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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** October 18, 2012  
**TIME:** 6:00 P.M.  
**PLACE:** St. Anthony of Padua, Lower Hall, 151-155 Sullivan Street

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Richard Caccappolo, Lisa Cannistraci, Denise Collins, Pier Consagra, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Alison Greenberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeannine Kiely, Arthur Kriemelman, Dodge Landesman, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Robert Riccobono, Robin Rothstein, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Richard Stewart, Sean Sweeney, Susan Wittenberg, Robert Woodworth, Antony Wong, Elaine Young

**BOARD MEMBERS EXCUSED:** Heather Campbell, Cristy Dwyer, Raymond Lee, Lois Rakoff, Rocio Sanz, Chenault Spence

**BOARD MEMBERS ABSENT:** Gideon Gil

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Jessica Silver, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Andrew Berman, Harry Pincus, Mary de Franca, Joseph de Franca, Justine Leguizamo, Brian Dennis, Renee Schoonbeck, Lauren Racusin, Dierdre Carson, Silvia Beam, Sheryl Woodruff, Andrew Durniak, Shuli Hallak, Russell Roberts, Richard A. Blodgett, Linda L. Sousa, Frank Dobbs, Charles Baer, Yafee Ba, Richard Leland, Deley Gorinelli, B. Bedrossian, Lara Lorn, Pete Davies, Joon Kim, Marc Chalom, Peter Christolaudon, Gary Shapiro, Wes Long, Jill Mackenzie, Steve Ashkinazy, Judith Callet, Victoria Faust, Richita Anderson, Katy Bordonaro, Jonathan Kuhn, Christina Nakraseive, William O'Neill, Andrea Swalec, Sophia Rosenbaum, Robert Neborak, Suzanne Dickerson, Sahar Zodeh, Paul Rachow, Brendan Kirkpatrick, Karen Imas, Andre Jones, Meredith Nowikowski, Amy Jedlicka, Jayne Haynes, He Gin Lee, Mary Keena, Arlene Boop, Edward Newman, Sanny Gashi, Joseph Manoleas, Rachel Hovranian, Matt Hechler, Mindy Goodfriend, Chris Brandon, Sylvia Rackow, Mark Barboni, John Barboni, Connie Masullo, John Sove, Gus Blau, Lisa Goldberg, Lara Iden

## MEETING SUMMARY

Meeting Date –October 18, 2012

Board Members Present – 42

Board Members Excused–6

Board Members Absent - 1

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### II. PUBLIC SESSION

#### Non-Agenda Items

##### South Village

Connie Masullo and Sylvia Rackow spoke in favor.

##### MeatPacking Harvest Fest

Meredith Nowikowski invited everyone to this upcoming event.

##### NYU

Joseph Manoleos announced several upcoming events.

##### Building Preservation

Gus Blau spoke regarding preservation of the Our Lady of Vinius building at 570 Broome St.

##### SoHo B.I.D.

Peter Davies spoke against the proposed SoHo BID.

##### Petrosino Park

Jonathan Kuhn, from the Dept. of Parks, spoke in favor of the Petrosino Art Project.

## **Landmarks & Public Aesthetics Items**

292 West 4<sup>th</sup> Street-Application is to construct a rooftop addition, excavate the front areaway, the basement, and the rear yard, and install new windows.

William O’Neill and Rachel Horvianian spoke in favor of the proposed Landmarks application.

123 Washington Pl.-App. to construct rear yard addition, alter dormer window, and excavate rear yard.

Arlene Boop spoke regarding this application.

## **Land Use and Business Development Items**

### **Hudson Square Rezoning and Sub-District B**

Lara Iden, Lisa Goldberg, John Sove, Robert Neborak, Frank Dobbs, Charles Baer, Linda Sousa, Suzanne Dickerson, Peter Christolaudon, Joon Kin, Dierdre Carson, Edward Newman, and Justine Leguizamo, spoke against the rezoning proposal.

Silvia Beam was against the proposal as written.

Marc Chalom spoke in favor of the rezoning proposal, but was against Sub-District B.

Joseph De Franca spoke against down-zoning.

Judith Callet, Andrew Durniak, and Sheryl Woodruff, spoke in favor of the rezoning proposal, with modifications.

Mindy Goodfriend, Russell Roberts, Brian Dennis, and Renee Schoonbeck, spoke in favor of the rezoning proposal.

Katy Bordonaro, Richard Blodgett, Christina Dakraseive, Sanny Gashi, and Andrew Berman, spoke regarding the Hudson Square rezoning proposal.

## **SLA Licensing Items**

Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St.

John and Mark Barboni, the proprietors, spoke in favor of their liquor license renewal.

Matt Hechler, Wes Long, Chris Brandon, Andre Jones, Joel Klein, and Jill MacKenzie spoke in favor of the liquor license renewal.

Mary Keena spoke against the liquor license renewal.

Sahar Zodeh spoke in favor of a proposed liquor license.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Katie Smith, Congressman Jerrold Nadler’s office

Robert Atterbury, Senator Tom Duane’s office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

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

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas Castaneda, Council Member Rosie Mendez's office,

## **V. ADOPTION OF MINUTES**

Adoption of July minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** David Gruber reported

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

## **STANDING COMMITTEE REPORTS**

### **ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH**

#### **Resolution in Support for World Trade Center Pediatric Study Proposal "Early Identification of WTC Conditions in Adolescents"**

**WHEREAS:** The James Zadroga 9/11 Health and Compensation Act (the "Zadroga Act") creates the World Trade Center Health Program within the National Institute of Occupational Safety and Health (NIOSH), to provide specialized treatment to responders and survivors, including children who resided or attended school or daycare downtown, for their WTC-related health conditions; and

**WHEREAS:** The Zadroga Act directs NIOSH to provide funding for research into the physical and mental health impacts of the WTC disaster on all exposed populations; and

**WHEREAS:** Children have been the least-studied exposed population; and

**WHEREAS:** In February of 2012, at the request of Dr. John Howard, the WTC Health Program Administrator, the WTC Health Program's Scientific and Technical Advisory Committee issued recommendations on WTC research priorities stating: "We know very little about the health effects of the WTC disaster on the more than 30,000 children living or attending school or daycare in the area. Given children's increased susceptibility to harm, especially in critical periods of development, it is imperative that NIOSH move quickly to support in-depth studies of respiratory impacts, developmental effects and endocrine disruption for this rapidly dispersing cohort;" and

**WHEREAS:** Since the passage of the Zadroga Act, NIOSH has solicited two separate rounds of proposals for its WTC research funding; and

**WHEREAS:** The WTC Pediatric Program’s research team, which has the most knowledge of WTC pediatric health impacts and the strongest clinical expertise, has submitted strong proposals with broad community support in response to both solicitations; and

**WHEREAS:** The WTC Health Program’s Survivors Steering Committee has made repeated requests to NIOSH that the panel reviewing research proposals include pediatric expertise; yet, in its most recent review, NIOSH convened a panel lacking such expertise, raising serious questions about the fairness of the process; and

**WHEREAS:** NIOSH has failed to fund both proposals by the WTC Pediatric Program research team, including most recently “Early Identification of World Trade Center Conditions in Adolescents,” a study that would not only add to knowledge about post-9/11 respiratory, cardiovascular and metabolic health, but would provide doctors with new tools for early detection of WTC health problems in adolescents; and

**WHEREAS:** Despite urging by its own scientific advisory body, by downtown parents and by the Survivors Steering Committee, NIOSH has chosen not to fund any research into the WTC physical health impacts of those exposed as children, now

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges NIOSH to fund “Early Identification of World Trade Center Conditions in Adolescents,” immediately, as an important first step toward addressing key knowledge gaps about the ways in 9/11 has harmed the physical health of downtown’s children, and aiding doctors in detecting and treating pediatric WTC health conditions, as provided for under the Zadroga Act, and

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon NIOSH to make the health of those who experienced 9/11 as children a research priority by funding research to arrive at a full understanding of WTC pediatric health impacts and to inform an excellent standard of WTC care.

Passed: Unanimous, with 42 Board members in favor.

## **LANDMARKS AND PUBLIC AESTHETICS**

### **1<sup>st</sup> LANDMARKS MEETING**

**1. 230 Mercer St. aka 663-665 Broadway – NoHo Historic District.** A neo-Gothic style store & loft building designed by V. Hugo Koehler & built in 1911-12. Application is to legalize the installation of banner poles & stretch banners without Landmarks Commission permits.

**Whereas,** the proposal is to replace four 20’ existing banners on the Mercer St. side of the building with four smaller (10’) banners in the same places attached top and bottom and

**Whereas,** on the Broadway side of the building where the gym occupies only the second floor of the building, the applicant wishes to re-use two existing flagpoles on the front of the building with the banners attached by rope(s) to the building so they will only minimally flap in the breeze,

**Therefore, be it resolved** CB#2, Man. recommends approval of the banners on the Broadway façade, but feels that four banners on the Mercer St. of 230 Mercer St. are excessive and the number should be reduced.

**Vote:** Unanimous, with 42 Board members in favor.

**2. 321 Canal St. – SoHo Cast Iron Historic District.** A Federal style rowhouse built in 1821 and altered in the mid-19<sup>th</sup> Century to accommodate a commercial ground floor. Application is to alter a dormer on the rear facade.

**Whereas**, the Landmark’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 failed to appear before the Community Board Committee nor did he contact us for a layover,

**Therefore, be it resolved** CB#2, Man. recommends denial of this application for 321 Canal St. in the absence of this important step in the review process.

**Vote:** Unanimous, with 42 Board members in favor.

**3. 328 West 4<sup>th</sup> St. aka 38 8<sup>th</sup> Ave. – Greenwich Village Historic District.** A residential/commercial brick building built in 1841-42, designed by Tarleton B. Earle & altered in 1924. Application is to enlarge a window.

**Whereas**, the proposal is to enlarge one window on the top floor of the building to match a similar window along the same wall, and

**Whereas**, the Committee noted that the wall seemed to be in need of some repairs,

**Therefore, be it resolved** CB#2, Man. recommends approval of the proposal to enlarge one window at 328 West 4<sup>th</sup> St. to match the existing window on the same wall, but suggests that the applicant also undertake, at the same time, the necessary repairs to that wall.

**Vote:** Unanimous, with 42 Board members in favor

**4. 52 West 8<sup>th</sup> St. – Greenwich Village Historic District.** A Commercial building designed by Frederick Kiesler & built in 1927 & later altered. Application is to alter the façade, install new storefront infill, a marquee, and signage.

**Whereas**, this building, formerly occupied by Electric Lady, will be taken over in part by Beth Israel Medical Group and converted to doctor’s offices and labs, and

**Whereas**, two small commercial establishments will still remain in the building, and

**Whereas**, Bay 1 of the first floor will contain the entrance to the medical facility, Bays 2 and 3 will remain in their current use, Bay 4 will have a medical facility window for displays or exhibits, and Bay 5 will remain a commercial space, and

**Whereas**, the applicant intends to reclad the façade and to install a marquee over the medical entrance, the 5' long marquee to be slightly sloped and the façade of the marquee angled inward with the 1'9" high sign, white letters on blue background reading "Beth Israel Medical Group", and the lighting to be under the marquee,

**Therefore, be it resolved**, CB#2, Man. feels the marquee is not in character with the facades on 8<sup>th</sup> St., and signage should be installed above the entrance as are most of the signs on establishments on 8<sup>th</sup> St., and any work on 52 West 8 St. should create storefronts matching those already there.

**Vote:** Unanimous, with 42 Board members in favor.

**5. 37 Charles St.** – Greenwich Village Historic District. A rowhouse built in 1869. Application is to construct a rear yard addition.

**Whereas**, the proposal is to remove the rear façade of the building from the basement to the top of the second floor, leaving only the side walls and the cellar, but extending the foundation out 11'2" into the rear yard, and

**Whereas**, the basement level will be extended out 11'2" into the rear yard held up by the new foundation at the cellar level and floors 1 and 2 will extend out 5' from the present wall, with the 3<sup>rd</sup> floor wall remaining, and

**Whereas**, the proposal also plans a terrace on the 1<sup>st</sup> floor above the basement extension and

**Whereas**, this building is part of a row of 4 townhouses which are more or less cohesive, and

**Whereas**, a number of neighbors came to the hearing to object to this intrusion into the rear yard, and

**Whereas**, this alteration will remove most of the rear façade of this 1869 building

**Therefore, be it resolved** CB#2, Man. strongly opposes this alteration to 37 Charles St. since it alters the cohesiveness of the yards and removes too much of the original historic material from this 1869 building.

**Vote:** Unanimous, with 42 Board members in favor.

## **2<sup>nd</sup> LANDMARKS MEETING**

**6 - LPC Item: 2 - 321 Canal Street** (n.w. Mercer)– SoHo-Cast Iron H.D. A Federal style rowhouse built in 1821, altered in the mid-19th century to accommodate a commercial ground floor. Application is to alter the roof.

**Whereas**, we again commend the Commission for all its efforts preserving the city's and the nation's dwindling stock of Federal-style houses; and

**Whereas**, this building is one of two that is relatively unaltered of a row of six identical buildings built by the owner, Isaac Lawrence, in 1821, a mere two years after Canal Street was filled in, accelerating its residential and commercial growth; and

**Whereas**, this application to add two skylights onto the front of the roof would ruin the appearance of the roofline; and

**Whereas**, as much as anyone appreciates efforts to increase the city's housing stock, this proposal to enlarge and extend the rear dormer in order to facilitate conversion of the upper floor to residential use removes so much original fabric and so destroys the simple appearance of the rear facade that it is completely unacceptable; now

**Therefore, be it resolved** that CB#2, Man. strongly recommends denial of both portions of this application, which seeks to disfigure a building the Commission has worked so hard to preserve for posterity.

**Vote:** Unanimous, with 42 Board members in favor.

**7- LPC Item: 3 - 129 Charles Street – Greenwich Village H.D. Extension**

A vernacular style stable and dwelling designed by Henry Andersen, and built in 1897. Application is to alter at the ground floor and construct a rooftop and a rear-yard addition. Zoned C6-1

**Whereas**, the 2008 permit has expired. This proposal is now a *de novo* application. So anything permitted in 2008 should not automatically be permitted now, and should especially not be used as a basis for further increasing the height and bulk beyond what was originally requested in 2008; and

**Whereas**, we like the proposed restoration of the garage doors, the reintroduction of the historic cornice, and the return of the façade to its original configuration; but

**Whereas**, this proposal to construct a rooftop addition raises the question of why do we have historic districts if we are going to add a highly visible structure to this roof. Other property owners have asked for changes like this and were denied. Why treat this applicant differently? Permitting this proposal would set a terrible precedent; and

**Whereas**, furthermore, the work proposed would alter the chimney stack of, and possibly damage, an Individual Landmark abutting this property, a Federal-style building with most of its details intact, a treasure that was designated even before Greenwich Village itself was registered as an historic district; now

**Therefore, be it resolved** that CB#2, Man. strongly recommends denial of this application regarding the highly visible rooftop addition; but,

**Further, be it resolved** that CB#2, Man. recommends approval of the work proposed for the façade.

**Vote:** Unanimous, with 42 Board members in favor.

**8- LPC Item: 4 - 32 Perry Street** - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1845. Application is to construct a rear-yard addition. Zoned R6, C2-6

**Whereas**, we do not object to extending the existing floors the 2' 8" that the applicant is requesting; but

**Whereas**, we are apprehensive about the impact the collective destruction of so many individual tea rooms - important elements of Greenwich Village architecture – is having on the historic district; and

**Whereas**, the extension should read like a Greek-Revival rear facade in style, proportion and materials. Instead, the proposed large, heavy black windows resemble 1920s or '30s Art Moderne fenestration in style and symmetry, with its 6-over-6 glazing, for example.

Further, the overall treatment lacks the proportions and style we would expect in a Greek-Revival rear façade like this.

Furthermore, the original tea-parlor wall would have been wooden and not brick, as this application proposes; and

**Whereas**, we recommend that the application be held over and the applicant re-design the extension to ensure a more appropriate style befitting this building; now,

**Therefore, be it resolved** that CB#2, Man. recommends approval of the application for additional bulk, but recommends denial of the application for the disharmonious addition, and instead urges an extension that maintains the integrity of this Greek Revival building.

(Examples can be seen in Charles Lockwood's *Bricks and Brownstone*, particularly the examples cited on Willow Street in Brooklyn Heights.)

**Vote:** Unanimous, with 42 Board members in favor.

**9 - LPC Item: 6 - 688 Broadway** (W. 4/Great Jones)– NoHo Historic District. A parking lot. Application is to construct a new building. Zoned M1-5B

**Whereas**, overall, this building will certainly contribute to the historic district; and

**Whereas**, the materials, proportions and style proposed are terrific – with the exception of the ground floor, however, which is squat and evocative of a 1950s commercial ground floor, in sharp contrast to this proposed building's 21<sup>st</sup>-century design, and the style of the historic late-19<sup>th</sup> and early-20<sup>th</sup> century buildings that comprise most of this district.

The proposed ground floor reads more like an upper floor than a lower floor. Traditionally in this historic district, the two lower floors usually had the appearance of a combined, single, massive base.

In this building, the single and double stories appear to be overlapping.

One alternative solution could be a color differentiation in the masonry and the metal trim, which would serve to distinguish the ground floor from the upper floors; and

**Whereas**, the rear façade of the building is likewise generally acceptable in style and materials. Furthermore, we appreciate the renovation of the Belgian blocks and the granite sidewalk. The lighting is smart and modern; but

**Whereas**, this is, after all, a commercial back alley in an historically industrial neighborhood. The applicant is proposing a trendy mesh wall with plantings for adornment at the side of the rear entrance. However, we recall the aversion that the Commission has displayed for street trees and/or planters in historically industrial districts like NoHo and SoHo.

Indeed, for over twenty years, the Commission has denied applications for trees and planters, not only on the public sidewalk, but even on privately-owned property, like in the areaway in front of a store on the southeast corner of Houston and Mercer Streets.

So, besides being contrary to precedent established by the LPC for the public streetscape, this proposal for decorative vegetation is especially incongruous in this gritty, grungy back-alley, where weeds are more appropriate than climbing vines; now

**Therefore, be it resolved** that CB#2, Man. recommends general approval of the front façade but seeks a more appropriately scaled base; and

**Further, be it resolved** that CB#2, Man. recommends approval of the rear façade and renovation of the pavement and roadbed; but

**Further, be it resolved** that CB#2, Man. recommends denial of the mesh grid and twee greenery for the alleyway.

**Vote:** Unanimous, with 42 Board members in favor.

**10 - 42 Crosby Street** (n.w. Broome) - SoHo Cast-Iron Historic District. Application is to demolish the existing structure and construct a new building.

**Whereas,** we appreciate the effort by the applicant to maintain the streetwall and cornice height compatible with the adjacent building; but

**Whereas,** we find the cornice to be a bit weak, not important enough for a district with more dominant cornices; and

**Whereas,** we are very dismayed at the paucity and the positioning of the sightline photos. Instead of the wide variety of views normally presented by architects, this application consisted only of four photos, every one of which seemed to be taken at locations intended to purposely minimize the view and impact of the proposed building, particularly the tower. For example, one photo on Crosby looking south conveniently had the branch of a tree obscuring the tower. Two more were taken in the vehicular lanes of the street, not on the sidewalk, which, again, conveniently served to render less of the tower visible than if it were taken on the sidewalk. Another was taken at a faraway corner, Broome and Mercer, at which no tower was visible. Yet no image was presented of how visible the base and tower of the buildings would appear from nearby corners, like Broadway or Crosby, or directly across the street from the project; and

**Whereas,** we understand why the sightline photos are so obfuscatory: the tower has no reference to the rest of the building; and

**Whereas,** the rhythm of the windows should reflect those found in SoHo, not a post-modern homage to Michael Graves or Robert Stern. The proposed windows are square, while the windows in the historic district display a strong verticality. Also, the proposed façade's ratio of solid to void is not reflective of the ratio common in the district and is therefore lacking in this proposal. Introducing more substantial solid piers would create a pleasant verticality, at the same time introducing an appropriate material; and

**Whereas**, this is the SoHo **Cast-Iron** Historic District, not the SoHo **Aluminum** Historic District. This cheap material contributes nothing to the district and little to the building, not what one would expect in the high-end of new construction; now

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

**Vote:** Unanimous, with 42 Board members in favor.

**11 - LPC Item: 37 Charles Street (W4/7<sup>th</sup>)** - Greenwich Village Historic District. Application is to construct a rear yard addition, and construct a stoop and areaway.

**Whereas**, we don't necessarily oppose the planter, but question its being there merely to serve as a vehicle to meet a requirement for extending the rear yard, particularly when the rear extension destroys historic material and ruins the historic appearance and configuration of the rear facade; and

**Whereas**, overall the work on the front is a great improvement, particularly the new lintels, stucco, doorway, ironwork and stoop.

However, the stoop should match the style of this 1875 neo-Greco building and not the style of the adjacent stoop. Furthermore, the newel post is underscaled in relation to the very ornamental balustrade and should be redesigned to match it, perhaps with an octagonal styling; but

**Whereas**, regarding the rear-yard addition: we have already submitted an outstanding resolution that decried this proposal to ruin historic material and we see no reason for changing it; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of most of the work proposed for the front area, keeping in mind some of the design suggestions we mentioned above; but

**Further, be it resolved** that CB#2, Man. again recommends denial of the application for the rear addition.

**Vote:** Unanimous, with 42 Board members in favor

**12 - LPC Item: 18 Grove Street (Bedford)** - Greenwich Village Historic District. Application is to amend Certificate of Appropriateness 08-3934 for façade alterations to include excavation at the rear yard and to construct a rear-yard addition, and install gates.

**Whereas**, applications like this to excavate rear yards or cellars in order to expand interiors were once rare, but are now becoming increasingly common. Unfortunately, whether due to poor subsoil, the general exigencies of construction, or both, damage to adjacent buildings is inevitable.

The common method of excavating – shoring up and underpinning the neighboring buildings' foundation – is well intentioned but far from perfect.

A better solution would be not to disturb the foundation, footing and party wall, but instead excavate a few feet away from the shared foundation, respecting the natural structural "angle of repose".

Adding a reinforced concrete shelf parallel to the party walls of the building will minimize the negative impact on the neighbors' structural wall. This solution does not require underpinning of the delicate historic foundation rubble wall.

This method may result in some loss of desired interior square-footage that the applicant seeks, but is a much more prudent procedure and will greatly mitigate structural damage as well as neighbors' acrimony; and

**Whereas**, the applicant intends to maintain the bluestone pavers and planters. However, since so much work is proposed for the rear yard, we would suggest instead the introduction of a few inches of soil in order to grow a “green roof”, as it were, so as to restore some vegetation to the doughnut; and

**Whereas**, we have no objection removing one of the doors in order to expand the existing garage door; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of enlarging the garage door; but

**Further, be it resolved** that CB#2, Man. recommends not underpinning the neighboring buildings, but, rather, simply retaining a few feet of soil as a protective buffer; and,

**Further, be it resolved** that CB#2, Man. recommends that the LPC come up with rules and guidelines for applicants to follow that would be more protective of adjacent buildings than underpinning is.

**Vote:** Unanimous, with 42 Board members in favor.

**13- LPC Item: 39 Fifth Avenue (9<sup>th</sup>/10<sup>th</sup>)** - Greenwich Village Historic District Application is to enlarge window openings.

**Whereas**, we like that the proposed windows borrow the style of the more detailed windows of the lower floors, instead of the more generic mid-floor windows; and

**Whereas**, we also appreciate that a filled-in window will be restored and the window configurations will have a more historical proportion; and

**Whereas**, this alteration will be barely visible from the street; now

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

**Vote:** Unanimous, with 42 Board members in favor.

**14- LPC Item: 123 Washington Place (6<sup>th</sup>/Grove)** - Greenwich Village Historic District. Application is to construct a rear-yard addition, alter a dormer window, and excavate the rear yard.

**Whereas**, the dormer alteration and the introduction of copper there is acceptable; but

**Whereas**, several neighbors either attended the meeting or sent emails objecting to the excavation work in the rear yard, fearing for the stability and integrity of their buildings; but

**Whereas**, the applicant stated that most of the excavation work will not directly abut the neighbors’ foundation – except at the neighbor’s back house in the rear – because there will be a buttress of soil on the sides, a technique that we recommend for the back house as well; now

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

**THE ABOVE APPLICATION WAS LAID OVER AT THE FULL BOARD MEETING.**

**15 - LPC Item: 241 West 11th Street (W4/Waverly) - Greenwich Village Historic District**  
Application is to construct rooftop and rear yard additions, excavate the basement, rear yard, and areaway.

**Whereas**, we question why someone would want to alter the traditional 8-foot height of the basement, which served residents of this building adequately for generations, in order to increase the height to 11 feet, a height more characteristic of loft building interiors; and

**Whereas**, dropping down a couple of feet at grade level would introduce more steps than normally present in Village areaways. This building's areaway is historically significant and any work should adhere to the context of the intact twin building next door; and

**Whereas**, the presentation reflected an inadequate understanding of the unique circumstances of an historic district; now

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

**Vote:** Unanimous, with 42 Board members in favor.

**16 - LPC Item: 5 West 8th Street (5<sup>th</sup>/6<sup>th</sup>) - Greenwich Village Historic District.** Application is to alter the ground floor, enlarge the penthouse, and install lighting, a marquee, signage, awnings, and a painted wall sign.

**Whereas**, residents and neighbors attended expressing some concern, particularly with the work proposed for the roof; but

**Whereas**, we do not object to the enlargement of the penthouse; and

**Whereas**, we like the idea of restoring the ghost sign on the side of the structure and the introduction of signage on the front. However, we feel this is more than enough signage and the proposal to include the two blade signs, although they are historic, is unnecessary and clutters up this façade. Worse, approving them would introduce a precedent up and down this street; and

**Whereas**, The proposed lighting is acceptable. The pilasters and cornice on the storefront contribute to the building. However, the windows are flimsy and could be enhanced by adding some moulding; and

**Whereas**, we approve the marquee. However, the sign band at the front of it obscures and interrupts the rhythm of the columns and their capitals. The sign band should be narrowed, or made to float away from the columns, or angled so that the columns and capitals are continuous; now

**Therefore, be it resolved** that CB#2, Man. approval of the penthouse enlargement, the commercial sign on the sidewall, the marquee, the lighting, and the storefront infill in general; but

**Further, be it resolved** that CB#2, Man. recommends denial of the blade signs and the obtrusive signage on the front of the marquee, as well as preferring more detailing for the windows.

**Vote:** Unanimous, with 42 Board members in favor.

**17 - LPC Item: 292 West 4th Street** (11<sup>th</sup>/Bank) - Greenwich Village Historic District. Application is to construct a rooftop addition, excavate the front areaway, the basement, and the rear yard, and install new windows.

**Whereas**, the removal of a 20<sup>th</sup>-century extension and its replacement by the proposed extension actually improves the rear facade; and

**Whereas**, the front façade restoration is fine; and

**Whereas**, the rooftop additions are barely visible; but

**Whereas**, a group of neighbors appeared, expressing grave concern that this proposal will seriously damage their properties. One neighbor stated his house was already damaged. One has already hired a lawyer.

It is fair to say that the increase of applications for excavations that we have seen in recent years is arousing great concern and ire among property owners who have made investments in the historic district. It would be horrible indeed that, if unwarranted damage occurs during excavation, a property owner not only files a lawsuit against the applicant but also against the City for permitting these potentially harmful projects to proceed.

With all respect, we feel it is time that the Commission, when hearing these excavation applications, pays more consideration to potential damages, based not on a perceived threat but to actual events that have occurred. It appears that the Commission has approved every such application presented. The Commission owes it to the citizenry – if not for the sake of preserving the precious historic structures, then surely for the financial investment our neighbors have made in their community.

That is why we feel that the LPC should re-examine its policy on underpinning and come up with more protective solutions, TPPN 10/88 notwithstanding; and

**Whereas**, potential hazards aside, we believe that the proposal to excavate the basement is unacceptable on its face. If you buy an historic home with an 8-foot high basement, do you really have to create a 10-foot ceiling height for use as a living or dining room, as this applicant desires? After all, isn't that what the parlor level is for?

This proposal is reassigning the traditional values of these two rooms, at the risk of causing damage to historic structures. We would approve, of course, an excavation to, say, make it legal or useable, but not for this ersatz purpose; and

**Whereas**, excavating the areaway in relation to the sidewalk makes it incompatible with the historic streetscape.

This house is one of a set of four, so-called "Masons Row". The applicant is selecting one building out of this four and not taking into consideration the others. In fact, the applicant did not care to mention the existence of the other three, a glaring omission; and

**Whereas**, the proposed type of excavation of the rear yard presented here – underpinning the adjacent building – will present the same possibility for damage to adjacent structures that so many other excavations have.

We suggest that instead of excavating up to the perimeter wall and then underpinning, the excavation should stop a few feet away from the foundation. This creates a reinforced concrete shelf around the perimeter of the property that would not disturb the historic foundation; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of the application to excavate the basement and areaway, as well as denial for the type of excavation method proposed for the rear yard, instead proposing a concrete shelf not directly abutting the foundations; but

**Further, be it resolved** that CB#2, Man. recommends approval of the rear extension proposal, the front façade work and the rooftop addition.

**Vote:** Unanimous, with 42 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT (HUDSON SQUARE WORKING GROUP)**

### **Re: Hudson Square Rezoning; ULURP Application Nos. 120380 ZMM, 120381 ZRM**

Dear Chair Burden:

At the recommendation of its Hudson Square Working Group, Manhattan Community Board No. 2 (“CB2”), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on October 18, 2012 by a vote of 41 in favor, 0 opposed, 1 recusal, 0 abstentions.

The resolution recommends that the applications be **denied unless** the actions, mitigations and requests specified in the following Community Board Response are included. CB2 has identified its highest priorities for this application as:

- height reductions, from those proposed in the application in the main district and Subdistrict A, to the minimum heights needed to ensure inclusionary housing
- provision of active recreation space and community facilities
- landmarking of the proposed South Village Historic District
- traffic mitigations

### **PROJECT DESCRIPTION:**

The Applicant: the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, is proposing a zoning text amendment and zoning map amendment to create a Special Purpose zoning district, the Special Hudson Square District (the “Special District”), over an underlying M1-6 District. The Proposed Action would create a mixed-use district by allowing for residential development and expanded community facility uses, requiring ground-floor retail, providing incentives for inclusionary housing, and limiting as-of-right hotel development, while at the same time ensuring that commercial and manufacturing uses are retained. The proposal also includes height limits and set-back regulations that will help to preserve the unique identity of the district.

The area proposed encompasses an approximately 18-block area (the “Rezoning Area”), generally bounded by West Houston and Vandam Streets to the north, Avenue of the Americas and approximately 100 feet east of Varick Street to the east, Canal and Spring Streets to the south, and Hudson and Greenwich Streets to the west. The Applicant owns approximately 39 percent of the lot area within the proposed Rezoning Area.

The Special District would contain two subdistricts: Subdistrict A and Subdistrict B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578.

*PROPOSED ACTIONS:*

Specifically, the proposed Special Hudson Square District would include the following zoning controls.

1. In the proposed Special District, the following would apply (except where modified within subdistricts):
  - a) Use—Residential, commercial, community facility, and light manufacturing uses permitted;
  - b) FAR—10 FAR for non-residential use; 9 FAR (bonusable to 12 FAR pursuant to the Inclusionary Housing Program) for residential use;
  - c) Building Height—Maximum 320 ft (wide street); maximum 185 ft (narrow street); and
  - d) Base Height and Setback—
    - On wide streets: base height minimum 125 ft and maximum 150 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 10 ft; and
    - On narrow streets: base height minimum 60 ft and maximum 125 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 15 ft.
2. For development sites containing existing buildings with 70,000 zoning square feet (zsf) or more, new residential floor area would be permitted only upon certification by the Chairperson of the CPC that the amount of non-residential floor area in the existing building would be replaced at a one-to-one ratio with future non-residential uses on the zoning lot.
3. Ground floor retail would be permitted throughout the entire district, but to restrict so-called “big box” stores, retail would be limited to 10,000 zsf of floor area per establishment on the ground floor. Food stores would be permitted with no floor area limitation. Eating and drinking establishments with dancing would be permitted only by BSA special permit.
4. A special permit would be required for hotels with more than 100 sleeping units, whether created through new construction or change of use in existing qualifying buildings. (For new hotel construction, hotels with more than 100 sleeping units would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition—the “residential development goal” (i.e., 2,233 new residential units)—have been constructed and issued certificates of occupancy.)
5. Buildings containing residential uses would have a sliding scale base FAR from 9 FAR to 10 FAR depending on the extent of non-residential use, allowing an additional 0.25 total FAR for each 1.0 FAR of non-residential use (e.g., 9 FAR maximum for 0 FAR non-residential use, 9.25 FAR for 1 FAR non-residential use, 9.5 for 2 FAR non-residential use, 9.75 for 3 FAR non-residential use, 10 FAR for 4 FAR non-residential use).

*Subdistrict A:*

Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—Maximum 9.0 FAR residential, 10 FAR non-residential. Floor space used by a public school exempt from definition of floor area;
- c) Building Height—Maximum building height 430 ft;
- d) Lot Coverage—below a height of 290 ft at least 30 percent required; above a height of 290 ft at least 20 percent required; and
- e) Streetwall—Special Hudson Square District regulations (noted above) apply, with exceptions for lot lines coinciding with the boundary of a public park.

*Subdistrict B:*

Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—6.0 FAR for commercial use and manufacturing use, 6.5 FAR for community facility use, and 5.4 FAR for residential use (bonusable to 7.2 FAR with Inclusionary Housing); and
- c) Building Height and Setback—C6-2A regulations apply: maximum building height 120 ft; base height minimum 60 ft and maximum 85 ft; above 85 ft, setback minimum 10 ft on a wide street or 15 ft on a narrow street.

**OTHER ACTIONS:**

- 1. Inclusionary Housing - It is expected that the Applicant and future developers of sites in the Rezoning Area not under the Applicant's control may seek financing from city or state agencies for the affordable housing component of the Proposed Action. However, no specific program has been selected by the Applicant or by owners of sites in the Rezoning Area not controlled by the Applicant and, therefore, the Proposed Action will not undergo coordinated review with agencies responsible for affordable housing financing programs.
- 2. Public School - It is anticipated that the Proposed Action would include provision for a new public school (prekindergarten through fifth grades). Development of a new school would be subject to the approvals and requirements of the New York City School Construction Authority (SCA), including site selection for the school by SCA and site plan approval by the Mayor and City Council pursuant to the requirements of the New York City School Construction Authority Act. SCA will be an involved agency in this environmental review.

**BACKGROUND**

CB2's Hudson Square Working Group and individual committees held six public hearings directly related to the certified application. The official presentation and public hearing for the purposes of this ULURP was held on September 6, 2012, and further public hearings were held through mid-October, 2012. Several hundred people came out to the official hearing and committee discussions to provide their concerns and opinions.

A vast majority of those attending these meetings stated that the applicant's requested building heights were too high in the main Special District and Subdistrict A, that there was insufficient Open Space – especially active recreation opportunities – in the proposed Special District; that the extreme volume of traffic was a serious problem, especially near the Holland Tunnel and in light of a recent tragedy immediately adjacent to the area; that the proposed school would be too small to accommodate both the increase in residents and to alleviate overcrowding in the CB2 area; and that adjacent areas require protection from the overdevelopment that this rezoning would cause.

## **MANHATTAN COMMUNITY BOARD 2 RESPONSE**

CB2 has extensively analyzed the application in detail, and provided its response divided into six major sections. Each section offers mitigations necessary to make the prospective Special District area a safe, vibrant, successful mixed-use neighborhood.

### **I: LAND USE**

*CB2 believes there is broad support among residents and property owners in the community for the goals of the application to create a diverse and vibrant mixed-use community with new and enlarged buildings that conform to the context of the characteristic buildings in the area.*

#### FAR

CB2 supports the density necessary to achieve these goals. The proposed FAR of 9 for mixed use without inclusionary housing and 12 FAR with affordable housing is acceptable. CB2 believes that the 9 FAR should be the maximum FAR for commercial-only development as well.

#### Height Limits

CB2 prefers mandatory affordable housing, but if it remains only an incentive, it must be linked to height limits to assure that inclusionary housing is provided.

The most frequent comments at public hearing were objections to the 320 foot height limit. This overly high limit would allow buildings that overwhelm the buildings that now create the character on the wide streets, thereby undermining the goals of the project related to supporting the existing built character. The taller buildings in the district, except for the out-of-character Trump SoHo hotel and 101 Avenue of the Americas, are in the 250-foot range. CB2 recommends a maximum building height in the district of 250 feet, and that is only for buildings that fully develop the affordable housing incentive. To assure the success of the affordable housing incentive, the wide-street height limit for residential buildings that do not provide the full component of affordable housing should be 210 feet. A similar differential should also be established for narrow streets, with 185 feet available if affordable housing is provided and a lower limit of 165 feet if not. We request that DCP and the Borough President's office re-examine other bulk controls enumerated in the ULURP in order to lower the heights.

#### Subdistrict A

With respect to Subdistrict A, CB2 believes that this site can accept more height without undermining the existing built character, but the differential between this site and the rest should be based on the additional height attributable to space provided for a school that does not count for FAR. Therefore, with the

proposed school, CB2 would not object to a building taller than 250 feet here. Because we consider an unmitigated open space negative impact entirely unacceptable, CB2 would support additional height (but less than 430 ft) as well as an FAR exclusion if a recreation center is developed at the site as described in the Open Space section.

CB2 asks that the DCP and the Borough President's office continue to work with the Community Board and use their professional architectural and engineering staff to advise what minimum height would be necessary in order to accommodate a 50,000 sq ft recreational/community facility and the aforementioned school while retaining a 9 FAR atop of those proposed facilities.

### Subdistrict B

Extensive comment was heard on this proposal at public hearings, including from many of the property owners in the Subdistrict, and written testimony was received as well. CB2 supports in concept the idea of preservation of special neighborhood character within a zoning district, but the board does not believe the proposed Subdistrict B achieves its intended goals. Therefore, CB2 does not support the establishment of Subdistrict B.

### Hotels

The application allows hotels over 100 rooms by special permit if the hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing. But the application does not identify locations or situations where such a finding could occur, and CB2 does not believe there would be any. CB2 believes that hotels with more than 100 rooms should not be allowed in the district.

For new hotel construction, hotels with more than 100 rooms would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition have been constructed and issued certificates of occupancy. CB2 believes that even upon completion of 75 percent of the dwelling units, a change in demand could trigger the development of too many larger hotels. If the provision for a special permit for hotels is not eliminated, CB2 strongly favors the elimination of this sunset clause for the important limitation of hotels in the district.

### Non-Trinity-Owned Sites with Special Conditions

During the hearings and via submitted documentation, CB2 heard from some property owners in the proposed district that they have identified possible unique site conditions. These are traditionally considered at the Board of Standards and Appeals under Section 72-21 of the NYC Zoning Resolution. CB2 believes the proposed zoning should move forward subject to the mitigations and modifications mentioned in this document. If any such property conditions warrant consideration for a variance, CB2 will review the issue at that time.

### Dormitories

Dormitory development may be likely in the proposed district because of its proximity to New York University. Like hotel development, this represents a threat to the achievement of the goals for residential use. Development of dormitories should not be allowed in the district.

## II: OPEN SPACE

*CB2 is very near the bottom in the ranking of all districts in the city in open space, both active and passive. The Hudson Square Rezoning DEIS identifies the Proposed Action of new residential development in Hudson Square on open space resources as an unmitigated negative impact. Though the Proposed Action would not directly displace any existing public open space, the introduction of the planned 3300+ new residential units would create extra demands on such resources and result in a significant adverse impact -- both a decrease in the total open space ratio and active open space ratio -- and does not meet the required CEQR standards needed for this proposed action.*

CB2 adamantly believes that is not acceptable to allow an unmitigated negative impact for open space, especially in a park-starved area. We note that Trinity is several acres short of the required open space. The following proposals from the applicant are not realistic attempts to mitigate the situation, but only vague wishful exercises at best.

CB2 supports the efforts of the Hudson Square Connection (BID) to improve the zone's streetscapes, but their proposed sidewalk improvements and vest pocket plazas do not address the need for active recreation space and should not be counted in such calculations

There are five potential locations proposed by Trinity for improvement of open space:

1. Duarte Square: this space was already part of an agreement by Trinity to build out and maintain the park as part of a street demapping some 10 years ago
2. SoHo Square: this is a centrally located small strip of property that can be somewhat expanded with an adjoining street demapping. It is not part of the actual ULURP proposal, but is being brought forward by the BID
3. Freeman Plaza at entrance to the Holland Tunnel: this is an open area integrated into the entrance to the Holland Tunnel. As it stands now, it is not a realistic public space and certainly not an active public space and will require a massive investment to create useable open space, safe from the intense tunnel traffic
4. A Port Authority-owned parking lot above the entrance to the Holland Tunnel just north of Dominick St. and on Spring Street: (see item #5 which incorporates this lot). There has not been any indication that the Port Authority is giving up these lots in any way whatsoever
5. Enhancement of Spring St.: this is not attractive, viable or meaningful (and even if developed would still come short of mitigating the impact). More significantly, Trinity has not offered to clear or re-purpose any built space that they own

### **Mitigations Needed**

Because the anticipated new residential development will have a negative impact on open space in an area where sufficient public land is not available to mitigate this effect, attention must be focused on other ways to improve access to active recreation. In addition to these active recreation areas, CB2 calls upon Trinity to consider designating spaces for community facilities such as senior centers and affordable fine arts studio space, rehearsal space, theatre space, and cultural office space in this area.

CB2 has identified five opportunities, which, were they to be financed through a combination of public and private resources, we would consider a reasonable partial mitigation.

1. The district is severely underserved for open space—both for active outdoor recreation and for indoor sports and recreation, especially in the southern part of the district. CB2 believes the best opportunity to mitigate part of the open space impact would be Trinity’s construction of a new recreation center at the Duarte Park building in Subdistrict A. CB2 believes that although the 420-foot height limit proposal for this building is far higher than required or appropriate, and recommends a much-reduced height, that recommendation could be ameliorated if a built-out center with gymnasium, pool, exercise space and community rooms, including a small theater, were included. The facility could be operated by a non-profit provider as long as affordable rates are guaranteed. The facility could also provide after-school programming for the adjacent public school. We recommend that this community center include amenities necessary to a well-functioning mixed-use area such as childcare facilities, a public library a Senior Center offering lunch programs, activities and classes for seniors, as well as evening programs for youth and toddlers, and Arts programs.
2. Lack of funding for open space improvement and programming limits the active recreational use of available open space. Currently, there is a BID that serves the district, but its goals are appropriately business oriented. CB2 would support a change in the goals of this group and application of its funding authority to include a 10 cent per foot charge to residential property if the funds were directed predominantly for mitigation of the active recreation impacts. The total funding would increase as residential development takes hold and the unmitigated negative impact increases. However the BID covering this area states that a solid mixed-use zone is good for business, so we believe it could charge the commercial entities for anything within its boundaries that enhances that concept if charging residential tenants under a BID mandate proves too difficult to achieve. If charging residential properties can not move forward, the Friends of HRPT would be free to pursue this area for inclusion into its NID proposal.
3. Just outside the district but within the impacted area are opportunities for mitigations. Of highest priority is a thorough, much-needed rehabilitation of the Tony Dapolito Center. Additionally, DEP has committed to the use of the water tunnel shaft site between West Houston St. and Clarkson St. for public open space when work there is completed in the near future. Located near schools and important existing active recreation resources, this is a potential site for active recreation.
4. A pedestrian crossing to Hudson River Park at Spring Street would be an excellent way to improve access to active recreation within the district. CB2 encourages the applicant, city and state to work together to create a safe crossing at this location.
5. CB2 approved a design for reconstruction of Duarte Park more than a decade ago when no rezoning was under consideration. The location is a challenging one for active recreation, but if this area were to be considered for possible mitigation, a concept for the reconstruction should be brought to the CB2 Parks & Open Space committee prior to CPC’s action on the ULURP application.

NOTE: To the extent that properties owned by the Port Authority or NYC DOT are used for mitigation, these must be predominantly for active recreation.

If any provision to allow special permits for non-conforming building envelopes in exchange for providing new open space is made, this should be done only if the promised open space is predominantly for active recreation; maintenance and public access should be guaranteed through an appropriate agreement.

### III: TRAFFIC & TRANSPORTATION

*Although the major goal of the Proposed Action is to allow new residential development to occur in the Rezoning Area and foster a mixed use district, the scale of what's proposed would result in severely adverse transportation impacts unfavorable to creating a truly habitable residential neighborhood and well-functioning mixed use environment.*

#### Adverse Vehicular Traffic Impacts

1. 17 of 22 intersections studied would suffer significant adverse vehicular traffic impacts during weekday am, midday and pm and Saturday midday peak hours, affecting large segments of streets already overburdened with excessive congestion, such as Canal, Varick, Broome, Hudson, Spring and West Streets.
2. Small vulnerable thoroughfares with low-rise, historic buildings, such as Charlton, King and Vandam Streets, would endure similar adverse impacts as they cross the larger streets, experiencing traffic backups and increases that would overwhelm these sensitive blocks, threatening their infrastructure and their old-time, residential character.
3. Many of the intersections in the district are especially difficult and dangerous for pedestrians because the narrow streets cross the wide streets on an angle; as a result, pedestrians often have their backs to turning cars and trucks.
4. Added vehicular congestion would interfere with timely and efficient emergency vehicle access for the increased residential population.
5. Since hotels are known to be excessively high traffic generators, and the DEIS concurs that the hotel development scenario would result in increased vehicle, pedestrian and transit trips during several peak hours, the proposal to require a special permit for hotels with over 100 sleeping units until the "residential development goal" of at least 75% of new dwelling units is met will only intensify adverse traffic impacts in an area already highly saturated with hotels.
6. Suggested measures cited in the DEIS to mitigate operational traffic impacts, such as signal timing adjustments to increase green time and installation of No Standing or No Parking signs, would be limited in offsetting adverse effects and might even exacerbate negative conditions, e.g. more green time could endanger crossing pedestrians, and daylighting might attract more traffic. Several intersections would have completely unmitigated adverse impacts.

#### School Students'/Children's Safety

1. Currently, the proposed rezoning area hasn't many children, but will if the rezoning is approved, demanding increased safety measures. Several schools already in the area include those at The Door and the Chelsea Vocational School building, Elizabeth Irwin and nearby schools like PS 3 and PS 41 that require many families to cross Avenue of the Americas and Varick Street to reach them.
2. The proposed new 75,000-gsf public school is welcomed, however its location at the dangerous convergence of Avenue of the Americas, Canal and Varick Streets will necessitate extensive mitigation to ensure the students' safety.

## Parking

1. With approximately 809 parking spaces displaced, not all offset by 640 new off-street accessory parking spaces, a frequent parking shortfall is expected within ¼ mile of the rezoning boundaries. This would lead to increased circling for spaces, causing added congestion, less street safety and more pollution.
2. The DEIS claim that sufficient parking is available within ½ mile assumes drivers would walk the extra distance, unlikely, and ignores the negative impact that the additional vehicular traffic would have on nearby areas such as the proposed South Village Historic District.
3. The *CEQR Technical Manual* asserts that “a parking shortfall resulting from a project located in Manhattan doesn’t constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation.” This implies a modal switch, a welcome action that would not necessarily happen and could itself create unmitigated transit impacts, like overcrowding.

## **Mitigations Needed**

Addressing transportation mitigation, the DEIS states that many of the impacted lane groups/movements already operate at congested levels (mid-LOS D or worse) under existing conditions and are expected to operate under such levels under No-Action conditions, implying that the adverse impacts that would result from the Proposed Action would not make a significant difference. It also refers to vehicles and pedestrians being “generally acclimated to the prevailing condition during peak periods of heavy traffic.”

Since the major goal is to create a new, livable mixed use area, mitigation must address approaches to improve both current and future traffic conditions that would hinder the attainment of community-building streets and a comfortable, appealing, safe place.

## Adverse Vehicular Traffic Impacts

1. The prospect of significant adverse impacts from automotive traffic points to the pressing need to increase and accommodate alternative transportation options, such as walking, bicycling and public transportation.
  - The Hudson Square Connection Streetscape Improvement Plan outlines ideas for sidewalk widening, greening, seating and lighting to create an appealing pedestrian precinct encouraging walking and commanding drivers’ respect and care. This needs serious consideration.
  - Protected bike lanes on Hudson and Varick Streets, as well as bicycle parking and other facilities both indoors and out, are key to promoting and accommodating safe and convenient bicycle transportation.
  - Enhancement of public transportation, such as attractive bus shelters and seating at bus stops, and eye-catching signage identifying and leading to subway stations, would increase their appeal and usage. This desirable increased use will necessitate additional mitigation, such as widened platforms, better lighting and added trips.

2. Ideas for channeling traffic in the Hudson Square Connection's Streetscape Plan must also be considered, such as the proposed planted median on Varick Street (in balance with the long anticipated protected bicycle lane), reduced travel lane widths, parking re-allocation, and clearer, more visible signage.
3. Angle crossings should be eliminated using curb changes, paint and signs.
4. Private traffic managers should be funded for stationing throughout the newly zoned area to ensure safer crossings and smoother traffic flow and facilitate emergency vehicle access.
5. High visibility widened crosswalks with distinctive graphics, as proposed by the Hudson Square Connection plan, are highly desirable to hold back vehicular traffic from pedestrians and ensure pedestrians a modicum of safety.
6. At the least, the special permit requirement for hotels with over 100 sleeping units should be retained indefinitely, or no hotels with more than 100 sleeping units should be allowed, with consideration given to reducing the number of sleeping units allowed.
7. Adverse pedestrian safety impacts, like those expected at already dangerous intersections like Houston Street/Avenue of the Americas, Houston Street/Varick Street, and crossings at Avenue of the Americas, Varick and Hudson Streets at Canal and Watts Streets where Holland Tunnel traffic will impact residents, will require mitigations beyond Yield to Pedestrian signs, crosswalk striping and countdown signals, e.g. at Houston Street/Avenue of the Americas CB2 is requesting a red light camera, re-staggered traffic lights, a pedestrians-only green light phase, neckdowns, island barriers, and intensive enforcement activities.

#### School Students'/Children's Safety

1. Diligent enforcement by traffic enforcement agents, as well as the presence of crossing guards, are minimum requirements for students' safety at the proposed new 75,000-gsf public school.
2. As proposed in the CATS study, the Canal Street station underpass provides safe access across that hazardous thoroughfare, and it should be used for across-the-street access, being refurbished as an attractive and safe public space for both pedestrians and subway riders with enhancements like public art, extra lighting and commercial activities, e.g., a newspaper stand and florist. Wayfinding signage and markings should be established above ground to show the availability of this underground crossing. An elevator for disabled access should also be there.
3. Clear, attractive signage should be installed on sidewalks and painted on the street to clarify directional paths.
4. Space must be set aside for safe, accessible school bus parking.

#### Parking

1. To offset the parking shortfall, at least one public parking lot is required, with "green walls" like those proposed by the Hudson Square Connection plan as well as other plantings within to offset vehicular emissions.

2. Curb cuts leading to accessory parking should be minimized to protect pedestrians on the sidewalk and ensure their access.
3. Curbside parking needs to be maintained to provide sufficient commercial delivery dropoffs/pickups.
4. A metered-parking program for both private and commercial vehicles should be employed, especially the DOT Park Smart program, to ensure parking turnover.
5. Reduction of accessory parking and re-apportionment with public parking should be considered.

### **Additional Mitigations**

1. CB2 favors rerouting commuter buses out of the district. Buses to the Holland Tunnel should use Canal Street. While this would not eliminate the buses' impact on pedestrians, it will reduce the impact on the proposed Duarte Square building.
2. New York City should create and implement a district-wide pedestrian safety plan as part of this ULURP application, not only for the commercial neighborhood as done by the Hudson Square BID, but also for residents and visitors.
3. CB2 supports both congestion pricing and East River bridge tolls. Considering the regional nature of traffic impacts in relation to the Holland Tunnel, efforts toward effecting the incorporation of such tolling approaches that will discourage excess vehicular traffic are very much encouraged.

## **IV: ENVIRONMENT**

*Because the stated goal of the rezoning of Hudson Square is to revitalize a commercial district into a 24-hour mixed use district, with residential development, it is clear that the requested changes will result in significant adverse impacts to the area from new construction. As a result, forms of mitigation to prevent these adverse impacts on the community from this new construction are extremely important and a significant concern for this Community Board.*

### Construction Impacts

Construction projects create noise, traffic, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses in the impacted area. This Community Board is very concerned about the potential negative impacts of construction in Hudson Square if the area is rezoned to permit residential development. While the current rezoning plan attempts to limit the amount of residential development in the area, other developers in the same area are already looking for exceptions to build large residential buildings currently not permitted under the current rezoning plan. Consequently, consideration of the potential for further residential development and construction projects beyond what is predicted in the current DEIS is essential for reaching an informed rezoning plan.

### Construction Practices

In addition to the rules, regulations from the State of New York and City of New York as they relate to construction practices, this Community Board also requests that the development of any property in the rezoned area must accept, declare and adhere to the following construction practices before any construction project can occur:

- 1) Owners of all sites under construction must incorporate all recommendations for construction practices, mitigation methods and controls designated herein in their written contracts with all developers, construction managers and prime contractors working at any construction project within this area.
- 2) There must be a field representative designated to serve as contact point for the community and CB2 on a 24-hour basis. The representative should be able to discuss:
  - a) Overall Status and Schedule
  - b) Construction issues having area-wide impact
  - c) Community Quality of Life and Environmental Issues
  - d) Local business related issues
  - e) Conduct outreach to the affected community regarding irregular work times, use and location of cranes, scheduled work that is excessively loud, including but not limited to certain activities, such as pile driving, concrete pumps, excavators, generators, concrete trucks, wrecking balls or other large machinery used in demolition of existing building stock.
  - f) Implement a web site & e-mail notification system: the Construction manager should establish and manage a web site and an e-mail list. CB2 could help accumulate a list to facilitate timely announcements/communications. Such announcements or notifications would include, but not be limited to: Pile Driving Schedules, Blasting Schedules, Hazardous Waste Removal and Protocols; water and utility interruptions or emergencies; any detected damage from monitoring devices or inspections of surrounding buildings. Appropriate signage should also be posted to notify affected buildings and businesses within 100' of the construction zone.
- 3) Material deliveries to the construction site would be controlled and scheduled.
- 4) After normal work hours and on weekends, the site should be secured, locked and security personnel would be required to patrol the area on a 24-hour basis.
- 5) Weekend work should be limited to emergent situations, defined as a dangerous condition and should not include monetary or scheduling considerations, and will be coordinated, to the extent permitted, with the affected surrounding community.
- 6) Noise Receptor Sites should be utilized that would be the most likely affected by elevated noise, vibration and other construction related activities.

#### Construction Mitigation and Noise/Vibration Reduction Methods

- 1) Electrical powered equipment, such as welders, water pumps, bench saws and electric saws should be used in place of diesel and/or gas powered equipment.
- 2) Sites should be configured and designed to minimize back-up alarm noise.
- 3) All trucks entering the site should not be allowed to idle more than three minutes.
- 4) Contractors and subcontractors should be required to maintain their equipment and mufflers so as to reduce emissions and conserve energy consumption.
- 5) All noise receptor sites within a two block radius of the construction site must be identified with the surrounding residential community and businesses.
- 6) Noisy equipment such as cranes, concrete pumps, and concrete and delivery trucks would be located away from and shielded from sensitive receptor locations.

- 7) Noise barriers with a minimum of 15 feet should be built at the construction site to provide shielding to identify sensitive receptor sites.
- 8) Portable noise barriers should also be utilized for certain dominant noise equipment, including asphalt pavers, drill rigs, excavators, back hoes, hoists, impact wrenches, jackhammers, power trowels, rivet busters, rock drills, concrete saws, and sledge hammers.
- 9) Quieter pile-driving methods must be used and pile foundations should be drilled with alternative hydraulic pile pushing methods and not hammered. Impact cushions must also be used unless otherwise identified and thoroughly discussed with the surrounding community.

### Air Quality and Emission Control Methods During Construction

To ensure that the construction in the area results in the lowest possible diesel particulate matter emissions, the owner and its contractor should implement the following measures:

- 1) Minimize use of diesel engines and diesel generators.
- 2) Apply for a grid power connection early on to reduce use of generators at the work site.
- 3) Use of clean fuel.
- 4) Utilize the best available tailpipe reduction technologies.
- 5) Utilize newer equipment.
- 6) Propose dust control plans such as washing wheels of construction trucks leaving the work site.
- 7) Use of water sprays.

### Hazardous Materials

Considering the history and former commercial uses and sites in the area to be rezoned, significant impacts with respect to hazardous material during excavation and construction must be anticipated. To reduce the potential for adverse impacts associated with the projected and potential new construction in the area, all owners should be required to conduct environmental investigations and E-designations should be placed and posted at each work site. In addition to E-designations being posted, the owner should be required to notify the Community Board of any oil spills, oil tank leaks, PCB soil or ground water contamination and the release of any significant quantity of toxic fumes into the atmosphere.

### Construction Traffic Mitigation

To ensure that the construction and construction activities in the area result in the lowest possible impact in an area already burdened by unusually high traffic congestion due to the entrance of the Holland Tunnel, the owner and/or contractor should implement the following measures:

- 1) Employ pedestrian traffic managers with a minimum of five or more years of law enforcement and/or traffic control who must have flagger certification.
- 2) Traffic plans in mitigation for roadway closures and displacement of existing parking facilities and spaces must be discussed with the DOT and this Community Board.
- 3) The numbers of construction vehicles parked, idling or used at any particular site must be minimized at all times.
- 4) Dedicated gates, driveways or ramps should be used for delivery vehicle access.
- 5) Fully trained and certified flag persons must be used at all active driveways.
- 6) Pedestrian flow around the work site should be maintained at all times.

## Environmental Sustainability of New Construction

To ensure that all newly built, altered, reused or expansions of existing buildings in the area result in the lowest possible impact on greenhouse gas emissions in the atmosphere, the following measures should be implemented, to the extent practicable, to limit those emissions:

- 1) All owners must declare and design their new buildings and/or redesign their existing building to meet the current standards for at least LEED Silver certification or equivalent.
- 2) Optimize daylighting, heat loss and solar heat gain.
- 3) Utilize water-conserving fixtures exceeding currently building code requirements.
- 4) Use high-efficiency heating and cooling systems with barriers, silencers and other exterior noise controls.
- 5) Use clean power and reuse of renewable energy credits.
- 6) Use building materials that are recycled, rapidly renewable materials, and certified sustainable wood products with low carbon intensity.

Other measures that are encouraged to be incorporated include green roofs, motion sensors and lighting/climate control, efficiency lighting and elevators, energy star appliances, directed exterior lighting and water-efficient landscaping.

### Other Environmental Impact Concerns To Be Addressed

- **Public Health and Safety:** Adding a large new population has the potential to overburden medical infrastructure diminished by the closing of St. Vincent's Hospital and local police precincts.
- **Water and Sewer Infrastructure:** Thousands of new residents from new residential development would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- **Solid Waste and Sanitation:** The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal.

## **V: SCHOOL & SOCIAL SERVICES**

*CB2 is concerned that the proposed elementary school has fewer seats than will be needed in a community that is already over capacity, and emphasizes that this school must contain certain elements to assure that it will serve the needs of residents in the Special District and the CB2 area. In addition, creating a vibrant community requires amenities for the full range of residents and businesses. Therefore, CB2 calls upon Trinity to allocate space for facilities that serve seniors, families, and -- considering the Special District's location and history -- artists and art-related facilities.*

1. The DEIS states, "As the proposed new elementary school would increase the capacity of the sub-district by 444 seats (to a total of 3,770 seats), the Proposed Action would decrease the utilization rate of the sub-district by five percent, and the deficit of seats would decrease from 1,025 under the No Action condition to 980." It is clear that a 444-seat capacity school is insufficient, as it will only slightly ameliorate what is already a large deficit of seats. Therefore, CB2 calls upon Trinity Real Estate to commit to building the core and shell for an additional floor for the school upon SCA approval.
2. This core and shell must have adequate space to accommodate facilities such as a gymnasium, auditorium, urban farm garden, cafeteria, science and art classrooms, computer lab, cooking classroom, and other spaces found in state of the art elementary schools. This school must adhere to the most up-to-date ADA mandates at the time that the school is constructed, including one

classroom for each grade/cohort that is fully handicap accessible. This means not only can a wheelchair-bound child enter the classroom, but also navigate around the room, and have access to materials at sitting height.

3. The building housing the school must incorporate some form of architecturally designed overhang or canopy above the school yard that protects the children from the adjacent edifice and also permits light to stream through to the play yard. The play yard should also have a heated surface and be protected from the elements due to the considerable shadows of the building with only northeast exposure.
4. The school must be zoned school serving to reduce overcrowded conditions in CB2 before accommodating children of other areas. The school must not be a Charter School.
5. The school playground must be ADA compliant and contain handicap accessible playground structures such as appendages good for climbing, monkey bars, a zipline, ramps and slides, and open areas, all allowing for safe, accessible and inclusive play for wheelchair-bound students.
6. As the school playground is part of Trinity Real Estate's Open Space Requirement, Trinity must guarantee proper maintenance of the school playground space, especially as the space will regularly be open to the public during non-school hours, and, therefore, endure additional wear and tear. Appropriate safety features must be included to protect users of this space.

Senior services as outlined in the Open Space section are also an essential part of a well-functioning mixed-use area, and space for these services should be provided either in the proposed Duarte Square Building or another appropriate space within the proposed Special District.

As the Hudson Square area has a rich history of arts and currently includes many creative businesses, CB2 requests that a portion of the inclusionary housing be designated Joint Live/Work Quarters for Artists (JLWQA).

## **VI: EFFECT ON ADJACENT NEIGHBORHOODS WITHIN CB2**

*A rezoning can have an immediate and dramatic effect on adjacent districts, changing property values, increasing development pressure, and imperiling the character of historic areas if no controls are put in place before the proposed area is rezoned.*

This rezoning will encourage development in the South Village, directly to the east. In 2007, this area was determined eligible for the State and National Registers of Historic Places. The Landmark Preservation Commission determined the area "landmark eligible" in the current DEIS as well as in the adopted EIS for NYU 2031. This re-zoning represents an immediate threat to the historic character of the adjacent area which can only be protected by historic district designation.

The area has been suggested for landmark designation since the earliest days of the New York City landmarks law. In 2002, CB2 and neighborhood groups met with the LPC, and in 2006 the Greenwich Village Society for Historic Preservation submitted a detailed report regarding the district's significance, documenting the history of each of its 750 buildings. The proposal was endorsed by CB2. One third of the district was designated in 2010, but LPC has stated it has insufficient resources to continue.

Fulfillment of the commitment to designate the rest of the district is essential now because of the increasing development pressure this re-zoning will bring to the area. Significant changes to the area have already occurred in recent years affecting the Circle in the Square Playhouse, the Sullivan Street Playhouse, the Provincetown Playhouse, the Tunnel Garage, the 1861 row house on Bleecker Street, the 1824 house at 186 Spring Street, and the Children’s Aid Society. A 14-story apartment building will soon rise on Sixth Avenue where 19<sup>th</sup> century buildings were demolished. The rezoning’s stated purpose is to spur development and turn Hudson Square into a vibrant 24/7 mixed-use neighborhood, increase foot traffic, and the desirability of local retail. Models for the district include the Flatiron and Madison Square areas. The area will also be under pressure from new development to the north under the NYU 2031 plan. The impact on the South Village of the proposed action is likely to be swift and far-reaching.

The DEIS identifies the proposed South Village Historic District as an affected historic resource upon which the rezoning will have “significant adverse impact.” The only way to mitigate this impact will be to designate the proposed South Village district. In recent years, New York City has coupled rezoning actions with landmark designations for adjacent areas to protect them from development pressure created by the rezoning, including the Prospect Heights Historic District adjacent to Atlantic Yards, and the West Chelsea Industrial District adjacent to West Chelsea rezoning.

The impact of the proposed rezoning on the South Village is potentially the single most far-reaching and harmful of all. It is also one for which successful mitigation is available. CB2 calls on Mayor Bloomberg, Speaker Quinn, Borough President Stringer, the Landmarks Preservation Commission, and the City Planning Commission to assure that this important rezoning is accompanied by an equally important action to achieve balance and protect our city’s history.

## **CONCLUSION**

CB2 agrees with the goals of the proposed Special District, and welcomes the benefits of a mixed-use neighborhood with a zoned public school. However, a significant rezoning of this densely built environment with very few opportunities for open space and community facilities, and the attendant pressure that an additional several thousand new residents and workers will bring, will cause negative effects on both the proposed area and the adjacent neighborhood. These effects must be mitigated in order for the proposal to be acceptable.

**For the reasons outlined above, CB2 recommends denial of this ULURP application as it does not meet the CEQR standards for open space. If the required open space mitigation is provided and Subdistrict B is removed, CB2 supports this rezoning but emphasizes that the other mitigations outlined in this resolution are also critically important, including our recommended height restrictions and the landmarking of the proposed South Village Historic District, and must be enacted.**

Vote: Passed, with 41 Board members and 1 recusal (T. Bergman).

## **PARKS, RECREATION & OPEN SPACE AND WATERFRONT**

### **1. A resolution favoring a proposal for temporary art installation at Petrosino Park**

#### **Whereas:**

1. The artist Jessica Feldman presented the proposal to the committee, along with designer Steven Gertner and Parks Department public art coordinator, Jennifer Lantzas.
2. The art will be presented for a period from October 25th through November 25th of this year (installation beginning October 15th; de-installation culminating by December 2nd).

3. The piece, "*The Glass Sea*", is a looping video with sound, bricks, sand, and handwritten texts, detailing the schedules of workers, inmates, and patients on Riker's, Roosevelt, Governors, and Randall's and Wards Islands. It takes form as a free-standing brick room with video projected inside it.
4. The artist will monitor the installation, open it for viewing in the morning and close and secure it in the evening every day, and make repairs and adjustments as required on a regular basis.
5. The artist was very receptive and responsive to safety concerns raised by neighbors and committee members.
6. The location at the north end of the park is intended for temporary art installations and is the same location where the popular "*Survival of Serena*" by artist Carole A. Feuerman resided this past summer.

**Therefore it is resolved** that CB#2, Man. approves this proposal for a temporary installation by artist Jessica Feldman and appreciates the ongoing efforts of the Parks Department to enliven this space.

Vote: Unanimous, with 42 Board members in favor.

**2. A resolution favoring continued progress towards renovation of DeSalvio Playground, including receipt of a NYC Parks design by the end of the month (October, 2012), of a playground that reflects the needs of the community**

**Whereas** DeSalvio Playground was last renovated in 1995 and is run down and underused by a growing population of families with children, who walk up to seven to ten blocks away to visit other downtown parks (such as Vesuvio Playground, Hester Street Playground, Washington Square Park, the Key Park and the newly opened Minetta Playground); and

**Whereas** renovation of this park is a high priority for parks in the CB 2 statement of needs; and

**Whereas** there is \$1.3 million total allocated to the renovation currently with funds provided by City Council Member Margaret Chin totaling \$620k (\$550k FY 2012 and \$70k FY 2013), by City Council Speaker Christine Quinn of \$305k in FY 2013 and by Manhattan Borough President Scott Stringer of \$375 in FY 2013 towards a budget previously estimated in November 2010 at \$1.3million; and

**Whereas** a site scope meeting was held in the park on October 1 and community envisioning event was held in the park on June 9; and

**Whereas** downtown Manhattan is experiencing an explosion of population of families with young and school-aged children; and

**Whereas** many playgrounds in CB#2, Man. are frequently over-crowded and the nearby Key Park's future is uncertain; and

**Whereas** a variety of people use the playground throughout the day, including toddlers in the morning, children from nearby P.S. 130 afterschool and older children playing basketball well into the evening, young families throughout the weekend and adults playing chess, practicing Tai Chi or looking for a free bench, people who work in the area and eat lunch in the park midday, tourists with and without children taking a break from shopping in SoHo and NoLita or visiting historic Little Italy; and

**Whereas** the Parks Department officially designates DeSalvio a “playground”, thus including the citywide rule that all adults must be accompanied by a child, but the layout presently features no separation between adult use and child play areas; and

**Whereas** the interior of the park along Spring Street is lined with game and lunch tables that remain in good condition and are heavily used by the local community; and

**Whereas** there are numerous healthy large trees in this park; and

**Whereas** CB#2, Man. would like to see a design for a playground incorporating the following:

1. Re-imagined layout that maximizes square footage, softens lines using curved or rounded shapes to divide spaces and takes advantage of large blank walls by adding a climbing wall, trellis for vines or chalkboard paint.
2. New play equipment for the three age groups currently served by DeSalvio (under 2, 2-10 and preteen), incorporating challenging climbing equipment, possibly including a zip-line, climbing wall and a tire swing and a small area on northwest side for younger children with infant/toddler swings.
3. New concrete pavement.
4. New modern safety flooring that can be power-washed.
5. Half basketball court with new regulation lines, upgraded backboard, lighting and possibly the addition of a lower hoop for young children off to the side.
6. Sectioned off seating along Spring Street using a creative combination of planter boxes, benches and low fences to separate adult use and child play areas.
7. Small, maintainable plantings, ideally in planter boxes, but no shrubs that block the views through the park or extended planting areas that provide harborage for rodents, or take space away from use for children’s play.
8. Addition of a latch to the gate at the single playground entrance to allow easy opening and closure of the gate and to protect small children from exiting unescorted onto Spring Street.
9. A new spray shower, preferably with a) nozzles that are flush to the pavement so the area has no obstructions when the shower is not in use, b) a creative waterflow providing a more interactive play experience and c) a timer and reactivation button to reduce water consumption when the sprinklers are not in use by children. Chelsea Waterside Park and West Thames Park as well as Pier 25 all have strong examples of creative water features.
10. No tree removals.
11. Ample seating in the park accessible to all park visitors; however, all benches in the rear, southwest corner of the park should be removed, since this most remote corner of the park encourages loitering in the park by questionable adults who engage in many of the prohibited uses as outlined in Section 1.04 of NYC Parks Department Rules.

**Therefore it is resolved,** that CB#2, Man. would like to see a NYC Parks design by the end of the month for a playground that reflects the needs of the community as stated both at the envisioning event and the scope meeting and requests that various options for challenging play equipment be presented to the Parks Committee as part of the proposed design, including monkey bars, zip-line, climbing structures and a tire swing.

**Vote:** Unanimous, with 42 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

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

**1. Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw W 12 St & W 13 St), with 4 tables & 12 seats, DCA# 0919619**

Block:576 Lot:9                      Lot Frontage:20' Lot Depth:100                      Year Built:1920(estimated)  
Number of Buildings:1;              Number of Floors:1 Residential Units:0              Total # of Units:2  
Zoning:C6-2

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's General Manager was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues,

**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 **Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw W 12 St & W 13 St), with 4 tables & 12 seats, DCA# 0919619.**

VOTE: Unanimous, with 42 Board members in favor.

**2. C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8<sup>th</sup> Ave. (btw W 12 St & Jane St), with 5 tables & 10 seats, DCA# 1277859**

Block:625 Lot:52                      Lot Frontage:55.08' Lot Depth:37                      Year Built:1920(estimated)  
Number of Buildings:2;              Number of Floors:3 Residential Units:4              Total # of Units:6  
Zoning:C1-6                      Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, but the applicant was not correctly notified by the CB2 office to appear,

**THEREFORE BE IT RESOLVED** that CB#2, Man. makes no recommendation at this time and will hear this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8<sup>th</sup> Ave. (btw W 12 St & Jane St), with 5 tables & 10 seats, DCA# 1277859** and will place this item on its November agenda.

VOTE: Unanimous, with 42 Board members in favor.

**3. 172 Bleecker St. Rest., Inc. d/b/a Café Español, 190 Sullivan St. (btw W. Houston St & Bleecker St), with 4 tables & 8 seats, DCA# 1080119**

Block:526 Lot:64                      Lot Frontage:46.75' Lot Depth:98                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:19              Total # of Units:21  
Zoning:R7-2;                      Commercial Overlay:C1-5

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

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee noted to the applicant signage (a menu board) that was being placed on the public sidewalk near the curb must be removed and he committed to do so,

**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 **172 Bleecker St. Rest., Inc. 190 Sullivan St. (btw W. Houston St & Bleecker St), with 4 tables & 8 seats, DCA# 1080119**

**CONDITIONAL UPON the applicant removing any signage from the public sidewalk.**

VOTE: Unanimous, with 42 Board members in favor.

**4. FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers and Fries, 496 LaGuardia Pl. (btw W Houston St & Bleecker St), with 3 tables & 6 seats, DCA# 1279546**

Block:525 Lot:7502                      Lot Frontage:50' Lot Depth:75                      Year Built:1910  
Number of Buildings:2;              Number of Floors:4                      Residential Units:11  
Total # of Units:14                      Zoning:R7-2; Commercial Overlay:C1-5

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

**Whereas**, this café has been operated for several years by this applicant with few known issues, and **Whereas**, the committee was told by the applicant that they have an SLA Beer and Wine license, but provide only counter service with no wait service to the sidewalk café in violation of DCA rules,

**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 **FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers and Fries, 496 LaGuardia Pl. (btw W Houston St & Bleecker St), with 3 tables & 6 seats, DCA# 1279546**

VOTE: Unanimous, with 42 Board members in favor.

**5. 172 Bleecker St. Rest. Inc. d/b/a Café Español, 172 Bleecker St. (btw Macdougall St & Sullivan St), with 3 tables & 6 seats, DCA# 0920629**

Block:526 Lot:64                      Lot Frontage:46.75' Lot Depth:98                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:19              Total # of Units:21  
Zoning:R7-2;                      Commercial Overlay:C1-5

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

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee noted to the applicant that a café railing along the west edge of the café was blocking the service aisle and the applicant committed to moving the railing to the front edge of the café where it will not impeded the approved service aisle,

**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 **172 Bleecker St. Rest. Inc. d/b/a Café Español, 172 Bleecker St. (btw Macdougall St & Sullivan St), with 3 tables & 6 seats, DCA# 0920629**  
**CONDITIONAL UPON the applicant moving the café railing as noted in Whereas 3**

VOTE: Unanimous, with 42 Board members in favor.

**6. Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St. (SE corner W 3 St), with 9 tables & 18 seats, DCA# 1279573**

Block:537 Lot:13	Lot Frontage:75' Lot Depth:60	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:35	Total # of Units:39
Zoning:R7-2;	Commercial Overlay:C1-5	

**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 several years by this applicant with previous issues with seating setup, but those appear to have been consistently addressed during this renewal cycle, and

**Whereas**, the committee noted to Mr. Kelly that signage in the café area currently consisted of 3 signs including a large menu sign that sits in the service aisle and he committed to have this corrected,

**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 **Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St. (SE corner W 3 St), with 9 tables & 18 seats, DCA# 1279**

**CONDITIONAL UPON the applicant reducing signage, particularly removing the large menu display from the food service aisle**

VOTE: Unanimous, with 42 Board members in favor.

**7. The Otheroom, Inc. d/b/a The Otheroom, 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 110366**

Block:633 Lot:34	Lot Frontage:21.5' Lot Depth:40.17	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4 Residential Units:3	Total # of Units:4
Zoning:C1-6A	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 bookkeeper was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee reminded the applicant to ensure there is full wait service of alcohol to the sidewalk cafe,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **The Otheroom, Inc. d/b/a The Otheroom, 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 110366**

VOTE: Unanimous, with 42 Board members in favor.

**8. 400 West 14<sup>th</sup>, Inc. d/b/a Gaslight 400 W. 14th St. (SW corner 9<sup>th</sup> Ave), with 24 tables & 48 seats, DCA# 1346493**

Block:646 Lot:43	Lot Frontage:50' Lot Depth:103.25	Year Built:1910(estimated)
Number of Buildings:2;	Number of Floors:5 Residential Units:7	Total # of Units:10
Zoning:M1-5	Landmark Building: Yes	
Historic District: Gansevoort Market		

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Steve Wygoda, was present, and

**Whereas**, the committee received 3 emails from the community supporting this renewal, and

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee pointed out to Mr. Wygoda the café extended approximately 2 feet further out on the sidewalk than approved, primarily through the use of a velvet rope between the façade and café railing at each end of the café, which also creates an unnecessary 5 foot wide service aisle in the café, and he committed to ensuring the issue is corrected,

**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 **400 West 14<sup>th</sup>, Inc. d/b/a Gaslight 400 W. 14th St. (SW corner 9<sup>th</sup> Ave), with 24 tables & 48 seats, DCA# 1346493**

**CONDITIONAL UPON the applicant reducing the depth of the café as noted in Whereas 4**

VOTE: Passed, with 41 Board members in favor, and 1 recusal-(Collins).

**9. Olio Restaurants, Inc. d/b/a Olio, 3 Greenwich Ave. (btw Christopher St & 6<sup>th</sup> Ave), with 28 tables & 58 seats, DCA# 1344146**

Block:593 Lot:13	Lot Frontage:85' Lot Depth:90	Year Built:1960(estimated)
Number of Buildings:1;	Number of Floors:1	Residential Units:0
Total # of Units:8	Zoning:C4-5 R6	Landmark Building: Yes
Historic District: Greenwich Village		

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant and his representative, Steve Wygoda, were present, and

**Whereas**, this café has been operated for 2 years by this applicant with numerous ongoing issues, and

**Whereas**, the committee noted the following list of issues related to the sidewalk café operation, many of which have yet to be corrected by the applicant:

- the applicant was cited by DCA in Oct 2010, shortly after receiving his license, for using too many seats

- the café consistently takes up more than half of the sidewalk with the café typically occupying 14.5’ of sidewalk with only 12’ of sidewalk remaining
- the seating layout is substantially altered from what is approved
- the interior of the sidewalk café is filled with plants, which is not allowed
- the café border plants are substantially more than what's shown on the approved plan
- there are multiple signs – typically 3 – with a-frame signs on either side of the café entrance
- in part due to the plants blocking what passes for a service aisle, the staff regularly uses the sidewalk outside the café
- the café is never removed from the sidewalk
- until instructed to cease by his expeditor, the applicant was operating the café 24 hours and extending the café to sidewalk in front of adjacent business once it was closed, and

**Whereas**, despite the committee’s insistence that all these requirements are detailed in the contract the applicant signed with the city, the applicant continued to insist that he simply “didn’t know” what they were and hence he shouldn’t be punished for violating them, and

**Whereas**, the committee received several complaints about a substantial increase in rat activity since Olio opened, particularly in the alley behind the restaurant, and based on an inspection it appears that trash from Olio is being greatly mismanaged. The committee is concerned the applicant cannot, or will not, properly manage trash by an operation that includes the current amount of seating in a sidewalk café,

**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 **Olio Restaurants, Inc. d/b/a Olio, 3 Greenwich Ave. (btw Christopher St & 6<sup>th</sup> Ave), with 28 tables & 58 seats, DCA# 1344146**

**AND FURTHER BE IT RESOLVED**, that if despite this recommendation the renewal is approved, **CB#2, Man. strongly requests the following changes be incorporated:**

- **the applicant reduces the café seating to 21 tables and 48 seats**
- **all of the issues listed in Whereas 3 have been consistently and satisfactorily addressed prior to the application’s submission to the City Council**
- **the applicant signs a binding agreement with the office of Council Speaker Christine Quinn to continue to operate the café as dictated under DCA Sidewalk Café Rules**

VOTE: Unanimous, 42 Board members in favor.

**10. Babu Foods, Inc. d/b/a Hudson Diner, 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 37 seats, DCA# 1157473**

Block:585 Lot:1	Lot Frontage:146.92'	Lot Depth:189.08	Year Built:1900(estimated)
Number of Buildings:2;	Number of Floors:6	Residential Units:133	Total # of Units:137
Zoning:C1-6 R6	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, Steve Wygoda, was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues,

**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 **Babu Foods, Inc. d/b/a Hudson Diner, 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 37 seats, DCA# 115747**

VOTE: Unanimous, with 42 Board members in favor.

**11. Mestizo Inc. d/b/a Good, 89 Greenwich Ave. (btw Bank St & W 12 St), with 7 tables & 16 seats, DCA# 1160579**

Block:615 Lot:36                      Lot Frontage:89.33' Lot Depth:149.5                      Year Built:1930(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:77                      Total # of Units:81  
Zoning:C1-6 R6                      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, Steve Wygoda, was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee pointed out the illegal use of a service cart at the west end of the café, and Mr. Wygoda committed to having the cart removed from the café, and

**Whereas**, the committee also noted that although it had not recently seen it occurring, in the past the operator had opened the café before noon on Sunday, and Mr. Wygoda committed to reminding the applicant of those allowed hours,

**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 **Mestizo Inc. d/b/a Good, 89 Greenwich Ave. (btw Bank St & W 12 St), with 7 tables & 16 seats, DCA# 1160579. CONDITIONAL UPON the applicant ceasing use of a service cart in the cafe**

VOTE: Unanimous, with 42 Board members in favor.

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

**12. 161 Mulberry Restaurant, LLC d/b/a Italian Food Center (NW corner Grand St), with 20 tables & 44 seats, DCA# 1443292**

Block:471 Lot:22                      Lot Frontage:25.25' Lot Depth:100.25                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:6 Residential Units:5                      Total # of Units:7  
Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Jonathan Chapski, and his representative, Michael Kelly, were present, and

**Whereas**, the café is proposed for a sidewalk of approximately 12' 8" width and 79' of frontage on Mulberry St and a sidewalk of 17' 6" width and 16' 2" of frontage on Grand St with two separate gaps in seating on Mulberry St to allow required clearance for a Siamese connection and a fire escape drop ladder, and

**Whereas**, the applicant stated the establishment is a casual service restaurant with an SLA full On Premise license, and plans to operate 8:00 am – 1:00 am Sun-Wed and 8:00 am – 2:00 am Thur-Sat, and

**Whereas**, the committee reminded the applicant that establishments with an SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, and

**Whereas**, the plan presented showed three-seat tables at each end of the seating on Mulberry St, but given the difficulties the committee has continually seen in these additional seats being managed properly, particularly on a narrow sidewalk like Mulberry St, the applicant agreed to remove the third seat from the tables at each end of the café reducing the total seat count to 20 tables and 42 seats, and

**Whereas**, the application was filed before the construction shed was removed, at which point a Siamese connection was discovered near the center of the Mulberry St seating and the plan was altered to remove 1 table and 2 seats to allow the required clearance, reducing the café again to 19 tables and 40 seats,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **161 Mulberry Restaurant, LLC d/b/a 161 Mulberry St. (NW corner Grand St), with 20 tables & 44 seats, DCA# 1443292**

**CONDITIONAL UPON the café seating being reduced to 19 tables and 40 seats as noted in Whereas clauses 5 & 6.**

VOTE: Unanimous, with 42 Board members in favor.

**13. 14 Bar, LLC, d/b/a The Double Seven, 63 Gansevoort St. (btw Washington St & 9<sup>th</sup> Ave), with 15 tables & 30 seats, DCA# 1444224**

Block:644 Lot:43	Lot Frontage:104' Lot Depth:158	Year Built:1908
Number of Buildings:3;	Number of Floors:6	Residential Units:0
Total # of Units:4	Zoning:M1-5	Landmark Building:Yes
Historic District:Gansevoort Market		

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

**Whereas**, the café is proposed for a sidewalk of approximately 18' 6" width over 31' of frontage with no adjacent obstructions and adequate clearance to a street light at the west edge of the property, and

**Whereas**, the applicant stated the establishment is a lounge with an SLA full On Premise license which currently has no food service, but if the sidewalk café is approved, will serve a minimal menu of 'small bites', and plans to operate the sidewalk café from 4pm to 11pm with the interior lounge also adding hours beginning at 4pm and remaining open until 4:00 am, and

**Whereas**, the committee reminded the applicant that establishments with an SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, and

**Whereas**, the committee noted the application was made on the part of two other partners who hold 85% of the ownership but who Mr. Jah categorically stated had no operational role in the establishment, and

**Whereas**, the applicant agreed that if the café is approved, the presented layout would be altered so all tables of more than 2 seats would be against the property line, and

**Whereas**, numerous members of the community spoke at the hearing or emailed the CB2 office to express their adamant opposition to this application based on the existing noise from this establishment and their belief that the addition of a sidewalk café with minimal food service would serve only to exacerbate already trying nightlife issues in the Meatpacking District, and

**Whereas**, there was no visible support from the community for this application, and

**Whereas**, the committee strongly – and unanimously – agrees with the community that this café would essentially be a bar on the sidewalk with little more than bar snacks used as an excuse for ‘food’ service,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **14 Bar, LLC, d/b/a The Double Seven, 63 Gansevoort St. (btw Washington St & 9<sup>th</sup> Ave), with 15 tables & 30 seats, DCA# 1444224**

VOTE: Unanimous, with 42 Board members in favor.

### **SLA LICENSING**

#### **1. GBND Enterprises Inc. d/b/a The Village Underground, 130 W. 3rd St. 10012 – Cabaret License**

**Whereas**, the applicant appeared before the committee to reinstate an expired Cabaret License; and, **Whereas**, this application is to reinstate an expired Cabaret license in a mixed use building located on West 3rd Street between 6th Avenue and MacDougal Street (Block #543 / lot #16), for a 3,000 sq. ft premise with 37 tables with 174 seats, 1 bar with 6 seats and no service bar, and the maximum proposed occupancy is 200 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 4:00 p.m. to 2:30 a.m. and Friday and Saturday from 4:00 p.m. to 4:00 a.m., the establishment will be a live music, comedy club, music will be live and or with a D.J.; and,

**Whereas**, community members from the neighborhood discussed complaints about this location and others on the street and requested stronger security and sidewalk control of patrons; and,

**Whereas**, the applicant agreed to the following stipulations:

1. Owner will make available the Owner and Managers contact information to the community.
2. All ticket lines are to be contained within the stairwell of the building and off the sidewalk.
3. Post signs that state “Please Be Quiet and Respect the Neighbors”
4. All Department of Building certificates and permits are in place and all violations corrected.

**Whereas**, CB#2, Mna. also recognizes the concerns of the community regarding the deposit of trash on the sidewalk and will attempt to reach out to the operator regarding better solutions; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a Cabaret license for GBND Enterprises Inc. d/b/a The Village Underground, 130 W. 3rd St. 10012, unless those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” of the Department of Consumer Affairs permit.

Vote: Unanimous, with 42 Board members in favor

**2. 3 Sheets Saloon, 134 W. 3rd Street – renewal of OP**

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

**Whereas**, the applicant appeared before CB2 without the required CB2 application information or supporting documents; and,

**Whereas**, this application is for the renewal of an on-premise license (#1244258) for a bar in a mixed-use building on 3rd Street with a maximum occupancy of 74, there will be no sidewalk café and no backyard garden; and,

**Whereas**, CB2 requested this applicant appear before the SLA committee due to the number of complaints in the immediate neighborhood regarding noise; and,

**Whereas**, 3 neighborhood community members complained about excessive noise extending beyond the premise and across the street and request that the Department of Environmental Protection be notified as well as excessively over serving alcohol which is creating unruly and often dangerous patrons; and,

**Whereas**, the operators respond to neighbor requests to turn down volume levels and then staff waits a few minutes and then turns it back up, the same process is repeated over and over between neighbors and staff until it becomes a full time job for the residents; and,

**Whereas**, each time there is a sporting event the residents must endure noise that infiltrates their homes to the extent that they can not hear their own televisions; and,

**Whereas**, the applicant has agreed to the following stipulation:

1. All windows and doors are to be closed by 9:00 p.m., 7 days a week.
2. All windows and doors are to be closed during the Football Season and major sporting events.

**Whereas**, CB#2, Man. also recognizes the concerns of the community regarding the deposit of trash on the sidewalk and will attempt to reach out to the operator regarding better solutions; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **3 Sheets Saloon, 134 W. 3rd Street** **unless** those conditions and stipulations agreed to by the applicant relating to 8th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor

**3. 406 Broome St. Rest. Inc. d/b/a Brinkley’s/Southside, 199 Lafayette St – renewal of OP SN 1172868**

**Whereas**, CB#2, Man. requested this applicant appear before the SLA committee at the request of the community and due to the number of complaints in the immediate neighborhood regarding noise and complaints specific to this establishment that have been made at previous CB2 SLA Licensing Committee meetings; and,

**Whereas**, the Licensee appeared before CB2 without the required CB2 application information or supporting documents; and,

**Whereas**, this application is for the renewal of an on-premise license (#1172868) for a 4,500 s.f. restaurant on the ground floor known as Brinkley's and the bar/nightclub in the basement known as Southside in a commercial building on the corner of Centre and Broome Street; and,

**Whereas**, the original application for this operator was in October 2005 at which time the following resolution was presented to the Liquor Authority from CB2 Manhattan:

**3. 406 Broome Street Rest., Inc., 199 Lafayette Street, NYC 10012 (f/k/a DMD Rest., Inc.)**

*WHEREAS*, the applicant and the applicant's chef appeared before the committee; and

*WHEREAS*, this application is for a new On Premise license for a 4,500 s.f. restaurant, located in a commercial building off Kenmare Street, with 210 table seats and 2 bars with 27 seats; and

*WHEREAS*, the applicant stated that the hours of operation will be 11:00 a.m. – 4 a.m.; music will be by D.J provided as background; and

*WHEREAS*, the applicant stated there are no plans to include an outdoor café nor a backyard garden; and

*WHEREAS*, no one from the community appeared in opposition to this application and the applicant produced a petition with 47 signatures of local residents in favor of the application;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an On Premise license to 406 Broome Street Rest., Inc., 199 Lafayette Street, NYC 10012.

*Vote: Unanimous, with 35 Board members in favor.*

**Whereas** in 2009 the Licensee submitted an application to CB#2 to split the basement and upper level of this premise in to two separate entities with another operator taking over the ground floor of the space with a separate new liquor license which CB2 recommended denial to the Liquor Authority; and,

**Whereas** community residents voiced their frustrations that the establishment is currently run as two separate businesses with a “restaurant” Brinkley's on the ground floor and a separate venue in the basement called Southside which advertises itself as a “neighborhood nightclub” that is “committed to bringing back the old school New York Dance Party every night”, the community feels as if the Licensee misled the community from the outset for an establishment that was going to have background music and be a restaurant, not a tavern or a nightclub and over the years both operations on the ground floor and basement have morphed with the basement becoming a full on night club, with no NYC Cabaret license, that the establishment has throngs of people lining up at night outside and utilizes metal barricades to corral patrons coming in, but that they regularly spill into the street, block the sidewalk and create a very loud disturbing crowd, there are occasional fights and other disruptive behavior, some residents cited a lack of proper NYC building department certifications and dangerous overcrowding conditions; and,

**Whereas** CB2 notes that on the Licensees original application filed with the Liquor Authority, the applicant states that use of rooms in the establishment are Dining, Kitchen, Bathrooms and Storage, that the establishment will be a Restaurant (not a tavern or disco), that the premise will have back ground music, that the premise will not permit dancing, that there will be no security personnel, the diagrams provided for the basement do reflect the current layout of the basement, subsequent applications including one submitted in April 2009 to change the trade name begin to describe the premise as a Tavern and not a restaurant, and subsequent renewal notifications submitted to CB2 also indicate a Tavern License; and,

**Whereas**, this operator received a violation from the SLA for not notifying CB2 of their renewal in a timely fashion in the past and then said at this meeting that they did not understand why no one had raised complaints at previous renewals when they had request a waiver from CB2 and did not allow appropriate notice for a timely review; and,

**Whereas**, it is clear that the portion of the establishment in the basement does not have a NYC DCA Cabaret License but yet advertises and promotes it self as a nightclub with dancing and regularly promotes itself in that fashion and numerous online review sites are full of references to dancing at the establishment; and,

**Whereas**, both the ground floor and the basement have “promoted” events and lines of patrons outside which does not seem consistent with the method of operation for a restaurant including the use of metal barricades and a security staff; and,

**Whereas**, the a principal of the Licensee did appear before the CB2 SLA committee to point out in their defense how their neighbors are “worse” than they are, regardless of the dirty sidewalks, trash and lack of patron control or security and cited a lack of 311 complaints despite not being able to address the premise being advertised as a nightclub with dancing and worked very hard to deflect the issues to other venues without discussing his venue; and,

**Whereas**, members of the committee noted that this establishment singularly affects North bound traffic on Lafayette St. and Cleveland Place on the late night weekend evenings in particular with all the double parked taxi’s dropping off, picking up and waiting for patrons which creates a terrible traffic condition which leads to honking and congestion for a vital Northbound traffic artery; and,

**Whereas**, CB#2, Man. is appalled by the blatant disrespect to the neighboring community and obvious misinformation that has been conveyed to the SLA and CB2; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the renewal of an on-premise liquor license for **406 Broome St. Rest. Inc. d/b/a Brinkley’s/Southside, 199 Lafayette St;** and,

**BE IT FURTHER RESOLVED** that CB#2, Man. respectfully request that the Liquor Authority review the concerns outlined above in regards to the original method of operation by the Licensee and take appropriate ongoing enforcement action and up to and including not renewing or suspending the Licensee’s license as it deems necessary.

**Vote:** Unanimous, with 42 Board members in favor.

**4. Slice West Village, LTD, d/b/a Slice, The Perfect Food, 535 Hudson Street – renewal B&W**

**Whereas**, CB2 requested this applicant appear before the SLA committee due to the number of complaints in the immediate neighborhood regarding noise; and,

**Whereas**, the owner, Miki Agrawal, appeared before the CB2 SLA committee; and,

**Whereas**, this application is for the renewal of an existing beer and wine license (#1229971) in a mixed-use building located on Hudson between Perry and Charles Street (block #632/ lot #55), for a 765sq. ft premise which has 10 tables with 25 seats, 1 bar with 4 seats, and the maximum occupancy is 50 people, there is an existing unenclosed sidewalk café with 20 seats but no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, community complaints include noisy exhaust fan that never gets truly fixed or soundproofed and often left on all night though the location is closed by midnight; and a sidewalk café that is poorly maintained and never removed after closing, as required by the Department of Consumer Affairs; garbage left in front of the neighboring residential building and staff and patrons smoking on neighboring private residential steps; and,

**Whereas**, the applicant agreed to the following stipulations:

1. The exhaust fan on rooftop will be maintained and soundproofing will be completed.
2. A timer will be installed on the exhaust fan switch so it does not continue to run after midnight.
3. All sidewalk café furniture and plantings will be brought in up against the building at closing.
4. Employees must smoke out in street parking area and not in front of residential buildings.
5. Hours of operation will strictly adhere to the hours stated on the application which are Sunday to Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the renewal of the beer and wine license for **Slice West Village, LTD, d/b/a Slice, The Perfect Food, 535 Hudson Street unless** those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**5. 9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012**

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

**Whereas**, this application is for the renewal of a full OP license #1025227 (exp. 11/30/2012) in a mixed use building on Great Jones Street between Broadway and Lafayette (Block # 530 and Lot # 12), for a 3,800 s.f. restaurant that will have 55 tables with 133 seats and 2 bars with 26 seats (the ground floor will have 25 tables and 72 seats and 1 bar with 16 seats and the cellar space will have 30 tables and 61 seats and 1 bar with 10 seats) for a grand total of 159 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 201 persons; and,

**Whereas**, the operator presented an application to CB2 which states that the hours of operation are Sunday to Saturday from 10:00 a.m. to 4:00 a.m.; and,

**Whereas** the applicant did reach out to the community and the community agreed to the following; and,

**Whereas**, the stipulations in the form of an agreement are as follows:

AGREEMENT

Agreement made this 13<sup>th</sup> day of March 2012 by and between Noho-Bowery Stakeholders Inc. (“Noho”) having an address at 17 Bleecker St., New York, NY 10012 and 9 GJ Bar & Restaurant Inc' dba Acme having an office and place of business at 9 Great Jones Street, New York, New York (“Acme”)

Whereas, the parties are desirous of establishing a method of operation for the restaurant which will allow Acme's business to succeed without causing inconvenience or nuisance to the neighbors and residents of the surrounding area. Towards that end, certain points have been agreed upon and they are:

1. That today the parties exchanged contact information as well as the phone numbers for the General Manager of ACME, as the contact accessible, at any time during the operation of the premises from opening to 4:00 a.m. Monday through Sunday. The person or persons connected with these phone numbers-will, take immediate responsibility for neighbor/neighborhood issues that arise, including but not limited to: crowd control associated with the restaurant and its patrons and disorderly conduct by patrons on the public right of way fronting the premises. Non-emergency issues such as garbage and sanitation, will be resolved within 48 hours of notice.

This contact information will also be utilized to exchange information regarding any special events planned either by the neighborhood or operator that will impact the normal conditions of business, residency or living.

Should these contacts or their phone numbers change, both parties agree to immediately notify each other with substituting information.

2. Acme agrees to provide, at its own expense, a means and protocol for garbage storage and collection that
  - 1) Prevents vermin access
  - 2) will not cause refuse to escape from its container - solid or liquid-or be left on the street'
  - 3) will be picked up before 3 AM when , restaurant personnel are available to speedily assist in its removal by a carting company and to clean up any residual garbage; or after 6 AM when restaurant personnel will soon 'be available to collect solid containers left on the street (should this be the storage option utilized), and sweep and wash down the sidewalks by 8AM daily.
3. Acme agrees to maintain exterior video camera for the purpose of monitoring sidewalk traffic, conditions, and patron activity for all hours of operation. Acme further agrees to provide personnel whose principal function it is to regularly monitor said video camera'

At any time that the premises reaches or anticipates reaching a capacity of 125 persons or greater, dedicated security personnel will be employed at a ratio of one per 75 persons present' such security personnel will be employed between the hours of 10: PM to 4: 15 AM (or until the last patron has left Wednesday through 4:15 AM Sunday morning.

The use of velvet ropes or outside waiting lines will be discouraged at all times. In the event of the need for outside congregation of patrons -by virtue of a planned or spontaneous events or circumstance, said security personnel will be physically present on the sidewalk to manage and oversee said congregation to assure that residential neighbors and other pedestrians have right of way as well as relief from extraordinary noise or other environmental or physical hazards that may arise as a result of Acme's operation of the business'

4. Acme warrants that the restaurant is legally configured for restaurant use, and will remain for the full period of this license and any subsequent renewals by these corporate owners, et-up in the following manner.

The current configuration of the restaurant is as follows:

Ground floor      25 Tables  
                         72 Seats  
                         16 Bar Stools

Below Grade Cellar Space      30 Tables  
   61 Seats  
   10 Bar Stools

Acme further warrants that at no time will there be less seating except for the private party requiring less seating (ground floor) and that the public assembly stated for this and subsequent liquor license renewals will be for no more than 159 patrons. Any changes in patron capacity, seating and/or use will be duly set forth in an Alteration Application for review by the Community Board and submitted as prescribed by the New York State Liquor Authority.

If during the period covered by the initial SLA license Acme shall substantially abide by the above provisions and shall not cause undue inconvenience or discomfort to residents and businesses in the area, NoHo-Bowery Stakeholders, Inc. agrees not to oppose renewal of said SLA license.

That both parties agree to continue a dialogue and continue to work together to insure a mutually harmonious existence for all.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** to the renewal to the On-Premise License for **9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012** unless all the stipulations agreed to in this resolution in the 5th “Whereas” clause are incorporated into the “Method of Operation”.

**Vote:** Unanimous, with 42 Board members in favor.

**6. Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston – New OP**

**Whereas**, the applicant appeared before the committee to present an application for a restaurant that would serve small, sharable plates from classic New York dishes from the 1920’s and 30’s; and,

**Whereas**, this application is for a new on-premise license in a mixed-use building located on Houston between Mott and Mulberry Street (block #509/ lot #21), for a 1,600 sq. ft premise which will have 7 tables with 39 seats, 1 bar with 14 seats, for total of 53 seats, the maximum proposed occupancy is 65, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 3:00 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, CB2 is concerned that the business plan for this location lends itself to be more of a bar than a restaurant with minimal tables with 2 person seating and more group seating that is found in lounges; and

**Whereas**, the menu of shared dishes also resembles lounge dining and not a full restaurant; and,

**Whereas**, the almost a third of the seating is based at a large bar which resembles a lounge and not a full restaurant; and,

**Whereas**, 3 community members came in support of this application but none of those speaking in support were residents near this location, 2 residents who live near the location spoke in opposition; and,

**Whereas**, the applicant presented a petition in support of this business however the petition itself did not disclose any hours of operation or description of it's method; and,

**Whereas**, all the restaurants in this immediate area do not stay open past 2:00 a.m.; and,

**Whereas**, though these operators are in good standing at another location within CB2, residents are concerned that the business plan does not truly lend to being a restaurant and would accept and support a true restaurant with earlier closing hours; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the new On-Premise license for **Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston.**

**Vote:** Unanimous, with 42 Board members in favor.

**7. Griff's Global Corp., (Joint Licensees) d/b/a Duane Park, Bowery Poetry Club LLC., 308 Bowery – alteration to OP**

**Whereas**, the applicant appeared before the committee to apply for the relocation and continuation of Duane Park restaurant featuring live entertainment and dinner theatre which will cater to a mature, sophisticated clientele; and,

**Whereas**, this application is for the alteration of the on-premise license (#1119552) in a mixed-use building located on Bowery between Bleecker and East Houston Street (block # 521/ lot #77), for a 2,900 sq. ft premise (2,100 s.f. on ground floor and 800 s.f. in basement) which will have 15 tables with 74 seats and 1 bar with 8 seats and 1 banquette holding area with 10 seats for a total capacity of 92 and a maximum occupancy of 125, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday and Monday from 12:00 p.m. to 1:00 a.m. and Tuesday and Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday through Saturday from 5:00 p.m. to 3:00 a.m., music will be consisting of live and ipod but background level only, there will be no D.J.; and,

Whereas, the application is for the following alterations:

1. Relocate bar 12 ft easterly.
2. Install kitchen in rear of ground floor.
3. Relocate stage 10 ft. northerly.
4. Relocate wheelchair access bathroom 8 ft to northerly side.
5. Reconfigure general seating as shown on plan.

**Whereas**, the applicant had agreed to the following stipulations with the neighborhood group and CB2 which are:

### **Memorandum of Agreement**

This AGREEMENT is made as of October 9, 2012 (the "Agreement") by and between Griff's Global Corp, a NY State corporation with an address at 308 Bowery, New York, NY 10012 doing business as

Duane Park (“GGC”), Bowery Poetry Club, LLC, a limited liability company (“BPC”) with an address at 308 Bowery, NoHo-Bowery Stakeholders, Inc. with an address at 17 Bleecker St., (“NBS”) and certain individual whose names and addresses are attached as Exhibit A to this Agreement (the “Community Members” and said Community Members and NBS sometimes collectively referred to as the “Community”);

WHEREAS, GGC as operator and BPC as the present holder of a full on premises SLA license for an establishment located in the first floor and cellar units at 308 Bowery; are applicants to the New York State Liquor Authority (“SLA”) for an alteration to said license that will permit liquor service within a new restaurant space identified on the DOB Plans set forth below pursuant to an application filed with the SLA on or about October 15, 2012, 2012 and identified as Application Number 1119552 (the “SLA Application”);

WHEREAS, GGC represents that it is the applicant to the NYC Department of Buildings (“DOB”) to complete the currently incomplete renovations on the site (the “Building”) for use as a eating and drinking establishment (Use Group 6) as described in plans at 308 Bowery (the “Property”) filed in connection with DOB Job # 121373913, (the “DOB Plans”), reduced images of which are attached to this Agreement as **Exhibit A** and incorporated hereto; BPC

WHEREAS, BPC represents and affirms (i) that, as of the date of this Agreement, is sole owner of the Property and the Building; (ii) GGC as sole operator has full legal right, title and authority to enter into this Agreement, make all of the promises it has made to NBS in this Agreement, and undertake to all of the legal obligations it has agreed to accept in this Agreement; and,

WHEREAS, NBS and the Community Members have expressed their objections to BPC and GGC with regard to certain aspects of the SLA application, including but not limited to (i) the locations of permitted food and liquor service inside the Building, (ii) the capacities and hours of operation of the food and liquor venues shown in the DOB Plans and requested in the SLA Application, and (iii) the manner by which BPC and GGC would conduct food and liquor operations in and around the Building; and

WHEREAS, Community Members and additionally both residential and commercial members of the community, including many represented by NBS appeared prepared to testify in opposition to the SLA Application at a duly calendared public hearing of the SLA Committee of Manhattan Community Planning Board No. 2 (“CB 2”) on Tuesday, October 9th, 2012; and,

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

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

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

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

1. BPC and GGC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
2. BPC and GGC will also seek review through CB#2 Manhattan should the principals of the corporation change.
3. BPC and GGC will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
  - a. The establishment will close at 1:00 a.m. Sunday through Wednesday, and 3:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
  - b. The inside capacity and Public Assembly Permit attached to this license will reflect the following maximum usage: 74 table seats; 1 bar with 8 bar seats and 10 banquet seats on the first floor with no more than 92 patrons on the premises. This number is not to be substituted by DOB capacity which may be greater than the above stated and agreed capacity of the venue.
  - c. There will be no sidewalk café.
  - d. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front, Thursday through Saturday from 10:00 p.m. to closing.
  - e. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2 am and 6 am, seven days a week.
  - f. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage, modifications and design.
5. Commitments regarding Special Events. Special Events will be defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including BPC and GGC management, which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:
  - (i) BPC and GGC will limit the number of guests attending Special Events to no more than the total permitted Public Assembly named on the venue's license per day at any given time.

(ii) BPC and GGC will require that any Special Event for 50 or more guests will require the responsible party (and if it is BPC and GGC that is holding the Special Event, they will be equally bound) to enter into an Events Contract stipulating:

- (a) that the event will be primarily food service oriented with incidental liquor service,
- (b) that any special event will end by 2:00 am,
- (c) that dedicated Special Events personnel will be required for the entire period of the event to ensure that guests congregating or smoking on the Street be directed away from any other residential or merchant building entrances; that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,
- (d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,
- (e) that in the event an outside party will use its own sound amplification devices, the maximum permitted volume established for sound system pursuant to paragraph 6 of this Agreement will apply to those devices.

5. Commitments to Appoint Community Liaison. BPC and GGC will assign at least one person (“Community Liaison”) who will be available to speak with NBS officers or directors during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.

6. Commitments to Contain Sounds. BPC and GGC agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaint be made to NBS and presented to BPC and Grifs Global Co/ DBA Duane Park, and should any measures taken by BPC and GGC to answer such complaint(s) not be sufficient to abate such sound, BPC and GGC agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels.

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

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

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

7. Commitments to Prevent Odors and Restrict Locations of Mechanical Systems. BPC and GGC having taken over facility that has not previously served a full menu or operated a kitchen agrees to install and maintain its mechanical systems to provide industry standard venting and equipment that will minimize kitchen-related venting sound and odors. The location of all roof-top mechanical equipment shall be as set forth in the drawing dated 9/12/12 and named “308 Bowery Kitchen Exhaust Plan” which is included in this Agreement as **Exhibit B** and incorporated herewith.

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

Should additional equipment or use of the venue (wood burning stoves, bread-baking facilities, additional meat broilers, pizza ovens, etc.) be added BPC and GGC agrees no kitchen-related vents or hoods will be placed at sidewalk level or within 15 feet of a window of a contiguous building; that they upon conference with affected building owners/residencies will install sound or odor abating equipment, including but not limited to electrostatic precipitator(s) sufficient to contain such sound or odors within an agreed upon period between all parties but no longer than 120 days.

8. Commitments regarding Public Support and Cooperation.

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

BPC and GGC whose principals are: Robert Holman and Merissa Ferrarin agree that any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NBS. as representatives of the community and be contingent upon a similar agreement subject to review and attachment to the new or altered license.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alterations to the on-premise license for **. Griffs Global Corp., ( Joint Licensees) d/b/a Duane Park, Bowery Poetry Club LLC., 308 Bowery** **unless** those conditions and stipulations agreed to by the applicant relating to the Memorandum of Agreement above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**8. The Brick Cellar, LLC d/b/a The Brick Cellar, 100A 7th Avenue South, 10014 – Alteration to OP**

**Whereas**, the applicant appeared before the committee to present an alteration to the interior space by installing banquet dinner seating around the perimeter of the stage and move the sound and lighting room to rear center of stage and change the bar shape and reduce from 45 ft to 32 ft: and,

**Whereas**, this application is for the alteration of an on-premise license (#1233401) which is in the middle of S.A.P.A. (State Administrative Procedures Act) pending decision; and,

**Whereas**, during S.A.P.A. the applicant has placed their SLA On-Premise License in safe keeping; and,

**Whereas**, this alteration is in a mixed-use building located on 7th Avenue between Grove and Bleecker Street (block # 591/ lot #10), for a 3,600 sq. ft theatre/dinner club which has 12 tables with 70 seats and 1 bar with 18 seats, and the maximum proposed occupancy is 207 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation (once in operation) will be Saturday and Sunday from 10:00 a.m. to 4:00 a.m. and Monday to Friday from 3:00 p.m. to 4:00 a.m., music will be live and background only; and,

**Whereas**, CB2 previously denied the renewal of this license because this location has not been in operation for the last year; and,

**Whereas**, CB2 has great concern that the alterations do not include a formal stage to provide a dinner-theatre club and would provide the perfect set-up for a nightclub; and,

**Whereas**, CB2 feels that the applicant needs to provide some planned programming before supporting this concept further;

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the alteration of the on-premise license for **The Brick Cellar, LLC d/b/a The Brick Cellar, 100A 7th Avenue South, 10014.**

**Vote:** Unanimous, with 42 Board members in favor

**9. Fabrizio Prim Cavallacci or Corp. to be formed, d/b/a Café Reggio, 119 MacDougal St. 10012 - New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building located on MacDougal Street between West 3rd Street and Minetta Lane (block # 543/ lot #21), for a 1,500 sq. ft premise which has 21 tables with 49 seats and no bar and 8 seats in the sidewalk cafe, and the maximum proposed occupancy is 74 people, this will include the sidewalk café but there is no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 9:00 a.m. to 3:00 a.m. and Monday through Thursday from 8:00 a.m. to 3:00 a.m. and Saturday from 8:00 a.m. to 4:00 a.m. however all alcohol service will cease at 2:00 a.m. every night / 7 days a week. Music is background only; there will be no promoted events, no scheduled performances or cover fees; and,

**Whereas**, this establishment has existed for 85 years and the operator is in good standing with the community; and,

**Whereas**, the operator agreed to 1 stipulation that states the following:

1. Hours of operation will be Sunday from 9:00 a.m. to 3:00 a.m. and Monday through Thursday from 8:00 a.m. to 3:00 a.m. and Saturday from 8:00 a.m. to 4:00 a.m. **however all alcohol service will cease at 2:00 a.m. every night / 7 days a week.**

**Whereas**, there was no community opposition regarding this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new beer and wine license for **Fabrizio Prim Cavallacci or Corp. to be formed, d/b/a Café Reggio, 119 MacDougal St. 10012; unless** those conditions and stipulations agreed to by the applicant relating to the 5th Whereas clause are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor

**10. Salume Mott Street LLC d/b/a Salume, 202A Mott Street 10012 – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Winelicense in a mixed use building located on Mott Street between Spring and Kenmare Street (Block #479 / lot #14), for a 412 sq. ft premise with no tables or tables seats, 1 bar with 10 seats, and the maximum proposed occupancy is 35 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the establishment will be a full service restaurant serving breakfast, lunch and dinner specializing in Italian cuisine; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 2:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, CB#2, Man. denied this applications request for a full On Premise license just last month in September 2012; and,

**Whereas**, there is no change in the application except now the operator will take reservations; 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; and,

**Whereas**, a location as small as this is perfect for those types of retail stores and supporting businesses that can not afford larger spaces in this economy without a liquor license; and,

**Whereas**, this questionable business plan has seating at a bar for only 10 people and standing room for 20+ more people; and,

**Whereas**, there are over 25 on-premise licenses within 500 ft of this location; and,

**Whereas**, 3 community members spoke in opposition stating over saturation and quality of life issues; and,

**Whereas**, CB2 does not believe that this application offers any public interest; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man, recommends **denial** of the new Beer and Wine license for **Salume Mott Street, LLC d/b/a Salume, 202A Mott St. 10012.**

**Vote:** Unanimous, with 42 Board members in favor

**11. FB Café 70 Greenwich Ave., d/b/a Francois Café, 70 Greenwich Ave. 10011 – New Beer and Wine**

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

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between 7th Avenue and Perry Street (Block #606 / lot #7501), for a 380 sq. ft premise with 8 tables with 16 seats and no bar, and the maximum proposed occupancy is 45 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Saturday and Sunday from 9:00 a.m. to 12:00 a.m and Monday to Friday from 7:00 a.m to 12:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is another location within CB#2, Man. that has never been license by the SLA; and,

**Whereas**, the applicant has already partitioned off sidewalk café with planters from the store next door; and,

**Whereas**, this business has only been open since July of 2012; and,

**Whereas**, this operator was closing at 7:00 p.m. and is now trying different closing hours to investigate plausible business which concerns CB2 that this applicant has not established a solid business plan that would justify an SLA license of any kind; and,

**Whereas**, the menu for this establishment which consist of crepes, yogurts, pastries and salads and sandwiches does not support the need of beer and wine license; and,

**Whereas**, the applicant submitted a petition in support with 79 signatures but only 7 were on Greenwich Avenue and many were not from the neighborhood or nearby; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new on-premise liquor license for **FB Café 70 Greenwich Ave., d/b/a Francois Café, 70 Greenwich Ave., 10011.**

**Vote:** Unanimous, with 42 Board members in favor.

**12. Michael Huynh on Behalf of an entity to be determined, 26 Greenwich Avenue 10011 – New Beer and Wine**

**Whereas**, the applicant appeared before the committee to present the concept of an affordable Vietnamese restaurant serving authentic Vietnamese cuisine; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street (Block #606 / lot #08), for a 800 sq. ft premise with 14 tables with 38 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 40 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 12:00 p.m. to 12:00 a.m. and Friday and Saturday from 12:00 p.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

**Whereas**, the applicant reached out to the community and established stipulations which CB2 includes with their own stipulation agreement; and,

**Whereas**, the following are the stipulations:

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

7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10<sup>th</sup> Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10<sup>th</sup> Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.

9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.

10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.

11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.

12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.

13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.

14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the new Beer and Wine license for **Michael Huynh on Behalf of an entity to be determined, 26 Greenwich Avenue 10011, 10012 unless** those conditions and stipulations agreed to by the applicant relating to the 6th Whereas clause are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**13. An Entity to be formed by Frederique Thiollet, 4-6 Grand Street 10013– New Beer and Wine License**

**Whereas,** the applicant appeared before the committee to present the concept of a café with an art gallery and small concept store with the aim to re-introducing the café society; and,

**Whereas,** this application is for a new Beer and Wine license in a mixed use building located on Grand Street between Varick and 6th Avenue (Block #477 / lot #?), for a 1,700 sq. ft premise with 17 tables with 45 seats, and 1 service bar, and the maximum proposed occupancy is 75 people, there is no sidewalk café and no backyard use; and

**Whereas,** the hours of operation will be Sunday from 11:00 a.m. to 7:00 p.m. and Monday to Thursday from 7:30 a.m. to 10:00 p.m. and Friday from 7:30 a.m. to 12:00 a.m. and Saturday from 11:00 a.m. to 12:00 a.m., music will be both Live and quiet background consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no velvet ropes, no movable barriers; and,

**Whereas,** there may be private parties and promoted events; 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; and

**Whereas,** CB#2, Man. denied a similar application which was an art gallery and café in September 2012; and,

**Whereas,** there were 3 community members who spoke emphatically against this application; and,

**Whereas,** the community has concerns that the building is all residential above this store front and there are many families with children whose quality of life will be affected by an establishment that serves beer and wine as apposed to a dry-retail store; and,

**Whereas,** 50% of the space is not going to be a café and would still be licensed if approved; and,

**Whereas,** CB#2, Man. and the community feel that this is an over saturated area with SLA licenses; and,

**Whereas**, this operator is establishing the funds for this venue by utilizing a public “crowd funding” internet program such as “Kickstart” and does not actually have the finances needed to begin this project; and,

**Whereas**, if this operator fails at this business plan, then the community would then have a 1,700 s.f. location with an unknown future;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the new Beer and Wine license for **Entity to be formed by Frederique Thiollet, 4-6 Grand Street 10013.**

**Vote:** Unanimous, with 42 Board members in favor

**14. Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014 (serial number 1207903 - renewal)**

**Whereas**, the Licensee’s representatives appeared before CB2’s SLA Licensing Committee for a second time after having originally been requested to do so by CB2 Manhattan upon CB2’s receipt of a 30 day notice regarding this license’s renewal application in September, 2012 to discuss concerns raised by members of the community; and,

**Whereas**, because the current license does not expire until 10/31/2012 and because no Principals were present to discuss this matter at the first CB2 SLA Licensing Committee meeting in September 2012, nor at the second CB2 SLA Licensing Committee meeting in October 2012, only managers who were not authorized to respond to concerns in detail regarding current or future plans, and because members of the community had met with two of the principals and management on October 4<sup>th</sup> 2012, and have been having on going dialogue via email regarding issues as they concern the “method of operation”, outdoor areas on the roof and ground floor which were originally proposed as part of the licensed premise at the time of the original application in 2008 but which have never been utilized but the Licensee states they may do so some time in the future, the new outdoor “terrace” on the roof which was just opened on July 4, 2012, and issues as they relate to quality of life from music and noise and on the street level adjoining the premise involving patrons going to and coming from the premise and the responsibilities of the Licensee to manage this aspect of the operation; and,

**Whereas**, the Licensee’s representative’s agreed to continue the ongoing dialogue to discuss matters outlined above with the Principles on the license and residents and agreed to return again in November with either an authorized principal of the establishment or with permission to act on their behalf **to CB2’s second regularly scheduled SLA Licensing Committee Meeting in November 2012 and provide an update as to the state of the discussions;** and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. again strongly recommends that the SLA not renew the existing license, **serial number 1207903**, for **Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014** until the ongoing dialogue has been completed between the residents and the Licensee so that ongoing issues can be clearly resolved and an authorized representative empowered to act for the principles or an authorized principle re-appears before CB2 to address the issues outlined in the above “whereas” clauses and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this renewal 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 and addressed.

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. will provide an update to the Liquor Authority in November to apprise the Liquor Authority of any progress in the ongoing dialogue to address long standing issues that have not been resolved on an ongoing basis to the satisfaction of all parties involved and provide an updated recommendation based on the outcome of the dialogue.

**Vote:** Unanimous, with 42 Board members in favor.

**15. Dorsia LLC d/b/a Windsor, 189 W. 10<sup>th</sup> St. a/k/a 234 W. 4<sup>th</sup> St., 10014 (Renewal - SN 1210408 expires 11/30/2012)**

**Whereas**, the Licensee appeared before CB2's SLA Licensing Committee after having been requested to do so by CB#2, Man. upon CB2's receipt of numerous complaints over a long period of time regarding the applicants establishment; and,

**Whereas**, CB#2, Man. provided a recommendation to the Liquor Authority in March 2008 regarding this application which was subject to the 500 ft rule based on representations and statements made to CB2 at the time by this corporate entity and a completed CB2 SLA licensing questionnaire, subsequent to this recommendation, the original principals are no longer a part of the corporation and a "corporate change" was filed the Liquor Authority; and

**Whereas**, the March 2008 CB2 Resolution stated that:

***Douglas Akin or Corporation to be formed, 234 W. 4<sup>th</sup> St. (10<sup>th</sup> and Charles), NYC***

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

***Whereas**, this application is for transfer of an On Premise license, pursuant to purchase, for a Mediterranean/American restaurant located in a 2,000 s.f. premise in a mixed use building located on West 4<sup>th</sup> between 10<sup>th</sup> and Charles Streets, with 55 table seats, 1 bar with 12 seats and a maximum legal capacity, pending the issuance of a new Certificate of Occupancy, not to exceed 74 persons; and,*

***Whereas**, the applicant stated the hours of operation are 6:00 a.m. – 12:00 a.m. Monday – Wednesday; 7:00 a.m. – 2:00 a.m. Friday – Saturday and 8:00 a.m. – 12:00 a.m. Sunday; there will not be a sidewalk café nor a backyard garden; music will be background only; and,*

***Whereas**, the required amended Certificate of Occupancy will be issued by the New York City Department of Buildings prior to the use of the On Premise license; and,*

***Whereas**, the applicant has agreed to close ALL windows by 10:00 p.m. seven days a week; and,*

***Whereas**, the applicant has agreed to prohibit the use of a DJ at all times; and,*

***Whereas**, the applicant has agreed to prohibit any patrons from drinking outside the establishment; and,*

***Whereas**, several members of the community appeared to express their concerns, citing quality of life concerns with the previous restaurant establishment, and noise and overcrowding issues in the surrounding area; and,*

***THEREFORE, BE IT RESOLVED*** that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for ***Douglas Akin or Corporation to be formed, 234 W. 4th St., unless those conditions agreed to by applicant relating to the second, fourth, fifth, sixth and seventh “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license;***

*Vote: Unanimous, with 35 Board members in favor.*

**Whereas**, CB#2, Man. received numerous correspondence and a significant number of residents appeared at the meeting including the head of a local tenant’s association and a CB2 board member to address their concerns with the establishment which include hours of operation until 4 a.m. most nights of the week, open windows across the whole façade on both sides and doors with loud patrons and music and sports events audible inside surrounding residential buildings and for a considerable distance in 4 directions since this is a corner location, apparently there is an “internal policy” to close the windows and doors at 10 p.m. but this is often not followed, sound readings conducted by residents show levels above all acceptable standards including city laws and jobsite laws on weekends in particular, the premise was supposed to be a restaurant and now operates much more as an upscale sports bar with a number of tv’s, there is often amplified music which is clearly not background as presented originally to the community, and there are often significant sidewalk crowding issues on the narrow sidewalks in front of the establishment; and,

**Whereas**, a petition with 71 signatures from residents in the immediate area was presented requesting that CB2 recommend denial of the renewal application unless (1) the Licensee abide by the original hours of operation (6 a.m. to midnight Monday to Thursday, 7 a.m. to 2 a.m. Friday and Saturday and 8 a.m. to midnight Sunday, (2) The Licensee actively works to dissuade groups of patrons from blocking the sidewalks and disrupting the quality of life for residents and (3) That the Licensee keeps their windows and doors closed at all times to reduce noise pollution that erodes the residential character of the neighborhood; and,

**Whereas**, members of CB2’s SLA Committee had also observed the same issues as described by resident’s on an ongoing basis; and,

**Whereas**, the Licensee’s principals and attorney were not involved with the licensed entity at the time the original license was applied for and issued and stated that they were aware of no stipulations on the license and believed they were within the guidelines of their license to operate 7 days a week until 4 am; and

**Whereas**, in the Licensee’s original application to the Liquor Authority, they stated in their “Statement of Public Convenience and Advantage” that “There should be the presumption that the business would be in the public convenience and advantage until such time as opposition occurs” yet they operate contrary to what was presented to CB2 at the time of the original application and CB2 Manhattan would not have recommend approval of the current actual method of operation due to the significant impact on the existing noise level, vehicular and pedestrian traffic, the large number of licensed premises in this highly residential area located in the midst of the West Village on smaller streets; and,

**Whereas**, CB2 relied on the accuracy and truthfulness of the original statements made by the Licensee and therefore recommended denial unless those statements in the resolution were incorporated into the method of operation on their liquor license to the Liquor Authority being mindful that the applicant agreed to the stipulations and the Licensee further presented the same set of representations to the Liquor Authority; and,

**Whereas**, in the Licensee’s original application to the Liquor Authority, they stated under the proposed method of operation that they would be a “restaurant” and consistent with the stipulations the applicant agreed to incorporate into their method of operation with CB2, the applicant stated that their hours of operation were from 9 a.m. to midnight Monday to Thursday and 7 a.m. to 2 a.m. Friday and Saturday and 8 a.m. to midnight on Sunday; and,

**Whereas**, at the October 11, 2012 CB2 SLA Licensing Committee hearing, the Licensee agreed to additional stipulations which they subsequently executed in a Stipulations Agreement with CB2 stating that regardless of CB2’s recommendation to the Liquor Authority they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. All doors and windows will be closed Sunday to Friday at 8 p.m. and on Saturday at 9 p.m.
2. All doors and windows will also be closed during sporting events broadcast on their TV’s.
3. There will be a properly trained Security/Doorman who will clear and manage the sidewalk areas in front of the establishment.

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the renewal of an on-premise liquor license for **Dorsia LLC d/b/a Windsor, 189 W. 10<sup>th</sup> St. a/k/a 234 W. 4<sup>th</sup> St., 10014 (SN 1210408), and,**

**THEREFORE BE IT FURTHER RESOLVED** that CB2 requests that the stipulations agreed to by the applicant relating to the 11<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the On Premise license regardless of any determination, and

**THEREFORE BE IT FURTHER RESOLVED** that CB2 requests that the Liquor Authority review the concerns outlined above in regards to the Hours of Operation and Method of Operation and take appropriate ongoing enforcement action or require the applicant to honor their originally stated hours of operation and method of operation should the Authority consider renewing this license.

**Vote:** Passed, with 41 Board members in favor, and 1 against (Aaron).

**16. Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St., 10014 (Renewal - SN 1242425 expires 11/30/2012)**

**Whereas**, the Licensee appeared before CB2’s SLA Licensing Committee after having been requested to do so by CB2, Manhattan upon CB2’s receipt of numerous complaints over a long period of time regarding the applicants establishment, in particular the method of operation of the rear yard dining area; and,

**Whereas**, CB#2, Man. provided a recommendation to the Liquor Authority in September 2009 regarding this application which was subject to the 500 ft rule based on representations and statements made to CB2 at the time by Licensee and agreements in the way of stipulations which agreed would be added to the “method of operation” on their liquor license; and

**Whereas**, the September 2009 CB2 Resolution which was forwarded to the Liquor Authority at that time stated:

***12. Village Restaurant Group, LLC, 447 Hudson St. (at Morton), NYC***

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

*Whereas, this application is for an On Premise license in a mixed use building on the corner of Hudson and Morton Streets for a 850 s.f. restaurant with 57 table seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,*

*Whereas, the applicant stated the hours of operation are 8:00 a.m. – 2:00 a.m. seven days a week; there will be a sidewalk café application and will include a backyard garden with 10 tables with 20 seats; music is background only; and,*

*Whereas, the applicant has agreed to receive a Letter of No Objection or revised Certificate of Occupancy from the New York City Department of Buildings prior to operating the restaurant; and,*

*Whereas, the applicant has agreed to operate as a full service restaurant only; and*

*Whereas, the applicant has agreed to the following set of stipulations for the backyard garden:*

- 1. The applicant has agreed to no music of any kind in the backyard garden*
- 2. The applicant has agreed to operate the backyard garden for dining purposed only*
- 3. The applicant has agreed to implement sound/noise mitigation techniques for the backyard garden, including but not limited to planters, etc.*
- 4. The applicant has agreed to cease operations in the backyard garden by 10:00 p.m. daily*

*Whereas, the applicant has submitted a petition with 80 signatures in support of the proposed establishment; and,*

*Whereas, several members of the community appeared in opposition; citing concerns with potential noise issues in the backyard garden within a residential block; and,*

***THEREFORE BE IT RESOLVED*** that CB#2, Man. recommends denial of an On Premise license for ***Village Restaurant Group, LLC, 447 Hudson St.*** unless all conditions agreed to by applicant relating to the fourth, fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

*Vote: Unanimous with 36 Board members in favor.*

**Whereas,** CB#2, Man. received numerous correspondence and a significant number of residents appeared at the meeting to request that the renewal application be denied for this Licensee because they are violating the “method of operation” which was originally presented and stipulations which they had agreed to; and,

**Whereas,** members of the community stated that at the time this application was originally presented in addition to the agreed upon stipulations, the applicant never stated that the traditional front door of the establishment would not be used for ingress, despite providing diagrams with an arrow pointing to the front door on Hudson St. as the entrance, that they are using the rear side door located on Morton St. which opens on to the rear yard through a wall bordering their rear yard as their primary means of ingress and egress at all times, that the establishment would operate as a speakeasy with no signage, but with a listed address on Hudson St, or that there would be operable windows installed on the rear façade overlooking the garden that would be kept open through many hours of operation including later evening hours; and,

**Whereas**, specific complaints were made that the backyard garden is used at all hours of operation and after the establishment closes as staff closes the establishment because it is the only utilized means of ingress and egress for the establishment even though the applicant “*has agreed to operate the backyard garden for dining purposed only*” and “*has agreed to cease operations in the backyard garden by 10:00 p.m. daily*” and the entire reason those stipulations were entered into in the first place was because of the very situation which is now occurring which is patrons constantly moving in and out of the establishment in an exterior residential donut with numerous residential windows overlooking and adjacent to the rear yard garden, hard brick walls which surround the area which amplifies sounds and cause them to carry and the significant impact on quality of life of those residential tenants because of the noise this creates; and,

**Whereas**, additional complaints were made that because of the lack of signage and operation as a speakeasy, customers of the establishment are routinely trying to open doors to adjacent residential buildings and ring buzzers, that the rear yard entrance being open at all hours creates a security hazard because access is easier to the rear yards of several adjacent residential buildings, and that the Licensee’s breached the trust of the community by not considering the fact that operating as a “speakeasy” style establishment was a significant factor in their “method of operation” but this material fact was withheld from the community and CB2 as concerns could have been addressed at the time of the original application; and,

**Whereas**, the applicant first appeared in front of CB#2, Man. in June 2009 with hours of operation in the rear yard area until 11 p.m. and the CB2 recommended that the Liquor Authority deny the application based partially on that reason so the applicant was fully aware of the concerns regarding the use of the rear yard garden; and,

**Whereas**, CB#2, Man. would have recommended denial had the Licensee been forth coming with all material facts and representations regarding the operation of the rear yard garden at the time of the original application and its operation as a speakeasy and because this is location subject to the 500 ft rule and for which the rear yard garden was never used previously for dining purposes and the impact of using the rear yard as the primary means of ingress and egress and would certainly been a part of not meeting the public interest because of it’s impact of the existing noise level among other reasons; and,

**Whereas**, not withstanding any other reasons, CB2 Manhattan feels the agreed to stipulations at the time of the application are very clear and state that the rear yard garden will be used for dining purposes only and that all operations will cease at 10 p.m., CB2 has difficulty understanding why the Licensee feels that using the rear yard garden as the primary and only ingress and egress for patrons up until the 2 a.m. closing is in keeping with the letter or spirit of the stipulations agreed to in September 2009 and further more why they are not cognizant that had the other aspects of their operation not been omitted from their initial presentation to CB2, the presentation of the application would have resulted in a recommendation of denial from CB2 to the Liquor Authority; and,

**Whereas**, the Licensee provided floor plans for the establishment at the time of the original application which clearly had an arrow pointing at the front door on Hudson Street and it was indicated next to the arrow with the word “entrance” and no arrow pointed to the side door to the rear yard garden entrance on Morton Street even though the door was shown on the plans and no information was provided that windows in the rear façade would be French Door style windows which open a large portion of the façade which allows music inside the establishment to be heard outside; and,

**Whereas**, the applicant also agreed to obtain a Letter of No Objection or revised Certificate of Occupancy from the New York City Department of Buildings prior to operating the restaurant but no revised Certificate of Occupancy has been applied for and no Letter of No Objection has been applied for and the

Licensee has presented various documentation showing that the use of the rear yard may potentially be allowed but has been unable to provide any documentation either via a Letter of No Objection or Revised Certificate of Occupancy specifically stating that the rear yard can be currently used for patron dining; and,

**Whereas**, an New York City Environmental Control Board Citation was issued on October 7, 2012 citing “ALTERED/CHANGED BLDG OCCUPIED W/O A VALID CERT. OF OCCUPANCY AS PER 28-118.3.1 28-118.3.2.NOTED:JOB#110429180 HAS NOT BEEN SIGNED OFF AND PREMISE IS ARRANGED W/SEATING FOR APPROX 70 PATRONS WITH REAR YARD BEING” (<http://a810bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=34940197Y>) which seems to be in direct conflict with statements made by the Licensee that they are operating the rear yard garden in compliance with all NYC Department of Buildings regulations and in direct conflict with their statements that they do not have to adhere to the stipulation that they either obtain amended Certificate of Occupancy or a Letter of No Objection prior to operating the restaurant; and,

**Whereas**, CB#2, Man. can only rely on accurate, truthful and complete statements from Licensee’s at the time of their original application in order to make recommendations to the Liquor Authority and relies on the fact that stipulations are agreed to for the express purpose of finding a balance point where the Liquor Authority could make an affirmative finding that it is in the public interest to issue the license and relies on plain language to express those stipulations which should not be subject to great interpretation in this case; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal of an on-premise liquor license for **Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St., 10014 (Renewal - SN 1242425 expires 11/30/2012), and,**

**THEREFORE BE IT FURTHER RESOLVED** CB#2, Man. requests that the Liquor Authority review the concerns outlined above in regards to the original stipulations agreed to by the Licensee and take appropriate ongoing enforcement action

**THEREFORE BE IT FURTHER RESOLVED** that should the Liquor Authority consider renewing this license that the following requirements for the Licensee be considered:

1. The Licensee will adhere to all of the original stipulations agreed to at the time of the application, particularly those that state the rear yard is for dining use only and all operations will cease at 10 p.m.
2. The Licensee will stop using the rear yard side door on Morton Street as the Primary ingress and egress into the establishment and will instead use the “traditional” front door on Hudson Street.
3. That the Licensee will close all doors and windows by 8 p.m. or any time music is played inside the establishment.
4. The Licensee will present documentation that specifically states they are currently allowed to use the rear garden/backyard from the NYC Department of Buildings for patron use and dining and require that until this is presented that **all** use of the rear garden/backyard for any use in conjunction with this licensed premise cease.

**Vote:** Passed, with 38 Board members in favor, 2 against (Meadows, Cannistraci), 1 abstention (Collins), and 1 recusal (Ely).

**17. Aperitivo Di Palma, Inc., 30 Cornelia St. 10014**

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

**Whereas**, this application for a new on premise liquor license (not a “transfer”) for a “organic Italian restaurant based on traditional, healthy and organic ingredients” that “will offer small plates with organic wines and herbal cocktails” and will also “retail specialty products and tableware” in a previously licensed location located between Bleecker Street and West Fourth St. in a mixed use building on the ground for an approximately 370 square foot premise, there will be 6 tables and 16 table seats, 1 stand up bar with 7 seats for a total of 23 seats, the maximum occupancy as stated by the applicant will be less than 35; and,

**Whereas**, the hours of operation will be from noon to midnight 7 days a week, music will be quiet background music from a very small sound system that will not disturb residents in the building, there will be sufficient sound proofing so that sound does not interfere with the residents in the building, there will be no dj’s, no live music, no jukebox, there will be no tv’s, there will be no security personnel, there may be private parties;

**Whereas**, there are at least 19 licensed premises within 500 feet; and,

**Whereas**, the principals also own and operate an existing licensed premise next door which will not be connected and own a residential dwelling on the same block and have been on this block for 25 years; and,

**Whereas**, the applicant received support from the local block association and addressed some of the issues of the tenant living directly above the premise who was in opposition and who had serious concerns regarding the changes from the previous licensed premise, issues with the number of licensed premises in the immediate area and concerns with potential music and noise emanating from the establishment which would directly impact his quality of life, but was less concerned after hearing details of the proposed method of operation and promises from the applicant to address all music related issues and steps they were taking to make sure that was not an issues; and,

**Whereas**, the applicant agreed to a set of stipulations which they will execute as a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. Hours of operation will be from Noon to Midnight 7 Days a week. At Midnight all patrons will have left the premises.
2. Doors and Windows will remain closed at all times.
3. The applicant will install soundproofing
4. There will be absolutely no music played in the premise after closing.
5. They will operate as a restaurant at all times and not a bar.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Aperitivo Di Palma, Inc., 30 Cornelia St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**18. Mystique Mystique, Inc. 354-55 West St. d/b/a Platinum New York, NY 10014**

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

**Whereas**, this application for a new on premise liquor license in a previously unlicensed location for a “Gentlemen’s Club”, located on the Northeast corner of West St. and Clarkson St. in two commercial buildings on the ground only for an approximately 3,500 square foot premise, there will be 28 tables and 42 table seats, 1 stand up bar with 9 seats, and 6 other seats located around a stage for a total of 57 seats, the maximum occupancy will be 74, there will be no outdoor space, backyard garden, rooftop space or sidewalk café and no French doors or windows that open; and,

**Whereas**, the hours of operation will be from Noon to 4 a.m. Monday to Saturday and from noon to 2 a.m. on Sundays, music will be from live d.j. and ipods/cd’s at entertainment level, the applicant will install sound proofing, there will be 2 t.v.’s, there will be events for which a cover fee is charged, there are no plans to address vehicular traffic, and the establishment will utilize “aesthetic movable rope” outside; and,

**Whereas**, the applicant states that this location is not subject to the “500 ft. rule” and therefore did not provide a written statement explaining in detail why they believe issuance of this license would be in the public interest; and,

**Whereas**, the applicant has submitted a security plan from their proposed security company and two of the three principles are principles at other licensed premises in New York City; and,

**Whereas**, at the first meeting, CB#2, Man. requested that the applicant provide a traffic plan or respond to traffic concerns at this location and perform direct outreach to the residential buildings in the area directly and meet with them and also that they perform outreach to groups including the various youth athletic leagues which have activities at Pier 40 across the street among other things; and,

**Whereas**, the applicant was unable to provide a reasonable explanation as to why the two CB2 questionnaires submitted in September 2012 and October 2012 contained a maximum occupancy of 74 persons, yet there is a current alteration application filed with the New York City Department of Buildings to change the current occupancy of the building from an Adult Bookstore to an Eating and Drinking Establishment with a maximum occupancy of 150, more than double the proposed occupancy, and the applicant was unsure at the second meeting on whether it should be amended without discussing with his attorney first who was not present, and it was hard to understand why this material fact had not been presented by the applicant to CB2; and,

**Whereas**, the applicant was unable to explain why the number of seats stated in C#B2’s questionnaire did not match the number of seats including banquet seating and private room seating which were included in the floor plan presented to CB#2, and members of CB#2 raised questions as to whether or not it was appropriate to serve alcohol in the private rooms which would be closed off from public view by a curtain thereby leaving the view throughout the premise obstructed and the applicant was unable to address those discrepancies; and,

**Whereas**, the same alteration application filed with the New York City Department of Buildings (job # 121375984) to change the use from an Adult Bookstore to an Eating and Drinking Establishment and other work was disapproved by the Department of Buildings on 9/24/2012; The Department of Buildings stated that “Job number **121375984** was disapproved on September 24<sup>th</sup>, 2012, due to an incomplete submission of plans. A Notice of Objections was issued to the applicant to request clarification of items related to the project’s address, lighting plan, mechanical plan, structural plan, BSA documents, plumbing diagrams, including sprinkler plans, and other issues concerning the proposed project.”; it is unclear to CB2 if the change from an Adult Bookstore to a Gentleman’s Club is allowed as an existing conforming

use, allowed as an existing non-conforming use or if it not allowed or if only a portion of the premise can be used for adult use; the situation is complex because of several factors including the issue that this application spans two buildings out of four on the same tax lot and that this premise was perhaps connected at some point with the premise next door at 75-77 Clarkson Street when the original adult use was established, but the applicant was unable to address this issue in detail; and,

**Whereas**, should the maximum occupancy of this location be 150 it also raises the issue of the level of impact this establishment will have on vehicular traffic and parking and the direct impact that idling for hire vehicles would have; Specifically, Clarkson St. is the only ingress into Greenwich Village from the southbound NY 9A/West St between 14th St. and Houston St. and is a major artery to the Holland Tunnel; While Clarkson St. is 4 lanes wide, two lanes on Clarkson St. are dedicated to parking during the operating hours of the proposed establishment and another major nightlife establishment is located next door on Clarkson St. with similar operating hours; West St. is a major artery for Northbound traffic in front of the establishment on the other side and any pick up drop off service conducted via double parking or stopping in the active roadway is a serious safety hazard; the applicants also failed to address the impact of their establishment on the over 35 active truck bays in the immediate area (Fed Ex, UPS, St. John's Center); and

**Whereas**, while the applicant states that this location is not subject to the "500 ft. rule", CB2 is surprised as there seem to be 5 active liquor licenses within 500 feet, specifically (1) 75 Clarkson Street F&B LLC located at 75-77 Clarkson St., (2) Hornblower New York LLC (Vessel Liquor License for Inifinty) Located At 353 West Street A/K/A Pier 40, (3) Hornblower New York LLC (Vessel Liquor License For Hybrid) located at 353 West Street A/K/A Pier 40, (4) Affairs Afloat Inc (Vessel Liquor License for Star Of Palm Beach) Located at Pier 40 A/K/A 353 West St. and (5) Queen Of Hearts Cruises Inc. (Vessel Liquor License For Queen Of Hearts) Located At Pier 40 A/K/A 353 West Street; and,

**Whereas**, the Main Entrance to Pier 40 where four of the five liquor licenses are located is within 500 Feet of the main entrance of the premise in question and CB2 would like the applicant to provide a statement of public interest so that CB2 can comment appropriately as the applicant did not provide a statement; and,

**Whereas**, the applicant presented a petition in support with over 1000 signatories and held an open house on a Saturday early afternoon at the location which is currently an adult bookstore with "peep booths" and posted signs in the area on lamppost's etc.; and,

**Whereas**, a number of residents stated that they would not enter into the establishment given the nature of it's business and had hoped that the applicant could have hosted an open house at a non-adult use venue in the area where parents involved in the local sports leagues and residents could attend without having to enter an adult bookstore; and,

**Whereas** several petitions were submitted in opposition, including a petition from one residential building located within 500 feet signed by 34 residents of that one building, a number of letters from community organizations and residents were also submitted including correspondence from Downtown United Soccer Club which serves 1,500 boys and girls ages 4-17, Greenwich Village Little League which serves over 800 boys and girls ages 5-16, and Gotham Girls FC which serves over 200 girls ages 7-16, and;

**Whereas**, residents in the closest residential building have stated that they would work with the applicant provided he is entitled to a liquor license at the establishment to establish stipulations; and,

**Whereas**, the applicant was willing to discuss some issues and indicated a willingness to work to open around the schedules of the children’s sport’s leagues and a willingness to beautify the area around the establishment and maintain a clean area but there were no concrete specifics that the applicant was able to provide; and,

**Whereas**, given the complex nature of this particular application including issues that may preclude the use of this space for this use, the discrepancy in occupancy presented to CB2 versus work filings submitted to the New York City Department of Buildings, discrepancies in the number of seats in the premise, and inability to come to a conclusion on final occupancy numbers, the unanswered questions regarding parking and traffic impact, the lack of a public interest statement, the lack of direct outreach to surrounding residential buildings and youth sports leagues based at Pier 40, the lack of sufficient dialogue with residents who with some answers to other questions such as the ability of the applicant to operate this type of establishment at this location and if a liquor license can be granted would be willing to have a dialogue to establish stipulations, and many other unanswered questions; and

**Whereas**, the applicant was unable to stipulate to the exact nature of certain parts of the application and details of the method of operation because he was unsure of certain facts at the time of the meeting; and,

**Whereas**, according to previous applicants in the immediate area, it has been brought to CB2’s attention that the immediate area has a history of drug arrests and prostitution for the last 15 years; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Mystique Mystique, Inc. 354-55 West St. d/b/a Platinum New York, NY 10014.**

**THEREFORE BE IT FURTHER RESOLVED** that should the applicant proceed with this application to the Liquor Authority, CB2 Manhattan requests that the applicant be asked to return by the Liquor Authority to CB2 Manhattan with complete and accurate information which every other proposed liquor license applicant is able to provide so that a proper recommendation based on the actual circumstances of this applicant and premises can be provided.

**Vote:** Unanimous, with 42 Board members in favor.

**19. Naughty Gull LLC d/b/a Quality Clam, 420 Hudson St., 10014**

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

**Whereas**, this application for a new on premise liquor license (not a “transfer”) for a “neighborhood, family style restaurant specializing in seafood” in a previously licensed location located between Leroy St. and Morton St. in a mixed use building on the ground with a basement for auxiliary non-patron use for an approximately 1,830 square foot premise with 980 square feet on the ground floor and 850 square feet in the basement, there will be 14 tables and 38 table seats, 1 stand up bar with 6 seats for a total of 44 seats, the maximum occupancy will be 74, the applicant will return in the future to propose adding a sidewalk cafe; and,

**Whereas**, the hours of operation will be from 11:30 a.m. to midnight 7 days a week, music will be quiet background music, there will be sufficient sound proofing so that sound does not interfere with the residents in the building, there will be no dj’s, no live music, no jukebox, there will be no tv’s, , there will be no security personnel, there may be private parties;

**Whereas**, there are at least 7 licensed premises within 500 feet; and,

**Whereas**, the principals also own and operate three existing licensed premises located in CB2 without any known complaints; and,

**Whereas**, the applicant presented a petition in support from local residents and no opposition was voiced; and,

**Whereas**, the applicant agreed to stipulate to the hours of operation which they will execute as a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. Hours of operation will be from 11:30 a.m. to Midnight 7 Days a week. At Midnight all patrons will have left the premises.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Naughty Gull LLC d/b/a Quality Clam, 420 Hudson St., 10014** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

## **20. Village Eats 10011 LLC d/b/a Umami Burger, 432 Sixth Ave. 10011**

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

**Whereas**, this application for a new on premise liquor license (not a “transfer”) for a “full service restaurant serving gourmet hamburgers and sides, all infused with our proprietary sauces and spices” in a previously licensed location located between West 9<sup>th</sup> and West 10<sup>th</sup> St. in a commercial building on the ground floor and second floor with a basement for auxiliary non-patron use for an approximately 5,400 square foot premise with 1800 square feet on each floor with patron occupancy on half the first floor and the second floor, there will be 39 tables and 122 table seats, 1 stand up bar on the first floor with 11 seats and one stand up bar on the second floor with 6 seats for a total of 139 seats, the maximum occupancy will be 170, there will not be a sidewalk café and their will be no outdoor areas including no rooftop use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 10 a.m. to 1 a.m., and Thursday to Saturday from 10 a.m. to 2 a.m., music will be quiet background music from ipod/cd’s connected to a limited number of speakers, there will be no dj’s, no live music, no jukebox, there will be 2 tv’s, there will be no security personnel, there will be no private parties;

**Whereas**, there are at least 32 licensed premises within 500 feet; and,

**Whereas**, the applicant currently operates restaurants in California, including 13 Umami restaurants, but only 2 provide full alcohol service; and,

**Whereas**, the applicant did try to reach out to the local block association but received no response and the applicant posted signs in and around the area with contact information, there was some concern expressed by members of the Committee that this was previously a sushi/Thai restaurant and this method of operation was of concern give the large number of later evening venues in the area and the saturation of licenses and thought that a beer and wine license would be more appropriate for this type of method of operation; and,

**Whereas**, the applicant agreed to the stipulations which they will execute as a stipulations agreement with CB2 that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. Hours of operation will be Sunday to Wednesday from 10 a.m. to 1 a.m., and Thursday to Saturday from 10 a.m. to 2 a.m. All patrons will have vacated the premise at the listed closing time.
2. All doors and windows will be closed at 10 p.m. all nights.
3. There will be no DJ's, no live music, no promoted events, no 3<sup>rd</sup> party promoters, no events for which a cover fee is charged, and no scheduled performances.
4. There will be only one entrance through 6<sup>th</sup> Ave for both floors. No separate entrance will be used for the second floor.
5. The premise will be operated as a full service restaurant only.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Village Eats 10011 LLC d/b/a Umami Burger, 432 Sixth Ave. 10011** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

**Vote:** Passed, with 41 Board members in favor, and 1 against (Young).

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

**21. Hung Ry America, 55 Bond Street**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant requested to withdraw the application from consideration; and,

**Whereas**, a new corporation will be taking over this location and will come before the committee; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any alteration to the liquor license for **Hung Ry America, 55 Bond 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 42 Board members in favor.

**22. Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.**

**Whereas**, the applicant did appear before the committee and accepted a layover from the hearing; and,

**Whereas**, this application is for the Corporate Change of their On Premise license; and,

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.** until the applicant has presented their application in front of CB2's SLA Licensing

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

**Vote:** Unanimous, with 42 Board members in favor.

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

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** 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 42 Board members in favor

**24. Sigma Burger Pie, LLC d/b/a Sigma Burger Pie, 68 W. 3rd St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration for a second time; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Sigma Burger Pie, LLC d/b/a Sigma Burger Pie, 68 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 42 Board members in favor.

**25. Kings 55 Group, Inc., 55 Bond Street 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Kings 55 Group, Inc., 55 Bond 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 42 Board members in favor

**26. The Mussel Pot, 174 Bleecker St. 10012**

**Whereas, Whereas,** prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas,** this application is for a Corporate Change of their On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed changes to their liquor license for **The Mussel Pot, 174 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 42 Board members in favor.

**27. 205 Thompson Street LLC, d/b/a TBD, 205 Thompson St. 10012**

**Whereas,** the applicant did appear before the committee and accepted a layover from the hearing; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **205 Thompson Street LLC, d/b/a TBD, 205 Thompson St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**28. SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal St. 10012**

**Whereas,** the applicant did appear before the committee and accepted a layover from the hearing; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor

**29. Rockin Raw LLC, 171 Sullivan St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed liquor license for **Rockin Raw LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**30. Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant and the applicant's attorney requested a **layover of consideration** for this new on-premise liquor license application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting after performing community outreach; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**31. An entity to be formed by Schratte Food Incorporated d/b/a Affinage, 223 Mulberry St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed changes to their liquor license for **An entity to be formed by Schratte Food Incorporated d/b/a Affinage, 223 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor

**32. 753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this new on-premise liquor license application which is an upgrade to the existing Restaurant Wine license (SN# 1246369) and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or an upgrade to the Restaurant Wine license for **753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**33. Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12<sup>th</sup> St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this new on-premise liquor application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or existing application at this location for **Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12<sup>th</sup> St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**34. 14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12<sup>th</sup> St. 10014 (upgrade to OP from RW)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this upgrade application for SLA Serial #1119417 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or upgrade application for **14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12<sup>th</sup> St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**35. Corp. to be formed by John Souto, 501 Hudson St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a to **withdraw** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Corp. to be formed by John Souto, 501 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor

**36. Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square, 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square, 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**37. Kevin LaCarrubba d/b/a Lola's Kitchen Corp. 128 Charles St. 10014**

**Whereas**, the applicant was requested to appear before CB2 SLA Licensing Committee meeting on October, 11th, 2012, to present their application for a beer and wine license, but **the applicant failed to appear** and did not contact CB2 to request a layover or to withdraw their application; and,

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or beer and wine license for **Kevin LaCarrubba d/b/a Lola's Kitchen Corp. 128 Charles St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**38. Gans Mex LLC d/b/a MPD Restaurant, 817 Washington St. a/k/a 71-73 Gansevoort St., 10014 (SN # 1193736)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for several applications for which CB#2, Man. was notified of via 30 Day Notice Form's including an application for a **(1) Corporate Change**, an

application for a **(2)** Alteration to the existing license and a application for a **(3)** New On-Premise liquor license application, and after the Committee meeting, but prior to CB2's Full Board Meeting on October 18<sup>th</sup>, 2012 the applicant's attorney notified CB2 that **all applications had been withdrawn**;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes of any kind to any existing license for **Gans Mex LLC d/b/a MPD Restaurant, 817 Washington St. a/k/a 71-73 Gansevoort St., 10014 (SN # 1193736)** 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, and furthermore **CB2 refers the Liquor Authority to CB2's previous resolutions in regards to CB2's recommendations on matters which may still be before the Liquor Authority.**

**Vote:** Unanimous, with 42 Board members in favor.

### **TRAFFIC AND TRANSPORTATION**

#### **Resolution in support of historic lighting for Waverly Pl. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and MacDougal St.**

**Whereas** the NYC Department of Transportation (DOT) presented a plan for "Distinctive Street Lighting" on Waverly Pl. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and MacDougal St. that would include two new historic Bishops Crook poles with teardrop luminaires on the north side of the street and one on the south side of the street to be implemented in Summer 2013; and

**Whereas** this project has been initiated at the request of the Waverly Place Block Association which is willing to donate funds for this undertaking; and

**Whereas** Waverly Pl. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and MacDougal St. is located in the Greenwich Village Historic District, and the installation of the Bishops Crook poles with teardrop luminaires will greatly enhance this historic block;

**Therefore be it resolved** that CB#2, Man. fully supports DOT's plan for historic lighting on Waverly Pl. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and MacDougal St.

**Vote:** Unanimous, with 42 Board members in favor.

Respectfully submitted,

Susan Kent, Secretary  
Community Board #2, Manhattan