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COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: July 24, 2014
TIME: 6:00 P.M.
PLACE: Scholastic Building 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Tom Connor, Terri Cude, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Jonathan Geballe, Sasha Greene, David Gruber, Chair; Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Alexander Meadows, Daniel Miller, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Shirley Smith, Chenault Spence, Richard Stewart, Shannon Tyree, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Anita Brandt, William Bray, Robert Ely, Joshua Frost, Robin Goldberg, Lois Rakoff, Federica Sigel, Sean Sweeney

BOARD MEMBERS ABSENT: Daniel Ballen, Coral Dawson

BOARD MEMBERS PRESENT/ARRIVED LATE: Edward Ma, Arthur Z. Schwartz

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

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; Adam Chen, Public Advocate Letitia James' Office; Margaret Bangs, Council Member Corey Johnson's office; Sheila Rodriguez, Council Member Rosie Mendez's office; Sam Spokony, Council Member Margaret Chin's office; Minerva Durham, Michele Campo, Alana Cantillo, Pete Davies, Susan Williams, Jason Friedman, Danielle Tcholakian, Jane Crotty, Cathryn Swan, Karen Brooks, Carol Lewis, Roger Dib, George Gianoulakis, Richard Lobel, Philipp Engelhorn, Mima Rezyich, Catherine Lee, Mary Hurlbut, Harry Pincus, Anastasia Bolotowsky

MEETING SUMMARY

Meeting Date – July 24, 2014
Board Members Present – 37
Board Members Excused – 8
Board Members Absent – 2
Board Members Present/Arrived Late: 2

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II. PUBLIC SESSION

Non-Agenda Items

MPIA Events

Alana Cantillo made an announcement regarding several upcoming events in the MeatPacking District.

Hudson Park Library

Miranda Murray made an announcement regarding summer programs available at the library.

19 E. Houston St.

Pete Davies updated everyone on this land use application.

Application for a “minor modification” to an earlier ULURP for use of the roof of 180 6th Ave.

Harry Pincus spoke against this ongoing construction project.

Elizabeth Street Gardens

Jeanine Kiely spoke in favor of the proposal.

Land Use and Business Development Items

37 Great Jones St.-App. to CPC to modify regulations for residential use on ground fl., 2nd-5th fl. and proposed penthouse; and retail use on portions of ground floor and cellar

Richard Lobel, representing the applicant, spoke in favor of the modification of uses for the premise.

Parks/ Waterfront

Resolution Regarding Enforcement of Rules and Guidelines in Washington Square Park

Cathryn Swan spoke against the resolution.

SLA Licensing Items

888 Dumpling, LLC d/b/a Miss Yu Bowery Dumpling (Previously Hok S. Lam, Miss Yu), 188 Bowery Minerva Durham, Michele Campo, Mary Hurlbut, Anastasia Bolotowsky, Philipp Englehorn, and Susan Williams.

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 Sanchala, Assembly Member Deborah Glick's office

Adam Chen, Public Advocate Letitia James' Office

Margaret Bangs, Council Member Corey Johnson's office

Sam Spokony, Council Member Margaret Chin's office

Sheila Rodriguez, Council Member Rosie Mendez's office

V. ADOPTION OF MINUTES

Adoption of May minutes and distribution of June minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item: 16 - 40 Mercer St., aka 465 Broadway & 106-114 Grand St. - SoHo-Cast Iron H.D.
A steel-and-glass building designed by Atelier Jean Nouvel and built in c. 2006. Application is to alter granite sidewalk

Whereas, *LPC violation WL14-0554* was issued on January 7, 2014 for gross, illegal signage on several ground-floor display windows of this building, a condition that existed for many months prior to the violation; and, further,

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 for failure to adhere to this important step in the review process; that is, presenting to the community board, and

Further, be it resolved that CB#2, Man. strongly recommends that the applicant cure the existing LPC violation before any further discussion on new applications is continued.

Vote: Unanimous, with 37 Board members in favor.

2 - LPC Item: 17 - 35 Great Jones St.-NoHo Historic District A Romanesque Revival style store and loft building designed by Cleverdon & Putzel, built in 1893-94. Application is to legalize sidewalk work completed in non-compliance with Landmarks Preservation Commission permits.

Whereas, little of the sidewalk-vault metal grid and its glass crystals were extant, and we realize the difficulty and expense in keeping these sidewalk elements waterproof; and

Whereas, although the sidewalk work was done in non-compliance, the end result is not a disaster. Indeed, it may well likely may have been approved initially had the applicant tried; now

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

Vote: Unanimous, with 37 Board members in favor.

3 - LPC Item: 19-383 Lafayette St., aka 383-389 Lafayette St., 22-26 E. 4th St.-NoHo Historic District & NoHo Historic District Extension A simplified neo-Classical style store and loft building designed by Gronenberg & Leuchtag and built in 1913; and a parking lot with a concrete-block wall. Application is to replace storefront infill, reconstruct the facades, install an entrance canopy, install rooftop mechanical equipment and bulkheads and construct a new building on the vacant lot. Zoned M1-5B

Whereas, we commend the applicant for a remarkable restoration project on the Lafayette Street building, including, but not limited to: the reconstruction of the parapet; the replacement of damaged bricks and non-historic masonry; and restoration of the upper floor windows to a more historic configuration; and

Whereas, the rooftop equipment will not be overly obtrusive from the street; and

Whereas, the new building proposed is well designed and will enhance the Lafayette Street building, as well as the historic district; and

Whereas, we applaud the applicant, NYU, for respecting the height of the surrounding buildings by not building as high as permitted under the zoning; and

Whereas, much of the work proposed for the storefront is appropriate; but

Whereas, we rarely see in the urban context — let alone historic districts — such an expanse of ground-floor glazing; and

Whereas, consequently, with so much continuous glass, the storefront seems to crawl out of the building and the upper floors appear to float by magic; and

Whereas, the storefront transoms should have more articulation; and

Whereas, the side loading-dock of this building, which long-housed a paper distributor, actually required an overhang to protect the paper products. Moreover, few would commonly refer to such a structure as a “marquee” as this applicant does; and

Whereas, this type of protective roof-like structure is the only example of its kind in any of the NoHo Historic Districts; and, again, it was for this special instance of protecting paper products from the elements; and

Whereas, the old loading-dock overhang was on a side street; the marquee is proposed for a very wide street, something not ever present historically in NoHo; and

Whereas, the two large NYU banners that the applicant has proposed —and of which we approve — will certainly announce the presence of this college administrative building, without the applicant having to resort to a marquee — an element commonly associated with theaters, hotels, hospitals, or train stations, and not college administrative buildings; and

Whereas, there is no rhyme or reason for an incongruous element like a marquee to announce a college administrative building, since the building will not be open to, or attract, the general public; now

Therefore, be it resolved that CB#2, Man. recommends approval of the new building, the rooftop mechanicals and bulkheads, and the restoration of the windows, parapets and masonry; but

Further, be it resolved that CB#2, Man. recommends interrupting the proposed expansive coursing of glazing with more articulation and divisions, so that the storefront is more anchored to the facade of the building's upper floors – and not appear to float, as is proposed; and,

Further, be it resolved that CB#2, Man. recommends approval of the two NYU banners, but recommends denial of the superfluous, distracting and non-historic marquee proposed for the college administrative building.

Vote: Unanimous, with 37 Board members in favor.

4 - LPC Item: 20 - 152 W. 13th St.-Greenwich Village Historic District. A Greek Revival style rowhouse built in 1846. Application is to construct rooftop and rear yard additions, and replace windows. Zoned R6

Whereas, the rooftop addition is not glaringly visible from the street and will be partly covered by the code-required chimney extension; but

Whereas, in the Greenwich Village Historic District, since we try to be restrained with our rooftop additions, the rear of this building would be improved by decreasing the 12-foot height of the proposed rooftop extension; and

Whereas, the proposed large slider-door seems suburban and not appropriate for a masonry building in the Village; and

Whereas, the design for the rear facade is visually incoherent, unartistic and unappealing. The fenestration needs more symmetry; now

Therefore, be it resolved that CB#2, Man. recommends general approval of the rooftop addition, but recommends denial of the asymmetric and unappealing design of the rearward addition.

Vote: Unanimous, with 37 Board members in favor.

5 - LPC Item: 23 - 470 6th Ave., aka 466 to 470 6th Ave.-Greenwich Village Historic District A vernacular style house built in 1844. Application is to modify storefront infill installed in non-compliance with Certificate of Appropriateness

Whereas, the exiting infill was installed in non-compliance and it removes the storefront from an historical configuration; and

Whereas, the community board and the Landmarks Preservation Commission in 1992 spent time and effort at designing a Master Plan for the set of buildings of which this is one; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application and suggests the applicant simply defer to the LPC's original Master Plan.

Vote: Unanimous, with 37 Board members in favor.

2nd LANDMARKS MEETING

6 - LPC Item: 8 - 434 Lafayette St. - Individual Landmark-NoHo Historic District. A Greek Revival style townhouse with a two-story Corinthian colonnade, attributed to Seth Geer, built in 1832-33. Application is to install a marquee, signage and lighting

Whereas, the proposed replacement of the marquee sign for the Blue Man Group theatrical production is to be of a translucent material, lit from behind; and

Whereas, the supporting structure and the band at the top of the sign will remain; and

Whereas, the proposed design of the graphics are substantially calmer than the present sign; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application provided that the level of illumination of the sign does not exceed the level of the present sign and that the band above the sign remain the present light metal color.

Vote: Unanimous, with 37 Board members in favor.

7 - LPC Item: 9 - 380 Lafayette St.-376-380 Lafayette St. Building - Individual Landmark - NoHo Historic District (North West corner of Lafayette and Great Jones Street) A Romanesque Revival style store and loft building designed by Henry J. Hardenbergh built in 1888. Application is to replace doors.

Whereas, the current double door in the central opening does not meet code requirements and will be replaced by a wooden door with glass, copying the “roundels” in the circular transom above and that, despite its being shown in a vague rendering, appears to be of proper design for the building; and

Whereas, the utilitarian lighting fixture above the door will be replaced with a hanging lantern patterned after the metal brackets on the façade above the ground floor; and

Whereas, there will be general restoration of the intact surround and the transoms; and

Whereas, the sidewalk immediately in front of the door will be replaced with stone and the number in metal will be recessed into the stone; and

Whereas, great sensitivity and respect for the style of the building are shown in the restoration and the creation of the new elements; now

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

Vote: Unanimous, with 37 Board members in favor.

8 - LPC Item: 10 - 31 Bond St.-NoHo Historic District Extension. A Renaissance Revival style store and loft building designed by DeLemos & Cordes and built in 1888-1889. Application is to alter the ground floor, install storefront infill, replace windows, construct a new rear facade and rooftop addition, and excavate the cellar. Zoned M1-5B

Whereas, the non-historic infill in the three front façade bays are to be replaced with double doors in the center, a required egress door with matching fixed panel in the left opening and a pair of fixed panels

replicating the design of the doors with required ventilation louvers in place of bulkhead panels in the right opening; and

Whereas, the considerable, well preserved brownstone and cast iron elements and the transom are to be repaired and restored; and

Whereas, the existing elevator shaft on the roof at the front of the building is to be removed and a stair bulkhead and overrun for the new elevator will be constructed behind the existing chimney, which will remain; and

Whereas, the roof additions are somewhat visible, though not intrusive, the roofscape is considerably improved by the elimination of the existing elevator shaft, giving a welcome openness above the front façade as seen from both near and distant locations; and

Whereas, The original, rear façade and parts of the rear side walls are to be demolished to provide rear yard clearance varying from 18' to 30'; and

Whereas, it is unclear to the Committee why an 18' clearance would be permitted, thus rendering the design of the rear façade unworkable; and

Whereas, the new rear wall is to be constructed entirely in glass with metal frames and will have balconies on each floor all of which are out of character for Great Jones Alley and the building; and

Whereas, a portion of the rear side wall, clearly visible from Lafayette Street down Great Jones Alley has floor to ceiling glass panels and white stucco which greatly intrude on the historic view down the alley which is otherwise undisturbed by contemporary alterations to other buildings in the alley; and

Whereas, the treatment of the rear of the building is completely without historical reference or context the building and neighborhood; and

Whereas, as represented by a knowledgeable resident of the district and leader of a community group, other buildings on Great Jones Alley and elsewhere in the NoHo historic district and extension were required to treat the rear facades with respect for historical reference and context of the buildings and the neighborhood; and

Whereas, several of these buildings will be severely impacted by the introduction of the proposed rear façade into Jones Alley; now

Therefore, be it resolved that CB#2, Man. recommends approval of the façade and roof work; and

Be it further resolved that The Board recommends denial of the rear façade which is non-contextual to the building and to the district and which disturbs one of the few remaining alleys in the City, which is otherwise remarkably well preserved.

Vote: Unanimous, with 37 Board members in favor.

9 - LPC Item: 12 - 31 W. 11th St.-Greenwich Village Historic District. A neo-Classical style apartment building designed by Browne and Almiroty and built in 1910. Application is to legalize the removal of lampposts without Landmarks Preservation Commission permits

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 37 Board members in favor.

10 - LPC Item: 13 - 340 W. 12th St.-Greenwich Village Historic District. An Italianate style rowhouse built 1859-60. Application is to construct a rooftop addition, alter the rear facade, and perform excavation

Whereas, new steps, stoop, and entryway are to be constructed to match the presumably historically accurate ones of the neighboring building to the east; and

Whereas, the proposed ironwork, also matching the neighboring building is not correct in style, period and design for the building; and

Whereas, the areaway is to be excavated to provide entrance below the new stoop to the basement level and the areaway windows are to be lowered proportionally; and

Whereas, the front façade parapet is to be lowered one foot to align with the neighboring building; and

Whereas, shutters are proposed for the front windows with no evidence that any ever existed on the building nor with convincing evidence that they would have been original to similar buildings in the district; and

Whereas, there is to be excavation of 4.5 feet in the cellar and adjacent side passage to provide headroom in these areas and an excavation of 12.5 feet of the entire rear yard and the area under the rear house to provide underground rooms; and

Whereas, new, improved windows will replace existing ones in the existing opening at the basement level of the rear façade and the access door to the garden will be lowered to grade level; and

Whereas, a parlor floor window wall will necessitate considerable removal of historic material and will not reflect the three bay division of the rear façade which is historical and intact; and

Whereas, a balcony is to be added at the parlor level with a spiral staircase leading down to the garden; and

Whereas, the rear house facade is to be rebuild with windows similar to those in the lower level of the main house; and

Whereas, the existing skylight in the rear house is to be replaced in kind; and

Whereas, the exiting sloping roof will be replaced by a penthouse at the rear and a terrace in front and the construction is respectful of the design of the rear façade and will not be visible from a main thoroughfare; now

Therefore, be it resolved that CB#2, Man. recommends approval of the steps, stoop, entryway, and areaway modifications; and

Be it further resolved that the Board recommends approval the alterations to the roof and front parapet, the excavation of the cellar, side passage, and below the rear house; and

Be it further resolved that the Board recommends approval of the modifications to the basement portion of the rear façade and the rear house; and

Be it further resolved that the Board recommends denial of the copying of incorrect ironwork from the neighboring house in the interest of uniformity of the row at the expense of historically correct design of the new ironwork and does not approve of the shutters with no evidence that there have ever been shutters, original or later, on the house and that the introduction of shutters would disburse the unity of the row far more than would correct ironwork; and

Be it further resolved that the Board recommends denial of the excavation of the garden/patio area, which would forever, prohibited an historical, landscaped garden in this area: and

Be it further resolved that the Board recommends denial of the alterations to the parlor floor rear in that considerable historical material is being destroyed and an intact façade is being altered beyond recognition, and we also request that the rhythm of the three bays of windows be preserved, perhaps by lowering the existing window openings and fitting them with French doors; and

Be it further resolved that the Board recommends denial of the spiral stair which is without historical character and context.

Vote: Unanimous, with 37 Board members in favor.

11 - LPC Item: 14 - 1 Perry St., aka 57 Greenwich Ave.-Greenwich Village Historic District. A Greek Revival style residence built in 1844-45. Application is to install rooftop mechanical equipment.

Whereas, the applicant has made a good faith effort to find the least obtrusive placement for the equipment and has presented the shortcomings of the alternate placement clearly and convincingly;

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

Vote: Unanimous, with 37 Board members in favor.

12 - LPC Item: 16 - 155 Becker St.-Greenwich Village South Historic District. A stick-frame federal style rowhouse built prior to 1900 with an altered commercial base. Application is to install storefront infill and illuminated signage.

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 37 Board members in favor.

13 - LPC Item: 17 - 277 W. 10th St.-Greenwich Village Historic District Extension. A Romanesque Revival style warehouse building designed by Martin V.B. Ferdon, and built in 1894-96 and a one-story building built. Application is to demolish the one-story house, and construct a new one-story building, enlarge the rooftop addition, install rooftop mechanical equipment, alter the facade and install windows. Zoned C1-7

Whereas, the non-contributing, much altered one story building on the street and another one story building of no distinction on the back of the lot are to be demolished; and

Whereas, a new one story building, represented by the applicant as evoking the original or similar garage, is to be constructed and the remainder of the lot devoted to outdoor terrace space; and

Whereas, the new building, to serve as a lobby entrance to the adjacent apartment building, is in a type of brick similar to utilitarian buildings in the area with a large opening infilled with considerable glazing and contemporary style black steel framing with large, raised wooden planter boxes on either side of the entrance; and

Whereas, the new building relates to garages in the neighborhood only in the use of simple brick and having a large opening; and

Whereas, the façade will be repaired and restored as required by conditions and the air conditioners will be removed from the windows; and

Whereas, the present entrance to the apartment building on 10th Street will be reconstructed as an egress similar to the existing door on Washington Street; and

Whereas, the windows on the principal facades (south and west) are to be replaced with better insulated widows and the replacements in the arched openings will have curved, operable upper sashes; and

Whereas, the lot line windows (north and east) are to be, in some instances, enlarged which will give a symmetry to these facades and there was no representation as to the percentage of the openings to solid walls on these lot line windows conforming to applicable building regulations; and

Whereas, some alterations are to be made to the mechanical structure on the roof, including removal of the wooden water tank; and

Whereas, considerable penthouse living space and private terraces are to be added to the roof which were depicted with a large number of enhanced photographs that purported to show visibility of the rooftop additions from a number of vantage points both close to the building and far away; and

Whereas, mockups of what will clearly be highly visible additions were not placed on the roof to verify the actual visibility of the rooftop additions, thus depriving the Committee and the public from being able to make an accurate assessment about the visibility of the additions; now

Therefore, be it resolved that CB#2, Man. recommends the approval of the demolition of the one story structure; and

Be it further resolved that the Board recommends approval of the replacement of the windows (in the case of the lot line windows if they conform to regulations), repair and restoration of the façade, construction of the new entrance on West 10th. Street; and

Be it further resolved that the Board recommends denial of the new one story building which makes only imaginary reference to a garage building that might have been originally build on the lot or is to be found in the district and especially, the windows and planters are aggressively contemporary in design and feeling and are a jarring intrusion into the district; and

Be it further resolved that the board recommends denial of the rooftop modifications owing to the failure of the applicant to construct a boldly visible mockup of the rooftop alterations and additions so that they may be viewed in situ by members of the public and by members of the Committee and to present photographs of the mockups from a variety of vantage points, which is an absolute requirement for any visible modifications to a building in the district, and

Be it further resolved that the Board strongly urges the Commission not to consider alterations to the rooftop until the mockup has been constructed, photographed and presented to the Landmarks Committee of the Board at a regular meeting of the Committee.

Vote: Unanimous, with 37 Board members in favor.

NOTE: The applicant, when questioned about there not being photographs of mockups, replied that the mockups were to be put up the next day. It was made clear by the chair of the meeting that this was not satisfactory. I subsequently visited the site and observed scaffolding that must be intended as mockups though they were not clad in the usual orange netting. The representations were far more visible and intrusive than the photomontages presented at the Committee meeting showed.

LAND USE AND BUSINESS DEVELOPMENT

1. 130 Prince St.-An application (C 140330 ZSM) to the Department of City Planning for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building in an M1-5A zoning district within the SoHo Cast Iron District.

A resolution recommending DENIAL of the application.

Whereas,

1. The application was presented to the committee at the June, 2014, meeting of the Land Use Committee by Daniel Egers and Deirdre Carson of Greenberg Traurig, representing the applicant, as well as property owner Invesco representative James Gillen of Invesco, the property owner.
2. The full board sent the item back to committee to allow for additional discussion with property owners.
3. At the July meeting additional information was provided to the committee by Evan Rothe of Invesco.
4. The application seeks to legalize 11,490 sf of existing ground floor retail uses and to add 10,130 sf of retail use in the cellar.
5. The current uses of the ground floor are multiple retail uses that do not comply with the M1-5A zoning.
6. The application states that the retail uses have been present since 1989 when the building was substantially altered.
7. While commitment to maintaining the quality of the façade is beneficial to the landmarked district, the building has been well-maintained and its condition has not been harmful to the appearance of the block.
8. There is a harmful trend in the area whereby oversized and multi-floor retail entities are spreading off of Broadway into the rest of SoHo;
9. Recent applications under 74-922 have justified proposals for stores exceeding 10,000 square feet by stating that these are characteristic in the neighborhood;
10. Legalizing the retail uses below the second floor of this building, along with combining of smaller stores and development of as-of-right retail uses on upper floors, could contribute to spreading this detrimental trend toward neighborhood dominance by large format retail;
11. In this case, none of the current retail uses occupy more than 10,000 square feet and the upper floors are used for commercial offices;
12. There is currently a good balance of retail uses in the surrounding area, including some eating and drinking establishments;
13. Legalization of the retail uses could lead to the addition of more larger restaurants and clubs and affect the current balance;
14. The applicant refused to agree to restrict the UG6 uses to those other than eating and drinking establishments;
15. The applicant refused to commit to limiting retail use to the ground floor and cellar.
16. The building owner specifically stated the intention to re-lease spaces in current configurations with no plan to lease space for eating or drinking establishments and stated that current leases specifically prohibited such use.
17. The legalization of the current retail uses on ground floor and addition of retail uses in the cellar will not by itself have significant adverse impact on the conforming office uses in the upper floors or on uses in the surrounding area, but it potentially contributes to the escalating harmful trend caused by the high value of retail space in the area.
18. The property owner stated that Invesco's business model is to improve uses to increase income, reduce costs, and eventually sell the property at a profit.
19. Changing markets may make future owners more inclined to expanding retail onto upper floors and accept uses more harmful to neighborhood character.

Therefore it is resolved that CB#2, Man.

1. **Recommends DENIAL of this application for a special permit to create 21,620 sf of legal retail use at 130 Prince Street UNLESS the applicant agrees to restrict retail uses to other than eating and drinking;**

2. Requests that if this application is approved, consideration be given to limiting retail uses to the ground floor and cellar only.

Vote: Unanimous, with 37 Board members in favor.

2. 37 Great Jones Street-An application (C 140114 ZSM) to the Department of City Planning pursuant to Sections 197-C and 201 of the NYC Charter for the grant of a special permit to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-00 to allow residential use (Use Group 2) in a portion of a ground floor and on the 2nd-5th floor and proposed penthouse; and Section 42-14(D)(2)(b) to allow retail use (Use Group 6) on portions of the ground floor and cellar in an M1-5B zoning district within the NoHo Historic District.

A resolution recommending APPROVAL of the application, with exceptions.

Whereas,

1. The application was presented to the committee by Richard Lobel of Sheldon Lobel, PC;
2. Improvements to the building under the certificate from the Landmarks Commission have greatly improved the appearance of the building and its contribution to the appearance of this block in the NoHo Historic District.
3. The prior industrial uses of the building were not contributors to the special mixed-use character of the area, and the current JLWQA status of the upper floors was established as part of the process to enable legal construction of residential units.
4. The application seeks to establish Use Group 6 retail on the ground floor and cellar and four Use Group 2 residential units on the five upper floors.
5. The proposal will not harm the mixed-use character of the neighborhood.
6. Several residents spoke about their concern about the loss of JLWQA housing and art related ground floor uses and lamented the continuation of this trend with the current application.
7. Neighborhood organizations requested a restriction of eating and drinking establishments.
8. The applicant was unwilling to agree to any restrictions regarding the use of the ground floor retail.
9. The applicant has signed a 10-year lease with a clothing design and retail company.
10. Neighbors stated that the applicant has been an excellent neighbor during the construction process.
11. The applicant expressed his intent to rent the residential units without consideration of their current JLWQA status because of an expectation that the special permit will be in place prior to any enforcement affecting the tenants.
12. The application to the Landmark Preservation Commission includes a presentation of the ground floor preserving the garage door entrance, however the intent is to establish a modern storefront façade directly behind them and to keep the historic doors open during the day so at most times the building will not look like what was approved by the LPC.

Therefore it is resolved that CB#2, Man.:

- 1. Recommends approval of the special permit allowing Use Group 6 retail use of the ground floor and cellar at 37 Great Jones Street but urges the City Planning Commission and City Council to seek a restriction on future eating and drinking use;**
- 2. Based on the lack of prior JLWQA use, does not object to the conversion of the JLWQA units to Use Group 2, but objects to rental of these units to non-qualified tenants prior to approval of this application; and**
- 3. Objects to the failure of the applicant to present the actual storefront appearance to the LPC and asks that at minimum the proposed conditions be presented to LPC for staff review.**

Vote: Unanimous, with 37 Board members in favor.

PARKS/ WATERFRONT

Resolution Regarding the Enforcement of Rules and Guidelines in Washington Square Park

WHEREAS

1. The restoration of Washington Square Park has been well-received by the community, resulting in increased use of and attendance in the park;
2. The Parks Department has tried to balance enforcement of citywide rules with requests from the local community to allow free expression in the park;
3. In recent weeks, CB2 has received an increasing number of complaints about skateboarders, loud music, and people in the park after the posted closing time (including entering after the park has been closed);
4. CB2 is very concerned about hazardous skate boarding activity in the park, the risk it poses to others in the park, and the damage it is causing, especially near the Garibaldi statue; CB2 has heard many complaints from park users and neighbors regarding the disturbance caused by constant drumming, the playing of recorded music by performers, and loud horn playing (even when not amplified), especially on weekends;
5. The aforementioned is drowning out quieter musicians; CB2 recognizes the need for improvement of the appearance and effectiveness of the means of closing park entrances, for increased security and enforcement of posted closing time.

Therefore it is resolved, that CB#2, Man. requests:

1. that the Parks Department propose physical and operational means of controlling these disturbing activities, including stronger and more consistent enforcement of existing park rules, while working with CB2 and park users to develop approaches tailored to the special needs of the park,
2. that the Parks Department review its current policies and consider changes that would limit noise and disturbance in the park,
3. that the Parks Department work with CB2, the local police department, and other interested community members, to address the need for improved enforcement of park hours, including installation of ways to close the entrances that are more secure, effective, and attractive.

VOTE: Passed, with 30 Board Members in favor, and 7 in opposition (K. Berger, S. Smith, R. Stewart, A. Meadows, D. Diether, S. Russo, T. Connor).

SIDEWALKS/STREET ACTIVITIES

App. to Dept of Consumer Affairs for Newsstands at:

1. Southeast corner of 5th Avenue and East 14th Street (6350-2014-ANWS)

Whereas,

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Mohammed Hossain, was present, and
- b. the newsstand is proposed for the east side of 5th Ave, 25' south of its intersection with E. 14th St., and is to be 6' x 8' on a site with a retail entrance to its north and a tree pit to its south as the primary limiting factors, with 20' between them, and

- c. a representative from the New School which owns the building directly adjacent to this site stated that due to a recent water line flood, the basement of the new building has required additional work and all elements of the sidewalk, including a MUNI Meter, have not yet been installed, and
- d. the New School representative also said the tenant for the retail space is to be a chain drugstore and many on the committee felt this would make it further likely that all the products stocked by a newsstand are already readily available in the immediate area,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends DENIAL of an application for a newsstand on **Southeast corner of 5th Avenue and East 14th Street (6350-2014-ANWS)**

VOTE: Unanimous, with 37 Board members in favor.

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

2. Fig & Olive Thirteen Street LLC d/b/a Fig & Olive, 420 West 13th St., with 17 tables & 34 chairs (1343247-DCA)

Whereas,

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's Director of Accounting, Chez Whiter, was present, and
- b. the committee requested the applicant appear for this renewal to address the illegal use of extremely large umbrellas that are:
- not on the approved plans in any form
 - extend over most of the public sidewalk, well beyond the café limits
 - are mounted in concrete plates with planters (also not on plan) and are not removed when the café is closed
- c. the representative stated that he would pass the information on but was apparently not authorized to commit to correction of the situation,

THEREFORE BE IT RESOLVED that recommends DENIAL of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Fig & Olive Thirteen Street LLC d/b/a Fig & Olive, 420 West 13th St., with 17 tables & 34 chairs (1343247-DCA)**

UNLESS the applicant permanently removes the umbrellas that are not shown on the applicant's approved plan, extend well out over the public sidewalk and are mounted in concrete plates and not removed from the sidewalk when it is closed, along with the concrete pods and planters which are also not on the approved plan.

VOTE: Unanimous, with 37 Board members in favor.

3. Friendly Foods LLC, d/b/a Cherche Midi, 282 Bowery, with 11 tables & 35 chairs (1343045-DCA)

Whereas,

- a. the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

b. the committee requested the applicant appear for this renewal as the restaurant's façade has been completely altered as part of its remodeling and change from Pulino's to Cherche Midi, with the entry/service door moved from the north corner to the middle of the façade which requires an entirely new plan, and

c. as Mr. Kelly was not made aware of the façade alteration, the committee could not further consider the matter and it is clear a modification application must be made to DCA, and the applicant should return to the committee when that application has been filed,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Friendly Foods LLC, d/b/a Cherche Midi, 282 Bowery, with 11 tables & 35 chairs (1343045-DCA).**

VOTE: Unanimous, with 37 Board Members in favor.

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

4. Lasso NYC, Inc., L'ASSO, 192 Mott St. (NE corner Kenmare St), with 13 tables & 29 chairs (8769-2014-ASWC)

Block:479 Lot:5 Lot Frontage:31.92' Lot Depth:94.08 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:30 Total # of Units:33
Zoning:C6-1

Whereas,

a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager, Reginald Noel, and his representative, Michael Kelly, were present, and

b. this café is proposed for a sidewalk of just 12'8" on Mott St with no obstructions and a sidewalk of 18'9" on Kenmare St which is partially restricted by a postal relay box to a usable width of 14' at that point, and

c. the supplied print shows the last table on Mott St as being larger than the other tables on that side and Mr. Noel agreed to remove the third chair and use the same size 20"x24" table, and

d. also, due to the proposed seating on Kenmare depending on what was essentially a 'carve out' to maintain the required clearance from the postal box, at the request of the committee Mr. Noel agreed to remove the outer 2 tables and 5 seats leaving just the seating which is against the façade

e. based on these agreements, Mr. Noel and Mr. Kelly committed to filing a new print with DCA showing the reduced seating of 11 tables & 23 chairs (5 tables & 10 chairs on Mott St, 6 tables & 13 chairs on Kenmare St),

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Lasso NYC, Inc., L'ASSO, 192 Mott St. (NE corner Kenmare St), with 13 tables & 29 chairs (8769-2014-ASWC)**

UNLESS the applicant files a new plan with DCA reducing the seating to 11 tables & 23 chairs as noted in the Whereas clauses (c), (d) and (e)

VOTE: Unanimous, with 37 Board members in favor.

5. Doppio Hudson Street LLC d/b/a Doppio, 581 Hudson St. (btw W 11 St & Bank St), with 9 tables & 20 chairs (9043-2014-ASWC)

Block:634 Lot:60

Lot Frontage:50.08' Lot Depth:71.08

Year Built:1930

Number of Buildings:1;

Number of Floors:5 Residential Units:22

Total # of Units: 24

Zoning:C1-6

Whereas,

- a. the area was posted, community groups notified and there were community members present regarding this application, and the applicant's manager, Michael Vigliotti, and his representative, Michael Kelly, were present, and
- b. this café is proposed using the same plan that was used by a previous operator and the committee was not aware of any substantial issues with its operation during that time, and
- c. the one change requested by the committee was the removal of 1 table and 2 chairs situated on the outer row in front of the door which requires patrons to enter the café and restaurant from the north end of the café, but there is another sidewalk café immediately adjacent that prevents this, and the previous operator had not used that 1 table and 2 chairs, and
- d. As a result of it being a New application, Mr. Kelly agreed to file a new print with DCA removing the 1 table & 2 chairs that essentially block the entry, reducing the seating to 8 tables & 18 chairs,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Doppio Hudson Street LLC d/b/a Doppio, 581 Hudson St. (btw W 11 St & Bank St), with 9 tables & 20 chairs (9043-2014-ASWC)**

UNLESS the applicant files a new plan with DCA reducing the seating to 8 tables & 18 chairs as noted in the Whereas clauses (c) and (d)

VOTE: Unanimous, with 37 Board members in favor.

FYI Renewals:

Whereas, the renewals below were posted on the CB2, Man. website and there were no community members requesting these 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,

- **Dynamic Music Corp., d/b/a Olive Tree Café, 117 MacDougal St., with 3 tables & 6 chairs (0807555-DCA)**
- **99 South Rest. Corp., 99 7th Ave. S., with 42 tables & 84 chairs (1217775-DCA)**
- **4 Runners, Inc., 310 W.14th St., with 5 tables & 10 chairs (1290477-DCA)**
- **Daily Bread Inc., d/b/a Deb's Catering, 200 Varick St., with 8 tables & 16 chairs (1431295-DCA)**

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

VOTE: Unanimous, with 37 Board members in favor.

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

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 CB#2, Man. has no issue with these applications,

- 1. **9/10/14** Between the Squares on 10 Block Party, East 10th St bet University Pl. and Broadway (new)

WITHDRAWN BY SAPO

FYI Renewals:

- 2. **8/16/14** End of Summer Celebration Block Party, Charlton St. bet. 6th Ave. & Varick St.
Vote: Unanimous, with 37 Board members in favor.

- 3. **9/21/14** Cycle for the Cause – Northeast AIDs Ride Block Party, West 13th St bet. 7th Ave. & Greenwich Ave.

Vote: Unanimous, with 37 Board members in favor.

- 4. **10/4/14** Bedford Downing Block Association Sidewalk Sale Block Party, Downing St bet. 6th Ave & Bedford St.

Vote: Unanimous, with 37 Board members in favor.

- 5. **10/31/14** NYU/CB2 Children’s Halloween Parade, LaGuardia Pl. bet. Washington Sq. South & W. 3rd St.

Vote: Unanimous, with 37 Board members in favor.

- 6. **9/15/14** LREI Ribbon Cutting Block Party, 40 Charlton St. bet. 6th Ave & Varick St (new)

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,

- a. After being notified of the committee’s hearing, the applicant did not show up nor contact the CB2 office to ask for a later hearing, and
- b. this appears to be a one-time event to celebrate the completion of a major renovation of the Elizabeth Irwin High School which is a valuable member of the lower Manhattan community, and

c. the committee typically does not approve applications when the applicant does not appear as requested, but as this event is closing just the block of Charlton St on which the high school sits and just for the late afternoon and early evening, and assuming this is a one-time event, then we have no issues with this event,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this event on Charlton St. bet. 6th Ave & Varick St.

Vote: Unanimous, with 37 Board members in favor.

6. 10/4/14 - Cut Rush Creative Labs NYC Decentralized Block Party, Bleecker St bet. Thompson St. & LaGuardia Pl. (new)

Whereas,

- a. this event is proposed by a loose group of individuals who are supporters of decentralized currencies like Bitcoin to promote its use, and who are not a formal organization registered as a non-profit with either the State of New York or the IRS, and who primarily live in Brooklyn and have no “indigenous relationship” with this area, and
- b. the involvement of GMT, a bar/restaurant at 142 Bleecker St is nothing more than a matter of convenience, and neither it nor any other business or resident in the area has an active role in planning or managing this event, and
- c. the committee can see no way in which this event is meaningfully tied to this community and is adamantly opposed to its occurrence in CB2, which is already chock-a-block with street closings throughout the year, and is particularly opposed to any further events closing Bleecker St. given its role as a primary east/west route through the West and Central Village,

THEREFORE BE IT RESOLVED that CB#2, Man. **STRONGLY** recommends **DENIAL** of this event on Bleecker St bet. Thompson St. & LaGuardia Pl.

Vote: Unanimous, with 37 Board members in favor.

SLA LICENSING

1. 888 Dumpling LLC d/b/a Miss Yu Bowery Dumpling (Previously Hok S. Lam, Miss Yu), 188 Bowery a/k/a 2 Spring St. (New OP – previously unlicensed basement premises).

Whereas, the applicant appeared before CB2’s SLA committee for the purpose of seeking a new OP license in the basement premises of a six-story mixed use loft building at the southwest corner of Spring and Bowery; and

Whereas, the premises was previously used as storage for a restaurant supply store; and

Whereas, the applicants seek to open a Dumpling House with late night service until 2 am in a 4200 sq. basement involving a complete gut renovation of the premises, a new full service kitchen and installation of new mechanical systems where none had existed previously; and

Whereas, the premises does not have a valid Certificate of Occupancy or Public Assembly Permit allowing the premises to be operated as a eating or drinking establishment with a liquor license; and

Whereas, the renovation of the basement premises will create a new entrance to the premises on Spring Street and not on the Bowery; and

Whereas, the proposed Bar and Restaurant seeks to have 52 tables with 175 seats, one bar with 14 seats for a total occupancy of 199 patrons with hours of operation from 12 pm to 2 am every night; and

Whereas, the applicants originally sought to have a 4 am closing time but thereafter reduced those hours to 2 am; and

Whereas, the applicants have never held a liquor license or operated a restaurant and all their previous experience included operating bars in Midtown until 4am; and

Whereas, the proposed menu is mostly appetizers, salads, noodles and dumplings with the most expensive places being \$15 or less in price, similar to the price points of a Bar and not a Restaurant; and

Whereas, the proposed basement premises will require new egress from the Bar/Restaurant leading directly into the main staircase and hallway used by the Residential Tenants of the building creating significant concerns of security and safety for the existing Residents, who include families with children and who have resided in the building for decades; and

Whereas, the basement premises also includes a rear courtyard outdoor space that faces the rear windows of a large adjacent residential community creating concerns of noise coming from the Bar/Restaurant; and

Whereas, applicant proposed speakers throughout the establishment for “ambient” music but no soundproofing was proposed; and

Whereas, Residential Tenants of the building, appeared before CB2 Man. and were unanimously opposed to a new liquor license in their building, citing concerns with late night noise and crowds, an aggravation of an existing heavy volume of pedestrian and vehicle traffic, the over-saturation of liquor licenses in the neighborhood and produced photographs of the interior building where new egress from the Bar/Restaurant directly into the Residents staircase and common hallway is proposed; and

Whereas, many neighborhood and block associations also appeared and spoke in opposition to the new liquor license application, including the Little Italy Neighbors Association, Bowery Block Association, the Friends of Petrosino Square and the Nolita Place Condominiums, a 67 Unit Condominium building located directly across the Street at 199 Bowery; and

Whereas, a petition with 91 signatures was presented in opposition to this application; and

Whereas, an on-line petition with 213 electronic signatures was presented in support of this application; and

Whereas, people also appeared in favor of the new proposed establishment and to support the applicants based on their previous operation of Bars but only one person actually lived nearby the location and he had only lived in his apartment for four months: and

Whereas, there are already 26 liquor licenses within a 500 foot radius of these premises, many of which have only recently been added to the Area and many bars and night clubs, including the General/Finale NYC located right across the Bowery from the proposed premises and Sweet & Vicious, located right across Spring Street from the proposed premises; and

Whereas, these existing establishments (located across from this proposed establishment) at Spring and Bowery already generate considerable sidewalk and traffic congestion, that the General/Finale NYC alone contains three bars and night clubs causing gridlock caused by private cars and limos, double parked and blocking the intersection for vehicles attempting to turn left onto Spring, leading to the honking of horns late at night at a heavily congested intersection; and

Whereas, there are an additional 22 liquor licenses within a 700 foot radius of the proposed premises for a total of 48 liquor licenses within a few blocks of the proposed license and it is anticipation with the addition of yet another large 22 story hotel (Citizen M. currently being built at the corner of Delancey and Bowery) will further seek to establish even more liquor licenses in the immediate area; and

Whereas, members of the CB2 SLA Committee are very concerned about the applicants prior experience, which relates only to operation of late night bars and not restaurants, the applicant's claims that they will be opening up a Restaurant serving dumplings and not a bar despite a menu and price point that suggests the operation of a bar, the large size of the premises and the significant number of new patrons invited into a basement premises in a building primarily occupied by residential tenants with families, the complication of creating egress from the basement premises into the residential portion of the building, hallways and staircase, the recent addition of many late night establishments, bars and night clubs in the immediate area, the number of existing late night bars and OP licenses in the surrounding residential area, the licensee's failure to establish a public interest or benefit for operating a bar and restaurant at these premises in a residential building until 2 am or alleviate the Committee's concerns with additional traffic, noise, exhaust and the failure to obtain all the proper licenses and permits to operate an eating and drinking establishment at these premises; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial for **888 Dumpling LLC d/b/a Miss Yu Bowery Dumpling (Previously Hok S. Lam, Miss Yu), 188 Bowery a/k/a 2 Spring St.** on its application seeking a new OP license.

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB#2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and

THEREFORE BE IT FURTHER RESOLVED that if this application is considered 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 basement premises has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 37 Board members in favor.

2. Kale NYC LLC d/b/a Officina Mille Miglie, 371 Broome Street aka 173 Mott Street 10013 (BW License, previously unlicensed storefront location)

Whereas, the applicant presented before CB#2, Man. and seeks to open an Italian restaurant in a corner storefront previously operated as a store selling Aquariums and tropical fish at the south west corner of Broome and Mott Streets in a mixed use, five-story building; and

Whereas, the storefront premises has never been licensed for the service of alcohol or operated as an eating and drinking establishment, the premises will be gut renovated with a new full service kitchen requiring installation of new mechanical systems; and

Whereas, the licensed premises will be 1200 s.f., there will be 13 tables in 33 seats, 1 bar with 8 seats; and

Whereas, the applicant seeks to change the front façade of the new corner storefront and install new French windows and doors that open out to the sidewalk but further agreed not to install new French Windows and doors on Broome Street and only on Mott Street to reduce noise emitting from the new Restaurant caused by the open façade doors during operating hours; and

Whereas, CB#2, Man. is very concerned about the open storefront doors that will be installed and used on the Mott Street façade during operating hours when these premises are surrounded by residential buildings; and

Whereas, because of those concerns applicant specifically agreed to close those doors and windows on the Mott Street side façade every evening at 10 pm; and

Whereas, the applicant may seek to operate a new sidewalk café in the future but a sidewalk café is not included in the application that is currently being presented and the applicant will have to come back to CB#2, Man. if that occurs; and

Whereas, there is no backyard garden, there will be only one TV, music will be quiet background only and new soundproofing will be installed; and

Whereas, the hours of operation will be from 8 am to 12 am every night, Sunday through Saturday, there will be occasional private parties but no promoted events, DJs, live music, scheduled performances or any events for which a cover fee is charged; and

Whereas, with his attorney present, the applicant agreed never to upgrade to a full OP license at these corner storefront premises; and

Whereas, a letter of opposition was presented to CB#2, Man. from the Chinatown Head Start Organization, asserting that the new eating and drinking establishment is inappropriate for the mixed use residential neighborhood already saturated with too many liquor licenses and that by adding more eating and drinking patrons to the area will only add to traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area; and

Whereas, there are already 24 liquor licenses within a 500-foot radius of the proposed Restaurant and two Churches (Holy Trinity and Chapel of San Lorenzo Ruiz) within 200 feet of the premises; 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 BW license and the stipulations are as follows:

1. Applicant will obtain a letter of no objection or certificate of occupancy from the NYC Building Department for occupying the premises as a eating and drinking establishment before opening and operating the corner storefront premises (letter of no objection or certificate of occupancy shall be dated after July 2014).
2. Hours of operation will be from 8 am to 12 am every night from Sunday through Saturday (at closing all patrons will have vacated the premises).
3. Will close all doors and windows by 10 pm every evening.
4. New soundproofing will be installed.

5. Music will be quiet, background level inside restaurant only, there will be only one TV and there will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Will never seek upgrade to full OP license at these premises.
7. As a part of the renovation of the space, no French doors and windows to be installed on the Broome Street storefront façade and any doors/windows will be fixed, and will not be operable or designed to open up and out to the public sidewalk.
8. Will operate as an Italian Restaurant and not as a bar or tavern.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Beer Wine license to **Kale NYC LLC d/b/a Officina Mille Miglie, 371 Broome Street aka 173 Mott Street 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the OP License.

Vote: Unanimous, with 37 Board members in favor.

3. 323 MM NYC LLC d/b/a Michelangelo Mamo, 323 West Broadway 10013 (new OP License)

Whereas, the applicant appeared before CB#2, Manhattan's SLA Licensing Committee for a full On-Premise liquor license to operate a full service Italian restaurant in a two-story commercial use building on West Broadway between Grand and Canal Streets; and

Whereas, the premises was previously operated as a restaurant (Jezebel 2012-2103) with a license to sell alcohol; and

Whereas, the total licensed premises will be 4500 s.f. over two floors and a 500 sf basement for storage but not patrons, 4 bathrooms with 50 tables and 150 seats, one bar with 10 seats for a total patron occupancy of 160, there will be no TVs, quiet background music only, there will be no sidewalk café or outdoor garden and there are no French doors or windows that will open out; and

Whereas, the applicant agreed to operate with hours of operation from 11 am to 12:30 am Sunday through Thursday and from 11 am to 1:30 am Friday and Saturday; 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. The premises will be operated as a full service Italian restaurant only.
2. Will operate with hours of operation from 11 am to 12:30 pm Sunday through Thursday and from 11 am to 1am Friday and Saturday.
3. There will be no TVs.
4. There will be no outdoor area, no rooftop area/use or sidewalk café.
5. There will be no French doors or windows installed and all existing doors/windows will be closed by 10 PM every evening.
6. Music will be quiet, background level only, there will be private parties but there will not be live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On-Premise liquor license to **323 MM NYC LLC d/b/a Michelangelo Mamo, 323 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 37 Board members in favor.

4. ABAW, LLC d/b/a to be determined, 220 West Houston Street, 10014 (Transfer of OP-License #1238857, previously licensed location)

Whereas, the applicant appeared before CB#2, Manhattan’s SLA Licensing Committee for a new On-premise Liquor license to operate a bar in a ground floor space in a four story mixed use townhouse in a historic district at the corner of W. Houston and LaGuardia Place; and

Whereas, the 1800 s.f. premises was previously operated as a Sports Bar doing business as Busker’s Bar & Restaurant (contrary to their original presentation to CB#2, Man. that stated they would operate as a restaurant), but the current applicant stated and agreed that the existing premises will not be operated as a Sports Bar and that the premises will be operated as a Restaurant and Gastro Pub with only one TV; and

Whereas, there will not be any extensive renovations to the premises, 10 to 12 tables with 50 seats, one bar with 12 seats, one TV no more than 40 inches in width, there will be background music only, no sidewalk café or outdoor garden and they will not install French doors or windows; and

Whereas, the applicant will operate from 11:30 am to 2 am Sunday through Wednesday and from 11:30 am to 4 am Thursdays through Saturdays; and

Whereas, the operator met the Bleecker Area Merchants & Residents Association (“BAMRA”) and further agreed to abide by certain stipulations with BAMRA that are being incorporated herein; and

Whereas, the applicant will use reasonable efforts to remedy any traffic issues, shall employ security guards on the weekends and as needed, and keep the sidewalk clear of patrons from hanging out in front of the premises at night

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 OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a gastro pub and not as a sports bar with multiple TVs.
2. Will operate with hours of operation from 11:30 am to 2 am Sunday through Wednesday and from 11:30 am to 4 am Thursdays through Saturdays.
3. There will be only one TV.
4. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Will employ security on the weekends.
8. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.
9. All stipulations agreed to with BAMRA are incorporated into stipulations agreed to with CB2 Manhattan.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an OP license to **ABAW, LLC d/b/a to be determined, 220 West Houston Street, 10014** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for an OP License.

Vote: Unanimous, with 37 Board members in favor.

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

5. Soseb LLC, d/b/a Cocotte, 110 Thompson St. 10012 (RW) (withdrawn by attorney)

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on July 8, 2014, the applicant’s attorney requested to lay over and/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 **Soseb LLC, d/b/a Cocotte, 110 Thompson St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 37 Board members in favor.

6. RV Partners, Inc., Bombay Duck Co., 190 Bleecker St. 10012 (attorney requested layover to September)

Whereas, during this month’s CB2 SLA Licensing Committee meeting on July 8, 2014, the attorney 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 beer and wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer/Wine or On Premise license to **RV Partners, Inc., Bombay Duck Co., 190 Bleecker St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

7. Broome Street Food and Drink, LLC, 529 Broome St. 10013 (Request for layover by applicant at meeting)

Whereas, during this month's CB2 SLA Licensing Committee meeting on July 8, 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 Beer/Wine or 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 **Broome Street Food and Drink, LLC, 529 Broome 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 37 Board members in favor.

8. MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 10013 (change of class from OP to Catering Establishment License) (withdrawn by attorney before meeting and will resubmit)

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

Whereas, this application is for an alteration to change an existing On-Premise liquor license to catering establishment 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 **MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 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 37 Board members in favor.

9. No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan St. 10012 (attorney requested layover)

Whereas, immediately prior to this month's CB2 SLA Licensing Committee meeting on July 10, 2014, the principal's attorney requested to layover and adjourn the instant 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 at a previously unlicensed location; and,

Whereas, despite the layover request at the last minute, twenty-five residents living on Sullivan Street between Prince and Houston Streets appeared to voice their strong opposition to the formation of an eating and drinking establishment where only an unlicensed catering business with café exists:

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 **No Moore Oysters and Maritime LLC, d/b/a Navy, 135 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

10. Beyond the Kitchen, Inc., 133 W, 3rd St. 10012 (applicant requested layover prior to meeting)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to layover and adjourn the instant 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 **Beyond the Kitchen, Inc., 133 W, 3rd St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

11. Rafi Gibly/Corp. to be formed, d/b/a Hudson Square Hotel, 219 Hudson St. 10013 (Attorney requested layover to September meeting)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on July 8, 2014, the principal requested to layover and adjourn the instant 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 **Rafi Gibly/Corp. to be formed, d/b/a Hudson Square Hotel, 219 Hudson 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 37 Board members in favor.

12. Paali Enterprises, Inc. d/b/a Village Prime, 300-302 Bleecker St. 10014 (New OP)

Whereas, the applicant re-appeared before Community Board 2, Manhattan's SLA Licensing committee for a second time after receiving a negative recommendation with substantive changes to their application to the Liquor Authority for a restaurant that "will be serving aged steak and seafood with a great selection of wines that will complement all the dish on the menu"; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location that has been closed for some time; the premises is in a mixed residential/commercial district located on the ground floor and basement on Bleecker Street between Barrow St./7th Ave South and Grove St. for a roughly 3,600 sq. ft. premise divided between 1,500 sq. ft. on the interior ground floor, 600 sq. ft. in an exterior rear/side yard and 1,600 sq. ft. in the basement, basement is for accessory use only with no patron seating, there will be 18 tables and 42 seats on the interior and 1 standup bar with 5 seats for a total of 47 interior seats and 6 tables and 24 seats in the rear/side yard for a grand total of 71 seats; there is no sidewalk cafe, there is an existing Certificate of Occupancy, but the Certificate of Occupancy does not indicated that use of the rear yard/side yard is permitted and the **applicant was unable to produce any documentation showing that outdoor eating and drinking use for patron use is permitted**; and,

Whereas, the hours of operation of the interior of the premises are from 11 am to 2 am 7 days a week; the hours of operation of the exterior rear yard/side yard are Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm, the rear yard will be “dark” at closing times and no patrons or staff shall remain in the outdoor area; music on the interior 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 music in any outdoor areas; 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 On-Premise Liquor License stating that:

1. The premises will be advertised as a high end aged steak and seafood restaurant and will be operated as a full service restaurant only.
2. The hours of operation of the interior of the premises are from 11 am to 2 am 7 days a week.
3. The hours of operation of the exterior rear yard are Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm. The rear yard will be “dark” at closing times and no patrons or staff shall remain in the outdoor area.
4. All doors and windows, including any windows facing rear yard and doors to rear yard, shall remain closed at all times expect for ingress and egress. There will be no French doors or windows.
5. Music will be ambient quiet background only in the interior and there will be absolutely no music in the exterior.
6. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
7. There will be no sidewalk café.
8. There will be no more than 1 television in the interior of the premises.
9. There will be no smoking in the rear yard exterior area.
10. The rear yard garden will not be used unless the NYC Department of Buildings indicates that use is allowed for eating and drinking purposes.

Whereas, the applicant did reach out to members of the community initially and after receiving a negative recommendation from CB#2, Man., the applicant re-approached members of the community and was able to generate some support for the application by reducing the hours of operation of the rear yard/side yard garden to Sunday to Thursday from 11 am to 9 pm and Friday to Saturday from 11 am to 10 pm and was able to gain support for longer hours of operation on the interior as indicated in the above stipulations; and,

Whereas, there are approximately 29 on-premise liquor licenses within 500 ft. and a large additional number of beer and wine licenses all in close proximity to residential neighbors; and,

Whereas, a representative of an adjoining condominium building 34-36 Barrow St with 11 units appeared and spoke stated that they were not in opposition provided that the applicant agreed to the stipulations discussed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Paali Enterprises, Inc. d/b/a Village Prime, 300-302 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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

13. A&V West, Inc. d/b/a Gardenia, 64 Downing St. 10014 (New OP - Transfer)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” of a Restaurant On-Premise Liquor License for a “family restaurant featuring Latino cuisine”; and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location; the premises is in a mixed use district located on the ground floor with accessory use in the basement on Downing Street between Bedford and Varick Streets for a roughly 1,653 sq. ft. premise of which 861 sq. ft. is on the first floor and 792 sq. ft. is in the basement with 13 tables and 34 seats, and 1 standup bar with 12 seats for a total of 46 seats; the maximum legal capacity is less than 74 persons; there is no sidewalk café; there are no other outdoor seating areas or backyard garden; and,

Whereas, the hours of operation will be from 10 am to 1 am 7 days a week, all doors and windows will be closed at all times except for ingress and egress, music will be ambient 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 CB2 that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a family restaurant featuring Latino cuisine and will be operated as a full service restaurant only.
2. The hours of operation will be from 10 am to 1 am 7 days a week. No patrons shall remain at closing.
3. There will be no outdoor areas or sidewalk café.
4. There is existing soundproofing.
5. All doors and windows shall remain closed at all times expect for ingress and egress.
6. Music will be ambient quiet background only.
7. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
8. There will be no televisions.
9. There will be no patron use of basement.

10. There will be no change to the existing façade, windows will always remain as fixed closed non-operable windows.

Whereas, the applicant has another licensed premises in CB3, Manhattan and performed community outreach with the local block association;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **A&V West, Inc. d/b/a Gardenia, 64 Downing 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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

14. Naco NYC LLC, d/b/a El Toro Blanco, 10 Downing St. 10014 (OP Renewal - SN1265770)

Whereas, at the specific request of residential tenants and neighbors of El Toro Blanco, CB#2, Man. requested the Principle to appear before CB2 Manhattan’s SLA Licensing Committee to address their concerns and complaints; and

Whereas, the Principle, the General Manager, the Director of Operations and the Principles Attorney appeared to address the concerns addressed by the community; and,

Whereas, CB#2, Man. received complaints both at the meeting and in writing from several representatives of neighborhood groups including from the 10 Downing St. Tenants Association and residents of an adjoining building to the South specifically that (1) the adjacent courtyard to the South which is an escape route for a number of tenants in the event of fire or other emergency is being used every day for food and beverage deliveries, laundry and trash and that a service station cart has been partially blocking one of the gates, and that delivery bicycles had been stored in the courtyard – this is specifically prohibited in the existing stipulations (2) that there have been benches placed along the perimeter of the sidewalk café – this is specifically prohibited in the existing stipulations (3) that a “new” unlicensed private dining room had recently been acquired through an adjoining space and is being used regularly for between 30 and 40 patrons for patron dining and private parties but that the space had not yet been added into the existing liquor license and that loud music from the newly acquired unlicensed space is easily audible on a regular basis in the residential hallway through an existing door from the acquired space into the residential hallway (4) that smokers from the restaurant were congregating in front of 255 Sixth Ave directly to the South of the restaurant and that patrons were removing drinks from the boundaries of the premises while they smoke and (5) that cleaning activities like the cleaning of kitchen mats hosing down the sidewalk were happening at unreasonable early morning hours (6) deliveries are happening outside reasonable hours (7) the door to the courtyard is banging and slamming constantly at all hours due to employees use of the courtyard – this is specifically prohibited in the existing stipulations against agreed upon stipulations (8) the awning in the sidewalk café is not being utilized to mitigate patron noise into residential units above the premises (9) that the sidewalk café is laid out contrary to approved plans on file with the SLA and NYC DCA; and

Whereas, residents also complained that the restaurant had been non-responsive to their concerns, including one resident who stated that there had been over 100 complaints to 311 since the restaurant has opened in October 2012 (CB2 notes that there are 127 311 complaints assigned to the NYPD with the address of 10 Downing most noise related between 10/2012 through 7/20/2014, but CB2 also notes there is more than 1 licensed premise located at 10 Downing), but it also became evident that complaints were

perhaps not delivered to appropriate members of the staff and/or management; residents also stated that they had not requested a quarterly meeting with restaurant which is part of the original stipulations agreement; and

Whereas, there was dialogue in response to the concerns addressed by the residents and the Principal stated that he would address those issues that were being created by his premises, adhere to the original stipulations and that he would try to improve other conditions to the extent possible that were outside his control, residents were provided with appropriate contact information and encouraged to contact the manager on duty at the restaurant directly anytime there are problems so that they could take steps to the address the issues; and,

Whereas, the Licensee executed a stipulations agreement with CB#2, Man. with steps to address and resolve complaints that they agreed would be attached and incorporated in to the existing method of operation on the their existing On-Premise Liquor License SN1265770 stating that:

1. All existing stipulations will remain in effect.
2. Licensee will change carting companies in order to have only daytime pickup of trash.
3. Licensee will advise landlord to fix side gate to prevent slamming.
4. Licensee will remove exterior service station in sidewalk café.
5. Licensee will remove all benches and planters not indicated on sidewalk café plan.
6. Licensee will place sign conspicuously advising patrons not to smoke in front of adjacent building – 255 Sixth Ave.
7. Licensee will return to submit alteration application to properly reflect addition of private dining room from recently acquired space.

Whereas, for clarification, the existing stipulations currently attached to the existing method of operation as agreed to by the Licensee in April 2012 are as follows:

1. *Close no later than 12am on Sunday through Thursday nights & 2am on Friday and Saturday nights, meaning no customers will remain after the closing time.*
2. *Retain the existing awning or install a new noise-mitigating awning, to be kept in place all year.*
3. *Close the French doors facing the sidewalk no later than 10pm on Sunday through Thursday nights & 11pm on Friday and Saturday nights.*
4. *Provide noise monitoring by a sound engineer in second story apartments during the first month of operation, the locations of which will be determined by the 10 Downing Street Tenants Association -- this is in order to establish an acceptable base line for sound emanating from the restaurant and any future sidewalk cafes.*
5. *No use of the courtyard or backyard garden.*
6. *No benches on the perimeter of the restaurant for smokers or others waiting to be seated.*
7. *Sign(s) requesting no smoking & low level of noise.*
8. *Courtyard on the south side of the building cannot be blocked at any time -- it provides an escape route for tenants in the event of a fire or other emergency.*
9. *Restaurant's employees & patrons are restricted to using bathrooms within the confines of the restaurant – they should not be allowed to access the bathrooms in the basement or residential areas of 10 Downing St.*
10. *Garbage & trash should be carted away during daytime hours so as not to wake tenants living in the 127 apartments at 10 Downing St.*
11. *All garbage must be stored in vermin-proof containers until carted away*

12. Restaurant agrees to quarterly meetings if requested by the 10 Downing Street Tenants Association

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN1265770 for **Naco NYC LLC, d/b/a El Toro Blanco, 10 Downing St. 10014** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the existing On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

15. 228 Bleecker, LLC d/b/a Aria, 117 Perry St. 10014 (OP Renewal- SN1239342)

Whereas, over the last several years, CB#2, Man. has received a number of complaints directly pertaining to the operation of Aria located at 117 Perry St., specifically that the licensee has been operating outside of the “method of operation” as stated to CB2 at the inception of the license and beyond their originally agreed to hours of operation; and,

Whereas, as requested, the Licensee and his attorney appeared before CB2 Manhattan’s SLA Licensing Committee to address these concerns; and,

Whereas, there was a variety of discussion regarding past operations from the inception of the license, but it appears that in the recent past the licensee has been operating in general compliance with their existing “method of operation” to the extent that they are not substantively impacting the quality of life of neighboring residents; and,

Whereas, several residents appeared and one in particular stated that they had previously had significant issues, but after working for several years with the Licensee the issues have been mitigated, a representative of a local community organization also appeared and indicated the same; and,

Whereas, a number of residents appeared and spoke in support of the Licensee; and,

Whereas, the Licensee executed a stipulations agreement with CB2 reaffirming statements and clarifying their method of operation that they agreed would be attached and incorporated in to the existing method of operation on the their existing On-Premise Liquor License SN1239342 stating that:

1. All existing stipulations will remain in effect (except as modified here).
2. The hours of operation are Sunday to Thursday from 11 am to 11 pm and Friday to Saturday from 11 am to 12 am (midnight)
3. There will be no backyard garden or sidewalk cafe.
4. There will be a doorman/security 7 days a week.
5. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
6. Music will be quiet ambient background music only.
7. There will be no televisions.
8. At closing time, no patrons will remain.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License SN1239342 for **228 Bleecker, LLC d/b/a Aria, 117 Perry St. 10014** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and

stipulations agreed to by the Licensee relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

16. Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. South aka 163 West 10th Street 10014 (New RW)

Whereas, the applicant re-appeared before Community Board 2, Manhattan’s SLA Licensing committee to present to CB#2, Man. for reconsideration at the suggestion of the Chairman of the New York State Liquor Authority# an application for a restaurant wine license for a “small neighborhood restaurant serving couples and families delicious Italian cuisine, reasonably priced, and served in a warm and convivial atmosphere” and,

Whereas, (1) the above noted applicant appeared before CB#2, Man. in February 2014 to present a similar application for a restaurant on-premise liquor license at this location for which CB#2, Man. recommended denial to the Liquor Authority; (2) in March 2014, the above noted applicant submitted a 30 day notice to CB2 informing CB2 that a Restaurant Wine application had been submitted to the Liquor Authority and the applicant declined CB2’s request to appear before CB2’s SLA Licensing Committee and for the reasons outlined in CB2’s March 2014 resolution, CB#2, Man. recommended denial of a restaurant wine license; (3) On June 3rd, 2014 the previous Restaurant Wine application for which CB#2, Man. was notified in March 2014 was heard before the Full Board of the New York State Liquor Authority, at which time Chairmen Rosen and Commissioner Greene voted to not approve the Restaurant Wine application, also at that time, Chairman Rosen stated one of the reasons was the noise impact on immediate residents and suggested that the applicant perhaps return to CB#2, Man. to discuss this matter further should they choose to continue pursuing this matter; and,

Whereas, for a complete background on concerns and objections regarding this application, many of which continue to exist, and for a proper understanding of the baseline from which negotiations between the applicant, residents and CB#2, Man. began in discussing the current Restaurant Wine application presented here, CB#2, Man. urges a review of CB2 Manhattan’s correspondence on file at the Liquor Authority (1) dated March 5th, 2014 in reference to the original February 2014 On Premise Liquor application and correspondence on file (2) dated March 26th, 2014 in reference to the original March 2014 Restaurant Wine application; and,

Whereas, the proposed premises for Prime 135 NYC, LLC is located in a mixed-use 5-story rental tenement building (16 residential units) on the ground floor located on 7th Avenue South between West 10th Street and Charles Street, the building is also known as 163 West 10th St and also fronts West 10th St., the premises will be approximately 1,100 sq. ft. with 12 tables and 30 seats, 1 stand up bar with 8 seats for a total of 38 interior seats; there is also a 600 sq. ft. outdoor patio area which will have 7 tables and 16 seats; there will be in the future, but it is not included in this application, an application for a sidewalk café potentially with 6 tables and 12 seats which will be presented to CB2’s Sidewalks and Street Activities before it is presented to CB2’s SLA Licensing Committee in the future; there is an existing temporary certificate of occupancy which indicates “Restaurant in Conjunction with Cellar” and the maximum occupancy on the ground floor (1st floor) is indicated as 32 persons (note that the proposed premises exists exclusively on the 1st floor with no connection at all to the premises which exists in the basement/cellar); the applicant states that there will be an updated Certificate of Occupancy obtained showing a stand alone restaurant on the 1st floor; and,

Whereas, the applicant stated that the hours of operation would be Sunday to Wednesday from 11:30 am to 11:30 pm and Thursday to Saturday from 11:30 am to 12:30 am, music will be background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), the applicant states they will install soundproofing as there is no current soundproofing by installing “acoustical ceiling panels and high density soundboard sheetrock”, there will be no d.j., no promoted events, there will be very occasional private parties, no velvet ropes, no movable barriers, no security, there will be no T.V.'s; management and staff will insure that the premises sidewalk is free from crowds and congestion; and,

Whereas, this application is for a location which has never been previously licensed for an on-premise liquor license, but a portion of the premises has previously been licensed for a restaurant wine license (a small area on the ground floor adjacent to the outdoor area with approximately 300 sq. ft.) which had operating hours ending at 11 pm Sunday to Thursday and midnight Friday and Saturday; the current configuration of the proposed premises for Prime 135 NYC, LLC was created by combining 4 retail spaces on the ground floor (portion of previous restaurant, barber shop, hair salon and flower shop), with the exception of the small portion that was previously licensed for the restaurant wine license, the spaces comprising the proposed space were non-eating and drinking uses, the location also includes an outdoor space within the property line which includes approximately 7 tables and 16 seats and will include a future sidewalk café, which is not a part of this application, which will potentially have 6 tables and 12 seats for a total of 28 outdoor seats; the previously licensed restaurant wine license was primarily in the basement of the location and the kitchen was in the basement; the basement space which is now going to be a jazz venue located entirely in the basement which was presented to CB2 Man. in January 2014 and the Full On-Premise License is currently pending for Mezzrow, LLC with the SLA SN1276530; CB#2, Man. recommend deny unless stipulations are adhered to for Mezzrow, LLC to the Liquor Authority after extensive community outreach and negotiations, installation of appropriate soundproofing, a number of stipulations and because the principle for Mezzrow, LLC has significant experience operating another jazz venue located just one block away with an on-premise liquor license; and,

Whereas, the applicant performed community outreach by reaching out to local community organizations and posting a notice in the subject building, the week prior to CB2's SLA Licensing Committee meeting and during a long holiday weekend, inviting tenants to meet with him on one evening; several tenants did meet with the applicant at the meeting and a representative of the local Block Association also met with the applicant; and,

Whereas, the applicant, local residents and the local Block Association were able to work on an agreement in the few days prior to CB2's SLA Committee Meeting in July 2014, but the agreement was not finalized or all terms agreed to until the agreement was reviewed point by point at CB2 Manhattan's SLA Licensing Committee on July 10th, 2014; and,

Whereas, concerns were still expressed by residents despite the fact that an agreement was reached similar to those expressed and communicated in CB2's Resolution referenced earlier pertaining to previous applications by this applicant for this location in February 2014 and March 2014; 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 On-Premise Liquor License stating that:

1. The premises will be advertised as a small neighborhood Italian restaurant.
2. The hours of operation will be from Sunday to Wednesday from 11:30 am to 11:30 pm and Friday to Saturday from 8 am to 1am. No patrons shall remain at closing.

3. All exterior/outdoor areas will close by 11 pm 7 days a week. No Patrons shall remain in exterior areas after closing.
4. Kitchen shall remain open until premises closes.
5. Soundproofing shall be installed.
6. All doors and windows will be closed at all times except for ingress and egress (no exceptions).
7. There will be no dj's, live music, promoted events or any events for which a cover fee is charged.
8. Music will be ambient quiet background only on the interior and no music in the exterior.
9. There will be no exterior benches anywhere in the premises.
10. Please see executed stipulations agreement with CB2 for other specific stipulations.
11. All stipulations agreed to with the Mid West 10th Street Block Association dated 7/14/2014 and 7/15/2014 are annexed and incorporated into this stipulation agreement with CB2 Manhattan.

Whereas, the stipulations agreed to with the Mid West 10th Street Block Association dated 7/14/2014 and 7/15/2014, which are incorporated into CB2's Stipulation Agreement with **Prime 135 NYC, LLC d/b/a Prime 135** as indicated above are as follows:

Hours of Operation: *The Establishment shall be open from 11:30AM - 11:30PM from Sunday to Wednesday and 11:30AM – 12:30AM from Thursday to Saturday. The rear courtyard adjacent the Establishment will be open from 11:30AM – 11:00PM each day.*

1. **Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.*
2. **Manager:** *The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and Manhattan Community Board 2, if requested, to determine if a security guard is necessary. The Manager of the Establishment and any other on duty managerial staff will provide the Mid-West 10th Street Block Association and the residents of 163 West 10th Street and the adjoining building at 161 West 10th Street with their cell phone numbers. The Operator and/or Manager of the Establishment will provide their email addresses and respond to all emails that are transmitted to him in a timely manner.*
3. **Music:** *The Operator shall only have quiet background music (no dance music or live music performances will be permitted) inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs or outside promoters in the Establishment.*
4. **Soundproofing:** *The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2 and the Mid-West 10th Street Block Association. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate*

any noise emanating from this area. In order to effectively eliminate the intrusion of noise from the Establishment's operations into the homes of residents of.... [Please refer to the executed stipulations agreement for the complete text of this paragraph...]

5. **Usage Of Entrance At 163 West 10th Street:** *Patrons and waitstaff of the Establishment shall not enter the Establishment from 163 West 10th Street. The Operator will work with the Owner of 163 West 10th Street and ensure that a separate lock is installed on the second internal door at the entrance of 163 West 10th Street and only provide residents with keys as soon as the Establishment opens for business. No access to the second door will be provided to the Establishment's staff or patrons. Food deliveries will be allowed between 11:30AM and 8:00PM after which all food deliveries will be done through the Seventh Avenue side of the Establishment. The outer door will remain closed until the second ground floor Establishment opens at 1:00PM or closed entirely when that Establishment is closed for the day. Notwithstanding the foregoing, no deliveries or other work shall be permitted outside of the Establishment, other than garbage pickup (on the Seventh Avenue South side) from closing hours until 8:00AM. No bicycles that are used in connection the Establishment will be placed in front of 163 West 10th Street. All bicycles will be placed on the Seventh Avenue South side of the Establishment.*
6. **Rear Courtyard:** *The Operator agrees to immediately apply for the right permissions from the appropriate New York City agency(s) to install a sound abating canopy extending from the building line over the entire rear courtyard so that noise from patrons and staff is minimized. The covering shall be installed within 30 days after obtaining the right permission from the appropriate New York City agency. Until the right permission is obtained for a sound abating covering the Operator shall install large patio umbrellas immediately above the tables and seats in the rear courtyard. There will be no more than seven tables and a total of 14 seats in the rear courtyard. Smoking of any kind by any person shall not be permitted in the rear courtyard and the Operator also agrees to direct patrons and staff who are smoking, talking on their cell phones or congregating to move away from the courtyard and entrance of the Establishment, either north towards the corner of Seventh Avenue South and Charles Street, or west across Seventh Avenue South. The Operator further agrees that if the patio umbrellas or the sound abating canopy covering prove not to be effective in preventing outside noise from the Establishment disturbing its neighbors (i.e., there is a record of complaints by residents of 163 West 10th Street and/or 161 West 10th Street to 311, to the Mid-West 10th Street Block Association, and/or to the Operator directly that is presented at the meeting that will be held three months after the opening date of the Establishment, or at any time thereafter, of persistent noise emanating from the courtyard), the Operator agrees to undertake such additional noise abatement measures as shall be agreed to at a hearing before Manhattan Community Board 2. The Operator agrees that if an agreement with Manhattan Community Board 2 on appropriate noise abatement measures is not reached within 60 days of an initial hearing on such matter that the courtyard will be immediately and permanently closed to any kind of access or use by patrons (including attendees at any private event) or by other members of the public. Patrons and prospective patrons will not be permitted to wait or linger in the courtyard. Instead, they will be instructed to wait inside the Establishment or to leave the premises and immediate area to be called back when their table is ready. All patrons must be removed from the courtyard by no later than 11:00PM, regardless of when seated. All patrons in the courtyard must be seated. Seating in the courtyard will at all times be limited to no more than 14 patrons seated at tables, and courtyard seating must be reserved only for patrons ordering food. There will be no seating at benches. All furniture and other items that will not remain in the courtyard overnight must be removed*

from the area and stored no later than 12:00AM (i.e., one hour after closing time of the courtyard). The Operator will exercise reasonable care to minimize any noise associated with the nightly removal and storage of furniture and other items from the courtyard, which shall include instructing staff to refrain from loud and unnecessary conversation while performing their tasks in the courtyard, and to lift and carry items rather than dragging them away. Additionally, the Operator agrees to install a movable barrier and to take all reasonable measures within his power to prevent unauthorized access to and use of the courtyard by any person when the Establishment is closed for business. For the avoidance of doubt, the Operator acknowledges that compliance with the stipulations regarding use of the courtyard (including but not limited to the Operator's commitment to agree on additional noise abatement measures with Manhattan Community Board 2 or to permanently close the courtyard if noise is not effectively abated) is a material condition to the initial approval (and to any renewal) of the License.

7. **Doors and Windows:** *The Operator shall not permit any doors or windows to remain open at any time.*
8. **Outdoor Seating:** *Until such time that the Operator applies for a sidewalk café license and obtains the required permissions for a sidewalk café license from the appropriate New York City agency, the Operator agrees not to place any sidewalk benches or other seating outside of the Establishment other than the 14 seats permitted pursuant to the stipulations covering use of the rear courtyard and as may be permitted pursuant to a separate license to operate a sidewalk café (if granted).*
9. **Sanitation:** *The Operator will store all garbage at the Establishment inside closed garbage containers, which will be kept on the Seventh Avenue South side of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to coordinate trash pickup with other neighborhood bars and restaurants in order to limit the number of trucks that collect trash on the block during early morning hours. Garbage pickup will only be from the Seventh Avenue side of the Establishment.*
10. **Lighting:** *The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.*
11. **Advertising:** *The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street or place sandwich boards outside the Establishment.*
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. **Monthly And Quarterly Meetings:** *The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.*
14. **Events:** *The Operator shall not allow outside promoter sponsored events.*

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. South a/k/a 163 West 10th Street, 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 10th and 11th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 37 Board members in favor.

17. Duet NY, LLC d/b/a Duet Brasserie, 74 7th Ave. aka 37 Barrow St. 10014 (New OP)

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 On-Premise Liquor License for a bakery, patisserie and restaurant with French and American foods that will be operated as a full service restaurant only (no bar/lounge); and,

Whereas, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location located on the corner of 7th Avenue South and Barrow St. with the entrance directly on the corner in a 2 story commercial building on the ground floor and second floor (with accessory use of basement), the building is also known as 74-76 7th Avenue South, the premises is stated to be approximately 2,800 sq. ft. (1,170 sq. ft. ground floor, 740 sq. ft. 2nd floor and 890 sq. ft. cellar) with 15 tables and 60 seats throughout the premises, 1 stand up bar with 8 seats on the ground floor (seating primarily for breakfast service in conjunction with bakery/patisserie) and an additional 6 seats located in the waiting area; there is an existing certificate of occupancy which indicates “eating and drinking use”; there is an existing enclosed sidewalk café to be licensed by the NYC Department of Consumer Affairs which is included in the square footage of the ground floor previously indicated; and,

Whereas, the hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday from 8 am to 1am (no patrons shall remain at closing), music will be ambient 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 On-Premise Liquor License stating that:

1. The premises will be advertised as a bakery, patisserie and restaurant with French and American foods and will be operated as a full service restaurant only (no bar/lounge).
2. The hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday from 8 am to 1am. No patrons shall remain at closing.
3. There will be no outdoor areas, but there is an existing enclosed sidewalk café.
4. Music will be ambient quiet background only.
5. There will be no televisions.
6. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
7. There will be no patron use of basement.
8. Sidewalk hatch will be kept closed (not remain opened) except for deliveries.
9. All windows on the 2nd floor will remain closed at all times.
10. Windows in the enclosed sidewalk café will be closed by 10 pm (no exceptions).
11. The door on Barrow St. off corner (westerly most door on Barrow St.) will be used as a service door only and for emergency egress only.
12. There will be no music in the enclosed sidewalk café.

Whereas, the applicant reached out to local residents and block associations and CB#2, Man. received correspondence from the Friends of Barrow Street expressing no opposition provided the above noted stipulations are adhered to, a representative of an immediate neighboring condominium building appeared and expressed no opposition provided the stipulations above are adhered to; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **Duet NY, LLC d/b/a Duet Brasserie, 74 7th Ave. aka 37 Barrow St. 10014 (New OP)** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

18. Virgola, LLC d/b/a Virgola, 28 Greenwich Ave, Store #2 10011 (SN#1270294 - Upgrade 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 an existing Restaurant Wine License (SN#1270294) to a Restaurant On-Premise Liquor License for a “small, quiet cozy raw bar with seafood”; and,

Whereas, this application is for an “upgrade” as described above for an existing “raw bar with seafood” in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a currently licensed location, for a 354 sq. ft. premise on one floor with 6 tables with 12 table seats, there are no stand up bars but there will be a small service bar in the kitchen, for a total of 12 seats and the maximum occupancy is 15 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday to Thursday from 8 a.m. to 12 a.m. and Friday and Saturday from 8:00 a.m. to 1 a.m., music will continue to be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) from 2 small speakers, the applicant has not installed additional soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and,

Whereas, the applicant reached out to the community and executed a new updated stipulations agreement with the Mid West 10th Street Block Association reflecting the application to upgrade their existing restaurant wine license to a restaurant on-premise liquor license; and

Whereas, the Mid West 10th Street Block Association stated that at all times the Licensee has adhered to his current stipulations and has had a positive and proactive relationship with the community and Block Association; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to the “new” method of operation for the upgraded Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised as a full service restaurant with raw bar.
2. The hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday form 8 am to 1am. No patrons shall remain at closing.
3. There will be no use of the rear yard/backyard garden.
4. Music will be ambient quiet background only.
5. All doors and windows will be closed by 9 pm every night (no exceptions)
6. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
7. There will be no change to the existing restaurant wine method of operation as it currently exists with this upgrade to a restaurant on-premise liquor license.

8. All existing stipulations for the current restaurant wine license will remain in effect with this upgrade to a restaurant on-premise liquor license.
9. All stipulations agreed to with the Mid West 10th Street Block Association dated 6/25/2014 are annexed and incorporated into this stipulation agreement with CB2 Manhattan.

Whereas, the stipulations agreed to with the Mid West 10th Street Block Association dated 6/25/2014 which are incorporated into CB2's Stipulation Agreement with Virgola, LLC as indicated above are as follows:

1. **Hours of Operation:** *On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.*
2. **Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.*
3. **Traffic:** *The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.*
4. **Manager:** *The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.*
5. **Music:** *The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.*
6. **Soundproofing:** *The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.*
7. **Sidewalk Café:** *The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the*

- operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.*
8. **Rear Garden:** *The Operator agrees not to apply for usage of the rear garden space behind the Establishment.*
 9. **Front Door:** *The Operator shall take steps to mitigate noise emanating from the restaurant. Should the Mid-West 10th Street Block Association register complaints about noise emanating from the restaurant then the Operator shall install a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.*
 10. **Doors and Windows:** *The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.*
 11. **Sanitation:** *The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.*
 12. **Lighting:** *The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.*
 13. **Advertising:** *The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.*
 14. **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.*
 15. **Monthly And Quarterly Meetings:** *The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.*
 16. **Events:** *The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.*

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an "upgrade" from the existing Restaurant Wine License (SN#1270294) to a Restaurant On Premise Liquor License for **Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011** **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 6th and 7th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 37 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR WHO DID NOT APPEAR BEFORE CB2 AS REQUESTED:

19. 74 Fifth Ave. Market Corp., 74 5th Ave. 10011 (RW Alteration – NO SHOW SN#1196583)

Whereas, the applicant/licensee **failed to appear** before CB2’s SLA Licensing Committee after the applicant/licensee’s representative requested to layover this item 3 times at CB2’s SLA Licensing Committee Meetings (the item was heard 3 times over the course of 3 months – not requested to be laid over prior to each meeting) due to incomplete preparation and incomplete documentation as specifically requested by CB#2, Man. and which all other applicants are able to provide to CB2; and,

Whereas, previous requests for layovers were requested 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,

Whereas, the representative of the applicant who appeared in the past in June 2014 stated that even though CB#2, Man. had requested a response to the above concerns last month and the month prior etc., conceded that he did not have a complete package and that CB2 Manhattan’s request was reasonable given the size and seating of the operation; he was previously provided the contact information for the Chair of the Committee to answer any additional questions prior to returning each month but never reached out; and,

Whereas, the applicant/licensee previously voluntarily presented a signed list of stipulations that they would adhere to which are as follows:

There will be a reduction in the amount of tap beer selections on hand, it will be reduced to 14.

- a. Hours of operation will remain 24 hours per day with sale of beer and wine stopping at 1 am from Monday to Wednesday and 3am Thursday to Sunday.
- b. The kitchen will remain open 24 hours a day to serve food.
- c. There will be a manager and assistant manager on duty 24 hours per day.
- d. There will be 10 tables permanently placed downstairs and there are 12 bar stools.

- e. There will also be a staff member at the door from 6pm on when beer is served.
- f. Anyone requesting a beer or wine must produce id, other than a student ID (ex. Drivers license, green card etc.).
- g. The upstairs seating area will close at 9pm daily.
- h. The sound system is controlled by the management and will be set at a background level.
- i. All beer and wine will be consumed on premises.

Whereas, despite previously presenting the above list of stipulations which could not be properly discussed due to the applicant/licensee's inability to present a complete package as requested by CB#2, Man. and which all other applicants are able to provide in order to review and formulate a recommendation to the Liquor Authority and because the applicant/licensee is choosing to not appear before CB#2, Man.;

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 5th Ave., 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

20. America Ootoya, Inc., 41 E. 11th St. Store #1 10003 (RW - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to **layover** this application for a new restaurant wine license at this location 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 restaurant wine license, on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Erik McManus or entity to be formed, 679 Greenwich 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 37 Board members in favor.

21. Marc Dizon, d/b/a Collective Hospitality, LLC, 21 W. 8th St. 10014 (New OP – Layover)

Whereas, at the beginning of this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant requested to **layover** this application for a new on-premise restaurant liquor license at this location 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 **Marc Dizon, d/b/a Collective Hospitality, LLC,**

21 W. 8th 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 37 Board members in favor.

22. Erik McManus or entity to be formed, 679 Greenwich St. 10014 (New OP - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to layover this application for a new on-premise restaurant liquor license at this location 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 **Erik McManus or entity to be formed, 679 Greenwich 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 37 Board members in favor.

23. Sugar Factory American Brasserie Meatpacking, LLC d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014 (New OP - withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to withdraw this application for a new on-premise restaurant liquor license at this location 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 **Sugar Factory American Brasserie Meatpacking LLC d/b/a Sugar Factory, 1-3-5 Little W. 12th 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 37 Board members in favor.

24. Down and Dirty Tacos and Tequila Bar Meatpacking LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (New OP - withdrawn by attorney)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on July 10th, 2014, the applicant's attorney requested to withdraw this application for a new on-premise restaurant

liquor license at this location 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 **Down and Dirty Tacos and Tequila Bar Meatpacking, LLC d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 37 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan