

Brad Hoylman, *Chair*
Bo Riccobono, *First Vice Chair*
Alison Greenberg, *Second Vice Chair*
Bob Gormley, *District Manager*



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

COMMUNITY BOARD No. 2, MANHATTAN

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Greenwich Village * Little Italy * SoHo * NoHo * Hudson Square * Chinatown * Gansevoort Market

FULL BOARD MINUTES

DATE: June 21, 2012
TIME: 6:00 P.M.
PLACE: St. Anthony of Padua Church, 151-155 Sullivan Street (lower hall)

BOARD MEMBERS PRESENT: Keen Berger, Tobi Bergman, Carter Booth, William Bray, Sigrid Burton, Richard Caccappolo, Heather Campbell, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Gideon Gil, Alison Greenberg, David Gruber, Jo Hamilton, Susan Kent, Janine Kiely, Arthur Kriemelman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Anita Brandt, Lisa Cannistraci, Denise Collins, Sasha Greene, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Alexander Meadows, Florent Morellet

BOARD MEMBERS ABSENT: Susanna Aaron, Alison McGonigal-Nelson

BOARD STAFF PRESENT: Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Rosemarie Diaz, Senator Daniel Squadron's office; Jessica Silver, Man. Borough President Scott Stringer's office; Sarah Diaz, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Novac Noury, Heather Tierney, Bryan Cornel Fox, Tanisha Leo, Judith Callet, Renne Schoonbeck, Richard Flood, Suzanne Kaufman, Lee Jimenez, Travis Silva, Tara Tabassi, Tiph Browne, Nico Fonseca, Doha Amin, Manny Vaz, Naa Hammond, Mr. and Mrs. Derrick Graham, Jonathan Geballe, Andrea Swalic, Lora Tenenbaum, Mary Johnson, Lowell Barton, Jessica Rodriguez, J. Dulani, John Brenard, Wagner Betz, Emerson Brisbon, Jacob Ryvkin, Krystal Portalatin, Karen Hall, Meredith Novikavski, Corey Johnson

MEETING SUMMARY

Meeting Date – June 21, 2012
Board Members Present – 39
Board Members Excused – 8
Board Members Absent – 2

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II. PUBLIC SESSION

Non-Agenda Items

Meredith Novikavski spoke.

Washington Square Music Festival

Lois Rakoff made an announcement regarding the upcoming music festival in Washington Square Park.

Thanks to Brad Hoylman

Corey Johnson thanked Brad Hoylman for his service as CB2 Chair.

Parks, Recreation & Open Space

James J. Walker Playground

Lowell Barton spoke regarding the park playground.

Sidewalks, Public Facilities & Access Items

Mappamondo, LLC d/b/a Mappamondo, 11 Abingdon Square, with 4 tables and 8 seats

John Brenard spoke in favor of the proposed sidewalk café.

SLA Licensing Items

ADSAD, LLC d/b/a Onegin, 391 Avenue of Americas (Change in hours)

Jacob Ryvkin, from Onegin, spoke in favor of the alteration to change their hours of operation.

Saint Germain Management, LLC d/b/a L'Orange Coquine, 430 Broome St.
Lora Tenenbaum spoke regarding the proposed liquor license application.

Traffic and Transportation Items

DOT Canal and Hudson Sts. Pedestrian Safety Improvements and Improvements to the Varick St. entry to Holland Tunnel

Renee Schoonbeck, from the Hudson Square Connection, spoke in favor of the DOT proposals for pedestrian safety improvements at Verick/Hudson and Calal Streets.

Waterfront

Whitney Museum Art Installation at Hudson River Park

Richard Flood, representing the museum, announced the installation of interactive art at Hudson River Park.

Proposed Amendments to the Hudson River Park Act

Tiph Browne, Krysal Portalatin, and Karen Hall of FIERCE, spoke against opening the Hudson River Park Act for new development at Pier 40 and in favor of community input.

Hudson River Park & MeatPacking District

Novac Noury spoke about progress on Hudson River Park and the MeatPacking District.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Rosemarie Diaz, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Jessica Silver, Man. Borough President Scott Stringer's office

Sarah Diaz, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of April minutes and distribution of May minutes.

VI. ELECTION OF OFFICERS FOR ENSUING TERM

As a result of Brad Hoylman's resignation from the Board, the following candidates were elected as CB2 Officers for the ensuing term:

David Gruber, Chair
Bo Riccobono, 1st Vice Chair
Jo Hamilton, 2nd Vice Chair
Antony Wong, Treasurer
Susan Kent, Secretary
Keen Berger, Assistant Secretary

VII. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported that he was stepping down as CB2 Board Chair due to other commitments and thanked everyone for their assistance.

2. **Treasurer's Report** Antony Wong (see attached)

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:14 - 127-129 Prince Street, aka 131-133 Wooster Street – SoHo-Cast Iron Historic District. A loft building, designed by Buchman & Deisler and built in 1893-1894. Application to install ramps.

Whereas, we sympathize with the plight of the applicant, the victim of a lawyer/client scam team who have been widely reported in the press to exploit the ADA law by suing storeowner after storeowner with financial claims for non-ADA compliance and then reaping personal windfalls for themselves; but

Whereas, the present proposal solves one problem only to create two more: namely, two unsightly and dangerous ramps, public nuisances plopped down on a narrow, heavily congested SoHo sidewalk, potentially engendering more lawsuits from tripping victims; and

Whereas, there are at least two alternate, less-intrusive recourses:

- architecturally, to simply alter the interior of the store to accommodate wheelchair accessibility
- legally, and less costly, to take the advice of attorneys expert in the ADA law, who advise that accessibility requirements can be met legally by having a portable ramp available inside the store and installing a small, blue sign with the International Sign indicating handicapped accessibility along with a bell for the disabled to ring to request the portable ramp be brought out to them; and

Whereas, if every storeowner in every historic district were to respond to this situation by installing similar ramps, our historic sidewalks would be cluttered and degraded, adding insult to the injury this shake-down team have been perpetrating; and

Whereas, further, we were a bit surprised that LPC staff would recommend a concrete ramp instead of one fabricated from diamond-plate, a more appropriate and sensible material. Among other flaws, concrete would cover the existing diamond plating as well as obstructing access to the basement space that is directly underneath it; now

Therefore, be it resolved that CB#2, Man. strongly recommends denial of this application and urges the applicant to come up with a less Draconian solution.

Vote: Unanimous, with 39 Board members in favor.

2 - LPC Item:15 - 435 Broome Street (Crosby/Broadway) - SoHo-Cast Iron H.D. A Victorian Gothic style cast iron commercial building designed by W.A. Potter and built in 1873. Application is to install storefront infill

Whereas, overall the new storefront will improve the façade and we especially like the restoration of the columns and capitals; but

Whereas, we object to the proposed display window, which, with its butt-jointed panes, is a bit too modern. A more traditional, large, single-pane window that most other storefronts in the district have would work better; and

Whereas, the bulkhead below the window should have a more historic treatment. The proposed plywood is not an historic material and would detract from the building. Better would be a bulkhead of metal or one covered by grillwork; and

Whereas, no color samples for the storefront were presented; 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 a single, large window instead of the proposed dual pane, and a more traditional bulkhead of metal work, and a palette that will improve the storefront.

Vote: Unanimous, with 39 Board members in favor.

3 - LPC Item: 16 - 430 Broome Street (n.e. Crosby)- SoHo-Cast Iron H.D. Extension
A Queen Anne style store and factory building designed by Julius Kastner and built in 1894-95.
Application is to install basement stairs and ironwork at the areaway.

Whereas, since the proposed stairs will create a mere 7' 7" pedestrian sidewalk clearance, a question arose whether that would be in violation of the DOT 8-foot clearance requirement. Although the applicant stated that DOT was going to approve the easement for the stairs, nothing was presented indicating that the DOT staffer was aware that the sidewalk there is very narrow (about 11'-12') and a stair might likely be in Code violation; and

Whereas, this proposal will remove the existing concrete step-up platform currently there that is very likely not original; and

Whereas, we appreciate the attractive iron work; and

Whereas, this proposal adds to the building and the district; 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 that LPC staff confer with DOT staff to ascertain whether installing the stairs would violate pedestrian clearway requirements.

Vote: Unanimous, with 39 Board members in favor.

4 - LPC Item: 18 - 36 Bleecker Street, aka 311-321 Mott Street - NoHo East H.D. A Romanesque Revival style lithographic establishment designed by Edward E. Raht and built in 1882-85. Application is to alter the facade, construct a rooftop addition, install storefront infill, and to recreate the gable parapet. Zoned C6-2(L1).

Whereas, this was an excellent and well-prepared presentation; and

Whereas, the roof-top addition is so minimally visible and of such construction that it will not detract from the district or the building; and

Whereas, the proposal is commendable, particularly the restoration of the pediment, finials, and cast-iron piers; but

Whereas, the request to remove historic material and to square the arched opening for proposed garage doors not only is destructive but also interrupts the visual rhythm at street level; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, with the exception of the plans for the garage doors.

Vote: Unanimous, with 39 Board members in favor.

5 - LPC Item:19 - 18-24 Bleecker Street, aka 309-311 Elizabeth Street - NoHo East Historic District A Colonial Revival style school and rectory building designed by Silvio A. Minoli and built c. 1926-27. Application is to alter door openings, create new window openings, and install new windows

Whereas, the ADA accessibility is handled very appropriately; but

Whereas, we question the propriety of the exterior muntins; but

Whereas, otherwise the proposal is an improvement; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, with the exception of the exterior muntins.

Vote: Unanimous, with 39 Board members in favor.

6 - LPC Item:20 - 45 Great Jones Street (Bowery/Lafayette)- NoHo East Historic District Extension An altered Romanesque Revival style warehouse, built in 1893-94. Application is to construct an addition at the street wall with a setback penthouse, and install storefront infill. Zoned M1-B5

Whereas, it is a good proposal overall, but does lack some of the decorative elements common in this district. Simply adding decorative features onto the spandrels, for example, would be one solution; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application but would like to see some more detailing.

Vote: Unanimous, with 39 Board members in favor.

7 - LPC Item:21 - 24 Bethune Street – Greenwich Village Historic District
A Greek Revival style rowhouse built in 1844-45. Application is to reconstruct the facade.

Whereas, the reconstruction will benefit the building and the district; but

Whereas, we were a bit surprised when the applicant stated that this Greek-Revival building was built in 1905.

This statement would indicate a lack of awareness of the history of the building, one of a row of 1840s townhouses, and, consequently, could result in materials and techniques employed in the restoration that are not appropriate for this style building.

To cite two basic concerns:

- does the applicant know that thin-set mortar should be used and what its precise composition should be?
- since some new bricks will be needed, does the applicant plan to add them in a place where they would be less noticeable, the top of the façade, or will they be used randomly in a mismatched pattern? ; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, but urges LPC staff to closely monitor the techniques and applications used.

Vote: Unanimous, with 39 Board members in favor.

8 - LPC Item:22 - 117 Bedford Street, aka 126-128 Christopher Street - Greenwich Village Historic District. A Greek Revival style town house built in 1843. Application is to construct rear yard and rooftop additions. Zoned C1-6/R7

Whereas the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

Whereas the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 39 Board members in favor.

9 - LPC Item:23 - 725-731 Greenwich Street, aka 116-122 Perry Street – Greenwich Village Historic District. Four rowhouses, built in the early 19th Century and remodeled in the Spanish Colonial Revival style by Ferdinand Savignano in 1928. Application is to relocate a through-the-wall air conditioner installed without Landmarks Preservation Commission permit.

Whereas, we approve of the proposal to relocate the AC above the door, but would like to see a more decorative grill than the one proposed, since it will be quite visible to passersby; and

Whereas, we also approve of the reintroduction of the Spanish tiles, since this building makes no sense without them; now

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

Vote: Unanimous, with 39 Board members in favor.

10 - LPC Item:24 - 84 Bedford Street (adjacent to **Chumley's**) - Greenwich Village Historic District
A vernacular Greek Revival style rowhouse originally built c.1826, and altered in 1872 and c.1900; and a house built in 1846, with a ground floor store in the mid-19th century, and altered before 1879.
Application is to legalize work done in non-compliance with Certificate of Appropriateness 08-9177 (LPC 08-7895) and subsequent amendments to alter the street facade, construct a stoop and enlarge the rooftop bulkhead.

Whereas, neighbors in attendance expressed displeasure at how this construction has been proceeding; and

Whereas, we agreed with them that the work has been done badly and with disregard; and

Whereas, the Commission should enforce the violations; now

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

Vote: Unanimous, with 39 Board members in favor.

11 - LPC Item:25 - 52 Gansevoort Street (Greenwich/Washington) – Gansevoort Market Historic District. Three vernacular buildings originally built c.1850-54 and 1893 and altered as a market building in 1937 by S. Walter Katz. Application is to install storefront infill and signage

Whereas, the signage is in scale, the lighting is not intrusive and the storefront infill will improve the building; now

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

Vote: Unanimous, with 39 Board members in favor.

2ND LANDMARKS MEETING

12 - LPC Item:11 - 475 West Broadway (s.e. Houston)– SoHo-Cast Iron Historic District
A neo-Grec style tenement building designed by Frederick H. Gross and built in 1878-79. Application is to establish a Master Plan governing the future installation of painted wall signs. Zoned M1-5A

Whereas, the committee wondered whether the area of the signage, 660 square feet, exceeds the limits permitted by ZR 42-533, that is, six times the street frontage or 500 square feet, maximum.
The applicant claimed that the sign was grandfathered, installed prior to enactment of that restrictive zoning amendment, but produced no documentation to support that assertion.
Thus we urge the Commission to determine with certainty whether this sign is grandfathered; and

Whereas, we agreed with some provisions of the master plan. However, we object to at least five others: for instance, the proposal for a maximum of four colors, with “various shades per color” allowed.

Four colors will produce a busy palette and the undefined “various” shades could yield a huge, undetermined number; and

Further, whereas, examples provided by the applicant clearly show less is more. The request for text and images to cover as much as 50% of the surface area will yield a very busy sign that will detract from the building and the district. We recommend that no more than 35% coverage; and,

Further, whereas, like the other master plans for Houston Street signage, this proposal should have a specific ratio of graphics to text. The applicant offered none; and

Further, whereas, signs should be set back four feet from the building edge. No provision was made for that; and

Further, whereas, the master plan proposes the applicant can paint over an older sign in either white or black without going to the LPC staff. This is a terrible idea.

The building’s side façade is painted a reddish-brown color. On this site, it has often taken weeks, even months, before some new advertiser decides to lease the space once a prior sign has been removed.

To have a huge black or white splotch located smack dab in the center of this side façade draws undue attention, while providing nothing to the historic district, the building, the landlord or a potential advertiser.

A more sensible solution would be simply to paint over an expired sign in the same reddish-brown color as the façade, not a clashing black or white.

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

- 1) the proposed number of colors and shades be reduced
- 2) there be no more than 35% combined coverage of text and image
- 3) there is a specified proportion of text to image, depending on what style sign is used
- 4) the sign be set back four feet from the edge of the building; and
- 5) a blank advertising space awaiting a new advertiser should be painted reddish-brown to match the existing secondary façade, not a lurid black or white, colors that relate to neither the building nor the district; and

Further, be it resolved that CB#2, Man. recommends the Commission confirms the claim that the non-conforming area for signage is grandfathered.

Vote: Unanimous, with 39 Board members in favor.

13 - LPC Item: 12 - 341 Canal Street (Greene)- SoHo-Cast Iron Historic District
A vacant lot. Application is to construct a new six-story building. Zoned M1-5B

Whereas, we stand by our earlier recommendation for approval of this proposal; now

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

Vote: Unanimous, with 39 Board members in favor.

14 - LPC Item:13 - 498 Broome Street (Broadway/Crosby) – SoHo-Cast Iron H.D. A store building designed by Ernest Greis, and built in 1885. Application is to construct a rooftop addition, replace windows, and install storefront infill.

Whereas, the proposal will enhance the façade. Although some historic material will be removed, like the vault lights on the step, the overall effect is successful, especially how the accessibility issue is handled; but

Whereas, removing this non-descript fire escape would greatly enhance the façade. Although the applicant expressed skepticism that the roof of the adjacent building could be used as a second means of egress, it is our belief that it can.

Alternately, installing a sprinkler system would meet fire code and would not be asking too much more of the applicant, considering the substantial economic benefit that will be gained from a change of use; and

Whereas, installing so much diamond plating will leave a disproportionate amount of the sidewalk covered with metal; and

Therefore, be it resolved that CB#2, Man. recommends approval of this application, but recommends removal of the fire escape and less diamond plating, perhaps substituting some granite in its place.

Vote: Unanimous, with 39 Board members in favor.

15- LPC Item:14 - 498 Broome Street (Broadway/Crosby) – SoHo-Cast Iron H.D. A store building designed by Ernest Greis, and built in 1885. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Modification of Use Pursuant to Section 15-20(b) of the Zoning Resolution. Zoned M1-5A

Whereas, we feel that the scope of work is significant enough to justify a change of use; but

Whereas, we would urge the Commission to request just a bit more from the applicant, namely, removal of the fire escape and adding some granite and less metal to the sidewalk before issuing a report of approval; now

Therefore, be it resolved that CB#2, Man. recommends a report be issued approving this application, if the applicant agrees to remove the fire escape and to add some granite slabs that would reduce the preponderance of metal plating; and

Further, be it resolved that CB#2, Man. reminds the applicant that approval by the Landmarks Committee of CB#2, Man. should not be considered a factor in approving a change of use when this application comes before the Land Use Committee at a future date.

Vote: Unanimous, with 39 Board members in favor.

16 - 91 Charles Street, aka 368 Bleecker Street - Greenwich Village Historic District. A rowhouse built between 1847 and 1853. Application is to construct a barrier-free access ramp.

Whereas, we sympathize with the plight of the applicant, the victim of a lawyer/client scam team who have been widely reported in the press exploiting the ADA law by suing storeowner after storeowner with financial claims for non-ADA compliance and then reaping personal windfalls for themselves; and

Whereas, ordinarily, we would suggest alternate, simpler and less obtrusive solutions to ensure ADA compliance; but

Whereas, this application lends itself to the proposed solution, a ramp, since there already exists a raised platform where the ramp is proposed to be placed; now

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

Vote: Unanimous, with 39 Board members in favor.

17 - 705 Greenwich Street (Charles/W 10) - Greenwich Village Historic District. A building originally built as a Federal style house in 1828, and later altered in the mid-19th Century. Application is to legalize alterations at the ground floor and signage installed without Landmarks Preservation Commission permits

Whereas, the building was altered a very long time ago and is situated on an mixed-use street; and

Whereas, to return to the historic design would require the reintroduction of the original carriage doors, an impractical solution in this day and age; now

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

Vote: Unanimous, with 39 Board members in favor.

18 - 50 Bond Street (Bowery/Lafayette)- NoHo Historic District Extension. A Classical Revival style store and loft building designed by Cleverdon and Putzel and built in 1896-97. Application is to alter a roof deck.

Whereas, the proposal to alter the current angled footprint of the roof deck and squaring it produces better and improved proportions; and

Whereas, ordinarily, we might not approve this modern structure on this building, but the original roof deck and structure were installed prior to designation. This alteration indeed might not relate to the building or the district, but it does relate to the existing structure. This is an unique situation and set of conditions that would not be met in most other buildings in the historic district; but

Whereas, the screen of vegetation is distracting and should be moved as far out of sight as possible; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application unless the foliage be made less visible from the street.

Vote: Unanimous, with 39 Board members in favor.

19 - 68 Gansevoort Street (Ninth/Washington) – Gansevoort Market Historic District. A tenement built by John Glass in 1880-81, altered and combined into a two-story market building by Voorhees, Foley, Walker & Smith in 1940. Application is to install an internally illuminated bracket sign.

Whereas, this type of internally illuminated signs might indeed attract more attention to the building and the business, but is that purpose of the preservation laws?; and

Whereas, there is no precedent for these types of signs in the district; and

Whereas, a more traditional lighting would work, like small unobtrusive spotlights, or down-lighting on a pin-mounted sign, or an illuminated box sign – just not this internally-illuminated sign; now

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

Vote: Unanimous, with 39 Board members in favor.

LAND USE

Support for East Bowery Preservation Plan

Amanda M. Burden, FAICP
Chair, City Planning Commission
22 Reade Street
New York, NY 10007

June 18, 2012

Dear Chair Burden:

Community Board No. 2 Manhattan is writing to state our support for Community Board #3 Manhattan's resolutions of October 1, 2007 and December 31, 2009 for the East Bowery Preservation Plan to extend the low-rise zoning of West Bowery to the East. We are pleased to add our support to that of Councilmember Rosie Mendez and numerous other state and local elected officials as stated in letters submitted over the last five years.

The area of the East Bowery Preservation Plan is immediately across the Bowery from our Board's service area, and if it is allowed to have excessively high buildings and significantly more density it will impact our Board's residents and businesses as well as those within the directly affected area.

We request that the Department of City Planning conduct a zoning study for the east side of the Bowery that will encourage appropriate bulk and density while preserving the Bowery's historic character. Additionally, we hope that the Landmarks Preservation Commission will also consider creating a landmark district in the area.

Thank you for your consideration.

Sincerely,

David Gruber, Chair
Land Use and Business Development Committee

Vote: Unanimous, with 39 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

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

1. Cosi, Inc., 841 Broadway (NW corner E. 13 St), with 14 tables & 36 seats, DCA# 1027305
Block:565 Lot:15 Lot Frontage:219' Lot Depth:124 Year Built:1900
Number of Buildings:2; Number of Floors:21 Residential Units:0 Total # of Units:180
Zoning:C6-1C6-4

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

Whereas, this café has been operated for approximately four years by this applicant with few known issues other than consistent changes in the seating layout with tables/chairs which should be on E. 13 St being placed on Broadway, and

Whereas, the committee noted the plan, which was originally submitted in 2000, does not accurately show the location of the restaurant entrance on Broadway and does not show at all an entrance on E. 13 St, and

Whereas, the applicant uses less than half of the length of the approved café on the E. 13 St side, and

Whereas, as the applicant should be required to produce an updated print that reflects both the correct location of the restaurant entrances and the seating as used in daily operation

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 **Cosi, Inc., 841 Broadway (NW corner E. 13 St), with 14 tables & 36 seats, DCA# 1027305**

CONDITIONAL UPON the applicant providing to DCA an updated plan correctly reflecting the establishment entrances and the more limited café footprint being used in the operation

VOTE: Unanimous, with 39 Board members in favor.

2. 1 Perry St. Restaurant, Inc., 57 Greenwich Ave. (NW corner Perry St), with 4 tables & 16 seats, DCA# 1360787
Block:613 Lot:61 Lot Frontage:29.08' Lot Depth:70 Year Built:1901(estimated)
Number of Buildings:1; Number of Floors:4 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 application, and the applicant’s representative, Michael Kelly, was present, and

Whereas, this café has been operated for approximately two years by this applicant with few known issues other than issues with the approved seating numbers and the lack of an opening in the awning for the fire escape drop ladder clearance, and

Whereas, the committee noted the plan, which was originally submitted in 2010, places one of the tables directly under the fire escape drop ladder and Mr. Kelly submitted an updated plan from 2010 that appeared to have been filed with DCA after the committee’s initial hearing in 2010 which reduced the seating to 4 tables and 14 seats, and

Whereas, with this renewal Mr. Kelly submitted a plan which further reduces the seating to 4 tables and 12 seats by using a 2-seat table at the west end of the café instead of a 4-seat table in order to provide clearance for the drop ladder, and

Whereas, there is currently substantial confusion between the committee, the Council, DCA, DoB and FDNY on what clearance is required for fire escape drop ladders relative to café furniture, and

Whereas, the committee noted that despite the updated print from 2010 showing just 14 seats, the applicant has consistently been seating 4 tables and 16 seats,

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 **1 Perry St. Restaurant, Inc., 57 Greenwich Ave. (NW corner Perry St), with 4 tables & 16 seats, DCA# 1360787**

UNLESS

- **the seating on file is reduced to 4 tables and 12 seats consistent with the new plan provided by Mr. Kelly**
- **Resolution is reached by the City Council on the needed drop ladder clearance which may require a further reduction in seating by removal of the 1 table and 2 chairs at the west end of the café**
- **The applicant provides the required 3' x 3' opening in the awning for the fire escape drop ladder**

VOTE: Unanimous, with 39 Board members in favor.

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

3. Toby's Public House II LLC, d/b/a Toby's Public House, 86 Kenmare Street, with 6 tables & 12 seats, DCA # 1431897

Block:481 Lot:32 Lot Frontage:100' Lot Depth:100.17 Year Built:1900(estimated)
Number of Buildings:1; 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 application, and the applicant's representative, Michael Kelly, was present, and

Whereas, a sidewalk café was previously operated at this location by a previous applicant for a short time with no known issues, and

Whereas, the café is located entirely on Kenmare St on a 18'6" sidewalk but the depth of the café is further restricted by a double phone booth and a street light on the Kenmare side of the corner with Mulberry St, and

Whereas, CB#2, Man. had previously denied both an SLA on-premise and a beer and wine license request from this applicant and the Board has serious concerns about this applicant extending this operation onto the sidewalk, and

Whereas, the café also includes a service aisle from the establishment entrance around the corner on Mulberry St, and

Whereas, four residents of the area expressed concern over the addition of another café in an area that has experienced quality of life issues due to the large number of food/drink establishments in the area, and

Whereas, in discussion with the residents, Mr. Kelly committed to requesting the applicant to reduce the closing time of the café by 1 hour every night: 11pm, Sun–Thurs and 12 midnight, Fri–Sat., and

Whereas, Mr. Kelly also committed to requesting the applicant to use either an installed awning or umbrellas over the seating to reduce any noise that might reach the residential windows above, and

Whereas, the committee reminds the applicant that the use of either an awning or umbrellas in the café means that smoking must be prohibited in the café, which will also remove that issue for the residents,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Toby’s Public House II LLC, d/b/a Toby’s Public House, 86 Kenmare Street, with 6 tables & 12 seats, DCA # 1431897**

UNLESS

- **the applicant closing the café 1 hour earlier than stated on the contract with DCA: 11pm, Sun–Thurs. and 12 midnight, Fri–Sat**
- **the applicant installing an awning over the café or using umbrellas to limit noise**
- **the application is called up by the City Council**

VOTE: Unanimous, with 39 Board members in favor.

4. Mappamondo, LLC d/b/a Mappamondo, 11 Abingdon Square, with 4 tables and 8 seats, DCA# 1426799

Block:624 Lot:30	Lot Frontage:22.33'	Lot Depth:40.75	Year Built:1920(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:4	Total # of Units:5
Landmark Building: Yes	Zoning:C1-6 Historic District: Greenwich Village		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Gianni Romagnolo, and his architect, John Bedard, were present, and

Whereas, the committee received two emails from residents opposing this café due to the congested and busy nature of this location, including a bus stop and neighboring flower stand, and

Whereas, the café is located on a sidewalk which was originally just over 12 feet wide but is now just under 11’11” due to a metal façade that was added to the structure many years ago, and

Whereas, as the effective width of the sidewalk is less than **“a minimum 12 feet or wider on all sides where a sidewalk café is requested”** as noted in the DCA Sidewalk Café Regulations, the committee cannot approve this application for an unenclosed sidewalk café, and

Whereas, even if the sidewalk were deemed wide enough by DCA and the City Council, the seating to the right of the entrance would need to be reduced to provide clearance for the fire escape drop ladder which was missing from and would need to be added to the blueprint,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Mappamondo, LLC d/b/a Mappamondo, 11 Abingdon Square, with 4 tables and 8 seats, DCA# 1426799**

Vote: Unanimous, with 39 Board members in favor.

SLA LICENSING

1. Corp. to be formed/Nikhil Jain (Cuffe Parade Inc.), TBD (Mazarin), 128 Elizabeth Street 10013

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing Committee to present a plan to have a "Traditional French Bistro featuring fine cuisine, attractively presented and served in a warm and inviting atmosphere"; and

Whereas, this application is for the "transfer" of an existing on-premise liquor license (Serial # 1252940 128 Billiards, Inc.) for the ground floor and basement of a commercial building located on Elizabeth Street between Broome and Grand Street; for a 7,000 (3,600 per floor, basement for storage, kitchen and restroom use only) square foot premise (Block # 470/lot # 50) with 27 tables and 79 seats and 1 bar with 14 seats for a total of 93 seats and a proposed Raw Bar with what appears to have 6 seats but was not included as part of the total seats in the application, the proposed maximum occupancy for the premise is 120 (which is an increase of 46 patrons), there is no backyard use and there will be no sidewalk café; and,

Whereas, the hours of operation will be Sunday from 11 a.m. to 10:00 p.m. and Monday through Thursday from 4:00 p.m. to 2:00 a.m. and Friday to Saturday from 4:00 p.m. to 4:00 a.m., but the applicant stated that in exchange for CB2's support they would be willing to reduce the hours of operation Friday and Saturday until 2 a.m., music will be generated by an iPod system as well as D.J.'d music and will be background (quiet) volume only, and there will be an undetermined number of TV's, 1-2 security guards will be present Thursday thru Saturday; and,

Whereas, CB#2, Man. questions how this can be a "transfer" application because the previous method of operation for 128 Billiard, Inc. was for the primary use as a billiards/pool hall for which the applicant was licensed by the City of New York with accessory food service, the Department of Buildings zoning classification for the premise is currently specifically noted as use group 8 which consists primarily of amusement or service establishments and for this location is noted specifically for "Billiard Parlor" use, the occupancy is for a maximum of 74 persons, the previously provided schematics indicate that the premise was primarily devoted to a pool hall with 8 pool tables, 6 tables with 24 seats and 1 bar with 8 seats for a grand total of 24 seats, music was indicated at the time to be generated from a jukebox; and,

Whereas, the current license holder, 128 Billiard, Inc., has a long history of applying to CB#2, Man. for various liquor licenses beginning in 2005 when they first appeared before CB2 and their initial application for a full on premise liquor license was recommended for denial, a subsequent application for a beer and wine license was also recommended for denial in July 2005, the SLA subsequently issued a beer and wine license in the early fall of 2005, in July 2009 128 Billiard, Inc. again appeared before CB#2, Man. requesting an upgrade their beer and wine license and were again recommended for denial, finally in June 2010, CB2, Man. recommended a "deny unless" resolution specifically requesting the SLA to verify that the establishment did not violate the 200 ft rule because the establishment is located less than 200-ft. from the main entrance to the Holy Trinity Ukrainian Orthodox Church at 359 Broome St. because the establishment is located in a corner building but not the corner retail unit and therefore appears to meet the requirements for a "corner location" even though the entrance is not on the same street as the Church and the Church Building appears to be exclusively used as a Church; and,

Whereas, the original presentation by 128 Billiard, Inc. which CB#2, Man. recommended “deny unless” specifically included representations by principals of 128 Billiard, Inc. that this was a pool hall, that food was accessory to the pool hall, that they would only have signage indicating its primary business was a Billiard business and the conclusion by CB#2, Man. was that the application was in the public interest as a Pool Hall/Billiard Parlor because it was unique to the area, with the closest Billiard Hall being located on the corner of West Houston St. and Mott St and the applicant agreed to reduce their closing hours until 2 a.m. 7 days a week; and,

Whereas, the Liquor Authority only granted the upgrade to a Full On-Premise License on May 10, 2011 which is only 1 year and 1 Month prior to the current application; and,

Whereas, the transfer of this license from a pool hall which has supplied a barely tenable public interest to the community, to another “Restaurant” which in fact appears to be a late night lounge driven establishment is not in the public interest of this community; and,

Whereas, the method of operation requested by this applicant; such as multiple tv’s, a D.J and all within 7,000 s.f. do not appear to represent the needs of a “Traditional French Bistro featuring fine cuisine, attractively presented and served in a warm and inviting atmosphere” and in fact appear to be another late night driven business operating primarily as a Lounge style atmosphere with D.J.’s serving the minimally required food which negatively impact residential communities and do not provide a public interest or benefit, particularly given the prevalence of similarly styled operations in the area that have been approved by the Liquor Authority as “restaurants” that do not operate in that manner; and

Whereas, there are at least 14 licensed establishments within 500 feet of the premise; and,

Whereas, there seemed to be minimal outreach to the community but a petition was submitted with signatures in support but the petition itself did not display any information regarding the hours of operation or any real description other than to say it would be a restaurant; and,

Whereas, CB#2, Man. respectfully requests that a 500 ft. hearing be conducted to determine the public interest of licensing this establishment; and,

Whereas, as it has in the past, CB#2, Man. respectfully request the SLA to properly vet whether this location is in fact located within 200 ft of the Main Entrance of the Holy Trinity Ukrainian Orthodox Church at 359 Broome St. which is located closer than 200 ft to the furthest corner of this location, the NYC Department of Building (DOB) identifies this building as part of the building having the addresses of 146-148 Bowery, 341-351 Broome St. and 128 Elizabeth St (Block Number 470, Lot #50, BIN# 1006944), the DOB indicates on their official records that there is 1 building at this location and the Certificate of Occupancy #102758240F indicates the main address of the building is 341 Broome St., the building that houses the Church at 359 Broome St. appears to be a free standing traditional Church Building and regular Church Services are advertised in a traditional manner on the Church façade, and CB2 disagrees with the applicants assertion that this location is not a “corner location” given the afore mentioned details on file with the DOB; and,

Whereas, CB#2, Man. has strong feelings that the “transfer” of this license to the above referenced entity is an egregious misuse of the “transfer” process because the existing business is drastically different from the proposed business and bares no resemblance to the currently licensed business’s method of operation; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** for the transfer of an on-premise liquor license to **Corp. to be formed/Nikhil Jain, TBD, 128 Elizabeth Street 10013.**

Vote: Unanimous, with 39 Board members in favor.

2. 161 Mulberry St. Restaurant, LLC, TBD, 161 Mulberry St. 10013

Whereas, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee to present a family owned and operated Italian restaurant and Pizzeria serving breakfast, lunch and dinner; and,

Whereas, this application is for a new on-premise license for a full service restaurant in a mixed-use building for a 3,400 sq ft premise (1,700 sq ft ground floor and 1,700 sq ft basement) on the corner of Mulberry Street and Grand Street (block # 471/lot # 22), there will be no sidewalk café at this time but will apply for one in the future and no use of a backyard garden, there will be up to 54 tables and 115 seats and 2 bars with 17 seats and 1 food counter without seats for a total of 132 seats with a proposed occupancy of 138 and the maximum occupancy for the premise is 138; and,

Whereas, the applicant indicate that the premise would be operated as a full service restaurant only, that the hours of operation would be Sunday to Wednesday from 8:00 a.m. to 1:00 a.m. and Thursday to Saturday from 8:00 a.m. to 2:00 a.m., all windows and doors would be closed at 10:00 p.m. daily, music will be quiet background only generated from iPod's/c.d.'s; and,

Whereas, consistent with a full service restaurant operation there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, and no private parties, no velvet ropes or movable barriers will be utilized; and,

Whereas, the principals also own and reside in the building, and will also be the manager on site in addition to their premise Da Gennaro at 129 Mulberry St.; and,

Whereas, the principals will be sound proofing the entire building; and,

Whereas, one of the principals has owned and operated another restaurant, Akram Restaurant Management, Inc. d/b/a Da Gennaro at 129 Mulberry St (SLA Serial Number: 1195719) for the last 6 years and claims to have no violations at the other location; and,

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

1. The operating hours will be Sunday to Wednesday from 8:00 a.m. to 1:00 a.m. and Thursday to Saturday from 8:00 a.m. to 2:00 a.m. The premise will be closed and no patrons will remain at the closing time.
2. The premise will be operated as a full service restaurant only.
3. The kitchen will be open until the premise is closed.
4. All doors and windows will be closed at 10 p.m. every night of the week.
5. There will be no D.J.'s and No Live Music.

Whereas, there are at least 33 licensed premises within 500 ft, the location was previously licensed for beer and wine only, a petition in support was presented and contained 111 local signatures, and 2 community members spoke in support and 2 community members spoke in opposition; and,

Whereas, CB#2, Man. respectfully request that this application be heard at a 500 ft rule hearing in order for the applicant to demonstrate that the issuance of this license would be in the public interest; and

Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **161 Mulberry St. Restaurant, LLC, TBD, 161 Mulberry St. 10013** unless those conditions and stipulations agreed to by the applicant relating to the 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 39 Board members in favor.

3. Seconds, LLC, TBD (The Ship), 158 Lafayette St. 10013

Whereas, the applicant appeared before the CB#2, Man.’s SLA Licensing Committee to present a neighborhood bistro serving light, organic and locally sourced comfort food; and,

Whereas, this application is for a new on-premise license for a tavern in a commercial building **that has never been licensed before** for a 2,250 sq. ft. premise (750 sq. ft. ground floor and 1,500 sq. ft. basement) on Lafayette Street between Howard and Grand Street (block # 233 / lot # 17), there will be no sidewalk café and no use of a backyard garden, there will be 14 tables and 61 seats and 1 bar with 10 seats for a total of 71 seats and a maximum occupancy of 74; and,

Whereas, the applicant stated the hours are 4:00 p.m. – 1:00 a.m. Sunday to Wednesday and 4:00 p.m. – 3:00 p.m. Thursday to Saturday, music is quiet background only generated from ipod/c.d.’s, there is existing sound proofing; and,

Whereas, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; and,

Whereas, this is a location that has never been licensed by the SLA; and,

Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, there were 2 residents or community speakers in support of this application and a petition with 83 signatures in support but the petition did not include hours of operation; and,

Whereas, one of the principals is currently a principal in three licensed premises, Little Branch, LLC dba Little Branch (Serial #1162262), Men of Invention, LLC dba Silver Lining (Serial #1249221) and Middle Branch LLC dba Milk and Honey (Serial #1262248), the first of which is located in CB#2, Man. and has no violations or community complaints; and,

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

1. The hours of operation will be 4:00 p.m. – 1:00 a.m. Sunday to Wednesday and 4:00 p.m. – 3:00 a.m. Thursday to Saturday.
2. The premises will have a full kitchen and will be open serving food until ½ hour before closing.
3. There will be no T.V.’s

4. This will be a tavern only.
5. A doorman/ security staff will be posted Wednesday through Saturday and as needed on other nights.
6. There will not be any promoted events or DJ's.
7. The applicant will secure and present a new Certificate of Occupancy indicating approved use of the basement for patrons prior to opening the establishment (currently the basement is approved for storage only).

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an on-premise liquor license for **Seconds, LLC, TBD, 158 Lafayette St. 10013** **unless** those conditions and stipulations agreed to by the applicant relating to the 8th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

Vote: Unanimous, with 39 Board members in favor.

4. Tokana Café Bar restaurant, Inc., 163 Elizabeth Street (SLA Serial #1262589 – Pending)

Whereas, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee to present a "Mediterranean Restaurant"; and,

Whereas, this application is for a new Beer and Wine license for a full service restaurant in a mixed-use building **that has never been licensed before** for a 1,200 sq. ft. premise (700 sq. ft. ground floor and 500 sq. ft. basement) on the corner of Elizabeth and Kenmare Street (block # 479/lot # 26), there will be no sidewalk café and no use of a backyard garden, there will be 9 tables and 21 seats and 1 bar with 8 seats for a total of 29 seats with a proposed occupancy of 30 and the maximum occupancy for the premise is 74; and,

Whereas, the applicant indicate that the premise would be operated as a full service restaurant only, that the hours of operation would be Sunday to Saturday from 7:00 a.m. to 12:00 a.m., all windows and doors would be closed at 9:00 p.m. daily, music will be quiet background only generated from iPod's/c.d.'s; and

Whereas, consistent with a full service restaurant operation there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; there could be occasional private parties; and,

Whereas, 5 community members spoke at the hearing against this application stating the over saturation of this heavily residential neighborhood and that this application does not offer any public interest or need for an area that has many establishments which serve the needs of the local community and visitors to the community; and,

Whereas, the principals have no experience owning an establishment serving alcohol and there is concern that contrary to the applicants statements that this will be a full service restaurant that this will instead be operated as a wine bar as indicated on their schematics; and,

Whereas, CB#2, Man. recently approved in this same building another application for a beer and wine license for an entity with experience running a Japanese restaurant with hours of operation that end at 11 p.m.; and

Whereas, there are at least 14 licensed premises within 500 ft though CB#2, Man. and the community sadly understand that a beer and wine license is not subject to the 500-ft. rule, and

Whereas, CB#2, Man. and the community have great concerns that applicants are using the Beer and Wine license as a ploy to be licensed by the SLA and change the status of an unlicensed location where there is great community opposition, often with the plans to quickly upgrade to a full On-Premise license; and

Whereas, this is another location within CB2 that has never been license by the SLA; and,

Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the new Beer and Wine license for **Tokana Café Bar restaurant, Inc., 163 Elizabeth Street**; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. kindly request that the SLA consider the following stipulations be incorporated into their method of operation should the SLA approve a Beer and Wine license:

1. Hours of Operation are 7:00 a.m. to 12:00 p.m. 7 days a week.
2. The premise will be operated as a full service restaurant only.
3. The kitchen will be open until the premise is closed.
4. All doors and windows will be closed at 9 p.m. every night of the week.
5. There will be no D.J.'s and No Live Music. Music will be quiet background music only.
6. Staff will direct vehicle and pedestrian traffic, and use best efforts to dissuade patrons from loitering in front of the premise.

Vote: Unanimous, with 39 Board members in favor.

5. Marlton Hotel Operating, LLC, 5 W. 8th Street 10011

Whereas, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee to present a new hotel with a restaurant and bar which will also include service to the lobby and hotel rooms but absolutely no service will be provided to the outdoor roof top area; and,

Whereas, this application is for a new Full On-Premise license for a hotel building that has never been licensed before for a 33,400 sq. ft. premise on 8th Street between 5th Avenue and 6th Avenue (block # 572/lot # 45), there will be no sidewalk café and the backyard garden will be enclosed, in the ground floor restaurant there will be 35 tables and 125 seats and 1 bar with 12 seats for a total of 137 seats as well as additional seating in the ground floor lobby; the proposed occupancy and the maximum occupancy for the premise is unknown at this time; and,

Whereas, the applicant indicated that the premise would be operated as a full service restaurant/ hotel, that the hours of operation for the restaurant and bar would be Sunday to Saturday from 6:00 a.m. to 4:00 a.m. with the exception of the back enclosed garden space of the restaurant which has 10 tables and 40 seats which will be closed at 2:00 a.m., all windows are none operable but would be closed by 10:00 p.m. if the windows were ever changed, music will be quiet background only generated from iPod's/c.d.'s and live acoustical music that will not be amplified; and,

Whereas, the hotel will only accept registered hotel guests into the restaurant and bar after 2:00 a.m.; and,

Whereas, the outdoor rooftop will be a garden deck for registered hotel guests only; there will be no bar, food or wait service and will operate from 7:00 a.m. to 10:00 p.m. Sunday to Wednesday and 7:00 a.m. to 11:00 p.m. Thursday to Saturday; there will be NO music at all on the rooftop and the maximum capacity for the rooftop will be under 74; and

Whereas, consistent with a full service restaurant operation there will be no promoted events, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; there could be occasional private parties; and,

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

1. Hours of Operation are for the restaurant and bar would be Sunday to Saturday from 6:00 a.m. to 4:00 a.m. with the exception of the back enclosed garden space of the restaurant which has 10 tables and 40 seats which will be closed at 2:00 a.m.
2. The outdoor rooftop will be a garden deck for registered hotel guests only; there will be no bar, food or wait service and will operate from 7:00 a.m. to 10:00 p.m. Sunday to Wednesday and 7:00 a.m. to 11:00 p.m. Thursday to Saturday; there will be NO music at all on the rooftop and the maximum capacity for the rooftop will be under 74.
3. All windows are none operable but would be closed by 10:00 p.m. if the windows were ever changed.
4. Any live music will be acoustical only and not amplified.
5. The hotel will only accept registered hotel guests into the restaurant and bar after 2:00 a.m.

Whereas, there was extensive community outreach and only 1 community member was in opposition; and

Whereas, the principals in this hotel have over 20 other hotels in NYC; and.

Whereas, this location has never been licensed before and CB#2, Man. and the community are concerned with over saturation, this location was heavily supported by neighboring residential buildings and neighborhood associations; and,

Whereas, CB#2, Man. and the community has not approved operating hours to 4:00 a.m. in this neighborhood, it is understood that being a hotel is a unique application, but would not consider 4:00 a.m. closings appropriate for bars or restaurants on 8th Street which in addition to being a commercial area on the ground floor is a residential across street;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the alteration of the full on-premise licenses for **Marlton Hotel Operating, LLC, 5 W. 8th Street 10011** **unless** those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 39 Board members in favor.

6. Saint Germain Management, LLC d/b/a L'Orange Coquine, 430 Broome Street, 10013

Whereas, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee to present a restaurant with seasonal American food with a Mediterranean influence with a SMALL bar for restaurant customers; and,

Whereas, this application is for the transfer of an on-premise license (#1025029 expires 12/31/12 for Agrume, Inc.) for a full service restaurant in a commercial building for a 3,600 sq ft premise (1,800 sq ft ground floor and 1,800 sq ft basement) on the corner of Broome Street and Crosby Street (block # 482/lot # 44), there will be no sidewalk café and no use of a backyard garden, there will be 24 tables and 44 seats and 1 bars with 8 seats for the ground floor and a small basement room for private dinners with 12 seats for a total of 64 seats with a proposed occupancy of 74 or less and the maximum occupancy for the premise will be 74; and,

Whereas, the applicant indicated that the premise would be operated as a full service restaurant only, that the hours of operation would be Sunday to Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday to Saturday from 12:00 p.m. to 1:00 a.m., all windows and doors would be closed at ALL times, music will be quiet background only generated from iPod's /c.d.'s; and,

Whereas, consistent with a full service restaurant operation there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; there will be private parties for Birthdays or something similar; and,

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

1. Sunday to Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday to Saturday from 12:00 p.m. to 1:00 a.m.
2. The premise will be operated as a full service restaurant only and advertised as a full service restaurant only
3. The kitchen will be open until the premise is closed.
4. All doors and windows will be closed at all times.
5. There will be no French Doors.
6. There will be no D.J.'s and No Live Music.
7. Management will provide a contact number for the community.
8. Carting service will be coordinated with existing businesses.
9. The applicant will acquire a revised Certificate of Occupancy showing an allowed use of the basement space for patrons for eating and drinking use. The applicant acknowledges that at the time this application was made that Patron use in the basement space for eating and drinking is not an allowable use.
10. The applicant agrees that there will be no outdoor seating, no tables or chairs outside the interior of the premise, no A-frame signs placed outside and acknowledges that this location is not included in an area that is legal to operate an outdoor café.

Whereas, the applicant claims that there has been an active license at this location since 1993 therefore Grandfathering this license and not subject to the 500 ft. rule or the 200 ft rule (there is a place of worship within 200 ft of this location but is located on the ground floor of the building only); and

Whereas, a petition in support was presented which stated that they would like to have hours of operation from 11 am to 4 am containing 73 local signatures in support and there were a number of letters of correspondence received in opposition and several speakers against operating hours until 4 am; and

Whereas, the previous operator and licensed establishment Agrume, Inc. dba L'Orange Bleue, Serial Number 1025029 was the subject of a contentious renewal recommendation sent to the SLA on in December 2010 outlining the previous operators agreements to discontinue illegal use of the outdoor seating on Crosby Street, discontinue loud disruptive live music events after reasonable hours and agreed to close all doors and windows by 10 p.m.; and,

Whereas, CB#2, Man. respectfully request that the SLA determine if a license has indeed been active at this address since 1993 and if it is not in fact been active that this application be heard at a 500 ft rule hearing and a 200 ft rule hearing because there are at least 15 licensed premises within 500 ft. and 1 place of worship within 200 ft., regardless that it is a transferred license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an on-premise liquor license for **Saint Germain Management, LLC d/b/a L'Orange Coquine, 430 Broome Street, 10013** unless those conditions and stipulations agreed to by the applicant relating to the 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

Vote: Unanimous, with 39 Board members in favor.

7. ADSAD, LLC d/b/a Onegin, 391 Avenue of Americas (SLA Serial #1254846)

Whereas, the applicant appeared before the committee to present an alteration to extend the current hours of operation for a Traditional Russian full service restaurant; and,

Whereas, this application is for the alteration of hours for a Full On-Premise License is in a commercial building on 6th Avenue between Waverly Place and Greenwich Avenue for a 3,300 s.f. restaurant with 28 tables and 111 seats, 1 bar with 11 seats, for a total occupancy of 122 and a maximum legal capacity of 122 persons; there will be no sidewalk café and no use of a backyard garden; background music only; and,

Whereas, the newly presented request for revised hours of operation are Sunday from 11:00 a.m. to 12:00 a.m. and Monday to Thursday from 11:00 a.m. to 2:00 a.m. and Friday to Saturday from 11:00 a.m. to 3:00 a.m. (an extension from the original hours of operation for 1 extra hour each night except Sunday); and

Whereas, in July 2011 the applicant originally executed a signed stipulations agreement while presenting their original application that they agreed would be attached and incorporated in to their method of operation on their existing SLA license stating that:

1. The applicant will operate as a full service restaurant only
2. The applicant will limit its closing hours to 1:00 a.m. on Weekdays and 2:00 a.m. on Weekends.
3. The applicant will not seek a DCA Cabaret License.
4. The applicant will not seek a DCA Sidewalk Café permit
5. The applicant will monitor smokers outside the establishment
6. The applicant will obtain all required certificates, permits and related documents from the NYC Department of Buildings prior to opening the establishment.

Whereas, in addition to the signed stipulations as indicated above, the applicant presented in their completed questionnaire to CB#2, Man. representations that music at the establishment would be background level only and that there would be music from ipod/cd's and no d.j.'s; and,

Whereas, members of CB#2, Man.'s SLA Licensing Committee have personally observed in the establishment D.J.'s and a built in D.J. Booth contrary to the representations made to CB#2, Man. at the time of the original license application and this is considered a significant change in their method of operation from what was originally recommended for approval by CB#2, Man.; and,

Whereas, the applicant has only been operating with their current Liquor license for 9 months; and

Whereas, the applicant submitted a petition in support of the increase in hours with 9 signatures and 2 letters also in support and there were no community members against this application; and,

Whereas, the applicant was willing to sign a stipulations agreement reiterating no d.j.'s, that this would be operated as a full service restaurant only and extending the hours of operation for 1 hour each day except Sunday, however, members of the committee found that in light of the fact that the establishment was already operating differently than was originally presented by using a d.j. which was clearly discussed during the original presentation and the fact that the premise has only been open for 9 months as among the reasons to not support further changes to the original presentation; and,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **denial** to the alteration of the Full On-Premise license for **ADSAD, LLC d/b/a Onegin, 391 Avenue of Americas.**

Vote: Unanimous, with 39 Board members in favor.

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

8. Sergio Riva or entity to be formed, 157 Bleecker Street

Whereas, the applicant did appear before the committee but laid over their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Sergio Riva or entity to be formed, 157 Bleecker Street** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

9. 151 Bleecker, LLC d/b/a Red Lion, 151-153 Bleecker Street 10012 (SLA Serial #1237991)

Whereas, the applicant did not appear before the committee; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license alteration for **151 Bleecker, LLC d/b/a Red Lion, 151-153 Bleecker Street 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

10. Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012

Whereas, prior to this months CB#2, Man. SLA Licensing Committee meeting on June 12th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

11. Chocolate Cake SoHo, LLC d/b/a Choco Bolo, 55A Spring St

Whereas, prior to this months CB2 SLA Licensing Committee meeting on June 12th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Chocolate Cake SoHo, LLC d/b/a Choco Bolo, 55A Spring St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

12. Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston St. (SLA Serial #1238857)

Whereas, the applicant did appear before the committee but laid over their application; and,

Whereas, this application is an alteration to their On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license alteration for **Pear Tree Café Corp. d/b/a Buskers, 92 W. Houston St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has

forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

13. Ferrara Bakery & Café, Inc. f/k/a Ferrara Foods & Confections, Inc. 195 Grand Street

Whereas, prior to this months CB2 SLA Licensing Committee meeting on June 12th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for the Corporate Change to their On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Ferrara Bakery & Café, Inc. f/k/a Ferrara Foods & Confections, Inc. 195 Grand Street** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

14. MacDougal G Corp., 116 MacDougal St, NYC 10012 (SLA Serial #1126535)

Whereas, prior to this months CB2 SLA Licensing Committee meeting on June 12th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for the Corporate Change to their On-Premise license; and,

Whereas, there is a pending corporate change application currently being processed at the SLA and CB2 Manhattan respectfully requests that the Liquor Authority not process this change until after the applicant has presented the transfer request in front of CB2's SLA Licensing Committee; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license corporate change for **MacDougal G Corp., 116 MacDougal St, NYC 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

15. Village Underground, 130 W. 3rd St.

Whereas, at this months CB2 SLA Licensing Committee meeting on June 12th, 2012, the committee requested that this applicant appear before the community to discuss community complaints before automatically renewing their On-Premise license; and,

Whereas, this applicant failed to appear before the CB#2, Man. SLA Licensing Committee;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the renewal of the proposed liquor license for **Village Underground, 130 W. 3rd St** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 39 Board members in favor.

16. La Popular Nolita, LLC, d/b/a La Popular, 50 Spring St. (Mulberry and Lafayette), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a New Beer and Wine license for an authentic Mexican restaurant in a mixed use building on Spring Street between Mulberry and Lafayette Streets for a Mexican restaurant with 30 table seats and 1 bar with no bar seats with 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. to 11:00 p.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 11:00 p.m. seven days a week
2. The applicant will waive its rights to file and obtain a Full On Premise Liquor License
3. The applicant will only prep and cook foods that does not require venting
4. The applicant will not expand its operation beyond the said premise
5. The applicant will play only quiet, ambient background music in the establishment
6. The applicant will keep all windows and doors closed at all times

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 100 signatures in support; and,

Whereas, a few members appeared in opposition or expressed concerns with the proposed establishment; citing heavy noise and congestion on the block due to other liquor license establishments;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **La Popular Nolita, LLC, d/b/a La Popular, 50 Spring St. UNLESS** all conditions agreed to by applicant relating to the fourth "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

17. HSP Partners, LLC, TBD, 25 Cleveland Pl. (Spring and Kenmare), NYC

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 Cleveland Place between Spring and Kenmare Streets for a 2100 s.f. restaurant (800 s.f. indoor and 1,300 s.f. outdoor) with 70 table seats and no bar with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation for the interior is seven days a week from 9:00 a.m. to 12:00 a.m. and the exterior is Sunday to Wednesday from 9:00 a.m. to 10:00 p.m. and Thursday to Saturday from 9:00 a.m. to 11:00 p.m.; there will not be a sidewalk café application but will include a backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 12:00 a.m. seven days a week inside the establishment and 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday through Saturday in the backyard garden
2. The applicant will not host promoted events in the establishment
3. The applicant will not allow DJ's and will prohibit any music in the backyard garden
4. The applicant will close all doors and windows by 10:00 p.m. daily
5. The applicant will only use the backyard garden if permitted by NYC Department of Buildings and will demonstrate by producing a "letter of no objection" or certificate of occupancy which specifically indicates that the backyard outdoor garden is allowable to use for patron eating and drinking.

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 200 signatures in support;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **HSP Partners, LLC, TBD, 25 Cleveland Pl. UNLESS** all conditions agreed to by applicant relating to the fourth "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

18. Tipota LLC, d/b/a Rawlicious SoHo, 247-9 Centre St. (Grand and Broome), NYC

Whereas, a representative of the applicant appeared before the committee; and,

Whereas, this application is for a New Beer and Wine license in a mixed use building on Centre Street between Grand and Broome Streets for a restaurant with 60 table seats and no bar with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 11:00 a.m. to 11:00 p.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 11:00 p.m. seven days a week
2. The applicant will obtain all required certificates, permits and related documents including a Letter of No Objection or Certificate of Occupancy from NYC Department of Buildings prior to opening the establishment.

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 40 signatures in support; and,

Whereas, several members of the community appeared in opposition including the building manager from a large residential building directly across the street who stated that no outreach was performed to their building; several other members of the community also appeared in opposition citing saturation and noise issues in the neighborhood; voicing concerns with the M1-5B designation, which requires a BSA or Special permit to modify the use group to allow eating and drinking uses on the ground floor; and,

Whereas, this committee expressed concerns that no principal of the proposed establishment appeared in front of the committee and instead only a manager appeared and the committee expressed further concerns in licensing a premise which never carried a liquor license; concerns with approving this application without BSA or City Planning approvals for Use Group 6 designation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Tipota LLC, d/b/a Rawlicious SoHo, 247-9 Centre St.**

Vote: Unanimous, with 39 Board members in favor.

19. Juicerie, LLC, 19 Kenmare St. (at Elizabeth), NYC

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 Kenmare and Elizabeth Streets for a 700 s.f. café/juice bar with 14 table seats and 1 bar with 6 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday from 9:00 a.m. to 10:00 p.m. and Monday through Saturday from 8:00 a.m. to 11:00 p.m.; there will be a sidewalk café application but no backyard garden; music will be IPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 10:00 p.m. on Sundays and 11:00 p.m. Monday through Saturday
2. The applicant has agreed to not install a service/take out window
3. The applicant will close windows at all times
4. The applicant will waive its rights to file and obtain a full On Premise liquor license
5. The applicant will obtain all required certificates, permits and related documents including a Letter of No Objection or Certificate of Occupancy from NYC Department of Buildings (DOB) prior to opening the establishment.
6. The applicant will not offer mixed/infused juices with alcohol.

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 35 signatures in support but the applicant did not reach out to several community organizations; and,

Whereas, this committee expressed concerns in licensing a premise which never carried a liquor license in a heavily saturated neighborhood; and,

Whereas, the principal is also the principal in several other licensed premises which she stated had no violations, believing that several incidents that were publicized had been resolved in their favor and not been upheld; and,

Whereas, this committee also expressed serious concerns over whether the applicant will be able to secure the appropriate DOB certificates, permits or related documents for this location given that another licensed premise in the same building (SLA Serial Number 1217867) is currently operating without a required DOB Certificate of Occupancy and Public Assembly Permit for which it has received several DOB violations and this other premise was the subject of a controversial approval by CB2; and,

Whereas, there are concerns that yet another premise operating without appropriate DOB certifications is good cause for denial of this license until they demonstrate that the appropriate certifications have been secured for this specific storefront; and

Whereas, CB#2, Man. would like the applicant to return to CB#2, Man. after having received the appropriate DOB certifications to operate in this location before being able to consider a positive recommendation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Juicerie, LLC, 19 Kenmare St.**

Vote: Unanimous, with 39 Board members in favor.

20. 52 West 13th P, LLC d/b/a The Jade Hotel Greenwich Village, 52 W. 13th St. (at 6th Avenue), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a Hotel (46,000 s.f. premise) and cellar bar/restaurant on West 13th and 6th Avenue with 68 table seats, 1 bar with 6 bar seats; and a maximum capacity of 74 persons in the cellar bar/restaurant; and,

Whereas, the applicant stated the hours of operation for the lobby bar/restaurant are 6:00 a.m. – 2:00 a.m. daily and extended hours to 4:00 a.m. to service registered hotel guests only; there will not be a sidewalk café application and no backyard garden; music will be light non-amplified live jazz and background only; and,

Whereas, the applicant has agreed to limit its hours of operation by closing by 2:00 a.m. seven days a week and extend operating hours to 4:00 a.m. to service registered hotel guests only; and,

Whereas, the applicant had reached out to members of the community; a petition was submitted with over 130 signatures in support; and,

Whereas, the applicants executed a signed stipulations agreement agreeing to the above; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to the proposed On Premise license for **52 West 13th P, LLC d/b/a The Jade Hotel Greenwich Village, 52 W. 13th St.** **UNLESS** the condition agreed to by applicant relating to the third and fourth “whereas” clause is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

21. Chumley’s 86, LLC, d/b/a Chumley’s, 86 Bedford St (Barrow and Grove), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building on Bedford between Barrow and Grove Streets in a 2,000 s.f. restaurant with 58 table seats and 1 bar with no bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 11:00 a.m. to 1:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 1:00 a.m. Sundays through Wednesday and 2:00 a.m. Thursday through Saturday
2. The applicant will obtain all required certificates, permits and related documents including a revised Certificate of Occupancy.
3. The applicant will close the windows and doors at all times
4. The applicant will keep the kitchen open up until 1-hour prior to closing
5. The applicant agrees to maintain security in front of the premises and a doorman inside.
6. The applicant will provide an approved Certificate of Occupancy on completion of the renovations

Whereas, the applicant reached out to neighboring residents prior to the hearing; and,

Whereas, the applicant submitted a petition with over 300 signatures in support; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **Chumley’s 86, LLC, d/b/a Chumley’s, 86 Bedford St. UNLESS ALL** conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

22. RF Hudson (DE) LLC, d/b/a Redfarm, 529 Hudson St. (Charles and West 10th), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building on Hudson Street between Charles and West 10th Streets in a 1,400 s.f. Asian restaurant with 20 table seats and 1 bar with 11 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 2:00 a.m. seven days a week
2. The applicant will operate in the same fashion as the establishment above and under the same d/b/a “Redfarm”

Whereas, the no one appeared in opposition; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **RF Hudson (DE) LLC, d/b/a Redfarm, 529 Hudson St. UNLESS ALL** conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

23. AvroKO Hospitality Group, 615 Hudson St. (West 12th and Jane), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a mixed use building on Hudson between West 12th and Jane Streets in a 1,600 s.f. restaurant with 56 table seats and 1 bar with 18 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Tuesday from 11:00 a.m. to 12:00 a.m. and Wednesday to Saturday from 11:00 a.m. to 1:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be IPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 12:00 a.m. Sunday through Tuesday and 1:00 a.m. Wednesday through Saturday
2. The applicant will install proper soundproofing in the establishment
3. The applicant will keep the kitchen open at all times
4. The applicant will post a respect the neighbors type signage in front of the establishment
5. The applicant will have staff on site to monitor loitering in front of the establishment

Whereas, the applicant reached out to neighboring residents prior to the hearing; and,

Whereas, the applicant submitted a petition with over 65 signatures in support; and,

Whereas, the no one appeared in opposition after the applicant modified the proposed hours of operation to reflect the residential nature of this area and similar hours to other restaurants recently recommended for approval by CB#2, Man. in the area; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **AvroKO Hospitality Group, 615 Hudson St. UNLESS ALL** conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

24. Hornblower New York, LLC d/b/a Infinity Vessel, Pier 40, 350 West St., NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On Premise license in a 90 foot long vessel for chartered Hudson River cruises stationed at Pier 40 with 650 table seats and 3 bars with no bar seats with a maximum legal capacity of 1000 persons; and,

Whereas, the applicant stated the hours of operation are Thursday through Sunday from 9:00 a.m. to 1:00 a.m.; there will be a open air balcony deck; music will be Live DJ, Juke Box at entertainment levels; and,

Whereas, the applicant has been approved and authorized by the Hudson River Park Trust; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will appear in front of Waterfront Committee if required to present its operating procedures and business plan.
2. The applicant will have a designated parking facility at Pier 40 for every event

Whereas, the no one appeared in opposition; and,

Whereas, there are some concerns that the high volume of patrons arriving proposed to arrive by vehicles in a very small window of time (less than one hour) between the hours of 5 pm and 6pm which is a peak hour for usage of the park would impact pedestrians, bicyclists and runners in the heavily trafficked Hudson River Park which vehicles would have to cross over in order to reach the designated parking area and CB#2, Man. would like further clarification as to how this might impact the safety of users of Hudson River Park and in any measures could be incorporated to take into account the safety of users of the Park;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an On Premise license for **Hornblower New York, LLC d/b/a Infinity Vessel, Pier 40, 350 West St. UNLESS ALL** conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

25. JM Williams LLC, Buvette, 42-44 Grove St. (Bedford and Bleecker), NYC

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

Whereas, this application is for an alteration to an existing On Premise license in a residential building on Grove Street between Bedford and Bleecker Streets for a 1,492 s.f. French restaurant d/b/a Buvette with 32 table seats and 1 bar with 15 bar seats with a maximum legal capacity of 74 persons; **to add 10 table seats in newly developed rear terrace**; and,

Whereas, the applicant stated the current hours of operation are seven days a week from 8:00 a.m. to 2:00 a.m.; there is no sidewalk café; music is iPod/CDs at background levels only; the proposed hours of operation for the outdoor dining terrace are Monday through Friday from 9:00 a.m. to 11:00 p.m. and Saturday and Sunday from 12:00 p.m. to 11:00 p.m. with no music.

Whereas, the applicant has been operating for over 12 months without any issues; and,

Whereas, the applicant had reached out to members of the community; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will reduce its operating hours by closing the dining terrace at 11:00 p.m. seven days a week
2. The applicant will obtain on approvals and permits including but not limited to a Letter of No Objection from NYC Department of Building that specifically includes the new terrace area prior to opening the outdoor terrace

Whereas, the no one appeared in opposition; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to the alteration of an On Premise license for **JM Williams LLC, Buvette, 42-44 Grove St. UNLESS** ALL conditions agreed to by applicant relating to the sixth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

26. Bakehouse NYC, Inc. d/b/a Bakehouse, 113 Horatio St (Washington and West), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a mixed use building on Horatio Street between Washington and West Street for a 3,000 s.f. restaurant with 46 table seats and 1 bar with 7 bar seats with a maximum legal capacity of 74 persons; **to include an outdoor dining space with 10 table seats within the property line, reconfigure interior bar by removing 2 bar seats and reducing indoor seating from 46 seat to 44 seats; and,**

Whereas, the applicant stated the proposed hours of operation for the outdoor dining area are Sunday through Thursday from 7:00 a.m. to 12:00 a.m., Friday and Saturday from 7:00 a.m. to 1:00 a.m.; there will be no music played in the sidewalk cafe; and,

Whereas, the applicant has agreed to reduce its operating hours in the outdoor dining area to 12:00 a.m. closing from Sunday through Thursday and 1:00 a.m. on Fridays and Saturdays; and,

Whereas, the applicant had reached out to members of the community; and,

Whereas, the applicant has collected over 900 signatures in support of the alteration;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** to an alteration of an On Premise license for **Bakehouse NYC, Inc. d/b/a Bakehouse, 113 Horatio St UNLESS** the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

27. PD O’Hurley, d/b/a Pier 45 Café, Pier 45 Christopher St. Pier (West 10th and Christopher), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a New Beer and Wine license for a 2,185 s.f. Outdoor Café (310 s.f. Café Building and 1,875 Outdoor Seating) at Hudson River Park near Pier 45 with 69 table seats and no bar; and

Whereas, the applicant stated the hours of operation for the Cafe is seven days a week from 9:00 a.m. to 10:00 p.m. with no music; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will cease operations by 10:00 p.m. seven days a week
2. The applicant will only serve in the fenced-in seating area
3. The applicant will not all alcoholic beverages to be taken outside the fenced-in seating area

Whereas, the applicant received approvals and authorization from the Hudson River Park Trust; and,

Whereas, a member of the Christopher Street Block Association appeared in support of the proposed establishment;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **PD O’Hurley, d/b/a Pier 45 Café, Pier 45 Christopher St. Pier UNLESS** all conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

28. Felipe Ignacio Donnelly, d/b/a Comodo, 58 MacDougal St. (King and West Houston), NYC

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 MacDougal Street between King and West Houston Streets for a Mexican/Latin restaurant with 40 table seats and 1 bar with 5 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday through Saturday from 11:00 a.m. to 12:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be IPod/CDs at background levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing by 11:00 p.m. Sunday through Wednesday and 12:00 a.m. Thursday through Saturday
2. The applicant will close all doors and windows by 10:00 p.m. daily

Whereas, the applicant had reached out to members of the community; over 12 letters were submitted in support; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Felipe Ignacio Donnelly, d/b/a Comodo, 58 MacDougal St. UNLESS** all conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 38 Board members in favor, and 1 recusal (R. Sanz).

29. Anjin, LLC, TBD, 73 Thompson St. (Spring and Broome), NYC

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 Thompson Street between Spring and Broome Streets for a 1,600 s.f. Japanese restaurant with 14 table seats with no bar and a maximum legal capacity of 54 persons; and,

Whereas, the applicant stated the hours of operation are Monday through Saturday from 5:00 p.m. to 11:30 p.m.; there will not be a sidewalk café application and no backyard garden; music will be iPod/CDs at background levels; and,

Whereas, the applicant has agreed to reduce its operating hours by closing at 11:30 p.m. Monday through Saturday; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Anjin, LLC, TBD, 73 Thompson St. UNLESS** the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

30. Craftsteak NYC LLC d/b/a Colicchio & Sons, Freestanding, In front of 860 Washington St. (at 10th Avenue), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a New Beer and Wine license for a 3,900 s.f. seasonal (July through October) outdoor venue for local food vendors located under the High Line with 400 table seats with 1 bar and no bar seats and a maximum legal capacity of 400 persons; and,

Whereas, the applicant stated the hours of operation for the outdoor venue are Sunday through Tuesday from 12:00 p.m. to 10:00 p.m. and Wednesday through Saturday from 12:00 p.m. to 11:00 p.m. with no music; and,

Whereas, the applicant has agreed to cease operations by 10:00 p.m. Sunday through Tuesday and 11:00 p.m. Wednesday through Saturday; and,

Whereas, all members of the committee voiced strong concerns with the proposed outdoor food venue; citing concerns of a large outdoor establishment with a bar and food vendors; contributing to the overcrowded, traffic and noise issues in the Meatpacking district, and more specifically voiced concerns that the hours of operation cross over into the evening hours which only exacerbate the already tenuous situation that exists in the immediate area in relation to quality of life issues that extend well into the early morning hours, CB2 feels strongly that this applicant should reconsider modifying the hours to reflect a more appropriate daytime and very early evening hours of operation and ;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a Beer and Wine license for **Craftsteak NYC LLC d/b/a Colicchio & Sons, Freestanding, In front of 860 Washington St.**

Vote: Unanimous, with 39 Board members in favor.

31. Rambla, LLC d/b/a Mercat, 45 Bond St. (Lafayette and Bowery), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Corporate Change filing with the SLA in a mixed use building on Bond Street between Lafayette and Bowery Streets for a casual Spanish restaurant; **to include a new Partner/Principal to the existing LLC; and,**

Whereas, the applicant stated no changes will be made to the previously approved Method of Operation; and,

Whereas, the applicant will abide to all the negotiated and agreed upon stipulations negotiated with the NoHo Bowery Stakeholders; the fully executed Memorandum of Agreement includes the following stipulations;

1. The applicant will not at any time seek a sidewalk café license
2. The applicant will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB2, Manhattan
3. The applicant will also seek review through CB2, Manhattan should the Principals of the LLC change
4. The applicant will close at 12:00 a.m. Sunday through Wednesday, and 1:00 a.m. Thursdays through Saturdays
5. The applicant will only have 104 seats with no more than 120 patrons on the premises
6. The applicant will provide for dedicated entrance personnel to manage patron street activity on the sidewalk in front of this establishment, Thursday through Saturday from 8:00 p.m. to closing
7. The applicant will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times
8. The applicant will abide by all the regulations of the NYC Department of Buildings and the Landmark Preservation Commission
9. The applicant will seek approvals through CB2, Manhattan for any method changes

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

Whereas, as noted in CB2's October 2010 resolution submitted to the SLA regarding the applicants renewal at the time, the applicant has been operating without a valid Certificate of Occupancy since 8/17/2008 and at this meeting the applicant stated that they had closed the premise to resolve the outstanding issues which have prevented the renewal of the Temporary Certificate of Occupancy and would rectify the issue before reopening the premise for business to the public;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of the Corporate Change to an existing On Premise license for **Rambla, LLC d/b/a Mercat, 45 Bond St. UNLESS** those condition agreed to by applicant relating to the fourth "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

32. Villa Pacri La Gazzetta Tzigan, 53-59 Gansevoort St. (9th Avenue and Washington St), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a renewal of an On Premise license in a commercial building on Gansevoort between 9th Avenue and Washington Street for a 14,137 s.f. Italian restaurant and lounge with 238 table seats and 2 bars with 13 bar seats with a maximum legal capacity of 428 persons; and,

Whereas, the applicant stated there are no changes to the current method of operation; there is a sidewalk café application but no backyard garden; music is Live DJ and IPod/CDs at background levels only; and,

Whereas, a few members appeared in opposition from the community; citing noise issues emanating from the establishment due to open doors and window and presented video evidence reflecting their concerns; and,

Whereas, the applicant had not satisfied the original stipulation whereby all doors and windows to be closed by 10:00 p.m. daily; and,

Whereas, the applicant has agreed again to keep all doors and windows closed by 10:00 p.m.; and,

Whereas, the applicant has agreed to install a sound limiter to keep reduce the music levels and provide a General Manager's contact information to the neighboring residents; and,

Whereas, the current applicant does not appear to have a current and valid Certificate of Occupancy for the whole premise and indicated that the DOB had "lost all their paperwork" including microfiche which was preventing renewal of the temporary Certificate of Occupancy which is contradictory to their previously agreed to stipulations when the license was originally recommended for approval at which time they agreed that they would abide by all regulations associated with all New York City Departments and safety organizations including obtaining all required certificates, permits and related documents;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of a renewal to an existing On Premise license for **Villa Pacri La Gazzetta Tzigan, 53-59 Gansevoort St. UNLESS ALL** conditions agreed to by applicant relating to the sixth and seventh "whereas" clauses above and the originally agreed upon stipulations in February 2010 (resolution attached) are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 39 Board members in favor.

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

33. Faylow Corp. d/b/a Crispo Restaurant, 240 W. 14th St 10011

Whereas, the applicant did appear before the committee but laid over their application because the applicant did not have all the required documents to be heard by CB#2, Man. including the CB2 Questionnaire; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed alteration to a liquor license to **Faylow Corp. d/b/a Crispo Restaurant, 240 W. 14th St. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

34. Tong Hospitality, Inc. d/b/a Spice, 39 E. 13th St. 10003

Whereas, the applicant did not appear before the committee but laid over their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed alteration to a liquor license to **Tong Hospitality, Inc. d/b/a Spice, 39 E. 13th St. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

35. Milan Lieul/Corp. to be formed d/b/a Delmonico's Café, 300 Spring St. 10013

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed On Premise license to **Milan Lieul/Corp. to be formed d/b/a Delmonico's Café, 300 Spring St. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

36. Bayrock Sapir Organization LLC/Spring & Varick Assn. d/b/a Trump SoHo, 246 Spring St. 10013

Whereas, the applicant did not appear before the committee but withdrew their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed alteration to an existing On Premise license to **Bayrock Sapir Organization LLC/Spring & Varick Assn. d/b/a Trump SoHo, 246 Spring St. until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

37. 450 Hudson St. LLC, 450 Hudson St. 10014

Whereas, the applicant did not appear before the committee but withdrew their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed beer and wine license to **450 Hudson St. LLC, 450 Hudson St** **until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

38. David Ruggerio or Bombolini, 337 W. Broadway 10013

Whereas, the applicant did not appear before the committee but withdrew their application; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed beer and wine license to **David Ruggerio or Bombolini, 337 W. Broadway** **until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 39 Board members in favor.

SOCIAL SERVICES AND EDUCATION

Manhattan Community Board 2 Resolution to Restore Funds Cut from Services to LGBT Youth

Whereas, in October of 2009 Mayor Bloomberg appointed a 25-member commission to study the needs of homeless LGBT youth and make recommendations as to how NYC could better prevent LGBT youth homelessness and more adequately care for those suffering homelessness; and

Whereas, the City released the Commission's report, which called for 200 additional beds for LGBT youth and expanded drop-in center hours (with a particular focus on the need for overnight drop-in hours) and expanded street outreach; and

Whereas, a census commissioned by the New York City Council released in 2008 indicated that on any given night 3,800 youth experience homelessness in NYC. As there are only several youth shelter and transitional beds available to this population, most youth rely on drop-in centers and street outreach to survive; and

Whereas, LGBT youth have difficulty accessing mainstream shelters where they often experience homophobic abuse, and therefore rely on drop-in and outreach services; and

Whereas, reducing these services will leave LGBT youth without support, forcing many to engage in high-risk antisocial behavior costing the city far more than the preventative services being cut; and

Whereas, our neighborhood has been significantly negatively affected by these cuts, because LGBT youth have been especially drawn to CB2 because of the diversity and tolerance of our residents and businesses, which make them feel welcomed and accepted; and

Whereas, Council Speaker Christine Quinn said "We recognize the difficult times we face and the need to make cuts to help address next year's budget gap. As we have done before, the Council is prepared to act in a fiscally responsible manner. However, we must ensure these cuts do not fall disproportionately on the most vulnerable New Yorkers, including LGBTQ runaway and homeless youth."

THEREFORE BE IT RESOLVED that CB#2, Man. strongly objects to the budget proposal that would cut services to LGBT youth, and that we urge our Mayor and the members of the City Council to restore this funding and to make these monies a baseline item as they have been in the past so as to not harm our most vulnerable youth.

Vote: Unanimous, with 39 Board members in favor.

STREET ACTIVITY & FILM PERMITS

APPROVAL of Street Fair Permit Application Renewal

WHEREAS, the street fair permit applications listed below are renewal applications which were approved by the Committee and Community Board 2 last year; 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 sponsor meets 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 of the sponsors 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 material community opposition to such application, nor any changes in the application from previous years when it was approved by CB#2, Man.; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports these street fair permit applications on the date(s) and at the location listed below:

1. 8/25/12-Stonewall Democratic Club & Delta Phi Fraternity 4th St. Festival, W. 4th St. bet. 6th Ave. & Washington Sq. East

Vote: Unanimous, with 39 Board members in favor.

2. 8/30/12-CAS Closing Block Party, Washington Pl. bet. Washington Square East & Greene St..

Vote: Unanimous, with 39 Board members in favor.

3. 9/15/12-CVBA Cornelia St. Concert, Bleecker & W. 4th Sts.

Vote: Unanimous, with 39 Board members in favor.

4. **9/24/12-Little Red School House Ribbon Cutting, Charlton St. bet. 6th Ave. & Varick St.**

Vote: Unanimous, with 39 Board members in favor.

DENIAL of Street Fair Permit Application

9/1/12-Pride on Astor Fair, Astor Pl. bet. Broadway & Lafayette St.

WHEREAS, while the committee finds no particular nexus between this organization, which operates from the LGBT center on West 13th, and Astor Pl which is on the east side of the village, and

WHEREAS, the committee can identify other street fairs that the Pride Democrats could partner with in order to share a street fair, and

WHEREAS, the purpose of this street fair is to increase membership and raise funds, a purpose that can be accomplished in other ways besides using local streets, and

WHEREAS, the 300 plus organizations that use the LGBT Center would have good reason to request similar street fair permits if this one was approved, and

WHEREAS, the Committee is very concerned about approving new street fairs because of the already large numbers of street fairs that take place annually in our neighborhoods.

THEREFORE BE IT RESOLVED, that CB#2, Man. does not support this street fair permit application for the **PRIDE ON ASTOR FAIR, Astor Pl between Broadway & Lafayette Street on 9/1/12.**

Vote: Unanimous, with 39 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of retaining a protected pedestrian walkway in the parking lane (street) on the east side of 7th Ave. S. bet. W. 11th & W. 12th Sts. for the duration of the Rudin West Village Residences construction project.

Whereas the Rudin organization has requested a full closing of pedestrian access, i.e., not only closing of the sidewalk (already approved and implemented), but also closing of the pedestrian walkway currently set up in the parking lane, on the east side of 7th Ave. S. bet. W. 11th & W. 12th St. during construction of the Rudin West Village Residences project, citing safety concerns if pedestrians try to bypass the walkway barriers when they're stopped temporarily for trucks moving equipment and debris there; and

Whereas the NYC Department of Transportation (DOT) has denied this request, citing its policy to not require pedestrians who want to remain on one side of a street to cross a 72-ft., heavily trafficked roadway (such as 7th Ave. S. is at this location) to the far opposite side, because of extreme danger to these pedestrians who often choose to walk in the street rather than cross; and

Whereas the roadway on 7th Ave. S. bet. W. 11th & W. 12th St. has an exceedingly high traffic volume (feeding into the Holland Tunnel and filled with downtown commuter motorists) and speed, making it extremely hazardous for pedestrians who prefer staying on the east side of 7th Ave. S. and who would choose to walk in the street in the absence of an unprotected east side walkway; and

Whereas for safety purposes, the Rudin organization has employed flag persons to temporarily stop pedestrians on the east side walkway when their construction equipment and debris trucks are moving across that area;

Therefore be it resolved that CB#2, Man. strongly supports retaining the protected pedestrian walkway in the parking lane (street) on the east side of 7th Ave. S. bet. W. 11th & W. 12th Sts. and keeping it open for the duration of the Rudin West Village Residences construction project; and

Be it further resolved that CB#2, Man. asks that every effort be made to minimize the time that pedestrians in the east side walkway have to stop to accommodate the equipment and debris trucks' passage; and

Be it finally resolved that, in addition to having flagpersons stationed to temporarily stop pedestrians at interim east side walkway locations at the time of equipment and debris truck movement, CB#2, Man. asks that consideration be given to posting flagpersons at the crosswalks flanking the east side walkway at the same time, so that those pedestrians who might choose to go across the street also can be alerted and have an opportunity to cross safely.

Vote: Unanimous with 39 Board members in favor.

2. Resolution in support of DOT 7th Ave. S./Bleecker St./Barrow St. Pedestrian Project.

Whereas for a great many years Community Board No. 2, Manhattan (CB2) has been requesting that improvements be made to promote pedestrian safety and comfort at the complex, confusing and dangerous intersection at 7th Ave. S., Bleecker and Barrow Sts., an area of heavy pedestrian traffic with subways nearby, the M20 bus, retail and restaurant activities and many tourists, and in the top 1% of pedestrian injuries in Manhattan; and

Whereas the NYC Department of Transportation (DOT) has now completed a study of this area and found that existing problematic conditions include:

- Long crosswalks with turning conflicts.
- Soft-angle (shallow) turns (right on Barrow/left on Bleecker) when pedestrians have right-of-way with the WALK signal.
- Illegal double-turns causing congestion and crashes.
- Heavy left-turns onto Bleecker St. leaving "shadow" space that pedestrians use.
- Heavy vehicle volume late-night Friday and Saturday; and

Whereas DOT plans improvements to remedy these problems over a short time, using a "rapid response toolkit," including:

- Installation of "painted" neckdowns (or with epoxy and gravel at grade) and high visibility crosswalks to decrease crossing distance by 27 feet on 7th Ave. S. and reduce pedestrian exposure while adding 1,215 s.f. of pedestrian space defined either by flexible delineators (small bollards) or planters adding enhancement (if maintenance partners are available).
- Addition of turn-only lanes (with accompanying markings) to prevent double turns from 7th Ave. S. onto Bleecker and Barrow Sts., separating vehicles wanting to turn from those wanting to go through.
- Addition of a new right-turn only lane on Bleecker St. and 7th Ave. S. in the bus stop.
- A marked island with flexible bollards (later to become concrete) on the east side of 7th Ave. S. to channel traffic in one left-turn lane onto Bleecker St.; and

Whereas the current M20 bus stop on 7th Ave. S. northwest of Bleecker St. is right next to the current, severely angled crosswalk, confining that crosswalk in an awkward, difficult-to-cross configuration; and

Whereas pedestrians often stand in the Bleecker St. bike lane on the east side of 7th Ave. while waiting to cross Bleecker St., making it necessary for cyclists to swerve into the path of vehicles or else collide with the pedestrians;

Therefore be it resolved that CB#2, Man. fully supports the proposed improvements in DOT's 7th Ave. S./Bleecker St./Barrow St. Pedestrian Project and looks forward to their implementation; and

Be it further resolved that CB#2, Man. suggests that the M20 bus stop on 7th Ave. S. northwest of Bleecker St. be relocated further north to allow for a less acutely angled, more direct crosswalk; and

Be it further resolved that CB#2, Man. recommends that pavement markings, such as the oval "look" markings used in some NYC bike lanes, be placed in the Bleecker St. curbside bike lane on the east side of 7th Ave. to indicate its presence to otherwise unaware pedestrians; and

Be it finally resolved that CB#2, Man. asks DOT to thoroughly monitor and evaluate these improvements and report their findings back to CB#2, Man.

Vote: Unanimous with 39 Board member in favor.

3. Resolution in support of DOT Canal and Hudson Sts. Pedestrian Safety Improvements and Improvements to the Varick St. entrance to the Holland Tunnel

Whereas the NYC Department of Transportation (DOT) has conducted a study in response to long-term problems concerning major access routes to the Holland Tunnel, including heavy tunnel traffic and turns threatening pedestrians in crosswalks, long crosswalks, poorly aligned intersections, jaywalking, absence of crosswalks where needed, and underutilized roadbed; and

Whereas DOT plans improvements to remedy these problems over a short time, using a "rapid response toolkit," including:

- Converting two unnecessary receiving lanes on Varick St. bet. Broome and Watts Sts. into a painted sidewalk extension protected by granite blocks and planters, shortening Varick crosswalks and enhancing the walking environment.
- Realigning a crosswalk into two shorter crosswalks across a new neckdown at Varick and Broome Sts. on the west, limiting the amount of pedestrian exposure to tunnel-bound vehicles.
- A new crosswalk following a pedestrian desire line (previously at an unmarked crossing) on the Holland Tunnel entrance eastbound from Canal and Hudson Sts.
- A concrete median island shortening the crosswalk on Canal at Hudson St. and an expanded island shortening the crosswalk on Hudson at Canal St.
- Reclaiming an unused triangle of asphalt to add painted pedestrian space with planters on the north sides of the Canal/Hudson St. intersection.
- A planted median on Canal east of Hudson St.
- A new landscaped safety island on Canal St. west of 6th Ave. improving crossing, especially by slowing northbound left turns (from 6th Ave.).
- New markings on 6th Ave. across Canal St. and directly north to clarify alignment of moving lanes and bus lanes.

- New markings, including a left-turn-only lane to improve traffic flow and clarified traffic lanes to improve alignment on Canal St. at Greenwich St., with a new crosswalk on the western side of Canal at Greenwich.

Whereas on the west side of Varick St. bet. Broome and Watts Sts., where a painted sidewalk extension is planned for pedestrians in the currently underutilized roadway, there is sufficient room for 40-50 feet of scooter and motorcycle-only parking without impeding the creation of a much more significant pedestrian plaza and future green space (a common configuration in London); and

Whereas there currently are no lane markings on Hudson St. bet. Canal and Dominic Sts., making it unclear to drivers how the lanes should merge so as to end up with two lanes north of Dominic and leading to aggressive jockeying for position, and the westernmost lane of Hudson St. north of Canal St. is never a travel lane, presenting the potential to extend sidewalk space there to shorten crosswalk length; and

Whereas the intersection of Broome St. and 6th Ave. is in the same Holland Tunnel traffic zone as other pedestrian zones to be improved by this project, and crosswalks on the north side there also cross Sullivan St. and “Little 6th Ave.,” going across all three streets at an acute angle and making this a long and difficult pedestrian crossing, exacerbated by cars entering the car wash that cross and often block the sidewalk that is effectively part of the crosswalk. There is often heavy and fast moving traffic there, turning north onto 6th Ave. from Broome St. and not visible to pedestrians crossing west on the north side of Broome, and there are large numbers of high school students attending schools and after school programs on the northwest and southwest corners of this intersection;

Therefore be it resolved that CB#2, Man. fully supports the proposed pedestrian safety improvements at Canal and Hudson Sts., Canal and Greenwich Sts. and Canal St. and 6th Ave., and at the Varick St. entrance to the Holland Tunnel (bet. Broome and Watts Sts.); and

Therefore be it resolved that CB#2, Man. requests that DOT consider the possibility of providing scooter and motorcycle parking on the west side of Varick St. between Broome and Watts St.

Be it further resolved that CB#2, Man. suggests that channelization be provided for northbound traffic on Hudson St. bet. Canal and Dominic Sts., and that the westernmost lane of Hudson north of Canal be converted to an extension of sidewalk space marked in the short term with surface treatments and flexible delineators; and

Be it further resolved that CB#2, Man. asks DOT to consider adding Broome St. and 6th Ave. to the intersections improved in this project, possibly extending a pedestrian area on the south tip of Soho Sq. to allow a less acute crossing of 6th Ave. on the north side of Broome St.

Be it finally resolved that CB#2, Man. asks DOT to thoroughly monitor and evaluate these improvements and report their findings back to CB#2, Man..

Vote: Unanimous with 39 Board members in favor.

WATERFRONT

Proposed Amendments to the Hudson River Park Act

WHEREAS:

1. CB#2, Man. has long supported the creation of Hudson River Park and supported the passage of the Hudson River Park Act.
2. Hudson River Park, with the input of CB#2, Man. has become an integral part of our community's life, providing green spaces, water access, and recreational opportunities, which were sorely lacking prior to its creation.
3. The loss of the green space and recreational opportunities on the Soho/Hudson Square/West Village waterfront would be devastating to our community.
4. It is critical to the life of our community that Hudson River Park be fully built out and that it establish a firm financial footing which allows it to be properly maintained and administered, free from the vicissitudes of the economy and budget process.
5. We understand and accept that Pier 40, as one of the four major commercial nodes allowed by the Hudson River Park Act, must play a major role in generating income for the Park.
6. In order to play that role, Pier 40 needs to generate about 35% of the Park's operating costs, costs which include infrastructure repairs, costs which might be capitalized but which are unlikely to be paid by State or City operation or capital budgets.
7. In fact, Pier 40 has seen a decline in the revenue it produces, while Park costs have escalated.
8. On top of that, Pier 40 itself is in need of serious infrastructure repair; its roof is collapsing and needs over \$20 million worth of repairs, and its piles are deteriorating and need, over a 10-year period, \$100 million in repairs.
9. The use of Park revenue and reserves to shore up Pier 40 means that the Park's budget will run in the red this year and next; the Park's reserves will not allow it to run in the red for long.
10. The deterioration of Pier 40 and the Park's inability to generate the revenue for its repair threatens both the quiet green spaces along the Hudson River our community now enjoys, and the recreational activities on Pier 40 which involve thousands of children and adults, both as part of school activities and through organized sports leagues.
11. The deterioration also threatens the moderately priced long-term parking opportunities utilized by hundreds of CB2 residents on Pier 40.
12. Under the Hudson River Park Act, as currently written, the only commercial uses allowed on Pier 40 are parking, retail, and entertainment.
13. Over the last ten years the Hudson River Park Trust has put out two RFPs addressing the development of Pier 40, both of which resulted in entertainment or retail-focused proposals which CB2 found unacceptable.
14. The best road forward for the development of Pier 40 is one which unleashes its revenue potential and the creativity of the business community, expands the Pier's open space features (the Act currently requires that the Pier have open space equal to 50% of the Park's footprint, a requirement which would allow open space to be located entirely on a roof), and strengthens the role of the community in the decision-making, planning, and building process to an extent beyond the current ULRPP requirements.
15. Construction on Pier 40 must be done in a manner which allows recreational activity to continue for most, if not all of the time construction is underway.
16. Community Board 2 has been represented on the Hudson River Park Strategic Planning Task Force convened by the Hudson River Park Trust to discuss the Trust's finances and possible changes to the Hudson River Park Act which would serve to unleash the Park's potential to generate income, and these representatives have played a role in shaping the proposals which have been discussed.

Therefore be it RESOLVED that:

1. CB2 stands ready to support the changes to the Act being discussed by the Task Force, to the extent set forth below, with the limitations set forth below, and does so with the following caveats:
 - a) CB2 would prefer that all parks, including Hudson River Park, be supported by the State and/or the City's general revenue.

b) CB2 calls upon the State and the City to live up to the commitment to build Hudson River Park, and to do so rapidly (it makes no sense to put hundreds of millions of dollars of capital into other projects, like Governor's Island, which is in use five months per year, while Hudson River Park, which services and benefits adjacent communities with over 1 million residents 365 days per year, accessible to the local community, remains unfinished, with an escalating cost of completion).

c) CB2 opposes any changes to the Hudson River Park Act which do not either maintain or increase the open space requirements on Pier 40 and elsewhere in the Park.

d) CB2 opposes any changes to the Hudson River Park Act that limit or bypass the processes already in place, such as the Environmental Impact Statement and related processes under SEQRA, ULURP, and the Trust's own public hearing requirement, which allow public involvement on any particular development proposal that may arise going forward.

2. CB2 endorses amendments to the Hudson River Park Act which would:

a) allow no more than 50% of the footprint of Pier 40 to be developed with a Park-compatible commercial use, including retail, residential (rental only), business, professional or government office, entertainment, performing arts, education and education-related facilities (including private schools and universities), health care-hospital, broadcast and film studio facilities, conference center uses and ancillary operations and facilities, or hotel, so long as

(i) the remainder of the Pier is developed for Park use, of which up to 20% could be covered by structures for indoor recreation;

(ii) the commercial developer is required to cover the costs of improvement, replacement and maintenance of the infrastructure required for such development, including underwater structures, pier fenders, and the upgrading of water, sewer and electrical services;

(iii) at least 20% of the square footage allocated to residential development is utilized for "affordable housing";

(iv) appropriate plans are made to address the potential of a tidal surge during a major storm;

(v) the project is addressed in an Environmental Impact Statement which takes into account the impact on City services, including police, fire, schools, and senior centers, even if an EIS is not required under SEQRA;

(vi) the project is subjected to the ULURP process;

(vii) the State Legislature and the City Council shall retain a right in consultation with the park adjacent legislator to veto the project within 30 days of the completion of the process;

(viii) the development is subject to oversight by a Task Force drawn from The Advisory Council, the adjacent community board and elected officials;

(ix) residential development require a "special permit from the New York City Planning commission; and

(x) construction is undertaken in a manner which allows some recreational activity to occur on part of Pier 40 during most of the period construction is underway;

b) allow the redevelopment of Pier 54 so that it may be built beyond its historic footprint, so long as (i) the width of such redeveloped pier, at the bulkhead, does not exceed 160 feet and its length does not exceed 700 feet, and the total square foot coverage area of such redeveloped pier and adjacent platform areas does not exceed a total of 118,000 square feet; (ii) the project is done subject to the SEQRA and ULURP; processes; and (iii) the development is subject to oversight by a Task Force drawn from the Advisory Council, the adjacent community board and elected officials;

c) require that all park-incompatible government uses at Pier 76 be relocated no later than December 31, 2015 and that the City of New York convey to the Trust a possessory interest in all of Pier 76 for a period of 99 years; and that allows commercial uses on 50% of the footprint of Pier 76, including retail, residential (rental only), business, professional or government office, entertainment, performing arts, education and education-related facilities (including private schools and universities), health care – hospital, broadcast and film studio facilities, conference center uses and ancillary operations and facilities, or hotel uses;

- d) allow for the issuance of negotiable bonds by the Trust, for public infrastructure, provided that those bonds in no way limit the right of the Trust to restrict and regulate the use of the park;
- e) allow for lease terms, at Piers 40, 57, and 76, in the Trust's discretion, as long as the Trust's initial lease on the land on which the Park is built (99 years from 1998);
- f) clarify that the prohibition on manufacturing is not intended to bar the making of small-scale, hand-made or artisanal products in the Park;
- g) provide for indemnification of the Trust by the City and the State, each with respect to its owned Park property, and, if possible, provide liability insurance coverage for the Trust;
- h) modify the definition of park use to confirm that carousels intended for children are allowed on Park piers west of the bulkhead, so long as such uses occupy no more than 10% of a pier;
- i) clarify that park concessions can provide lessons and programming incidental to such concessions;
- j) clarify the restriction on dredging so as to confirm that dredging can be done to facilitate navigation at park and park/commercial piers;
- k) raise the threshold on the Trust's competitive bidding requirement from \$5,000 to \$50,000 in order to streamline the Trust's procurement process;
- l) allow the Trust to transfer or sell any unused development rights which, were this not a park, apply to properties under local zoning requirements;
- m) redefine the Park's southern boundary so that it ends at the beginning of Battery Park City;
- n) allocate to the Hudson River Park Trust a share of the revenue from the Passenger Ship Terminal.

3. CB2 opposes any amendment to the Act which

- a) allows the Trust to provide direct financial assistance to attract or expand any business to the park;
- b) permits the alienation, by the Trust, of any park land.

4. CB2 encourages the Trust and local elected officials to continue to explore ways to seek increased public and private funding for the Park, including the continuing development of the proposal by Friends of Hudson River Park for a park improvement district, both to fund the Park's completion and its ongoing maintenance

5.

THE ABOVE RESOLUTION WAS WITHDRAWN.

Respectfully submitted,

Susan Kent
 Secretary
 Community Board #2, Manhattan