

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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

### FULL BOARD MINUTES

**DATE:** April 24, 2014  
**TIME:** 6:00 P.M.  
**PLACE:** P.S. 130, 143 Baxter Street, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, William Bray, Richard Caccappolo, Denise Collins, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Robin Goldberg, David Gruber, Chair; Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Edward Ma, Alexander Meadows, Daniel Miller, Robert Riccobono, Robin Rothstein, Sandy Russo, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Richard Stewart, Sean Sweeney, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS EXCUSED:** Keen Berger, Heather Campbell, Lisa Cannistraci, Tom Connor, Jonathan Geballe, Sasha Greene, Jo Hamilton, Lois Rakoff, Rocio Sanz, Chenault Spence

**BOARD MEMBERS ABSENT:** Daniel Ballen, Arthur Z. Schwartz,

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

**GUESTS:** Celine Mizrahi, Congressman Jerrold Nadler's office Joshua Cole, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Patricia Ceccarelli, Man. Borough President Gale Brewer's office; Sarah Sanchala, Assembly Member Deborah Glick's office, Crystal Feng, NYC Comptroller's office; Jeffrey LeFrancois, Council Member Corey Johnson's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Amy Varghese, Council Member Margaret Chin's office; Happy Fahmy, Daisy Ho, Jamie Davidson, Tianna Ren, Karen Zhou, Will Rogers, Jim Fouratt, Cathie Lee, Jacopo Giustianiani, Daniel Barenayah, Pete Davis, Michele Campo, Amy Tse, Ramzi Budayr, Josh Bisker, Oi Chang, Chun Zin, Eva Mai, Maureen Remacle. Wong Yue Ying, Jing Yi Xiao, Jean-Louis Bourgeois, Ha Choy Yuet, Stella Lo, Yue Qin Wun, Lin C. Xiao, Lamia Funoi, Marianna Alfa, Sarah Lord, Pete Armstrong, Felipe Murcie, Choi Sui Zang, Ng Wah, Lai Ngan Chan, Sook Ling Lai, Xue Zen Huang, Fang Kwan, Alireza Nirooniajd, Kevin McGrath, Don Lee, Stefanie Marazzi, Cathryn Swan, Juanli Carrion, Brian Ng, Judy Schecter, Chris Cheerz, Bunny Au, Sam Park

### MEETING SUMMARY

Meeting Date – April 24, 2014  
Board Members Present – 38  
Board Members Excused– 10  
Board Members Absent - 2

## **I. SUMMARY AND INDEX**

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	6
LANDMARKS AND PUBLIC AESTHETICS	6
LAND USE & BUSINESS DEVELOPMENT	11
PERSONNEL	13
SIDEWALKS/STREET ACTIVITIES	14
SLA LICENSING	19
TRAFFIC AND TRANSPORTATION	48

## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### OSSO #01

JuanLi Carrion spoke regarding this topic.

#### 150 Charles St.

Jean-Louis Bourgeois spoke against this premise.

#### MPIA

Amy Tse spoke regarding upcoming events in the MeatPacking District.

#### Chinatown Vending Issue

Don Lee spoke regarding issues in Chinatown regarding vending enforcement.

#### Christopher Street

Susanna Aaron spoke regarding Christopher St.

#### New York University

Josh Bisker announced several free and public events hosted by NYU.

#### Washington Square Park

Cathryn Swan spoke regarding the park.

### **Landmarks & Public Aesthetics Items**

155 Wooster St. Application to renew and amend master plan re future installation of painted wall signs  
Stefanie Marazzi, representing the applicant, spoke in favor of the application.

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

19 E. Houston St. Application to City Planning Commission for special permit to allow retail use below the floor level of 2<sup>nd</sup> story of proposed 6-story commercial building in SoHo Cast Iron Historic District  
Pete Davis spoke against the proposed special permit.

## **Sidewalks/Street Activities Items**

265 Lafayette Ristorante LLC d/b/a Sant Ambreous. 263 Lafayette St. [small sidewalk café]  
Marianna Alfa, Alireza Nirooniajd, and Kevin McGrath, representing the restaurant, spoke in favor of the proposed new sidewalk café.

Jiacoop Giustiniani, spoke in favor of the proposed sidewalk café.

## **SLA Licensing Items**

296 Sandwich LLC d/b/a Bleecker Heights Tavern, 296 Bleecker St.,  
Nancy Pasley spoke against the renewal of their liquor license.

## **Traffic and Transportation Items**

Pedestrian safety and traffic improvements planned at intersection of Bowery, Delancey and Kenmare Sts.  
Michele Campo spoke against the proposed improvements.

## **III. ADOPTION OF AGENDA**

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

Celine Mizrahi, Congressman Jerrold Nadler's office

Joshua Cole, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

Crystal Feng, NYC Comptroller's office;

Patricia Ceccarelli, Man. Borough President Gale Brewer's office

Sarah Sinchala, Assembly Member Deborah Glick's office

Jeffrey LeFrancois, Council Member Corey Johnson's office

Amy Varghese, Council Member Margaret Chin's office;

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

## **V. EXECUTIVE SESSION**

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

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

**VI. ADOPTION OF MINUTES**

Adoption of February minutes and distribution of March minutes.

**VII. REPORT OF THE BYLAWS COMMITTEE**

**Whereas**, the Bylaws Committee examined whether to adjust the month for the election of officers to align CB2's practices with those of other community boards that have extended the time between the seating of newly-appointed Board members and the election of officers; and

**Whereas**, the Committee determined that the Board would benefit from such an adjustment as it would permit newly-appointed members an opportunity to gain a better grasp of Board procedures and to acquire familiarity with the existing Board membership; and

**Whereas**, the Committee also recognized that a Board Chairperson elected in June is at a disadvantage because during the critical first two months of his or her term, the new Chairperson will receive limited support and advice from the Board due to the reduced schedule of meetings in July and August; and

**Whereas**, the Bylaws Committee considers it preferable to move the election to November by when recently-appointed Members will have gained months of practical experience as Board members and the Board itself will have benefitted from the tenure of an experienced Chairperson over the summer months; and

**Whereas**, in light of the fast-approach of the current election period, the Committee recognizes that the decision to move the month for Board elections is a time-sensitive issue;

**Therefore**, in response to a request from the Executive Committee to determine how to structure a transition from June to November elections by holding two elections in one calendar year, and after serious consideration, close debate and discussion, the Bylaws Committee recommends the following amendments to CB2's Bylaws:

**II. ELECTION OF OFFICERS**

A. Except as hereinafter set forth, at the Board's regular meeting in the month of September, the Board shall elect by open ballot a Nominating Committee consisting of seven members, with that nominee receiving the greatest number of votes to be designated the Chairperson of said committee. Any tie or ties shall be resolved by lot.

Such committee shall meet as often as necessary thereafter in order to report to the Board at its October meeting one or more candidates, or at its discretion no candidate, for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, as well as such additional offices as the Board shall establish, so long as the function and duties are not in conflict with the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer.

B. All members of the Board who desire to become candidates for the offices described in section A of this Article shall contact a member of the Nominating Committee within two (2) weeks after the election of the Nominating Committee.

1. Any member of the Board who is a candidate for any of the offices described in section A of this Article may not serve on the Nominating Committee for the election(s) in which he/she is running for said office, unless no other candidate for a given office emerges, in which case a member of the Nominating Committee may be nominated by the Nominating Committee, or any Board member, from the floor for such an office.

2. Meetings of the Nominating Committee shall be held in Executive Session and attendance shall be restricted to members of the Nominating Committee and candidates being interviewed by the Nominating Committee at designated times for those offices that are being considered by the Nominating Committee.

C. The Nominating Committee, after considering those criteria it has determined relevant to the process of evaluating candidates, which criteria have been developed prior to commencing the evaluation process, may at its discretion put forth to the Board by majority vote one or more candidates, or none, for each office. All candidates being considered by the Nominating Committee shall be informed by the Nominating Committee within 48 hours of the Committee's decision. At the regular October meeting of the Board, members of the Board may offer additional nominees from the floor. There shall be no further nominations from the floor at the November meeting unless there is no nominee for a vacant office. All nominees suggested by the Nominating Committee as well as nominees offered from the floor for the Board offices shall be made known to each member of the Board in the written notice of the election of officers that will take place at the November meeting.

D. Whenever there is more than one candidate for an office, at the election meeting each candidate shall have up to (5) minutes to state why he/she wishes to serve.

E. At the November meeting of the Board there shall be a separate open election held for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board.

F. If included in the written notice of the election for the November meeting, election of any other officers permitted pursuant to section A of this Article shall be held.

G. Voting for each office shall be by written open ballot.

## **II.A. SPECIAL TERM**

Because prior to the amendment of these Bylaws on April 24, 2014, the election of Board officers occurred at the Board's June meeting, in order to effectuate a change in the month for Board elections from June to November, the Board shall hold a one-time election for a special term that shall cover the period from July 1, 2014 through November 30, 2014 ("Special Term"). This Special Term election shall occur at the Board's June 2014 meeting. The procedure for the election of officers for this Special Term

shall be the same as that stated in Article II, except all events identified in that Article as occurring in the month of September shall occur, for the purposes of this Article II.A., in the month of April 2014, all events identified in Article II as occurring in the month of October shall occur, for the purposes of this Article II.A. in the month of May 2014, and all events identified in Article II as occurring in the month of November shall occur, for the purposes of this Article II.A., in the month of June 2014. The Special Term shall not count towards the number of terms to which a Chairperson is limited, pursuant to Article III, Section A.2.a.

### **III. THE BOARD OFFICERS**

A. The officers of the Board shall be Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer and such other officers designated by the Board. Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure including:

1. Terms:

Each required Officer shall serve for the year with the term beginning December 1st following the election and terminating on November 30th of the following year.

Terms of the members shall commence on April 1 of each year.

2. Rotation of Chairpersons:

a. To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms.

b. In the event the Chairperson leaves office before his/her term expires and the remainder of her/his term is more than six (6) Months, the remainder shall be counted against the successor as a full term and, if six (6) months or less, the remainder shall not be counted at all.

Vote: Passed, with 31 Board members in favor, 5 in opposition (R. Stewart, J. Frost, C. Dawson, S. Smith, A. Meadows), 1 in abstention (S. Russo), and 1 recusal (D.Gruber).

### **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **2<sup>ND</sup> MARCH MEETING**

**1 - LPC Item:192 7th Avenue South** (W.11) - Greenwich Village Historic District. A one-story commercial building built in 1920 and altered after 1940. Application is to demolish the existing building and construct a new building. Zoned C2-6

**Whereas**, there was no objection to the demolition of the existing building; and

**Whereas**, the applicant made an effort to unite the West 11th Street facade with its neighbors on that street; but

**Whereas**, overall, the design just does not work; and

**Whereas**, although incorporating masonry into the West 11th facade, committee members thought that there actually should be more glazing. The windows are proportionately too small; enlarging them will give that facade more appeal; and

**Whereas**, there was criticism of the use of the brick facade as a screen over the glass wall rather than proper windows; and

**Whereas**, the hybrid facade presented problems, with committee members wondering why there is such an aversion to brick on 7th Avenue South; and

**Whereas**, there were objections to the brick sliver on 7th Avenue South in the midst of the glass, and objections to the steel and glass turning the corner onto West 11th Street; and

**Whereas**, there was objections over the schizophrenic duality of the design; now

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

Vote: Unanimous, with 38 Board members in favor.

## **1<sup>ST</sup> APRIL MEETING**

**2 - LPC Item:5 - 80 Wooster Street** (Spring/Broome) - SoHo-Cast Iron Historic District. A Beaux-Arts style stores and storerooms building designed by G.A. Schellinger and built in 1894. Application is to legalize the installation of mechanical equipment and a flagpole without Landmarks Preservation Commission permit(s).

**Whereas**, 80 Wooster is famously influential for innovative trends that others later adopted: the artist co-op movement, the Fluxus art movement, avant-garde cinema, the planting of street trees in a manufacturing district – and installation of commercial banners. In fact, an eponymous book has been written illustrating the building’s role in the neighborhood’s evolution; and

**Whereas**, well over thirty years ago, a gallery that occupied the ground floor placed a banner announcing its presence. Other galleries also did this, and this advertising medium was soon copied by retail operations to such an extent that it got out of hand, and the Commission, thankfully, put an end to it, demanding small, simple blade signs; but

**Whereas**, 80 Wooster installed the banner in the Wild West days of SoHo, when City permits were viewed as a suggestion and not a requirement. In fact, many of these pioneers did not even realize a permit for this type of installation was even necessary; and

**Whereas**, in that respect, many would say this banner has been grandfathered; and

**Whereas**, there has never been a complaint about the banner in over thirty years, until what appears to be a vengeful neighbor dropping a dime over a perceived slight; but

**Whereas**, the flagpole is rather long and the building would benefit were it shortened a couple of feet; and

**Whereas**, the air conditioner in question is not permanent, is placed in a double-hung window as per LPC guidelines, is not attached to nor damages the structure, and is actually less obtrusive than just about any other air conditioner in the historic district; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this long-standing banner and approval of the window air conditioner, but would prefer a shorter flagpole.

Vote: Unanimous, with 38 Board members in favor.

**3 - LPC Item:6 - 129 Spring Street** (Greene/Mercer) - SoHo-Cast Iron Historic District. A Federal style rowhouse built in 1817. Application is to construct rooftop and rear yard additions, alter the roof, and replace storefront infill. Zoned M1-5a

**Whereas**, the restoration of the facade, the new slate roof, the window restoration and the reconstructed dormers are commendable; and

**Whereas**, the rooftop work will not be visible from the street and there is no doughnut, just a private alley that is blocked off from public view; and

**Whereas**, although we bemoan the loss of the original masonry of the historic rear wall, the applicant wishes to remove it in order to expand the commercial space, and this rear wall, like the rooftop, is not visible from the street; and

**Whereas**, the proposed storefront is a vast improvement over the inappropriate bi-fold French doors that were permitted about twenty years ago. However, the proposal does not reflect the storefront seen in the 1940 tax photo or a storefront we would expect in an 1817 Federal rowhouse; and

**Whereas**, to better maintain the historicity of the rowhouse, instead of the proposed entry door placed at one end of the storefront with the large display window to its left, it would be better for the building and the district if the door were centered and flanked with two smaller display windows on each side; and

**Whereas**, to have a more historical reference, we would prefer the color of the storefront to be better reflective of the historical palette, and, accordingly, for the storefront to be wooden and not metal; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the facade work and the rooftop and rear yard work; but suggests a more historically accurate storefront configuration, with the door centered and flanked by two display windows, and built of wood and not metal.

Vote: Unanimous, with 38 Board members in favor.

**4 - LPC Item:9 - 153 West 13th Street** (6th/7th) - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1847-48. Application is to construct a rear addition and excavate at the rear yard. Zoned R6

**Whereas**, this modification is an improvement over the previously approved application and is in line with the two adjacent buildings; now



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

Vote: Unanimous, with 38 Board members in favor.

**5 - LPC Item:10 - 320 West 12th Street**, aka 607 Hudson Street-Greenwich Village H.D. A neo-Federal style hotel building designed by Ralph Townsend and built in 1905. Application is to construct a pergola.

**Whereas**, the pergola is minimally visible from the street; now

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

Vote: Unanimous, with 38 Board members in favor.

**6 - LPC Item:11 - 20 Fifth Avenue**, aka 2-4 West 9th Street-Greenwich Village Historic District. A neo-Classic style apartment building designed by Boak & Paris and built n 1939-40. Application is to replace windows.

**Whereas**, the current windows are clearly in terrible disrepair and this condition is causing harm to the rest of the building; and

**Whereas**, the proposed windows are of a style and material befitting this building; now

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

Vote: Unanimous, with 38 Board members in favor.

**7 - LPC Item:28 - 101 MacDougal Street** (Bleecker/West3rd) - South Village Historic District. A tenement building designed by A. B. Ogden and built 1883. Application is to alter the ground floor and install storefront infill

**Whereas**, we understand the applicant's logic for two identical storefronts, mirroring each other; but

**Whereas**, the existing storefront was installed prior to designation and does not resemble an appropriately historical storefront; and

**Whereas**, such a storefront would have, for example: a recessed paneled bulkhead, a wooden-framed window, a wooden door with panels and moulding, and non-vinyl signage; and

**Whereas**, the proposed storefront presents none of these historical features; and

**Whereas**, we should not recommend duplicating a storefront that has not been approved by the Commission, one with no historical reference; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application because it is not reflective of a storefront such a building would have had historically; and, further, we suggest that the Commission create a task force to establish guidelines appropriate to this newly-designated and sorely non-compliant district.

Vote: Unanimous, with 38 Board members in favor

**8- LPC Item:29 - 341 West 12th Street** - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1846-47. Application is to construct a rear yard addition. Zoned R6

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

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

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

Vote: Unanimous, with 38 Board members in favor.

**9 - LPC Item:25 - 155 Wooster Street** (s.w. corner @ Houston) - SoHo-Cast Iron Historic District  
A Classical Revival style store and loft building designed by George F. Pelham and built in 1897-1898. Application is to renew and amend a master plan governing the future installation of painted wall signs. Zoned M1-5A

**Whereas**, the advertising signs painted on this wall since the master plan was established have been remarkable, attractive and well accepted, unlike so many other garish signs in the neighborhood; and

**Whereas**, if it ain't broke, don't fix it; and

**Whereas**, the one request that seems reasonable is the increase of the term of the master plan allowing content changes at staff level from three to five years; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of the applicant's request to modify the first four terms of the existing master plan regarding the style of the signage, since the existing master plan has produced so many attractive and stylish signs; but does recommend approval of the request to extend the term during which staff can approve content change from three (3) to five (5) years and recommends approval of the existing master plan.

Vote: Unanimous, with 38 Board members in favor.

**10 - LPC Item:27 - 224 Centre Street** (s.e. corner @ Grand) - Odd Fellows Hall - Individual Landmark  
An Anglo-Italianate style institutional building designed by Trench & Snook and built in 1847-48. Application to install fire escape balconies and construct a stair bulkhead.

**Whereas**, it is unfortunate that additional fire escapes must be installed on the facade of this individual landmark, but public safety trumps public aesthetics; now

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

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

**11 - LPC Item:28 - 48 Great Jones Street** -NoHo Historic District Extension A Renaissance Revival style store and loft building designed by A.V. Porter and built in 1896-97. Application is to remove cast iron vault lights.

**Whereas**, the sidewalk and its support beams, as well as the few remaining vault lights, are in terrible condition; and

**Whereas**, vault lights and their metal work are iconic features of this historic district, but are very expensive to replace; now

**Therefore, be it resolved** that CB#2, Man. prefers that the applicant spring to replace and restore the more attractive and historical vault lights; but, if that is not feasible, at least save on site whatever are still extant, and proceed with the work as proposed.

Vote: Unanimous, with 38 Board members in favor.

### **LAND USE AND BUSINESS DEVELOPMENT**

**155 Mercer Street, west side of Mercer between Prince and West Houston Streets.** An application to the City Planning Commission for a special permit pursuant to ZR 74-711 to allow retail use on the ground floor and cellar of an existing 3-story building in an M1-5A district in the Soho Cast Iron Historic District.

**A resolution stating no objection to an application to allow retail use on the ground floor and cellar of a three story building in an M1-5A zone**

**Whereas:**

1. A presentation was made to the Land Use committee by Jerald Johnson of Fox Rothschild LLC and Sherida Paulsen of PKSB Architects;
2. The application includes the required report from the Landmarks Preservation Commission affirming that a program for continuing maintenance has been established and that the restorative work performed contributes to a preservation purpose;
3. The application makes a credible case that proposed use modifications will have minimal adverse impact on conforming uses in the area;
4. The loss of the existing conforming use, a dance studio, is regrettable, but the intended preservation purpose of the provisions of 74-711 are served;
5. The three stories of retail are just barely below the 10,000 square foot maximum permitted and continue an unfortunate trend transforming the neighborhood character with a predominance of large, multi-level, flagship retail stores;
6. The retail on the second and third stories are as-of-right;
7. No one from the public spoke for or against the application.

**Therefore it is resolved** that CB#2, Man. has no objection to a special permit pursuant to ZR 74-711 to allow retail use on the ground floor and cellar at **155 Mercer Street**, but does express concern about expansion of the Broadway retail atmosphere onto narrow Soho streets, and would prefer conversion of upper levels to other uses.

Vote: Unanimous, with 38 Board members in favor.

**2. 261 Hudson Street, west side of Hudson at Broome Street.** An application submitted to the Department of Housing Preservation and Development for 41 units of inclusionary housing in a new rental building in a C6-2A district in connection with an FAR bonus for a future project in the Hudson Square Special District.

**A resolution recommending denial of an application for an inclusionary housing building unless all building amenities are offered in a manner that does not effectively exclude all tenants of affordable units.**

**Whereas:**

1. A presentation was made to the committee at its regularly scheduled meeting on March 12, 2014, held at Little Red School House;
2. The presentation was made by Joe Walsh and Frank Monterisi of Related Companies and Jerald Johnson of Fox Rothschild LLC;
3. The proposed project is for a building with 201 rental units, including 160 market rate units and 41 permanently affordable units that will be available to low income tenants with rents set at 60% of Area Median Income (AMI);
4. Eligible residents at this level are currently those with maximum income as follows: \$51,540 for a family of four, \$46,440 for a family of three; \$41,280 for a family of two; and \$36,120 for an individual;
5. The initial monthly rents for affordable units will be \$1017 for two-bedroom units, \$838 for one-bedroom units, and \$781 for studios;
6. The inclusionary housing provided qualifies the building for tax exemptions under 421a;
7. Although no bonus FAR is available in this C6-2A district, the 23,772 square feet of permanent affordable housing may be used as a basis for bonus FAR as part of a future project within an eligible zoning district in CB2, currently only the Hudson Square Special District;
8. The overall percentage of inclusionary units meets the requirement of 20% of the total number of units;
9. Apartments will be available to qualifying tenants with 50% of the inclusionary units prioritized for Community Board 2 residents;
10. The distribution of apartments on eight of the twelve stories in the building meets the requirement for vertical distribution of units on 65% of the stories in the building;
11. Ten apartments for mobility impaired tenants of which four are inclusionary meets the requirement of 5% total distributed over apartment types;
12. Four apartments for visual/hearing impaired tenants of which one is inclusionary meets the requirement of 2% distributed over apartment types;
13. 39% of the market rate units are studios as are 39% of the inclusionary units, but fourteen of the sixteen inclusionary studio units are smaller “straight studios” while all of the sixty-four market rate studios are larger “alcove studios”;
14. 39% of the market rate units are one bedroom, as are 39% of the inclusionary units;
15. 22% of the market rate units are two bedroom, as are 22% of the inclusionary units, but eight of the nine inclusionary two-bedroom units are smaller one-bath units while all thirty-five of the market rate two-bedrooms are larger two-bath units;
16. There are no three-bedroom units in the building, but two of the market rate two-bedroom units have an additional “den” which would make the units three-bedroom units except that a second door is added to the den, and there are no three-bedroom inclusionary units;
17. Building amenities include rear yard, internet lounge, party room, gym, locker room, community facility, library, lobby, and an amenities roof;

18. Many of the amenities will be offered to tenants for an additional fee, creating a likelihood of exclusion of residents of affordable units;
19. Offering amenities to inclusionary tenants at a fee that will be unaffordable to them will not provide income for the building, so the intent appears to be to reserve an option to provide separate special facilities for market rate tenants only;
20. The applicant refused to commit to a pricing structure for amenities offered at a fee, so these amenities could be offered without charge for market rate tenants but at a prohibitively high cost for inclusionary tenants;
21. The applicant agreed to change to plans to provide equal quality of installed appliances in affordable and market rate units;
22. The applicant did not respond to a request to provide equal quality of finishes and furnishings in all apartments;
23. The applicant refused to change the vertical distribution of units or to change the proportion of larger units within unit categories available for inclusionary housing.

**Therefore it is resolved** that C#B2, Man.:

1. Appreciates that this project may add to the total number of inclusionary units that are ultimately built as a result of the FAR bonus offered in the Hudson Square Special District, and in any case will assure that affordable units are available sooner;
2. Nevertheless recommends denial of this application unless the applicant commits to an amenities price structure that assures affordable access for all tenants to all building amenities;
3. Would prefer free access to all amenities for all tenants, but would support an amenities fee structure not exceeding \$40 per month per unit for all occupants of a two-bedroom unit and \$30 per unit for all occupants of smaller unit;
4. Requests that the applicant enhance the inclusionary quality of the project, specifically by offering more alcove studios for affordable housing, offering at least one of the two units that function as three-bedroom units for affordable housing, and providing equal fixtures and furnishings for all units.

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

## **PERSONNEL**

### **Resolution to hire Qi Hua “Eva” Mai to the position of Community Assistant**

**Whereas**, the CB2 office posted the job vacancy notice for the position of Community Assistant on the Cityjobs website, the CB 2 website, and notified local universities of the vacancy; and

**Whereas**, the CB 2 office received eighteen résumés in response to its solicitation; and

**Whereas**, after a review of the résumés, the Personnel Committee interviewed three candidates; and

**Whereas**, the Committee decided to offer the position to Qi Hua “Eva” Mai, whose credentials were impressive;

**THEREFORE, BE IT RESOLVED**, CB#2, Man. recommends that Eva Mai be hired for the position of Community Assistant.

Vote: Unanimous, with 38 Board members in favor.

## SIDEWALKS/STREET ACTIVITIES

### **Renewal App. for revocable consent to operate a SMALL sidewalk cafe for:**

#### **1. 212 Lafayette Associates, LLC, d/b/a Café Select, 212 Lafayette St., with 5 tables & 4 chairs (1349707-DCA)**

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

**Whereas**, the CB#2, Man. office received one email from a nearby resident related to continuing loud patrons in the café, and

**Whereas**, this establishment is in M1-5B zoning south of Houston St in which sidewalk cafes are not allowed, and three other operators just north of this restaurant with the same zoning were notified in April 2013 that their cafes were not legal, so the committee does not understand why this renewal has been processed, and

**Whereas**, two attempts to receive clarification on the zoning from DCA prior to the committee meeting were never answered,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate a SMALL sidewalk café for **212 Lafayette Associates, LLC, d/b/a Café Select, 212 Lafayette St., with 5 tables & 4 chairs (1349707-DCA)**

**UNLESS the issues with the zoning are resolved prior to this application moving to the City Council**

VOTE: Unanimous, with 38 Board members in favor.

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

#### **2. Naughty Gull, LLC, d/b/a The Clam, 420 Hudson St. (NE corner St Luke's Pl), with 7 tables and 17 chairs, (2905-2014-ASWC)**

Block:583 Lot:1	Lot Frontage:23.08' Lot Depth:59.5	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:2
Total # of Units:4	Zoning:C1-6	

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

**Whereas**, this café is proposed for a sidewalk of 19'2" which is further constrained by a fire hydrant and traffic signal pole on the south end, and the café does not extend around the corner onto St. Luke's Pl, and

**Whereas**, a café using this same basic plan was operated by a previous establishment for many years with no known issues, and the operator runs several other well-respected establishments in the neighborhood,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Naughty Gull, LLC, d/b/a The Clam, 420 Hudson St. (NE corner St Luke’s Pl), with 7 tables and 17 chairs, (2905-2014-ASWC).**

VOTE: Unanimous, with 38 Board members in favor.

**3. 265 Lafayette Ristorante LLC d/b/a Sant Ambroeus. 263 Lafayette St. (SE corner Prince St), with 7 tables and 14 chairs, (3331-2014-ASWC) [small sidewalk café]**

Block:495 Lot:11                      Lot Frontage:163.33' Lot Depth:81.83                      Year Built:1926(estimated)  
Number of Buildings:1;                      Number of Floors:6 Residential Units:93                      Total # of Units:102  
Zoning:C6-2

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and one of the applicants, Jacobo Giustiniani and his representative, Kevin McGrath, were present, and

**Whereas**, this small sidewalk café is proposed for a sidewalk of 15’1” which is further constrained by a street light to approximately 4’6” in depth, and

**Whereas**, this cafe space is covered by an awning that does not have an opening for a fire escape drop ladder and Mr. Giustiniani committed to having an opening added to the awning, and

**Whereas**, Mr. Giustiniani was asked if this restaurant was owned by the owners of the Sant Ambroeus at 259 W 4<sup>th</sup> St which has been operating an illegal sidewalk café as well as illegally serving alcohol on a public sidewalk for many years, and he stated he was not a partner in the W 4<sup>th</sup> St restaurant, and

**Whereas**, Mr. Giustiniani failed to explain that, according to the DCA application, he holds a minority stake in this restaurant and the majority ownership is in fact held by the majority owners of the W 4<sup>th</sup> St restaurant, and

**Whereas**, it is apparent to the committee that the majority owners have no intention of following the sidewalk café law on W 4<sup>th</sup> St and in our opinion can’t be trusted to do so on Lafayette St,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate a **SMALL** sidewalk café for **265 Lafayette Ristorante LLC d/b/a Sant Ambroeus. 263 Lafayette St. (SE corner Prince St), with 7 tables and 14 chairs, (3331-2014-ASWC) [small sidewalk café]**

**UNLESS the majority partners shared by this restaurant and the Sant Ambroeus at 259 W. 4<sup>th</sup> St immediately and permanently cease operation of their illegal sidewalk café at the 259 W 4<sup>th</sup> St premises**

VOTE: Unanimous, with 38 Board members in favor.

**Tango House, Inc. d/b/a Malbec, 428 Lafayette St. (btw W 4<sup>th</sup> St & Astor Pl), with 8 tables and 16 chairs (3741-2014-ASWC)**

Block:545 Lot:40 Lot Frontage:27' Lot Depth:137 Year Built:1900(estimated)  
Number of Buildings:1; Number of Floors:5 Residential Units:8 Total # of Units:10  
Zoning:M1-5B

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

**Whereas**, this café is proposed for a sidewalk of 22'2" which has no obstructions further constraining the depth of the cafe, and

**Whereas**, this café is proposed for an area that encompasses entries to two premises, the restaurant Malbec, which is up several steps from the sidewalk and Tango, a dance show room which is down several steps from the sidewalk, both of which have the same ownership and operate under a single SLA license, and

**Whereas**, while the café is proposed as being used for the restaurant, the entrance to the lower level show club, which has a legal occupancy of 150, is within the confines of the café seating, which is not normally approved by DCA due to potential issues with rapid egress in an emergency situation, and

**Whereas**, Mr. Cornejo stated that the owners hoped patrons for the show club would sit in the café prior to shows, and the committee is concerned about how this will add to congestion on the sidewalk, and

**Whereas**, the committee questioned why DCA apparently required the applicant to include 3' clearance for a Siamese connection that was in addition to the immediately adjacent 3' service aisle when it is the committee's understanding that the clearance is required from furniture (ie, blockages), and

**Whereas**, we also question why DCA did not request removal, both from the sidewalk and the blue print, of 2 large planters that are currently within the proposed café space,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Tango House, Inc. d/b/a Malbec, 428 Lafayette St. (btw W 4<sup>th</sup> St & Astor Pl), with 8 tables and 16 chairs (3741-2014-ASWC)**

**CONDITIONAL UPON the issues involved with the planters and the lack of a direct entrance to the lower-level dance club are resolved by either DCA or the City Council**

VOTE: Unanimous, with 38 Board members in favor.

**4. Fiftyone Merchants LLC d/b/a Via Carota, 51 Grove St. (btw Bleecker St & 7 Ave S), with 8 tables and 16 chairs (3970-2014-ASWC)**

Block:591 Lot:40 Lot Frontage:73.33' Lot Depth:117.75 Year Built:1900(estimated)  
Number of Buildings:1; Number of Floors:6 Residential Units:46 Total # of Units:56  
Zoning:C1-6 C4-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Jody Williams and her representative, Michael Kelly, were present, and



**Whereas**, this café is proposed for a sidewalk of 13’ which is not constrained by any obstructions, and

**Whereas**, a café using this same basic plan was operated by a previous establishment for four years with consistent issues with mis-seating patrons, and the committee was concerned that the proposed seating is too much for the available space, and

**Whereas**, the plan is also in part dependent on “Parisian” seating (with the seats partially behind the tables) and the committee has also seen issues with this type usage before, and in this case means the 20” tables must be kept within 4” of the façade in order to maintain the 3’ service aisle and 8’ pedestrian path, and

**Whereas**, the committee requested the applicant reduce the seating by 1 table and 2 seats, but she refused, and the committee decided to see how the café is run during the first year of operation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Fiftyone Merchants LLC d/b/a Via Carota, 51 Grove St. (btw Bleecker St & 7 Ave S), with 8 tables and 16 chairs (3970-2014-ASWC)**

VOTE: Unanimous, with 38 Board members in favor.

## 6. FYI Renewals:

**Whereas**, the renewals below were posted on the CB2 Manhattan website and there were no community members requesting the applications be heard, and

**Whereas**, these cafés have been operated for at least 2 years by the applicants and the Board has not been notified of any issues with their operation,

- Paesano Rest. Corp. d/b/a Paesano of Mulberry Street, 136 Mulberry St., with 3 tables and 6 chairs, (1240086-DCA)
- Moz Restaurant, Inc. d/b/a Meme, 581 Hudson St., with 8 tables and 16 chairs, (1347167-DCA)
- GAT 53 Corp. d/b/a Da Andrea, 35 West 13th St., with 8 tables and 16 chairs (1307585-DCA)
- Groove Enterprises, Inc. d/b/a Groove, 125 Macdougall St., with 5 tables and 10 chairs (1305277-DCA)
- Lafayette Street Partners II LLC d/b/a Lafayette, 380 Lafayette St., with 23 tables and 84 chairs (1458496-DCA)
- Bar Giacosa Corp d/b/a Bar Pitti, 268 6<sup>th</sup> Ave (btw W Houston St & Bleecker St), with 21 tables and 49 chairs (1097155-DCA)
- 103 GW12 LLC d/b/a Monument Lane, 103 Greenwich Ave. with 7 tables and 14 chairs (1420085-DCA)
- Mendared LLC d/b/a Le Souk Harem, 510 LaGuardia Pl (btw W Houston St & Bleecker St), with 17 tables and 34 chairs (1354717-DCA)

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate the indicated sidewalk cafés for the above applicants.

VOTE: Unanimous, with 38 Board members in favor.

**7. Robert Graham Presents The Gold Rush Rally, Bleecker St. bet Charles & Perry Sts.; Gansevoort Plaza; Gansevoort St. bet. 9th Ave. & Washington St.; Little West 12th St. bet. Washington St. & 9th Ave.**

**Whereas**, this event was presented as not only a display of 50-80 classic ‘performance’ cars in the Meatpacking District as well as a parade of some of those cars down Bleecker St past the Robert Graham store with a request to close the west sidewalk there, and

**Whereas**, the Robert Graham sponsorship of one of the cars appears to be only “indigenous” relationship the event has, not only with CB#2, Man. but also with New York City, and

**Whereas**, the plans for the event would have an extensive impact on both proposed areas, but also were presented with almost every element dependent on the community determining where and when they would happen (ie, half-baked), and

**Whereas**, CB#2, Man. was informed by the Meatpacking District Improvement Association (MPIA) that they **do not** support the closing of either Little W 12<sup>th</sup> St or Gansevoort St, based on the fluid nature of the plans and they do not feel either block could accommodate anything near the number of cars the applicant proposes to ‘show’ on them, and

**Whereas**, the applicant, producer and security company appear to have no experience with producing events of this size in NYC, and are not familiar with the extensive pedestrian crowding already present on weekends in the Meatpacking District and along Bleecker St, and

**Whereas**, the sidewalk closing along Bleecker St. appears to be solely for the benefit of a invitation-only fashion show in the Robert Graham store and a viewing of the parade of cars past the store, which will exacerbate already substantial weekend traffic backups in what is primarily a residential area, and

**Whereas**, there appears to be no support whatsoever for this event from either businesses or residents in these areas, and the event would be particularly egregious were it to close Gansevoort St, which is immediately adjacent to residences,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event on **Bleecker St. bet Charles & Perry Sts.; Gansevoort Plaza; Gansevoort St. bet. 9th Ave. & Washington St.; Little West 12th St. bet. Washington St. & 9th Ave.**

Vote: Unanimous, with 38 Board members in favor.

**8. Applications for Street Activities Permits:**

**Whereas**, CB#2, Man. attempts to determine within its ability that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both, and

**Whereas**, community groups were notified and the applicant was present regarding the first application below, and

**Whereas**, the remaining items – noted as **FYI – Renewals** below – have been held for 3 or more years, and after the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them, so CB2 Manhattan has no issue with these applications,

## FYI Renewals:

1. **6/21/14** Make Music New York at Astor Place, Astor Pl. bet. Broadway & Lafayette St.

Vote: Unanimous, with 37 Board members in favor.

2. **6/21/14** Make Music New York at Cornelia Street, Cornelia St. bet. Bleecker St. & West 4th St.

Vote: Unanimous, with 37 Board members in favor.

3. **8/2/14** Lt. Joseph Petrosino Lodge Annual Picnic, Baxter St. bet. Hester St. & Canal St.

Vote: Unanimous, with 37 Board members in favor.

## SLA LICENSING

### 1. A New Bill to Amend the NYS Alcoholic Beverage Control Act

**Whereas**, Senator Squadron introduced a new bill (S205) with Assembly Member Brian Kavanagh (A2064) to the New York State Legislature seeking to make the provisions governing liquor licenses consistent with respect to public interest factors; and

**Whereas**, the Bill is entitled “An Act to Amend the Alcoholic Beverage Control Law”, in relation to making the provisions governing the various on-premises liquor licenses consistent with respect to public interest factors that may be considered by the New York State Liquor Authority (“SLA”) when evaluating the merits of a license application”, and

**Whereas**, the Bill can be found in full at <http://open.nysenate.gov/legislation/bill/S205-2013>; and

**Whereas**, this bill would make consistent the factors that shall be considered by the state Liquor Authority (SLA) when determining whether public convenience and advantage, and the public interest will be promoted by the granting of any of the on-premises liquor licenses provided for in Article 5 of the Alcoholic Beverage control (ABC) Law; and

**Whereas**, the bill would amend ABC Law §§ 64(6-a), 64-a, 64-b and 64-c to establish a consistent standard with respect to the factors that shall be considered by the SLA when determining whether the public interest will be promoted by the grant of a specific on-premises liquor license to a particular applicant; and

**Whereas**, ABC Law §§ 64(2-a) currently provides that Community Boards within the City of New York with jurisdiction over the area in which a licensed premises is to be located may express an opinion for or against a retail liquor license application, including renewals, and such an opinion will be deemed part of the record upon which the Liquor Board determines to grant or deny such license; and

**Whereas**, ABC Law §§ 64(6-a) currently sets forth certain factors that the SLA may consider when evaluating the merits of an application for an on-premises restaurant liquor license, including **(a)** the number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof. **(b)** Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies. **(c)** Effect of the grant of the license on vehicular traffic and parking in proximity to the location. **(d)** The existing noise level at the location and any increase in noise level

that would be generated by the proposed premises. (e) The history of liquor violations and reported criminal activity at the proposed premises. (f) Any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community; and

**Whereas**, current law as it relates to taverns, bottle clubs and restaurant brewers (ABC Law §§ 64-a, 64-b and 64-c) are unclear on whether or not the SLA can evaluate those same public interest factors; and

**Whereas**, this Bill would make clear and require the SLA to evaluate taverns, bottle clubs and restaurant brewers pursuant to the same above-stated public interest factors for reviewing liquor licenses as set in ABC Law §§ 64(6-a); and

**Whereas**, the Bill would require the SLA to accept or deny all retail liquor licenses based on the public interest factors already delineated and set for in ABC Law §§ 64(6-a); and

**THEREFORE BE IT RESOLVED** that CB#2, Man. fully supports the proposed changes to NYS Alcoholic Beverage Control Act as set forth in Senate Bill (S205-2013) and Assembly Bill (A2064) to the New York State Legislature making the provisions governing liquor licenses consistent with respect to public interest factors.

Vote: Unanimous, with 38 Board members in favor.

## **2. Mendared LLC d/b/a LeSouk Harem, 510 LaGuardia Pl. 10012 (renewal of existing OP license)**

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

**Whereas**, the applicant has operated a Moroccan Restaurant on three levels at 510 LaGuardia Place in a five-story mixed use building on the corner of Bleeker Street for many years with a full On Premises license; and

**Whereas**, CB#2, Man. has received written complaints regarding noise coming from the establishment and patrons exiting the establishment to cabs and/or cars late at night; and

**Whereas**, the area was posted but no one from the public appeared to address the renewal of this license and three members of the public did appear in support of the application; and

**Whereas**, the operators of restaurant agreed to close all doors and windows by 10:00 PM every night, agreed to replace all the windows in the establishment after going through Landmarks to better insulate the premises to the outside, and further agree to supply contact information to local neighbors to permit direct communication between the Owners, their Manager on a nightly basis so that further disruptions do not occur;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the On Premise to **Mendared LLC d/b/a LeSouk Harem** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that the above-stated and existing "Method of Operation" will continue on the On Premises License.

Vote: Passed, with 35 Board members in favor, and 3 recusals (C. Booth, T. Cude, S. Tyree).

**3. Erjo Company LLC d/b/a Cafetal Social Club, 285 Mott St., 10012** (Existing BW License seeking alteration to add sidewalk cafe)

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

**Whereas**, this application is for an alteration to an existing Beer/Wine license (#1266042, exp. 9/30/15) to add service at an existing sidewalk café at an Italian Restaurant located at 285 Mott Street between Prince and East Houston Streets in a 6 story mixed use building; and

**Whereas**, the interior premises is 600 SF and operates with a maximum occupancy of 25 with 9 tables and 19 seats; and

**Whereas**, the sidewalk café will operate with 6 tables and 12 seats and there will be no changes to the existing interior premises, exterior façade or method of operation; and

**Whereas**, the hours of operation will continue to be from 8 am to 11 pm Sunday through Thursday and from 8 am to 12 am on Fridays and Saturdays, music will be background only; and

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

1. Will make no changes to their existing method of operation other than adding service to a sidewalk café.
2. Will operate from 8 am to 11 pm Sunday through Thursday and 8 am to 12 am on Fridays and Saturdays.
3. Music will be quiet, background level inside restaurant only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an Beer/Wine license to **Erjo Company LLC d/b/a Cafetal Social Club, 285 Mott St., 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the BW License.

Vote: Unanimous, with 38 Board members in favor.

**4. Travertine LLC d/b/a Ken and Cook, 19 Kenmare St.** (existing OP – seeking alteration to add service to sidewalk cafe)

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

**Whereas**, the applicant is seeking to alter an existing OP license to add sidewalk café service (15 tables and 30 seats) for an existing 3,000 SF eating and drinking establishment with a basement/cellar located in a mixed use building on Kenmare Street between Bowery and Elizabeth Street; and

**Whereas**, the premises includes an open floor to ceiling retractable doorway that opens up onto the sidewalk and also, in the past, operated a second door that permits access for patrons directly to the basement premises; and

**Whereas**, the applicant has appeared before CB#2, Man. four times, the first time in August 2008 for the original application for the On Premise license for which a “denied unless” recommendation was submitted, a second time in January 2010 for an alteration to the original license for which a “Denial” recommendation was submitted and a third time in September 2011 for renewal of the existing license for which a second “Denial” recommendation was submitted; and

**Whereas**, during the applicants first appearance in August 2008 in which many members of the local community appeared in strong opposition, the applicant emphatically stated and provided supporting materials and descriptions that their establishment would be an upscale restaurant with full fine dining throughout the establishment, and that music would be background only and provided a signed list of stipulations that included “#4 the volume of music played at the Premises will not exceed background levels.” Additionally other supporting materials specifically stated that “Travertine will be an unforgettable dining experience, offering imaginative, fresh and wholesome cuisine in a luxurious atmosphere” and “Travertine will accommodate 67 diners on the ground floor and 40-50 casual diners on the lower level” and “Travertine will offer a tranquil, inviting atmosphere day and night” and “will cater to a mature clientele that appreciates sophisticated detailing and atmosphere”, attracting “customers who typically work longer hours and have few options for quality, late night dining in a non-bar scene” and was “specifically designed to avoid a loud, party atmosphere.”; and

**Whereas**, during the applicants second appearance in January 2010, the applicant reappeared after having only been operating for only 4-5 months and requested later operating hours from what was previously requested and applied for and on its CB2, Man. Liquor License questionnaire, the applicant checked that the location was a restaurant and that music was background only and did not check off that they operated with a DJ; and

**Whereas**, neighbors also appeared in January 2010 to complain about noise and music coming from the establishment and at that time, the applicant conceded that a DJ was being used at the establishment in violation of its existing method of operation for which CB2 Man. recommended a denial of the alteration; and

**Whereas**, despite CB2 Man. recommendation for denial of the alteration, the SLA granted the alteration request seeking later hours and until 4am seven days a week; and

**Whereas**, upon renewal in September/2011 neighbors again appeared before CB2 Man. and explained that the applicant had been operating and advertising the lower level establishment under a different name than the upstairs level, operating as “XIX” an illegal cabaret with DJ, entertainment level music, dancing, limited to no food service as a required for a restaurant and the applicant had not yet obtained a proper certificate of occupancy for the location since the temporary certificate of occupancy expired on June 14, 2010, and a request for a Letter of No Objection was denied by the NYC DOB in February 2009.

**Whereas**, in its September/2011 resolution CB#2, Man. respectfully requested that the applicants current method of operation and establishment be reviewed in detail by the SLA to ensure that they are not in violation of any ABC laws or the Rules of the State Liquor Authority; and,

**Whereas**, on New Year’s Eve 2011, a patron was attacked and severely beaten outside the basement entrance to the premises; and

**Whereas**, despite CB2 Man.’s repeated recommendations for a denial of the existing OP license at this location, the applicant continued to operate a second nightlife business in the basement premises with a separate doorway called “Lil Charlie’s”, that neighbors also brought photos of the establishment from the

summer/2013 demonstrating operations on the sidewalk late at night, which included a neon sign, red carpet, with crowd control red ropes and stanchions leading into Lil Charlie's doorway directly to the basement, where a DJ, disco ball and dance floor existed, the ceiling height retractable door open from the interior of the premises to the public sidewalk; and

**Whereas**, on the evening of September 20, 2013 a patron at Lil Charlie's night club suffered broken ribs in an alleged assault by an employee; and

**Whereas**, in March 2014 the applicant paid fines issued by the NY State Liquor Authority ("SLA") for some of its prior transgressions and further agreed with the SLA to no longer operate the basement premises as a second business with a second entrance, to incorporate the basement premises into its first floor restaurant, by no longer providing bottle service in the basement premises, by closing at 2am instead of 4am seven days per week and by stating that two of the three owners would no longer play an active role in the operation of the premises; and

**Whereas**, a number of neighbors again appeared in opposition to this establishment reciting many of the long standing problems with these premises, including traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area for many years; and

**Whereas**, while the applicant has only recently paid fines with the SLA and agreed not to operate as a nightclub in the basement premises and to operate the entire premises as a full service restaurant into the future, this current agreement is really no concession at all but rather only a closer representation to how the applicant initially stated the business would be operated in 2008 when it first appeared before CB#2, Man., at which time the applicant misrepresented its method of operation and made material omissions relating to its hidden intent to operate the basement premises as a night club with a separate entrance; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for **Travertine LLC d/b/a Ken and Cook, 19 Kenmare St.** on its application seeking an alteration to its existing OP license to add service to a sidewalk café (15 tables and 30 seats).

Vote: Unanimous, with 38 Board members in favor.

**5. The Princess and The Frog Flavors Corp., d/b/a The Frogs Crown, 204 Spring St., 10012** (new beer and wine – previously licensed location)

**Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a beer and wine license in a seven story mixed use building at 204 Spring Street between Sullivan and Street and Sixth Avenue; and

**Whereas**, the premises have been operated for a last two years by the current operator as a small cafe; and

**Whereas**, the total licensed premises is 300 SF with 6 tables and 12 seats, no bars for a total patron occupancy of 12, there will be no TVs, with background music only, does not operate a sidewalk café or outdoor garden and there are no French doors or windows; and

**Whereas**, the applicant will continue to operate from 8 am to 12 am seven days a week; and

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

1. Will make no changes to their existing method of operation other than adding BW service to the café.
2. Will never request to upgrade to an on premise liquor license.
3. Will operate from 8 am to 12 am daily seven days a week.
4. There will be no TVs.
5. There will be no French doors or windows.
6. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an Beer/Wine license to **The Princess and The Frog Flavors Corp., d/b/a The Frogs Crown, 204 Spring St., 10012 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the BW License.

Vote: Unanimous, with 38 Board members in favor.

**6. Donostia Bakery LLC d/b/a Home Sweet Home, 341 West Broadway, 10013** (new beer and wine – previously licensed location)

**Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a beer and wine license in a two story mixed use building at 341 West Broadway between Watts and Grand Streets; and

**Whereas**, the premises will be operated as a family style restaurant specializing in pastries, food and coffee from the Basque Region of Spain; and

**Whereas**, the total licensed premises is 1500 SF with a small mezzanine and 340 SF upstairs kitchen, 18 tables and 52 seats, 1 bar with 5 seats and 10 additional seats from a sofa and bench, for a total number of seats of 67 occupancy of 12, there will be no TVs, with background music only, there is no sidewalk café or outdoor garden and they will not install French doors or windows; and

**Whereas**, the applicant will operate from 8 am to 9 pm Monday through Friday and from 8 am through 10:30 pm on Saturdays and Sundays; and

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

1. Premises will be advertised as a family restaurant specializing in pastries, food and coffee from the Basque Region of Spain.
2. Will never request to upgrade to an on premise liquor license.
3. Will operate from 8 am to 11 pm daily seven days a week.
4. There will be no TVs.
5. Will not install French doors or windows.
6. Will close all doors and windows by 9 pm every night.
7. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.



**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an Beer/Wine license to **Donostia Bakery LLC d/b/a Home Sweet Home, 341 West Broadway, 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the BW License.

Vote: Unanimous, with 38 Board members in favor.

**7. HSP Partners LLC -The Cleveland Restaurant, 25 Cleveland Pl., 10012** (existing Beer Wine license seeking upgrade to a Full On Premises license)

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

**Whereas**, this application is for the upgrade from the Beer and Wine license (#1266269) to a full On Premise license in a mixed-use building located on Cleveland Place between Spring and Kenmare Streets with a 1000 SF interior with 17 tables and 38 seats and 1 bar with 4 seats; and

**Whereas**, the leased premises also includes a 1300 SF exterior backyard which the applicant used since 2012 for eating, drinking and live music but which was never permitted and when the applicant applied to change the certificate of occupancy to permit eating and drinking in the rear yard, the use was disapproved by the NYC Dept. of Buildings (Bin #1066729); and

**Whereas**, the hours of operation for the Mediterranean style Restaurant are from 9 am to Midnight seven days a week; and

**Whereas**, this is the second time that the applicant has appeared before CB#2, Man. for an upgrade to a full OP license, the first being in May 2013 after which CB#2, Man. recommended to deny the upgrade based on the illegal use of the back yard and the agreement by the applicant back in June 2012 to obtain all the requisite permitting and licensing necessary to operate the rear yard for eating and drinking; and

**Whereas**, this applicant has not demonstrated a positive track record of responsible management knowing that there were adjacent residential neighbors affected and disrupted by the noise and misuse of the back yard premises over the last two years; and

**Whereas**, five community members spoke out against this application and multiple letters from neighbors, the Friends of Petrosino Square and a Condo Bd. from 225 Lafayette Street were received in opposition to this application; and

**Whereas**, there are already seven On Premise liquor licenses surrounding Petrosino Square and the area is already overwhelmed by high volumes of pedestrian and vehicle traffic, noise, public intoxication and environmental hazards negatively impacting the area for many years;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for **HSP Partners LLC -The Cleveland Restaurant, 25 Cleveland Pl., 10012** on its application seeking an alteration to its existing BW license to upgrade to a full On Premise; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is approved by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500 foot hearing because the storefront premises sought to be combined with the existing license has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 38 Board members in favor.

**8. IM Broadway, LLC d/b/a Il Mulino Prime, 53 Grand St. aka 331 West Broadway 10013** (transfer of existing OP license—#1263695 Exp. 7/31/14—Angelo Food Concepts LLC d/b/a TBAR Soho)

**Whereas**, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a transfer of existing OP license—#1263695 Exp. 7/31/14 Angelo Food Concepts LLC d/b/a TBAR Soho— to operate a high-end steak house restaurant in a five story mixed use building at 331 West Broadway located at the corner of West Broadway and Grand Street; and

**Whereas**, the operators/applicants plan to operate a high-end steak house restaurant at this location using the same name and concept as is currently being operated in multiple locations in Manhattan and Queens and had no plans to deviate from that same restaurant based concept as exists in the other operations; and

**Whereas**, the operators/applicants have no plans to alter or modify the existing interior premises by renovation but plans to change the existing signage to reflect the “Prime Il Mulino” brand; and

**Whereas**, the total licensed premises a 1200 SF first floor with basement that is not used for eating or drinking, there are 14 tables and 48 seats, 1 bar with 7 seats for a total number of seats of 55, there will be 1 TV, with background (quiet) music only, there is no sidewalk café or outdoor garden and they will not install French doors or windows; and

**Whereas**, the applicant will operate from 11 am to 1 am seven days a week; and

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

1. Premises will be advertised as a high-end steak house restaurant.
2. Will not operate a sidewalk café or outdoor garden.
3. Will operate daily from 11 am to 1 am seven days a week.
4. There will only be 1 TV.
5. Will not install French doors or windows.
6. Will close all doors and windows by 9 pm every night.
7. Music will be quiet, background level inside restaurant only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a transfer of a full On Premises license to **IM Broadway, LLC d/b/a Il Mulino Prime, 53 Grand St. aka 331 West Broadway 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 38 Board members in favor.

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

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

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

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

Vote: Unanimous, with 38 Board members in favor.

**10. Soho Grand Hotel, 310 W. Broadway, 10013 (previously sent)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for an alteration to an existing On-Premise liquor license to extend the premises to an outdoor area for seasonal use as a new Bar;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or "transfer to the Beer and Wine or On Premise license for **Soho Grand Hotel, 310 W. Broadway, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**11. 316 Bowery LLC. d/b/a Saxon and Parole, 316 Bowery, 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **316 Bowery LLC. d/b/a Saxon and Parole, 316 Bowery, 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 38 Board members in favor.

**12. Shrinathikrupa LLC d/b/a Iconic Café, 238 Lafayette St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a beer and wine license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **Shrinathikrupa LLC d/b/a Iconic Café, 238 Lafayette 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; and,

Vote: Unanimous, with 38 Board members in favor.

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

**Whereas**, after this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any On Premise license for **Forks & Parrot, LLC d/b/a Anyway Cafe, 517-519 Broome St. 10013** until the applicant has fully presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. LDV Hospitality, d/b/a The Regent Cocktail Club, 17 Thompson St. 10013**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 8, 2014, the applicant's attorney requested to lay over or withdraw this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **LDV Hospitality, d/b/a The Regent Cocktail Club, 17 Thompson 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 38 Board members in favor.

**15. RSNYC LLC d/b/a Griffin, 50 Gansevoort St., 10014**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on April 9, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **RSNYC LLC d/b/a Griffin, 50 Gansevoort 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 38 Board members in favor.

**16. 296 Sandwich LLC d/b/a Bleecker Heights Tavern, 296 Bleecker St., 10014 (OP Renewal SN# 1200891)**

**Whereas**, the Licensee and the Licensee's attorney appeared before CB2 Manhattan's SLA Licensing committee on April 10<sup>th</sup>, 2014 after having been requested to appear by CB2, Man., at the behest of the local community, in regards to the upcoming renewal of the on-premise liquor license SLA Serial Number 1200891 for 296 Sandwich LLC d/b/a Bleecker Heights Tavern located at 296 Bleecker St; and

**Whereas**, several people appeared in opposition and CB#2, Man. received a number of letters indicating that there was concern as a result of press reports that there was a "major alteration" to the existing liquor license that had occurred as a result of a change in ownership and the letters highlighted issues relating to the corporate entity "296 Sandwich LLC" violating stipulations entered into with the Liquor Authority and on file with the Liquor Authority at the inception of this license in 2010 which was approved over the objections of CB#2, Man. with stipulations entered into with the Liquor Authority, specifically, the complaints were that **(1)** the door on Barrow street, a predominantly residential street was stipulated to only be used for deliveries but has been used for patron ingress and egress (violation of original stipulation #6); **(2)** there are two entities, Bleecker Heights Tavern and Five Guys Burger who share the licensed premises through some sort of agreement but both businesses are operated separately and the trash from the sub-lessee Five Guys Burger is placed outside in violation of the stipulations agreement on file with the Liquor Authority in an unacceptable fashion by not utilizing double bagging (violation of original stipulation #4); **(3)** there are no security guards outside the front door at the main entrance on Bleecker St on Fridays and Saturdays (violation of original stipulation #9);

(4) Grease fumes and other odors continue to emanate from the premises ventilation system despite promises to correct this in 2010 because an appropriate ventilation system with some type of “scrubber” was never installed (violation of original stipulation # 12) (5) A resident has states she has observed drug use by patrons and staff and has observed drug sales in the past by staff members outside the premises; and,

**Whereas**, the original stipulations agreement entered into with the New York State Liquor Authority as a condition of the existing liquor license as presented to the Authority by the Licensee’s attorney Terrance Flynn and read into the record on March 31, 2010 are as follows:

### **STIPULATION**

296 Sandwich LLC, by its principals, as a condition to approval of its On Premise Liquor License application by the NYS Liquor Authority do agree as follows:

1. The applicant will provide a contact number to the principal to be used at all times.
2. That a principal or designated manager with Authority will be present during all hours of operation.
3. That the applicant will use a reasonable carting company for the removal of trash from the premise. All trash from the premise will be picked up by the carting company.
4. The applicant will use only heavy-duty contractor bags (3mil to 6 mil) for all trash & garbage. All 3 mil bags will be double bagged.
5. The applicant will have outside the premises swept each morning from building line on Barrow Street to building line on Bleecker Street.
6. The doors on Barrow Street will not be open, with the exception of deliveries.
7. The doors on Barrow Street will be closed at all other times; there will be no use of chocks or other method of holding the doors open. Both doors will have the automatic closure mechanism repaired and operable.
8. The applicant will post signage outside the premise requesting the customers be considerate of the neighbors and to limit all noise outside the premise.
9. Security will be used on the front door Friday and Saturday evenings from 6pm to closing and on holidays and for major events. Security will wear distinguishing clothing clearly identifying them as security. They will also be licensed by the State of New York.
10. The windows will be closed during hours were there is noise and in no event will they be open later than 10 pm.
11. Food will be available during all hours of operation.
12. The applicant will take effective steps to minimize or eliminate grease fumes and other odors emanating from its ventilating/exhaust system, such as by rerouting ducts and/or installing filters. The applicant will get an expert in to determine whether the exhaust stack will need to change the direction it opens or whether filters must be installed to reduce emissions. This will be done within thirty days and remedial work will be taken promptly thereafter.
13. The applicant will operate the premises from 9:00 am in the morning to 1:00 am Sunday through Thursday and 9:00 am to 2:00am Friday and Saturday.
14. The applicant will post this stipulation where it is accessible to all employees.

15. Applicant agrees to have a sound technician evaluate the work required to “Soundproof” the west wall of the second floor of the premise. The evaluation will be done within the next 21 days and the work required by the evaluation will commence within 14 days thereafter.

These stipulations are made by the applicant knowing that the NYS Liquor Authority is relying on their truth in the granting of the application for an On Premise Liquor license.

### **296 Sandwich LLC**

**Whereas**, the attorney explained that there are no changes in the method of operation as originally approved, but that there had been a change in the make up of the existing principals resulting in a non-substantial corporate change and some slight changes in the manner in which the business would be run which resulted in closing for a short period of time, but the result was that absentee management had been replaced with new principals who are taking an active role in managing the premises consistent with the original “method of operation” and stipulations; and

**Whereas**, the applicant’s attorney stressed that all existing stipulations would be adhered to and any deviation by the Five Guys Burger portion of the licensed premises would be corrected; that a new HVAC system was being installed that should correct the ventilation issues that were described by neighbors; that security is not visibly present from the street because no alcohol is served on the ground floor of the premises, only on the second floor, so security is stationed at the foot of the stairs to the second floor to properly ID all patrons of the second floor and that procedures are in place so that no alcohol is allowed to be brought to the ground floor from the second floor; that efforts would be made to address and adhere to stipulations in regards to trash refuse placed on the curb; that the door on Barrow St. would absolutely not be used for Patrons; he also stated that any statements as they related to drug use or dealing by staff outside the premises on Barrow St. were unfounded and that management would certainly look into any complaints going forward or any specific allegations involving any staff; and

**Whereas**, CB#2, Man. was unsatisfied with responses as they related to venting issues and grease fumes, noting that venting issues were supposed to have been resolved within 30 Days of the original issuance of the license in 2010 and that both Five Guys Burgers and Bleecker Heights Tavern which are co-located within the licensed premises are in violation of the approved stipulations by using separate carting companies when it seems the stipulations indicate only one carting company should be used; and,

**Whereas**, the licensee, as a result of this meeting with CB#2, Man. indicated that they would enter into an additional stipulations agreement with CB#2, Man. in addition to the original stipulations agreement with the Liquor Authority and stated they agreed that these stipulations would become a condition of their license and added to their existing “method of operation”; the additional stipulations, some of which are redundant to indicate good faith to the original stipulations are as follows:

1. The premises will be advertised and operated as a tavern.
2. The hours of operation will be Sunday from 2 pm to 1 am, Monday to Wednesday from 5 pm to 1 am, Thursday and Friday from 5 pm to 2 am and Saturday from 2 pm to 2 am.
3. There will be no rear yard or outdoor space or rooftop.
4. There will be a doorman/security Friday and Saturday from 6pm to closing.
5. All doors and windows will be closed by 10 pm except for ingress and egress; no doors will remain propped open after 10 pm.
6. There will be no DJ’s, live music, promoted events, any events for which a cover fee is charged, and there will be no scheduled performances.

7. The Licensee will continue to abide by existing stipulations on file with the Liquor Authority from the original license hearing before the Full Board of the Liquor Authority.
8. The Licensee will not use the existing door on Barrow Street except for deliveries; the door will not remain propped open.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal of the existing on-premise liquor license for **296 Sandwich LLC d/b/a Bleecker Heights Tavern, 296 Bleecker St., 10014 (SN# 1200891)** **unless** the statements the Licensee has presented are accurate and complete, 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 existing on-premise restaurant liquor license SN#1239038.

Vote: Unanimous, with 38 Board members in favor.

**17. Pasta & Potatoes, Inc. d/b/a Village Lantern, 167 Bleecker St. 10012 (renewal of existing OP SN#1024128)**

**Whereas**, at the request of members of the community, Pasta & Potatoes, Inc. d/b/a Village Lantern, 167 Bleecker St. 10012 was requested to appear before CB#2, Man. to address issues related to the renewal of their on premise liquor license; and

**Whereas**, despite being notified by CB#2, Man. to appear in order to address issues, including direct communication to family members of the principal who recently identified themselves as integral to the management and operation of this location, no one appeared; and

**Whereas**, based on previous testimony and members of the community who appeared and sent correspondence and observation by members of the Committee the following complaints were noted:

1. Entertainment level music and noise emanating from the premises on some late afternoon and early evening hours from DJ’s, Live Music or Sports Programming on 10 TV’s in violation of NYC Noise Code Laws and Ordinances, particularly on weekends and also particularly in warm weather months because the large accordion doors which front the premises remain open.
2. Contrary to existing stipulations, the large accordion doors and windows which front the premises are not closed at 11 pm on a regular basis resulting in entertainment level music and noise emanating from the premises from DJ’s, Live Music or Sports Programming on 10 TV’s in violation of NYC Noise Code Laws and Ordinances after 11 pm, particularly on weekends in violation of NYC Noise Code Laws and Ordinances and also particularly in warm weather months.
3. The Licensee appears to regularly violate Department of Buildings and other codes as they relate to Occupancy in excess of 74 persons resulting in unsafe conditions, which may be a threat to public safety, particularly on weekends.
4. The Licensee does not possess a Place of Assembly Permit allowing occupancy above 74 persons but the Licensee allows more than 74 persons into the premises on many weekend evenings.
5. The Licensee operates an illegal comedy club in the basement and the comedy club is advertised online and by “barkers” on the street steering customers into the basement, which is contrary to approved uses by the NYC Buildings Department in that patron occupancy is not legally allowed in the basement.
6. The Licensee has an unauthorized bar and illegally serves liquor to patrons and allows patrons to consume alcohol in the basement of the premises.



7. The Licensee has illegally extended their licensed premises into the basement and added an additional standup bar without filing the proper documentation or notice with CB#2, Man. or the Liquor Authority.

**Whereas**, this licensee has a long documented history of quality of life complaints with CB2 which the Licensee has promised to resolve repeatedly in the past and the 6<sup>th</sup> Precinct has documentation of many quality of life violations in the immediate vicinity; and,

**Whereas**, CB#2, Man. requests that the Liquor Authority investigate the above noted complaints prior to issuing a renewal of the existing on-premise liquor license in particular the unlicensed operation of an additional bar in the basement and use of the basement and the threat to public safety these uses may create;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal of the on-premise liquor license, SN#1024128 for **Pasta & Potatoes, Inc. d/b/a Village Lantern, 167 Bleecker St. 10012.**

Vote: Unanimous, with 38 Board members in favor.

**18. Bistro Shop Downtown, LLC d/b/a Lyon (Cole's Greenwich Village), 118 Greenwich Ave. aka 234 W. 13<sup>th</sup> St. 10011 (Corporate Change, Name Change existing SN#1239038)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" for an "American" restaurant to remove one principal, Francois Jean Louis Latapie, resulting in only one principal, Penny Bradley and to change the trade name from "Lyon" to "Cole's Greenwich Village" which it has been using as a d/b/a for over a year and to remove the sidewalk café from the licensed premises; and

**Whereas**, this application is for an existing on-premise restaurant liquor license for a corporate change; the premises is in a mixed residential/commercial building in a mixed residential/commercial district located on the ground floor on Greenwich Ave between 7<sup>th</sup> and 8<sup>th</sup> Avenues for a roughly 2,500 sq. ft. premise (1,250 sq. ft. ground floor and 1,250 sq. ft. basement - accessory use only and restrooms) with 23 tables and 70 table seats and 1 bar with 22 seats for a total of 92 seats; there is no longer a sidewalk café and there is no DCA Sidewalk Café License; there are no other outdoor seating areas and there is an existing Certificate of Occupancy for 110 persons; and,

**Whereas**, the hours of operation are from 10 am to 2 am 7 days a week, there is no longer a Sidewalk café included in this premises, all doors and windows will be closed by 9 pm daily, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on their existing on-premises restaurant liquor license SLA license at the time of the "corporate change" stating that:

1. The premises will be operated and advertised as an "American" restaurant.
2. The hours of operation will be from 10 am to 2 am 7 days a week.
3. There is no rear yard or backyard garden.

4. All doors and windows will be closed at 9 pm every night without exception. After 9 pm no doors will be propped open and will be for ingress and egress only.
5. There will be no DJ's, live music, promoted events, any events for which a cover fee is charged, and there will be no scheduled performances.
6. There will be one television only.
7. The mapped area of the premises for alcohol service will no longer include any outdoor areas; specifically the previously existing sidewalk café as the licensee no longer holds a NYC DCA Sidewalk Café license.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a corporate change to the existing on-premise restaurant liquor license for **Bistro Shop Downtown, LLC d/b/a Lyon (Cole's Greenwich Village), 118 Greenwich Ave. aka 234 W. 13<sup>th</sup> St. 10011 (SN#1239038)** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the existing on-premise restaurant liquor license SN#1239038.

Vote: Unanimous, with 38 Board members in favor.

**19. Cornelia Street Group, Inc. d/b/a Murray's Cheese Shop, 254 Bleeker St., 10014 (Class Change-from eating place beer to RW and interior alteration, existing SN#1263048)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an "upgrade" application to the Liquor Authority from an "eating place beer" license to a Restaurant Wine License for a specialty food & cheese shop and an alteration to add daytime seating and an event/classroom space in the mezzanine area; and,

**Whereas**, this application is for an upgrade to a Restaurant Wine License in a current licensed location; premises is in a mixed use residential/commercial building in a mixed use commercial/residential district located on the ground floor, basement and mezzanine on Bleeker St. between Leroy St and Morton St for a roughly 8,100 sq. ft. premise (3,300 sq. ft. basement accessory use only, 3,000 sq. ft. ground floor and 1,800 sq. ft. mezzanine); the premises will now have 5 tables and 12 seats, one service bar and 3 counter seats for a total of 15 seats for daytime use; for event/classroom use there will be two rooms located in the mezzanine with a total of 12 tables and 48 seats equally divided between each room; there is no sidewalk café; there are no other outdoor seating areas; there is an existing certificate of occupancy; and,

**Whereas**, the hours of operation will be Monday to Saturday from 9 am to 8 pm and Sunday from 10 am to 7 pm, there is no Sidewalk café included in this application, all doors and windows will be closed at all times except for ingress and egress, 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 velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be operated and advertised as a specialty food & cheese shop.
2. The hours of operation will be Monday to Saturday from 9 am to 8 pm and Sunday from 10 am to 7 pm.
3. There is no backyard garden
4. All doors and windows will remain closed at all times except for ingress and egress.

5. There will be no French Doors or French Windows.
6. There will be no DJ's, live music, promoted events, any events for which a cover fee is charged, and there will be no scheduled performances.
7. There will be invitational only educational events pertaining to specialty food and cheese shop.

**Whereas**, the applicant conducted community outreach and a petition was provided to CB2 Manhattan with numerous signatures and a letter from the local Block Association was provided also in support;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an upgrade from an existing eating place beer license to a new restaurant wine license for **Cornelia Street Group, Inc. d/b/a Murray's Cheese Shop, 254 Bleecker St., 10014 (existing SN#1263048)** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant Wine license.

Vote: Unanimous, with 38 Board members in favor.

**20. Rustic Table LLC, d/b/a The Quarter, 522 Hudson St., 10014 (change of class from RW to OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an upgrade from a Restaurant Wine License (SN#1266110) to an On-Premises Restaurant Liquor License for a "Mediterranean/New American style restaurant operated by owners"; and

**Whereas**, this application is for an upgrade from an existing Restaurant Wine License to an On Premise Restaurant Liquor License in a currently operating location; the premises is in a 5 story mixed use residential/commercial building in a mixed use commercial/residential district located on the ground floor on the North East corner of Hudson St. and West 10<sup>th</sup> Street occupying two recently joined storefronts located in the same building for a roughly 1,300 sq. ft. premise on the ground floor only with 21 tables and 52 seats and one bar with 10 seats for a total of 62 interior seats; a sidewalk café with 16 tables and 32 seats; for a grand total of 94 seats throughout the interior and exterior of the premises; there are no other outdoor seating areas and there is a Certificate of Occupancy; and

**Whereas**, as a result of discussions with CB2's SLA Licensing Committee, the applicant modified the hours of operation on two evenings by reducing the closing time one hour but was unwilling to accept all recommendations and the resulting changes that were presented are that the proposed hours of operation would be Sunday to Wednesday from 11 am to 12 am, Thursday to Friday from 11 am to 1 am and Saturday from 11 am to 2 am; music would be quiet background only; that the hour of operation of the sidewalk café would end at 11 pm Sunday to Thursday and end at 12 am Friday and Saturday; all doors and windows would be closed at 9 pm every night; that there would be no French doors or French Windows; there will be no dj's, live music, promoted events, any events for which a cover fee is charged or scheduled performances and that the door located on the corner of Hudson and West 10<sup>th</sup> St. would be used for emergency egress only; and,

**Whereas**, the applicant also willing entered into and executed a stipulations agreement with what they stated they would present to the Liquor Authority despite statements that CB#2, Man. might not recommend approval of their application but nevertheless they agreed that they would be attached and incorporated in to the method of operation on the new on premises restaurant liquor license (as they are substantially similar to existing stipulations for the existing RW license) stating that:

1. The premises will be advertised and operated as a Mediterranean/New American Restaurant.
2. The hours of operation on the interior will be Sunday to Wednesday from 11 am to 12 am, Thursday to Friday from 11 am to 1 am and Saturday from 11 am to 2 am. No patrons will remain in the premises past closing time.
3. The hours of operation of the sidewalk café will terminate at 11 pm Sunday to Thursday and 12 am Friday and Saturday. At closing, the sidewalk café will be closed and no patrons will remain in the sidewalk café.
4. The kitchen shall remain open and food available at all times until closing the Restaurant.
5. There will be no rear yard garden.
6. All doors and windows will be closed no later than 9 pm daily except for ingress and egress. Doors will not remain propped open after 9 pm.
7. There will be no French doors or French windows.
8. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
9. The awning over the sidewalk café will be extended at all times the sidewalk café remains open
10. Music will be quiet background only.
11. The licensee will post hours of operation visibly in the window of the establishment.
12. The door on the corner of Hudson St and West 10<sup>th</sup> St will remain closed at all times except for emergency patron egress (no ingress, emergency egress only). Licensee may install emergency push door style lock to demonstrate compliance.

**Whereas**, the applicant conducted community outreach and presented a petition and a number of letters in support from the community; the petitions and letters of support failed to mention the hours of operation or any detailed information as to the style of operation; and,

**Whereas**, in September 2012 the Licensee first approached CB#2, Man. with an application to the SLA for a Restaurant Wine License for only the northern portion of the current premises (the southern portion was a clothing retail store) for which CB#2, Man. recommended denial but which was ultimately approved by the SLA as this was not subject to the 500 ft rule; there was considerable concern that the operation with hours of operation until 2 am Thursday to Saturday, small plate menu, the hours of the chef ending at 10 pm would create additional quality of life concerns and noise in the late evening/early morning hours because the location would not be operated as a restaurant in the later evening hours, the previous restaurant at this location closed by midnight 7 days a week and that the majority of sit down full service restaurants in the area, particularly those which have recently opened (the competition) all close by midnight with a few open slightly later until 1 am; any “restaurants” with later hours in the area primarily serve as taverns later in the evenings and have operated in this fashion for many, many years and are the primary contributors to late night quality of life concerns, noise, traffic and other issues; and

**Whereas**, in July 2013 the Licensee returned to CB#2, Man. in order to present an application to the SLA for an alteration to the existing Restaurant Wine License to expand the licensed premises into an adjoining storefront on the corner of Hudson St and West 10<sup>th</sup> St and to add an additional 46 seats (30 seats on the interior and 16 exterior seats in sidewalk café) the method of operation remained the same and at that time CB#2, Man. recommended denying the application unless stipulations were adhered to as a result of the SLA's original approval of the restaurant wine license; there were still concerns however that doubling of capacity both inside and outside, use of the corner door and the additional seating in the sidewalk café would contribute to quality of life concerns that are prevalent in the area through additional noise and traffic and more so because the establishment is now also located on West 10<sup>th</sup> Street which is very residential in character; the applicant stated that they would not use the corner door but have in fact been using the corner door; and,

**Whereas**, the new operation including the enlarged sidewalk café approved at the end of the summer 2013 has only been in operation for roughly 8 months, the majority colder months in which the sidewalk café has not been fully utilized (opened in September 2013) there are concerns that the true impact of the expansion have not been fully realized and that any request to upgrade based on their existing operation is premature, but also not a factor in weighing whether or not this application serves the public benefit or interest; and,

**Whereas**, this location has never previously been licensed for On-Premise Liquor; and,

**Whereas**, there are 21 on-premise liquor licenses within 500 ft and more than 10 beer and wine licenses within 500 ft.; and,

**Whereas**, the existing Restaurant Wine License at this location does not lend itself to meeting any standards set forth in the “500 ft. rule” as relating to public convenience and advantage or public benefit; and,

**Whereas**, the Licensee stated their reason for requesting an upgrade to an On-Premise License was based on patrons asking for cocktails, based on the decisions of some patrons to leave upon hearing no alcohol was available and that they would like to offer a stopping home point for more area residents later in the evening for a cocktail; none of the foregoing reasons offers any benefit to the public and simply offer a benefit to the operator; and,

**Whereas**, the chef only remains on the premises until 10 pm, the principal who operates and manages the establishment leaves at 10 pm, there is no designated manager other than the Principal, the hours of operation in the evenings after 12 am, particularly on the weekends are beyond what other sit down white table cloth restaurants operate in the area, the desire of the Principal for the premises to be the last stop for a late night drink, the already existing noise, traffic, quality of life issues that exist in the area during evening and early morning hours, that it appears the only benefit of upgrading the license would be for the Licensee;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an upgrade from a restaurant wine license to an on-premise restaurant liquor license for **Rustic Table LLC, d/b/a The Quarter, 522 Hudson St., 10014.**

Vote: Unanimous, with 38 Board members in favor.

**21. Baker N Co., Inc. d/b/a Baker N Co, 263 Bleecker St. (Alteration RW SN#1273385 to add rear yard)**

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an alteration to an existing restaurant wine license for a “small family style Italian restaurant with a quiet atmosphere in the same style as the [principle’s] other restaurants” to add a rear yard garden with 9 tables and 18 seats; and

**Whereas**, the current license is for a restaurant wine license located in a mixed use building on Bleecker St. between Cornelia St. and Morton St. for a 3,800 sq. ft. premise evenly split between the ground floor and accessory use in the basement (no patrons) with 16 tables and 38 seats and 1 stand up bar with 12 seats, for a total of 50 interior seats, this application is to include a rear yard garden with an additional 9 tables and 18 seats for a total of 25 tables and 68 seats; the rear yard has a retractable awning located over the seating area and sound baffling materials around the sides; there is no sidewalk café’s included in this application, there is an existing Letter of No Objection from the NYC Department of Buildings; and,

**Whereas**, the existing hours of operation for the interior are from 8 a.m. to 12 a.m. seven days a week, 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 is existing sound proofing, there will be no d.j., no promoted events, there will be no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

**Whereas**, the hours of operation for the backyard garden will be no later than 10 pm Sunday to Thursday and 11 pm Friday and Saturday; at 10 pm Sunday to Thursday and 11 pm Friday and Saturday lights will be “out” and no patrons or staff shall remain in the backyard garden; The backyard garden will open no earlier than 11 am; and

**Whereas**, the principle owns and operates 3 other licensed premises that are operated as restaurants, 2 of which are located within CB#2, Man. and the applicants representative reached out to the local neighborhood Block Association and negotiated a stipulations agreement on behalf of the principle which she agreed to execute; and,

**Whereas**, the applicant performed community outreach and a letter from the Central Village Block Association was provided; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. in September 2013 that they agreed would be attached and incorporated in to their method of operation on their SLA restaurant wine license and the stipulations are as follows:

1. The premise will be advertised and operated as a Restaurant – Specifically a family style Italian restaurant.
2. The hours of operation will be from 8:00 a.m. until 12:00 p.m. seven days a week. After closing hours, all patrons will have exited the premises.
3. The applicant will not seek a DCA Cabaret License.
4. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock (i.e. no active manipulation of music – only passive prearranged music).
6. All doors and windows will be closed at 10 p.m. and remain closed every night without exception.
7. The applicant will adhere to all stipulations agreed to with the Central Village Block Association.
8. The applicant will execute “Agreement of Intention” with Central Village Block Association as the agreement had not yet been executed prior to CB2's SLA Committee Meeting on Sept. 12<sup>th</sup>, 2013.
9. No music will be played when doors and windows are open.

**Whereas**, the stipulations agreed to via execution of a “Agreement of Intention” with the Central Village Block Association which the applicant stipulated with CB#2, Man. that would be executed and also attached and incorporated in to their method of operation on their SLA restaurant wine license are as follows:

1. Baker N Co will operate daily until 12 midnight.
2. Baker N Co staff will keep music at an "ambient" level and patron noise from the establishment will not be heard by residential occupants, whether tenants or owners, of Baker N Co or neighboring buildings on Bleecker or Cornelia Streets. The garden area will close at 10:00 p.m. during the week and at 11:00 p.m. on Friday and Saturday.

3. The principal of Baker N Co shall make clear to its staff and patrons that being a quiet operation in a residential neighborhood is a high priority. Adequate staff will be assigned the responsibility for supervising quiet patron exit and entrance and to discourage loitering and excessively rowdy and noisy behavior both immediately outside the establishment and on surrounding streets.
4. Baker N Co will post legible signs on interior and exterior walls of the establishment that are easily read by entering and exiting patrons, stating that patrons are requested to be considerate of 263's neighbors and to keep noise and litter to a minimum.
5. Baker N Co shall ensure that air conditioning units, exhaust fans and any other mechanical devices do not produce disturbing noise, vibration or odors in excess of standards set by New York City agencies and that operation of these devices shall be monitored on a continuing basis.
6. Baker N Co agrees to comply with all existing sanitation laws in the handling and disposal of all food, waste, litter, recyclables and garbage. Specifically Baker N Co shall inform all its carters that noise is to be kept to a minimum. Baker N Co cleaning staff will be vigilant in clearing debris from the sidewalk and 18 inches into the street surface as required by regulations. Trash pickups will be scheduled for the early morning.
7. This agreement shall be filed with Community Board 2 Manhattan and the State Liquor Committee of Community Board 2.
8. In due consideration of cooperation extended by the principal of Baker N Co, the Central Village Block Association will not raise objections to Baker N Co's application to the New York State Liquor Authority for a wine and beer license.

**Whereas**, the applicant executed an additional stipulations agreement with CB#2, Man. in April 2014 that they agreed would modify the existing stipulations agreement from September 2013 to allow use of the rear yard and would add the following stipulations that they also agreed to include and be attached and incorporated in to their existing method of operation on their SLA restaurant wine license and the additional stipulations are as follows:

1. The hours of operation for the backyard garden will be no later than 10 pm Sunday to Thursday and 11 pm Friday and Saturday; at 10 pm Sunday to Thursday and 11 pm Friday and Saturday lights will be "out" and no patrons or staff shall remain in the backyard garden. The backyard garden will open no earlier than 11 am.
2. No later than 10 pm every night the retractable awning over the backyard garden will be extended to cover the entire backyard dining space to mitigate sound
3. All doors and windows will be closed at 10 pm every night except for ingress and egress; no doors will remain propped open after 10 pm.
4. No music will be played when doors or windows are open.
5. All previous stipulations shall remain in effect except as modified here.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an alteration to the existing restaurant wine license **SN#1273385 for Baker N Co., Inc. d/b/a Baker N Co., 263 Bleecker St. 10014, unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> "whereas" clauses above are incorporated into the "Method of Operation" on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**22. S & J Meatpacking LLC, 53 Little W. 12<sup>th</sup> St. 10014 (new RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a market style fast casual restaurant; and,

**Whereas**, this application is for a new Restaurant Wine License in a previously unlicensed location that has been vacant for 5 years; the premises is in a commercial building in a commercial district located on the ground floor on Little West 12<sup>th</sup> St. between 10<sup>th</sup> Avenue and Washington St. for a roughly 1,600 sq. ft. premise (800 sq. ft. ground floor and 800 sq. ft. basement - accessory use only) with 3 tables and 6 seats, one window ledge counter with 4 seats and one interior counter with 3 seats and 1 standup bar with no seats; there are no plans for a sidewalk café at this time; there are no other outdoor seating areas and there is temporary Certificate of Occupancy which is current; and,

**Whereas**, the hours of operation will be from 8 am to 11 pm 7 days a week, there is no Sidewalk café included in this application, all doors and windows will be closed by 10 pm daily, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a Market Style Fast Casual Restaurant.
2. The hours of operation will be from 8 am to 11 pm 7 days a week.
3. There will be no rear yard garden.
4. All doors and windows will be closed no later than 10 pm daily except for ingress and egress.
5. There will be no dj’s, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
6. The premises will never seek to upgrade to an on-premises liquor license.

**Whereas**, the applicant conducted community outreach and a number of letters were provided to CB#2, Man. indicating strong community support and praise for the applicants other licensed premises;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new restaurant wine license for **S & J Meatpacking LLC, 53 Little W. 12<sup>th</sup> St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 38 Board members in favor.

**23. 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 (new RW)**

**Whereas**, the applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a restaurant/café specializing in coffee as presented in literature provided; and



**Whereas**, this application is for a new Restaurant Wine License in a previously licensed location that was most recently used for retail purposes; the premises is in a mixed use commercial/residential building in a mixed use residential district located on the ground floor on the Southeast corner of Greenwich Ave. and Perry St. for a roughly 1032 sq. ft premise (ground floor only) with a diagram indicating 14 tables and 48 seats, one window counter with 8 seats and one bar with 7 seats for a total of 63 interior seats; there is not a sidewalk café included at this time, but there may be in the future; there is an outdoor side or backyard area with access from the interior premises but there is no current permit or certificate that permits use of the outdoor area for eating and drinking and the applicant has agreed not to use the exterior yard for any purpose until the proper permits and certificates are granted and until he has properly notified and presented to CB2 Man. and the SLA a future alteration application to use this outdoor area; and there is an existing certificate of occupancy showing use group 6 which only indicates an occupancy of 10 persons, so a Letter of No Objection would be required from the NYC DOB; and

**Whereas**, the hours of operation will be from 8 am to 12 am (midnight) 7 days a week, there is no Sidewalk café included in this application, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily on the Perry St. side of the premises and at 10 pm on the Greenwich Ave side of the premises, 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**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated into the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a full service restaurant/cafe with specialty coffee.
2. The hours of operation will be from 8 am to 12 am (midnight) 7 days a week. No patrons will remain in the premises after midnight.
3. Full food menu will be available at all hours until closing.
4. There will be no backyard garden included in this application and no use of the any adjacent outdoor area to the premise;
5. All doors and windows on the Perry St. side of the premises will be closed at 9 pm every night; The Perry St. Door will be for emergency egress only; All doors and windows on the Greenwich Ave side of the premises will be closed at 10 pm every night; doors will not be propped open after those hours.
6. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
7. There will be no televisions.
8. All music will be ambient/quiet background music only.
9. The applicant/licensee will return to CB#2, Man. to include any outdoor areas, specifically any rear yard/terrace or sidewalk café; There are no outdoor areas included in this application.

**Whereas**, the applicant presented a properly prepared petition, which indicated community support, but no letters from any community organizations or block associations were presented;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new restaurant wine license for **55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 38 Board members in favor.

**24. The Uncommons LLC d/b/a The Uncommons, 230 Thompson St., 10012**

**Whereas**, the applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new beer & wine license for a “Board Game Café” which “offers a wide library of games for play and for sale, and serves food and beverages to patrons” consisting primarily of “coffee, espresso beverages, and sodas along with snacks and pastries”; and

**Whereas**, this application is for a new beer and wine license in a previously unlicensed location that was most recently a long running Chess Shop, but has been vacant for some time; the premises is in a mixed use commercial/residential building in a mixed use residential district located on the ground floor on Thompson St. between Bleecker St. and West 3<sup>rd</sup> St. for a roughly 800 sq. ft. premise with 10 tables and 50 seats and one standup bar with no seats which will be used for all transaction in the premises; there is no sidewalk café; there are no other outdoor seating areas; there is a current letter of no objection from the NYC DOB; and

**Whereas**, the hours of operation will be Sunday to Thursday from 9 am to 12 am (midnight) and Friday and Saturday from 9 am to 1 am, there is no Sidewalk café included in this application, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers but there may be board game events for which cover fees are charged; and

**Whereas**, there were concerns regarding the service of alcoholic beverages in a Game Board style café that will also attract patrons that are not 21 years of age, the operator made it very clear that no one under the age of 21 will be served and that he would take full responsibility for insuring that this never occurs; and

**Whereas**, the applicant did meet with representatives of the local neighborhood association, the Bleecker Area Merchants’ and Residents’ Association and an agreement was reached for their support; and

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated into the “method of operation” on their new on premise restaurant liquor SLA license stating that:

1. The premises will be operated and advertised as a Board Game Café.
2. The hours of operation will be Sunday to Thursday from 9 am to 12 am (midnight) and Friday and Saturday from 9 am to 1 am. All patrons will have exited the premises at the end of the hours of operation.
3. There will be no backyard garden.
4. All doors and windows will be closed at 9 pm every night including “transom” windows except for ingress and egress; no doors will remain propped open after 9 pm.
5. There will be no DJ’s, live music, promoted events or scheduled performances. There may be cover fees for special events or for playing board games.
6. Music will be quiet background music only.
7. There will be no sidewalk café included in this application.
8. The licensee will not serve beer or wine prior to 12 pm (noon) 7 days a week.
9. There will be no televisions.

10. The licensee will not have draft beer.
11. The licensee will adhere to all stipulations agreed to with the Bleecker Area Merchants' and Residents' Association and will include all those stipulations in their License's "Method of Operation" and incorporate that agreement into this stipulations agreement with CB#2, Manhattan.

**Whereas**, the stipulations agreed to with Bleecker Area Merchants and Residents Association which were executed by the Applicant are as follows:

1. **Hours of Operation:** The Establishment shall operate from **11:00 AM to Midnight seven days a week**.
2. **Upgrades:** The Operators agree to never apply for an upgrade to a full on premise license.
3. **Certificates, Permits and Related Documents:** The Operators shall obtain all required certificates, permits and related documents.
4. **Traffic:** The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (i.e.: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
5. **Manager:** The Operators shall have an English-speaking manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
6. **Music:** The Operators shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment. The Operators shall not permit DJs, live music or outside promoters in the Establishment.
7. **Television:** The Operator shall have no televisions in the Establishment.
8. **Sidewalk Café:** The Operators agree to never apply for a sidewalk café license.
9. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible and will make best efforts to coordinate garbage pick up times with other establishments.
10. **Lighting:** The Operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment.
11. **Windows & Doors:** The door shall remain closed at all times except for ingress and egress.
12. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
13. **License Renewal:** The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new beer and wine license for **The Uncommons LLC d/b/a The Uncommons, 230 Thompson St., 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> and 6<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Beer and Wine license.

Vote: Unanimous, with 38 Board members in favor.

## **25. NNJ Restaurant LLC d/b/a Shuko, 47 East 12<sup>th</sup> St., 10003 (New OP)**

**Whereas**, the applicant and their attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new on-premise restaurant liquor license for a "small casual family friendly Asian and Japanese sit-down restaurant focused on excellent food made very well" predominantly serving an omakase menu; and,

**Whereas**, this application is for a new on-premises restaurant liquor license in a previously licensed location that was most recently a Mexican restaurant, but has been vacant for some time; the premises is in a mixed use commercial/residential building in a mixed use residential district located on the ground floor on East 12<sup>th</sup> Street between Broadway and University Place for a roughly 1,450 sq. ft. premise (750 sq. ft. ground floor and 750 sq ft basement – accessory use only) with 4 tables and 16 seats and one sushi bar with 20 seats for a total of 36 seats; there will be no "standup" bar, but there will be one service bar; there is no sidewalk café; there are no other outdoor seating areas; there is no Certificate of Occupancy but a letter of no objection will be obtained to indicate that use is allowed; and

**Whereas**, the hours of operation will be from 8 am to 12 am (midnight) 7 days a week, there is no Sidewalk café included in this application, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily on the Perry St. side of the premises and at 10 pm on the Greenwich Ave side of the premises, 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**, there are 14 On-premise liquor licenses within 500 ft. of this premises and a number of Restaurant Wine Licenses and this area is predominantly residential; and whereas the principals have extensive backgrounds working in and running some of the best known omakase style Japanese restaurants in New York City including within CB#2, Man.; and,

**Whereas**, the applicant did meet with representatives of the local block association, the University Place Residents Association Inc. and an agreement was reached for their support; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated into the "method of operation" on their new on premise restaurant liquor SLA license stating that:

1. The premises will be operated and advertised as a Asian/Japanese Sit Down Restaurant.
2. The hours of operation will be Sunday to Wednesday from 5 pm to midnight and Thursday to Saturday from 5 pm to 1 am. No customers shall remain in the premises after closing.
3. Food menu items will be available at all hours the restaurant is open to patrons.
4. There is no sidewalk café.
5. There is no rear yard garden or other outdoor space.
6. Soundproofing will be installed using an acoustical engineer.
7. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
8. All agreements/stipulations agreed to separately with the University Place Residents Association Inc. will be attached and included into this stipulations agreement with CB2 Manhattan and will additionally be incorporated into the "method of operation" on the on-premise restaurant liquor license.

**Whereas,** the stipulations agreed to with the University Place Residents Association, Inc. which were executed by the Applicant are as follows:

**Hours of operation:** On each Sunday through Wednesday night, the Operator shall close no later than **MIDNIGHT**. On each Thursday, Friday and Saturday night, (more correctly referred to as Friday, Saturday and Sunday morning) the Operator shall close no later than **1:00AM**.

**Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.

**Exterior Equipment:** The Operator shall hire a certified acoustical consultant to make recommendations such that any exterior equipment installed and operated by the Operator will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use its best efforts to soundproof the Exterior Equipment according to said recommendations to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code. Subsequent to any exterior equipment installation, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test" to ensure that any exterior equipment is installed correctly and meets or exceeds the current New York City Noise Code. The Operator shall provide proof of a successful Commissioning Test to the Community Board, the State Liquor Authority and the University Place Residents Association, Inc..

**Front door:** The Operator shall cause the doors to remain in a closed position. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment. Upon request, the Operator shall hang a sign outside the establishment, which shall be legible from 20 feet away, instructing patrons to keep the noise down and to respect the neighbors.

**Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open. If any windows are to be replaced they are to be replaced with non-operable windows.

**Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.

**Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.

**Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.

**Dancing:** The Operator shall not permit dancing in the Establishment.

**Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment.

The Operator will schedule garbage pickup for \_TBD\_. All garbage will be triple bagged. Operator will not permit garbage to remain on curb for longer than \_TBD\_ hours.

**Outdoor Seating:** The operator will not establish any outdoor seating or seek to obtain permission for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.

**Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.

**Steering:** 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.

**Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.

**Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.

**Signage:** All signage will conform to signage standards found in landmark districts.

**Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.

**Kitchen Exhaust:** The Operator shall use its best efforts to ensure that smells emanating from the establishment do not disturb the neighbors. Upon reasonable request the Operator shall implement whatever measures necessary to abate any odor issues shown to be emanating from the establishment.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new on premise restaurant liquor license for **NNJ Restaurant LLC d/b/a Shuko, 47 East 12<sup>th</sup> St., 10003** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> and 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA on premise restaurant liquor license.

Vote: Unanimous, with 38 Board members in favor.

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

**26. 74 Fifth Ave. Market Corp., 74 5<sup>th</sup> Ave., 10011 (Layover - Alteration to Existing Restaurant Wine SN#1196583)**

**Whereas**, at this month’s CB2 Manhattan’s SLA Licensing Committee Meeting #2 on April 10th, 2014, the applicant and business manager agreed to layover this application for an alteration to an existing restaurant wine license alteration for one month in order to present a completed package for review including static and complete floor plans; address issues with late night operation (premises will be open 24 hours); explain how with a 24 tap beer system the premises could monitor for underage drinking when there was no table service and seating areas located in a mezzanine are out of view of the service point at the entrance of the store; address underage procedures because the premises is located directly across the street from a large University Dormitory (the New School); address issues that it seemed highly unusual that a “market” style convenience store establishment with “to go” foods for sale on the ground floor and an upstairs mezzanine for patron dining would change in the evenings by placing numerous additional tables and chairs on the ground floor to accommodate patrons for the consumption of beer and wine and then remove those tables during the day to accommodate patrons looking for “to go” style convenience store food; to address concerns that in order to sell enough draft beer with 24 taps that the business would change its underlying business to be predominantly a drinking establishment during the evening hours without any plans to mitigate quality of life impacts; and in order to address these concerns the applicant would prepare a complete package addressing those concerns and will resubmit the application package for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, **alteration**, transfer, upgrade or changes to any existing license for **74 Fifth Ave. Market Corp., 74 5<sup>th</sup> Ave., 10011** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**27. Corkbuzz LLC d/b/a Corkbuzz Wine Studio, 13 E. 13<sup>th</sup> Street, 10003 (layover - extension of hours)**

**Whereas**, prior to this month's CB2 Manhattan's SLA Licensing Committee Meeting #2 on April 10th, 2014, the applicant's representative requested to **layover** this application for an alteration to extend the hours of operation to the existing on premises restaurant liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed alteration to any existing license for **Corkbuzz LLC d/b/a Corkbuzz Wine Studio, 13 E. 13<sup>th</sup> Street, 10003** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**28. Qifan LLC, d/b/a Lumos, 90 W. Houston St., Basement, 10012 (Layover - New OP)**

**Whereas**, at this month's CB2 Manhattan's SLA Licensing Committee Meeting #2 on April 10th, 2014, the applicant requested to **layover** this application for a new on-premise restaurant liquor license for one month in order to perform additional community outreach and to meet with the very active neighborhood association, the Bleecker Area Merchants' and Residents' Association in order to overcome standing objections and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Qifan LLC, d/b/a Lumos, 90 W. Houston St., Basement, 10012** until the applicant has presented their complete 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 38 Board members in favor.

**29. Bluestone Lane 55 Greenwich LLC, d/b/a Bluestone Lane, 55 Greenwich Ave., 10014 (withdrawn - New OP)**

**Whereas**, prior to this month's CB2 Manhattan's SLA Licensing Committee Meeting #2 on April 10th, 2014, the applicant's attorney requested to **withdraw** this application for a new on-premise restaurant liquor license and explained that the same principles would instead be filing for a restaurant wine license under a different corporate entity at the same location;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **an entity known as Bluestone Lane 55 Greenwich LLC, d/b/a Bluestone Lane, 55 Greenwich Ave., 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation

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

Vote: Unanimous, with 38 Board members in favor.

**30. NPC Group, LLC d/b/a Delarosa, 74-76 7<sup>th</sup> Ave. So. Aka 35-37 Barrow St. 10014 (New OP - layover)**

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **NPC Group, LLC d/b/a Delarosa, 74-76 7<sup>th</sup> Ave. So. Aka 35-37 Barrow 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 38 Board members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution in response to MTA NYC Transit presentation on Mulry Sq. subway ventilation plant construction project.**

**Whereas** CB#2, Man. thanks MTA NYC Transit (NYCT) for coming to present an update on construction activities for the Mulry Sq. subway ventilation (fan) plant at 7<sup>th</sup> Ave., W. 11<sup>th</sup> St. and Greenwich Ave., as well as on the planned design for housing the fan plant and potential plans for finding a community landscaping partner; and

**Whereas** the "faux façade" design presented for housing the fan plant at this most recent April 3, 2014 CB2 Traffic and Transportation Committee meeting was wholly opposed by CB2 in its resolutions of both July 23, 2009 and May 20, 2010, because it was an approach "with cutouts in a lifeless, free-floating façade; a structure that lacks connection to the street and fails to enhance the pedestrian experience; a design that lacks any relationship to the surrounding area in terms of rhythm, proportion and articulation of elements; and a lack of sensitivity in incorporating the 9/11 'Tiles for America'," and CB2 still opposes this design for the same reasons; and

**Whereas**, in combination with the "faux façade" design, the scanty presence of greenery and lack of other amenities renders the fan plant site a cold, uninviting place devoid of community identity, right at the nexus of an important gateway to the heart of Greenwich Village, which particularly merits a community-appropriate treatment; and

**Whereas** NYCT would require community partners to maintain greenery, and has indicated its intention to reach out to various private organizations and community groups and consult with CB2 for suggestions, and CB2 also strongly believes, as was stated in the Board's previous resolutions that "the



structure and adjacent open space (including plantings, lighting and other street furniture), need to be integrated into a holistic design from the start”; and

**Whereas** NYCT did not respond to CB2’s requests in its previous resolutions to not consider the “faux façade” design as its final plan and to instead “work together with the Board to produce a handsome, more appropriate, community- and pedestrian-friendly design that respects the area’s historic importance...”, there is still time to rethink the design and an opportunity to refine it so that it suitably and discreetly fits its neighboring context; and

**Whereas** NYCT reported that its agency is reaching out to the 9/11 Tribute Center and the New York State Museum to partner in completing the “Tiles for America” portion of the housing; and

**Whereas** no view was presented of the fan plant site and housing from Perry St.;

**Therefore be it resolved** that CB#2, Man. strongly urges NYCT to rethink the design for housing the fan plant, as previously requested, and refine it so that it suitably and discreetly fits its neighboring historic context, working together with the Board to incorporate elements that produce a warm and more fitting, community- and pedestrian-friendly scheme, such as (CB2 earlier recommended) provision of a continuous façade with cornice and base built of brick and concrete, and replacing blank windows with infill that provides naturalistic warmth and depth (a good example of this is at Village Community School on W. 10<sup>th</sup> St. bet. Greenwich & Washington Sts. where a series of lighted windows were added to a blank wall to foster safety and human connection with Washington St. and have become a place to display art); and

**Be it further resolved** that CB#2, Man. encourages NYCT to reconsider amenities use and placement, like better plantings and shade trees, seating, and public art, and requests (as asked before) that NYCT work with the community and in consultation with the NYC Department of Parks and Recreation to develop a scheme complementary to the fan plant housing design for integrated landscaping, lighting, and other amenities surrounding the proposed building site; and

**Be it further resolved** that CB#2, Man. supports NYCT’s efforts to reach out to partners in completing the “Tiles for America” portion of the fan plant housing and encourages NYCT to work with CB2 and with our elected officials in identifying the sources for these iconic tiles; and

**Be it finally resolved** that CB#2, Man. requests that NYCT provide a view of the fan plant site and housing from Perry St.

Vote: Unanimous, with 38 Board members in favor.

## **2. Resolution in support of a parking-protected bicycle lane upgrade on Hudson St. from W. 14th St. to W. Houston St.**

**Whereas** the NYC Department of Transportation (DOT) is proposing a protected bicycle lane with buffer on Hudson St. from W. 14th St. to W. Houston St. to replace the current un-protected one that has serious safety problems (the lane being frequently violated) and severe fading, in response to Community Board 2, Manhattan (CB2)’s request for such an upgrade in November 2011; and

**Whereas** the Hudson St. corridor from W. 14th St. to W. Houston St. has heavy volumes of motor vehicles and bicycles, as well as pedestrians whose safety is greatly compromised by the overly wide street width there (50-52 ft., curb to curb) creating long pedestrian crossing distances, and, with scant

markings or delineations, allowing for overlapping and disorganized bicycle and vehicular traffic movement; and

**Whereas** the upgraded lane will involve reconfiguration of the street bed and other changes that include:

- Primarily curbside bike lane, then widened buffer, then floating parking, two travel lanes and another (curbside) parking lane (wider between W. Houston & Bank Sts. to allow more room to get out of cars), with some reallocation of parking spaces for protected pedestrian crossings and seven mixing zones for clearer visibility; 76% of parking spaces retained.
- Pedestrian islands in all crosswalks where there are no turning or utility conflicts, shortening pedestrian crossing distance, planted with trees and also able to house planting beds (if there are maintenance partners).
- Moving lanes kept at the same current 10 and 11 ft. widths (more appropriate for urban environments than wider highway standard widths), promoting safety and also accommodating the M20 bus; and existing number of lanes (two) preserved.
- Daylighting applications for unobstructed views at intersections.
- Lane northbound between W. Houston & Bank Sts. (on west side of street).
- Lane southbound between W. 14<sup>th</sup> St. & 8<sup>th</sup> Ave. (on east side of street).
- Extending existing 9<sup>th</sup> Ave. protected bicycle path southbound on Hudson St.
- Extending existing 8<sup>th</sup> Ave. protected bicycle path by connecting Hudson St. protected path to 8<sup>th</sup> Ave. protected one; and

**Whereas** DOT presented figures showing notable decreases in crashes and injuries after parking-protected bike lanes like the one proposed for Hudson St. were installed on 1<sup>st</sup>, 2<sup>nd</sup>, 8<sup>th</sup> and 9<sup>th</sup> Aves., and studies have shown that more bicyclists use protected lanes than un-protected ones, keeping bikes moving in the right direction (as opposed to a contra flow) and out of the way of automotive traffic, better organizing the street; and

**Whereas** DOT indicates that it has reviewed parking regulations and is intending to keep them as they are, since they will permit deliveries as is, however some people have expressed concern about access for deliveries and the need for sufficient loading/unloading accommodations; and

**Whereas** there are two elementary schools on Hudson Street between Morton and Christopher Streets, Public School 3 (John Melser Charrette School) and the St. Luke's School, whose entrances are directly across Hudson Street from each other and traffic and school crossings in relation to the new bike path need some evaluation; and

**Whereas** the Art Strickler Garden on the southwest corner of Hudson and Bethune Sts. was created right along the Hudson St. curblin, displacing pedestrians who, as a result, have to go quite far out of their way to walk along the sidewalk from Bank St. to Abingdon Sq., and who might be tempted to walk in the protected bike lane; and

**Whereas** CB2's November 2011 resolution requested a protected bike lane on Hudson St. south to Canal St., but the Hudson Sq. Connection BID, in coordination with DOT, has designed an enhanced bike lane below Houston St. to Canal St. that will connect to the DOT protected bike lane north of Houston, implementation expected by 2016; and

**Whereas** a number of community people turned out in favor of the protected bike lane, and letters of support were received; and

**Therefore be it resolved** that CB#2, Man. supports installation of the parking-protected bicycle lane upgrade on Hudson St. from W. 14th St. to W. Houston St.; and

**Be it further resolved** that CB#2, Man. asks the DOT to consider signage alerting drivers and bicyclists to the school zone created by the two above-referenced schools; and

**Be it further resolved** that CB#2, Man. appreciates DOT's sharing their proposed plan for this lane with and inviting input from the community, and encourages DOT to continue to inform, communicate and work with the community as the project progresses, consulting not only with CB2 but with all local stakeholders, the two above-referenced schools, St. Luke's School and Public School 3, merchants and other businesses, property owners and residents, on local needs, potential refinements, timetables, impacts and other concerns, giving ample advance notice; and

**Be it further resolved** that CB#2, Man. calls upon DOT to consult with adjacent businesses and institutions in establishing pickup and delivery accommodations, including delivery zones on the side streets if needed (as in CB4M) for both larger and smaller stores and for upstairs businesses in larger commercial buildings, and keep the community abreast of any plans for metered 3-hour commercial loading zones and get their input; and

**Be it further resolved** that CB#2, Man. asks that DOT work with the neighboring businesses, other stakeholders and elected officials to ensure that provisions are made for planting and maintaining flowers and other attractive blooms in the pedestrian islands (like those on 9th Ave.), organizing maintenance partners, in order to provide needed enhancement; and

**Be it further resolved** that CB#2, Man. recommends that the Art Strickler Garden be moved west, so that the sidewalk follows the curblin from Bank St. to Bethune St., in that way keeping pedestrians from walking in the protected bike lane; and

**Be it finally resolved** that CB#2, Man. thanks DOT for responding to CB2's November 2011 resolution, but also requests that DOT continue to work closely with the Hudson Sq. Connection BID to ensure a smooth and timely connection from the protected bike lane above Houston St. to the BID's bike lane south of Houston, hopefully well in advance of 2016 to harmonize as soon as possible with the operation of the DOT bike lane which is expected to go into effect Summer 2014, and also hopes that DOT can incorporate some of the same types of landscaping and amenity enhancements being used by the BID.

Vote: Unanimous, with 38 Board members in favor.

### **3. Resolution in favor of pedestrian safety and traffic improvements planned at the intersection of Bowery, Delancey and Kenmare Sts. with suggestions for refinements.**

**Whereas** the NYC Department of Transportation (DOT) presented a plan to alleviate extremely difficult traffic conditions at the intersection of Bowery, Delancey and Kenmare Sts., a location with a high incidence of traffic crashes and congestion, where commercial corridors, dense residential, restaurant and entertainment uses converge, along with M103 bus routes and the J/Z subways; where intense volumes of motorists regularly back up and prevent pedestrians from crossing, and turns are difficult to make; and

**Whereas** focusing on a study area encompassing the Bowery from Spring to Delancey/Kenmare to Broome Sts., DOT is proposing the following improvements:

- Elimination on the intersection's north side of a thin, concrete, substandard median with no pedestrian waiting area, shifting the southbound left-turning lane to the median's current location to add a southbound through lane, in order to reduce congestion, overflow and pressure, clear the crosswalk at Spring St. from backup, and lower the failure to yield potential.
- Replacement of the substandard island on the south side of the intersection with a narrower, longer, more standard-size island shifted eastward, creating two full time receiving lanes and bus stop/rush hour lanes, helping reduce congestion and backup and allowing for improved left turns from Delancey St. into southbound Bowery, while adding greenery.
- Adding a larger island on the south side of the Spring St. intersection of the Bowery to help shorten the pedestrian crossing and provide a pedestrian waiting area.
- Expanding the neckdown on the southeast corner of the Bowery and Delancey St. to shorten the pedestrian crossing and make it safer.
- Reconfiguring the traffic signal sequence so that pedestrians in the north crosswalks will have 11 seconds head start dedicated cross-time.
- Extending the "No Standing Anytime" area on the northeast side of Delancey St. to allow more space for a useable right turn lane into the Bowery.; and

**Whereas** there's a strong possibility that not all left turn traffic would fit in the new third, left turn lane on the Bowery between Spring and Kenmare St., and since Spring St., where it's planned to start, doesn't extend east from the Bowery, it might make sense to begin this lane further north, e.g. to Rivington St., which would double its length and capacity; and

**Whereas** community residents pointed out that although there's an occasional traffic enforcement agent at the Bowery, Delancey/Kenmare intersection, more of them are needed and all of the time, and more need to be trained, since there are not enough of them, and they need to pay more attention to pedestrians; and

**Whereas** those in the community also commented on the timing of the traffic lights which don't allow enough time to cross and don't give a clear indication of who has the right of way, with drivers turning at the same time people are crossing, and recent research (Li Chen, Cynthia Chen, Reid Ewing – Journal of Transport Policy) has shown that "**split-phase timing**" of signals involving a third phase of the traffic cycle that stops all turns so pedestrians can cross (but not vehicular movement in all directions as in a "Barnes Dance") is extremely effective in protecting crossing pedestrians;

**Therefore be it resolved** that Community Board 2, Manhattan (CB2) supports the proposed pedestrian safety and traffic improvements planned at the intersection of Bowery, Delancey and Kenmare Sts. with the following suggested modifications:

- Look into extending the new left turn lane on the Bowery (suggested between Spring and Kenmare Sts. in the current plan) further north of Spring St., probably right after Rivington St.
- Install signage alerting drivers to this new left turn only lane and of its leading to the Williamsburg Bridge.
- Add flexible bollards to delineate and help separate the new left turn lane to prevent vehicles in the lane next to it from merging into the left lane.
- Consider adding a left turn red arrow eastbound onto Delancey St. from the Bowery.
- Investigate changing the traffic light signal phase for the left turn from the southbound Bowery to Delancey St. and the right turn from Delancey St. to the northbound Bowery to "split phase timing" for a

separate, conflict-free pedestrian crossing on the Bowery at the north side of Delancey St., i.e., so that crossing pedestrians and turning vehicles don't get green "go" signals at the same time there. (CB2 has requested this same "split phase timing" approach for the left turn from Kenmare St. to Lafayette St. and the right turn from Lafayette St. to Broome St. and asks that, in addition to considering these locations, that their coordination with the suggested Bowery-Delancey "split phase timing" be taken into account).; and

**Be it further resolved** that CB#2, Man, asks the NYC Police Department to deploy more traffic enforcement agents (TEAs) at the Bowery, Delancey/Kenmare intersection, on a steady, continuous basis, and to provide training for additional TEAs, with an emphasis on ensuring pedestrian safety and alerting these and all TEAs of the necessity to focus on safeguarding pedestrians' passage (and not just on moving motor vehicles).

Vote: Unanimous, 38 Board members in favor.

#### **4. Resolution in support of investigating solutions to traffic congestion on Spring St. bet. West and Washington Sts.**

**Whereas** the installation of a median on Spring St. between West and Washington Sts. has been requested, with an accompanying large number of letters of support from both residents and businesses in the surrounding community (including several from building boards representing hundreds of occupants), citing the need to control and channel the heavy volumes of traffic that overrun this section of Spring with multiple lanes (three or more taking up a two-way, two lane street) caused by northbound West St. traffic diverted from using Canal St.; and

**Whereas** at present there is heavy construction on this section of Spring St., obscuring any clear picture of what conditions will be once construction is finished, making it difficult to assess whether a median is the appropriate solution for this problem; and

**Whereas** at the same time, a solution, even if temporary, is needed to provide relief from this relentless onslaught of traffic that even prevents the advance of westbound traffic coming off of Washington St.;

**Therefore be it resolved** that CB#2, Man. cannot recommend the installation of a median on Spring St. between West and Washington Sts. at this time, which should be evaluated once construction is finished; and

**Be it further resolved** that CB#2, Man. asks the NYC Department of Transportation to begin right now to examine these untenable traffic conditions, with an eye toward relieving the impact of diverted Canal St. traffic, first, to provide early action solutions to ease the current situation, and then to start assessing long-term solutions, including the proposed street median, in anticipation of the completion of construction.

Vote: Unanimous, with 38 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan