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COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

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

FULL BOARD MINUTES

DATE: September 18, 2014
TIME: 6:00 P.M.
PLACE: Village Community School, 272 West 10th Street (Auditorium)

BOARD MEMBERS PRESENT: Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, Heather Campbell, Lisa Cannistraci, Ritu Chattree, Denise Collins, Tom Connor, Terri Cude, Coral Dawson, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Robin Goldberg, Sasha Greene, David Gruber, Chair; Susan Kent, Jeanine Kiely, Arthur Kriemelman, Alexander Meadows, Lois Rakoff, Robert Riccobono, Sandy Russo, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Richard Stewart, Sean Sweeney, Shannon Tyree, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: William Bray, Richard Caccappolo, Maria Passanante Derr, Anne Hearn, Daniel Miller, Robin Rothstein, Rocio Sanz, Chenault Spence

BOARD MEMBERS ABSENT: Arthur Z. Schwartz, Susan Wittenberg

BOARD MEMBERS PRESENT BUT ARRIVED LATE: Jonathan Geballe, Edward Ma

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

GUESTS: Jacqueline Blank, Congressman Jerrold Nadler's office; Senator Brad Hoylman, Robert Atterbury, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Patricia Ceccarelli, Man. Borough President Gale Brewer's office; Assembly Member Deborah Glick; Matt Borden, Assembly Member Deborah Glick's office, Chin Yun Feng, NYC Comptroller's office; Council Member Corey Johnson; Margaret Bangs, Council Member Corey Johnson's office; John Blasco, Council Member Rosie Mendez's office; Yume Kitasei, Council Member Margaret Chin's office; Scot Dalbery, Sarah Evers, Ette Woel, Sarah Suarez, Wayne Kawadler, Arvind Kalra, Belinda Burleson, Peter Arnold, Will Rogers, Alan Jacob, Lucille DeVito, Velvet Abashian, Marlene Phillips, Jose Monfort, Nadia Johnson, Beth Walman, Danielle Tcholakian, Shayla Love, Ana Orozco, Chernob. Jallon, Fred Gingard, Jonathan Soti, Melvin Cartagena, Brooke Schooley, Zella Jones, Tara Klein, Thomas DeVito, Cangi Um, Anthony Mera, Naavin Karimbux, Mary Beth Edelson, Pete Davies, Zingyi Tien, Zifei Zhao, Giolu Weinholdt, Chris Roderick, Amy Tse, Craig Phares

MEETING SUMMARY

Meeting Date – September 18, 2014
Board Members Present – 40
Board Members Excused– 8
Board Members Absent - 2
Board Members Present but Arrived Late – 2

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II. PUBLIC SESSION

Non-Agenda Items

19 East Houston Street
Pete Davies updated the community regarding this project.

MPIA Event
Amy Tse made an announcement regarding the upcoming Harvest Fest event in the Meatpacking District.

HealthPlex
Wayne Kawadler spoke regarding the health plan.

Bellevue Community Advisory Board
Lois Rakoff spoke regarding the banning polystyrene in public hospitals

Third Annual Loisada United Neighborhood Gardens Harvest Arts Festival
Jeanine Kiely made an announcement regarding the upcoming festival in the Lower East Side

Sidewalks/Street Activities Items

9/21/14 - Il Buco’s 20th Anniversary Pig Roast, 47 Bond St. between Lafayette St. and Bowery
Zella Jones spoke against the annual pig roast street event.

SLA Licensing Items

RGS Restaurant, Inc., Boots and Saddle, 47 7th Ave. South
Velvet Abashian spoke regarding the proposed liquor license application.

Lucille DeVito spoke against the proposed liquor license.

Thorn Industries, LLC d/b/a The Hills NYC, 511 Greenwich St.
Craig Phares spoke against the proposed liquor license application.

Traffic and Transportation Items

Feasibility study of 7th Ave. in District 2 to determine whether it can be re-designed as a “Complete Street”
Alan Jacobs spoke in favor of the study, which includes bike lanes.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Jacqueline Blank, Congressman Jerrold Nadler’s office

Senator Brad Hoylman

Mary Cooley, Senator Daniel Squadron’s office;

Chin Yun Feng, NYC Comptroller’s office;

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

Assembly Member Deborah Glick

Council Member Corey Johnson’

Yumei Kitasei, Council Member Margaret Chin’s office;

John Blasco, Council Member Rosie Mendez’s office,

V. ADOPTION OF MINUTES

Adoption of June and July minutes

VI. EXECUTIVE SESSION

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

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

3.BY-LAWS COMMITTEE

The Committee proposes the following change to the by-laws with new language underlined:

II. ELECTION OF OFFICERS

5. At the ~~June~~ November meeting of the Board there shall be a separate open election held for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board. If no candidate for an office receives more than 50% of the vote, there will be run-off at that same meeting between the top two candidates.

These changes will be voted on at the October Full Board meeting.

4. NOMINATING COMMITTEE

Elections for Nominating Committee

The following people were nominated by various Board members for the Nominating Committee:

Doris Diether	Roberty Ely
Dr. Shirley Smith	Shannon Tyree
Lois Rakoff	Joshua Frost
Ritu Chatree	

The above listed Board members were duly elected to the Nominating Committee by written ballot, and Dr. Shirley Smith was elected Chairperson of the committee.

STANDING COMMITTEE REPORTS

AUGUST EXECUTIVE COMMITTEE

LANDMARKS AND PUBLIC AESTHETICS

1 - LPC Item 7 : 40 Mercer Street, aka 465 Broadway & 106-114 Grand St. – SoHo-Cast Iron H.D. corner Mercer and Grand. A steel-and-glass building designed by Atelier Jean Nouvel and built c. 2006. Application is to alter granite sidewalk.

Whereas, the existing stone sidewalk is degraded, largely because of the base was of poor quality; and

Whereas, the existing stone paving (flags) will be sliced in half and laid over a proper base and will cover the maximum areas to the sidewalk possible; and

Whereas, a similar installing using this same method of reusing existing stone and ensuring a smooth surface; and

Whereas, this will necessitate the installation of a new granite curb; now

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

Vote: Unanimous, with 40 Board members in favor.

2 - LPC Item 8 - 284 Lafayette Street – SoHo-Cast Iron Historic District Extension block through to Crosby. A neo-Grec style factory building designed by John R. Thomas and built in 1891-1892. Application is to remove vault light covers and to install diamond plate steel plate at the sidewalk.

Whereas, the existing vault lights on Crosby are in disrepair, do not provide a stable base for the existing diamond plate being used to cover them; and

Whereas, the proposal is to remove the existing vault lights, install a suitable underlayment for support of the diamond plate and replace the diamond plate in kind; and

Whereas; the existing header stone is to be re-installed, and

Whereas, vault lights are emblematic of the district and some of them may be salvaged and repaired or reasonable replacements may be installed in their place; now

Therefore be it resolved, that CB#2, Man. recommends denial of this application unless the portion of the sidewalk with existing vault lights is repaired or replaced with reasonable copies and that diamond plate only be used to cover areas where there are no existing vault lights.

Vote: Unanimous, with 40 Board members in favor.

3 - LPC Item: 9 - 201 Lafayette Street - SoHo-Cast Iron Historic District Extension a triangular plot - Cleveland, Kenmore , Broom A neo-Classical style building designed by Kimball & Thompson and in built 1897-98. Application is to install a mechanical duct. a triangular plot enclosed by Cleveland, Kenmore , Broom

Whereas, there are three existing exhaust stacks on the Cleveland side of the building, and

Whereas, the proposal is to run an additional, an exhaust stack 12” x 24” painted to match the building along the Cleveland side of the building north of the existing stacks, and

Whereas, there is an existing bundle of conduit running along the Cleveland side of the building, and

Whereas, the proposal is to cover the conduit with boxing painted to match the building, and

Therefore be it resolved; that CB#2, Man recommends denial of the addition of a fourth unsightly stack on the side of the building in in the recently designated SoHo Cast Iron Historic District Extension, not withstanding the existence of similar stacks on the building, and

Be it further resolved; that the enclosure for the conduit be approved.

Vote: Unanimous, with 40 Board members in favor.

4 - LPC Item:10 - 738 Broadway – NoHo Historic District An Italianate style warehouse designed by John Warren Ritch and Evan Griffiths and built in 1867. Application is to install signage and lighting (Astor-Waverly)

Whereas the building is of an exceptionally delicate design and magnificently restored and greatly contributes to the district, and

Whereas; the transom over center bay is to have a sign in red metal letters nearly as tall as the transom itself back lit by LED units, and

Whereas; a medallion in painted metal with the emblem of the company is to be placed in the south transom, and

Whereas; stickers applied directly to the glazing are proposed at the bottom of the windows in the center and south bays, and

Whereas, a 16” x 3’ blade sign is proposed on the south side of the south bay,

Therefore be it resolved; that CB#2, Man. recommends denial of the red letters unless they are reduced in size to be in scale with the transom and with respect for the design of the building and that the lighting is subtle (glowing) and conforms to any existing regulations and guidelines, and

Be it further resolved; that it is recommended that the applied stickers be denied in that they detract from the delicacy and sophistication of the building and constitute excessive signage, and

Be it further resolved; that it is recommended that the medallion and the blade sign be approved, provided that the design of the blade sign is conforming in size and its design and is in keeping with the building’s design.

Vote: Unanimous, with 40 Board members in favor.

5 - LPC Item: 12 - 101-103 Perry Street – Greenwich Village Historic District A building comprised of five 19th-century houses combined and given a new façade in 1947 by H.I. Feldman. Application is to create window and door openings and install awnings. corner Hudson

Whereas; the corner storefront has existing windows on Hudson Street the length of the opening and turning the corner onto Perry Street, and

Whereas; windows and a glass door in a wood frame will be inserted in line with the windows on the upper floors of the Perry Street facade, and

Whereas; retractable awnings in dark brown canvas like fabric and with signage on the flaps are proposed to be over all windows, and

Whereas; the existing sign on Hudson Street wrapping around to Perry Street will be repainted for the new tenant, and

Whereas; examples in the district were shown with awnings, including ones similar to the ones on the Perry Street side, now

Therefore be it resolved; that CB2 recommends approval of the door and windows on the Perry Street side and the installation of awnings over the windows, and

Be it further resolved; the signage on the awnings above the large windows on Hudson and Perry be approved, and

Be it further resolved; that the signage on the small awnings on Perry be denied, and

Be it further resolved; that the repainting of the sign be approved, subject to the design's being submitted for separate approval.

Vote: Unanimous, with 40 Board members in favor.

6 - LPC Item:13 - 15 Commerce Street - Greenwich Village Historic District An altered late Federal style rowhouse built in 1826. Application is to construct a rear addition. 7th Avenue - Bedford

Whereas; the original two story peaked roof building was modified with a full third story some years ago, and

Whereas; the garden is excavated to the level of the cellar floor, and

Whereas; many buildings within the doughnut have rear additions, and

Whereas; the existing one floor frame rear addition is poorly constructed and in bad repair and is to be demolished, and

Whereas; a new 5' deep two story rear addition the full width of the building with two doors at grade, windows on the first and second floors with the top serving as a balcony is proposed, and

Whereas; a new door, windows and balcony railing will be added at the top floor, and

Whereas; the addition is to be clad in cement board to match the dimensions and profile of the extant clapboard which is badly degraded, and

Whereas; the rear yard will be filled with earth to the level of the adjacent rear yards, and

Whereas; there is to be a 2' excavation in the cellar to make it a cellar to bring the space to code, now

Therefore be it resolved; that CB#2, Man. recommends approval of the demolition of the rear addition be approved, and

Be it further resolved; that the rear modifications and addition, rear yard filling with earth, and cellar excavation be approved

Vote: Unanimous, with 40 Board members in favor.

7 – LPC Item: 14 - 313 West 4th Street - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1836. Application is to construct rooftop and rear yard additions, alter the front facade, and replace windows. Bank - West 12th.

Whereas; the cornice was removed before the time of the historical photograph, and

Whereas; the cast iron is in good condition and historical, though not likely original, is to be retained.

Whereas; a fourth floor with a full-height rear setback wall and front sloping roof similar to an approved one in the neighborhood which will not be visible from a public thoroughfare, and

Whereas; and existing rear addition is in poor condition and is to be removed, and

Whereas; it is proposed to removed the existing, original rear wall now covered by the addition and a new 7' rear addition with steel and glass window wall at the basement and parlor levels is proposed, and

Whereas; all casement windows are proposed as six over six, and

Whereas; a new cornice with above wooden clapboards of historic design taken from similar buildings in the immediate area is to be added, now

Therefore be it resolved; that CB#2, Man. recommends approval of he demolition of the existing rear addition, and

Be it further resolved; that the bulk of the proposed rear addition be approved, and

Be it further resolved; that the design of proposed addition be denied because fenestration is not in harmony with the building, has no historical reference, and, does not respect the three openings divided by piers in the original rear wall and therefore does not continue the strong vertical plane with the original window openings on the upper floors, and

Be it further resolved; that the demolition of the original rear wall, modified with taller openings be denied in order to preserved the integrity of the house and to justify the rational of the rear addition as a tearoom.

Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

App. to Dept of Consumer Affairs for Newsstands at:

1. 1 Prince St. Northwest Corner, Bowery and Prince St. (9786-2014-ANWS)

Whereas,

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Sabiha Sultana, was **not** present, and
- b. the newsstand is proposed for the west side of the Bowery, 18' north of its intersection with Prince St., and is to be 5' x 12' on a site with a retail entrance to its north and a traffic signal to its south as the primary limiting factors, with roughly 19' between them, and
- c. the applicant did not appear at the meeting, but the Chair was notified afterward by the CB2 office that they were not contacted to do so and are being requested to appear at the Sept 2014 meeting of this committee, and
- d. there was also no one from the immediately adjacent property owner or the current retail tenant in attendance, and
- e. despite the absence of the applicant, the committee took comments from several members of the community who appeared to express their opposition to the newsstand, primarily due to the location of a full-service news dealer – Bouwerie Iconic Magazine – just one block away at the corner of Rivington St, which over 18 months at that location and 22 years at their original location on Spring & Lafayette Sts. have been highly valued members of the Little Italy/NoLiTa community, and

- f. the committee was also given a letter from the Bowery Alliance of Neighbors strongly opposing a newsstand at this location due to its potential impact on this long-time neighborhood business, and
- g. the operators of Bouwerie Iconic Magazine were also present and confirmed that their store already sells all the products that would be available at the newsstand, including newspapers, magazines (including a much wider selection), cigarettes, lottery tickets, drinks, candy, etc,

THEREFORE BE IT RESOLVED that CB#2, Man. is delaying its recommendation on an application for a newsstand on **Bowery, near Northwest Corner with Prince St. (9786-2014-ANWS)** until the applicant is properly notified by CB2 and the item is heard in September 2014.

VOTE: Unanimous, with 40 Board Members in favor.

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

- 2. **Pearl & Ash LLC, 220 Bowery (btw Rivington St & Prince St), with 12 tables & 25 chairs (9935-2014-ASWC)**
 Block:492 Lot:25 Lot Frontage:50.08' Lot Depth:100 Year Built:1927
 Number of Buildings:1; Number of Floors:4 Residential Units:0 Total # of Units:2
 Zoning:C6-1

Whereas,

- a. the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Brandon McRill, and his representative, Steve Wygoda, were present, and
- b. this café is proposed for a sidewalk of 22'1" on the Bowery with a Siamese connection and standpipe at the north end of the café area being its only obstructions, and
- c. the supplied print showed 4 tables & 10 chairs in front of a door in the south half of the café which Mr. McRill confirmed belongs to the neighboring property at 218 Bowery, and Mr. Wygoda committed to correcting the error in a subsequent print, and
- d. the committee was also concerned about the confusing seating arrangement in the north half of the café and Mr. Wygoda promised to look at making it more sensible, and
- e. several members of the community were present to object to the application, based primarily on the café's location adjacent to R Bar at 218 Bowery, which they stated has become solely a late night club with the attendant velvet ropes and crowds, and its proximity to the Bowery Mission and the homeless men who have for many years congregated and slept on the sidewalk immediately north of this property, and
- f. Mr. McRill stated that he was also a partner at R Bar and that due to the lack of business through much of the week, it would be closing within the next few months and it had not been decided what type of business would replace it, and
- g. Mr. McRill further stated he felt his customers' and staffs' presence on the sidewalk might be a stabilizing influence on this rapidly changing block,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Pearl & Ash LLC, 220 Bowery (btw Rivington St. & Prince St), with 12 tables & 25 chairs (9935-2014-ASWC)**

UNLESS the applicant provides to the committee and files with DCA a new plan removing the seating in front of the neighboring property’s door, and redesigning the seating in the north half of the café for a total seating of approximately 16 seats as noted in the Whereas clauses (c) and (d)

VOTE: Unanimous, with 40 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, 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,

FYI Renewals:

3. 9/21/14 Il Buco’s 20th Anniversary Pig Roast, 47 Bond St bet Lafayette St & Bowery

Vote: Unanimous, with 40 Board members in favor.

4. 10/18/14 Tavern on Jane 19th Annual Block Party, Jane St. bet 8th Ave. & Hudson St.

Vote: Unanimous, with 40 Board members in favor.

SLA LICENSING

1. Viejo Group LLC, d/b/a Bourgeois Pig, 127 MacDougal St. 10012 (corporate change, alteration to add additional stand up bar in the basement, change to method of operation and dba name change for SN#1220699)

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

Whereas, the Licensee, Viejo Group, LLC appeared before CB2 last month in July 2014 to present an application to upgrade the existing beer and wine license to an on-premise liquor license which CB2 recommended denial; and,

Whereas, in the current application, the applicant (with new 100% principals) plan to assume the responsibilities through a “corporate change” for an existing tavern wine license (#1220699, exp. 5/31/2015) on the first floor and basement premises within a landmarked 2.5-story Federal Style townhouse (circa 1828) building on MacDougal Street between West 3rd Street and Washington Square; and

Whereas, the two-story premises since 2006 has been operated as the “Tea Spot” but thereafter sought and obtained a TW license in 2009 and changed their name and operated as the “Wine Spot” in the basement of the premises at night while continuing to operate the Tea Spot on the first floor; the application for the Tavern Wine License was not presented before CB2, Man. at the inception of the license; and

Whereas, the total licensed premises is 1200 s.f. (ground floor 700 s.f. and basement 500 s.f.), with one bathroom only; and

Whereas, the storefront premises does not have a full service kitchen and prior to 2009 never had any license to sell alcohol; and

Whereas, the applicant seeks to operate a French Fondue/Spanish Tapas Restaurant from 5PM to 4AM seven days a week on both floors, a change in the “method of operation” and seeks to add a second stand up bar in the basement of the premises, an alteration and a change in the “method of operation”: and

Whereas, when confronted about his plan to close at 4AM seven days a week the applicant refused to reduce those hours or discuss other stipulations and stated that he had operated many other locations until 4AM in other parts of NYC and was unmoved at the valid concerns raised, even though the current principal who has operated the Tea Spot and Wine Spot never operated until 4 am and was closed at midnight many if not most nights of the week prior to closing the premises in July 2014; and

Whereas, the premises is located in a neighborhood already significantly saturated with liquor licenses and late night bars and there are currently 39 existing on premise liquor licenses within 500 feet of the subject premises (not including beer and wine licenses) and there is no public interest for adding yet another beer and wine in a historic landmarked building with hours of operation until 4AM with no compelling reasons irrespective of whether the 500 foot rule is applicable; and

Whereas, the applicant failed to provide any documentation regarding his past history of operating eating and drinking establishments in NYC even though this is specifically requested in CB2’s SLA Licensing Questionnaire and therefore CB2, Man. was unable to properly review the applicants other licensed premises prior to the applicants appearance; and

Whereas, there was a lack of community outreach to the surrounding community as is requested by CB2, Man.; and,

Whereas, CB2, Man. believes that this applicant and the new proposed principals/licensee should return to CB2, Man. with a more detailed operational plan and details pertaining to changes in the method of operation and the alteration to the premises prior to a determination being made by the Liquor Authority so that CB2 may present a proper recommendation after hearing a complete presentation; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Viejo Group LLC, d/b/a Bourgeois Pig, 127 MacDougal St. 10012** on its application for a “corporate change”, “alteration” and changes to the “method of operation” as they relate to the existing beer and wine license SN#1220699; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that members of the community have an opportunity to voice their specific concerns and address the matter directly.

Vote: Unanimous, with 40 Board members in favor.

2. Soho Grand Hotel, 310 West Broadway 10013 (existing OP seeking interior alteration)

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

Whereas, the applicant operates a 16 story hotel on West Broadway between Canal and Grand Streets and is seeking to alter its existing OP license (#1023301 exp. June 30, 2015), which applies strictly to the interior of the premises, to add an additional stand-up bar in the area known as the Club Room; and

Whereas, there will be 31 tables and 129 seats, three bars with 16 seats and 11 additional seats on lounges with a total occupancy of 153 seats for patrons; and

Whereas, CB2, Man. previously issued an On Premises license to the applicant in May/1996 which specifically applied only to the service of alcohol within the interior premises and not for any exterior spaces: and

Whereas, the CB2 resolution from 1996 states that "there is every indication that it will be a benefit to this community to have liquor available to the hotel's guests on site, so that they need not go out[side] at night and add to problems caused by the over-proliferation of bars and restaurants in the immediate area of the hotel"; 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. There will be no backyard, side yard or outdoor space at the Hotel for the service of alcohol.
2. Will continue to operate as a full service 24-hour Hotel.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing OP license to **Soho Grand Hotel, 310 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 40 Board members in favor.

3. American Ootoya Inc. d/b/a Ootoya, 41 East 11th St. 10003 (BW License, previously unlicensed storefront location)

Whereas, the applicant presented before CB2 Man. for a Beer and Wine license and seeks to open a full service Japanese restaurant in a first floor storefront in a 11-story commercial building located on East 11th St. between University Place and Broadway; and

Whereas, the storefront premises previously operated as the Peaceful Café Downtown serving mostly Vegan fare until 10 PM but was never previously was licensed for the service of alcohol; and

Whereas, the licensed premises will be 3200 s.f. (Ground 2040 s.f. and basement 1160 s.f., there will be 13 tables and 60 seats, 1 bar with 13 seats for an overall occupancy of 73 seats with three bathrooms, no outdoor area or sidewalk café, no operable windows that open out towards the sidewalk; and

Whereas, the basement is for storage purposes only and not for patron use; and

Whereas, there will be no TVs, music will be quiet background only; and

Whereas, the hours of operation will be from 11:30 am to 12 am every night, Sunday through Saturday, there will be no promoted events, DJs, live music, scheduled performances or any events for which a cover fee is charged; and

Whereas, the applicant met with the University Place Residents Association and agreed to additional stipulations with the Residents Association and further incorporate said stipulations with its existing stipulations agreement with CB2 Man.; 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. 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).
2. Will close all doors and windows by 10 pm every evening.
3. 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.
4. All windows will be fixed, and will not be operable or designed to open up and out to the public sidewalk.
5. Will operate as a Japanese Restaurant and not as a bar or tavern.
6. Will abide by and incorporate University Place Residents Association into its existing stipulations agreement with CB2 Man.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Beer Wine license to **American Ootoya Inc. d/b/a Ootoya, 41 East 11th St. 10003** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the BW License.

Vote: Unanimous, with 40 Board members in favor.

4. Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome Street 10013 (new BW License, previously unlicensed storefront location)

Whereas, the applicant presented before CB2, Man. for a Beer and Wine license and seeks to open a neighbor restaurant specializing in hamburgers, French fries and milkshakes with some craft beers in a first floor storefront in a 6 story mixed use building located on Broome St. between Sullivan Street and Thompson Street; and

Whereas, the storefront premises previously operated as a Dog Grooming service and has never been previously licensed for the service of alcohol or as an eating and drinking establishment; and

Whereas, the applicant originally appeared before CB2, Man. in July/2014 and agreed to layover its application for it to obtain documentation from the NYC Dept. of Buildings permitting eating and drinking at the premises in question: and

Whereas, the premises is located in a M1-5B Zoning District but the applicant still returned to CB2 Man. with a Letter of No Objection from the Dept. of Building permitting eating and drinking at the premises; and

Whereas, the total licensed premises will be 1800 s.f. (Ground floor 600 s.f. and basement 1200 s.f. with access between floors via exterior stairs at sidewalk only), the basement area will be for storage only and not for patron use, there will be 1 bathroom, one bar with 15 seats for a total number of 15 seats, there will be no TVs, quiet background music only, there will be no sidewalk café or outdoor garden and all doors/windows will be closed by 10 pm every night; and

Whereas, the applicant agreed to operate with hours of operation from 10 am to 10 pm on Sunday, 11 am to 11 pm Monday through Wednesday and from 11 am to 1am Thursday through Saturday; and

Whereas, the premises are 105 feet from the entrance to the Chelsea Vocational HS at 131 Sixth Avenue; 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. The premises will be operated as a restaurant specializing in hamburgers with craft beers.
2. Will operate with hours of operation from 10 am to 10 pm on Sunday, 11 am to 11 pm Monday through Wednesday and from 11 am to 1am Thursday through Saturday.
3. There will be no TVs.
4. There will be no outdoor area, no rooftop area/use or sidewalk café.
5. All doors/windows will be closed by 10 PM every evening except of egress/ingress.
6. Music will be quiet, background level only, there will be no private parties, live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. The basement will be for ancillary storage purposes only and there will no patrons in the basement.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Beer Wine license to **Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome 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 BW License.

Vote: Unanimous, with 40 Board members in favor.

5. Noodle Investors, Inc., d/b/a 29 Kenmare St. 10012 (new BW License, previously unlicensed storefront location)

Whereas, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a new Beer Wine license to operate a family style Japanese Curry Restaurant in a ground floor space of a one story commercial use building on Kenmare Street between Elizabeth and Mott Streets; and

Whereas, the storefront premises previously operated as a retail clothing store and has never been previously licensed for the service of alcohol or as an eating and drinking establishment; and

Whereas, the 580 s.f. premises will have 4 tables with 20 seats, no bars, no TVs, no sidewalk café, with background music only and there will not be any French doors or windows that open out to the sidewalk; and

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

Whereas, the applicant already operates an adjacent restaurant at 37 Kenmare within CB2 Man. without any known complaints or concerns; and

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

1. Premises will be advertised and operated as a Japanese restaurant.
2. Will operate with hours of operation from 11am to 11 pm daily seven days a week.
3. 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.
4. Will not install French doors or windows that open out to sidewalk or otherwise.
5. Will close all doors and windows at all times except of egress.
6. Will never seek an upgrade to full on premise license at premises or seek to extend hours in the future.
7. There will never be a sidewalk café at premises;
8. There will be no stand up bar at premises.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an BW license to **Noodle Investors, Inc., d/b/a 29 Kenmare St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for a BW License.

Vote: Unanimous, with 40 Board members in favor.

6. Beyond Thai Kitchen, Inc. d/b/a Beyond Thai Kitchen, 133 W. 3rd St. 10012 (License transfer from Srisuk, Inc. d/b/a Beyond Thai Kitchen, BW license 1262681 Exp. 5/31/2015)

Whereas, the applicant presented before CB2, Man. for a Beer and Wine license and seeks to open a full service Thai restaurant in a 4 story mixed use building located on West 3rd St. between Sixth Avenue and Washington Square West; and

Whereas, the licensed premises will be 1200 sf (Ground 600 sf and basement 600 sf) with two bathrooms, there will be 16 tables and 32 seats and no bar for an overall occupancy of 32 seats, no outdoor area or sidewalk café; and

Whereas, the hours of operation will be from 11 am to 12 am daily seven days a week; and

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

1. Premises will be advertised and operated as a full service Thai restaurant.
2. Hours of operation will be from 11am to 12 am daily seven days a week.

3. 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.
4. Will close all doors and windows at 10 pm except for egress.
5. There will be one TV.
6. There will be no sidewalk café at premises;
7. There will be no stand up bar at premises.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an BW license to **Beyond Thai Kitchen, Inc. d/b/a Beyond Thai Kitchen, 133 W. 3rd St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for its BW License.

Vote: Unanimous, with 40 Board members in favor.

7. No Moore Oysters and Maritime, LLC d/b/a Once Upon a Tart, 135 Sullivan St. – South Store 10012 (new BW License, previously unlicensed storefront location)

Whereas, the applicant presented before CB2, Man. for a Restaurant Wine License (In conjunction with a separate application for an On-Premise license in the adjacent North Storefront) and seeks to open a full service Family Seafood Restaurant and continue during the day some of the method of operation of Once Upon A Tart (the immediately preceding operation in the space); the premises is in a six story residential building located on Sullivan Street between West Houston and Prince Streets; and

Whereas, the applicant proposes to jointly operate the Restaurant simultaneously in two separated storefronts located in the same building but seeks a different class of liquor license for the service of alcohol in the two storefronts, this application covers a restaurant wine license and a separate application covers the North storefront for which an OP license is being applied; and

Whereas, the applicant and the applicant's attorney made clear that the Restaurant Wine portion of the application covered in this application would not succeed financially if the concurrent application for the North Store Front for an OP license was not approved, thereby directly linking the two applications together; and,

Whereas, the two storefronts previously operated as "Once Upon a Tart" for many years, a catering business in the North storefront that also operated in the Southern storefront covered under this application a small café serving pastries during daytime hours only, closed by 6 pm daily; and

Whereas, neither storefront has ever been licensed for the sale of beer, wine or liquor or operated as an eating and drinking establishment; and

Whereas, the applicant seeks a full On-Premise liquor license for the north storefront, a 760 s.f. space, including 1 stand-up bar with 12 seats, 2 tables with 4 seats, 2 counters facing the sidewalk with 6 seats and one built-in lounge with 6 seats for a total seating capacity of 28, there will be one bathroom but **no waiter service and no kitchen**; and

Whereas, the applicant also seeks a Beer Wine license for the south storefront covered under this application to continue to operate as "Once Upon a Tart", albeit as a full service restaurant and not a daytime café, in a 1200 sf space, with 18 tables and 41 seats, one service bar, one bathroom and a kitchen with waiter service; and

Whereas, the proposed hours of operation for the jointly operated storefronts will be from 8 am until 12 am Monday through Wednesday and from 8 am to 2 am Thursday through Saturday; and

Whereas, the applicant also seeks to serve alcohol on a sidewalk platform in front of each storefront even though there is currently no permit or sidewalk café license to do so and the residential zoning prohibits sidewalk cafes for both premises; and

Whereas, the two storefronts are not connected to each other but each one does have a doorway that leads directly to an interior common hallway used by the 22 residential apartment dwellers in the same building; and

Whereas, residents from the building appeared in opposition to explain that the prior operator of the catering business consistently used both the two doorways from each storefront to the common hallway and the common hallway itself daily to operate his business in the two storefronts and to gain access to 1) its storage facilities located elsewhere in a basement area, 2) garbage disposal and 3) a third exterior egress/ingress to gain access to the outside which was often left unlocked, creating significant foreseeable security concerns for the existing residents of the building, not to mention quality of life concerns, and

Whereas, when the applicant was questioned about how he intended to operate a full service restaurant with a dinner menu in the north storefront, which lacked a kitchen to prepare the food and a wait staff to serve the food, and in reply the applicant indicated the food would be cooked and prepared in the other storefront or at a third storefront restaurant also owned by applicant (No More Oysters & Maritime LLC, 137 Sullivan St. BW lic. #1217142) on the same block and that the meals would be walked over to the north storefront via the public sidewalk and served to its patrons in the north storefront; and

Whereas, the applicant already operates a full service Seafood restaurant at 137 Sullivan (two storefronts down from the proposed north storefront) in a 765 sf space with bar hours of operation until 2 am, the location is small, trendy and popular and there is no waiting area located within the premises for patrons waiting to be seated causing the overflow to hang out and wait to be seated on the public sidewalk outside and in front of the premises; and

Whereas, when 25 residents from the immediate area appeared before this Committee in July/2014 in opposition to the proposed liquor licenses but immediately before the meeting the applicant requested a layover and adjourned its presentation to August; and

Whereas, 12 residents from the immediate area appeared once more in opposition to the liquor licenses, providing the committee with petitions, photographs demonstrating large crowds on the sidewalk in front of the existing restaurant and outlining their concerns as to the proliferation and over-saturation of liquor licenses in the immediate area, the increase in noise levels from the use of additional storefronts consistent with the existing Navy restaurant at 137 Sullivan, the poor layout of the Restaurant in multiple but separate storefronts that will require access through the common hallway used by residents in the same building and applicant's history of operating the Beatrice Inn (SN#1179615); and

Whereas, 1 resident who previously resided near the Beatrice Inn, which was located within CB2, Man. in a highly residential neighborhood, appeared in opposition and provided a history of significant quality of life violations by the applicant, among other issues and that the operation that was presented originally to CB2, Man. for that license did not reflect the actual operation of the premise (operating contrary to their presented method of operation) and there is concern here at this location on Sullivan Street which is also a highly residential neighborhood given the potential for significant quality of life issues in conjunction with the hours of operation;

Whereas, there were 14 people who appeared, and a petition and emails/letters were furnished by the Applicant to the Committee in support of the application, mostly from patrons of “Once Upon a Tart”, who wanted the café and catering to continue and cared for its owner, who they felt could no longer operate without a liquor license, and finally also did not want a chain store or Starbucks to move in to the space; and

Whereas, the previous owner of Once Upon a Tart appeared in support of the application and explained that he needed to sell his business and assign his current lease to applicant and that he would continue to work with applicant as a consultant however acknowledged that he would no longer have any ownership interest or control over the day to day operations of the new Restaurant; and

Whereas, the applicant failed to demonstrate that all necessary licenses and permits have been issued to operate the two separate storefronts as one restaurant business with two different classes of liquor licenses or to operate on the sidewalk for the service of alcohol, there are significant concerns 1) of overcrowded sidewalks and an unreasonable increase in the noise levels generated by three small storefronts, all with liquor licenses operated by the same owners on a very narrow residential block, 2) the applicant has not been honest an upfront in that the North Storefront, which has no kitchen or waiter service but has a large stand up bar, will never be operated as a restaurant as applicant proposes but primarily as a bar, 3) the applicant failed to fully describe a coherent method of operating the two storefronts simultaneously in that the two storefronts will need to rely upon and use the common residential hallway separating the two storefronts in order to operate as one restaurant and business, 4) the applicant has a significant prior history of misrepresenting his method of operation and there is a history and pattern of unlawful and delinquent behavior based on his operation of the Beatrice Inn and 5) the applicant further failed to demonstrate how the public interest would be promoted in adding eating and drinking establishments in two additional storefronts in the same building, which have never previously licensed, when applicant already operates the same type of business on the very same block, 6) These spaces are located within a Landmarked residentially zoned block (no commercial overlays) and the commercial use on this ground floor is a grandfathered use and past uses have been directly to serve the immediate needs of the community, this use is a significant expansion of what this space has been used for and creates a direct impact on this residential block which was not intended to house these types of uses; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **No Moore Oysters and Maritime, LLC d/b/a Once Upon a Tart, 135 Sullivan St. – South Storefront 10012** on its application seeking an BW license; and

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, CB2, Man. requests that the SLA conduct a 500-foot hearing because the two storefronts sought to be combined with the existing licenses has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 40 Board members in favor.

8. No Moore Oysters and Maritime, LLC d/b/a Navy, 135 Sullivan St. – North Storefront 10012
(new OP License, previously unlicensed with multiple storefronts)

Whereas, the applicant presented before CB2 Man. for an On-Premise license and seeks to open a full service Family Seafood Restaurant in a six story residential building located on Sullivan Street between West Houston and Prince Streets; and

Whereas, the applicant proposes to jointly operate the Restaurant presented in this application in conjunction with a restaurant in a separate storefront located in the same building, but seeks a different class of liquor license for the service of alcohol in the two storefronts (this application covers the OP premises); the two storefronts in the same building will not be physically connected in any fashion, **the applicant’s attorney stated that the application for the southern storefront for a beer and wine license could not go forward because it was not financially feasible unless this OP application for the North storefront was approved**; and

Whereas, the two storefronts previously operated as “Once Upon a Tart” for many years, a catering business in the north storefront and they also operated as a small café serving pastries during daytime hours only, closed by 6 pm daily in the southern storefront; and

Whereas, neither storefront has ever been licensed for the sale of beer, wine or liquor or operated as an eating and drinking establishment; and

Whereas, the applicant seeks a full On-Premise liquor license for the north storefront, a 760 s.f. space, including 1 stand-up bar with 12 seats, 2 tables with 4 seats, 2 counters facing the sidewalk with 6 seats and one built-in lounge with 6 seats for a total seating capacity of 28, there will be one bathroom but **no waiter service and no kitchen even though the premises is described as a restaurant** and it was stated that all food preparation would occur behind the bar; and

Whereas, the applicant also seeks a Beer Wine license for the south storefront to continue to operate as “Once Upon a Tart” under a separate application, albeit as a full service restaurant and not a daytime cafe, in a 1200 s.f. space, with 18 tables and 41 seats, one service bar, one bathroom and a kitchen with waiter service; and

Whereas, the proposed hours of operation for the jointly operated storefronts will be from 8 am until 12 am Monday through Wednesday and from 8 am to 2 am Thursday through Saturday; and

Whereas, the applicant also seeks to serve alcohol on a sidewalk platform in front of each storefront even though there is currently no permit or sidewalk café license to do so and the residential zoning prohibits sidewalk cafes for both premises; and

Whereas, the two storefronts are not connected to each other, but each one does have a doorway that leads directly to an interior common hallway used by the 22 residential apartment dwellers in the same building; and

Whereas, residents from the building appeared in opposition to explain that the prior operator of the catering business consistently used the two doorways from each storefront to the common hallway and the common hallway daily to operate his business in the two storefronts and to gain access to its storage facilities located elsewhere in a basement area, garbage disposal and third exterior egress/ingress for the applicant’s business, creating significant security concerns for the existing residents, and

Whereas, when the applicant was questioned about how he intended to operate a full service restaurant with a dinner menu in the north storefront, which lacked a kitchen to prepare the food and a wait staff to serve the food, and in reply the applicant indicated the food would be cooked and prepared in the other storefront or at a third storefront restaurant also owned by applicant (No More Oysters & Maritime LLC, 137 Sullivan St. BW lic. #1217142) on the same block and that the meals would be walked over to the north storefront via the public sidewalk and served to its patrons in the north storefront; and

Whereas, the applicant already operates a full service Seafood restaurant at 137 Sullivan (two storefronts down from the proposed north storefront) in a 765 sf space with bar hours of operation until 2 am, the location is small, trendy and popular and there is no waiting area located within the premises for patrons waiting to be seated causing the overflow to hang out and wait to be seated on the public sidewalk in front of the premises; and

Whereas, when 25 residents from the immediate area appeared before this Committee in July/2014 in opposition to the proposed liquor licenses but immediately before the meeting the applicant requested a layover and adjourned its presentation to August; and

Whereas, 12 residents from the immediate area appeared once more in opposition to the liquor licenses, providing the committee with petitions, photographs and outlining their concerns as to the proliferation and over-saturation of liquor licenses in the immediate area, the increase in noise levels from the use of additional storefronts consistent with the existing Navy restaurant at 137 Sullivan, the poor layout of the Restaurant in multiple but separate storefronts that will require access through the common hallway used by residents in the same building and applicant's history of operating the Beatrice Inn (SN#1179615); and

Whereas, 1 resident who previously resided near the Beatrice Inn, which was located within CB2, Man. in a highly residential neighborhood, provided a history of significant quality of life violations by the applicant, among other issues and that the operation that was presented originally to CB2, Man. for that license did not reflect the actual operation of the premise (operating contrary to their presented method of operation) and there is concern here at this location on Sullivan Street which is also a highly residential neighborhood given the potential for significant quality of life issues in conjunction with the hours of operation;

Whereas, there were 14 people who appeared, and a petition and emails/letters were furnished by the Applicant to the Committee in support of the application, mostly from patrons of "Once Upon a Tart", who wanted the café and catering to continue and cared for its owner, who they felt could no longer operate without a liquor license, and finally also did not want a chain store or Starbucks to move in to the space; and

Whereas, the current owner of Once Upon a Tart appeared in support of the application and explained that he needed to sell his business and assign his current lease to applicant and that he would continue to work with applicant as a consultant however acknowledged that he would no longer have any ownership interest or control over the day to day operations of the new Restaurant; and

Whereas, the applicant failed to demonstrate that all necessary licenses and permits have been issued to operate the two separate storefronts as one restaurant business with two different classes of liquor licenses or to operate on the sidewalk for the service of alcohol, there are significant concerns 1) of overcrowded sidewalks and an unreasonable increase in the noise levels generated by three small storefronts, all with liquor licenses operated by the same owners on a very narrow residential block, 2) the applicant has not been honest and upfront in that the North Storefront, which has no kitchen or waiter service but has a large stand up bar, will never be operated as a restaurant as applicant proposes but primarily as a bar, 3)

the applicant failed to fully describe a coherent method of operating the two storefronts simultaneously in that the two storefronts will need to rely upon and use the common residential hallway separating the two storefronts in order to operate as one restaurant and business, 4) the applicant has a significant prior history of misrepresenting his method of operation and there is a history and pattern of unlawful and delinquent behavior based on his operation of the Beatrice Inn and 5) the applicant further failed to demonstrate how the public interest would be promoted in adding eating and drinking establishments in two additional storefronts in the same building, which have never previously licensed, when applicant already operates the same type of business on the very same block 6) These spaces are located within a Landmarked residentially zoned block (no commercial overlays) and the commercial use on this ground floor is a grandfathered use and past uses have been directly to serve the immediate needs of the community, this use is a significant expansion of what this space has been used for and creates a direct impact on this residential block which was not intended to house these types of uses; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **No Moore Oysters and Maritime, LLC d/b/a Navy, 135 Sullivan St. – North Store 10012** on its application seeking an OP license; and

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, CB2, Man. requests that the SLA conduct a 500-foot hearing because the two storefronts sought to be combined with the existing licenses has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 40 Board members in favor.

9. Robert Collins or Corp. to be formed, d/b/a Kairiku, 24 Fifth Ave. 10011 (New OP license, previously licensed location)

Whereas, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee to present a Restaurant On-Premise liquor license to operate a full service Japanese Steakhouse restaurant in a 15 story residential building with two commercial spaces on the ground floor located on Fifth Avenue between West 9th and West 10th Streets; and

Whereas, the premises was previously operated as a catering facility (Twenty-Four Fifth) since 2009 with a license to sell alcohol, but no license is currently active; and

Whereas, an expired temporary certificate of occupancy for the premises indicates that a catering establishment and/or restaurant use/occupancy at the premises is an allowable grandfathered use in this residentially zoned building and area: and

Whereas, the total licensed premises will be 9,000 s.f. over two floors (7,500 s.f. ground floor and 1500 sf basement, 3 bathrooms with 65 tables and 204 seats, one bar with 12 seats and one sushi counter with an additional 12 seats for a total patron occupancy of 234, there will be no TVs and quiet background music only; and

Whereas, the hours of operation will be Sunday through Thursday from 11 am to 12 am and on Fridays and Saturdays from 11 am to 1 am; and

Whereas, there were six speakers in favor of the application, all of whom reside at 24 Fifth Avenue and including the Cooperative President, expressing financial concerns for the Cooperative if the Restaurant was not permitted to obtain a OP license and rent out the space; and

Whereas, there were five speakers in opposition to the application residing mostly in the adjacent residential building with significant concerns with an increase of noise associated with open windows from the restaurant and from a potential sidewalk café; 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 Japanese Steakhouse style restaurant.
2. Will operate with hours of operation from 11 am to 12 am Sunday through Thursday and from 11 am to 1am Friday and Saturday.
3. There will be no outdoor area, no rooftop area/use or sidewalk café.
4. The applicant will not request the actual physical issuance of their liquor license or operate until a current and valid certificate of occupancy for eating and drinking is issued and a Place of Assembly Permit is issued. (Any temporary or final Certificate of Occupancy would need to be dated August 2014 or later - As of August 2014 there is no active Certificate of Occupancy for the premises and all temporary occupancy permits have expired).
5. Will close all doors/windows by 8 PM every evening.
6. Will not open/doors windows before 12 pm every day.
7. Music will be quiet, background level only, no TVs, there will be private parties but there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.

Whereas, for future reference, the current application **does not** include an unenclosed sidewalk café at the location, a potential option/use which is being pursued by the building owner, an adjacent Licensee in the same building and the applicant through various arguments (these uses are not permitted as of right) as the result of the removal of two enclosed sidewalk cafés constructed in the early 1970's, and the applicant concedes that there is currently no permission issued to these premises by the City of NY, Department of Consumer Affairs or Department of Buildings to operate an unenclosed sidewalk café and no unenclosed sidewalk café or unenclosed outdoor space has been operated at the location for decades or even longer; and,

Whereas, for future reference, CB2, Man. expressed to the applicant that if an unenclosed sidewalk café had been included in this application, CB2, Man. would most likely have recommended to the Liquor Authority that the license be denied outright and found to lack sufficient public interest or benefit due to the impact on noise, pedestrian traffic and congestion; and furthermore the addition of outdoor seating and service to a premises with a proposed interior occupancy of over 230 people on the interior in a residential zoned and historically landmarked district for which there has been no outdoor use for at least 40 years would undeniably have a noticeable impact on the immediate surrounding area and would be an extension of a non-conforming use of the interior; CB2, Man. made clear to the applicant that any future alteration application to include a sidewalk café would be viewed utilizing the same criteria as discussed in the "500 ft. rule"; and,

Whereas, the applicant requests leave to return to CB2, Man. for an alteration to include the service of alcohol at a sidewalk café should permission be granted by the City of New York to operate a sidewalk café at this location at some point in the future but made verbal representations that this would not occur for sometime; CB2 indicated as stated above that there are serious concerns they should be willing to address should they return to discuss any outdoor areas or sidewalk cafes;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On-Premise liquor license to **Robert Collins or Corp. to be formed, d/b/a Kairiku, 24 Fifth Ave. 10011** **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 40 Board members in favor.

10. Major Dough Soho 463 LLC d/b/a Major Dough Soho 463 LLC, 463 West Broadway 10012
(New OP at previously licensed location)

Whereas, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a full On-Premise liquor license to operate a full service American restaurant serving Jewish NY Style fare at breakfast, lunch and dinner in a one-story commercial building on West Broadway between Grand and Canal Streets; and

Whereas, the premises was previously operated as a restaurant (I Tre Merli 1985-2013) with a license to sell alcohol; and

Whereas, the total licensed premises will be 2440 sf over two floors (1,870 s.f. ground floor and 570 s.f. mezzanine, 2 bathrooms with 28 tables and 91 seats, no bars, for a total patron occupancy of 91, there will be no TVs, quiet background music only, there will be no sidewalk café, no outdoor garden and there will not be any French doors or windows that will open out to the sidewalk; and

Whereas, the hours of operation will be from 6 am to 12 am seven days a week; and

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

1. The premises will be operated as a full service American style restaurant only.
2. Will operate with hours of operation from 6 am to 12 am seven days a week.
3. There will be no outdoor area, no rooftop area/use or sidewalk café.
4. There will be no French doors or windows installed and all existing doors/windows will be closed by 10 PM every evening.
5. Music will be quiet, background level only, there will be private parties but there will not be live music, dj’s, promoted events, movable ropes or barriers on the sidewalk, 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 **Major Dough Soho 463 LLC d/b/a Major Dough Soho 463 LLC, 463 West Broadway 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 40 Board members in favor.

11. MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 10013 (change of class of license from OP to Catering Establishment License)

Whereas, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a catering cabaret liquor license to operate a full service catering facility operating in a three-story commercial building formerly designed for use as a Bank (circa 1895) on Bowery between Broome and Canal Streets; and

Whereas, the applicant has been operating the existing premises for years as a full service catering facility for Weddings, Bar/Bat Mitzvahs, Corporate Events and movie/commercial ad shoots with a license to sell alcohol; and

Whereas, the applicant/operator now seeks to correct the class of license to that of a catering cabaret license consistent with the method of operation at the premises; and

Whereas, the certificate of occupancy for the premises permits the use/occupancy of a catering establishment on each floor of the premises; and

Whereas, the total licensed premises is 20,000 s.f. over three floors (cellar, main floor and mezzanine), 13 bathrooms, two bars with the number of tables/seats varies upon events, there is no sidewalk café, no outdoor garden and there are no outdoor spaces; and

Whereas, there will be no change in the method of operation and the hours of operation will continue to be from 9 am to 4 am seven days a week, however most events will end well before 4 am with the exception of some after events for weddings or events related to New Year’s Eve and similar; and

Whereas, the Bowery Alliance of Neighbors was not able to appear but drafted a email correspondence in support of the change in class of license; 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 catering facility.
2. The current method of operation will continue to remain the same.
3. There will be no outdoor area, no rooftop area/use or sidewalk café.
4. All doors or windows will be closed at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new catering cabaret liquor license to **MM 130 Bowery Restaurant Corporation, d/b/a Capitale, 130 Bowery 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 catering cabaret liquor license.

Vote: Unanimous, with 40 Board members in favor.

12. Hitchcock Restaurant Group LLC, d/b/a Camaje, 83-85 MacDougal St. 10012 (change of class and upgrade from Beer and Wine to full OP)

Whereas, the applicant appeared before CB2 Manhattan’s SLA Licensing Committee for a change of license class and upgrade from a Beer Wine to full On-Premise in a seven-story mixed use building on MacDougal Street between Bleecker and Houston Streets; and

Whereas, the applicant has been operating the existing storefront premises for years as a full service French-American restaurant; and

Whereas, the licensed premises are 1,680 s.f. (first floor 840 s.f. and basement 840 s.f.), no stand up bar and there are 13 tables and 30 seats for an overall occupancy of 30; and

Whereas, there are existing French doors that open out to the sidewalk but there is no sidewalk café permitted, there are no TVs, music is background only; and

Whereas, the applicant agreed to hours of operation from 12 pm to 12 am seven days a week; and

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

1. The premises will be operated as a full service French-American restaurant.
2. Will operate with hours of operation from 12 am to 12 pm seven days a week.
3. There will be no outdoor area or sidewalk café.
4. The existing French doors/ windows on the storefront façade will be closed by 10 PM every evening and/or earlier if noise level rises to be loud enough to be heard in adjacent apartments.
5. Music will be quiet, background level only, there will be private parties but there will not be live music, dj’s, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
6. There will no TVs.
7. There will be no standup bar.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On-Premise liquor license to **Hitchcock Restaurant Group LLC, d/b/a Camaje, 83-85 MacDougal St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 40 Board members in favor.

13. Petno Restaurant, Inc., d/b/a Gaetana’s Cucina Italiana, 143 Christopher St. 10014 (Corporate Change - Restaurant OP SN1143575)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “corporate change” for an existing Restaurant On-Premise Liquor License (SN#1143575) to replace the current 100% principal Vincent H. Petti Jr. with a new 100% Principle, Frank Saponara, (the new owner is the nephew of the existing owner and the current manager of the premises) for a “family restaurant which focuses on Italian cuisine” there will be no change to the current method of operation or hours of operation; and,

Whereas, this application is for a “corporate change” as described above for an existing family Italian restaurant in a mixed use building located on the Northwest corner of Christopher and Greenwich St. for a currently licensed location, located on the ground floor with 10 tables with 30 table seats and 1 standup bar with 12 seats, for a grand total of 42 seats and the maximum occupancy as stated by the applicant is 60 people, there is no “letter of no objection” and there is no “Certificate of Occupancy”, the premises is located within a residentially zoned (R6) block and lot with no commercial overlay, the applicant states this is a “grandfathered” allowable use as a commercial use on the ground floor has existed prior to the issuance of “Certificates of Occupancy” and there have been no changes in the use of the building that require a C of O to be issued, there is no sidewalk café and no backyard or outdoor areas in use or part of the application; and,

Whereas, the hours of operation will continue to be from 12 p.m. to 2 a.m. 7 days a week, 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), there is existing 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; and,

Whereas, the new 100% Principal, Frank Saponara, who will now be the 100% owner and 100% principal for Petno Restaurant, Inc., executed a stipulations agreement with CB2 that he agreed would be attached and incorporated in to the “existing” method of operation for the current Restaurant On-Premise Liquor License for Petno Restaurant, Inc., SN1143575, stating that:

1. The premise will be operated and advertised as a family restaurant only focusing on Italian cuisine.
2. The hours of operation will be from 12 PM to 2 AM seven days a week (no patrons will remain at closing).
3. To premises will not be operated as a nightclub or disco.
4. The premises will not seek a New York City Department of Consumer Affairs Cabaret License.
5. The premises will not operate or include a backyard garden.
6. There will be no sidewalk café.
7. The operator will close all doors and windows at 11 PM every night without exception.
8. There will be no dj’s, live music, promoted events or any events for which a cover fee is charged.
9. All music will be ambient quiet background music only
10. There will be no more than two TV’s in the premises.

Whereas, this location is well within 200 feet of the Church of St. Veronica located at 149-155 Christopher St., which is a owned and operated by the Archdiocese of NY, and the applicant/licensee and their representative were unable to present a reason or explanation for why this existing license is exempt from the 200 ft. rule and no evidence or clarification was presented suggesting this location is exempt from the 200 ft. rule; a member of CB2’s SLA Licensing Committee is a congregant at the Church and has previously noted in the case of another application to the SLA that they are not aware of any current or past disqualifying uses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a “corporate change” application for the existing Restaurant On Premise Liquor License (SN#1143575) for replacing the current 100% principal Vincent H. Petti Jr. with a new 100% Principle, Frank Saponara for **Petno Restaurant, Inc., d/b/a Gaetana’s Cucina Italiana, 143 Christopher 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” clauses above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License and that the license was originally issued in accordance with all provisions of the “200 Foot Rule”.

Vote: Unanimous, with 40 Board members in favor.

14. Naco NYC, LLC d/b/a El Toro Blanco, 10 Downing St. 10014 (Restaurant OP Alteration – SN1265770 – adding additional dining room)

Whereas, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority to add an additional dining room from newly acquired space to the existing licensed and diagramed premises consisting of 11 tables and 36 seats and one additional bathroom as shown on diagrams presented and on file with CB2, Man.; and,

Whereas, the existing method of operation previously presented to CB2, Man. continues to be the method of operation and all other facts, plans and seating diagrams and documentation remains unchanged, and,

Whereas, all stipulations currently attached to this license including specifically those agreed to with the Licensee and CB2, Man. that are attached to the current liquor license from April 2012 and July 2014 remain in effect and all other facts as describe in CB2 Resolutions from April 2012 and July 2014 with the exception of the new additional space described above remain unchanged; and

Whereas, the Licensee executed an additional stipulations agreement with CB2 that they agreed would be further attached and incorporated in to the method of operation on the existing Restaurant On-Premise Liquor License stating that:

1. All existing stipulations from April 2012 and July 2014 will remain in effect.
2. Licensee will sound proof the space being added in this application (additional dining room)

Whereas, subsequent to the Licensee’s last appearance before CB2, Man. last month in July 2014 and prior to this meeting in August 2014, the Licensee has met with members of the Tenants Association in the building in which they are located and representatives of the buildings immediately adjacent and all parties indicate improvement in previous complaints, specifically, the Licensee indicates that they have (1) a new carting company that picks up trash after 7 am (2) Produce deliveries now occur after 8 am (3) backyard areas have been cemented to provide a smooth surface for movement (4) Trash receptacles/dumpsters have been replaced with ones which have plastic lids (5) bottles/recyclables are now brought out through the restaurant and not before garbage pickup at 7 am (6) signs have been installed requesting patrons to smoke in front of the establishment and not in front of adjacent residential buildings (7) in response to tenant concerns the dining room being added to the premises will be soundproofed and heavy curtains will be installed in doorways leading to residential portions of the building (two doorways as indicated in diagram) (8) the licensee is in process of having landlord install hinges to prevent outdoor gate door from slamming – this should be completed soon (9) steps will be taken to further soundproof the additional backup ice machine which is located in the rear vestibule area of the new dining room which is immediately adjacent to the residential hallway of the building;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an “alteration application” to the existing restaurant on-premises liquor license (SN#1265770), to add an additional dining room to the existing premises with no change to the method of operation for **Naco NYC, LLC d/b/a El Toro Blanco, 10 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” clauses above are further incorporated into the “Method of Operation” on the existing SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

15. Upright Holdings 547, LLC d/b/a Upright Brew House, 547 Hudson St. 10014 (existing TW SN#1261312 - alteration – change of method of operation – add televisions)

Whereas, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority to change the existing method of operation for the above referenced Tavern Wine License by adding 3 televisions, “the change in method of operation is to add a tv/projector in the basement, 1 behind the bar and 1 in the dining area. The television/projector in the basement will be kept on mute unless otherwise requested by patrons. The televisions on the ground floor will be used primarily as display menu boards and not for regular television programming. However, if used, these televisions will be on mute except in connection with a special occasion events (e.g., Oscars, playoffs/Championship sporting matches, Olympics, etc.)”

Whereas, the existing method of operation previously presented to CB2, Man. continues to be the method of operation except as specifically modified in this resolution and in the current application and all other facts, plans and seating diagrams and documentation remain unchanged, and,

Whereas, all stipulations currently attached to this license including specifically those agreed to with the Licensee and CB2, Man. that are currently attached to the current liquor license including those from September 2012 and December 2013 remain in effect and all other facts as describe in CB2 Resolutions from September 2012 and December 2013 with the exception of the additional stipulations pertaining to this alteration remain unchanged; and,

Whereas, the applicant performed outreach to the same residents, neighbors and community members that they have been in conversations with dating back to at least December 2011, many of who originally appeared in opposition to the issuance of this license but with whom the Licensee was eventually able to come to agreements codified in the previously described stipulations from September 2012 and December 2013; and,

Whereas, after lengthy discussion, the Licensee executed an additional stipulations agreement with CB2, Man. that they agreed would be further attached and incorporated in to the existing method of operation on the existing Tavern Wine License stating that:

1. All previous stipulations will remain in effect, except for the use of 3 additional TV's as outlined below.
2. Licensee may have no more than three televisions.
3. There will be no more than one television in the basement and no more than two televisions on the ground floor (one in the bar area and one in the dining area).
4. No televisions will be visible from outside the premises.
5. All new stipulations entered into with the “West Village Residents Association” regarding the specific alteration application shall be incorporated into CB2’s stipulation agreement.

6. Any time events are shown on television (TV's are in use) doors and windows will be closed except for ingress and egress (the existing stipulation that doors remain closed at all times remains in effect).
7. The Licensee will not advertise sports events playing on tv's.
8. The Licensee will only show "special sporting events" i.e. World Cup or major championship events (no regular season games). The ground floor TV's will primarily be used as menu boards and remain on mute.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an "alteration application" to the existing Tavern Wine License (SN#1261312) to modify the "method of operation" to add 3 televisions as described above for **Upright Holdings 547, LLC d/b/a Upright Brew House, 547 Hudson 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 5th "whereas" clauses above are further incorporated into the "Method of Operation" on the existing SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 40 Board members in favor.

16. Shu Han Ju Restaurant LLC, d/b/a TBD 465 6th Ave. (aka 101-103 West 11th St.), 10011 (New RW License – Previously Unlicensed)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for Chinese restaurant/"family restaurant that will focus on serving lunch and dinner"; and,

Whereas, this application is for a new Restaurant Wine License in a previously unlicensed location which is located on the Northwest corner of 6th Avenue and West 11th St. in a mixed use commercial/residential building on the ground floor with approximately 1,100 sq. ft.; the premises will have 12 tables and 45 seats and there will be one food counter with 5 seats, there will be no stand up bar, there will be 1 service bar only; there is an existing certificate of occupancy which indicates "stores" on the ground floor, the maximum occupancy is less than 75; and,

Whereas, the hours of operation will be Sunday to Thursday from 11:30 AM to 11 PM and Friday to Saturday from 11:30 AM to 12 AM (midnight), no patrons shall remain at closing time, 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; there will be no sidewalk café, there is no backyard garden, there will be no more than 1 TV n the premises; and,

Whereas, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant Wine License stating that:

1. The premises will be advertised and operated as a Chinese restaurant/family restaurant serving lunch and dinner.
2. The hours of operation will be Sunday to Thursday from 11:30 AM to 11 PM and Friday to Saturday from 11:30 AM to 12 AM (midnight). No Patrons shall remain at closing time.
3. The licensee will not operate a backyard garden.
4. The licensee will not operate a sidewalk café.
5. All doors and windows will be closed at 10 PM every night without exception.
6. There will be no French doors or French windows.

7. There will be no DJs, no live music, no promoted events, no event at which a cover fee is charged and no scheduled performances.
8. There will be one service bar only (no standup bar).
9. Music will be ambient quiet background music only.
10. There will be no more than one television in the premises.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Shu Han Ju Restaurant LLC, d/b/a TBD 465 6th Ave. (aka 101-103 West 11th St.), 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 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 40 Board members in favor.

17. Bada Garden, LLC, d/b/a TBD, 38 Carmine St. (aka 38-40 Carmine St.) 10014 (New RW License – previously licensed – includes rear garden)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a “fine dining, modern Asian Fusion restaurant that focuses on creative and tasty Chinese, Japanese, Italian and French inspired cuisine”; and,

Whereas, this application is for a new Restaurant Wine License in a previously licensed location which is located on Carmine St. between Bleecker St. and Bedford St. in a “grandfathered” commercial space located in a residential building in an R6 Residentially Zoned area located on the ground floor and basement with 1,400 Sq Ft, on the ground floor for patron use and 1,400 sq ft in the basement for accessory use only; the premises will have 20 tables and 40 seats and 1 stand up bar with 6 seats on the interior for a total of 46 interior seats and no more than 20 seats in the rear yard garden/courtyard (an updated floor plan reflect this seating will be provided to the SLA) for a grand total of 66 seats in the entire premises inside and out, the maximum occupancy will be less than 75 persons; and

Whereas, the interior hours of operation will be from 11:30 AM to 11:30 PM seven days a week (no patrons shall remain at closing), exterior hours of operation for the backyard garden/courtyard will be from 11:30 AM to 10 PM seven days a week (no patrons shall remain after 10 pm in the outdoor area), there will be no music in the rear yard garden/courtyard, music on the interior will be ambient quiet background music 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; there will be no sidewalk café; and,

Whereas, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant Wine License stating that:

1. The premises will be advertised and operated as a fine dining modern Asian fusion restaurant.
2. The interior hours of operation will be from 11:30 AM to 11:30 PM seven days a week (no patrons shall remain at closing).
3. The exterior hours of operation for the backyard garden/courtyard will be from 11:30 AM to 10 PM seven days a week (no patrons shall remain closing in the outdoor area).
4. There will be no sidewalk café.
5. All doors and windows will be closed at 10 PM every night except for ingress and egress without exception.

6. There will be no DJs, No live music, no promoted events, no offense at which a cover fee is charged, and no scheduled performances.
7. Music will be ambient quiet background music only in the interior.
8. There will be no music in outdoor areas i.e. backyard garden/courtyard.
9. There will be no televisions.
10. This application is for a restaurant wine license only.
11. There will only be one standup bar.
12. There will be no more than 20 seats in the rear yard/backyard garden.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Bada Garden, LLC, d/b/a TBD, 38 Carmine St. (aka 38-40 Carmine 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: Passed, with 39 Board members in favor, and 1 recusal (D. Gruber).

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

18. Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012 (RW Did Not Appear, application not withdrawn)

Whereas, the applicant and principal previously presented for a BW license before CB2 Man.’s SLA Licensing Committee meeting on June 10, 2014, at which time a resolution recommending the denial of this license was passed at full board; and

Whereas, thereafter the principal’s attorney requested to present a second time before CB2 Man.’s SLA Licensing Committee but ultimately decided not to appear a second time and did not show; and

Whereas, CB2 Man. reiterates and refers the SLA to its stated position and previous recommendation outlined to the SLA in its June/2014 resolution;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license to **Coriander Factory, Inc. d/b/a Hop In The Truck, 222 Lafayette St. 10012** and respectfully refers the SLA to its prior resolution and recommendation on this application issued after the full board convened on June 19, 2014 so that the concerns of the Community will be fully heard.

Vote: Unanimous, with 40 Board members in favor.

19. Marc Dizon or Corp to be formed/ Collective Hospitality, LLC, d/b/a TBD, 21 W. 8th St. 10014 (New OP – NO SHOW)

Whereas, the applicant **FAILED TO APPEAR without Notice** before CB2, Manhattan’s SLA Licensing Committee Meeting #2 on August 14th, 2014, after having been requested to do so in conjunction with a 30 Day Notice to CB2 for a new restaurant on-premise liquor license at this location; and,

Whereas, the applicant requested that this item be laid over at the last possible minute the previous month in July 2014; and,

Whereas, CB2, Man. has received notice of opposition from the local Block Association, the West 8th Street Block Association who previously met with the applicant;

THEREFORE BE IT RESOLVED that CB2, 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 or Corp to be formed/ Collective Hospitality, LLC, d/b/a TBD, 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 40 Board members in favor.

20. Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 W. 12th St. 10011 (New RW Application - NO SHOW)

Whereas, the applicant **FAILED TO APPEAR without Notice** before CB2, Manhattan's SLA Licensing Committee Meeting #2 on August 14th, 2014, after having been requested to do so in conjunction with a 30 Day Notice to CB2 for a new restaurant wine license at this location; and

THEREFORE BE IT RESOLVED that CB2, 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 **Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 W. 12th St. 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 40 Board members in favor.

21. SPRBAR, Inc., d/b/a The Anchor, 310 Spring St. 10003 (OP Alteration SN1184232 - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on August 14th, 2014, the applicant's attorney requested to **layover** this application for an alteration to an existing on-premise 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 CB2, 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 **SPRBAR, Inc., d/b/a The Anchor, 310 Spring St. 10003 (SN1184232)** 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 40 Board members in favor.

22. Thorn Industries, LLC d/b/a The Hills NYC, 511 Greenwich St. 10013 (New OP - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on August 14th, 2014, the applicant's attorney requested to layover this application for a new on-premise liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

Whereas, CB2 has received a significant amount of correspondence in opposition to the issuance of this license and members of the community who had organized and planned to attend CB2's August 14th, 2014 were unable to provide oral testimony and address the applicants directly and receive response from the applicants to their concerns;

THEREFORE BE IT RESOLVED that CB2, 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 **Thorn Industries, LLC d/b/a The Hills NYC, 511 Greenwich 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 40 Board members in favor.

23. Erik McManus or entity to be formed, 679 Greenwich St. 10014 (New OP - attorney requested layover/withdrawal will re-notify)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on August 14th, 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 CB2, 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 40 Board members in favor.

24. Elmer Kennedy LLC, 5 King St. 10012 (New OP - attorney requested layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on August 14th, 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 CB2, 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 **Elmer Kennedy LLC, 5 King 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 40 Board members in favor.

LANDMARKS & PUBLIC AESTHETICS

FIRST SEPTEMBER MEETING

1 - LPC Item:448 Broome Street (Mercer/Bdwy)-SoHo-Cast Iron Historic District. A store and loft building with French Renaissance style details designed by Vaux & Withers Co. and built in 1871-72. Application is to alter storefront infill installed without Landmarks Preservation Commission permit(s).

Whereas, although the work was done without permits by a prior owner, nevertheless the storefront is appropriate in style and materials, and does not detract from the building or the district; but

Whereas, given a choice, we would prefer to see the transom above the door remain; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application but prefers the existing transom be retained.

Vote: Unanimous, with 40 Board members in favor.

2 - LPC Item:150 Thompson Street, aka 474-478 West Broadway (Houston/Prince)-SoHo-Cast Iron Historic District Extension. A neo-Grec style store building, designed by D & J Jardine, and built in 1880-81. Application is to replace ground floor infill and install a marquee.

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, and

Further, be it resolved that CB#2, Man. recommends denial and requests the LPC not move on this application until the applicant presents before the Community Board.

Vote: Unanimous, with 40 Board members in favor.

3 - LPC Item: 205 Bleecker Street, aka 1-3 Minetta Street – South Village Historic District. A Colonial Revival style tenement building with commercial ground floor designed by Sommerfeld & Sass and built c.1925-26. Application is to create a new masonry opening and install a door with transom, and an awning.

Whereas, the proposed opening, door and awning are of a style, configuration and material consistent with the building and the district; now

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

Vote: Unanimous, with 40 Board members in favor.

4 - LPC Item: 155 Bleecker Street (n.w. corner Thompson) (“Back Fence”)– South Village H.D. A stick-frame Federal style rowhouse built prior to 1900 with an altered commercial base. Application is to install signage.

Whereas, the black and white acrylic sign is in style with the building; and

Whereas, the concept of neon signage is fine, but there is a dissonance between the rendering and the traditional neon sign that had been there, further exacerbated by the obliteration of the historic storefront that will be replaced by a generic, modern storefront – one we would expect to find in a shopping mall; now

Therefore, be it resolved that CB#2, Man. recommends approval of the acrylic signband, but recommends denial of the neon sign “as presented”, requesting instead a more traditional neon sign.

Vote: Unanimous, with 40 Board members in favor.

5 - LPC Item: 38-50 Cooper Square – NoHo Historic District. An office, warehouse and factory building, originally built as a row of houses in the mid 19th century, and combined and altered by Fritz Nathan in 1960. Application is to construct a gymnasium and install a railing and mechanical equipment on the roof.

Whereas, the proposed gymnasium, railing and equipment on the roof will be minimally visible; now

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

Vote: Unanimous, with 40 Board members in favor.

6 - Expense Budget Priorities for FY 2016

Whereas, with the increasing number of designated districts, the possibility of non-compliance with the landmark laws escalates; and

Whereas, to ensure compliance and to be fair to owners who adhere to the landmarks law, we would like to see an increased budget for enforcement personnel; now

Therefore, be it resolved that CB#2, Man. recommends prioritizing hiring of additional enforcement officers at the LPC.

Vote: Unanimous, with 40 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 419 Lafayette Street. (East side of Lafayette Street between East Fourth and Astor Place.) BSA Cal. No. 168-14-BZ. An application for a special permit per ZR 73-36 to allow operation of a Physical Culture Establishment in an M1-5B zoning district to be operated as Barry's Boot Camp.

A resolution recommending APPROVAL of the application

Whereas,

1. The application was presented to the committee by Josh Rinesmith of Warshaw Burstein, LLP, representing the property owner Michael Baum, LLC.
2. The proposed Physical Culture Establishment is in an M1-5B zone where this use is not allowed as-of-right and a Special Permit is required.
3. The use as proposed will not impair the essential character or the future use or development of the surrounding area.
4. The proposed premises will include facilities for classes, instruction and programs for physical improvement, body-building, weight reduction, aerobics or martial arts.
5. There were no public speakers for or against the application.
6. The committee did not raise the need for conditions and safeguards to be included in the permit.

Therefore it is resolved that CB#2, Man.

Recommends APPROVAL for a special permit to allow operation of a Physical Culture Establishment to be operated as Barry's Boot Camp at 419 Lafayette Street.

Vote: Unanimous, with 40 Board members in favor.

2. 18 West 8th Street. (South side of 8th Street between Macdougall and Fifth Avenue.) BSA Cal, No, 203-14-BZ. An application for a special permit per ZR 73-36 to allow operation of a Physical Culture Establishment in a C4-5(LC) zoning district to be operated as 305 Fitness.

A resolution recommending APPROVAL of the application

Whereas,

1. The application was presented to the committee by Adam Rothkrug of Rothkrug Rothkrug & Spector LLP, representing the applicant, 16 West 8th LLC.
2. The proposed Physical Culture Establishment is in a C4-5 zone where this use is not allowed as-of-right and a Special Permit is required.
3. The use as proposed will not impair the essential character or the future use or development of the surrounding area.
4. The proposed premises will include facilities for classes, instruction and programs for physical improvement, body-building, weight reduction, aerobics or martial arts.
5. The specific program involved physical improvement through dance activity and will include loud music.
6. The upper floors of the building include residences.
7. In response to concerns raised by committee members the applicant stated that a comprehensive sound isolating system would be installed.
8. There were no public speakers for or against the application.
9. A letter supporting the application was received from the West 8th Street Block Association.
10. The BSA retains the right to revoke the special permit if the method of operation is altered.

Therefore it is resolved that CB2, Man. recommends APPROVAL for a special permit to allow operation of a Physical Culture Establishment to be operated as 305 Fitness at 18 West 8th Street if the BSA prescribes as in the method of operation a safeguard requiring effective sound isolation to protect residents of the building and nearby buildings from any nuisance.

Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

SEPTEMBER MEETING

App. to Dept of Consumer Affairs for Newsstands at:

1. Bowery, near Northwest Corner with Prince St. (9786-2014-ANWS)

Whereas,

h. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Sabiha Sultana, was **not** present, and she was represented by her husband, Muhammed Uddin, who said she did not speak English well and he would be the primary operator of the business, and

i. the newsstand is proposed for the west side of the Bowery, 18' north of its intersection with Prince St., and is to be 5' x 12' on a site with a retail entrance to its north and a traffic signal to its south as the primary limiting factors, with roughly 19' between them, and

j. the committee was particularly concerned that the applicant did not appear at the meeting, and we could not get a satisfactory answer as to why she is the applicant if she speaks little English and her husband said he would be the primary operator, and

k. there was also no one from the immediately adjacent property owner or the current retail tenant in attendance, and the committee was given no evidence that they were notified by the applicant of the application as required under the NYC Administrative Code, and

l. despite the absence of the applicant, the committee took comments from several members of the community who appeared to express their opposition to the newsstand, primarily due to the location of a full-service news dealer – Bouwerie Iconic Magazine – just one block away at the corner of Rivington St, which over 18 months at that location and 22 years at their original location on Spring & Lafayette Sts. have been highly valued members of the Little Italy/NoLiTa community, and

m. the committee was also given a letter from the Bowery Alliance of Neighbors strongly opposing a newsstand at this location due to its potential impact on this long-time neighborhood business, and

n. the operators of Bouwerie Iconic Magazine were also present and confirmed that their store already sells all the products that would be available at the newsstand, including newspapers, magazines (including a much wider selection), cigarettes, lottery tickets, drinks, candy, etc.,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends DENIAL of this application for a newsstand on **Bowery, near Northwest Corner with Prince St. (9786-2014-ANWS)**

FURTHER BE IT RESOLVED that CB#2, Man. requests DCA investigate why the application was filed under the name of a person who does not speak English and apparently will not be the operator of the newsstand.

Vote: Passed, with 39 Board members in favor, and 1 in opposition (K. Berger).

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

2. Double Dip LLC, Bar Bolonat, 611 Hudson St. aka 317 W. 12th St., with 11 tables & 26 chairs (1473879-DCA)

Block:625 Lot:15 Lot Frontage:24.5' Lot Depth:37 Year Built:1910 (estimated)
Number of Buildings:1; Number of Floors:3 Residential Units:4 Total # of Units:5
Zoning:C1-6

Whereas,

- h. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Amir Rozen, was present, and
- i. this café is a complete reconstruction of an existing café structure that had been vacant for approximately 3 years, and
- j. Mr. Rozen stated that after applying to the LPC and the Dept. of City Planning to renovate the café enclosure they discovered that virtually nothing was salvageable, at which point the entire café was demolished and an entirely new café enclosure was built, and Mr. Rozen stated they considered that the totally new construction fell within their existing permits, and
- k. but the applicants were subsequently cited by the Dept. of City Planning for violating the extent of their permits and building the new café in a way that was non-compliant with the enclosed sidewalk café requirements, and
- l. The committee noted that the new café enclosure leaves several inches less than the required 8' clear pedestrian path between its outer wall and a street light directly opposite it, and, as shown on the supplied print, also uses more than half of the unobstructed sidewalk,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Enclosed sidewalk café for **Double Dip LLC, Bar Bolonat, 611 Hudson St. aka 317 W. 12th St., with 11 tables & 26 chairs (1473879-DCA)**.

Vote: Passed, with 35 Board members in favor, and 5 in opposition (S. Tyree, C. Booth, M. Schott, S. Secunda, K. Bordonaro)

3. FYI renewals:

Whereas, the renewals below were posted on the CB#2, 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 these applicants, and the Board has not been notified of any issues with their operation,

- Naco NYC, LLC d/b/a El Toro Blanco, 10 Downing St., with 29 tables & 58 chairs (1446392-DCA)
- Grotta Azzurra Inn, Inc., 177 Mulberry St., with 20 tables & 40 chairs. (1150943-DCA)
- Restaurant Ventures of NY, Inc. d/b/a Savore Ristorante, 200 Spring St., with 10 tables & 20 chairs (0920983-DCA)
- Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St., with 9 tables & 18 chairs (1279573-DCA)
- 343 Broome Street Restaurant, Inc. d/b/a Randolph Beer, 343 Broome St., with 6 tables & 14 chairs (1426393-DCA)

- Cereli, Inc., d/b/a Mole, 57 Jane St., with 7 tables & 16 chairs (1343516-DCA)
- La Ripaille Corp. d/b/a La Ripaille Restaurant, 605 Hudson St., with 4 tables & 11 chairs (1010686-DCA)
- AYZA Upper West Side, Inc., d/b/a AYZA Wine & Chocolate Bar, 1 7th Avenue South, with 18 tables & 36 chairs (1416689-DCA)
- Mottsu Cuisine, Inc., d/b/a MOTTU, 285 Mott St., with 6 tables & 12 chairs (1376493-DCA)

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

Vote: Unanimous, with 40 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 the applicant was present regarding the first application below,

4. 10/18/14 Rededication of Holy Trinity Ukrainian Orthodox Church, Broome St. between Bowery & Mott St.

Whereas,

- the applicants and several members of the Holy Trinity congregation appeared and no members of the community appeared in opposition, and
- this rededication is being held to celebrate the completion of renovations to the church, and is intended to provide space for the congregation to leave the ‘old’ church and reenter the ‘new’ re-consecrated church, and
- the applicants were asked why the block between Bowery & Elizabeth was included and they said it was in agreement with the FDNY to ensure safe access from the firehouse next door is maintained, and
- the committee congratulates the Holy Trinity community on the completion of the renovation work on the church and joins them celebrating its rededication,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this event on **Broome St. between Bowery & Mott St.**

Vote: Unanimous, with 40 Board members in favor.

SLA LICENSING

25. Little West 12th Street LLC and Basement Manager LLC, d/b/a STK & Tenjune, 26 Little West 12th St. 10014 (Alteration to OP SN#1164726)

Whereas, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an alteration; the premises currently operates on floors Ground, 2, 3 and rooftop under the trade name “STK”, a modern American steakhouse, and the basement

portion of the premises is operated under the trade name “Tenjune” as a nightclub/cabaret; the Licensee indicates that the basement is currently not operating; and,

Whereas, the alteration application is to:

1. Convert the existing service bar on the rooftop to a standup bar
2. Convert the existing standup bar in the basement into a service bar,
3. Install a retractable enclosure on the rooftop for use in inclement weather – enclosure has both roof and walls and heating
4. Remove a “kitchen” from behind the rooftop service bar and reinstall kitchen on the 3rd Floor; and,

Whereas, the premises was originally presented to CB2, Man. in March 2005 consisting of the Ground Floor, 2nd Floor and Basement Space, CB2 had no objection; In April 2007 Licensee returned to CB2 to present an alteration application to add the 3rd Floor and Rooftop space, CB2 recommended denial for the addition of the 3rd Floor and Rooftop due to significant concerns with regards to a rooftop premises and in particular the noise it would generate; in July 2012 the Licensee appeared before CB2, Man. to present their renewal application, CB2 recommended denial; and,

Whereas, in July 2012 CB2 recommended Denying the renewal but stated CB2 would withdraw that recommendation if “(1) The licensee removed the use of all music on the rooftop of the premise (2) The licensee would have a responsive Manager on the premise at all hours of operation (3) The licensee instituted procedures that would allow complaints and concerns from the local community to reach appropriate managerial staff who are on the premise, empowered to make decisions and who are able to appropriately respond in a timely manner and who would keep the principles of the establishment informed of all contact with community residents whether contact be in person, in writing, via email or via telephone call.”

Whereas, at present, the Licensee continues to have music on the rooftop that has continued to generate periodic complaints, specifically during Sunday Brunch Parties when they have DJ-generated music on the rooftop and during private parties when this also occurs; and

Whereas, the Licensee was willing to agree to certain stipulations in regards to operation of the rooftop and they are as follows:

1. All Previous stipulations will remain in effect.
2. The premises will be advertised and operated as a modern American steakhouse d/b/a STK (Flrs. Ground, 2, 3 and rooftop) and as a nightclub d/b/a Tenjune in the basement.
3. The hours of operation will be Sunday from 12 pm to 12 am, Monday from 5:30 pm to 12 am, Tuesday-Friday from 5:30 pm to 4 am and Saturday from 12 pm to 4 am.
4. The licensee will not operate a backyard garden.
5. The kitchen will remain open and a full menu available until 1:30 am or closing time on all floors except basement.
6. All doors and windows will be closed by 11 pm Sunday-Thursday and by 12 am Friday-Saturday.
7. Cabaret and dancing uses will only be in the basement.
8. DJ’s on inside of premises only. May also have a DJ for Sunday brunch service on rooftop – will adhere to all NYC Noise Code/Laws at all times.
9. Rooftop closing hours will be Sunday-Monday at 12 am and Tuesday-Saturday at 2 am. No patrons will remain on rooftop after closing time.
10. Sound limiters will be installed on all rooftop music systems (including DJ’s) so that NYC Noise Code/Laws are not violated.

11. Rooftop speakers will be placed to prevent sound complaints per sound engineer recommendations.

Whereas, in April 2007 when the Licensee submitted the alteration application to add the rooftop space, the primary principal, Jonathan Segal, submitted written correspondence to CB2, Man. for consideration at CB2's Full Board meeting which stated in part "I understand that a number of members of the community have raised concerns over our application to operate a roof top café at 26 Little West 12th St. Firstly, I would like to comment that I understand and am sympathetic with the concerns of the community. I would assure you that we take these concerns very seriously. One issue of concern that I can see, relates to noise and I want to assure the community that we will operate in a responsible & orderly manner. It is intended that we will operate the roof top space as an outdoor café and I have no objections whatsoever to the hours of operation being limited to 11.00 pm Sunday through Wednesday and midnight Thursday through Saturday. With regard to music, there will only be quiet background music. I have no problem or hesitation whatsoever in giving an undertaking that there will be no live music or bands on any account at any time. At all times background music will be kept to an acceptable & reasonable level."

Whereas, CB2, Man. does not accept any music use on the rooftop of this premises and certainly no DJ generated music on the rooftop at any time ever and believes that a reasonable stipulated closing hour would be no later than midnight 7 days a week as originally stated should this alteration be considered; and

Whereas, in regards to this alteration application for September 2014, CB2, Man. has significant concerns in regards to the following **(1)** the basement space which has been operated as a nightclub is now closed according to the Licensee (but this has not been filed with the SLA), it is appropriate to have a standup bar in a nightclub space, having only a service bar in a nightclub space seems unrealistic **(2)** converting a service bar to a standup bar with no seats on the rooftop generates significant concern for CB2 as it will fundamentally alter the nature of service on the rooftop by creating a standing room area in front of the bar area that will promote standing crowds; currently there is only seated table service on the rooftop, with the addition of DJ Music, this becomes a de facto dance floor Lounge area that is not suitable for a rooftop space because of the noise it generates **(3)** as part of this application, the Licensee would want to continue to have DJ generated music on the rooftop; DJ Music on the rooftop has generated complaints over the years and CB2, Man. and the Community at large feels that it is inappropriate and unacceptable to have DJ generated music on the rooftop or in any outdoor area within CB2 **(4)** In CB2's experience, quiet background music is not a reasonable expectation when a DJ is utilized, particularly in an outdoor area **(5)** removal of the Kitchen/prep area from the rooftop seems to further the rooftop space as more of a drinking space than an eating space, and **(6)** the addition of a rooftop enclosure for inclement weather is not problematic on its own, but it does create further concerns that music will be turned up loud when it is closed and generate additional sound complaints and raucous behavior on the rooftop area, temporary enclosures are not soundproof in the same manner a permanent structure is;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an "alteration application" as presented above for the existing On Premise Liquor License, SN1164726 for **Little West 12th St. LLC and Basement Manager LLC d/b/a STK & Tenjune, 26 Little W. 12th St. 10014; and,**

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that this significant alteration application be calendared on the agenda of the Full Board of the New York State Liquor Authority; and,

THEREFORE BE IT FURTHER RESOLVED that should the Liquor Authority consider approving this alteration application for a rooftop enclosure, the conversion of a service bar to a standup bar on the roof and the removal of the kitchen/prep area from the roof, that the following stipulations be considered:

1. There will be NO DJ's or DJ generated music in any outdoor areas including the rooftop.
2. There will be no music on the rooftop.
3. Licensee will adhere to all NYC Noise Code/Laws at all times.
4. Rooftop closing hours will be 12 midnight 7 days a week. No patrons will remain on rooftop after closing time.
5. Should any music occur on the rooftop in the future, Sound limiters will be installed on all rooftop music systems so that NYC Noise Code/Laws are not violated. All sound limiters will be set for quiet background music only.
6. DJ's will be permitted in all interior areas, but no dancing (except basement cabaret), provided no DJ's are permitted on rooftop.
7. All Previous stipulations will remain in effect.
8. The premises will be advertised and operated as a modern American steakhouse d/b/a STK (Flrs Ground, 2, 3 and rooftop) and as a nightclub d/b/a Tenjune in the basement.
9. The hours of operation of the interior premises will be Sunday from 12 pm to 12 am, Monday from 5:30 pm to 12 am, Tuesday-Friday from 5:30 pm to 4 am and Saturday from 12 pm to 4 am.
10. The kitchen will remain open and a full menu available until 1:30 am or closing time.
11. All doors and windows will be closed by 11 pm Sunday-Thursday and by 12 am Friday-Saturday.
12. Cabaret and dancing uses will only be in the basement.

Therefore be it Further Resolved that CB2, Man. respectfully request the Liquor Authority to take into Account CB2's July 2012 resolution in considering this application which is as follows:

CB2 Manhattan July 2012 Resolution submitted to the SLA in July 2012

10. Tenjune; STK, 26 Little West 12th St. (on-premise liquor license renewal SLA Serial #1164726)

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

Whereas, the applicant appeared at the request of CB2 Manhattan to discuss their renewal application for an on-premise liquor license (SLA Serial #1164726); and,

Whereas, this location operates as two separate dba's STK and Tenjune, Tenjune is a nightclub with cabaret license and is located in the basement and STK is a "female-friendly steakhouse with a focus on steaks and seafood" located on the other floors; the establishment is a 4 story plus roof top use premise with a 5,500 sq ft. Basement, a 4,800 sq ft 1st flr, a 4,800 sq ft 2nd floor, a 4,800 sq ft 3rd floor and a 3,800 sq ft rooftop which operates Sunday from 12 p.m. to 12 a.m., Monday from 5:30 p.m. to 12 a.m., Tuesday to Friday from 5:30 p.m. to 4:00 a.m. and Saturday from 12 p.m. to 4 a.m., there are 70 tables and 315 seats throughout the premises, 3 bars with 10 seats for a total of 325 seats, the maximum legal occupancy is 907 persons; and,

Whereas, there are some discrepancies regarding the address of the establishment which is licensed by the Liquor Authority at 26 Little West 12th Street and that address was provided by the applicant to the SLA across numerous filings with the Liquor Authority, but now the applicant states the address is 28 Little West 12th St., which according to the NYC Department of Buildings is a physically different building with a separate Building Identification Number and raises some concerns; and,

Whereas, CB2 has received written and verbal complaints from residents in the area complaining about music coming from the rooftop of this establishment that can be heard several blocks away; and,

Whereas, a number of residents spoke at the meeting regarding the music that can be heard several blocks away that is coming from the rooftop area of this premise and stated that they had tried to approach managers and staff at the establishment to address this issue but there were no communicative employees or staff present to address their concerns; additionally, residents noted that attempts to reach a qualified manager or staff member to discuss these issues by phone and by email were ignored; and,

Whereas, the roof-top and upper floors of this establishment were added to this premise by means of an alteration application to the Liquor Authority that was presented to CB2 Manhattan in April 2007 and at the time CB2 Manhattan submitted a resolution to the Liquor Authority recommending Denial of the alteration expressing strong concerns over the addition of an open air roof-top and the issue of sound traveling directly into the neighboring residential community; and,

Whereas, the concerns regarding potential noise from the roof-top which were addressed in April 2007 have clearly been validated and have been further exacerbated by the addition of amplified music; and,

THEREFORE, BE IT RESOLVED, that CB2, Man. Recommends Liquor Authority deny the renewal application for the Full On-Premise license for **Tenjune; STK, 26 Little West 12th St. (SLA Serial #1164726); and**

THEREFORE BE IT FURTHER RESOLVED that CB2, Manhattan would withdraw our objection to the renewal of the on-premise liquor license if:

1. The licensee **removed the use of all music on the rooftop** of the premise.
2. The licensee would have a **responsive Manager on the premise at all hours** of operation.
3. The licensee instituted procedures that would allow complaints and concerns from the local community to reach appropriate managerial staff who are on the premise, empowered to make decisions and who are able to appropriately respond in a timely manner and who would keep the principles of the establishment informed of all contact with community residents whether contact be in person, in writing, via email or via telephone call.

Vote: Unanimous, with 40 Board members in favor.

26. RV Partners, Inc., Bombay Duck Co., 190 Bleecker St. 10012 (New Beer and Wine)

Whereas, the applicant previously appeared before the committee in July/2013 for a previously unlicensed location; and,

Whereas, this application is for a new Beer and Wine license for a family owned and operated Indian style restaurant in a mixed-use building, located on Bleecker Street between MacDougal and 6th Avenue (Block #526/lot #24), for a 900sq. ft. premise, there are 8 tables 16 seats and 2 stools at a front window counter and no bar, and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation are Sunday to Wednesday from 11:00 a.m. to 11 p.m. and Thursday from 11:00 a.m. to 2:00 a.m. and Friday and Saturday from 11:00 a.m. to 4:00 a.m. (all alcohol service will be stopped by 2:00 a.m. on Friday and Saturdays); this is a full service Indian restaurant; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge; and,

Whereas, the applicant also agreed with CB2, Man. to all execute all stipulations previously executed with the BAMRA (Bleecker Area Merchants' and Residents' Association) and those stipulations are incorporated herein; and

Whereas, the applicant agreed to the following stipulations:

1. Hours of Operation: The Establishment shall operate from 11:00 AM to 11:00 PM Sunday through Wednesday, and shall operate from 11:00 AM to 2:00 AM on Thursday and shall open at 11:00 AM on Friday and Saturday and cease alcohol sales by 2:00 AM on Friday and Saturday, but may continue to operate with food sales only after 2:00 AM on Friday and Saturday.
2. Certificates, Permits and Related Documents: The Operators shall obtain all required certificates, permits and related documents.
3. Traffic: The Operators will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operators shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operators will clean any debris left by its patrons (i.e.: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas.
4. Manager: The Operators shall have an English-speaking manager or Owner on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operators and the Operators will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. Music: The Operators shall play quiet, background level music from an iPod or like device with small speakers inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment and shall not exceed NYC noise codes at any time.
6. Television: The Operators shall have one television in the Establishment played at a volume level low enough that it cannot be heard outside the establishment and Operators agree that no organized events with regard to the use of their television shall be advertised or occur within the establishment.
7. Lighting: The Operator shall not install illuminated signage or lighting, on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. Operator shall use no neon signage.
8. Windows/Doors: Establishment doors shall remain closed except for a few hours in the afternoons, but will always be closed by 6 p.m.
9. Signage/Awning: Operators shall install retractable awning and a flag.
10. 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.
11. License Renewal: The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to if necessary.
12. Will operate a full service Indian restaurant only.
13. Will not have D.J.'s, live music, promoted events, events with a cover charge or performances.
14. Will not have a sidewalk café and no backyard garden.
15. Will have no bar in the restaurant.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial to the new Beer and Wine license for RV Partners, RV Partners Inc. d/b/a Bombay Duck, 190 Bleecker St. 10012 unless those above-referenced conditions and stipulations agreed to by the applicant are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 40 Board members in favor.

27. Derossi Veg LLC, 152 West 10th St. 10014 (New Beer and Wine)

Whereas, the applicant presented before CB2 Man. and seeks to open a full service Vegan restaurant in a corner storefront previously operated as a the Momo Café on West 10th Street at the corner of Waverly Place in a mixed use, five-story building (circa 1926) located in a historic district; and

Whereas, prior to July/2011 the storefront premises was never previously licensed for the service of alcohol nor operated as an eating and drinking establishment: and

Whereas, since July/2011 the premises has operated only with a Beer/Wine license; and

Whereas, the licensed ground floor premises will be 420 sf, there will be 8 tables with 16 seats, 1 bar with 14 seats for a total proposed occupancy of 30, there will be one bathroom, there will be a full service kitchen but no TVs, no backyard garden or sidewalk café and music will be quiet background only; and

Whereas, the windows to the storefront are fixed and do not open up to the sidewalk and the operator agreed that he has no plans to change the front storefront façade and install French doors or windows at these premises; and

Whereas, hours of operation from 11 am to 12 am Sunday through Thursday and 11 am to 1 am Fridays and Saturdays, no patrons will remain at closing, there will be occasional private parties but no promoted events, no DJs, no live music, no scheduled performances or any events for which a cover fee is charged; and

Whereas, the applicant met with and entered into a stipulations agreement with the Mid-West 10th Street Block Association and those stipulations are incorporated herein;

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 Restaurant Wine license and the stipulations are as follows:

1. Operate a full service high end Vegan restaurant (not as a Wine Bar or Tavern).
2. Will operate from 11 am to 12 am Sunday through Thursday and from 11 am to 1 am on Fridays and Saturdays.
3. Will close all doors and windows by 9 pm every evening and further agrees to take steps to continue to install a double door vestibule at the front door to the premises if there is noise emanating from the premises in the future.
4. Operator agrees not to seek a sidewalk café at this time.
5. Music will be quiet, ambient, background level inside restaurant only, there will be no TVs and there will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. There will be no neon lighting or other bright lighting on the façade that can disturb residents/neighbors adjacent to the premises.
7. Will not attempt to steer patrons from the sidewalk into the restaurant to prevent noise outside the premises.
8. Will agree to future meetings as requested with the Mid-West 10th Street Block Association to resolve any new problems that may arise.
9. All stipulations agreed to with the Mid West 10th Street Block Association dated September 2014 are incorporated into this stipulations agreement with CB2.
10. The applicant will never seek to upgrade this license to an on-premise liquor license.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new Beer Wine license to Derossi Veg LLC, 152 West 10th St. 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” on the BW License.

Vote: Unanimous, with 40 Board members in favor.

28. 002 Mercury Tacos LLC, d/b/a Otto’s Tacos, 131 Seventh Ave. South 10014 (New Eating Place-Beer only and previously licensed)

Whereas, the applicant presented before CB2 Man. and seeks to open a restaurant specializing in tacos at a corner storefront previously operated as Sel et Gras on 7th Avenue South at the corner of West 10th Street in a mixed use, two-story building (circa 1905) located in a historic district; and

Whereas, prior to May/2012 the storefront premises was never previously licensed for the service of alcohol nor operated as an eating and drinking establishment; the premises is currently vacant and the premises has been closed since at least November 2013; and

Whereas, the licensed ground floor premises will be 1000 sf, there will be 1 table with 13 seats, 1 food counter with 4 seats with a maximum occupancy of 37, there will be one bathroom, there will be a full service kitchen but no TVs, there is no backyard garden and music will be quiet background only; and

Whereas, the operator plans on installing accordion doors on the front façade but agrees to obtain all permits with the Department of Buildings and Landmarks before moving forward with those plans; and

Whereas, this operator is not currently seeking to operate and serve alcohol at a sidewalk café at this time but may seek to do so in the future, but did state that any sidewalk café would be modest in size (significantly smaller in size than what is allowable as the maximum size) and made verbal representations as to potential limitations on seating based on concerns of the limited seating in the interior: and

Whereas, the operator agreed to return to CB2 Man.’s SLA Committee in the future if he intended to serve alcohol at the sidewalk café and further indicated, consistent with its existing business on Second Avenue in lower Manhattan, that he would not be seeking more than 11 tables and 24 seats for the sidewalk café; and

Whereas, CB2 Man. feels strongly that any future sidewalk café at this location should not be larger than the interior restaurant at the premises and should include wait service for food and drink as required by NYC regulations; and

Whereas, the hours of operation from 12 pm to 12 am Sunday through Thursday and 12 pm to 2 am Fridays and Saturdays, there will be no private parties but no promoted events, DJs, live music, scheduled performances or any events for which a cover fee is charged; 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 Eating Place Beer license and the stipulations are as follows:

1. Operate a Taqueria serving tacos not as a Bar or Tavern.

2. Will operate from 12 pm to 12 am Sunday through Thursday and from 12 pm to 2 am on Fridays and Saturdays.
3. Will close all doors and windows at 10 pm every evening and when music is on inside the premises.
4. Operator agrees not to serve alcohol at a sidewalk café at this time.
5. Music will be quiet, ambient, background level inside restaurant only,
6. There will be no TVs and there will be no dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. Will not attempt to steer patrons from the sidewalk into the restaurant to prevent noise outside the premises.
8. The kitchen will remain open until closing.
9. Will not have patron lines outside the premises.
10. Will not have "happy hour" pricing on beer.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new Eating Place Beer license to 002 Mercury Tacos LLC, d/b/a Otto's Tacos, 131 Seventh Ave. South 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" on the BW License.

Vote: Unanimous, with 40 Board members in favor.

29. Thorn Industries, LLC d/b/a The Hills NYC, 511 Greenwich St. 10013 (New OP)

Whereas, the applicant appeared before the CB2's SLA Licensing committee to present an application for a new Tavern On Premise liquor license/Cabaret Liquor License for a live music venue with DJ focusing on rock and roll showcasing rock and roll icons and NY talent in a location that has been vacant since 2011; and,

Whereas, the proposed premises for The Hills NYC is located in a 1-story building occupying the ground floor and basement located on the Southeast corner of Greenwich St. and Spring St., the building is also known as 511-513 Greenwich St. and 314-316 Spring St., the premises will be approximately 5,800 sq. ft. across two floors (2,900 sq. ft. each) with patron use on ground floor only and accessory use in the basement for storage and refrigeration use only (no patron access); on the ground floor there will be 10 tables and 36 seats and 1 standup bar with 14 seats for a total of 50 seats, there are also two large standing areas which indicate 187 standees and 52 standees, the maximum occupancy is 299 persons as indicated on a Certificate of Occupancy, there is also one performance stage; and

Whereas, the applicant stated that the hours of operation will be Monday to Saturday from 11:30 am to 4 am and Sunday from 7 pm to 12:30 am, music will be live music, from dj's and from ipod/CD's, the applicant states they will install soundproofing using a professional sound engineer using soundproofing acoustic board on ceiling and a party wall, there will be live music, d.j.'s, promoted events, private parties, velvet ropes, movable barriers, 2 Television/projection screens, there will be security, there are plans to address vehicular traffic and pedestrian crowds; and,

Whereas, CB2, Man. granted this applicant wide latitude in presenting their application to CB2, Manhattan despite not adhering to CB2 Manhattan's very clear guidelines and appearing unprepared with only 1 licensing package (10 are requested) and after withdrawing at the very last minute the previous month; and,

Whereas, the applicant stated that they had a security plan, a traffic plan, crowd management plan and soundproofing plan, but they were not able to present any such plans or details other than cursory details despite knowing this is a critical concern for this size of a venue and style of operation for both local residents and CB2, Man.; and,

Whereas, the applicant went on at length and stated that they would be supporting non-alcohol events and promoting very young emerging entertainer events, but these events would be extremely limited in nature are minimal at best in the overall operation; and,

Whereas, the applicant stated that the venue that they were looking to open was similar in most/all aspects to the previous entity that existed at this location a number of years ago, but closed in 2011, and that it was an iconic part of the neighborhood and New York City and that they were “here to keep NY real”, the two principles that were listed on the application do not seem to have much experience in operating a large music venue of this size and limited to no information was presented on how the venue would book performers, how many performances/sets would occur each day/week, what type of operation would occur when live music events were not occurring and the principles were unsure whether they would be applying for a NYC DCA Cabaret License or if they would operate as a nightclub when no live music performances were taking place; and,

Whereas, one of the principles who appears to be the 100% owner is also the principle in a licensed premise also located on the same block on Spring St (SN1028407), Spring St. Ballybay, Inc. d/b/a Emerald Pub, which the applicant stated has not been cited for any violations, but yet he neglected to mention or address that the premises was the subject of a February 2011 renewal hearing before CB2 at which time a number of longstanding and ongoing quality of life complaints were raised by local residents; and

Whereas, other than reopening an old defunct music venue, there was limited presentation as to the public benefit of the premises in what is now a very residential location; and,

Whereas, CB2, Man. notes that it was reported in the press after the previous operation at this location closed in 2011 that this property was part of a development site; it appears that the development of the property stalled as other projects have been pursued by the property owner who owns many properties in the area; there were concerns that this application is just a short term temporary operation at this premises; when asked about this and whether the landlord had a clause in the lease to cause the applicant to vacate the premises so the property could be developed, the two principles were reluctant to discuss and gave different answers, one said the landlord could provide 2 years notice and the other stated 6 months notice; and,

Whereas, the applicant provided a petition with limited signatures and it appears no outreach was done to the large residential buildings in the immediate area and a few speakers spoke in support of the premises efforts to promote Alcohol/Drug Free Events and opportunities for young emerging musicians; and,

Whereas, there are at least 12 existing on premise licenses within 500 feet of the proposed location including a number of noisy late night venues and the location is currently vacant and has not been licensed since 2011; and,

Whereas, there was significant community opposition present at CB2’s meeting; and,

Whereas, a 22 member community organization “The Coalition to Stop the Hills” formed solely to oppose Thorn Industries efforts to obtain a liquor license at this location provided a detailed written presentation in opposition which was also submitted to the Liquor Authority which presents extensive opposition and addresses the specifics of the 500 Ft Rule and this correspondence/presentation should be considered should the applicant proceed and a 500 ft hearing is conducted; and,

Whereas, 8 speakers spoke in opposition and a number of others appeared in opposition, the main point of most of the opposition was that this area was no longer and appropriate location for this type of venue, that the venue the applicants were basing this on was a “trashy” loud venue that significantly degraded quality of life in the area, resulted in localized crime, impacted traffic, resulted in large numbers of people loitering in the street which was further exacerbated by the use of metal barricades and was a destination location that was no longer suitable for this area and that the community is still overwhelmed with the negative quality of life from other immediate local venues including Sway, Emerald Pub and the Anchor Bar and that just to address these venues the local residential buildings have hired ACE (Association of Community Employment Programs for the Homeless) to clean the immediate local area surrounding this venue and,

Whereas, a significant amount of oral testimony was provided discussing the renaissance that this neighborhood has experienced in the last decade, in particular in the years since the previous venue at this location closed, that a number of new high end restaurants had opened and many families were moving into the area, particularly in the last 2 years, and that the area cannot move backwards by promoting uses no longer suited to the character of the area, that the area to the North has been rezoned, that new residential buildings have been built in the immediate area and that reopening this venue as proposed would now have a devastating significant adverse impact on quality of life, would result in excessive noise, that there would be a significant increase in late night pedestrian and vehicular traffic and that there would be a diminution of residential property values at a minimum; and,

Whereas, a petition with over 100 signatures was presented in opposition and the President of the Board of 505 Greenwich St. Spoke in opposition representing his 100 unit building; and,

Whereas, CB2, Man. received a significant amount of written correspondence objecting to the issuance of a license at this location specifically based on quality of life concerns, increase in the existing noise level, an increase in pedestrian and vehicular traffic, lack of local parking and a history of crime generated from the previous premises; and,

Whereas, CB2, Man. has significant concerns regarding this application and sees little that could be considered to be in the public interest/benefit for this application by the Liquor Authority; CB2 is also concerned and troubled, that notwithstanding the lack of public interest, that the premises could even be operated in a manner that would not have a dramatic negative impact on the local residential community; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new on-premise liquor license for Thorn Industries, LLC d/b/a The Hills NYC, 511 Greenwich St. 10013; and,

THEREFORE BE IT FURTHER RESOLVED that should this applicant pursue this license application, CB2 respectfully requests that a 500 ft. hearing be conducted and that the item be calendared on the agenda before the Full Board of the NY State Liquor Authority at a regularly scheduled meeting and that CB2 Manhattan be notified of the dates of both of those hearings.

Vote: Unanimous, with 40 Board members in favor.

30. SPRBAR, Inc., d/b/a The Anchor, 310 Spring St. 10003 (Alteration to OP SN#1184232)

Whereas, the existing owner/operator appeared before CB2 Man. for an alteration to an existing OP license to reduce the first floor premises by 400 square feet which will create a new, separate unlicensed independent store front and retail space operated separately and unattached from this licensed premises; both are located in a 1819 two story mixed use building located on Spring St. between Greenwich and Renwick Streets; and

Whereas, the existing owner explained that the new storefront would be leased out for retail by the building owner because he is seeking a rent reduction for his existing bar operated as the “The Anchor” since 2007, but that the new 400 sf. storefront would not be used for eating and drinking, there would be no kitchen and no service of alcohol within the separate storefront with a separate doorway on Spring Street for entrance/egress; and

Whereas, the reduced licensed premises will now be 1100 sf. with 8 tables and one stand up bar for an overall occupancy of 73 seats with two bathrooms, no outdoor area or sidewalk café, and no operable windows that open out towards the sidewalk; and

Whereas, there will be no TVs but music will be background and entertainment levels with a DJs and private parties; and

Whereas, the hours of operation will continue to be from 10 am to 4 am from Thursday to Saturday and the premises will not be operated as a Bar from Sunday through Wednesday (will be closed), there will be no promoted events, scheduled performances or any events for which a cover fee is charged; 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. Hours of operation will be from 10 am to 4 am from Thursday through Saturday (at closing all patrons will have vacated the premises), the premises does not open for business from Sunday through Wednesday.
2. The premises will not be operated as a nightclub or disco.
3. The Premises will not seek a NYC DCA Cabaret License.
4. There will be no rear yard garden or sidewalk café.
5. All doors and windows will be closed at all times so that entertainment level music does not emanate outside the premise disturbing neighbors.
6. All windows will be fixed, and will not be operable or designed to open up and out to the public sidewalk.
7. The licensee will not allow overcrowding of the premises at any time.
8. The licensee will keep the sidewalk clear in front of the premises at all times.
9. The licensee will have receptacles for cigarette butts in front of the premises.
10. The licensee will have licensed security at all times the premises are open.
11. The licensee will continue to post “please respect the neighbors” sign.
12. Licensee will request that any food carts that park in front of or adjacent to the premises to relocate to another location.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to the existing on premise liquor license for **SPRBAR, Inc., d/b/a The Anchor, 310 Spring St. 10003** **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 existing “Method of Operation” on the OP License.

Vote: Unanimous, with 40 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:

31. RGS Restaurant Inc., Boots and Saddle, 47 7th Ave. South 10014 (New OP/Removal OP-withdrawn by applicants)

Whereas, immediately after this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, the applicants requested to **withdraw** this application for a new on-premise liquor license at this location and decided to continue their search for another location, but not this location, to relocate its current business on Christopher Street;

THEREFORE BE IT RESOLVED that CB2, 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 **RGS Restaurant Inc., Boots and Saddle, at this location on 47 7th Ave. South 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 40 Board members in favor.

32. Rafi Gibly / Corp to be formed, d/b/a Hudson Square Hotel, 219 Hudson St. 10013 (New OP - Withdrawn by attorney)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, the applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license at this location in conjunction with a hotel with both a ground floor restaurant and roof top venue in addition to hotel operations and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB2, 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 **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 40 Board members in favor.

33. Oyster City, 240 Mulberry St. 10012 (attorney requested layover)

Whereas, prior to this months CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, the applicant’s attorney requested to **layover** this application for a new on-premise 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 CB2, 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 **Oyster City, 240 Mulberry St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

34. RF Restaurant & Food Corp, d/b/a Café Español, 78 Carmine St. 10014 (Corporate Change OP SN#1152829 – NO SHOW)

Whereas, the applicant **FAILED TO APPEAR without Notice** before CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, after having been requested to do so, in conjunction with a 30 Day Notice to CB2 for a corporate change to an existing On-Premise Restaurant Liquor License;

THEREFORE BE IT RESOLVED that CB2, 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 **RF Restaurant & Food Corp, d/b/a Café Español, 78 Carmine 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 40 Board members in favor.

35. C. Ho on behalf of an entity to be determined, 121 W. 3rd St. 10012 (New RW Application - NO SHOW)

Whereas, the applicant **FAILED TO APPEAR without Notice** before CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, after having been requested to do so in conjunction with a 30 Day Notice to CB2 for a new restaurant wine license at this location;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **C. Ho on behalf of an entity to be determined, 121 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 40 Board members in favor.

36. Vietnam Foods Corp., 113 Mott St. 10013 (New RW Application - NO SHOW)

Whereas, the applicant FAILED TO APPEAR without Notice before CB2, Manhattan’s SLA Licensing Committee Meeting on September 9th, 2014, after having been requested to do so in conjunction with a 30 Day Notice to CB2 for a new restaurant wine license at this location;

THEREFORE BE IT RESOLVED that CB2, 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 Vietnam Foods Corp., 113 Mott 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 40 Board members in favor.

37. Sushi Dojo Express LLC, 52 Gansevoort St. 10014 (New RW Application - NO SHOW)

Whereas, the applicant FAILED TO APPEAR without Notice before CB2, Manhattan’s SLA Licensing Committee Meeting on September 9, 2014, after having been requested to do so in conjunction with a 30 Day Notice to CB2 for a new restaurant wine license at this location;

THEREFORE BE IT RESOLVED that CB2, 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 Sushi Dojo Express LLC, 52 Gansevoort St. 10014 until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of conducting a feasibility study of 7th Ave. in District 2 to determine whether it can be re-designed as a “Complete Street.”

Whereas the 7th Ave. corridor in District 2 from W. 14th St. to Canal St. presents a constant threat to pedestrians as well as to bicyclists, with its lengthy street crossings, its many irregular intersections, its high volumes of disordered vehicular traffic alternately speeding or bunching up, its arterial-like environment that fosters disregard for non-driving users of the street while also endangering motorists, and the noise and pollution that emanate from its traffic-clogged lanes and fill the air; and

Whereas the 7th Ave. S. segment of the District 2 corridor (from the W. 11th St./Greenwich Ave. intersection to the Carmine/Clarkson/Varick Sts. intersection) is particularly dangerous with its morass of complex and confusing intersections and oddly angled, unpredictable cross streets and street crossings (exemplified by such multi-limbed and/or uneven junctures as at Bleecker/Barrow, Bedford/Leroy, Carmine/Clarkson/Varick, Christopher/W. 4th, Morton, Bedford and Leroy Sts.), a mix that imperils

everyone using the street but that is exceptionally treacherous in an area with a high concentration of all types of schools (preschool, elementary, secondary and specialty), senior centers, recreational facilities and libraries and an extensive population of children and elders navigating the area who are especially vulnerable to the dysfunctional street chaos; and

Whereas the 7th Ave. portion of the District 2 corridor (from W. 14th St. to the W. 11th St./Greenwich Ave. intersection) presents similar hazards such as wide pedestrian crossings, speeding vehicles, disordered traffic and lack of lanes to channel bicycles. Interest has been expressed by Districts 4 and 5 in looking at the possibility of redesigning 7th Ave. north of W. 14th St. to improve its safety and enhance its ambiance, presenting an opportunity to connect improvement of the 7th Ave. corridor in District 2 from its northern W. 14th St. border to above W. 14th St. for creation of a continuously safe and pleasantly ordered thoroughfare; and

Whereas the Varick St. section of District 2's 7th Ave. corridor (from the Carmine/Clarkson/Varick Sts. intersection to Canal St.) is burdened by both cars and heavy truck and bus traffic, much of it on its way to the Holland Tunnel, causing backups, competing for lanes, overrunning crosswalks, and often ignoring stop lights, not only endangering pedestrians, but also creating a singularly unpleasant environment for all those using the street. The Hudson Square Connection Business Improvement District has created a plan that includes streetscape and traffic improvements on Varick St. from Houston to Canal that need to be looked at for coordinating them with the rest of District 2's 7th Ave. corridor, and with a host of landscaping, materials and furnishing features that might provide a model for sprucing the other sections up; and

Whereas many community members came to share their concerns about the dangers of District 2's 7th Ave. corridor and voiced their support for a Complete Street feasibility study to improve these conditions, including representatives from P.S. 41, the W. 13th St.-100 Block Association, the Central Village Block Association, the 7th Ave. S. Alliance, and the Bedford Barrow Commerce Block Association, and numerous letters of support were received from residents and local organizations, including the Community Education Council District 2, the Downing St. Playgroup Pre-School, Our Lady of Pompeii School, the Village Preschool Center, the Greenwich House Nursery School and Senior Center, and the Academy of St. Joseph, and a petition with over 300 signatures was received; and

Whereas many expressed their desire for not only safety improvements but also aesthetic improvements that would beautify the corridor; and

Whereas Complete Streets type redesigns, such as the kind that would be addressed in the requested study, including such improvements as pedestrian safety islands with landscaping, protected bicycle lanes, dedicated bus lanes, and traffic lights with leading pedestrian intervals or split phase timing have resulted in notable decreases in crashes and injuries on other NYC streets, such as Columbus, 1st, 2nd, 8th and 9th Aves. (e.g., 35% decrease in injuries to all street users on 8th Ave. and 58 % decrease on 9th Ave.: "Measuring the Street," NYC Dept. of Transportation (DOT), 2012), and as of September 2014 ("Protected Bicycle Lanes in NYC" (DOT)) an aggregate safety increase is indicated, showing crashes with injuries reduced by 17% and pedestrian injuries down by 22%; while also reducing travel times, lowering speeding, lessening double parking, bettering sightlines, increasing foot traffic, pulling communities together, and improving retail sales; and

Whereas CB#2, Man. strongly supports a comprehensive approach to betterment that looks at a corridor holistically to coordinate improvements so that they supplement and work smoothly in concert with each other rather than employing ad hoc approaches that often result in negative impacts to the rest of the corridor; and

Whereas a Complete Street design for District 2's 7th Ave. corridor would be in keeping with Vision Zero's goal for street designs that reduce traffic related fatalities and promote safer streets;

Therefore be it resolved that CB2, Man. fully supports conducting a feasibility study for the full length of 7th Ave. in District 2, from W. 14th St. to Canal St. (and requests that this study be done) to determine whether it can be re-designed as a Complete Street in order to improve its safety as well as to aesthetically enhance its ambiance; and

Be it further resolved that CB2, Man. asks that this study consider a wide variety of options for a truly Complete Street, including but not limited to pedestrian safety islands, landscaping, adequately sized and wide, visibly striped crosswalks, protected bike lanes, narrowed traffic lanes, traffic lights with leading pedestrian intervals or split phase timing, dedicated bus lanes, bus bulbs or other design features to assure curb pull-up and level low-floor bus boarding access, seating and signs at every bus stop, with a balance of commercial and individual parking as well as parking for bicycles, motorcycles and scooters in the street, medians, and widened sidewalks; and

Be it further resolved that CB2, Man. requests that when aesthetically improving the look of this corridor is reviewed, that the landscaping, materials and furnishing features recommended in the Hudson Square Connection's streetscape plan for Varick St. be examined and given consideration; and

Be it further resolved that CB2, Man. asks DOT for close consultation with CB2 and its stakeholders as the requested study progresses; and

Be it finally resolved that CB2, Man. asks that the requested study be completed within a six-month time frame in order to begin much-needed improvements as quickly as possible.

Vote: Unanimous, with 40 Board Members in favor

2. Resolution requesting restoration of the left (north) turn from eastbound E. 14th St. on to Union Sq. E./Park Ave. for NYCT buses.

Whereas for many years there was signage at E. 14th St. and Union Sq. E./Park Ave. that prohibited all vehicles heading east on E. 14th St. from turning left (north) on to Union Sq. E./Park Ave. EXCEPT for MTA NYC Transit (MTA NYCT) buses (and for many years the M3 bus easily made that turn); and

Whereas this signage was removed (and now all left turns are banned at that location) at just about the same time when the M3 bus northbound was shifted to 4th Ave. from its long-time, well-working northbound route on University Pl. where it went north from E. 9th St. to E. 14th St. turning east there and then north onto Union Sq. E./Park Ave. S. and then Madison Ave. to head uptown; and

Whereas CB2, Man. submitted a resolution on June 20, 2014 documenting the desperate need of the community for the return of the M3 to its route on University Pl. going north to E. 14th St., east on E. 14th St., then north on Union Sq. E./Park Ave., especially for the many elderly and disabled citizens in the area who find it very difficult if not impossible to maneuver the extra blocks to walk in order to access the M3 in its current 4th Ave. location, and has asked for the M3 to be returned to its northbound University Pl./E.14th St route; and

Whereas MTA NYCT has indicated that at present a left (north) turn can't be made from E. 14th St. eastbound on to Union Sq. E./Park Ave.; and

Whereas the NYC Department of Transportation (DOT) reports that MTA NYCT made the decision to not have buses make the left (north) turn from E. 14th St eastbound on to Union Sq. E./Park Ave., and that this was not a DOT decision; and

Whereas the intersection of E. 14th St., 4th Ave. and Union Sq. E. where the M3 bus previously turned north is very broad with more than sufficient room to make the left (north) turn from eastbound E. 14th St. to Union Sq. E./Park Ave., further supplemented by a painted buffer on the northwest side and with no conflicting cross traffic, since traffic approaching on 4th Ave. comes to a halt while traffic on E. 14th St. is moving; and

Whereas allowing the left (north) turn for MTA NYCT buses from eastbound E. 14th St. onto Union Sq. E./Park Ave. is essential to restoring the M3 to its previous northbound route on University Pl. to E. 14th St. and then to Union Sq. E./Park Ave., a route that is desperately needed to provide bus service to the many previous users who cannot physically access the M3's current northbound route;

Therefore be it resolved that CB2 urges that the left (north) turn from eastbound E. 14th St. on to Union Sq. E./Park Ave. be restored for MTA NYCT buses and that signage be returned indicating that this turn is allowed.

Vote: Unanimous, with 40 Board Members in favor

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan