liquor Authority through correspondence from local neighborhood associations and residents, and reports that have been delivered to the Liquor Authority from the New York City Police Department, the New York City Fire Department, The New York City Department of Buildings and other agencies; and,

Whereas, it is quite clear from the many issues since the inception of this license to present, that there is a pattern of an ongoing disorderly premise, criminal violations, violations of applicable building codes and laws, NYC Ordinances and Fire Codes that continue to plague the current licensee and the physical location, in addition to voluminous quality of life issues not limited to noise, traffic and illegal activities taking place on the immediate surrounding streets; and,

Whereas, from the inception of the first licensed premise at this location in the mid 1990's, there have been a succession of licensed premises with adverse histories, violence, drugs, disorderly premises, impacts on quality of life and a significant drain of city resources, namely the New York City Police Department resources to address issues created by the licensee's premises and these crimes have been a measurable, if not significant, driver of reported crime statistics for the local precinct and certainly the immediate area; and,

Whereas, CB#2, Man. is aware that there are current enforcement actions pending through a number of agencies, that the Liquor Authority has initiated actions and is aware of the voluminous violations and infractions and that there are a number of court proceedings that are either ongoing or resolved; and

Whereas, it is unclear who in fact the principals and owners of this establishment actually are, and replies to this question are "qualified" as "on paper" or "of record"; and,

Whereas, at this meeting frustrated residents and Block Associations again relayed their own experiences of witnessing crimes, describing the detritus left behind after each night of operation, fearing for their safety transiting through the streets on which they live, quality of life issues such as noise, traffic, trash, unruly behavior, impromptu street parties, lack of control of the immediate area surrounding the premises, all of which continue to be convincingly conveyed and backed up by reported incidents to the New York Police Department and citations issued to the premises and patrons by a variety of City Agencies including the NYPD and Department of Buildings and other agencies; and

Whereas, the Licensee's representatives' response again and again over the years are unfulfilled promises that improvements will occur, and yet they fail to materialize in any substantive fashion and blame is placed on shifting management, with each successive wave of "managers" claiming that they were unaware of the existing problems, as their general manager did at this meeting; All the while, violations are issued and penalties paid without any improvement and the slate wiped clean with the continuing conditions placing the general public in danger; and, *Somehow the responsibility of the Principals on the License to oversee and manage the premises safely and who are ultimately responsible for the premises seems somehow overlooked in settling each new round of violations*; and,

Whereas, an argument that has been made several times by the Licensee's Attorneys (both Mr. Pesetsky and previously Mr. Terrance Flynn), that this Licensee opened in an area that was properly zoned for this use (a mixed use area) and that the recent rezoning of the area that is more friendly to residential uses has created the current problems because the Premises pre-exists the rezoning, is severely flawed;

- (1) Nothing is zoned for the type of operation run by 150 RFT Varick Corp - There is no zoning that exists that is designed to foster, encourage, or perpetuate crime and the abuse of a neighborhood;
- (2) It is inconceivable for the Licensee to tell people it's "Because of the kind of the neighborhood you live in", it is not because of kind of neighborhood, it's not because of rezoning, it's because Principals, Investors and Management of this facility are irresponsible and simply do not care;
- (3) It is not the fault that people live here, it is not the fault of the neighborhood people live in, these problems are the fault of the owners and Principals of this establishment
- (4) People have always lived in this neighborhood and even on the same block; The North side of Vandam St. was landmarked in 1966, well before this use of the premises, and a stretch of Federal Houses that date to the early 1800's on Vandam St. are 150 RFT Varick Corp's Neighbors, historic

residential uses abound in the immediate neighborhood as well as more contemporary residential uses that predate the inception of this premises;

(5) People also work in the neighborhood, and until not long ago people worked all night long in this neighborhood in various mixed use businesses primarily along the Avenues; They did not encourage crime or tolerate crime and their clientele, customers and patrons did not wreck havoc across their residential neighborhoods and impact their neighbors remotely in any similar fashion;

(6) This is not a new neighborhood and the commercial/residential mixed use character long predates the arrival of this Licensee and if anything, this Licensee and the absentee Principals have proven over and over through their actions and lack of other actions that they do not deserve to be at this location or at any other location;

(7) Nightclub use at this premises is in fact new to this neighborhood and was new in the mid 1990's and even though it's intended use may have been allowed under zoning, the location's operation has been fraught with violations of city codes and ordinances and Department of Building Regulations suggesting that the premises has never truly been in compliance with the same zoning the Licensee argues allows them to exist in the first place; and,

Whereas, a representative of the Licensee/"Principals" again stated they would try to make improvements but was unable to articulate exactly how this would be done; and,

Whereas, *CB#2, Man. urges the Liquor Authority to take the most holistic view possible of the this Licensee and the issues surrounding the operation of the premises within the Authority's purview in weighing and determining any course of action in relation to the existing liquor license and to use its powers as broadly as possible to address this continuing situation; and*

Whereas, in consideration of the general public's safety and in consideration of the mere fact that this licensed premises is a focal point of activities that continue on an ongoing basis to endanger the public's well being, CB#2, Man. strongly recommends that the Liquor Authority not renew this on-premises liquor license and/or to take steps to remove the liquor license; and

Whereas, CB#2 Man. also encourages the Liquor Authority to give great consideration and weight to any correspondence and testimony from residents and Block Associations regarding this licensee in arriving at any determination;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the renewal of the on-premise liquor license, SN#1173366 for 150 RFT Varick Corp. d/b/a Greenhouse/WIP, 150 Varick St. 10013.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

13. Grand Sichuan West Village, Inc., 15 7th Ave. So., 10014

Whereas, the applicant's representative appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "transfer" of an existing Restaurant Wine License for a full service "Authentic Sichuan Chinese Restaurant"; and,

Whereas, this application is for a new Restaurant Wine License via a "transfer" in a previously RW licensed location; the premises is in a mixed use commercial/residential building in a mixed use district located on the ground floor on 7th Avenue South between Bedford St. and Carmine St. for a roughly 1,000 sq. ft premise with 18 tables and 54 seats, there will be 1 service bar, there is a basement with a kitchen and storage, there is no patron use of the basement; there will not be a sidewalk cafe; there are no other outdoor seating areas and there is an application for a Certificate of Occupancy in process; and

Whereas, the hours of operation will be Monday to Friday from 11:30 am to 11 pm and from Saturday to Sunday from 1pm to 11 pm, there is no Sidewalk café included in this application, but any sidewalk café applied for in the future will also close at 11 pm 7 days a week and all tables and chairs will be removed at 11 pm, all doors and windows will be closed by 9 pm daily, 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, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be one television; and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

The premises will be advertised and operated as an Authentic Sichuan Chinese Restaurant.

The hours of operation will be Monday to Friday from 11:30 am to 11 pm and from Saturday to Sunday from 1pm to 11 pm.

The premises will not operate as a nightclub/disco as defined under NYS ABC law.

The premises will not seek a NYC DCA Cabaret License.

There will be no backyard garden.

There is no Sidewalk café included in this application. Any sidewalk café applied for in the future will also close at 11 pm 7 days a week and all tables and chairs will be removed at 11 pm.

There will be no “French” doors or windows.

There will be no DJ’s, no live music, no promoted events, no events for which a cover fee is charged, and no scheduled performances.

This license is for a restaurant wine license only.

There will be only 1 TV in the premises.

Music will be quiet background only.

There will be no stand up bar in the premises.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a “transfer” and new restaurant wine license for Grand Sichuan West Village, Inc., 15 7th Ave. So., 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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

14. Anjin LLC d/b/a Hirohisa, 73 Thompson St., 10012 (existing RW SN#1268903 - Extended hours)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing Restaurant Wine license to extend the hours of operation to include lunch service; and,

Whereas, the premises is located in a mixed use building on Thompson Street between Spring and Broome Streets for a 1,600 s.f. Japanese restaurant with 7 tables and 14 table seats and 7 counter seats for a total of 21 seats, there is only 1 service bar, there is no sidewalk café or outdoor seating area, there is an existing letter of no objection from the NYC Department of Buildings; and,

Whereas, the applicant stated the new hours of Operation will be from 12 pm (noon) to 11:30 pm 7 days a week; there will not be a sidewalk café application and there is no backyard garden; music will be iPod/CDs at background levels only; and,

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

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the existing method of operation on the existing restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a Japanese restaurant.

2. The Hours of Operation will be from 12 pm (noon) to 11:30 pm 7 days a week.
3. The kitchen will remain open until close,
4. There will be no backyard garden.
5. There will be no sidewalk café.
6. There will be no DJ's, no live music, no promoted events, no events for which a cover fee is charged, and no scheduled performances.
7. All music will be quiet background only.
8. Any other existing stipulations will remain in effect.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an alteration to the existing restaurant wine license SN#126890 for **Anjin LLC d/b/a Hirohisa, 73 Thompson St., 10012** **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 4th “whereas” clause above are incorporated into the existing “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

15. New York Shakespeare Festival, 425 Lafayette St., 3rd Floor, 10003 (New Theater OP License – 3rd Flr.)

Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee and,

Whereas, this application is for a new "Theater" On Premise Liquor License for a theater located in the Huesther Hall on the third floor of the New York Shakespeare Festival's "The Public Theater" building; there are other licenses which exist within the building, but because the locations are not contiguous, a new license is sought for this premises; and,

Whereas, this location will continue to operate as a theater with this new application for a "theater" on premise liquor license, the location is on the third floor of a commercial building owned by the City of New York located between Astor Place and East 4th Street with approximately 2,000 sq ft. with 1 stand up bar with no seats, the total occupancy for the licensed area is 240 persons; the premises is in the process of securing its final Certificate of Occupancy, there is no backyard garden or outdoor area, there is no sidewalk cafe; and,

Whereas, the applicant stated the hours of operation for liquor service would occur only between the hours of 1 pm to 2 am daily with all of the conditions as imposed for an on-premise theater license; most likely performances and show times and post show alcohol service would end prior to 2 am. most days of the week subject to scheduled performance times; and,

Whereas, the applicant did perform community outreach and a letter of support from a local neighborhood organization was sent to CB2 indicating their support; and,

Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their Theatre On Premise Liquor License stating that:

1. The premises will be operated and advertised as a theatre; the license being applied for is a Liquor Theatre License.
2. The maximum hours of operation will be Monday to Sunday from 1 pm to 2 AM, with any provisions of a “theatre license” clearly governing the end of alcohol service after any performance.
3. There will be no sidewalk café.
4. This license is for a theatre on-premise liquor license only.
5. There will be only 1 “stand up” bar.
6. The area of this license encompasses the area as delineated on the diagram only and is located on the 3rd floor only.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Theater Liquor License for **New York Shakespeare Festival, 425 Lafayette St., 3rd Floor, 10003** **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 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

16. JB Restaurant, LLC, d/b/a TBD, 60 Greenwich Ave. 10011 (New OP License at previously licensed Restaurant)

Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee; and

Whereas, this application is for a new OP license in a mixed use three story townhouse on the ground floor and basement on Greenwich Ave. at Perry Street in a landmark district in a space previously occupied and operated as the Gusto Restaurant; and

Whereas, the applicant has an extensive background as a Chef at Lincoln Restaurant within Lincoln Center and plans to operate a white tablecloth full service Mediterranean seafood restaurant; and

Whereas, the ground floor (1300 SF) will be used for dining and the basement floor (1300 SF) will be used for storage and not for dining or for patron use, there are two stairwells, two bathrooms and one exit/entrance for patrons from the public sidewalk; and

Whereas, there will be no rear yard garden associated with these premises, there will be 17 tables with 58 seats, 1 bar with 16 seats and a total occupancy of 74; and

Whereas, there was a previous sidewalk café for these premises but this application currently does not include a sidewalk café within its current method of operation; and

Whereas, all existing mechanical and venting systems for cooking and/or operation of Restaurant currently in place will not be altered or relocated within or outside the premises, there is existing soundproofing and there is no plan for any French doors or windows; and

Whereas, the hours of operation will be from 12 pm to 12 am seven days per week, all doors and windows will be closed at 9 pm except for transient ingress and egress, there will be no TVs, music will be quiet background only; and

Whereas, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA on-premise restaurant liquor license and the stipulations are as follows:

1. The premises will be advertised and operated as a white tablecloth full service Mediterranean seafood restaurant.
2. The hours of operation will be from 12 pm to 12 am 7 days a week.
3. Any future sidewalk café or existing sidewalk café will be operated no later than 12 am (midnight) – at that time all tables and chairs will be cleared from the sidewalk café area.
4. There is existing soundproofing.
5. All doors and windows will be closed at 9 pm except for transient ingress and egress.
6. There will be no “French” doors or windows.
7. Will not operate as a Nightclub/Disco or seek Cabaret license.
8. Will not operate an outdoor/backyard/rooftop garden.
9. There will be no TVs.
10. Music will be quiet, background level inside restaurant only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an On Premise Restaurant Liquor License to **JB Restaurant, LLC, d/b/a TBD, 60 Greenwich Ave. 10011** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

17. International Hospitality Concepts LLC, d/b/a La Loteria, 29 7th Ave. So. (New OP License at previously licensed Sushi Restaurant)

Whereas, the applicant appeared before CB2 Manhattan's SLA Licensing Committee; and,

Whereas, this application is for a new On Premise Restaurant Liquor License to operate an upscale but casual Mexican style Restaurant in a mixed-use building located on 7th Avenue South at the corner and intersection with Bedford and Morton Streets in a 1200 SF premises (1st Floor for dining at 600 SF and basement for storage at 600 SF) with 13 tables with 25 seats, 1 bar with 10 seats and banquette seating for 10-16 additional patrons; and,

Whereas, the new owners will upgrade the interior of the premises and change to Mexican cuisine but will not change the existing occupancy for the premises; and,

Whereas, the hours of operation will be from 8 am to 1 am Sunday through Wednesday and from 8am through 2 am Thursday through Saturday, the doors and windows will be closed by 10 pm daily and there will be no backyard garden, there may be 1 TV, there will be no French doors or windows and music will be quiet background only; and,

Whereas, this application does not include a sidewalk café and the applicant agreed to return to this CB2 SLA Licensing Committee if a sidewalk café was to be incorporated into its current method of operation; and,

Whereas, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their “method of operation” on their SLA On Premise Restaurant Liquor License and the stipulations are as follows:

1. The premise will be advertised and operated as a full service Mexican Restaurant with a Restaurant On-Premise Liquor License only.
2. The hours of operation will be Sunday to Wednesday from 8 am to 1 am and from Thursday to Saturday from 8 am to 2 am.
3. The premises will operate as a full service Mexican restaurant with the kitchen open and menu items available until closing every night.
4. There will be no backyard garden.
5. All doors and windows will be closed by 10 pm every night except for ingress and egress.
6. There will be no dj’s, no live music, no promoted events, no events for which a cover fee is charged, and no scheduled performances.
7. There will be only 1 television in the premises.
8. There will be Quiet background music only.
9. The applicant/licensee will return to CB2 Manhattan to present the Sidewalk Café portion this license as it will not be include in this resolution until the applicant has applied to the NYC DCA and presented the application before CB2 Manhattan’s Sidewalk and Street Activities Committee for review.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premises license to **International Hospitality Concepts, LLC d/b/a La Loteria, 29 7th Avenue South, 10014** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

18. Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. So. a/k/a 163 W. 10th St. 10014 (pending RW SN#1277094) Previously sent

Whereas, neither the Applicant nor the Applicant's Attorney appeared before CB2 Manhattan's SLA Licensing Committee on March 13th, 2014 after submitting a 30 day notice for a new restaurant wine license to CB#2, Man. and after CB#2, Man, had requested that they appear before this committee on March 13th;

Whereas, neither the Applicant nor the Applicant's Attorney provided notice that the applicant would not appear; The Applicant has since filed an application for a restaurant wine with the Liquor Authority on March 17, 2014; and,

Whereas, the same Applicant appeared before CB2 Manhattan's SLA Licensing Committee on February 13th, 2014 for a On-Premise Liquor License, for which the Full Board of CB2 recommended denial; and,

Whereas, 8 residents appeared on March 13th, 2014 to voice concerns regarding the applicant and the restaurant wine application, in particular there were statements made to the effect that this Applicant was not acting in good faith and that representations made at CB2's February SLA Committee meeting

by the Applicant, that the Applicant was willing and would work with the Residents in the Building and immediately adjacent neighbors going forward did not materialize and there has been no contact since February 2014; and,

Whereas, a representative of the Mid West 10th Street Block Association, which has a long history of working with and supporting Applicants and Licensee's pointed out that out of the 20 or more Licensees with which they have worked, this is the only one who signed a lease and began construction on their premises without first reaching out to area residents and was now unwilling to even maintain a dialogue with the community, which is not how responsible business owners conduct themselves, especially if they are a neighborhood friendly establishment that will serve the local community; and,

Whereas, residents in the building in which this License is to be located recently worked out an agreement and stipulations with a Jazz Club to be located below this premises demonstrating their willingness to have a reasonable dialogue; the Jazz Club was conditionally approved by the Liquor Authority for a full on-premise license with stipulations; and,

Whereas, the residents of this building almost all signed a petition against the issuance of a second on-premise license for this applicant which was applied for in February 2014, but several stated they may have been willing to support a restaurant wine license at the location if the Applicant appeared and discussed his application at CB2's SLA Licensing Committee meeting on March 13, 2014 and if they were willing to enter into some basic stipulations, but could only presume that by not appearing that the Applicant was acting in bad faith and was unwilling to continue any further dialogue in regards to the concerns of the residents and therefore they could offer no support; and,

Whereas, it is unclear if the Applicant is pursuing the same method of operation as presented in February 2014 except with a Restaurant Wine License; that application was for the proposed premises for Prime 135 NYC LLC to be located in a mixed use 5 story rental tenement building (16 residential units) on the ground floor located on 7th Avenue South between West 10th Street and Charles Street, the building is also known as 163 West 10th St and also fronts West 10th St., the premises will be approximately 1,100 sq ft with 16 tables and 32 seats, 1 stand up bar with 8 seats, 1 food counter with 4 seats for a total of 44 interior seats; there is also a 600 sq ft outdoor patio area which will have 8 tables and 16 seats; there will be in the future, but it is not included in this application, an application for a sidewalk café with 6 tables and 12 seats, which will be presented to CB2's Sidewalks and Street Activities before it is presented to CB2's SLA Licensing Committee in the future; there is an existing temporary certificate of occupancy which indicates "Restaurant in Conjunction with Cellar" and the maximum occupancy on the ground floor (1st floor) is indicated as 32 persons (note that the proposed premises exists exclusively on the 1st floor with no connection at all to the premises which exists in the basement/cellar; and,

Whereas, the applicant's February 2014 application for an on-premise license also stated that the hours of operation would be Sunday to Thursday from 11 am to 1 am and Friday to Saturday from 11 am to 2 am, music will be background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the applicant states they will install soundproofing as there is no current soundproofing by "install[ing] multiple layers of sheet rock and high density boards, as well as acoustical ceiling panels, there will be no d.j., no promoted events, there will be private parties, no velvet ropes, no movable barriers, no security, there are no plans there will be no T.V.'s, there will be no security; and,

Whereas, the continuing concern both in February 2014 and currently is that this application covers a significant percentage of the premises which has never been previously licensed, but a small portion of the premises has previously been licensed for a restaurant wine license (a small area on the ground floor adjacent to the outdoor area with approximately 300 sq. ft.) which had operating hours ending at 11 pm Sunday to Thursday and midnight Friday and Saturday; the current configuration of the proposed premises for Prime 135 NYC LLC was created by combining 4 retail spaces on the ground floor (portion of previous restaurant, barber shop, hair salon and flower shop), with the exception of the small portion that was previously licensed for the restaurant wine license, the spaces comprising the proposed space were non-eating and drinking uses, the location also includes an outdoor space within the property line which includes approximately 8 tables and 16 seats and will include a future sidewalk café, which is not a part of this application, which will have 6 tables and 12 seats for a total of 28 outdoor seats; the previously licensed restaurant wine license was primarily in the basement of the location and the kitchen was in the basement; the basement space which is now going to be a jazz venue located entirely in the basement which was presented to CB#2, Man. in January 2014 and the Full On-Premise License is currently conditionally approved for Mezzrow LLC with the SLA SN1276530; CB2 recommend deny unless stipulations are adhered to for Mezzrow LLC to the Liquor Authority after (1) extensive community outreach and negotiations, (2) installation of appropriate soundproofing (3) a number of stipulations involving signage, noise abatement, crowd control, garbage and advertising and (4) because the principal for Mezzrow LLC has significant experience operating another jazz venue located just one block away with a current on-premise liquor license; and,

Whereas, when asked in February, the Applicant stated that his experience consists of private catering for friends; and,

Whereas, the applicant performed community outreach in February 2014 for the on-premise application by reaching out to local community organizations and posting a notice in the subject building the week prior to CB2's SLA Licensing Committee meeting, inviting tenants to meet with him on two different evenings, several tenants did meet with the applicant but did not express support for the business owner and it was also noted that the posting did not include any contact information for the applicant and also indicated dates (2/6 and 2/7) which did not match the stated days (Wednesday and Thursday), several tenants in the building also tried to go to the premises for the second meeting but the applicant was not present, even though he stated that he would be there between 6 and 7 pm; and,

Whereas, *there has been no additional outreach performed by the Applicant as CB#2, Man. requests subsequent to February 2014 for the new application for a Restaurant Wine License;* and,

Whereas, the applicant presented a petition in support in February 2014 for an on-premise liquor license with 42 signatures, but most were not from the subject block or directly immediate area, though they were mostly located within Greenwich Village, no one appeared to speak in support; and,

Whereas, *8 individuals appeared to speak on March 13, 2014 all residents of the building in which the license is to be located or having windows overlooking the outdoor area, but the Applicant did not appear to present their application for a Restaurant Wine License as requested by CB#2, Man.;* and,

Whereas, to illustrate the concerns of this location and application, 7 individuals spoke in opposition to the on-premise liquor license in February 2014, all were residents of the building in which the premises will be located or had windows overlooking the outdoor space, 17 letters in opposition were received in February 2014 for the proposed on-premise liquor license and a petition

with 51 signatures in opposition was presented in February 2014; the petition in opposition includes 17 out of 21 residents in the building where the premises will be located and 1 signature from a commercial tenant in the building; the Mid West 10th Street Block Association, which covers this area and who have supported a large number of applications of new businesses in the area, was also in opposition to the issuance of an on-premise liquor license; and,

Whereas, CB#2, Man. received an additional 16 letters in opposition to the issuance of a Restaurant Wine License at this location in March 2014 citing similar concerns voiced previously, but in particular regarding;

- (1) the good faith of this operator;*
- (2) the lack of experience of the operator operating a restaurant;*
- (3) regarding the physical location and condition of this 100 year old building;*
- (4) lack of appropriate sound proofing being installed;*
- (5) lack of appropriate venting which would most likely be constructed in an airshaft with numerous residential windows but for which no plans were shared with residents;*
- (6) concerns about location of mechanical equipment;*
- (7) that it is improper to build out a new kitchen where one did not previously exist and specifically because the service entrance to the kitchen is through the residential entry hallway to the building, that tenants should not be subject to security concerns through the use of the residential hallway by the applicant and restaurant employees, that there is great concern that deliveries to customers would also be conducted through the kitchen service area and residential hallway;*
- (8) that the eventual number of outdoor seats connected with this premises, 28, compared to the number of interior seats, 44, indicates that a good portion of the premises will be operated outdoors which residents state has always created problems in the past, especially the space within the property line of the building, with loud patrons drinking and smoking through all hours of operation and smoke, noise and odors drift into the windows of tenants above in particular because of the relation of the outdoor space and building which is on an angle;*
- (9) the operation of the outdoor area was significantly ameliorated in the past because the premises that used this area closed at 11 pm, there is tremendous concern regarding operating beyond 11 pm in the outdoor terrace;*
- (10) residents were concerned of retaliation from the landlord regarding opposition to the premises; and,*

Whereas, of particular concern, residents of the building indicated in March 2014 that the applicant was in the process of performing demolition work or has completed demolition work by removing structural walls located in the middle of the premises to create a more open floor layout and is in the process of removing existing bricks of an existing brick chimney located in the southwestern room in the diagrams along the west center wall in what is the proposed kitchen, which they feared would cause instability and potential structural issues or even building collapse; the applicant was not available to address these concerns or to present plans or any remediation efforts; and,

Whereas, as stated in CB2's February 2014 resolution regarding the application for an on-premise liquor license at this location, CB#2, Man. continues to share the same concerns with an application for a restaurant wine license and has serious reservations regarding this application in particular in regards to the lack of the applicant's forthrightness in engaging residential tenants of the building in which the premises will be located when he has been possession of the space for sometime prior and already begun work, occasionally at inconsiderate hours, and that he had not performed outreach earlier to building residents, that no sound test had been conducted when he should have been aware that this

was of paramount concern to building tenants due to the tenement style construction which is over a century old, which even under the guidance of professional sound engineers - there is no guarantee that the space will be sound proofed and that there is no excuse whatsoever for this establishment if even one residents quality of life is impacted as they have ignored the residents at every step of the process and no discussions have taken place with building residents to discuss concerns regarding the installation of mechanical units in the shaft way or the installation of kitchen venting located in close proximity to residential windows up the side of the building or seeking ways to mitigate any future potential issues prior to installation; and,

Whereas, CB#2, Man. also has concerns regarding the existing temporary certificate of occupancy which indicates “Restaurant in Conjunction with Cellar”, indicates no kitchen use on the ground floor, indicates no use for patrons of the outdoor space and which indicates the maximum occupancy on the ground floor (1st floor) is 32 persons (note that the proposed premises exists exclusively on the 1st floor with no connection at all to the premises which exists in the basement/cellar); and,

Whereas, it is inconceivable that the eventual 72-seat premise would request a waiver to the two bathroom rule by having only one restroom; and,

Whereas, because the applicant failed to appear as requested by CB#2, Man. to present their application for a Restaurant Wine License and for the concerns outlined above;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new restaurant wine license for **Prime 135 NYC LLC, d/b/a Prime 135, 135 Seventh Ave. South a/k/a 163 W. 10th St. 10014**; and,

THEREFORE BE IT FURTHER RESOLVED that should this applicant continue to pursue this restaurant wine license application, CB2 respectfully requests that the item be calendared on the agenda before the Full Board of the State Liquor Authority at a regularly scheduled meeting and that CB#2, Man. be notified of the date of that hearing; and

THEREFORE BE IT FURTHER RESOLVED that should the date of the Liquor Authority’s Full Board meeting occur after April 10th, 2014, that the Liquor Authority request that the applicant at their choice appear before CB2’s SLA Licensing Committee on April 10th, 2014 at the regularly scheduled meeting, so the issues outlined above can be discussed in an appropriate format at the Community Board level and perhaps agreements reached so as not to take up the valuable time of the Liquor Authority; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be heard by the Full Board of the Liquor Authority without the applicant returning to CB#2, Man., that CB2 respectfully request in light of the concerns outlined above that the Liquor Authority consider the following stipulations as a condition of the license and any other stipulations suggested by residents including:

- (1) closing the outdoor terrace (dark) by 11 PM daily,
- (2) curtailing the hours of operation at 1 AM daily
- (3) no use of the residential hallway by the restaurant for any use except emergencies
- (4) permitting no patrons to loiter or smoke in the outdoor terrace area if not seated and dining; only seated patrons may be in the outdoor terrace
- (5) having a certified acoustical consultant at the applicants expense conduct sound tests in residences immediately above the premises prior to opening to the public (a commissioning test) taking into account normal patron voices and music levels and any heating/cooling system and sound system after the final installations, and should there be issues, correct those issues until the premises is in

compliance with applicable NYC Noise Codes and also conduct any sound tests if requested by any residents in the building regarding the installation of any mechanicals if they are placed in the airshaft or in the outdoor terrace and ensure compliance with applicable NYC Noise Codes prior to opening to the public; the applicant should consider installing a sound limiter should the owner not be regularly on the premises in the evening hours through closing

(6) no live music in the premises, quiet background music only; no music at all in the outdoor area

(7) The applicant will abide by all NYC DOB Regulations and other NYC Regulations and will produce a clear Certificate of Occupancy that states an independent Restaurant can operate on the ground floor with no mention of being operated in conjunction with the basement location, this should also indicate that the outdoor terrace can be used for patron dining

(8) all trash will stored in closed containers within the premises until placed for collection on the 7th Avenue side of the building only

(9) all doors and windows will remain in a “closed” position after 9 pm, except for transient ingress/egress; all windows facing the interior airshaft shall remain closed at all times and shall be soundproofed

(10) the applicant will not place “a” frames on the sidewalk or hand out leaflets or place other signage on the sidewalk to “steer” the public into the premises

(11) the operator will provide to interested residents a contact number at which they can be reached at all times should residents need to contact him/her regarding complaints.

Vote: Unanimous, with 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

19. Mot Part Two, Inc. d/b/a 's Nice, 45 8th Ave. 10014

Whereas, the applicant **failed to appear** before CB2, Manhattan's SLA Licensing Committee Meeting #2 on March 13th, 2014 after having laid over this application for a new restaurant wine license in February 2014;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Mot Part Two, Inc. d/b/a 's Nice, 45 8th Ave. 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 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

20. Cornelia Street Group, Inc. d/b/a Murray's Cheese Shop, 254 Bleecker St., 10014 (Class Change-from beer to b&w and interior reconfiguration) (attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on March 13th, 2014, the applicant's representative requested to **layover** this application for a class change application and an alteration to the existing eating place beer license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Cornelia Street Group, Inc. d/b/a Murray's Cheese Shop, 254 Bleecker 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 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

21. 316 Bowery LLC. d/b/a Saxon and Parole, 316 Bowery, 10012 (interior) (attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on March 13th, 2014, the applicant's representative requested to **layover** this application for an alteration to an existing on-premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **316 Bowery LLC. d/b/a Saxon and Parole, 316 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 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

22. Merchants 848 Washington Street Hotel LLC, 848 Washington St. 10014 (withdrawn by attorney)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on March 13th, 2014, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license for multiple venues within a Hotel (transfer) 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 on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Merchants 848 Washington Street Hotel LLC, 848 Washington 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 42 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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March 26, 2014

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 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

23. Windy Point East LLC d/b/a Houseman, 679 Greenwich St. a/k/a 139 Christopher St. 10014

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on March 13th, 2014, the applicant's representative requested to **withdraw** this application for a new on-premise liquor license for a restaurant and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Windy Point East LLC d/b/a Houseman, 679 Greenwich St. a/k/a 139 Christopher 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 42 Board members in favor.

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

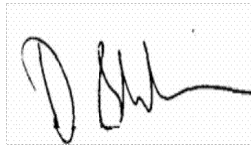
Sincerely,



Robert Ely, 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. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
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