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Bob Gormley, *District Manager*



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COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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FULL BOARD MINUTES

DATE: June 17, 2010
TIME: 6:00 P.M.
PLACE: P.S. 130, 143 Baxter Street, Auditorium

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Sigrid Burton, Denise Collins, Terri Cude, Doris Diether, Ian Dutton, Sheelah Feinberg, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Anne Hearn, Brad Hoylman, Mary Johnson, Susan Kent, Arthur Kriemelman, Evan Lederman, Raymond Lee, Edward Ma, Ke-Wei Ma, Jason Mansfield, Alexander Meadows, Florent Morellet, Lois Rakoff, David Reck, Erin Roeder, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Lisa Cannistraci, Maria Passannante Derr, Edward Gold, Jane McCarthy, Judy Paul, Robert Riccobono, James Solomon, Sean Sweeney, Carol Yankay

BOARD MEMBERS ABSENT: Elizabeth Gilmore

BOARD STAFF PRESENT: Bob Gormley, District Manager, and Julio Mora, Community Assistant

GUESTS: Katy Smith, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Sandy Myers, Man. Borough President Scott Stringer's office; Lisa Parson, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Noah Isaacs, Council Speaker Christine Quinn's office; Lorna Nobile-Chin, Jasmin Torres, Council Member Rosie Mendez's office; John Flood, Paolo Secondo, Elizabeth Adam, Joel Berger, Colleen Schmitz, Fia Hatsav, Deena Siegelbaum, Gideon Gil, Ellen Baer, Lori Kleinman, Robin Felsher, Carol Lewis, David Fratianne, Joshua Frust, Suzanne Monto, Sheila Weilan Mark, Penny Johnson, James Erwin, Elias Varkoutas, Priscilla Loke, Judith Callet, Amy Doshi, Barry Katz, Paul Salmon, Barry Mallin, Strum Loeb, Adam Greene, Barbara Steinberg, Barry Schwartz, Annie Karni, Ling Lai, Lisa Paolella, Evette Starktatz, Shelly Friedman, Richard Lobel, Craig Walker, John Lisyonsky, Daniel Ferris, Lera Loeb, Donna Karan, Joanne Hyman, Michele Jean, Charles Amann, Dennis Chrysanthopoulos, Doug Kepple, Ken Lipper

MEETING SUMMARY

Meeting Date – June 17, 2010
Board Members Present – 41
Board Members Excused – 9
Board Members Absent 1

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II. PUBLIC SESSION

Non-Agenda Items

Elizabeth Adam spoke. Lera Loeb spoke.

Budget Cuts to NY Public Libraries

John Flood, from the Hudson Park Library, spoke regarding the city's budget cuts and library closures.

Washington Square Music Festival

Lois Rakoff made a public announcement regarding free music events every Tuesday in Washington Square Park.

Murray's Cheese Shop

Deena Siegelbaum introduced herself as the new Community Relations Director.

New York University

Dan Ferris announced the opening of the NYU bookstore and an upcoming event with the Greenwich Chelsea Chamber of Commerce.

Land Use and Business Development Items

54 Thompson St. BSA application for variance to permit Use Group 6 eating & drinking establishment
Richard Lobel, representing the applicant, spoke in favor of the proposed zoning variance.

Sidewalks, Public Facilities & Access Items

Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas, 33 Greenwich Ave. with 23 tables & 50 seats
Robin Felsher and Lori Kleinman spoke against the renewal of the sidewalk café, citing noise issues.

SLA Licensing Items

Walkam Group, Inc., d/b/a Gizzi's Cafe, 16 W. 8th St., NYC

John Lisyanskiy, the applicant, spoke in favor of the proposed liquor license application.

Galata, Inc. d/b/a 1 Tre Merli, 463 W. Broadway

Paolo Secondo, proprietor, spoke in favor of the renewal of the liquor license.

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

Sheila Weilan Mark, the applicant, spoke in favor of the proposed beer and wine license.

Stephen Weiss Studios, Ltd., d/b/a Urban Zen Center, 711 Greenwich St., NYC

Donna Karan, proprietor, Joanne Hyman, Michele Jean, David Fratianne, Charles Amann, and Barry Katz, spoke in favor of the proposed catering liquor license.

Brown Stew, LLC, d/b/a Miss Lily's 132 W. Houston St. NYC

Gideon Gil spoke against the proposed liquor license and change in operation to include a catering license.

Paul Salmon spoke in favor of the proposed liquor license and change in operation to include a catering license.

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

Adam Greene, Eliaz Varkoutis, and Dennis Chrysanthopoulos, the applicants, spoke in favor of the proposed liquor license and against the resolution recommending denial.

Barbara Steinberg, Doug Kepple, and Barry Schwartz, spoke in favor of the application.

Joel Berger, Fia Hatsav, Ken Lipper, James Erwin, and Barry Mallin, spoke against the proposed liquor license application.

Shelly Friedman spoke in favor of the resolution recommending denial.

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

Suzanne Monto and Joshua Frust spoke against the proposed liquor license.

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

Carol Lewis spoke against the proposed liquor license application.

Social Services and Education

Senior Program at The First Presbyterian Church

Penny Johnson spoke in favor of the proposal for the senior program at the church.

Traffic and Transportation Items

Hudson Square Connection application to NYCDOT Plaza Program for "Spring St. Shared Space" project

Ellen Baer, from the Hudson Square B.I.D. spoke in favor of the proposed plaza application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katy Smith, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Sandy Myers, Man. Borough President Scott Stringer's office

Lisa Parson, Assembly Member Deborah Glick's office

Noah Isaacs, of Council Speaker Christine Quinn's office

Lorna Nobile-Chin, Council Member Margaret Chin's office;

Jasmin Torres, Council Member Rosie Mendez's office.

V. ADOPTION OF MINUTES

Adoption of March and April minutes and distribution of May minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jo Hamilton reported.

2. **District Manager's Report** Bob Gormley reported.

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

1. Commending NYPD First Precinct Commanding Officer Deputy Inspector Anthony Bologna for his service

Whereas, Deputy Inspector Anthony Bologna has been the Commanding Officer of the First Precinct for the past 5 years, and;

Whereas, he has served our community with the highest degree of professionalism, exemplary performance and dedicated service to the community, and;

Whereas, during his tenure, overall reported major crime categories were reduced by over 30%, and;

Whereas, in particular, recent efforts to address problems on Canal Street in response to community complaints have been making a noticeable difference and are sincerely appreciated by the community;

THEREFORE BE IT RESOLVED that CB#2, Man. expresses its gratitude to Deputy Inspector Anthony Bologna for his service to the First Precinct and welcomes his successor, Captain Edward Winski.

Vote: Unanimous, with 41 Board members in favor.

2. Support of the Draft New York State Solid Waste Management Plan

Whereas, New York State’s Draft Solid Waste Management Plan, entitled “Beyond Waste: A Sustainable Materials Management Strategy for New York State” is in its public comment period, scheduled to end August 16, 2010; and

Whereas, by focusing on avoiding turning materials into waste, this plan sets forth a new approach for New York State, shifting from “end-of-the-pipe” waste management techniques to “upstream” prevention of waste generation to begin with, and increases diversion of materials that would otherwise become waste into reuse, composting and other organic material recycling methods; and

Whereas, the State’s prior plan (1987) nominally ranked Waste Prevention at the top of its waste management hierarchy, but grouped waste prevention with recycling at the implementation stage, therefore the goal of avoiding the creation of waste materials was lost in the materials-handling focus of recycling; and

Whereas, we hope that legislation will compel manufacturers to take responsibility for the expense of recycling of their waste and thereby encourage more environmentally sound design and manufacture including the reduction of excessive packaging materials.

THEREFORE BE IT RESOLVED that CB#2, Man. lauds New York State Department of Conservation’s shift from “end-of-the-pipe” waste management to “upstream” prevention of waste generation in “Beyond Waste”, DEC’s new Draft Solid Waste Management Plan; and

BE IT FURTHER RESOLVED that, to be successful with “upstream” waste prevention, which is premised on avoiding creating unnecessary materials to begin with, waste prevention must at all stages be kept separate and distinct from recycling and other methods concerned with handling materials already created – in the Plan itself, in regulations, and in implementation; and

BE IT FURTHER RESOLVED that CB#2, Man. supports rapid implementation of organics collection programs and development of the necessary supportive composting and anaerobic digestion infrastructure, recognizing that food and yard waste comprise such a significant portion of the waste stream that it will not be possible to meet the goals of the State’s plan otherwise; and

BE IT FURTHER RESOLVED that incineration’s toxic ash and air demonstrate the folly in the concept of throwing “away”; incineration is incompatible with a forward-looking “Beyond Waste” plan, such as that NYS DEC intends, and so we urge NYS DEC not to include incineration as an option in its new Plan.

Vote: Unanimous, with 41 Board members in favor.

3. The Demolition and Construction Of A Spring Street Garage and Salt Shed by DSNY.

Whereas, the Director of Real Estate for the Department of Sanitation, Daniel Klein, along with the Deputy Director of Real Estate, Arlana Davis, appeared at our committee and answered questions on a wide range of topics relating to the Spring Street garage and salt shed, as well as the operations at the Gansevoort Marine Waste Transfer Station; and

Whereas, major construction projects, including, the replacement of water mains at Chambers Street, the connection to the #4 Water tunnel, and the MTA vent at Mulry Square will occur simultaneous to the DSNY construction of the Sanitation substation and salt shed, and these project will by their nature adversely affect traffic flow throughout Lower Manhattan, including traffic related to the Holland Tunnel; and

Whereas, Daniel Klein agreed to the following:

- 1) to regularly meet with this Committee as well as our Traffic and Transportation Committee during the demolition & construction process to minimize any traffic effects,
- 2) to provide the Community Board with updated Staging Plans, Boring Plans, and a schedule for the various phases of this project,
- 3) to arrange for a meeting with the DSNY Contractor and our Community Board to discuss potential noise and vibration issues,
- 4) to investigate how they could set up a dedicated phone line and website similar to the one created by the New York Dept. of Transportation that existed during the road works on Houston Street so that nearby residents and businesses can have constant contact with DSNY during the demolition and construction of this Site; and

Whereas, our Community Board has adopted Development Principles and this document (attached) contains our Community Communication and Construction Mitigation guidelines, which we strongly urge DSNY to adhere to and implement; and

Whereas, Mr. Klein acknowledged that levels of asbestos in the roof flashing have been found which are in excess of the allowable limits and will require special remediation, and he acknowledged that this facility will be built on a Federal Flood Plain; and

Whereas, neither of the presence of asbestos nor the Federal Flood Plain conditions were indicated on the permit applications submitted to the DOB;

THEREFORE BE IT RESOLVED that CB#2, Man. requests that DSNY immediately amend their permit application to DOB to note that the site is located on a Federal Flood Plain and the presence of asbestos on site; and

BE IT FURTHER RESOLVED that we believe it is imperative that DSNY work with our Board to create a Community Advisory Group, and as part of this outreach effort, that they will create a dedicated phone line and website similar to the one used by DOT so that neighboring businesses and residents are constantly informed and are able to communicate directly with DSNY if any problems arise.

Vote: Unanimous, with 41 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1. **LPC Item 3 - 129 MacDougal Street** -(W. 4 & W. 3, west side) – **Individual Landmark**
A Federal style house built in 1828-1829. Application is to alter a window on the front facade

Whereas, the proposed pivoting single-pane window looks like nothing in the Historic District; and

Whereas, this building is an individual landmark; and

Whereas, any change should be towards the original Federal style, not away from it; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

2. LPC Item 4 - 341 Bleecker Street (Greenwich Village H.D. A vernacular frame house with brick façade built in 1820, and later altered. Application is to construct a rear yard addition, alter the rear façade, and excavate the cellar. Zoned C1-6

Whereas, we are grateful that the original front façade is being retained; but

Whereas, since this is a wood frame house, it is not improbable that the original wood rear wall still exists underneath the current stucco; and

Whereas, as reference to the probability that the original wood rear wall might still be extant, we point out the yellow house on Charles Street between Washington and Greenwich Streets in the Greenwich Village Historic District Extension. Its front façade was similarly stuccoed but, when it was being removed, a Federal wood frame wall was discovered behind it, which LPC observed and saw restored; and

Whereas, if the stucco at the rear of 341 Bleecker Street is removed as proposed - and without careful monitoring - the destruction of a Federal wood wall may result; and

Whereas, if careful and monitored removal of the stucco reveals an extant wood wall, an historic preservation effort - supervised by LPC - should be initiated to restore and preserve this important historic fabric; and, further

Whereas, unmonitored removal of the rear wall could de-stabilize the existing wood side walls, which is another reason to supervise closely the work on the rear wall; and

Whereas, oddly, no photos of the rear façade were presented;

Therefore, be it resolved that CB#2, Man. recommends denial of this application unless the LPC carefully monitors the removal of the stucco, in order to determine that no original material will be compromised.

Vote: Unanimous, with Board 41 members in favor.

3. LPC Item 5 - 122-132 West 12th Street (6th/7th Ave) – Greenwich Village Historic District
An apartment house designed by H. I. Feldman and built in 1940-1941. Application is to replace windows.

Whereas, replacement of the windows, which have been heavily modified, will improve the look of the building; but

Whereas, there was a close split on the committee whether to recommend the continuation of the drip molding around the corner windows, or to accept the proposed design, which has no drip molding; and

Whereas, some on the committee thought that the lack of a drip molding around the corner window actually improved the look of the original fenestration, noting that a method of continuing the molding around the corner was not technically possible in 1941; but

Whereas, others commented that since the drip molding was not in the original plans, we cannot second guess what the architect would have done, were he to have possessed the technology; now

Therefore, be it resolved that CB#2, Man. recommends general approval of this application; but

Further, be it resolved that CB#2, Man. recommends respectfully that the Commission carefully consider whether the drip molding is appropriate for this building.

Vote: Unanimous, with 41 Board members in favor.

4. Item 6 - 55-57 Leroy Street (7th Ave)– Greenwich Village Historic District. Two Romanesque Revival style apartment houses built in 1887. Application is to remove the cornice and raise the parapet.

Whereas, the application represents a severe moderation to the façade of the building, replacing the original ornate metal cornice with fairly plain brickwork; and

Whereas, the applicant said it was cost prohibitive to replace the cornice, but we were stunned when the applicant admitted that they had never gotten an estimate; and

Whereas, a few neighbors from adjacent buildings attended, not only to assert the importance of the cornice within the context of their block as well as the Historic District, but also to assert that if they have been able to maintain their cornices for all these years, why can't this applicant; and

Whereas, they further noted that the proposed parapet is sterile and would impair the look and value of their building; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

5. LPC Item 8 - 7 9th Avenue – Gansevoort Market Historic District Two Greek Revival style rowhouses built in 1849. Application is to legalize and enlarge a fire escape.

Whereas, the proposal will not detract from the building or the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 41 Board members in favor.

2ND LANDMARKS MEETING

6. Item 14 - 54 Crosby Street (Spring/Broome)– SoHo-Cast Iron Historic District A two-story building altered in 1980. Application is to enlarge the ground-floor opening and install new infill.

Whereas, the proposal will not detract from the building or the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 41 Board members in favor.

7. Item 15 - 62 West 9th Street (5th/6th Ave) – Greenwich Village Historic District A Greek Revival style rowhouse built in 1839, with a ground floor storefront. Application is to legalize the installation of lighting and a related housing, and artificial ivy secured to the façade without LPC permits.

Whereas, the artificial ivy detracts from the building; and

Whereas, further, if the plastic ivy were allowed to remain for the years required for the real ivy to grow full, the real would be so intertwined with the faux that the removal of the plastic ivy would uproot the real ivy; and

Whereas, the planters and lighting are unobjectionable; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application for retaining the plastic ivy; but

Further, be it resolved that CB#2, Man. recommends approval of the lighting and planters.

Vote: Unanimous, with 41 Board members in favor.

8. Item 16 - 30 Jane Street (Greenwich/8th Ave) - Greenwich Village Historic District A stable building built in 1870. Application is to paint the facade and install a display window.

Whereas, the paint and restoration work will make the building attractive; but

Whereas, we object to the proposed steel window that will replace the door, because a wood frame would be more suitable, as would the addition of muntins and a base; now

Therefore, be it resolved that CB#2, Man. recommends approval of the paint and door restoration, but requests that more thought be given to creating a window more compatible with this building.

Vote: Unanimous, with 41 Board members in favor.

9. Item 17 - 581 Hudson Street (Bank/11th) - Greenwich Village Historic District A brick apartment house with a commercial ground floor built in 1873. Application is to install storefront infill.

Whereas, the retractable awning is a nice historic touch and we are pleased with the discovery of a hidden cast-iron column; but

Whereas, the proposed ‘French doors’ may be appropriate on the Rive Gauche, but not in the Greenwich Village Historic District; and

Whereas, additionally, when opened, as they will for most of the day, they will produce a massive void where a façade should be, inconsistent with the history of the building; now

Therefore, be it resolved that CB#2, Man. recommends denial of the doors and request a more appropriate portal and fenestration compatible with the building; and

Further, be it resolved that CB#2, Man. recommends approval of the retractable awning.

Vote: Unanimous, with 41 Board members in favor.

10. Item 18 - 27 Vandam Street (Varick/6th)– Charlton –King-Vandam Historic District A Federal style rowhouse built in 1823. Application is to remove lintel covers, construct rooftop and rear yard additions, and excavate the rear yard. Zoned R6

Whereas, we appreciate the restoration work on the front; and

Whereas, we like to consider these rear-yard additions on a case-by-case basis. In this instance, we are generally comfortable with removing this 1920's element, although some do find a charm to the structure; but

Whereas, the proposed design hides too much of the original 1830s rear wall, obscuring the original material; and

Whereas, the proposed structure's design is of a 1920s International Modern-style that doesn't seem harmonious with rest of this Federal building; and

Whereas, we feel that an alternate structure would need more mass as well as masonry; and

Whereas, further, the proposed excavation will eventually eliminate trees within the doughnut; and

Whereas, since we have seen quite a few of these backyard excavations in the past several years and we may expect more, we ask the Commission to consider the long-term ramification of effectively eliminating trees from the rear yards of Village homes; now

Therefore, be it resolved that CB#2, Man. recommends approval of the restoration work on the front façade and the removal of the existing rear-yard addition; but

Further, be it resolved that CB#2, Man. recommends denial of the proposed Modernist structure and suggests that LPC work with the applicant to design something more harmonious with this old house; and

Further, be it resolved that CB#2, Man. recommends halting approval of the rear-yard excavation, noting that it is a growing trend that will eliminate much of the traditional arbor that characterizes so many Village backyards.

Vote: Unanimous, with 41 Board members in favor.

11. Item 19 - 420 West 14th Street – Gansevoort Market Historic District A neo-Classical style store-and-loft building designed by Thomas H. Styles and built in 1903-04. Application is to establish a master plan governing the future installation of storefronts infill.

Laid over.

LAND USE AND BUSINESS DEVELOPMENT

1. 83 Spring Street (Block 497, Lots 1001-1005) City Planning special permit pursuant to Section 74-781 of the New York City Zoning Resolution for modification of Section 42-14D(2)(b) to allow for commercial use, Use Group 6, on the cellar and ground floors, of an existing five story building in an M1-5B district.

WHEREAS, the surrounding area was posted and there was no community opposition to this application, and

WHEREAS, There are mostly commercial uses in the surrounding buildings, And

WHEREAS, The proposed usage is consistent and compatible with the other uses in this building and in the surrounding buildings and will have no adverse impacts on the neighborhood;

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit, And

BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a City Planning special permit pursuant to Section 74-781 of the New York City Zoning Resolution for modification of Section 42-14D(2)(b) to allow for commercial use, Use Group 6, on the cellar and ground floors, of an existing five story building in an M1-5B district.

Vote: Unanimous, with 41 Board members in favor.

2. 13 Crosby Street (Block 233, Lot 4) Board of Standards and Appeals application, on behalf of Boquen Realty, LLC, made pursuant to Section 72-21 for a use and bulk variance for an existing commercial building in a M1-5B zoning district to allow Use Group 6 retail uses on the ground floor level and an addition to the rear yard on the cellar and first floor levels

The above application was laid over to July.

3. 54 Thompson Street (Block 488, Lot 7501) Board of Standards and Appeals variance application is filed pursuant to Section 72-21 to request a variance of Section 42-14D(2)(b) in order to permit a Use Group 6 eating and drinking establishment in the first floor of an existing seven-story building within an M1-5B zoning district.

WHEREAS, the surrounding area was posted and there was no community opposition to this application, And

WHEREAS, This intersection has a long history of traffic congestion, And,

WHEREAS, this block of Thompson Street has ground floor uses that are predominantly Use Group 6, And,

WHEREAS, the proposed usage is consistent and compatible with the other uses in this building and in the surrounding buildings; and

WHEREAS, the CB#2, Man. is greatly concerned about the noise that could be generated by an eating and drinking establishment in the first floor and side yard at this location, And,

WHEREAS, retaining the existing perimeter wall will help to minimize noise pollution, And,

WHEREAS, CB#2, Man. conditionally approved an On Premise Liquor License for this location in April, 2009 and the applicant agreed to stipulations in order to obtain the approval, And,

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this variance application, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. conditionally supports this application for a Board of Standards and Appeals variance application, pursuant to Section 72-21, to request a variance of Section 42-14D(2)(b) in order to permit a Use Group 6 eating and drinking establishment in the first floor of an existing seven-story building within an M1-5B zoning district, providing that the stipulations for the approval of the Liquor License agreed to by the applicant are reaffirmed and the applicant further agrees to retain the existing perimeter wall.

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. requests that the Board of Standards and Appeals require the stipulations noted above as a condition of approval for this Variance Application.

Vote: Passed, with 38 Board members in favor, and 3 in opposition (D. Diether, I. Dutton, M. Johnson).

4. 53 Mercer Street, (Block: 474 Lot: 14) Board of Standards and Appeals variance application on behalf of the National Sculpture Society to permit retail use at the ground floor and part of the cellar in an M1-5B district

WHEREAS, the surrounding area was posted and there was no community opposition to this application, And

WHEREAS, The building is owner occupied and the owners have clearly stated their intent to avoid any nuisance uses on the ground floor, And

WHEREAS, The usage is consistent and compatible with the other uses in this building and in the surrounding buildings and will have no adverse impacts on the neighborhood.

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this variance application, And

BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals variance application on behalf of the National Sculpture Society to permit retail use at the ground floor and part of the cellar in an M1-5B district.

Vote: Unanimous, with 41 Board members in favor.

5. 39 East 10th Street (Block 562, Lot 38) Board of Standards and Appeals variance application pursuant to Section 72-21 to permit the construction of an elevator in the courtyard of an existing five-story multiple dwelling building located within an R7-2 zoning district

WHEREAS, the surrounding area was posted and there was no community opposition to this application, And,

WHEREAS, The building is co-operative that is owner occupied and the owners appeared before the Board to express the need for an elevator, And,

WHEREAS, The proposed elevator will have minimum encroachment on the inner courtyard and will not be visible from the street, And,

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this variance application, and

BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals variance application pursuant to Section 72-21 to permit the construction of an elevator in the courtyard of an existing five-story multiple dwelling building located within an R7-2 zoning district.

Vote: Passed, with 40 Board members in favor, and 1 abstention (D. Diether).

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

App. to Department of Consumer Affairs for Newsstands at:

1. Northeast corner Broadway & Canal St. DCA# 1346348

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was not present, and

Whereas, several letters and emails were received from the community expressing concern about congestion at this location, and

Whereas, this location is extremely busy at many times as is much of Canal St, and

Whereas, the area has more than an adequate number of establishments that supply the products a newsstand would carry,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends DENIAL of this application for a **Newsstand at the Northeast corner Broadway & Canal St. DCA# 1346348**

Vote: Unanimous, with 41 Board members in favor.

Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:

2. G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA#1225841
Block:529 Lot:140 Lot Frontage:16.9' Lot Depth:59.1 Year Built:1920(estimated)
Number of Floors:4 Residential Units:3 Zoning:C6-1 Landmark Building: Yes
Historic District: NoHo East

Whereas, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 69 feet and depth of 59 feet with a building of four stories, with Zoning: C6-1, and

Whereas, the applicant appears to operate this sidewalk café in a responsible manner,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA#1225841**

VOTE: Unanimous, with 41 Board members in favor.

3. Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas, 33 Greenwich Ave. with 23 tables & 50 seats, DCA# 1221127

Block: 611 Lot:65 Lot Frontage:150.25' Lot Depth:110 Year Built:1961 Number of Floors:15
Residential Units:151 Zoning:C1-6 R6 Landmark Building: Yes
Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 150 feet and depth of 110 feet with a building of fifteen stories, with Zoning: C1-6, R-6, and

Whereas, emails and petitions totaling more than 60 members of the community were received requesting denial of this application due to noise, drunkenness and unruly behavior generated by this establishment, and

Whereas, a petition was submitted by the applicant supporting this application, although most of the substantial number of signers were from outside NYC, and

Whereas, there are numerous complaints about this establishment's operation of its sidewalk cafe, and

Whereas, the applicant has been instructed by the FDNY to maintain access from a second door, the applicant has requested the size of the café be reduced to 20 tables and 44 chairs, and

Whereas, the applicant stated that no patrons are seated in the sidewalk café unless they are eating food, and the applicant has committed to continuing this restriction, and

Whereas, the applicant has committed to establish and maintain a regular series of meetings with residents of the 33 Greenwich Ave coop, and

Whereas, the applicant has committed to establishing a more 'robust' presence in the sidewalk café than is currently provided by the hostess in order to better monitor patron behavior, and

Whereas, the applicant is in the process of installing an awning over the sidewalk café to improve sound attenuation between the café and the residences above,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas, 33 Greenwich Ave. with 20 tables & 44 seats, DCA# 1221127 CONDITIONAL UPON the applicant meeting the conditions set forth in Whereas 6, 7, 8, 9 and 10 of this resolution.**

VOTE: Unanimous, with 41 Board members in favor.

4. Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. with 8 tables and 16 seats, DCA# 0762511

Block:525 Lot:50 Lot Frontage:25' Lot Depth:75 Year Built:1900(estimated)
Number of Floors:5 Residential Units:4 Total # of Units:5 Zoning:R7-2 Commercial Overlay:
C1-5

Whereas, the area was posted, community groups notified and there were community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 25 feet and depth of 75 feet with a building of five stories, with Zoning: R7-2, Commercial Overlay of C1-5, and

Whereas, the applicant appears to operate this sidewalk café in a responsible manner,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. with 8 tables and 16 seats, DCA# 0762511**

VOTE: Unanimous, with 41 Board members in favor.

5. Paesano Rest. Corp. d/b/a Paesano of Mulberry St. 136 Mulberry St. with 3 tables & 6 seats, DCA#1240086

Block:237 Lot:7501 Lot Frontage:124.75' Lot Depth:101.33 Year Built:1915
Number of Floors:6 Residential Units:0 Total # of Units:11 Zoning:C6-2

Whereas, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 124 feet and depth of 101 feet with a building of six stories, with Zoning: C6-2, and

Whereas, the applicant appears to operate this sidewalk café in a responsible manner,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Paesano Rest. Corp. d/b/a Paesano of Mulberry St. 136 Mulberry St. with 3 tables & 6 seats, DCA#1240086**

VOTE: Unanimous, with 41 Board members in favor.

6. 99 South Rest. Corp. d/b/a Garage, 97-99 7th Ave. South, with 42 tables & 84 seats, DCA# 1217775

Block:591 Lot:17 Lot Frontage:59.67' Lot Depth:83.83 Year Built:1920 Number of Floors:1
Residential Units:0 Total # of Units:1 Zoning:C4-5 Landmark Building: Yes
Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was not present, and

Whereas, this lot has frontage of 59 feet and depth of 83 feet with a building of one story, with Zoning: C4-5, and

Whereas, the applicant appears to operate this sidewalk café in a responsible manner,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends DENIAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **99 South Rest. Corp. d/b/a Garage, 97-99 7th Ave. South, with 42 tables & 84 seats, DCA# 1217775 AND REQUESTS DCA instruct the applicant to appear before this committee as required by the sidewalk café rules of the City of New York.**

VOTE: Unanimous, with 41 Board members in favor.

7. Happy Walking Boys Corp. d/b/a Chow Grill Restaurant, 184 W. 10th St. /230 W. 4th St. with 6 tables & 13 seats, DCA# 1072271

Block:619 Lot:68 Lot Frontage:26.42' Lot Depth:101 Year Built:1901 (estimated)
Number of Floors:5 Residential Units:16 Total # of Units:20 Zoning:C4-5, R-6
Landmark Building: Yes Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 26 feet and depth of 101 feet with a building of five stories, with Zoning: C4-5, R-6, and

Whereas, the applicant is operating the sidewalk café, which is entirely on the W 10th St side of the building, with a completely different configuration than approved that often reduces the public width of the sidewalk to roughly 6 feet, 2 feet less than required, and

Whereas, the current seating arrangement further requires the wait staff to serve from the already reduced area of public sidewalk, and

Whereas, the applicant is also using more tables and chairs than approved, sometimes as many as 11 tables and 22 chairs,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Happy Walking Boys Corp. d/b/a Chow Grill Restaurant, 184 W. 10th St. /230 W. 4th St. with 6 tables & 13 seats, DCA# 1072271 CONDITIONAL UPON the applicant returning the cafe size and arrangement to that shown on the layout thereby maintain the full 8 feet of clear public sidewalk space.**

VOTE: Passed, with 40 Board members in favor, 1 abstention (Secunda).

New App. for revocable consent to operate an Enclosed sidewalk café for:

8. BacBars Group, LLC d/b/a Bayard's Alehouse, 533 Hudson St. aka 116 Charles St. with 14 tables & 32 seats, DCA# 1248153

Block:631 Lot:39 Lot Frontage:27.58' Lot Depth:74.92 Year Built:1910 Number of Floors:3.5
Residential Units:5 Total # of Units:6 Zoning:C1-6 Landmark Building: Yes
Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present regarding this renewal application, and the applicant was present, and

Whereas, this lot has frontage of 27 feet and depth of 74 feet with a building of 3½ stories, with Zoning: C1-6, and

Whereas, this enclosed sidewalk café has been in operation under prior operators for many years, and

Whereas, the applicant appears to operate this enclosed sidewalk café in a responsible manner,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **BacBars Group, LLC d/b/a Bayard's Alehouse, 533 Hudson St. aka 116 Charles St. with 14 tables & 32 seats, DCA# 1248153**

VOTE: Unanimous, with 41 Board members in favor.

New App. for revocable consent to operate an Unenclosed sidewalk café for:

9. Mendedred, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 19 tables & 38 seats, DCA# 1354717

Block:525 Lot:7504 Lot Frontage:25' Lot Depth:125 Year Built:1900 (estimated)

Number of Floors:5 Residential Units:0 Total # of Units:8

Zoning:R7-2 Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant and his representative, Andrew Carabello, were present, and

Whereas, this lot has frontage of 25 feet and depth of 125 feet with a building of five stories, with Zoning: R7-2, Commercial Overlay C1-5, and

Whereas, several members of the community appeared in support of this applicant and a sidewalk cafe for this establishment, and

Whereas, the applicant has agreed to reduce the café to 18 tables and 36 seats to better accommodate access through one of the required doors,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Mendedred, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 18 tables & 36 seats, DCA# 1354717 CONDITIONAL UPON the applicant reducing the number of tables and seats to those stated in the final Whereas and the THEREFORE BE IT RESOLVED clause of this resolution.**

VOTE: Passed, with 40 Board members in favor, and 1 against-(Dutton).

10. Village Tart LLC, 86 Kenmare St. with 10 tables & 20 seats, DCA# 1353290

Block:481 Lot:32 Lot Frontage:100' Lot Depth:100.17 Year Built:1900 (estimated)

Number of Floors:6 Residential Units:30 Total # of Units:32 Zoning:C6-1

Whereas, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant and his representative, Michael Kelly, were present, and

Whereas, this lot has frontage of 100 feet and depth of 100 feet with a building of five stories, with Zoning: C6-1, and

Whereas, several residents of the building appeared to state concerns about issues with this operator, but these were primarily due to issues with mechanical equipment at the back of the building and not directly related to the sidewalk café, and

Whereas, the applicant will install a retractable awning over the café to somewhat control noise between and café and residences above, and

Whereas, the applicant has agreed to establish and maintain a regular dialog with residents of the building to deal with issues as they arise, and

Whereas, the applicant has agreed to reduce the café to 8 tables and 16 seats to better accommodate access through the adjacent door to the building's residences,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Village Tart LLC, 86 Kenmare St. with 8 tables & 16 seats, DCA# 1353290** **CONDITIONAL UPON the applicant reducing the number of tables and seats to those stated in the final Whereas and the THEREFORE BE IT RESOLVED clause of this resolution.**

VOTE: Unanimous, with 41 Board members in favor.

Re-apply app. for revocable consent to operate an Unenclosed sidewalk cafe for:

11. Four Green Fields, LLC, d/b/a Agave, 140 7th Ave. So. (W 10th/Charles) with 24 tables & 48 seats, DCA# 1220688

Block:611 Lot:14 Lot Frontage:20' Lot Depth:95 Year Built:1940 (estimated)

Number of Floors:3 Residential Units:5 Total # of Units:6 Zoning:C2-6

Landmark Building: Yes Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, a manager, was present, and

Whereas, this lot has frontage of 20 feet and depth of 95 feet with a building of three stories, with Zoning: C2-6, and

Whereas, the applicant committed to replacing the heavy, immovable planters that are higher than the allowed 30 inches with new movable, lower planters, and

Whereas, applicant has committed to moving the planters against the building as required when the café is not in operation, and

Whereas, it should be noted that the above two commitments were made at the café's previous renewal and were never carried out,

Whereas, the applicant appears to operate this café responsibly in all other ways,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Four Green Fields, LLC, d/b/a Agave, 140 7th Ave. So. (W 10th/Charles) with 24 tables & 48 seats, DCA# 1220688** CONDITIONAL UPON the applicant following through on the commitment, made in this hearing as well as the last renewal hearing, to replace the current planters with movable planters or railings that are moved against the wall of the establishment when the café is not in operation.

VOTE: Passed, with 40 Board members in favor, 1 against-(Diether)

SLA LICENSING

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

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

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

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

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

1. The applicant has agreed to operate as a restaurant only.
2. The applicant has agreed to prohibit outside speakers or sound amplification.
3. The applicant has agreed to close the entire establishment by 12:00 a.m. Sunday – Wednesday and 2:00 a.m. Thursday – Saturday while terminating liquor service 30 minutes prior to closing.
4. The applicant has agreed to not store garbage dumpsters outside the premises and refuse will not be placed at the curb for pickup until 1 hour prior to closing and before scheduled pickups.
5. The applicant has agreed to keep the backdoor (leading to the courtyard) shut at all times. The courtyard will not be used by customers or to store refuse. The courtyard will only be used to service and maintain the equipment and for no other purpose by staff or customers.
6. The applicant has agreed to shut all doors and windows facing University Place by 10:00 p.m. daily and doors and windows facing West 13th street will be shut completely at all times.
7. The applicant has agreed to replace double doors leading to the courtyard with a soundproofing doors and insulation will be added to the mezzanine window.
8. The applicant has agreed to have a General Manager present at all times.
9. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit.

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

Vote: Passed, with 40 Board members in favor, and 1 recusal (W. Schlazer).

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

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

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

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

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

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

1. The applicant has agreed to implement an acoustical program to address noise/bass issues.
2. The applicant has agreed to require all trucks to load and unload parallel to the curb.
3. The applicant has agreed to revise garbage storage and removal procedures so that pick-up will occur between 6 a.m. and 9. a.m. and garbage will be stored inside until pick-up.
4. The applicant has agreed to provide staff to clean up street and sidewalk litter after events.

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

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

Vote: Passed, with 40 Board members in favor and 1 in opposition (R. Stewart).

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

Whereas, the applicant appeared before the committee; and,

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

Whereas, the applicant stated the liquor service hours are seven days a week from 11:00 a.m. – 2:00 a.m. while the restaurant and kitchen will remain open until 4:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant has agreed to terminate liquor service by 2:00 a.m. daily; and,

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

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of an On Premise license for **RF Hudson LLC, d/b/a Red Farm, 529 Hudson St.** unless those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

5. 551 Hudson Restaurant, LLC, d/b/a undecided, 551 Hudson St. (at Perry Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on the corner of Hudson and Perry Street for a 1,260 s.f. restaurant with 49 table seats, 1 bar with 17 bar seats, and a maximum legal capacity of 74 persons; and,

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

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

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

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends denial of an On Premise license for **551 Hudson Restaurant, LLC, d/b/a undecided, 551 Hudson St.** unless those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

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

Whereas, the operator appeared before the committee; and,

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

8. Café Wha, Inc. d/b/a Café Wha, 115 MacDougal St. (3rd and Bleecker), NYC

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

Whereas, this application is for a previously approved but recently expired DCA Cabaret license in a commercial building on MacDougal Street between 3rd and Bleecker Streets for a live music venue with 224 tables seats and 1 service bar with a maximum legal capacity of 280 persons, and,

Whereas, the applicant stated that there are no changes to the existing method of operation; the hours of operation are Monday – Friday from 8:30 a.m. – 3:30 a.m. and Saturday and Sunday from 8:30 a.m. – 4:00 a.m.; there is no sidewalk café and no backyard garden; music is live only; and,

Whereas, the establishment has been operating with a DCA Cabaret license for over 40 years; and,

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

THEREFORE, BE IT RESOVED that CB#2, Man. recommends approval to the proposed On Premise license for **Café Wha, Inc. d/b/a Café Wha, 115 MacDougal St.**

Vote: Unanimous, with 41 Board members in favor.

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

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

Whereas, the operator appeared before the committee; and,

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

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

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

THEREFORE, BE IT RESOVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Chili Jam, LLC, TBD, 33 W. 8th St., NYC 10011** **and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor

14. 128 Billiard, Inc. d/b/a Tropical, 128 Elizabeth St., NYC 10013

Whereas, the applicant appeared before the committee; and,

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

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

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

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

Whereas, the location of this establishment is within 200 ft of the Holy Trinity Ukrainian Orthodox Church, specifically the Certificate of Occupancy identifies the proposed premise as being housed in a large commercial building identified as Block Number 470, Lot #50, BIN# 1006944, which is a corner building, and even though the Billiard Parlor is not on the corner, the building in which it is housed is and the front door maybe within 200 ft of both the primary entrance to Holy Trinity Ukranian Orthodox Church at 359 Broome St. and is within 200 ft. of the entrance to church owned space on Elizabeth St.; and,

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

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

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

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

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

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

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

Vote: Passed, with 34 Board members in favor, 6 in opposition (I. Dutton, A. Hearn, K.W. Ma, L. Rakoff, D. Reck, R. Stewart) and 1 abstention (D. Diether).

15. 344 Bowery Retail, LLC, d/b/a Sala Restaurant, 344 Bowery St., NYC 10012

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

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

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

THEREFORE, BE IT RESOVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to **344 Bowery Retail, LLC, d/b/a Sala Restaurant, 344 Bowery St., NYC 10012** **and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor

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

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

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

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

THEREFORE, BE IT RESOVED that CB#2, Man. strongly recommends denial of the transfer of an On Premise liquor license to **Ten Degrees Corp., d/b/a/ TBD, 202 Mott St., NYC 10012** **and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

1. The applicant will sign an agreement that they will never expand their original space to the Laundromat next door or apply for a lease at 62 Bedford.

2. The applicant agrees never to apply for a full on premise license.
3. Sidewalk crowd control will be managed by trained staff members.
4. Agrees to return to the committee if there are any changes in ownership.
5. Agrees to Soundproofing of all walls, windows, and ceiling.
6. Applicant will provide a “Letter of No Objection” or “ C of O “.
8. Kitchen will stay open and provide food until at least one hour before closing.
9. There will be no form of live music or outside promoters, DJ’s or DJ events.
10. The space will always be maintained as a restaurant.
11. All garbage pick-ups will be coordinated with Carting Service for Snack Taverna.
12. Two phone contacts: Manager and Owner will always be available to the community.

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

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

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

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

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

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

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

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

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

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

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

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

Vote: Passed, with 31 Board members in favor, and 8 in opposition (S. Ashkinazy, D. Collins, A. Meadows, Morrellet, R. Sanz, W. Schlazer, S. Secunda, E. Young, W. Schlazer.

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

Whereas, the applicant appeared before the committee; and,

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

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

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

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

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

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

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

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

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

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

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

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

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

Vote: Unanimous, with 41 Board members in favor.

SOCIAL SERVICES AND EDUCATION

The Senior Program at The First Presbyterian Church

Whereas the Senior Program at the First Presbyterian Church has been providing a drop-in-center for, and serving meals to senior citizens for more than 10 years, as a satellite site of The Caring Community, and

Whereas this Senior Program currently has 100 members and serves nearly 70 meals daily, and

Whereas The Caring Community has recently ended its funding to several of its sites, including The Senior Program at The First Presbyterian Church, due to its own budget shortfall, and

Whereas this will cause overcrowding at the remaining sites and require multiple seatings, in order to accommodate everyone, and

Whereas members of The Senior Program at The First Presbyterian Senior Program have demonstrated their heartfelt attachment and commitment to the program by personally dedicating themselves to its survival by undertaking creative ways to raise some of the funds needed to stay open, and

Whereas some of these fundraising efforts will involve: tutoring students, teaching E.S.L., creating a city-wide newsletter for senior center users, soliciting support from local businesses, and requesting donations from seniors who use the program, and

Whereas by no longer operating under the auspices of the Department for the Aging, this program will be able to operate at a much reduced budget, eliminate some of the higher-priced budget items that would otherwise be required, such as high-salaried professional staff, and rely more on local volunteers, and

Whereas The Senior Program at the First Presbyterian Church is situated in one of the more aesthetically pleasing locations, with high ceilings, lots of light and air, wider doorways hallways and aisles, providing a much safer and fully accessible premises than most of the remaining local Senior Programs, and

Whereas many Seniors who depend upon this food program, and who would go hungry without it, would have trouble traveling further in order to get to another program, and

Whereas the meal program at Senior Centers is only one aspect of the many services that are being provided, and while it is often the attraction that first brings Seniors to participate, once they are involved they can then be introduced to other important and necessary services, and

Whereas a petition has been signed by 110 members, employees and volunteers of the Program calling for its continuation,

Therefore Be It Resolved that CB#2, Man. recognizes The Senior Program at the First Presbyterian Church Senior Program as a most valued resource in our community, and commends it for its effort to stay open despite the major defunding of its program, and

Be It Further Resolved that CB#2, Man. requests our elected officials to do all they can to assist The Senior Program at The First Presbyterian Church Senior Program to stay open by awarding any discretionary funds possible to this very worthy cause.

Vote: Unanimous, with 41 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Support of Various Street Fair Permit Applications (Renewals)

WHEREAS, each of the street fair permit applications listed below were approved by CB#2, Man. last year and are up for renewal this year, or are single-block events not affected by the current moratorium on new multi-block events; and

WHEREAS, each of the renewal street fair permit applications listed below appear to not have changed in any material manner from last year; and

WHEREAS, each of the street fair permit applications listed below include a setup and breakdown time between 8:00 a.m. and 8:00 p.m.; and

WHEREAS, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

WHEREAS, there is no community opposition to such applications from the public; now

THEREFORE BE IT RESOLVED that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

9/25/10-Far West 10th St. Block Association, West 10th St. bet. Bleecker & 4th Sts.

Vote: Unanimous, with 41 Board members in favor.

2. 7/11/10-World Cup Party, Little West 12th St. bet. 10th Ave. & Washington St

WHEREAS, the Brass Monkey Bar wishes to celebrate how the World Cup Soccer Tournament brings together people from all nations and backgrounds to celebrate sport, life and culture; and

WHEREAS, the World Cup Party will feature large viewing screens to watch the final soccer match and will be open to the public at no charge; and

WHEREAS, this is a one-time only event taking place on a unpopulated block that will not take place in future years; and

WHEREAS, the Brass Monkey Bar has agreed to donate 15% of all proceeds raised from the World Cup Party to a non-profit charity within CB#2, Man. and provide supporting documentation to the Committee of said donation; now

THEREFORE BE IT RESOLVED that CB#2, Man. supports the street fair permit application of the Brass Monkey Bar for the World Cup Party.

Vote: Passed, with 26 Board members in favor, 14 in opposition (T. Bergman, C. Booth, S. Burton, T. Cude, A. Greenberg, D. Gruber, J. Hamilton, B. Hoylman, S. Kent, R. Lee, K.W. Ma, A. Meadows, L. Rakoff, R. Stewart), and 1 abstention (S. Secunda).

3. 10/31/10- Basilica Inauguration, Mulberry St. bet. E. Houston & Prince St

WHEREAS, the proposed street closing is solely for the dedication of a new Basilica located on Mulberry Street, between Houston and Prince Street; and

WHEREAS, the event and street closing is limited to a one block radius; and

WHEREAS, this is a one-time only event taking place specifically to designate a religious institution in our community; now

THEREFORE BE IT RESOLVED that CB#2, Man. supports the street permit application for the Basilica designation.

Vote: Unanimous, with 41 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of Hudson Square Connection application to the NYC Dept. of Transportation Plaza Program for proposed “Spring St. Shared Space” project.

Whereas the Hudson Square Connection Business Improvement District (BID) is submitting an application to the NYC Department of Transportation’s (DOT) Plaza Program 2010 that proposes a project comprising design and implementation of public space improvements at SoHo Square, bounded by Spring St./north, Broome St./south, Varick St./west, Ave. of the Americas (6th Ave.)/east, and including Little 6th Ave. (east) and Dominick St. (bet. Spring and Broome Sts.), which, if selected, will begin in 2011; and

Whereas the DOT Plaza Program aims to create new neighborhood plazas by transforming underused streets into vibrant, accessible public spaces and walkable destinations that reflect neighborhood character and needs by funding such initiatives and aiding in their design and implementation; and

Whereas the DOT Plaza Program calls for an active community participation process including public visioning workshops and using other outreach techniques such as surveys and promotion in developing a space’s conceptual design to inform the work of a professional design team in collaborating on a final design; and

Whereas the existing square, with assets such as 60 fully grown trees, multiple surrounding uses, and many potential users within walking distance but in poor condition with few amenities, most of which are outdated, badly functioning, uncomfortable and broken, is a setting that can blossom into a revitalized, enhancing community space given the kind of careful planning and well-considered design the DOT Plaza Program can foster; and

Whereas the Hudson Square Connection has had preliminary conversations about its proposed project application with many of its neighbors, including Chelsea Vocational High School, Trinity Real Estate, Here performance space and The Villager newspaper, all of them favorable to the idea, and also is reaching out to businesses and other neighbors; and

Whereas if selected, the proposed Hudson Square Connection “Spring St. Shared Space” project’s actual design definition and character will be developed within the DOT Plaza Program’s required community-based process to be conducted by the BID and DOT and could include such elements as new paving, seating, lighting, permeable surfaces and plantings, bicycle parking, art installations, performances and public events, with the completed space managed and maintained by the BID;

Therefore Be It Resolved that CB#2, Man. supports the Hudson Square Connection’s application to the DOT Plaza Program for its proposed “Spring St. Shared Space” project; and

Be it further resolved that should this project be selected for the DOT Plaza Program, CB#2, Man. looks forward to participating in community outreach and input; and

Be it finally resolved that if this project is selected, CB#2, Man. asks that, upon completion of the process, DOT and the Hudson Square Connection return to CB#2, Man. for review and approval of the final design.

Vote: Unanimous, with 41 Board members in favor.

2. Resolution in support of installing two speed humps on Cornelia St. bet. Bleecker and W. 4th Sts.

Whereas the NYC Department of Transportation (DOT) recently discovered a yellow rubber strip acting as a makeshift speed hump on Cornelia St. bet. Bleecker and W. 4th Sts. that was installed by people in the neighboring community to slow down speeding traffic and promote pedestrian safety; and

Whereas while citizen action in the interests of community safety is to be commended, there are certain guidelines to follow in ensuring that safety, and DOT has indicated that the makeshift configuration is a safety hazard that they must remove; and

Whereas DOT has proposed that its Traffic Planning Division survey Cornelia St. bet. Bleecker and W. 4th Sts to determine the feasibility of installing a legal speed hump; and

Whereas several residents of Cornelia St. bet. Bleecker and W. 4th Sts. have reported that numerous motorists speed through on their block, endangering not only residents, but senior citizens, children from the Pompeii School, and patrons of restaurants and other businesses on the street, and that many pedestrians have been hit by motor vehicles; and

Whereas these residents have also reported that ever since the illegal speed hump was installed, there's been a marked difference in vehicular traffic behavior, with cars slowing down significantly and pedestrian safety increasing; and

Whereas these residents have requested that two legal speed humps be installed on this block, and examples in other cities show that installing two speed humps on a block helps sustain a steady slow speed in motor vehicles that otherwise surge full speed ahead after going over a single speed hump; and

Whereas the intersection where Cornelia and W. 4th Sts. merge is confusing and dangerous, even with new line markings that fail to increase safety;

Therefore be it resolved that CB#2, Man. strongly supports the installation of two speed humps on Cornelia St. bet. Bleecker and W. 4th Sts.; and

Be it further resolved that CB#2, Man. urges DOT to conduct its proposed survey of that block to determine the feasibility of installing speed humps as soon as possible, and if feasibility is ascertained; to install two speed humps quickly; and

Be it finally resolved that CB#2, Man. asks that DOT include in its study the intersection where Cornelia and W. 4th Sts. merge to determine approaches to increasing safety and eliminating confusion at that dangerous junction.

Vote: Unanimous, with 41 Board members in favor.

NEW BUSINESS

Resolution Requesting a Community Health Care Needs Assessment

WHEREAS, the closure of St. Vincent's Hospital has resulted in the community's loss of an emergency room, in-patient hospital, Level 1 trauma center and the capacity to address a widespread public health emergency such as a natural disaster or act of terrorism, creating a significant gap in the health care services available to this community board and the entire Lower West Side of Manhattan; and

WHEREAS, on June 14, 2010, North Shore - Long Island Jewish Medical Center presented its plans for an urgent care center to be located on the site of St. Vincent's within six to eight weeks that will provide community health care, but will not handle life-threatening emergencies, which will require patients with these conditions to be transported by ambulance to area hospitals; and

WHEREAS, as heard by the community board during the June 14 public hearing and at previous community meetings, there is tremendous public concern among residents about the ability of an urgent care center to meet the health care needs of the Lower West Side and the negative impact that such a limited facility will have on the quality and delivery of health care in our community; and

WHEREAS, this Community Board has always supported the establishment of a full-service, acute care hospital on the St. Vincent's site in order to adequately meet the community's health care needs, and reiterates this position today; and

WHEREAS, a community health care assessment is important to understand the community's key health care problems and needs, help make the case for a full-service hospital, and ensure that the facility that replaces St. Vincent's hospital adequately meets local community's health care needs; and

WHEREAS, no such community health care assessment has been conducted in recent years for the Lower West Side of Manhattan.

THEREFORE BE IT RESOLVED, that CB#2, Man. strongly urges the New York City and State Departments of Health and our local elected officials to commission a community health care assessment as soon as possible and work with the local community in marshalling the data and analysis for assessing the strengths and weaknesses in the local health care delivery system.

Vote: Passed, with 40 Board members in favor, and 1 recusal-(Lederman)

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan