

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Daniel Miller, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** September 22, 2016  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Carter Booth, Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Erik Coler, Tom Connor, Terri Cude, Doris Diether, Cristy Dwyer, Robert Ely, Kathleen Faccini, Billy Freeland, Joseph Gallagher, Susan Gammie, Sasha Greene, Delaney Kempner, Susan Kent, Jeannine Kiely, Edward Ma, Daniel Miller, Robert Riccobono, Robin Rothstein, Sandy Russo, Shirley Secunda, Kristin Shea, Shirley Smith, Susan Wittenberg, Robert Woodworth

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, Don Borelli, Cormac Flynn, David Gruber, Maud Maron, Lois Rakoff, Rocio Sanz, Frederica Sigel, Elaine Young

**BOARD MEMBERS ABSENT:** Joshua Frost, Alexander Meadows

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Coral Dawson, Jonathan Geballe, Robin Goldberg, Lauren Racusin, Chenault Spence, Antony Wong

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Ariane Qureshi, Wayne Kawadler, Grace Tursi, Daniella Topol, Kimon Refzos, Tom Winant, Eileen Dowling, Alan Jeary, Nancy Pasley, Leslie Clarke, Peter Hanifin, Karl Landsteiner, Donald Bernstein, Ian Gittler, Christelle Bryzkowski, Emil Stefkov, Silas Shabdlewska, Andrew Sispoidis, Stephan Moore, Tijana Masic, Dominick Pepe, Andre Von Moriss, Ryan Kirger, Zella Jones, Dana Gordon, Divya Rashad, Jonathan Scutori, Steven Wu, Suzu Warrior, Rhea Sohne, Sarah Cohen, Mimi Pfahler, LeeAnne Grove, Chris Hyles, Zach Bahor, Christopher Marten, John Bunyan, Carlos Serrano, Esmina Velez, Robin Raghunandan, Yu Quan, Pete Davis, Maha Cox, Mia Jasn, Nick Fowler, Hingge Hsu, Isabella Baranyak, Belen Bai Gorna, Arielle Hersh, Erik Colb, Michael Schenkler, Lauren Nye, Jean-Pierre Prusach, Barbara Seigal, Steven Cowen, Louis Vaccara

## MEETING SUMMARY

Meeting Date – September 22, 2016  
Board Members Present – 38  
Board Members Absent With Notification – 9  
Board Members Absent - 2  
Board Members Present/Arrived Late - 6  
Board Members Present/Left Early – 0

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### II. PUBLIC SESSION

#### Non-Agenda Items

##### Playground Parachutes

Coral Dawson spoke regarding the art exhibit at Vesuvio Playground.

##### Rattlestick Theatre

Daniella Topol announced a theatre walking tour.

##### Elizabeth St. Gardens

Jeanine Kiely spoke in favor of preserving the garden.

##### Closure of the L Line

Kimon Retzos spoke regarding this topic.

##### Homeless Encampment on W. 14<sup>th</sup> St.

Ariane Qureshi spoke about being fearful of the homeless encampment in the area.

##### Crime

Eileen Dowling spoke regarding crime prevention.

Lenox HealthPlex GV

Wayne Kawadler reported on new services available.

Greenwich Village Imaging

Grace Tursi announced that the Lenox HealthPlex GV now has imaging services available.

Miscellaneous

Alan Jeary spoke about the influence on adjoining buildings.

Tom Winant spoke regarding building safety.

**Landmarks & Public Aesthetics Items**

8 Perry St.

Peter Hanifin spoke against the proposed Landmarks application and had concerns on about the effects on his building.

327 W. 4<sup>th</sup> St.

Karl Landsteiner, architect for the project, spoke in favor of additions and renovations.

**Quality of Life Items**

Il Buco Pig Roast, 47 Bond St.

Dana Gordon, Jonathan Scutori, Divya Rashad, Ryan Kirger, and Zella Jones, spoke against the annual roast event.

**SLA Licensing Items**

EDO Food IV, LLC d/b/a Hummus Place, 71 7<sup>th</sup> Ave. So. (Upgrade to Full Liquor License)

Leslie Clarke and Nancy Pasley, spoke against the proposed upgrade.

Boucherie, LLC d/b/a Boucherie, 97-99 Seventh Ave. South

Donald Bernstein (representing the applicant), Emil Stefkov (the applicant), Christelle Bryszkowski, Ian Gittler, Dominick Pepe, Andre Von Morris, Tijana Masic, Stephan Moore, Andrew Sispoidis and Silas Shabdlewski, spoke in favor of the proposed liquor license application.

**III. ADOPTION OF AGENDA**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

**V. ADOPTION OF MINUTES**

Adoption of July minutes

**VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.
2. **District Manager's Report** Bob Gormley reported.
3. **Treasurer's Report** Antony Wong reported.
4. **EXECUTIVE COMMITTEE (In lieu of August Full Board)**

**LANDMARKS & PUBLIC AESTHETICS**

1. **14 St. Luke's Pl.** – Application is to install a new penthouse addition, condense mechanicals unit and extend flues.

**Whereas:**

- A. The rooftop addition is boldly visible from a number of viewpoints on public thoroughfares and 3' toward the front of the building from the line of the less visible neighboring building to the east; and
- B. The height and vertical front wall amplify the visibility; and
- C. The flue extensions and mechanical equipment are minimally visible; now

**Be it resolved that CB2, Man. recommends:**

- A. Approval of the flue extensions and mechanical equipment
- B. Denial of penthouse unless the height is reduced and other steps, such as a sloping front wall, are taken to reduce visibility from public thoroughfares.

Vote: Unanimous, with 38 Board members in favor.

2. **165 Mercer St.** –Application is to add a one-story addition on top, replace the ground floor storefronts and remove the fire escapes on the front and the rear.

**Whereas:**

- A. The industrial building was converted for use as a garage in the 1920's and the proposal is to now adapt it as offices; and
- B. The facade will be restored, the windows reproduced in kind, bulkheads, fires escapes and garage sign removed; and
- C. Cast iron and window frames painted a cream color; and
- D. The ground infill in wood with two bays of doors, transoms above and bulkhead below the windows are harmonious with the building and with the neighborhood and do not disturb the cast iron; and
- E. The rooftop addition is not visible from the front of the building and its side wall which reads as a continuation of the existing brick wall of the building is visible above a one story building to the south of the building; and
- F. Two blade signs 2' X 3' are attached to the cast iron columns in a way that they do not harm the columns to which they are attached; and
- G. There was testimony from the public objecting to the rooftop addition; now

**Therefore be it resolved that CB2, Man. Recommends:**

Approval of this application.

Vote: Unanimous, with 38 Board members in favor.

3. **436 Lafayette St.** – Application is to install a flagpole and banner at the 5th floor level.

**Whereas:**

- A. There are existing flag poles on the second and third floors as accessory signs for the tenants of these floors and a third flag will add to the visual clutter of the facade; and
- B. The proposal is for a similar pole on the fourth floor attached in a way that does not harm the structure of the building; and
- C. The flag would conform to the Department of Buildings regulations; and
- C. Numerous examples of multiple signs on buildings in the neighborhood were shown; therefore

**Be it resolved that CB2, Man. recommends:**

Approval of this application

Vote: Unanimous, with 38 Board members in favor.

4. **228 W. 11th St.** - Application is to install full-height security grilles on the parlor floor windows and to legalize woodwork (windows and door enframement, shutters) previously painted without LPC permits.

**Whereas:**

- A. There are historic photographs of the woodwork painted black and analysis indicates that there were long periods when the frames were black or dark.
- B. Existing shutters on the second and third stories are to be restored and painted black; and
- C. The proposed security grills disturb the facade of the building, no examples from the district were presented, and, though it is not a direct landmarks concern, no compelling case was made for the necessity of the full height grills; and
- D. There are other solutions to the perceived security problem including tamper proof window, now

**Therefore be it resolved that CB2, Man. recommends:**

- A. Approval of the black paint on woodwork and shutters
- B. Denial of the installation of full height security grills on the parlor floor windows

Vote: Unanimous, with 38 Board members in favor.

5. **310 W. 4th St.** – Application is to legalize the painting of the cornice without LPC permits.

**Whereas:**

- A. The applicant, a long time owner of the property, was unable to state the time that the cornice was painted but it was agreed that it was after designation; and
- B. The style and period of the building would have had the cornice painted a cream color to suggest stone similar to the stone detailing on the building as shown in the historic photographs; now

**Therefore be it resolved that CB2, Man. recommends:**

That the application be denied and that the cornice be painted in a historically correct cream-like color.

Vote: Unanimous, with 38 Board members in favor.

6. **61-63 Crosby St.** – Application is to construct a one-story rooftop addition.

**Whereas:**

- A. The penthouse addition roof level is 10’ above the cornice, is clad in lead coated copper with wide overhangs in the front and rear, and is very visible (especially the overhang) from a public thoroughfare south of the building;

- B. The windows of the penthouse are out of keeping with the historic double hung windows on the lower floors; and
- C. The sidewalk and ground floor infill are to be replaced with harmonious new materials in an appropriate design; now

**Therefore be it resolved that CB2, Man. recommends:**

- A. Approval of the sidewalk and accessible ground floor infill
- B. Denial of the penthouse unless it is foreshortened on the street side and the overhang on the street side is eliminated
- C. Denial of window design on the top floor unless it is replaced by a design with less glazing and similar to those on the floors below.

NOTE: The applicant represented that the sidewalk and ground floor were to be approved by staff. The Board believes these items are subject to public review and has therefore made its recommendation in this resolution.

Vote: Unanimous, with 38 Board members in favor.

- 7. **30 W. 10th St.** – Application is to excavate and underpin at cellar level for the creation of a new sub-cellar level, a lowered front areaway, new masonry stair at areaway.
  - A. The areaway stairs are to be reconfigured and the entrance relocated in a manner similar to other buildings in the row; and
  - B. The existing historic railing and gate will be modified but preserved; and
  - C. A full excavation of the cellar will be undertaken according to all applicable regulations with consideration for the adjacent properties; now

**Therefore be it resolved that CB2, Man. recommends:**

Approval of this application

Vote: Unanimous, with 38 Board members in favor.

- 8. **187 Lafayette St.** – Application is to legalize the installation of HVAC units on the 3rd and 4th levels without LPC permits.

**Whereas:**

- A. The third floor condenser unit was replaced with one of a different design without approval; and
- B. Both it and the existing unit on the floor below are intrusive and disturb the facade of the building; now

**Therefore be it resolved that CB2, Man. recommends:**

Denial of the legalization of the third floor unit unless a grill or louver type screening that blends with the building is designed and installed to cover the two units.

Vote: Unanimous, with 38 Board members in favor.

**9. 490 LaGuardia Pl.** – Application is to establish a Master Plan for a painted wall sign.

**Whereas**

- A. Historic photographs were shown with bold signs, are accessory to the businesses in the building and the application is for such an arrangement; and
- B. The present condition dating from designation is the sign area painted a solid color 10’ Wide and 22’6” high with setbacks from the edges of the building; and
- C. The applicant agreed to shorten the area of the sign at the top and bottom to align with window elements and present a better portion of brick around the painted area; and
- D. The sign will be accessory and will conform to the standard regulations for such signs as written in the application and Landmarks Commission staff will review each new sign to ensure that the guidelines are met.

**Therefore be it resolved that CB2, Man. recommends:**

Approval of this application provided that the sign area is shortened and aligned with the window elements as agreed to by the applicant.

Vote: Unanimous, with 38 Board members in favor.

**QUALITY OF LIFE**

**1. Applications for assignment of revocable consent to operate an unenclosed sidewalk café for:**

**Union Sq. 4<sup>th</sup> F&B Management LLC, 132 4<sup>th</sup> Ave.,** with 6 tables and 12 chairs (9092-2016-ASWC)

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the applicant desires to increase the capacity of the café to 24 chairs, which had been previously approved but then reduced to the current layout in response to actions taken by the previous operator; and

**Whereas**, the existing plan on file (6 tables and 12 chairs) is the subject of the current application and cannot be changed except by submitting a new application and a new plan; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the application for assignment of revocable consent for the sidewalk café for **Union Sq 4<sup>th</sup> F&B Management LLC, 132 4<sup>th</sup> Ave.,** with 6 tables and 12 chairs.

VOTE: Unanimous, with 38 Board Members in favor.



**Sapori D'Italia of NYC Inc., d/b/a Sambuca's Café, 105 Mulberry St.,** with 8 tables and 16 chairs (9520-2016-ASWC)

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the applicant is requesting no change to the existing layout; now

**Therefore Be It Resolved** that CB2, Man. recommends approval for the application for assignment of revocable consent for the sidewalk café for **Sapori D'Italia of NYC Inc., d/b/a Sambuca's Café, 105 Mulberry St.,** with 8 tables and 16 chairs.

VOTE: Unanimous, with 38 Board Members in favor.

## **2. Street Activity Applications**

**8/20/16 – Washington Square United Church of the Village Festival;** West 4<sup>th</sup> St. between 6th Ave. and Washington Square West.

**Whereas**, no members of the public appeared to speak about the application; and

**Whereas**, it was acknowledged that the committee is receiving the application for comment so late that the Board will not be able to act on the application until two days before the event; and

**Whereas**, the church in front of which the festival has taken place for many years has been sold and converted into condominiums so West 4<sup>th</sup> Street is no longer proximate to the sponsoring organization; and

**Whereas**, the Church of the Village is a consolidation of several churches, including the former church on West 4<sup>th</sup> Street, and is located at the corner of West 13<sup>th</sup> Street and 7th Avenue; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the **Washington Square United Church of the Village Festival** on 8/20/16, on West 4<sup>th</sup> St. between 6<sup>th</sup> Ave. and Washington Square West, and that, if Church of the Village intends to apply for a street activity permit for this event next year, the application be considered a new application not a renewal, and request a location proximate to the Church of the Village on West 13<sup>th</sup> Street at 7<sup>th</sup> Avenue.

Vote: Unanimous, with 38 Board members in favor.

**9/7/16 – DSNY Zero-Waste Refashion Event Block Party;** Spring St. between West St. and Washington St.

**Whereas**, representatives of the Department of Sanitation described new efforts by DSNY to further public awareness of the work of the department and to promote the goal of zero waste and sustainability by 2030, including creation of a foundation to implement special events and marketing efforts; and

**Whereas**, a fashion designer approached DSNY to create an event to promote re-purposing fashion during Fashion Week; and

**Whereas**, the event would use the 4-5,000 square feet of open space around the Salt Shed at Spring Street and Washington Street and would also use one block of Spring Street, primarily for various large vehicles; and

**Whereas**, the use of the street from the beginning of preparation through clean-up will run from 7:00 a.m. through 11:59 p.m., and the event itself will run from 9:00 a.m. through 11:00 p.m.; and

**Whereas**, there was some concern about obstructing traffic on that block of Spring Street, and one resident of Greene Street appeared to object to the application because it adds to the disruptions that SoHo experiences because of Special Events like film shoots; and

**Whereas**, the application agreed to the committee's recommendation to coordinate with the Department of Transportation for signs and security personnel to direct traffic away from the block at appropriate intersections in the area; and

**Whereas**, the applicant agreed to maintain a 15-foot emergency lane on the block; now

**Therefore Be It Resolved** that CB2, Man. commends the DSNY for their efforts to educate the public about waste management and sustainability, and recommends approval of the **DSNY Zero-Waste Refashion Event Block Party** on 9/7/16, on Spring St. between West St. and Washington St..

Vote: Unanimous, with 38 Board members in favor.

**9/9/16-9/10/16 – Special Event: Rebecca Minkoff Fashion Show**; Greene St. between Prince St. and Spring St., and Spring St. between Mercer St. and Greene St.

**Whereas**,

The applicant, her business partner, and her event-planning consultant presented detailed plans for a fashion show to be held in front of the applicant's store on Greene Street on Saturday, September 10, with preparations occurring on Friday, September 9;

The committee appreciated the thoughtfulness and details of the planning and presentation;

The date and time of the fashion show are set by the Council of Fashion Designers of America which organizes New York Fashion Week;

The preparations on September 9 require curb-lane permits only from 1:00-9:00 p.m. for delivery of materials and parking for production vehicles;

The event on September 10 requires curb lane and full street permits from 8:00 a.m. - 4:00 p.m., with Greene Street closed to vehicle traffic from 11:00 a.m. - 12:30 p.m., and partial sidewalk use;

The fashion show itself would run from 12:00-12:15 p.m. with the morning devoted to final preparations and receiving guests and with the post event clean-up ending no later than 4:00 p.m.;

Vehicles and equipment include, bleachers, food trucks, generators, sound and lighting, stage, and scaffolding;

The Board received approximately 43 emails from nearby residents, all of which were in opposition to the application;

Approximately 12 residents appeared at the meeting to oppose the application, while largely expressing appreciation for the applicant's contribution to the business life of SoHo;

Objections to the application included: the event would exacerbate the problems of an already crowded street; Saturday is one of the busiest days for pedestrian and vehicle traffic in the neighborhood; closing traffic on Greene Street would worsen traffic congestion and noise from honking horns on Greene Street and cause residual problems in the wider neighborhood; congestion would be worsened by black cars used by VIPs; the neighborhood has already experienced very disruptive, rowdy behavior associated with Fashion Week events in the past; allowing one on-street fashion show would lead to more applications for similar special events in the future; this event adds to the disruptions that the neighborhood frequently experiences from film shoots on the streets and from product launches that take place inside businesses and draw crowds that block sidewalks; entertainment around the time of the fashion show is to include a live band, which would create even more noise problems; security for the event would interfere with access by residents to their own buildings (wristbands for residents are proposed); generators on food trucks are an ongoing concern throughout the district because their fuel, particulate emissions and noise levels are not regulated;

In response to some of the objections, the applicant expressed willingness to simplify the event (including eliminating food trucks) so that all set up and preparations could be accomplished on Saturday within the requested 8:00 a.m. to 4:00 p.m. timeframe, and there would be no closures of curb lanes and no deliveries and preparations on Friday; now,

**Therefore Be It Resolved** that CB2, Man. very strongly recommends that the Special Event application for the Rebecca Minkoff Fashion Show, 9/9/16-9/10/16, Greene St. between Prince St. and Spring St., and Spring St. between Mercer St. and Greene St., be denied in its original form and in any other form that may be proposed, including changes to reduce the size of the event or the time of the street closure; the event should not take place in the street.

Vote: Unanimous, with 38 Board members in favor.

**9/15/16 – Special Event: NBA2K Launch Party**; Washington St., between Little West 12<sup>th</sup> St. and West 13<sup>th</sup> St.

**Whereas**, the applicant did not appear; now

**Therefore Be It Resolved** that CB2, Man. recommends denial of the **Special Event: NBA2K Launch Party** on 9/15/16.

Vote: Unanimous, with 38 Board members in favor.

**9/16/16 – Special Event: NYU Urban Planning Student Association Parking Day**; Mercer St. between West 3<sup>rd</sup> St. and West 4<sup>th</sup> St.

**Whereas**, the applicant did not appear; now

**Therefore Be It Resolved** that CB2, Man. recommends denial of the **Special Event: NYU Urban Planning Student Association Parking Day** on 9/16/16.

Vote: Unanimous, with 38 Board members in favor.

**9/26/16 – 10Q Live Pop-up Plaza Event Astor Place Plaza; Astor Place Plaza**

**Whereas**, representatives of Reboot, Inc., a national non-profit with offices around the country, including in New York City, described the 10Q project and distributed materials with details about the project and about the 10' by 10' tent that is to be located on Astor Plaza for four hours; and

**Whereas**, the purpose of the project is personal development and the intended audience is anyone who is interested; and

**Whereas**, the tent and the operation of the project will not interrupt traffic on the plaza; and

**Whereas**, William Kelly of the Village Alliance was also present and the committee encouraged the applicants to speak with him directly, especially about location of the tent; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the **10Q Live Pop-up Plaza Event Astor Place Plaza; Astor Place Plaza** on 9/26/16.

Vote: Unanimous, with 38 Board members in favor.

**10/2/16 – Our Lady of Guadalupe at St. Bernard Ninth Avenue Festival; West 13<sup>th</sup> St. between Hudson St. and 8<sup>th</sup> Ave..**

Robert Ashe of Clearview Management, the representative of the applicant, informed the committee that the applicant is not proceeding with the event. **No action is required.**

**10/8/16 – Women's Democratic Club Pop-up Consolidation Street Festival; University Place between East 14<sup>th</sup> St. and Waverly Place.**

Robert Ashe of Clearview Management, the representative of the applicant, informed the committee that the applicant is not proceeding with the event. **No action is required.**

**3. FYI/Renewal Street Activities Applications:**

**9/18/16 – Special Event: Cycle for the Cause, 7<sup>th</sup> Ave. between West 12<sup>th</sup> St. and West 14<sup>th</sup> St.**

**Be It Resolved** that CB2 Manhattan recommends approval of the foregoing street activity renewal application.

VOTE: Unanimous, with 10 Committee members in favor.

**10/31/16 – NYU and CB2 Children's Halloween Parade; West 3<sup>rd</sup> St. between LaGuardia Pl. and Mercer St.**

Because CB2 is a co-applicant for this event, City conflict-of-interest policy prohibits the Board from taking a position on the application. No action is required.

## SLA LICENSING

**1. DomoDomo, LLC, d/b/a N/A, 138 W. Houston St. 10012** (alteration application to add additional storefront to existing Restaurant Wine lic. #1285143, exp. 4/30/2017).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking an alteration to its existing Restaurant Wine license to add an adjacent ground floor storefront to the licensed premises and it will continue to operate with an identical, existing method of operation as a Japanese and Asian inspired sushi restaurant with multiple sushi bars in a four-story mixed use building located on West Houston St. between Sullivan St and MacDougal St.; and,

**B. Whereas**, the additional storefront will add approximately 2,000 SF to the existing storefront on the easterly side of the same building and the two storefronts will be connected and operate as one business for a roughly 3,800 sq. ft premises (3,300 SF ground floor and 500 SF Cellar) with two entrances, five bathrooms, 16 tables and 38 seats, 2 sushi bars with 31 seats (this is not a standup bar) for a total of 69 interior seats, there will be no stand up bar and one service bar only, there is no sidewalk café, no other outdoor areas for patrons and no benches on the sidewalk; and,

**C. Whereas**, there is an existing Certificate of Occupancy for each storefront but none which currently permits the combined use of both storefronts as a single business for eating and drinking, the operator and licensee agreeing that it will obtain all permissions from the NYC Dept. of Buildings before combining the two storefronts under one license for this purpose; and,

**D. Whereas**, the combined premises will continue to operate with hours of operation between 12 PM and 11 PM Sunday through Saturday, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times except for patron ingress and egress, 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 TV’s; and,

**E. Whereas**, the applicant previously agreed not to upgrade to a full on premise license when it originally applied for its restaurant wine license in March/2015, the storefront premises having never been licensed previously but with the combined storefronts could no longer agree that it would not seek an upgrade in the future; and,

**F. Whereas**, there are currently 48 On Premise and Beer Wine Liquor Licenses within 500 ft. of the premises; and,

**G. Whereas**, there were also concerns voiced when the applicant first appeared for its initial license as the original storefront location was previously unlicensed and represented one of the last unlicensed (no SLA licenses) commercial storefronts that remained on this stretch of West Houston St. as of 2015; and,

**H. 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 RW license and the stipulations are as follows:

1. The premises will be advertised and operated as a Japanese and Asian inspired restaurant/upscale sushi restaurant with sushi bar.

2. The hours of operation will be Sunday from 12pm to 11pm Sunday through Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The premises will not have French doors, operable windows or open facades and will keep all doors closed at all times except for patron ingress and egress.
11. There will only be 1 service bar and no standup bar.
12. The premises will not have “unlimited” drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the alteration application to **DomoDomo, LLC, d/b/a N/A, 138 W. Houston 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 Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**2. 45 Mercer Restaurant, LLC d/b/a Galli, 45 Mercer St. 10012** (Corporate Change OP lic. # SN1262152 – 6/30/2018)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a Corporate Change to an existing On Premise License as one existing shareholder (Curt Huegel) was purchasing a 50% shareholder interest of the underlying corporate entity from Michael Forrest and Mr. Huegel will thus own 100% of the business in the future; and

**B. Whereas**, the restaurant has operated for many years as the Galli Restaurant and will continue to operate as a full service Italian Restaurant, there being no change in the existing method of operation within the storefront premises located in a five-story mixed use building (Circa 1920) located on Mercer Street between Broome and Grand Streets; and

**C. Whereas**, the interior storefront premises is approximately 2,000 SF, there is a full service kitchen, one entrance, two bathrooms, there is no sidewalk café, rooftop or outdoor spaces, with hours of operation from 8 AM to 11 PM Sunday through Thursday and from 8 AM to 12 AM Fridays and Saturdays, with 19 tables and 60 interior seats, 1 stand up bar with 9 seats for a total patron seating capacity of 74; and

**D. 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 and as a part of their restaurant wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Italian Restaurant with a full service kitchen.
2. The hours of operation will be 8 AM to 11 PM Sunday through Thursday and 8 AM to 12 AM Fridays and Saturdays. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at any time.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The premises will not have French doors, operable windows or open facades and will keep all doors closed at all times except for patron ingress and egress.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a corporate change to **45 Mercer Restaurant, LLC d/b/a Galli, 45 Mercer 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 its On Premise License.

Vote: Unanimous, with 38 Board members in favor.

**3. Vishnu Food, Inc., d/b/a OM, 204 Spring St. 10012** (New Beer and Wine – Previously Unlicensed location)

**A. Whereas**, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new beer and wine license to operate a fast casual Indian restaurant with take-out services; and

**B. Whereas**, the premises was previously operated as an internet café serving desserts and coffee but the premises has never previously been licensed for the service of alcohol, **there being no certificate of occupancy or letter of no objection presented with the application to operate and use the premises or eating and drinking and there being no bathroom accessible to patrons** within the storefront premises; and,

**C. Whereas**, the storefront premises is located in a 6-story mixed-use building on Spring St. between Sullivan St. and Sixth Avenue for a 350 sq. ft. premises with 7 tables and 16 patron seats, there is no sidewalk café and there are no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation are Sunday through Saturday from 11am to 11pm, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Vishnu Food, Inc., d/b/a OM, 204 Spring St. 10012** on its application seeking a new beer and wine license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA;

Vote: Unanimous, with 38 Board members in favor.

**4. LPQ 205 Bleecker, Inc., d/b/a Le Pain Quotidien, 205 Bleecker St. 10012** (New Beer and Wine – Previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to operate a fast casual cafe serving sandwiches and salads in a mixed-use six story building (Circa 1926) located in a landmark district on Bleecker Street between MacDougal and 6th Avenue for a 3,400 sq. ft. storefront premises (1,700 sq. ft. first floor and 1,700 sq. ft. basement) with one entrance/exit, two bathrooms, there are 21 tables with 66 seats, 1 service bar but no stand up bar, for an occupancy of 74; there is no sidewalk café and no backyard or exterior uses; and,

**B. Whereas**, the premises was previously operated for years as a retail clothing store and has never been previously operated for eating and drinking nor licensed for the service of alcohol; and

**C. Whereas**, the hours of operation are Sunday through Saturday from 7:00 a.m. to 8:00 p.m., music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**D. Whereas**, the applicant meet with the Bleecker Area Merchants and Resident’s Association and received the support of this Neighborhood Group; and

**E. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a café serving sandwiches and salads.
2. Will operate with hours of operation Sunday through Saturday from 7:00 a.m. to 8:00.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient, recorded background music only.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The premises will not have French doors, operable windows or open facades



**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **LPQ 205 Bleecker, Inc., d/b/a Le Pain Quotidian, 205 Bleecker 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 38 Board members in favor.

**5. Maman Tribeca, LLC, d/b/a Maman at ICP, 250 Bowery 10012** (New OP – previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license at International Center of Photography (“ICP”), a new Museum specializing in Photography exhibits, with ancillary Museum Café that is located in a recently built nine-story mixed use building (Circa 2010) on the Bowery between East Houston and Stanton Streets; and

**B. Whereas**, the ancillary café will have its own entrance for patrons from the public sidewalk as well as interior access from ICP and will operate within an approximately 800 SF ground floor space; and

**C. Whereas**, this particular premises has never previously been occupied or used for eating or drinking nor licensed for the service of alcohol; and

**D. Whereas**, the ICP is also located on the ground floor and basement of the new nine-story building encompassing a space of 6,620 SF, the applicant presenting a temporary certificate of occupancy for the new building, which permits a commercial art gallery and accessory café; and

**E. Whereas**, the café will be operated separately from the ICP with both the applicant and ICP appearing in conjunction with the application, the café will have 16 tables and 30 patron seats, one bathroom, one food counter where patrons can order food and beverages but there will be no table service, there will be no kitchen and the French inspired baked goods for sale will be supplied by the applicants other food operations in Greenpoint, Brooklyn; the licensed premises will include the entire ICP premises in anticipation of events for which the Licensee will be the sole caterer of liquor, beer and wine hosted within the ICP premises; and

**F. Whereas**, the ICP will be closed on Mondays and is open to the public from 10 AM to 6 PM Tuesday through Sunday, with extended hours on Thursdays to 9 PM, while the regular hours for the Café will be from 10 AM to 9 PM daily Sunday through Saturday; and

**G. Whereas**, despite the above-stated hours for the café, the applicant seeks to operate until 12 AM for the service of alcohol to support corporate events, private parties, cocktail parties, special celebrations and Weddings, all such events and parties will be catered with food and beverages being supplied to the premises for this purpose; and

**H. Whereas**, the music during the café hours and during private events/3<sup>rd</sup> party events will be at background levels, all the private parties and events will end by 12 AM and be limited to no more than 150 patrons and no more than 2 per month, the applicant indicating that soundproofing measures were undertaken to reduce impact on the residents living above the Museum and Café, there being no outdoor spaces or sidewalk café being proposed at this time; at ICP hosted events for events related to the museum only there may be live music or a DJ which will play music at entertainment levels; and

**I. Whereas**, the applicant and ICP met with the Bowery Block Association in conjunction their application for their on premise license, there being significant concerns in the neighborhood regarding a recent over-saturation of liquor licenses and concerned that the café can and should alternatively operate with a beer and wine license instead of a on-premise license; and

**J. Whereas**, there are 42 existing on premise licenses within 750 feet of the proposed premises, with 2 additional pending licenses, 16 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses; and

**K. Whereas**, the ICP described a limitation within the museum of serving only clear liquids due to potential damage to Exhibits and requested the on premise license to provide additional alternatives other than white wine for their events and the applicant further agreed to limit the number of special events at the premises to two per month with a closing time of midnight seven days a week; and

**L. 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 on premise license and the stipulations are as follows:

1. Premises will be advertised and operated as the International Center of Photography Museum (ICP) with ancillary French style museum café; In addition to ICP hosted events which will infrequently run past 9PM and be catered by the Licensee, there will occasionally (two per month) be corporate and private events hosted by the Licensee until 12 AM.
2. Will operate Café ancillary to ICP Museum and open to Public but café will close from time to time for private museum hosted events and special private events with all liquor wine and beer catered by Maman at ICP only
3. Corporate and private events hosted by the Licensee/Third party events are limited to two events per month at premises (Daytime or night time). ICP hosted events will infrequently run past 9PM and will always end by 12 AM, with all patrons cleared at that time. Special events/3<sup>rd</sup> Party events include private parties, bridal showers, wedding and corporate events and all such events will end by Midnight and all patrons will be gone from premises by 12 AM Midnight.
4. There will be no televisions and the premises will not operate as a Sport Bar.
5. The premises will not operate as a bar, lounge or nightclub.
6. There will be no French doors or windows installed at the premises and all doors and windows will be close by 9 PM every night.
7. There will be no outdoor service and no sidewalk café.
8. All catered events are limited to 150-patron capacity.
9. There will be a community point of contact for all events with more than 75 people.
10. There may be TV monitors used for regular programming and at ICP hosted events related to the museum, but not to show televised programming or for 3<sup>rd</sup> party events.
11. Music will be at background levels. At ICP hosted events for events related to the museum only there may be live music or a DJ, which may play music at entertainment levels. At all times music will adhere to NYC noise codes & laws.
12. There will be no wait lines outside events except to check patrons in. Events will not be overbooked beyond capacity whereby lines are created.
13. All special events will be catered by Maman at ICP only and there will be no third party caterers or promoters. ICP events may utilize outside food caterers.
14. Outside of ICP hosted events and programming, there will be no scheduled performances or any catered events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **Maman Tribeca, LLC, d/b/a Maman at ICP, 250 Bowery 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 On Premise License.

Vote: Unanimous, with 38 Board members in favor.

**6. Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies de Vin Surnaturels, 247-249 Centre St. 10013** (Upgrade to On Premise license from Tavern Wine).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking a class change/upgrade to an on premise license to operate as a French restaurant after previously operating a wine bar and lounge with small plates and a Tapas style menu within a ground floor storefront of a seven story mixed use building (Circa 1900) on Centre Street between Grand and Broome Streets; the premises now operates as French restaurant; and,

**B. Whereas**, the licensee recently applied for service to a sidewalk café one month ago and the existing premises has only been operating as a wine bar and lounge since 2013 with hours of operation between 10 AM and 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, previous to 2013 the premises being occupied and operated as a graphic design company but never for eating and drinking; and

**C. Whereas**, when the applicant sought to upgrade its class of license to full on premise license in July/2015 CB2 Man. recommended denial of the license upgrade as there was no recognizable or valid public interest in adding another bar to an already saturated area with an existing 27 on premise licenses (not including beer and wine or other pending license applications) within 500 ft.; and,

**D. Whereas**, only small sidewalk cafes are permitted at this location, the sidewalk café being three tables and 12 chairs, there being questions as to whether four top tables are consistent or permitted for “small” sidewalk cafés but where the applicant agreed to close the café every night by 11 PM and further agreed to only serve beer and wine at the cafe; and,

**E. Whereas**, the interior premises will operate as a full service restaurant with a full service kitchen and no longer as just a wine bar, in a 2335 SF space (1453 sf ground floor and 882 sf basement), with 2 tables with 10 seats, couches and lounge seating for an additional 33 seats, 1 large Bar with 15 bar stools for a total seating occupancy of 58, there are hotplates and small electric oven but concerns still exist as to whether the kitchen at the premises is full service capable of providing for a restaurant, with two bathrooms and one entrance/exit for patrons; and,

**F. Whereas**, the premises will continue to operate from 10 AM to 1 AM on Sundays, from 11 AM to 1 AM Monday through Wednesday, from 11 AM to 2 AM Thursdays and Fridays and from 10 AM to 2 AM on Saturdays, there are no TVs and music is background consisting of music from ipod/cd’s; and

**G. Whereas**, the Building Manager and Owner Representative from a large residential building located directly across the street (240 Grand St.) from the premises appeared in opposition to the instant upgrade application at this location and provided a petition with 20 resident signatures from the building citing concerns with over-saturation of liquor licenses in the immediate area, a diminished quality of life from the recent addition of liquor licenses in the surrounding neighborhood, late night noise, trash and traffic congestion that has gotten to a breaking point; and

**H. Whereas**, opposition was also received from the “Friends of Petrosino Square”, a neighborhood block association, citing concerns with liquor license over-saturation and asserting that the instant application fails to establish the requisite public interest, the premises having never before been licensed for the service of alcohol; and

**I. 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 advertised and operated as a full service Restaurant from 10 AM to 1 AM on Sundays, from 11 AM to 1 AM Monday through Wednesday, from 11 AM to 2 AM Thursdays and Fridays and from 10 AM to 2 AM on Saturdays.
2. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
3. The sidewalk café will close at 11 PM every night and will be limited to beer and wine only.
4. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. There will no TVs.
6. The premises will not permit dancing even in the event a Cabaret License is applied for and issued.
7. Will not install operable windows that open out to sidewalk and will close its door by 9 PM every night.
8. The Licensee will only serve “unadulterated” alcoholic spirits, for example as aperitifs or digestifs.
9. The licensee agrees to not offer or serve mixed drinks or cocktails.

**J. Whereas**, on August 11, 2016, the Applicant illegally posted flyers all over their immediate neighborhood advertising and promoting a special event with a cover fee, which runs counter to the stated method of operation as a restaurant, for a drinking only event, *just two days after appearing before CB2’s SLA Licensing Committee* touting their very sophisticated and curated wine program, restaurant and food offerings, the professionalism of their operation, and their committed passion for service and hospitality; the event, which was immediately canceled after being brought to the attention of the operator’s attorney, was for a wine trivia event with teams, a entrance fee and free alcohol as prizes; there was significant concern raised as this type of promoted event taped on lamp posts etc. is antithetical to the operation as presented to CB2, Man., particularly when they stated they would not have promoted events, and furthermore local residents took great offense to the illegal postings for a premises that utilized as a primary public interest argument the uniqueness of its high-end “destination for wine connoisseurs”;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the on premise application to **Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies de Vin Surnaturels, 247-249 Centre St. 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 On Premise License.

Vote: Unanimous, with 38 Board members in favor.

**7. Restaurant Associates, Inc., d/b/a N/A, 557 Broadway, 11th Fl. 10012** (Transfer – Caterer establishment lic. #1274186 Exp. 10/31/2017)

**A. Whereas**, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority to transfer an existing caterer’s license from Restaurant Marketing Associates, Inc. and the applicant will continue to provide food and catering services to the Scholastic Corporation located on the 11<sup>th</sup> floor of the Scholastic Building located on Broadway between Prince and Spring Streets; and

**B. Whereas**, the applicant will continue to operate a cafeteria and hold corporate events for Scholastic Corporation on the 11<sup>th</sup> Floor at the premises, there is a full service kitchen and a large patio exterior terrace used for corporate events but there will be no music outside at any time and the exterior patio space will be closed by 11 pm every night an event is scheduled; and

**C. Whereas**, the applicant will continue to operate the premises as a café providing food services and corporate events to the Scholastic Corporation, which occupies the entire building with a full service kitchen, with the same method of operation, same menu, existing staff to remain and with the same closing hours; and

**D. Whereas**, the hours of operation will continue to be Sunday through Saturday from 8 am to 12 am music will be quiet background only with the exception of an end of the year holiday party where a DJ is used, there will be no TVs, all doors and windows will be closed by 10 PM except for patron ingress and egress, there will be no d.j. (other than the yearly holiday party), no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no sidewalk cafe; and,

**E. Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be operated as a corporate cafeteria providing catered corporate events for the Scholastic Corporation.
2. The hours of operation from Sunday through Thursday from 8 am to 12 am Sunday through Saturday.
3. There will be no televisions but the premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. There will be no French doors or windows installed at the premises and all doors and windows will be close by 10 PM every night.
5. The outdoor terrace will close by 11 PM every night and there will be no music played on the exterior outdoor terrace at any time.
6. Music will be quiet, background level inside the cafeteria (with the exception of one end of the year holiday party where a DJ will be used) and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Restaurant Associates, Inc., d/b/a N/A, 557 Broadway, 11th Fl. 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA Catering License.

Vote: Passed, with 37 Board members in favor, and 1 recusal (Dr. S. Smith).

**8. Entrecote Watts, LLC d/b/a Relais De Venise L'Entrecotel, 15 Watts St. 10013 (New OP)**

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license to operate a Steak House Restaurant providing an unique steak house experience in collaboration the original Le Relais De Venise restaurant in Paris, France serving lunch and dinner; and

**B. Whereas**, the premises was previously operated in the past (2013-2015) as GMG Industries d/b/a Babylon Soho, a Hookah bar and lounge with DJs, dancing and loud music which generated numerous complaints over the years from neighbors and which operated in derogation of its previously stated method of operation as a restaurant; and,

**C. Whereas**, neighbors from the residential building next door to the premises appeared in opposition to this application and were very concerned about the instant application in light of years of noise and the late night operations coming from the premises due to the prior operator, especially after misrepresentations were presented by the prior operators about the use and occupancy of the premises, stating that the premises would be used as a full service restaurant when in fact it was operated improperly and illegally as a night club and hookah lounge until 4AM; and

**D. Whereas**, the premises is located in a mixed use 7 story mixed use building (Circa 1928) on the ground floor Watts St. at Broome and Thompson Sts. for a 3,483 sq. ft. premises with 56 tables and 112 seats, no standup bar, this application does not include a sidewalk café, there are no other outdoor areas for patrons, there are French doors which open out to the public sidewalk from the interior of the establishment but those doors will be closed by 9 PM every evening; and,

**E. Whereas**, the hours of operation will be Sunday through Saturday from 12pm to 12 am seven nights a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no TVs, all doors and windows will be closed by 9 pm except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

**F. Whereas**, the operator and licensee of the licensed premises is also the owner of the building (Steven Elghanayan), who has been the owner of the building for the last two years and who appeared and explained that he has been the owner of the building for two years and ensured CB2, Man. and his neighbors, also present, that the premises would always operate in the future as a restaurant and never as a lounge or bar in derogation of its presented method of operation as a restaurant specializing in steak dinners; and,

**G. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service restaurant specializing in steak dinners with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation will be from Sunday through Saturday from 12 pm to 12 am. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.

5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at any time.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. All doors and windows will be close by 9 PM every night.
11. There will be no all you can eat/all you drink special or boozy brunches.
12. There will be no stand up bar.

**H. Whereas**, there are currently approximately 26 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses in the area;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Entrecote Watts, LLC d/b/a Relais De Venise L'Entrecotel, 15 Watts St. 10013** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License.

Vote: Unanimous, with 38 Board members in favor.

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

**9. 5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10012** (License Renewal of existing license-layover requested to September/2016)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant and its Attorney appeared and then requested **to layover** its application so that it can meet with the Community to resolve significant complaints regarding its operations and use/occupancy of the an exterior rear yard space, agreeing to reappear before CB2 Man. in September/2016 for this purpose;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**10. Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 10003** (Layover requested – Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant requested to lay over this alteration application for its existing beer wine license to September/2016 and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**11. Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** (BW - lay over at request of applicant and did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant requested **to lay over** it application for a beer and wine license and did not appear;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**12. Culinary Solution, Inc., d/b/a Ato, 28 Grand St. 10013** (Layover requested - Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant and his attorney requested **to lay over** this application for a beer and wine license and did not appear before Cb2 Man.; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Vishnu Food, Inc., d/b/a OM, 204 Spring 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 38 Board members in favor.



**13. Kut Operating Corp. d/b/a KUT, 301 6<sup>th</sup> Ave. 10014** (RW - layover requested by applicant's attorney and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant requested **to lay over** this application for a Beer and Wine license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Kut Operating Corp. d/b/a KUT, 301 6<sup>th</sup> Ave. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. Jean Le Gourmand Corp. d/b/a Jean Le Gourmand, 303 6<sup>th</sup> Ave. 10014** (Withdrawn and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant requested **withdraw** this application for a new beer and wine and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Jean Le Gourmand Corp. d/b/a Jean Le Gourmand, 303 6<sup>th</sup> Ave. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. 496 LaGuardia Restaurant, Inc., d/b/a Mocha Burger. 496 LaGuardia Place Unit 1B 10012** (Alteration to add bathroom for patrons in basement)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 9, 2016, the Applicant provided a 30-day notice for the sole purpose of adding a patron bathroom in the basement to the premises and provided a letter confirming no other changes to its existing method of operation, the applicant previously appearing before CB2 Man for a restaurant wine license; and

**Whereas**, there is no change in the method of operation for the licensed premises and there being no reason for the applicant to reappear before CB2 Man to add a bathroom to the premises, there being existing stipulations in place for this purpose since January/2016; and

**Whereas**, those previously agreed upon stipulations include as follows:

1. The premises will be advertised and operated as a Kosher Restaurant specializing in hamburgers.

2. The hours of operation will be from 11 AM to 12 AM Sunday through Wednesday, from 11 AM to 2 AM Thursdays and Saturdays and from 11 AM to 3 PM on Fridays.
3. There will be two televisions.
4. All doors and windows will be closed by 10 PM.
5. There will be no dancing.
6. The premises will be advertised as a full service Italian Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.
7. There will be no sidewalk café at this time.
8. There will be no patron use of basement.
9. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a restaurant wine License for **496 LaGuardia Restaurant, Inc., d/b/a Mocha Burger. 496 LaGuardia Place Unit 1B 10012** unless the statements the applicant previously presented to CB2 Man. are accurate and complete, and that those conditions and stipulations previously agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 38 Board members in favor.

**16. Emmanuel NY Corp., d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** (OP upgrade - layover requested by applicant at meeting)

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 9, 2016, the Applicant failed to appear and his representative requested to lay over this application for an On Premise liquor license until September/2016 to fully present this application;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Emmanuel NY Corp., d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** until the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**17. Dig Inn 70 Prince Street, LLC d/b/a Dig Inn, 70 Prince St. aka 105 Crosby St. 10012** (Withdrawn by Counsel)

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 9, 2016, the Applicant and his counsel withdrew this application before CB2 Man. from further consideration and decided to reappear before CB2 Man. in September/2016 for a beer and wine application;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing

license for **Dig Inn 70 Prince Street, LLC d/b/a Dig Inn, 70 Prince St. aka 105 Crosby 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 38 Board members in favor.

**18. Hudson Gastropub, LLC, d/b/a The Warren, 131 Christopher St. (Class Change/Upgrade from RW to OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee in August 2016 to present a class change/upgrade application to the Liquor Authority from existing restaurant wine license SN#1290978 to a restaurant on-premise liquor license for a premises which will continue to operate under the same method of operation and same hours of operation as a neighborhood friendly "chef driven restaurant with importance placed on catering to the local community; regionally sourced ingredients are cornerstones of a menu that features variations on classic dishes"; the current restaurant wine license was only issued on May 10, 2016 (appearance before CB2 was in October/2015), only 3-½ months prior to appearing at this meeting, the applicant previously appeared before CB2 in May 2015 for a full restaurant on-premise liquor license at which time CB2, Man. recommended denial; and

**ii. Whereas**, this application is for an upgrade to a restaurant on-premise liquor license; the premises is located in a mixed use building with 10 tables and 26 seats and 1 standup bar with 12 seats for a total of 38 seats; no active Certificate of Occupancy was presented, the NYC DOB Building Information System indicates a series of temporary Certificate of Occupancy #103326731 T1 to T14 which have been issued beginning 11/15/2010 (t1) with the most recent (t14) expiring 5/25/2015 (each is valid for 90 days), however those temporary C of O's do not show that restaurant or commercial use is yet allowed for on the ground floor, it only indicates a residential lobby as an allowable use on the ground floor at this time; the job filing for the temp c of o has an indicated future use for the ground floor for restaurant and stores but that use does not appear *to have been approved at any point and is still pending outstanding objections*, the previous certificate of occupancy dated 1/16/1955 for this location #43634 should have been superseded by the noted temporary certificates of occupancy previously referenced, it is unclear whether the existing Restaurant Wine license #1290978 was issued without allowable occupancy by the NYC DOB unless appropriate documentation was provided; and,

**iii. Whereas**, the hours of operation will continue to be Sunday to Thursday from 12PM to 1AM and Friday and Saturday from 12PM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are existing accordion doors across the façade and there is patron seating directly in front of the accordion doors; all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and

**iv. Whereas**, the Applicant previously executed a stipulations agreement with CB2, Man. in October/2015 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the *restaurant wine license* stating that:

1. The premises will be advertised and operated as a chef driven restaurant catering to the local community using regionally sourced ingredients.

2. The hours of operation will be Sunday to Thursday from 12Pm to 1AM and Friday and Saturday from 12PM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 1 television, which will be no larger than 46 inches.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
10. The one television will be utilized only for special events. There will be no sporting events shown.

**v. Whereas**, the Applicant provided updated letters and petitions in support of their on-premise liquor license application and again contacted the local block association; and,

**vi. Whereas**, the operator prior to the current Applicant operated an unpretentious café with a beer and wine license (no previous on-premise liquor) serving breakfast, salads and sandwiches for lunch/dinner with free WiFi with an open mic for acoustical coffee style music for locals in a causal atmosphere until 11 pm during the week and 12 AM midnight on the weekends; and,

**vii. Whereas**, when this applicant first appeared in May/2015 to present an on premise liquor license for which CB2, Man. recommended denial, he explained that he planned to buy-out the previous owner of the Path Café at this location and that he could only generate a sufficient profit with an on premise liquor license until 1 AM during the week and 2 AM on the weekends and could not agree to operate with a Beer and Wine license; he subsequently returned in October/2015 and stated that he could now operate with only a beer and wine license and did not need an On-premise liquor license to generate a sufficient profit; and,

**viii. Whereas**, in May 2015 CB2, Man. indicated and reiterates that this area has seen a recent growth in on-premise liquor licenses and beer and wine restaurants and this type of concept, high end “curated” cocktails matched with dishes created from “locally sourced” foods with the addition of “playful” dishes is widely available and certainly not unique in this area, in fact some local establishments are even able to do this only with a restaurant wine license; and,

**ix. Whereas**, there are many other similar establishments that exist in and around the current location and this application for the current location is not unique; and,

**x. Whereas**, a photograph was presented to CB2, Man. showing use of DJ’s at the establishment with the front façade accordion doors open in violation of their stipulations, the applicant stated this was for one of the co-principals birthday party only but could not adequately explain why this happened; and,

**xi. Whereas**, social media postings by the Licensee indicate on past occasions advertising brunches with fixed price brunch with “free flowing” mimosas, and bloody marys and champagne cocktails and DJ; and on another occasion a live acoustic singer; and,

**xii. Whereas**, it appears that the currently licensed Applicant still has not yet obtained all necessary governmental licenses and permits, specifically they do not appear to maintain a current and valid Certificate of Occupancy for their use of the premises and do not seem to have ever possessed a valid Certificate of Occupancy; and,

**xiii. Whereas**, there are currently 16 On Premise Liquor Licenses within 500 ft. of the premises, an unknown number of beer and wine licenses, two elementary schools and a church, the operator has only been operating with a restaurant wine license since May/2016, the applicant has not established why the proposed on-premise liquor license is in the public interest except to state that patrons have requested cocktails;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to **Hudson Gastropub, LLC, d/b/a The Warren, 131 Christopher St.** on its application seeking a class change/upgrade from a restaurant wine license to a full on-premise liquor license.

Vote: Failed, with 21 Board members in opposition, 17 in favor (C. Booth, R. Chattree, D. Diether, R. Ely, K. Faccini, S. Gammie, R. Goldberg, S. Greene, S. Kent, E. Ma, D. Miller, R. Riccobono, S. Russo, Dr. S. Smith, S. Wittenberg, A. Wong, R. Woodworth).

**19. Bills 22 Ninth Avenue, LLC d/b/a Bills Bar & Burger, LLC, 22 9<sup>th</sup> Ave. 10014** (OP Alteration – add sidewalk café, SN 1230270)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority to add a sidewalk café on Hudson St. with 4 tables and 16 seats and a sidewalk café on 9<sup>th</sup> Avenue with 6 tables and 20 seats to an existing restaurant on-premise liquor license for a small casual restaurant serving classic hamburgers, hotdogs, sandwiches, salads and shakes; and,

**ii. Whereas**, this application is for an alteration to an existing restaurant on-premise liquor license located in a mixed use building located on 9<sup>th</sup> Avenue with frontage also on Hudson St. between West 13<sup>th</sup> St and West 14<sup>th</sup> St for a roughly 2,300 sq. ft premise (grnd floor & bsmt) with 23 tables and 50 seats and 1 standup bar with 6 seats on the interior for a total of 56 interior seats; this application is to add a sidewalk café on Hudson St with 4 tables and 16 seats and a sidewalk café on 9<sup>th</sup> Avenue with 6 tables and 20 seats; an *expired* Temporary Certificate of Occupancy dated July 7, 2015 that expired on October 5, 2015 was presented, a new Certificate of Occupancy dated *after* the expiration of the previous Temporary Certificate of Occupancy or a current Temporary Certificate of Occupancy will need to be presented; and,

**iii. Whereas**, the hours of operation of the interior will be from 11AM to 4AM 7 days a week (no patrons will remain after closing time); hours of operation for the Hudson St. Sidewalk Café will be Sunday from 10AM to 11PM and Monday to Saturday from 8AM to 11PM; hours of operation for the Ninth Avenue Sidewalk Café will be Sunday from 10AM to 12AM and Monday to Saturday from 8AM to 12AM; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a small casual restaurant serving classic hamburgers, hotdogs, sandwiches, salads and shakes.
2. The interior hours of operation will be from 11AM to 4AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. Will operate a full service restaurant with the kitchen open and full menu items available until 2AM every night.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will have no more than 2 televisions no larger than 46”. There will be no projector tv’s.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, or promoted events.
10. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
11. On the interior, there are 23 tables and 50 seats and 1 standup bar with 6 seats.
12. This alteration application will add sidewalk café seating on both Hudson St. and on Ninth Avenue.
13. The Sidewalk Café on Hudson St. will have 4 tables and 16 seats. The hours of operation for the Hudson St. Sidewalk Café will be Sunday from 10AM to 11PM and Monday to Saturday from 8AM to 11PM. All patrons will be cleared and no patrons will remain after stated closing times.
14. The Sidewalk Café on Ninth Avenue will have 6 tables and 20 seats. The hours of operation for the Ninth Avenue Sidewalk Café will be Sunday from 10AM to 12AM and Monday to Saturday from 8AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
15. Sidewalk café will conform to approved plans at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to add a sidewalk café as described to the existing restaurant on-premise liquor license SN 1230270 for **Bills 22 Ninth Avenue, LLC d/b/a Bills Bar & Burger, LLC, 22 9<sup>th</sup> Ave. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**20. Spice Market, LLC, d/b/a Spice Market, 29-35A 9<sup>th</sup> Ave. 10014** (OP Corporate Change SN1146124)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee on August 11, 2016 after having notified CB2, Man. with a statutory 30-day notice and having been placed on the calendar to present an application to the Liquor Authority for a corporate change for an existing restaurant on-premise liquor license SN1146124 for an elegant Asian restaurant; the applicant is

not making any changes to their Method of Operation or to the existing management of the premise; Starwood and Marriott are merging and the sole stockholder of the licensee entity (Starwood Hotels and Resorts Inc. is converting to an LLC), additionally, they are making some officer changes as noted in CB2's Questionnaire and in their application to the Liquor Authority; and,

**ii. Whereas**, after appearing before CB2, Man. on August 11, 2016 and after agreeing to execute a list of stipulations corresponding to their method of operation, but prior to returning the executed stipulations to CB2 the Applicant notified CB2, Man. that they were withdrawing this Corporate Change Application because the Applicant has terminated their lease effective September 30<sup>th</sup>, 2016 and the restaurant will be closing;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed corporate change, on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, class change, alteration, transfer, upgrade or changes to any existing license for **Spice Market, LLC, d/b/a Spice Market, 29-35A 9<sup>th</sup> Ave. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**21. Arts and Crafts Beer Parlor, LLC d/b/a Arts and Crafts Beer Parlor, 26 West 8<sup>th</sup> St. Basement Store. 10011 (TW Corporate Change – SN 1276451)**

**i. 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 tavern wine license for a premises which offers of 24 craft beers on tap and over 600 types of beer from around the world and growlers of beer to go; the corporate change reflects the acquisition of Arts and Crafts Beer Parlor, LLC by ACBP Hospitality Group, LLC; and

**ii. Whereas**, the applicant will continue to remain a retail beer store with an on premise option to serve patrons beer and wines in an arts & crafts beer parlor, and will continue to have a monthly exhibit of artwork and a lecture series on a host of various subjects; and

**iii. Whereas**, the premises is a subsurface commercial space in a mixed use building in a Landmark Historic District in Greenwich Village on W. 8<sup>th</sup> Street between MacDougal St. and Fifth Avenue with a restricted occupancy of 31, in a 910 square foot basement space with one bar seating eleven, five tables seating 18 and a certificate of occupancy identifying a use group of 6 for retail; and

**iv. Whereas**, the hours of operation will continue to be from 11 am to Midnight Monday through Thursday and from 11 am to 1 am Friday and Saturday, music will be from ipod/cd's at background levels only, soundproofing was installed, there are no promoted events, no scheduled performances, no cover fees, no velvet ropes, no movable barriers, patrons are not be permitted access to rear yard space, there will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food is served at all hours of operation, the delivery of kegs to the establishment will be with use of rubber pads only, there will no TVs and all doors and windows will be closed by 9 pm seven days a week; and

v. **Whereas**, the applicant agreed not to seek to upgrade to a full OP license at any time in the future at these premises; and

vi. **Whereas**, the applicant re-executed a new stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA tavern wine license as follows:

1. Premise will be advertised and operated as an Arts and Crafts Beer parlor.
2. The hours of operation will be from 11 am to Midnight Monday through Thursday and from 11 am to 1 am Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events (excluding monthly lecture series).
9. The premises will close all door and windows at all times except for patron ingress and egress. There will be no French Doors, operable windows or open facades.
10. All previous stipulations will remain in effect.
11. Food will be available at all times.
12. Occupancy will never exceed 31 persons including staff as indicated on the Certificate of Occupancy.
13. There will be no future application for an upgrade to a full OP license at these premises at anytime in the future.
14. No patrons will be allowed into the rear yard area at any time.
15. No keg deliveries will occur before 9 am and rubber mats will be used during the offloading of all kegs to prevent excessive noise.

vii. **Whereas**, no one appeared in opposition; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the corporate change application for the existing tavern wine license **SN 1276451** for **Arts and Crafts Beer Parlor, LLC d/b/a Arts and Crafts Beer Parlor, 26 West 8<sup>th</sup> St. Basement Store. 10011** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Unanimous, with 38 Board members in favor.

**22. Gift New York, Inc. d/b/a E.A.K. Ramen, 469 Sixth Ave. 10011 (New RW)**

i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a restaurant wine license for a full service ramen restaurant serving ramen and other Japanese food; the Principals own 35 restaurants in Japan and operate 330 franchise locations; this will be their first US store; and,



**ii. Whereas,** this application is for a new restaurant wine license at a previously licensed location in a mixed use building located on 6<sup>th</sup> Avenue between West 11<sup>th</sup> Street and West 12<sup>th</sup> Street for a roughly 1,563 sq. ft premise (ground floor 1,031 sq. ft. and basement 532 sq. ft. – no patrons use in basement except bathrooms) with 3 tables and 26 table seats and 1 standup bar with 9 seats and an additional 2 food counters with 10 seats, for a total of 45 interior seats; there is no sidewalk café; there is an existing Letter of No Objection; and,

**iii. Whereas,** the hours of operation will be Sunday to Wednesday from 11AM to 12AM and Thursday to Saturday from 11AM to 1AM (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a full service ramen restaurant serving ramen and other Japanese food.
2. The hours of operation will be Sunday to Wednesday from 11AM to 12AM and Thursday to Saturday from 11AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will no more than 1 television no larger than 46 inches. There will be no projector tv's.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, or promoted events.
9. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
10. There will be no unlimited drink or all you can eat and drink specials.
11. No outdoor area is included in this application.
12. There will be only 1 television. No sports will be played on television.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Gift New York, Inc. d/b/a N/A, 469 Sixth Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**23. KGM Partners, LLC, d/b/a Rebel Coffee, 19 8<sup>th</sup> Ave. 10014 (New TW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a tavern wine license for a coffee shop which also serves food but does not have a full service kitchen substantive enough to qualify for a restaurant wine license; and,

**ii. Whereas**, this application is for a new tavern wine license at a previously unlicensed location in a mixed use building located on 8<sup>th</sup> Avenue between West 12<sup>th</sup> St. and Jane St. for a roughly 650 sq. ft premise with 7 tables and 14 table seats and 1 standup bar with 6 seats for a total of 20 interior seats; there is no sidewalk café; there is NO Certificate of Occupancy and NO Letter of No Objection was presented; and

**iii. Whereas**, the hours of operation will be Sunday to Thursday from 7AM to 10PM and Friday and Saturday from 7AM to 11PM (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) except as noted in stipulations, all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a Coffee Shop with full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 7AM to 10PM and Friday and Saturday from 7AM to 11PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events.
9. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
10. There will be no unlimited drink or all you can eat and drink specials.
11. There will be no sale of beer by the pitcher.
12. There will not be a sidewalk café.
13. Applicant agrees that they will never seek to upgrade to an on premise liquor license of any type.
14. Food will be available at all times. Food Menu will be the same all day until closing.

**v. Whereas**, the applicant met with the Jane Street Block Association and there was no objection provided the above noted stipulations are adhered to;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Tavern Wine License for **KGM Partners, LLC, d/b/a Rebel Coffee, 19 8<sup>th</sup> Ave. 10014** **unless** the statements the Applicant has presented are accurate and complete, a Certificate of Occupancy or Letter of No Objection is presented and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Unanimous, with 38 Board members in favor.

**24. Café Water, Inc., d/b/a N/A, 519 Sixth Ave. 10011 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a restaurant wine license for deli-restaurant serving delicatessen cuisine with salad/hot food bars which will also serve Korean Wine and all types of Beer; and

**ii. Whereas**, this application is for a new restaurant wine license at a previously licensed restaurant wine location in a mixed use building located on Sixth Avenues between West 13<sup>th</sup> St and West 14<sup>th</sup> St. for a roughly 2,480 sq. ft. premise with 5 tables and 13 table seats and no standup bar for a total of 13 interior seats; there is no sidewalk café; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the delicatessen will be 24 hours a day, the hours for on-premise consumption will be from 12PM to 11PM 7 days a week (all patrons will finish all beer and wine consumption by 11PM and be cleared), carry out beer sales will occur at all legal hours, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) except as noted in stipulations, all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a deli-restaurant serving delicatessen cuisine.
2. The hours of operation for the delicatessen will be 24 hours a day.
3. The hours for on-premise consumption will be from 12PM to 11PM 7 days a week. All patrons will finish all beer and wine consumption by 11PM and be cleared.
4. Carry out beer sales will occur at all legal hours.
5. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
6. The premises will have no more than 2 televisions 60” in size. There will be no projector tv’s.
7. The premises will not permit dancing.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
10. The premises will not have DJ’s, live music, or promoted events.
11. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
12. There will be no unlimited drink or all you can eat and drink specials.
13. There will be no sale of beer by the pitcher.

14. All beer and wine to be consumed on premises will be by waiter service only.
15. There is no sidewalk café.
16. There will be no sound played on the televisions and no sporting events shown on the televisions.
17. Hours for on premise consumption (Noon to 11PM daily) will be prominently posted in visible locations and printed on menus.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Café Water, Inc., d/b/a N/A, 519 Sixth Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**25. Pasta Flyer, LLC d/b/a TBD, 510 6<sup>th</sup> Ave. 10011 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a restaurant wine license for a quick service pasta restaurant; and,

**ii. Whereas**, this application is for a new restaurant wine license at a previously licensed location in a mixed use building located on 6<sup>th</sup> Avenue between West 13<sup>th</sup> and West 14<sup>th</sup> St. for a roughly 2,587 sq. ft. premise with 10 tables and 39 table seats, there is no standup bar, there is a food counter; there is no sidewalk café; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation will be 11AM to 10PM 7 days a week (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a quick service pasta restaurant.
2. The hours of operation will be 11AM to 10PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events.
9. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
10. There will be no unlimited drink or all you can eat and drink specials.
11. There will be no sale of beer by the pitcher.

12. There is no sidewalk café.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Pasta Flyer, LLC d/b/a TBD, 510 6<sup>th</sup> Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**26. Wolf Productions, LLC d/b/a TBD, 15 W. 8<sup>th</sup> St. 10011** (New OP – Restaurant)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a restaurant on-premise liquor license for an Austrian Hungarian fine dining restaurant; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location in a mixed-use building located on West 8th St. between MacDougal St and 5th Avenue for a roughly 2,800 sq. ft. premise (2,000 sq. ft. ground floor and 800 sq. ft. basement– no patrons in basement) with 30 tables and 60 table seats and 1 standup bar with 8 seats for a total of 68 interior seats; there will be no sidewalk café; an *expired* Temporary Certificate of Occupancy dated April 8, 1997 that expired on July 8, 1997 was presented, either a new Certificate of Occupancy or Letter of No Objection dated *after* the expiration of the previous Temporary Certificate of Occupancy or a current Temporary Certificate of Occupancy will need to be presented, it appears that none currently exists dated after July 8, 1997 after researching the NYC Department of Buildings Information System (all previous C of O’s are not acceptable unless the NYC DOB specifically states otherwise); and,

**iii. Whereas**, the hours of operation will be Sunday from 11AM to 12AM, Monday to Thursday from 12PM to 12AM, Friday from 12PM to 1AM and Saturday form 11AM to 1AM (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as an Austrian Hungarian fine dining restaurant.
2. The hours of operation will be Sunday from 11AM to 12AM, Monday to Thursday from 12PM to 12AM, Friday from 12PM to 1AM and Saturday form 11AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events.

9. The premises will close all door and windows at 9PM every night and anytime there is amplified music; there will be no operable façade or operable windows.
10. There is no sidewalk café.
11. Applicant will adhere to all stipulations agreed to with the West 8<sup>th</sup> Street Block Association, which are attached to CB2's Stipulation agreement.
12. Will post signs requesting patrons to please be considerate to residential neighbors.
13. Will coordinate trash pickups with other operators on the block and will take steps to mitigate noise issues from trash collection.
14. Will resolve expired Temporary Certificate of Occupancy Issues and inform CB2 of the resolution prior to opening.

**v. Whereas**, the applicant met with the West 8<sup>th</sup> St. Block Association prior to appearing before CB2 and agreed to a number of stipulations with the West 8<sup>th</sup> St. Block Association and CB2 which are reflected above; the applicant also presented a petition in support; West 8<sup>th</sup> St. and the immediate area has experienced a tremendous growth in liquor licenses within the last number of years; and,

**vi. Whereas**, there are currently approximately 15 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant on-premise liquor license for **Wolf Productions, LLC d/b/a TBD, 15 W. 8<sup>th</sup> St. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**27A. Boucherie, LLC d/b/a Boucherie, 97-99 Seventh Ave. South 10014 (New OP-Restaurant)**

**i. Whereas**, the Applicant Emil Stefkov appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a restaurant on-premise liquor license for a French Restaurant serving steakhouse meats and fish dishes serving breakfast, lunch and dinner with jazz trios on some nights and for brunch; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location in a mixed use building located on 7<sup>th</sup> Avenue South between Barrow St and Grove St. for a roughly 4,065 sq. ft. premise (2,608 sq. ft. 1st floor, 513 sq. ft. Mezzanine and 944 sq. ft. basement – no patrons in basement) with 60 interior tables and 221 interior table seats and 1 standup bar with 22 seats for a total of 243 interior seats; there will be a future sidewalk café which is anticipated to have 42 tables and 84 seats; the total number of interior and exterior seats will be no more than 327 seats; there is an existing certificate of occupancy and a place of assembly permit will be obtained or updated and kept current; and,

**iii. Whereas**, the interior hours of operation will be Sunday to Thursday from 8AM to 1AM and Friday to Saturday from 8AM to 2AM (no patrons will remain after closing time), the sidewalk café will close Sunday to Thursday at 11PM and Friday to Saturday at 12AM (no patrons will remain in the sidewalk café at sidewalk café closing hour and all tables and chairs will be removed and stored at that time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) except for occasional live music on some nights, (i.e. 2 to 3 times a week) and at weekend and holiday brunch service; any live music will be acoustic Jazz trios (or less) only

with no amplification consisting of acoustic only string music, pianos and other quiet instruments; there will be no music before 10AM all days or after midnight Sunday to Thursday and 1AM Friday and Saturday; all doors and windows will be closed at 10PM and during musical performances except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** in considering this application, as requested by the Applicant, CB2's SLA Licensing Committee determined in its deliberations that in exchange for support of the application all the following stipulations would need to be executed by the Applicant as part of a stipulations agreement with CB2 that they would agree to submit to the SLA and agree would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a French Restaurant serving steakhouse meats and fish dishes serving breakfast, lunch and dinner with jazz trios on some nights and for brunch.
2. The interior hours of operation will be Sunday to Thursday from 8AM to 1AM and Friday to Saturday from 8AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The sidewalk café will close Sunday to Thursday at 11PM and Friday to Saturday at 12AM. No patrons will remain in the sidewalk café at sidewalk café closing hour and all tables and chairs will be removed and stored at that time.
4. A full food menu will be available at all times and the kitchen will remain fully open at all hours of operation.
5. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
6. The premises will not have televisions.
7. The premises will not permit dancing and will never seek a New York City Department of Consumer Affairs Cabaret License.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
9. The premises will never operate rooftop outdoor seating or patron use of rooftop.
10. The premises will play quiet ambient-recorded background music only and occasional live music from acoustic jazz trios as described. All music levels and volumes will at all times comply with stipulations in this agreement and all New York City Laws and Regulations.
11. The premises will not have DJ's, cover charges or promoted events. Live music only as described below and without cover charges.
12. There will be no sidewalk a-frame signage, menu boxes, menu stands, waiter stations, greeting or hostess stations or other sidewalk furniture excluding furniture used for the sidewalk café.
13. Operator will adhere to all Department of Consumer Affairs sidewalk café regulations without exception at all times and any sidewalk café will be configured to plans at all times without exception.
14. The premises will close all doors and windows at 10PM every night and anytime there is amplified or live music. Applicant agrees to strictly adhere without exception.
15. Applicant will post signs requesting patrons to please be considerate to residential neighbors.
16. There will be no outdoor lines of patrons or any patrons waiting to enter in front of the premises or people allowed to congregate in front of the premises or immediate area. The applicant will endeavor to seat most patrons by reservations and when seating is unavailable will utilize a reservation system by which patrons can be texted, emailed or contacted to inform them of availability so that waiting patrons do not congregate in the immediate area of the premises.
17. There will be occasional live music on some nights, (i.e. 2 to 3 times a week) and at weekend and holiday brunch service. Any live music will be acoustic Jazz trios (or less) only with no

amplification consisting of acoustic only string music, pianos and other quiet instruments. There will be no amplification, amplifiers, drums or percussion instruments or brass instruments or other loud instruments. There will be no music before 10AM all days or after midnight Sunday to Thursday and 1AM Friday and Saturday. Doors and windows will be closed during musical performances.

18. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or other drink specials beyond ½ price or 2 for 1 specials at anytime.
19. The Applicant who is also the Sole Principal of SN#1272603, Whynot My Way LLC d/b/a Dominique Bistro located at 14<sup>th</sup> Christopher St. also agrees to formally withdraw his application at that location at 14 Christopher St. to upgrade to an On Premise Liquor License and will not present another application to CB2 or the Liquor Authority for a period of 5 years from the issuance of the subject license at this location. The Applicant will execute a separate stipulations agreement for Whynot My Way LLC indicating this. CB2 makes no representations as to the recommendations CB2 will make on any future application at that location. CB2 has on multiple occasions recommended that the Liquor Authority deny multiple applications at 14 Christopher St.
20. The Applicant will make available to any interested parties the direct contact information of an on-duty manager in order to resolve any complaints. Applicant will implement a system whereby any and all quality of life complaints or complaints regarding music, noise or sidewalk café operations will all be recorded in a central location and will be reported to the Sole Principal and all managers so that they may take appropriate action to address the complaints. Employees will be trained and instructed that all complaints must be logged.
21. Because this is a one story premises surrounded by many taller residential buildings, the applicant will at all times stringently adhere to all laws and regulations regarding their wood-fired grill which will be used to cook meats and will address all issues regarding odors and smoke immediately.

**v. Whereas**, the applicant presented a petition in support with over 450 signatures that it obtained from representatives on the sidewalk in the immediate vicinity of the proposed restaurant; and,

**vi. Whereas**, 6 speakers spoke in support and another 4 speakers signed up to speak in support but did not speak, those in support who were patrons of the applicant's other locations and spoke of the sense of community offered by the Applicant's other locations, the professionalism in which he runs his locations, the sense of security offered by the staff to those that live in the immediate area at night, that this would be an improvement over the previous operator at this location, the manager of Dominique Bistro spoke of her experience in training staff and that she would bring this experience to the new location, and that the Applicant's current locations were great places to bring friends as well as to have work dinners; and,

**vii. Whereas**, the applicant did not contact or notify the local Block Association as CB2, Man. requests of all applicants or reach out to any individual buildings or any of the large co-op buildings in the immediate area; and,

**viii. Whereas**, no members of the public appeared in opposition at CB2's SLA Licensing Committee meeting in August 2016; and,

**ix. Whereas**, notices by CB2 and the CB2 calendar did not identify the Principal of the entity applying for this license at this location who is also a sole principal for 2 other locations within CB2, Whynot My Way, LLC d/b/a Dominique Bistro at 14<sup>th</sup> Christopher St. SN#1272603, Olio Restaurants, LLC d/b/a Olio 3 Greenwich Ave. and 1 location within CB3, Manhattan whose license was previously canceled by the Authority, but for which a new license is now pending for Whynot Orchard, LLC d/b/a Wa Sushi; and,



**x. Whereas,** the Applicant has repeatedly submitted applications to the Liquor Authority for alterations, method of operation changes and class upgrades to full on-premise for his location at 14 Christopher St for Whynot My Way, LLC which holds a tavern wine license SN#1272603 currently d/b/a Dominique Bistro; CB2 has recommended denial for all changes and the original application for that license until just last month when in exchange for stipulations, CB2 recommended deny/unless to alter the method of operation and physical alterations as those changes were necessary in order to correct outstanding issues and resolve complaints; the previous recommendations for denial have been based on a number of issues as outlined in each previous CB2 resolutions and have included reasons such as violating various laws and regulations, for many neighborhood complaints, for quality of life issues, for not adhering to basic requests to minimize quality of life complaints, and for character issues for repeatedly violating regulations and refusals to comply with regulations; those issues included noise from live music and patrons and disruptions from later evening operations; please see the various CB2 resolutions regarding these applications; (1) the most current request for an alteration, method of operation change and upgrade to an On-premise dated July 2016 (not yet available online at this time); (2) December 2015 resolution for change in method of operation and upgrade to full on-premise on Page 27: [www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf); (3) July 2015 – TW License Renewal Application – Page 39: <http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/07%20July%202015.pdf>; (4) November 2014 – Alteration Application & Upgrade from TW to OP - Page 27 & Page 32 [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2014/11%20November%202014.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2014/11%20November%202014.pdf); (5) July 2013 – Original TW application resolution - Page 40: [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2013/07july2013\\_fullboard.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2013/07july2013_fullboard.pdf); and,

**xi. Whereas,** concerns were expressed that the Applicant has had significant issues including at both his locations in CB2, Olio and Whynot Coffee LLC; at Whynot Coffee LLC with noise generated from patrons, alterations, noise from live music and illegal use of outdoor seating as well as poor relationships with neighbors who have complained and a history of ignoring those issues until appearing before CB2 and that in the past the Applicant has not complied with representations he has made; at Olio with issues surrounding the sidewalk café; that the Authority canceled his license at his location in CB3 for not adhering to his method of operation and unauthorized alterations; there were concerns that while the subject premises of this current application is located on an Avenue and not in a direct residential there was significant concern that if any of these issues were to occur here because of the huge number of indoor seats and the substantial number of outdoor seats there would be a dramatic impact and that not enough time had elapsed to indicate any sort of track history of adhering to basic rules and regulations and stipulations; there were significant concerns regarding character; and there were significant concerns that the Applicant stated that the basis for not adhering to regulations and his stated method of operations at both Whynot locations was partially because neither location was profitable; and,

**xii. Whereas,** an Administrative Law Judge in their recommendation to the Members of the Authority for an application by this Applicant for an upgrade to an On-Premise Liquor License for Whynot My Way LLC (application under SN#1291495) in the 500 Foot Hearing Report for the 500 Foot Hearing conducted on January 28, 2016 stated in his determination in regards to the applicants attempts to address the many issues and complaints as outlined in his recommendation that “Notwithstanding, that ignorance of the law is no defense to malum prohibitum laws, I find Mr. Stefkov's testimony disingenuous.” He further states that “It is the opinion of this tribunal that this misconduct, if nothing else, corroborates the statements against the Applicant presented at this hearing and clearly indicates that this principal's qualifications, including his integrity, to be a responsible licensee are nonexistent.” (this application for SN#1291495 was subsequently withdrawn by the Applicant prior to appearing before the Members of the Authority after the unfavorable recommendation was issued by the ALJ); and,

**xiii. Whereas,** the Applicant stated in response to the various concerns and issues that most of the reasons the issues happened in the past were attributable to misunderstandings, unawareness of regulations, believing regulations were unfairly being enforced against him, hardheadedness, others actions, incompetent staff, jumping the gun and so forth and that he had learned from his mistakes, that they were stupid mistakes and that he had learned the hard way, and that those types of issues would never happen again; and,

**xiv. Whereas,** the Applicant stated that he would adhere to any reasonable stipulations recommended to him, that he would adhere to all stipulations, that because he was the sole principal with no partners and sole investor it was his word and his responsibility to adhere to all stipulations and that should be taken at face value and that in response to a deny/unless recommendation from CB2 for this application he would discontinue his application to the Liquor Authority for a class change to upgrade his license application to an on-premise liquor license at Whynot My Way LLC at 14 Christopher St. which his attorney stated had not yet been submitted to the Liquor Authority; and,

**xv. Whereas,** there was unease that because the applicant had not proactively searched out the local Block Association and local immediate residents in buildings adjacent to and overlooking the building and its outdoor space that those who had issues with past operators at this location were unable to meet this operator and begin a dialogue at this early stage and to respond with their thoughts concerning potential issues or provide feedback for consideration; and,

**xvi. Whereas,** consideration was given to the positive statements made to CB2 in July 2016 for the Applicants premises at 14 Christopher St. by current customers and employees of his other locations for a previous application before CB2 and statements by customers and an employee in August 2016 of Olio and Dominique Bistro in August 2016 for this location

**xvii. Whereas,** there are currently approximately 41 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant on-premise liquor license for **Boucherie, LLC d/b/a Boucherie, 97-99 Seventh Ave. South 10014 unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations described above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

**THE ABOVE RESOLUTION FAILED. PLEASE SEE SUBSTITITUTE RESOLUTION BELOW.**

**27B. Boucherie, LLC d/b/a Boucherie, 97-99 Seventh Ave. South 10014** (New OP-Restaurant)

**i. Whereas,** the Applicant Emil Stefkov appeared before Community Board 2, Manhattan’s SLA Licensing Committee on August 11<sup>th</sup>, 2016 to present an application to the Liquor Authority for a restaurant on-premise liquor license for a French Restaurant serving steakhouse meats and fish dishes serving breakfast, lunch and dinner with jazz trios on some nights and for brunch; and,

**ii. Whereas,** this application is for a new restaurant on-premise liquor license at a previously licensed location in a mixed-use building located on 7<sup>th</sup> Avenue South between Barrow St and Grove St. for a roughly 4,065 sq. ft. premise (2,608 sq. ft. 1st floor, 513 sq. ft. Mezzanine and 944 sq. ft. basement – no patrons in basement) with 60 interior tables and 221 interior table seats and 1 standup bar with 22 seats for a total of 243 interior seats; there will be a future sidewalk café which is anticipated to have 42 tables

and 84 seats; the total number of interior and exterior seats will be no more than 327 seats; there is an existing certificate of occupancy and a place of assembly permit will be obtained or updated and kept current; and

**iii. Whereas,** the interior hours of operation will be Sunday to Thursday from 8AM to 1AM and Friday to Saturday from 8AM to 2AM (no patrons will remain after closing time), the sidewalk café will close Sunday to Thursday at 11PM and Friday to Saturday at 12AM (no patrons will remain in the sidewalk café at sidewalk café closing hour and all tables and chairs will be removed and stored at that time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) except for occasional live music on some nights, (i.e. 2 to 3 times a week) and at weekend and holiday brunch service; any live music will be acoustic Jazz trios (or less) only with no amplification consisting of acoustic only string music, pianos and other quiet instruments; there will be no music before 10AM all days or after midnight Sunday to Thursday and 1AM Friday and Saturday; all doors and windows will be closed at 10PM and during musical performances except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** in considering this application, as requested by the Applicant, CB2's SLA Licensing Committee determined in its deliberations that in exchange for considering support of the application, all the following reasonable stipulations would need to be executed by the Applicant as part of a stipulations agreement with CB2, Man. that they would agree to submit to the SLA and agree would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a French Restaurant serving steakhouse meats and fish dishes serving breakfast, lunch and dinner with jazz trios on some nights and for brunch.
2. The interior hours of operation will be Sunday to Thursday from 8AM to 1AM and Friday to Saturday from 8AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The sidewalk café will close Sunday to Thursday at 11PM and Friday to Saturday at 12AM. No patrons will remain in the sidewalk café at sidewalk café closing hour and all tables and chairs will be removed and stored at that time. Tables may be stacked flush against façade as per DCA regulations.
4. A full food menu will be available at all times and the kitchen will remain fully open at all hours of operation.
5. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
6. The premises will not have televisions.
7. The premises will not permit dancing and will never seek a New York City Department of Consumer Affairs Cabaret License.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
9. The premises will never operate rooftop outdoor seating or patron use of rooftop.
10. The premises will play quiet ambient-recorded background music only and occasional live music from acoustic jazz trios as described. All music levels and volumes will at all times comply with stipulations in this agreement and all New York City Laws and Regulations.
11. The premises will not have DJ's, cover charges or promoted events. Live music only as described below and without cover charges.
12. There will be no sidewalk a-frame signage, menu boxes, greeting or hostess stations or other sidewalk furniture excluding furniture used for the sidewalk café. If a server station is specifically allowed per DCA regulations, applicant may have one server station, other wise no server stations

- will be permitted. A menu box may be affixed per regulations/landmarks to the building façade. A menu stand with an affixed menu may be used if it is fully compliant with DCA regulations.
13. In addition to Stipulations, Operator will adhere to all Department of Consumer Affairs sidewalk café regulations without exception at all times and any sidewalk café will be configured to plans at all times.
  14. The premises will close all doors and windows at 10PM every night and anytime there is amplified or live music. If there is quiet ambient recorded background music, provided there are no registered complaints, Applicant may keep doors & windows open until 10PM provided no music is audible 20 feet or more beyond the building façade line. Applicant agrees to strictly adhere without exception.
  15. Applicant will post signs requesting patrons to please be considerate to residential neighbors.
  16. There will be no outdoor lines of patrons or any patrons waiting to enter in front of the premises or people allowed to congregate in front of the premises or immediate area. The applicant will endeavor to seat most patrons by reservations and when seating is unavailable will utilize a reservation system by which patrons can be texted, emailed or contacted to inform them of availability so that waiting patrons do not congregate in the immediate area of the premises.
  17. There will be occasional live music on some nights, (i.e. 2 to 3 times a week) and at weekend and holiday brunch service. Any live music will be acoustic Jazz trios (or less) only with no amplification consisting of acoustic only string music, pianos and other quiet instruments. There will be no amplification, amplifiers, drums or percussion instruments or brass instruments or other loud instruments. There will be no music before 10AM all days or after midnight Sunday to Thursday and 1AM Friday and Saturday. Doors and windows will be closed during musical performances.
  18. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or other drink specials beyond ½ price or 2-for-1 specials at anytime.
  19. The Applicant who is also the Sole Principal of SN#1272603, Whynot My Way, LLC d/b/a Dominique Bistro located at 14<sup>th</sup> Christopher St. also agrees to formally withdraw his application at that location at 14 Christopher St. to upgrade to an On Premise Liquor License and will not present another application to CB2 or the Liquor Authority for a period of 5 years from the issuance of the subject license at this location. The Applicant will execute a separate stipulations agreement for Whynot My, Way, LLC indicating this. CB2 makes no representations as to the recommendations CB2 will make on any future application at that location. CB2 has on multiple occasions recommended that the Liquor Authority deny multiple applications at 14 Christopher St.
  20. The Applicant will make available to any interested parties the direct contact information of an on-duty manager in order to resolve any complaints. Applicant will implement a system whereby any and all quality of life complaints or complaints regarding music, noise or side walk café operations will all be recorded in a central location and will be reported to the Sole Principal and all managers so that they may take appropriate action to address the complaints. Employees will be trained and instructed that all complaints must be logged.
  21. Because this is a one story premises surrounded by many taller residential buildings, the applicant will at all times stringently adhere to all laws and regulations regarding their wood-fired grill which will be used to cook meats and will address all issues regarding odors and smoke immediately.

**v. Whereas,** the applicant presented a petition in support with over 450 signatures that it obtained from representatives on the sidewalk in the immediate vicinity of the proposed restaurant; and,

**vi. Whereas,** 6 speakers spoke in support and another 4 speakers signed up to speak in support but did not speak, those in support who were patrons of the applicant's other locations and spoke of the sense of community offered by the Applicant's other locations, the professionalism in which he runs his locations,

the sense of security offered by the staff to those that live in the immediate area at night, that this would be an improvement over the previous operator at this location, the manager of Dominique Bistro spoke of her experience in training staff and that she would bring this experience to the new location, and that the Applicant's current locations were great places to bring friends as well as to have work dinners; and,

**vii. Whereas**, the applicant did not contact or notify the local Block Association as CB2, Man. requests of all applicants or reach out to any individual buildings or any of the large co-op buildings in the immediate area; and,

**viii. Whereas**, no members of the public appeared in opposition at CB2's SLA Licensing Committee meeting in August 2016; and,

**ix. Whereas**, notices by CB2 and the CB2 calendar did not identify the Principal of the entity applying for this license at this location who is also a sole principal for 2 other locations within CB2, Whynot My Way, LLC d/b/a Dominique Bistro at 14<sup>th</sup> Christopher St. SN#1272603, Olio Restaurants, LLC d/b/a Olio 3 Greenwich Ave. and 1 location within CB3 Manhattan whose license was previously canceled by the Authority, but for which a new license is now pending for Whynot Orchard, LLC d/b/a Wa Sushi; and,

**x. Whereas**, the Applicant has repeatedly submitted applications to the Liquor Authority for alterations, method of operation changes and class upgrades to full on-premise for his location at 14 Christopher St for Whynot My Way, LLC which holds a tavern wine license SN#1272603 currently d/b/a Dominique Bistro; CB2 has recommended denial for all changes and the original application for that license until just last month when in exchange for stipulations, CB2 recommended deny/unless to alter the method of operation and physical alterations as those changes were necessary in order to correct outstanding issues and resolve complaints; the previous recommendations for denial have been based on a number of issues as outlined in each previous CB2 resolutions and have included reasons such as violating various laws and regulations, for many neighborhood complaints, for quality of life issues, for not adhering to basic requests to minimize quality of life complaints, and for character issues for repeatedly violating regulations and refusals to comply with regulations; those issues included noise from live music and patrons and disruptions from later evening operations; please see the various CB2 resolutions regarding these applications; (1) the most current request for an alteration, method of operation change and upgrade to an On-premise dated July 2016 (not yet available online at this time); (2) December 2015 resolution for change in method of operation and upgrade to full on-premise on Page 27:

[www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf); (3)

July 2015 – TW License Renewal Application – Page 39:

<http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/07%20July%202015.pdf>; (4)

November 2014 – Alteration Application & Upgrade from TW to OP - Page 27 & Page 32

[http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2014/11%20November%202014.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2014/11%20November%202014.pdf); (5) July

2013 – Original TW application resolution - Page 40:

[http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2013/07july2013\\_fullboard.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2013/07july2013_fullboard.pdf); and,

**xi. Whereas**, concerns were expressed that the Applicant has had significant issues including at both his locations in CB2, Olio and Whynot Coffee, LLC; at Whynot Coffee, LLC with noise generated from patrons, alterations, noise from live music and illegal use of outdoor seating as well as poor relationships with neighbors who have complained and a history of ignoring those issues until appearing before CB2 and that in the past the Applicant has not complied with representations he has made; at Olio with issues surrounding the sidewalk café; that the Authority canceled his license at his location in CB3 for not adhering to his method of operation and unauthorized alterations; there were concerns that while the subject premises of this current application is located on an Avenue and not in a direct residential there

was significant concern that if any of these issues were to occur here because of the huge number of indoor seats and the substantial number of outdoor seats there would be a dramatic impact and that not enough time had elapsed to indicate any sort of track history of adhering to basic rules and regulations and stipulations; there were significant concerns regarding character; and there were significant concerns that the Applicant stated that the basis for not adhering to regulations and his stated method of operations at both Whynot locations was partially because neither location was profitable; there were also concerns that the Applicants other locations are self described neighborhood locations and their capacity is reflective of neighborhood focused operations and that due to the sheer size of this operation it would primarily be operated and advertised as a destination location and the assorted impacts that destination locations generate including issues with traffic and parking, noise and other quality of life issues; and,

**xii. Whereas,** an Administrative Law Judge in their recommendation to the Members of the Authority for an application by this Applicant for an upgrade to an On-Premise Liquor License for Whynot My Way, LLC (application under SN#1291495) in the 500 Foot Hearing Report for the 500 Foot Hearing conducted on January 28, 2016 stated in his determination in regards to the applicants' attempts to address the many issues and complaints as outlined in his recommendation that "Notwithstanding, that ignorance of the law is no defense to malum prohibitum laws, I find Mr. Stefkov's testimony disingenuous." He further states that "It is the opinion of this tribunal that this misconduct, if nothing else, corroborates the statements against the Applicant presented at this hearing and clearly indicates that this principal's qualifications, including his integrity, to be a responsible licensee are nonexistent." (this application for SN#1291495 was subsequently withdrawn by the Applicant prior to appearing before the Members of the Authority after the unfavorable recommendation was issued by the ALJ); and,

**xiii. Whereas,** the Applicant stated in response to the various concerns and issues that most of the reasons the issues happened in the past were attributable to misunderstandings, unawareness of regulations, believing regulations were unfairly being enforced against him, hardheadedness, others actions, incompetent staff, jumping the gun and so forth and that he had learned from his mistakes, that they were stupid mistakes and that he had learned the hard way, and that those types of issues would never happen again; and,

**xiv. Whereas,** the Applicant stated that he would adhere to any reasonable stipulations recommended to him, that he would adhere to all stipulations, that because he was the sole principal with no partners and sole investor it was his word and his responsibility to adhere to all stipulations and that should be taken at face value and that in response to a deny/unless recommendation from CB2 for this application he would discontinue his application to the Liquor Authority for a class change to upgrade his license application to an on-premise liquor license at Whynot My Way, LLC at 14 Christopher St. which his attorney stated had not yet been submitted to the Liquor Authority; and,

**xv. Whereas,** there was unease that because the applicant had not proactively searched out the local Block Association and local immediate residents in buildings adjacent to and overlooking the building and its outdoor space that those who had issues with past operators at this location were unable to meet this operator and begin a dialogue at this early stage and to respond with their thoughts concerning potential issues or provide feedback for consideration; and,

**xvi. Whereas,** consideration was given to the positive statements made to CB2 the month prior in July 2016 for the Applicants other premises at 14 Christopher St. by current customers and employees of his other locations for a 3 new separate applications at that location in July 2016 (an upgrade to on-premise liquor, alterations and change in method of operation) before CB2, Man., and to statements by customers and an employee in August 2016 of Olio and Dominique Bistro in August 2016 for the current License application on 7<sup>th</sup> Avenue South; and,

**xvii. Whereas,** there are currently approximately 41 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**xviii. Whereas,** the Full Board of CB2, Manhattan does not meet in the Month of August and this matter was considered before the Executive Committee of CB2, Manhattan in August 2016 and there were concerns regarding the character of the Applicant in operating and running this establishment and the history of his past conduct among other issues in addition to the concerns outlined above; and,

**xix. Whereas,** a recommendation and vote on this matter reflecting the full membership of CB2, Man. will not be available until following the September 22, 2016 CB2 Full Board meeting and until then, the recommendation of CB2's Executive Committee should be treated as actions of the Full Board;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new restaurant on-premise liquor license for **Boucherie, LLC d/b/a Boucherie, 97-99 Seventh Ave. South 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this application be filed by the Applicant in August or September 2016, CB2, Man. respectfully requests that any 500 Hearing not be scheduled until after September 22, 2016 when the Full Board of CB2, Man. will again consider this application and again vote on a recommendation; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this matter proceed, CB2, Man. respectfully requests that this matter be placed before the Members of the Authority for their determination at a regularly scheduled Full Board meeting.

Vote: Unanimous, with 38 Board members in favor.

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

**28. D & C Loop, Inc. d/b/a Sushi Para 88, 212 W. 14<sup>th</sup> St. 10011 (RW Alteration – Layover at meeting]**

**Whereas,** at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to layover this application for an alteration to an existing restaurant wine license to include a rear outdoor dining area in order to present additional materials and to perform community outreach and they 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, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **D & C Loop, Inc. d/b/a Sushi Para 88, 212 W. 14<sup>th</sup> St. 10011** until the Applicant has presented their application again in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**29. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 (OP – Restaurant - Layover at meeting)**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to **layover** this application once again for a new restaurant on-premise restaurant liquor license in order to continue to meet with residents who would be immediately impacted by the issuance of a license at this location in order to continue ongoing discussions and they 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, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 until** the Applicant has presented their application again in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**30. Lorraine O’Donnell, d/b/a The Corner Bistro, 331 W. 4<sup>th</sup> St. 10014 (OP – Corporate Change - No Show)**

**Whereas**, the Applicant failed to notify CB2, Man. that they would not appear at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 11th, 2016, after having been placed on the Agenda by CB2 after notifying CB2 of a Corporate Change via a “30 Day Notice”; and

**Whereas**, CB2, Man. requests that the Applicant resubmit the application for a Corporate Change for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Lorraine O’Donnell, d/b/a The Corner Bistro, 331 W. 4<sup>th</sup> St. 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**31. Bar Works 7<sup>th</sup> Ave., Inc., d/b/a Bar Works, 47 7<sup>th</sup> Ave. South 10014 (RW or TW – Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to **withdraw** this application for a new restaurant wine or tavern wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;



**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Bar Works 7<sup>th</sup> Ave., Inc., d/b/a Bar Works, 47 7<sup>th</sup> 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 38 Board members in favor.

**32. MYG NY Inc., d/b/a Il Conte, 310 W. 14<sup>th</sup> St. 10014 (RW - Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to withdraw this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **MYG NY Inc., d/b/a Il Conte, 310 W. 14<sup>th</sup> St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**33. Entity to be formed by Reed Adelson, d/b/a N/A, 328 W. 12<sup>th</sup> St. 10014 (OP – Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to withdraw this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by Reed Adelson, d/b/a N/A, 328 W. 12<sup>th</sup> 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 38 Board members in favor.

**34. BKUK 10 Corp., d/b/a TBD, 89 7th Ave. S. 10014 (OP - Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to **withdraw** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **BKUK 10 Corp., d/b/a TBD, 89 7th Ave. S. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**35. Eric Cerato, d/b/a Le Garage Corp., 97-99 7<sup>th</sup> Ave. South 10014 (OP – Layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 11th, 2016, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Eric Cerato, d/b/a Le Garage Corp., 97-99 7<sup>th</sup> 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 38 Board members in favor.

**STANDING COMMITTEE REPORTS**

**LANDMARKS AND PUBLIC AESTHETICS**

1. \*327 W. 4th St. - Application is to convert a multi-family dwelling to a single-family dwelling, construct rooftop addition, perform excavation in existing cellar and rear yard, alter rear facade and replace windows.

**Whereas:**

A. The cellar is to be excavated to a ceiling height of 9’-6”

B. The rooftop addition with an “artist” skylight on the south side is set back 7’ from front façade, a roof deck above the addition and the existing extension at the rear is to be extended two stories (rooftop addition and roof deck levels) resulting in alignment with the height of the adjoining building; and

- C. The penthouse, roof deck, and extension are clearly visible, however at a distance from a wide avenue and they abut the taller building to the east and blend into the view unobtrusively; and
- D. The cornice and windows are to be painted black and the entry infill modified to a historic design modeled on the restored entry of a neighboring building which was represented by the applicant as being original; and
- E. The ironwork will be restored to the 1929 condition and the existing gate will be moved to the eastern edge of the fence; and
- F. The rear walls of the parlor floor and the basement floor are to be full width and full height glass doors; now

**Now therefore be it resolved:**

That CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

- 2. **\*19-23 Commerce St.** – Application is to legalize a storefront alteration, storefront replacement, installation of two awnings, and installation of a bracket sign with light fixtures without LPC permits.

[laid over].

- 3. **\*16 W. 9th St.** – Application is to add a bluestone areaway to the front of the building, enclose the areaway with a concrete curb, black painted iron fence and gate and to install a black painted metal trash enclosure.

**Whereas:**

- A. The building to the west of the subject building which was built as a non-identical companion building is being used as a model for the restoration of the areaway and iron work; and
- B. The proposed fence is 2’-6” high above the proposed 6” curb with a 3’-6” wide gate at the front door and is too decorative for a simple fence; and
- C. A rubbish bin enclosure is to be placed at the west end of the area; and
- D. The area is to be paved in bluestone and level with the sidewalk; and
- E. The areaway proposed is not a proper, historical areaway in that is not depressed below the sidewalk level, gives the appearance of simply fencing off a portion of the sidewalk and this is made more pronounced by the absence of front steps and a stoop; and
- F. The rubbish bin enclosure is out of scale to the area, blocks the view of existing historical steps to the east, and serves a need that could be served by sinking the bins into the sidewalk, as is the case in other buildings on the block; and
- G. Two neighbors spoke against the application; now

**Therefore be it resolved:**

That CB2, Man. recommends denial of the application.

Vote: Unanimous, with 38 Board members in favor.

4. **\*46 Carmine St.** – Application is to renovate the 4th floor apartment to add 5' deep rear terrace and a small AC compressor.

**Whereas:**

A. Doors with solid infill will replace the existing windows leading to the newly created terrace on the existing flat roof and will extend one foot beyond the existing roof; and

B. An air conditioner compressor of modest size is to be installed on the back of the roof of the extension; now

**Therefore be it resolved:**

That CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

5. **\*109 Spring St.** – Application is to establish a Master Plan to install a painted wall sign on the east facing façade of the building.

**Whereas:**

A. A clearly visible ghost sign provides evidence of prior signage on the building and is of historical and aesthetic merit; and

B. The sign will conform to the standard regulations for such signs as written in the application and Landmarks Commission staff will review each new sign to ensure that the guidelines are met; now

**Therefore be it resolved:**

That CB2, Man. recommends approval of this application provided that the sign is placed in such a way that the maximum area of the ghost signs is preserved.

Vote: Unanimous, with 38 Board members in favor.

6. **\*486 Broadway** - Application is to repair/restore the facade and modify the fire escape.

**Whereas:**

A. There is considerable damage to the brownstone at the attach points of the fire escape and some damage to the roof; and

B. The fire escape is not original to the building and with the current configuration of the interior of the building the size of the fire escape can be considerably reduced and will continue to meet code; and

C. The brownstone and roof will be restored as necessary; now

**Therefore be it resolved:**

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 38 Board members in favor.

7. **\*8 Perry St.** – Application is to restore front door, stoop and railings to match adjacent historic stoop and railings, install new, visible, standing seam metal stair bulkhead at roof and metal roof railings, build full-width, brick, 3-story rear addition to replace partial-width 2-story addition.

**Whereas:**

A. The stoop and entryway, iron work will be reconstructed modeled on 6 and 10 Perry Street where there are original examples; and

B. A bulkhead will be clad in standing seam metal painted gray which is considerably and unavoidably visible, however the visibility is from a distance on a wide street and not more visible than similar bulkheads in the neighborhood; and

C. Unobtrusive railings required by code are to be added to the roof; and

D. A rear two story addition from the 1950's is to be replaced by a three story addition, full width of building and 10' deep that will align with a similar addition on a neighboring property; and

E. The rear parlor floor windows are to be replaced by a nearly full width opening with small pane windows and the basement floor windows are full height, operable doors; now

**Therefore be it resolved:**

That CB2, Man. recommends Approval of this application.

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

8. **\*568 Broadway** – Application is to install a new elevator in an existing shaft, and enlarge the existing elevator bulkhead

**Whereas:**

A. In order to install a new elevator opening onto the roof in the existing elevator shaft, the existing shaft is to be extended 15'-4" above the existing shaft which extends 12'-10" above the roof; and

B. A convincing case was made for this visible location toward the front of the building, that this is the only viable place for this improvement; and

C. The building is among the largest in the district and the visibility is only at a great distance from a wide street and, in this context, is not unduly obtrusive; now

**Therefore be it resolved:**

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 38 Board members in favor.

**PARKS/ WATERFRONT**

**Resolution in support of local community group’s effort to improve the green way island located at the end of Jane and Horatio Streets at West Street**

**Whereas**

1. Representatives of a local community group came before our committee and expressed a desire to improve and maintain the greenway island that runs between Jane and Horatio Streets on West Street.
2. They have offered to raise funding for a modest renovation and ongoing maintenance of the space.
3. They have offered to provide the ongoing volunteer effort to clean and plant and generally maintain the space.
4. The space is used as a walkway waiting area to and from Hudson River Park across the highway, as well as a dog-walking space by local residents.
5. The space is owned and maintained by the NY State Department of Transportation
6. Contact with that NY State Department of Transportation has been made by Assemblymember Glick’s office asking if representatives of the agency would meet with this local community group.
7. Local residents may want to weigh in on the proposed modifications and there may be some design considerations to take into account based on safety of access so close to a major traffic thoroughfare.

**Therefore be it resolved that CB2, Man.:**

1. Encourages the NY State Department of Transportation to meet with this interested group of local resident volunteers and consider their offer to re-design, renovate, and maintain the space and
2. Asks, as part of this process - and assuming NY State DOT approves this offer – to consider public meetings to discuss renovation designs and
3. Even if this group is enabled to support the space, NY State DOT should continue to provide funding to its maintenance.

VOTE: Unanimous, with 38 Board Members in favor.

**QUALITY OF LIFE**

1. **Applications for assignment of revocable consent to operate an unenclosed sidewalk café for:**

**New Indian Food, LLC, d/b/a Paowalla, 195 Spring St., with 11 tables and 22 chairs (12244-2016-ASWC)**

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the applicants explained that they purchased the former business at the location and are operating the sidewalk café according to the plan previously approved for the sidewalk café, and they showed the approved plan to the committee; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the application for assignment of revocable consent for the sidewalk café for **New Indian Food, LLC, d/b/a Paowalla, 195 Spring St.**, with 11 tables and 22 chairs.

VOTE: Unanimous, with 38 Committee Board Members in favor.

## **2. FYI/Sidewalk Café Renewals:**

**Whereas**, no members of the public appeared to speak about the applications listed below; and

**Whereas**, the committee is unaware of problems associated with the applicants and their sidewalk cafés; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the applications for renewals of revocable consents for the following sidewalk cafés:

1. **Naughty Gull, LLC, d/b/a The Clam, 420 Hudson St**, with 7 tables and 17 chairs (2007739-DCA);
2. **Kennedy Organics, LLC, d/b/a Charlie Bird, 5 King St.**, with 19 tables and 38 chairs (2005253-DCA);
3. **212 Lafayette Associates LLC, d/b/a Café Select, 212 Lafayette St.**, with 5 tables and 4 chairs.

VOTE: Unanimous, with 38 Committee Board Members in favor.

## **3. Street Activity Applications**

**9/25/16 – Il Buco Pig Roast**, 47 Bond St. between Bowery and Lafayette St.

### **Whereas:**

1. The date of the event has been changed from September 18 to September 25, 2016.
2. The event consists of a fire pit or smoker that cooks two pigs; cooking begins between 1:00 and 2:00 a.m. and concludes at about noon; the event is open to the public from 1:00 to 6:00 p.m.; admission is \$35; beer, wine and lemonade are sold in a special area immediately in front of the restaurant; beverages are sold by the serving; serving and seating areas are arranged along the sidewalk in front of adjoining buildings; street closure is limited to one half of the street, so traffic will not be impeded in the rest of the roadbed.
3. The owner of Il Buco and a number of her staff, accompanied by two customers of the restaurant, appeared to present the case for recommending approval of the event.
4. NoHo Bowery Stakeholders presented spoken and written testimony in opposition to the application, and forwarded an email from a resident who opposes the application.
5. There were no other members of the public to speak in favor of or against the application.
6. The application is controversial because of problems that had been experienced in previous years, especially regarding smoke from the fire pit and placement of service areas, tables and chairs on the sidewalk and/or in the curb lane in front of businesses and buildings that did not want aspects of the event in front of their premises. These concerns were presented in the spoken and written testimony from NoHo Bowery Stakeholders.
7. The applicant spoke to and submitted written responses to the objections presented in the NoHo Bowery Stakeholders written testimony.

8. The applicant attested that all necessary approvals regarding food service, and beer and wine service have been received, and that the applicant is consulting with the local police precinct and fire department regarding parking limitations and signs.
9. The applicant said that she is investigating using a smoker rather than an open pit for cooking, and explained other measures that can control smoke. The applicant added that the cooking will be better managed this year by a better trained culinary crew. The incompleteness of the cooking plans were of particular concern to the committee, and the applicant agreed to make all best efforts to minimize the impacts from the cooking operation, including exploring the feasibility of directing the smoke from the pit to the smoke-handling equipment inside the restaurant's kitchen.
10. Although a Special Permit does not require the participation of a 501(c)(3) charity, the applicant said that the proceeds of the event will be donated to the City of Amatrice, which has been severely damaged by recent earthquakes in Italy.
11. The applicant submitted a printout of an online petition, signed by approximately 500 people, and a hand-written petition signed by 16 people, in support of the event.

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the **Il Buco Pig Roast Special Event** on September 25, 2016, and if this event is approved, CB2, Man. recommends that SAPO, NYPD, DEP, & DOHMH, monitor the event to assure no nuisance is created and in particular monitor impacts of smoke from open flame cooking.

Vote: Passed with 36 Board members in favor and 2 Board members in opposition (J. Gallagher, L Raccusin).

## **SLA LICENSING**

**1. 5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10013** (Renewal of OP license # 1025224, exp. 7/31/2016).

**A. Whereas**, at the request of Community Board 2, Manhattan's SLA Licensing Committee the Licensee appeared in order to address long standing issues raised by members of the community in regards to the operation of the Licensee's establishment, a bar/tavern located with an open back yard in a five story mixed use tenement building (Circa 1900) on Spring Street between the Bowery and Elizabeth Street; and,

**B. Whereas**, CB2 Man. has received significant complaints regarding the operation of this establishment for years and more specifically with regard to the **(1)** licensee's use and occupancy of a backyard ancillary to the establishment's premises which is surrounded by residences and operated until 12:00 a.m. every night; **(2)** loud, pounding, invasive bass music traveling through the walls of the establishment and from open doors into neighboring residences until 4 a.m., **(3)** and long lines of patrons queuing on the public sidewalk before and after midnight, resulting in an unreasonable intrusion of noise, disruption and traffic in front of the establishment; and,

**C. Whereas**, at CB2 Manhattan's SLA Licensing Committee meeting in July/2016 residents and the Bowery Block Association appeared and complained that they have **(1)** endured throbbing bass vibrating through the walls and ceilings of the establishment until 4 a.m. **(2)** that the music is loud, violates NYC law and is in excess of 80-100 decibels ("dbs") on a regular basis before and after 12:00 a.m. **(3)** that the establishment encourages its patrons to make noise by hosting private parties with DJs and celebrating sporting events **(4)** large lines of patrons overwhelming the public sidewalk at night (photos were presented depicting exactly that problem) to get into the establishment and/or patrons otherwise smoking,



loitering, shouting, breaking bottles, vomiting and fighting (5) music can be heard in the backyard until 12 a.m., that doors leading to the rear yard are open from the premises which allows loud music to permeate the rear yard (6) the rear yard is noisy from drunken patrons throughout the day on the weekends and at night until 12 a.m. and that there have been no attempts by the Licensee to ameliorate, cover, dampen, sound-proof or insulate that noise from the many residences in four separate buildings that surround the rear yard; and

**D. Whereas**, the Licensees (Hakan Keramahmutoglu and Ayse Nazan Eke) for Sweet & Vicious were conspicuously absent and did not appear before CB2, Man. in July/2016 or September/2016 to address these ongoing issues but two Managers of the establishment did appear (Evan Hungate and Burak Ucertas) on each occasion, along with the attorney for the Licensees but the Managers and attorney never provided any reliable or coherent details about the whereabouts of the licensees except to state that Mr. Keramahmutoglu has been out of the country taking care of his elderly Mother (Ayse Nazan Eke) even though it was clear that his Mother is also co-named and co-identified with Mr. Keramahmutoglu as the only other principal of the business and the co-licensee on the liquor license; and

**E. Whereas**, the storefront interior premises is approximately 3,500 sq. ft. over two floors (1,750 sq. ft. each floor) and the rear yard is approximately 2,000 sq. ft., with 17 interior tables with 34 seats, one (interior) stand up bar with 15 seats and 50 additional exterior seats in the rear yard, there being no certificate of occupancy, letter of no objection or permit presented for the use and occupancy of rear yard for eating and drinking and there being questions and concerns raised about whether the proper occupancy for the entire premises, including the rear yard space, was properly permitted in the manner in which the entire space is being occupied and used for eating and drinking; and

**F. Whereas**, the two Managers, the Licensee's attorney and a number of employees appeared in support of the license renewal in July/2016, concerned that the SLA would close the premises by not renewing the license and stating in substance that they were unaware of the numerous existing problems arising from the interior premises or the use and occupancy of the rear yard, further stating in substance that they were willing to work with the Community and the residential neighbors to attempt to rectify the existing problems and thereby requested to lay over their renewal application so that they could meet with their neighbors for this purpose, and further agreed to reduce the hours of operation in the rear yard to close by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday over the rest of the Summer months while also agreeing to work to reduce the music levels and vibrating bass sounds coming from within the establishment, setting up a sound limiter for that purpose and to remove the bass speakers from operating therein; and,

**G. Whereas**, this matter was thereafter laid over and adjourned to September/2016 to permit the two Managers to meet with the residential neighbors and Block Association in an attempt to ameliorate the existing problems and to try to come to a compromise on hours of operation in the rear yard and to make further efforts in good faith to sound proof the establishment; and

**H. Whereas**, the two Managers and Licensee's attorney appeared, albeit again without the Licensee, before CB2, Manhattan's SLA Licensing Committee in September/2016, at which time they agreed to execute a stipulations agreement with CB2 Man. that would be attached and incorporated in to their method of operation on their On premise license into the future and the stipulations are as follows:

1. The premises will continue to operate as a Bar and Tavern with hours of operation from 12:00 p.m. to 4:00 a.m. every night.
2. The hours of operation for the rear yard will be 2:00 p.m. to 10:00 p.m. Sunday through Thursday and from 2:00 p.m. to 11:00 p.m. Friday and Saturday. All patrons will be cleared and no patrons

will remain after stated closing times; lights will be turned off and all business will cease in the rear yard.

3. Umbrellas will be installed in the rear yard to dampen noise and to create more privacy for the surrounding residential neighbors living in the surrounding buildings.
4. There will be no music played in the rear yard.
5. Signage will be installed in the rear yard prominently identifying the closing hours of the rear yard for patrons and encouraging patrons “To respect our neighbors by keeping noise levels down”.
6. Signage will also be prominently installed at the front of the premises at the sidewalk “To respect our neighbors by keeping noise levels down when entering and exiting”.
7. The premises will not operate as a sports bar or night club or allow any portion of the premises to be operated in such a manner.
8. The premises will not permit dancing.
9. The operator will employ security outside the premises and on the public sidewalk every night by 10:00 p.m. for crowd control and to reduce noise and traffic congestion.
10. The premises will not have a sidewalk café.
11. The premises will play recorded background music with a limiter that will not permit music levels to exceed 70 dbs. No music will be audible in any adjacent residences at any time.
12. All bass subwoofer speakers will be eliminated.
13. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
14. The premises will not have French doors, operable windows or open facades (front and rear) and will keep all doors closed at all times.

**I.** **Whereas**, the Managers of the establishment also spoke in good faith of additional sound-proofing measures to cover the rear yard in the future and/or to further dampen sound from the interior and exterior of the premises with the assistance of Acoustilog, a sound-proofing consultant, and further agreed with the Community members and Block Association which reappeared in September/2016 to continue to work together and with their neighbors to prevent further disruption and to continue to abide by the new stipulation agreement for that purpose.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the renewal of the existing On-Premise Liquor License for **5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10013** **unless** the statements the Licensee has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee above are incorporated into the existing “Method of Operation” on the On-premise Liquor License.

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

**2.** **Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** (New Beer and Wine – Previously unlicensed location)

**A.** **Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to continue to operate a small Greek café and bakery with a yogurt bar serving pastries, pies, salads, sandwiches within a two-story mixed use building (Circa 1900) within a M1-5 zoned area on Broome Street between West Broadway and Thompson Street; and

**B. Whereas**, the bakery café is located within a 2,000 sq. ft. storefront premises (1,000 sq. ft. first floor and 1,000 sq. ft. basement) with one entrance/exit, one bathroom, there are 9 tables with 16 seats for a total patron occupancy no greater than 16; there is no sidewalk café and no backyard or exterior uses; and,

**C. Whereas**, the building and premises was previously used and occupied for residential purposes only until 2014 and had never previously operated for eating and drinking and never for the service of alcohol; and

**D. Whereas**, the applicant has been operating the bakery at the premises since 2014 and presented a certificate of occupancy for the building which permit a retail store on the first floor of the building with a maximum occupancy of 16; and

**E. Whereas**, the applicant has been placing tables and chairs for patrons on the public sidewalk in front of the premises in conjunction with its bakery operations but without a permit or sidewalk café license; and

**F. Whereas**, the applicant agreed and stipulated that it would no longer place the tables and chairs on the sidewalk without a permit or license and that there would be no service of alcohol outside of the premises; and

**G. Whereas**, the hours of operation are from 7:00 a.m. to 11:00 p.m. seven days a week, music will be quiet and background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**H. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Greek Bakery and Cafe.
2. Will operate with hours of operation from 7:00 a.m. to 11:00 p.m. Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. There will be no pitchers of beer or all you can eat/drink specials.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. The premises will not have French doors, operable windows or open facades.
12. All existing doors and windows will be closed by 9 p.m. every evening.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 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" for a BW License.

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

**3. Culinary Solution, Inc., d/b/a Ato, 28 Grand St. 1001** (New Beer and Wine – Previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to operate a “quiet sushi restaurant” with take-out services in a mixed-use six-story building (Circa 1930) on Broome Street between 6<sup>th</sup> Avenue and Thompson Sts. in a 520 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 8 tables with 18 seats, no stand up bar for an occupancy no greater than 18; there is no sidewalk café and no backyard or exterior uses; and,

**B. Whereas**, the premises was previously operated for years as a clothing store, but never for eating and drinking and never for the service of alcohol; and

**C. Whereas**, the existing front façade is fixed and the applicant has no plan to install French doors or operable windows; and

**D. Whereas**, the hours of operation are Sundays from 10:30 a.m. to 3:30 p.m., Monday through Thursday from 11:00 a.m. to 10:30 p.m. and from 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays, music will be quiet, ambient and background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**E. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Thai restaurant with a full service kitchen and take-out services.
2. Will operate with hours of operation Sundays from 10:30 a.m. to 3:30 p.m., Monday through Thursday from 11:00 a.m. to 10:30 p.m. and from 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. There will be no pitchers of beer or all you can eat/drink specials.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. The premises will not have French doors, operable windows or open facades.
12. All existing doors and windows will be closed by 9 p.m. every evening.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **Culinary Solution, Inc., d/b/a Ato, 28 Grand St. 1001** **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 38 Board members in favor.

**4. Khao Thai Eatery, Inc., d/b/a Khao Thai Kitchen, 235 Sullivan St. 10012** (New Beer and Wine – Previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to operate a small Thai food Restaurant with take-out services in a mixed-use five story building (Circa 1900) located in a landmark district on Sullivan Street between Bleecker and West 3<sup>rd</sup> Sts. in a 800 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 9 tables with 25 seats, 1 service bar with no seats for an occupancy no greater than 25; there is no sidewalk café and no backyard or exterior uses; and,

**B. Whereas**, the premises was previously operated for years as Freshco Burrito Taco serving Mexican fare and take-out services, but the premises has never been previously operated for the service of alcohol; and

**C. Whereas**, the hours of operation are Sunday through Thursday from 11:30 a.m. to 10:30 p.m. and from 11:30 a.m. to 11:30 p.m. on Fridays and Saturdays, there is currently no plan for music but should music be added it will be background only, there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**D. Whereas**, the applicant met with the Bleecker Area Merchants and Resident’s Association and received the support of this Neighborhood Group agreeing to operate in a responsible manner consistent with its stated method of operations as a small take-out restaurant specializing in Thai food; and

**E. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Thai restaurant with a full service kitchen and take-out services.
2. Will operate with hours of operation Sunday through Thursday from 11:30 a.m. to 10:30 p.m. and from 11:30 a.m. to 11:30 p.m. on Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. There will be no pitchers of beer or all you can eat/drink specials.
9. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. The premises will not have French doors, operable windows or open facades.
12. All existing doors and windows will be closed by 9 p.m. every evening.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **Khao Thai Eatery, Inc., d/b/a Khao Thai Kitchen, 235 Sullivan 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 38 Board members in favor.

**5. Dig Inn 70 Prince Street, LLC, d/b/a Dig Inn, 70 Prince St. 10012** (New Beer Wine, previously licensed location)

**A. Whereas**, the applicant appeared before CB2’s SLA committee for the purpose of seeking a beer and wine license for a storefront premises located in a landmarked three-story mixed use building (Circa 1900) on Prince Street at the corner of Crosby Street; and

**B. Whereas**, the interior storefront premises is approximately 3,000 SF (1,100 SF ground floor, 1,100 SF second floor and 800 SF cellar), was previously occupied and operated as a restaurant (Back Forty West); and

**C. Whereas**, the applicant seeks to open a fast-casual restaurant with counter services serving American food, mostly vegetables from farmers and partners serving breakfast, lunch dinner and weekend brunch with hours of operation from 9:00 AM to 10:00 PM on Sundays, from 7:00 AM to 10:00 PM Monday through Thursday, 7:00 AM to 12:00 AM Fridays and from 9:00 AM to 12:00 AM on Saturdays; with 17 tables and 45 seats, a food counter but no stand up bar for a total patron seating capacity of 45, there will be two bathrooms and a new interior staircase will be installed to the second floor within the interior premises; and

**D. Whereas**, the applicant previously appeared before CB2 Man. in August/2016 seeking an On Premise liquor license at the same premises, at which time significant concerns were raised by CB2 Man.’s SLA Committee and neighbors who opposed the license, about the necessity of an on premise license for a fast casual restaurant without table service, among other reasons, there being no “public interest” established, at which time the applicant withdrew such application and resubmitted a new 30 day notice for a beer and wine for the same premises a month later; and

**E. Whereas**, the applicant operates other fast causal restaurants with the same name and a similar method of operation in Boston and in New York City, all of which operate with a beer and wine licenses only; and

**F. Whereas**, music will be background only, there will be sidewalk café or other exterior uses or occupancy, no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge, no plans to build or install new French windows or doors; and

**G. Whereas**, there will be only one entrance for patrons, which currently exists right at the corner of Crosby and Prince Sts. and all other doors to the premises will be to exit the premises or for emergency egress, there is an existing window on Prince St. that can open but will be closed by 10:00 every evening; and

**J. 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 beer and wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service American restaurant with a full service kitchen.
2. The hours of operation will be from 9:00 AM to 10:00 PM on Sundays, from 7:00 AM to 10:00 PM Monday through Thursday, 7:00 AM to 12:00 AM Fridays and from 9:00 AM to 12:00 AM on Saturdays.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will no TVs.
8. The premises will not permit dancing.
9. There will be no boozy brunches or all you can eat/drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **Dig Inn 70 Prince Street, LLC, d/b/a Dig Inn, 70 Prince 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 Restaurant Beer and Wine License.

Vote: Unanimous, with 38 Board members in favor.

**6. ISG Enterprises, Inc., d/b/a Sushi Sushi, 126 MacDougal St. 10012** (New Beer and Wine – Previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new Beer and Wine license to continue to operate a small Sushi Restaurant with take-out services in a mixed-use five story building (Circa 1930) located in a landmark district on MacDougal Street between Bleecker and West 3<sup>rd</sup> Sts. in a 400 sq. ft. storefront premises with one entrance/exit, one bathroom, there will be 3 tables with 18 seats, 1 cashier counter station with no seats for an occupancy no greater than 18 patrons; there is no sidewalk café and no backyard or exterior uses; and,

**B. Whereas**, the premises was previously operated for years as a Gyro sandwich shop with take-out services, there being no full service kitchen within the small storefront premises and the premises having never been operated for the service of alcohol; and

**C. Whereas**, the hours of operation are from 11:00 a.m. to 11:00 p.m. Sunday through Saturday seven days a week, music will be background only (quiet), there will be no TVs, no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**D. 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 Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a Sushi restaurant with take-out services but without a full service kitchen.
2. Will operate with hours of operation from 11:00 a.m. to 11:00 p.m. Sunday through Saturday seven days a week.

3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will not have a sidewalk café.
8. The premises will play quiet ambient recorded background music only.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The premises will not have French doors, operable windows or open facades.
11. All existing doors and windows will be closed by 9 p.m. every evening.
12. There will be no pitchers of beer or all you can eat/drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **ISG Enterprises, Inc., d/b/a Sushi Sushi, 126 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" for a BW License.

Vote: Unanimous, with 38 Board members in favor.

**7. Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** (New On Premise license).

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for an upgrade his existing restaurant wine license (Ser.# 1289128) to an On Premise liquor license and to increase his hours of operation until 2:00 a.m. while continuing to operate a Malaysian & Southeast Asian Restaurant on the ground floor storefront of a newly built (circa 2015) seven story commercial use building in the Little Italy Town District on Grand Street between Mulberry Street and Mott Street; and

**B. Whereas**, the applicant has been operating his restaurant for just ten months and previously appeared before CB2, Man. for his Restaurant Wine license in July/2015, there being no prior license to sell alcohol at these premises prior to November/2015; and

**C. Whereas**, the premises is located in a 5,099 SF space (1,560 SF Ground Floor and 3,539 SF Cellar) with 30 tables and 162 seats, no stand up Bars for a total seating occupancy of 162, a full service kitchen, seven bathrooms and two entrances/exits for patrons (one which will be connected to a Hotel located at 196 Grand Street); there is no sidewalk café or outdoor space; and

**D. Whereas**, the applicant has been operating his Restaurant until 1:00 a.m.—there being an existing stipulation agreement in place to 12:00 a.m. Sunday through Thursday and 1:00 a.m. on Fridays and Saturdays—but now he seeks to operate until 2:00 a.m. every night seven days a week; and

**E. Whereas**, the applicant could provide no coherent reason for the increase in hours other than he was fearful of other competing businesses in the area; and

**F. Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, there being approximately 40 other licensed eating and



drinking establishments within 500 ft. of the premises in question, with an additional 5 pending licenses for the same area and there being approximately 59 licensed premises within 750 ft. of the subject premises; and

**G. Whereas**, the applicant submitted no public interest statement but stated in substance that some of his patrons having been requesting “hard” liquor and that he needs full liquor to keep up with other competing restaurants in the area; and

**H. Whereas**, there is nothing unique to the applicant’s current method of operation as a restaurant serving Malaysian food in the surrounding area, in the borough of Manhattan or City of New York, there being numerous other such restaurants locally and nearby, all of which close by 11 p.m. and which operate—as applicant currently operates—with a beer and wine license; and

**I. Whereas**, the applicant has only been in business for 10 months, did not demonstrate significant experience in operating a full service restaurant and had never previously held an On premises liquor license, there being no other establishments on the same block which operate after 12:00 a.m. and where there is already a significant oversaturation of licensed establishments operating in the Chinatown/Little Italy portion of CB2, Man. where applicant currently operates;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** on its application seeking a new On Premise license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, 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 premises has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 38 Board members in favor.

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

**8. Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 10003** (Withdrawn – Applicant did not appear)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 13, 2016, the Applicant withdrew this application for a beer/wine license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Cozy Soup & Burger, Inc. d/b/a N/A, 739 Broadway 10003** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a

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

Vote: Unanimous, with 38 Board members in favor.

**9. OCA Positive Food, LLC d/b/a N/A, 250 Mott St. South Store 10012** (BW - lay over at request of applicant and did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant requested to lay over it application for a beer and wine license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **OCA Positive Food, LLC d/b/a N/A, 250 Mott St. South Store 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 38 Board members in favor.

**10. 524 Broadway Tenant LLC, d/b/a WeWork, 524 Broadway 10012** (Layover requested - Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested to lay over this application for a beer and wine license and did not appear before Cb2 Man.; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **524 Broadway Tenant LLC, d/b/a WeWork, 524 Broadway St. 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**11. WW 379 W. Broadway, d/b/a WeWork, 379 W. Broadway St. 10012** (Layover requested - Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested to lay over this application for a beer and wine license and did not appear before Cb2 Man.;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **WW 379 W. Broadway, d/b/a WeWork, 379 W. Broadway 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 38 Board members in favor.

**12. WeWork 154 Grand, LLC d/b/a WeWork, 154 Grand St. 10013** (Layover requested - Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested to lay over this application for a beer and wine license and did not appear before Cb2 Man.;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **WeWork 154 Grand, LLC d/b/a WeWork, 154 Grand St. 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**13. 428 Broadway Tenant, LLC d/b/a WeWork, 428 Broadway 10013** (Layover requested - Applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant and his attorney requested to lay over this application for a beer and wine license and did not appear before Cb2 Man.;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **428 Broadway Tenant, LLC d/b/a WeWork, 428 Broadway 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. FB 35 East 13, Inc., 35 E. 13<sup>th</sup> St. 10003** (OP - layover requested by applicant's attorney at meeting)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2016, the Applicant and his counsel requested **to lay over** this application for an On Premise license and agreed to reappear in October/2016;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **FB 35 East 13, Inc., 35 E. 13<sup>th</sup> St. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. Be Westbourne LLC d/b/a t/b/a, 98 Kenmare St. 10012** (Withdrawn and applicant did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 13, 2016, the Applicant requested **to withdraw** this application for an on premise liquor license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Be Westbourne LLC d/b/a t/b/a, 98 Kenmare 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 38 Board members in favor.

**16. 68 Perry Street Corp., d/b/a The Corner Bistro, 331 W. 4th St. 10014** (SN# 1028435 OP – Corporate Change)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present a corporate change to an existing restaurant on-premise liquor license SN# 1028435 to add 2 new principles Lorraine O'Donnell and Elizabeth McGrath, wife and daughter of the previous principle who recently passed away; the premises will continue to be operated as a neighborhood bar and restaurant as it has for the last 50 years; and,

**ii. Whereas**, the premises is located on the corner of Jane St. and West 4<sup>th</sup> Street on the ground floor in a mixed-use building in a Landmark Historic District in the West Village with a total occupancy of 74 people, in a 1,200 square foot space with one bar with 27 seats, 14 tables with 35 seats for a total of 62 interior seats; and

**iii. Whereas**, the hours of operation will continue to be from 11am to 4am 7 days a week, music will be from ipod/cd's at background levels only, there is existing soundproofing, there is no live music, no DJ's, no promoted events, no scheduled performances, no cover fees, no velvet ropes, no movable barriers, there will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food is served at all hours of operation, there are 3 TVs and all doors and windows will be closed by 9 pm seven days a week; and

**iv. Whereas**, the new principles executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA restaurant on-premise liquor license as follows:

1. Premise will be advertised and operated as a neighborhood bar & restaurant.
2. The hours of operation will be from 11AM to 4AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge" or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 3 televisions no larger than 60 inches. There will be no projector tv's.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, or promoted events.
9. The premises will close all door and windows at 9PM every night and anytime there is amplified music. There will not be French doors, operable windows or open facades.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the corporate change application for the existing on-premise liquor license SN#1028435 for **68 Perry Street Corp., d/b/a The Corner Bistro, 331 W. 4th St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA On-Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**17. D & C Loop, Inc. d/b/a Sushi Para 88, 212 W. 14th St. 10011** (Alteration Application SN# 1288386- RW - Add Outdoor Rear Yard Dining)

**Whereas**, the Principal did not appear but the applicant's representative and a manager re-appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing restaurant wine license to add a rear yard garden dining area; the restaurant wine license for the establishment was originally issued on October 8, 2015 for a traditional Japanese (sushi) style restaurant; and,

**Whereas**, this alteration application is to add a 35 ft. by 22 ft. rear yard outdoor dining area (770 sq. ft.) with 10 tables and 20 seats to an existing restaurant wine license located in a 7-story mixed-use building located on the ground floor on 14th St. between 7<sup>th</sup> Ave. and 8<sup>th</sup> Ave. for a roughly 2,000 sq. ft. premise (1,300 sq. ft. ground floor for patron use and 700 sq. ft. basement for storage only) with 6 tables and 38 seats and 1 standup bars with 12 seats for a total of 50 interior seats, there is no sidewalk café included with this application, there is an existing Letter of No Objection for Patrons on the 1<sup>st</sup> Floor only; and,

**Whereas**, the rear yard hours of operation will be until 10 PM 7 days a week with no music in the rear yard, the interior hours of operation will continue to be from 11am to 12am (midnight) 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10 pm without exception except for patron ingress and egress, 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 TV's; and,

**Whereas**, when the applicant 1<sup>st</sup> appeared before CB2, Man. in May 2014 the applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license SN#1288386 stating that:

1. The premises will be advertised and operated as a traditional Japanese (sushi) style restaurant.
2. The hours of operation will be 11am to 12am (midnight) 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. All doors and windows will be closed at all times except for patron ingress and egress.
10. The premises will not operate a backyard garden for public, employee or private use.
11. The Premises will not promote, advertise or serve unlimited food with alcohol specials at the premises.
12. The premises will not sell pitchers of beer.

**Whereas**, the applicant had requested additional time of a month and had laid over their application to try and reach neighbors who would be directly impacted by the addition of outdoor seating and did so by sending registered letters to the buildings residents along with an offer of a \$50 gift certificate for a letter of support; they presented a petition with one resident's signature and were unable to reach residents of the buildings located on 13<sup>th</sup> St which face the rear of the premises; and,

**Whereas**, CB2, Man. has significant concerns regarding this application in that **(1)** the existing stipulations clearly stipulate that there will be no outdoor rear yard garden, the main principle who appeared at the initial CB2 meeting on 2015 along with a translator specifically agreed there would be no rear yard dining and signed and executed a stipulations agreement that was notarized, **(2)** the representative stated in September 2016 that the two principals including one who lives in NJ and one who lives in Illinois are absentee owners who are not regularly present at the premises unprompted **(3)** that in pictures provided to CB2, the existing conditions showed tables and chairs already in the rear yard and set up, **(4)** no permits were presented that specifically state that the rear yard can be used for eating and drinking purposes, a previous letter of no objection refers to use of the interior of the 1<sup>st</sup> floor only, **(5)** there was extreme concern because there are apparently fire escapes that drop down into the rear yard and no explanation was provided how operation of the rear yard would exist with the fire escapes **(6)** even while detailed photos of all areas of the rear were specifically requested, edited photos showing cropped views were presented so as not to show the full current existing condition, **(7)** a diagram was presented

not to scale showing the rear yard with an unexplained “exit” without indicating where it lead presumably as some sort of dedicated exit for the fire escapes that drop into the rear yard, **(8)** without pictures, it was difficult to ascertain use of the rear yard particularly one with 770 sq. ft. with only 10 tables and 20 seats – pictures presented appeared to obscure the current use of the rear yard **(9)** the establishment has been operating for less than a year, and **(10)** no sufficient reason was provided as to why CB2, Man. should agree to change the existing stipulations agreement which is clear in that it states there will be no use of the rear yard, the previous operator at this location had also agreed to no use of the rear yard; and,

**Whereas**, CB2, Man. does not agree to changes to the existing stipulations agreement and opposes this application for the reasons stated above;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an alteration application to the existing Restaurant Wine License SN#1288386 for **D & C Loop Inc., d/b/a Sushi Para 88, 212 W. 14th St. 10011**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that should the Licensee pursue this alteration application, CB2, Man. requests that this matter be placed before the Members of the Authority at a regularly scheduled Full Board meeting for determination so that this issue may be addressed particularly as it relates to the agreed upon stipulations and use of outdoor space.

Vote: Unanimous, with 38 Board members in favor.

**18. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** (New OP – Restaurant)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee after having appeared a number of times in 2015 and 2016 to present a new application to the Liquor Authority for a new restaurant on premise liquor license for a Full Service Restaurant with a Steakhouse theme serving Lunch and Dinner 7 days a week and Brunch on the Weekends; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a location which has been unlicensed for a number of years in a commercial 3-story building located on Greenwich Avenue between West 11th St. and Perry St. for a roughly 4,000 sq. ft. premise (1,000 sq. ft. each basement, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors, Patron dining on 1<sup>st</sup> and 2<sup>nd</sup> floor only, patron use of bathrooms in basement, 3<sup>rd</sup> floor office only), with 10 tables and 40 table seats across the 1<sup>st</sup> and 2<sup>nd</sup> floors and 1 bar located on the 1<sup>st</sup> floor with 8 bar seats for a total of 48 interior seats, there is no sidewalk café included with this application; there is an existing Certificate of Occupancy and a letter of no objection was presented indicating an eating and drinking establishment, UG#6, Non-Place of Assembly for less than 75 persons at the 1<sup>st</sup> and 2<sup>nd</sup> floor; and,

**iii. Whereas**, the hours of operation will be Sunday from 10AM to 12AM, Monday to Wednesday from 12PM to 12AM and Thursday to Friday from 8AM to 2AM and Saturday from 10AM to 2AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a Full Service Restaurant with a Steakhouse theme serving Lunch and Dinner 7 days a week and Brunch on the Weekends.
2. The hours of operation will be Sunday from 10AM to 12AM, Monday to Wednesday from 12PM to 12AM and Thursday to Friday from 8AM to 2AM and Saturday from 10AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. There is no sidewalk café included with this application.
4. A full food menu will be available at all times and the kitchen will remain fully open at all hours of operation.
5. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
6. The premises will have 1 television only no larger than 60 inches. There will be no projector tv’s.
7. The premises will not permit dancing and will never seek a New York City Department of Consumer Affairs Cabaret License.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
9. The premises will never operate rooftop outdoor seating or patron use of any rooftops. Specifically the 2<sup>nd</sup> floor rear outdoor area (“rear lower roof”) located to the rear of the building will never be used for any patron dining or patron occupancy and will be used by staff for maintenance purposes only.
10. The premises will play quiet ambient-recorded background music only. All music will at all times adhere to NYC noise codes & laws and will also not be audible in any adjacent residences at any time.
11. The premises will not have DJ’s, live music or cover charges or promoted events.
12. There will be no sidewalk a-frame signage, menu boxes, greeting or hostess stations or other outdoor furniture.
13. The premises will close all doors and windows at 9PM every night and anytime there is any type of music.
14. Applicant will post signs requesting patrons to please be considerate to residential neighbors.
15. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or other drink specials beyond ½ price or 2 for 1 specials at anytime.
16. Patron dining will be limited to the interior of the ground floor and interior of the 2<sup>nd</sup> Floor. There may be patron use of bathrooms in the basement only. The 3<sup>rd</sup> floor will be for office use only.
17. There will be no more than 10 tables and 40 table seats across the 2 patron dining floors and 1 bar located on the ground floor with 8 bar seats for a total of 48 interior seats.
18. Applicant (identified as “Tenant” in agreement) agrees to at all times adhere to an agreement provided to CB2 Manhattan dated September 13, 2016 by and among RG 910 FRANKLIN LLC, FRANKLIN AVE INVESTORS LLC, ELIZABETH ASSOCIATES, L.L.C., (collectively “62 Greenwich Owner”), 62 GREENWICH LLC and FRANK GOCAJ (collectively “Tenant”), and ROBERT MICHELETTO and BRIGITTE KLEINE, (collectively “Adjacent Property Owner”).
19. Prior to the opening of the Applicant’s restaurant at the 62 Greenwich Ave and issuance of any Liquor License, Applicant agrees to and shall install the following improvements (i) Sheet metal panels shall be applied to the inside of each pane of glass in the Rear Glass Wall, including the door, completely covering the vision area; and (ii) Acoustic separation between the occupied spaces (the entire first and second floors) and the exterior above the Rear Lower Roof shall be achieved by the existing envelope plus a metal stud and gypsum board system that completely separates the occupied spaces from the Rear Glass Wall. There shall be no gaps or openings in this system except for self-closing door(s), which will have a keyed lock on both sides. These door(s) shall remain closed at all times except during actual passage. The improvements will meet or exceed the descriptions on the aforementioned agreement dated September 13<sup>th</sup>, 2016. The system shall consist of a three-part arrangement as described.



20. Applicant agrees that The Rear Lower Roof of the 62 Greenwich Ave Property shall not be accessed, used or occupied at any time by the 62 Greenwich Owner or the Applicant/Tenant or any of their customers, employees or invitees for any purpose, except that the 62 Greenwich Owner and/or the Applicant/Tenant may access the Rear Lower Roof solely to perform necessary building maintenance during the hours of 10 a.m. and 4 p.m. Monday thru Friday. In this regard, the 62 Greenwich Owner and/or the Applicant/Tenant shall ensure that the door to the Rear Lower Roof is securely locked at all times and that any keys to said door are maintained safely and securely by the 62 Greenwich Owner and the Tenant.
21. Applicant agrees that the wooden security/privacy fence currently on the perimeter of the Rear Lower Roof shall remain in place and shall not be removed. The wooden/security fence is 6 feet 9 inches high (including a parapet below) and does not permit any visibility to the adjacent property from the Rear Lower Roof.
22. Applicant agrees that after the Improvements identified in the Agreement dated September 13<sup>th</sup>, 2016 as described above have been installed, they may only be removed under the circumstances as outlined in the aforementioned agreement dated September 13, 2016.
23. The applicant will notify CB2 immediately should there be any changes to the above referenced agreement dated September 13, 2016.

**v. Whereas**, over the various appearances in 2015 and 2016 by this applicant, immediately abutting stakeholders including local residents have appeared and objected to the application for a variety of reasons including violations of building codes, illegal renovations by past owners including the installation of a see through glass rear 2 story façade, landmark regulations, proposed outdoor rooftop eating areas, noise, potential mechanical issues, visual issues, and a host of other issues describe in letters and in appearances; and,

**vi. Whereas**, the immediate abutting stakeholders and residents have been able to come to an agreement with the Applicant and building owner which was provided to CB2; the is dated September 13, 2016 by and among RG 910 FRANKLIN LLC, FRANKLIN AVE INVESTORS LLC, ELIZABETH ASSOCIATES, L.L.C., (collectively "62 Greenwich Owner"), 62 GREENWICH LLC and FRANK GOCAJ (collectively "Tenant"), and ROBERT MICHELETTO and BRIGITTE KLEINE, (collectively "Adjacent Property Owner"); the Applicant agreed to adhere to the Agreement in its entirety; and

**vii. Whereas**, a petition in support was presented and letters in support were presented; and,

**viii. Whereas**, letters from the adjacent property owners Robert Michelleto, Brigitte Kleine, Nancy Stein and Carl Stein were received in favor and Mr. Michelleto appeared and spoke in favor; and,

**ix. Whereas**, there are currently approximately 12 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**19. E D O Food IV, LLC, (EDO FOOD IV, LLC) d/b/a Hummus Place, 71 7th Ave. S. 10014 (SN# 1214767 - Upgrade to Full Liquor License)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee in September 2016 to present a class change/upgrade application to the Liquor Authority from existing restaurant wine license SN#1214767 to a restaurant on-premise liquor license for a premises which will continue to operate under the same method of operation and same hours of operation as they have for the last 7 years as a “neighborhood restaurant focused on healthy Middle Eastern cuisine, specifically Hummus and Vegetarian dishes”; and,

**ii. Whereas,** this application is for an upgrade to a restaurant on-premise liquor license; the premises is located in a 1 story commercial building between Bleecker St and Barrow St. with 17 tables and 35 seats no standup bar for a total of 35 interior seats; there is also a licensed sidewalk café with 4 tables and 8 seats included in the application, the applicant provided a copy of a Certificate of Occupancy, however that Certificate of Occupancy #19420 dated 2/2/1934 which was provided has been superseded by a new Certificate of Occupancy #40035 dated 6/30/1952; and,

**iii. Whereas,** the hours of operation will continue to be 11AM to 10:30PM 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are existing accordion doors across the entire façade and there is patron seating directly in front of the accordion doors and a sidewalk café with 4 tables and 8 seats; all doors and windows will be closed at 10:00PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**iv. Whereas,** the Applicant was willing to enter into a stipulations agreement with CB2, Man. in line with the materials presented to CB2 and their statements during the presentation to CB2 which they said they agreed they would submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a neighborhood restaurant focused on healthy Middle Eastern cuisine, specifically Hummus and Vegetarian dishes.
2. The hours of operation will be 11AM to 10:30PM 7 days a week (No patrons shall remain after the closing hour). All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. There will be no standup bar
5. The premises will have no televisions.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime and will at all times be in compliance with all NYC Noise codes.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
11. There will be wait table service to all seated patrons for alcohol service.
12. They would not return to extend their hours of operation.

13. There will be no unlimited food and drink or unlimited drink specials or sale of beer by the pitcher.
14. There will be no “boozy brunches” or marketing for “boozy brunches”.

**v. Whereas,** when asked why the applicant was seeking to upgrade their license, the applicant’s attorney said that they had explored this expansion of offerings before but did not want to be hasty, that this location was chosen to explore offering full alcohol service, that they were aware of concerns that it could turn into a bar but were happy to stipulate to no stand up bar, that while sensitive to saturation concerns (there are 33 OP licenses within 500 ft) they believed that this was a unique hummus restaurant and that they should be able to offer Ouzo to their customers among other offerings that they are not currently able to offer, that they were unique in that they had earlier closing hours of 10:30, the applicant previously had 5 similar locations but now operates just 2 locations, that he has been a good operator for 7 years, that because this was a pure restaurant they believed this over rode any objections, that this was a tweak necessary to stay relevant in a changing era and that they have 9.5 years left on their lease; and,

**vi. Whereas,** a number of local residents appeared in opposition including 2 representatives of the West Village Residents Association and a resident who lives across the street from the applicant; they expressed the following **(1)** they stated that the restaurant was well run and that it provide a very casual menu of healthy foods that were well suited to beer and wine offerings only, not liquor and cocktails, **(2)** that there was no public interest to upgrading to a full liquor license given that across this neighborhood all variety of foods and alcohol are available in every conceivable variety, including Ouzo which the applicant’s attorney stated was lacking in the area, they cited that there were at least 33 OP Liquor licenses within 500 feet and 61 within 750 ft., **(3)** that good operation alone does not constitute a public benefit but is an expectation of all operators whether licensed or not, **(4)** that there was concern that the applicant does not currently have table service for food at the premises, **(5)** that should the applicant be seeking increased revenues perhaps they should extend their hours of operation a bit later into the evening instead of seeking a full OP and then extending their hours of operation in the future, **(6)** that there was no such thing as an “Ouzo license” and that granting a license would result in another licensed establishment where there are clearly a sufficient amount without providing a sincere public benefit; **(7)** that there should be significant concern regarding any establishment which has a fully operable façade and full liquor service and outdoor table seating, one of the largest issues in this neighborhood is noise and outdoor seating is a contributor to noise; **(8)** that an upgrade to a full OP license would create an increased value to the perceived value of the sale of the lease and any new owners would simply seek to expand on any existing license if it were issued; **(9)** that issuance of a restaurant wine license is not a pathway to a full OP license and that this just represents an the excessive liquor license creep which is pervading the community; and **(10)** that the issuance of this license would not enhance any patrons experience as the food lends itself to beer and wine service not cocktails and liquor and that this is simply pandering to the alcohol tourism which is becoming the norm in this community; and,

**vii. Whereas,** the applicant has not addressed public benefit to the satisfaction of CB2, Man.; early hours of operation, no standup bar, being a good operator and offering healthy food and alcohol such as Ouzo does not sufficiently address public benefit in an area which has such a wide variety of food and alcohol available; and

**viii. Whereas,** there are currently 33 On Premise Liquor Licenses within 500 ft of the premises, an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to **E D O Food IV, LLC, (EDO FOOD IV, LLC) d/b/a Hummus Place, 71 7th Ave. S. 10014, existing SN# 1214767**, on its application seeking a class change/upgrade from a restaurant wine license to a full on-premise liquor license.

Vote: Passed, with 27 Board members in favor, and 11 in opposition (S. Aaron, R. Caccapolo, T. Connor, K. Faccini, J. Gallagher, L. Racusin, R. Rothstein, S. Russo, S. Secunda, C. Spence, S. Wittenberg).

**20. Super Noriega, LLC, d/b/a Baby Brasa, 173 7th Ave. South 10014 (OP – Restaurant)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a restaurant on-premise liquor license for a full service Peruvian restaurant specializing in Peruvian rotisserie chicken; the Principal owns a similar establishment but will provided an expanded food menu at this location; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location in a stand alone commercial building as the only tenant located on the Northeast corner of 7<sup>th</sup> Avenue South and Perry St. for a roughly 2,100 sq. ft. premise (ground floor 1,100 sq. ft. mezzanine 500 sq ft and basement 500 sq ft.– no patron use in basement) with 27 tables and 68 table seats and 1 standup bar with 8 seats, for a total of 76 interior seats; there is an enclosed sidewalk café; there is an existing Certificate of Occupancy and the applicant will present an updated Place of Assembly Permit; and,

**iii. Whereas**, the hours of operation will be Sunday to Wednesday from 12PM to 12AM and Thursday to Saturday from 12PM to 1AM (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a Peruvian restaurant specializing in Peruvian rotisserie chicken.
2. The hours of operation will be Sunday to Wednesday from 12PM to 12AM and Thursday to Saturday from 12PM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions or projector tv’s.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events.
9. The premises will close all door and windows at 9PM every night and anytime there is amplified music. There will not be French doors, operable windows or open facades.
10. This application includes an enclosed sidewalk café.

11. There will be no sale of pitchers of beer.
12. There will be no unlimited drink or all you can eat and drink specials.
13. There will be no “boozy brunches”.
14. The rear door on Perry St. will remain into the kitchen will remain closed at all times except for deliveries.
15. There will be no speakers in the enclosed sidewalk café.

v. **Whereas**, a petition in support was presented; and,

vi. **Whereas**, there are currently 16 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **Super Noriega, LLC, d/b/a Baby Brasa, 173 7th Ave. South 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**21. Kubbeh LLC, d/b/a Kubeh, 464 Avenue of the Americas a/k/a 77 West 11<sup>th</sup> Street 10011** (New OP – Restaurant)

i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee in September 2016 to present a new application for a restaurant on-premise liquor license for a “new casual full-service and take out restaurant serving variations of ‘kubeh’ a traditional Middle Eastern soup dumpling combo commonly known in Middle Eastern cuisines, paired with cocktails to accompany dishes. Kubeh and other dishes served are comfort dishes made traditionally by the women of the house”; and,

ii. **Whereas**, this application is for a new restaurant on-premise liquor license, the premises was previously licensed but the premises has been vacant for about a year; the premises is located in a 3-story mixed-use building with 1 story rear extension, the location is in a corner building but because it has an “L” shaped configuration it is not located in the corner space but still has facades and doors located on both Avenue of the Americas (6<sup>th</sup> Avenue) and West 11<sup>th</sup> St.; the premises will occupy 1,600 sq. ft. on the ground floor for patrons and 600 sq. ft. in the basement – no patron use; plans were presented with 11 tables and 56 table seats, 1 standup bar with 14 seats and 1 service bar for a total of 70 interior seats; there is no sidewalk café included with this application; the applicant provided a copy of a Certificate of Occupancy and indicated total occupancy would be less than 74; and,

iii. **Whereas**, the hours of operation will be 8AM to 12AM Sunday to Thursday and 8AM to 1AM Friday and Saturday (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there is no sidewalk café, all doors and windows will be closed at 9:00PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**iv. Whereas,** the Applicant was willing to enter into a stipulations agreement with CB2, Man. in line with the materials presented to CB2 and their statements during the presentation to CB2 which they said they agreed they would submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a new casual full service and take out restaurant serving variations of kubeh, a Middle Eastern soup dumpling.
2. The hours of operation will be 8AM to 12AM Sunday to Thursday and 8AM to 1AM Friday and Saturday. (No patrons shall remain after the closing hour). All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions. There will be no projector TV’s.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime and will at all times be in compliance with all NYC Noise codes.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
10. No sale of pitchers of beer.
11. No unlimited drink or food and drink specials.
12. There will be no boozy brunches.
13. 11<sup>th</sup> Street door will be used only as an emergency exit – there will be no other uses including no deliveries.
14. Will use best efforts to address mechanical noise issues from rooftop systems. Will address all rattling and shaking and regularly maintain so as not to create excessive noise.

**v. Whereas,** when asked why the applicant was seeking a full liquor license for a very casual style food the applicant and attorney among other things stated that the premises had previous licensed when it was last in operation a year ago, that the food to liquor ratio would be 80% food to 20% liquor, they believed this unique food menu warranted a full liquor license and that the hours of operation were restaurant hours, that the operators were experienced; CB2, Man. had requested a copy of the Applicants application to the SLA including any Public Interest statements, but a copy of the application was not provided and no public interest statement was provided; and,

**vi. Whereas,** a several letters in support were presented and a petition in support was presented; and,

**vii. Whereas,** when asked about PS 41, Greenwich Village School located at 116 West 11<sup>th</sup> St. which is located within 200 ft. of the proposed premises, the Attorney for the applicant stated that he did not believe that School was located on 6<sup>th</sup> Avenue (a/k/a Avenue of the Americas) and that because the Applicant’s premises did not use the door located on the West 11<sup>th</sup> St. façade, the location was not subject to the “200 Foot Rule” because it was located on 6<sup>th</sup> Avenue; a number of CB2 Board members questioned this and had the following concerns, **(1)** the Eastern most door for PS 41 is located just off the corner of 6<sup>th</sup> Avenue and appears to be regularly used for ingress and egress in addition to the main front door of the School located further down the block on West 11<sup>th</sup> St., it appears both the Easternmost door and the School front door are within 200 ft. of the Applicant’s Avenue of the Americas entrance **(2)** PS 41

has a small frontage on 6<sup>th</sup> Ave which is clearly noted in the NYC Buildings Property Profile which indicates addresses for the one building at that location as 463 Avenue of the Americas and 100-124 West 11<sup>th</sup> St. therefore it would seem to indicate that the School is on the corner and therefore located on both streets(<http://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?boro=1&house=116&street=west+11th+st&go2=+GO+&requestid=0>) (3) the building in which the Applicant is located is a corner building, albeit the applicant is not in the corner spot but the Applicant has an “L” shaped premises with facades on both West 11<sup>th</sup> St. and Avenue of the Americas adjacent to both sides of the corner unit, this would seem to indicate it is on both streets despite which doors are used for regular ingress or egress, it does not make much sense to say that the premises is not located on both streets just because a door is not used, it would seem the only factor is which door the measurement is taken from, not which door decides which street the premises is located on; and

**viii. Whereas,** a local resident who lives in the building appeared in opposition with concerns regarding the hours of operation which are longer than the previous operator, the density of existing liquor licenses in the area, the impact on noise that this establishment would have with its style of casual food and liquor consumption and need for a high turnover of clientele, that the menu was not substantive, with concerns regarding the rooftop ventilation system located on the 3<sup>rd</sup> floor specifically of a building built in the 1800's, not the mechanicals located on the roof of the 1-story extension, which have been a source of complaints for many years, that the operators did not inspect nor did they even know about the mechanicals on the roof of the 3<sup>rd</sup> floor even though they had stated that they had had a professional come into review all the mechanicals and that expert did not even inspect the exhaust system that clearly goes to the 3<sup>rd</sup> floor roof and is visible from the street; and

**ix. Whereas,** members of CB2, Man. had similar concerns with (1) the presumption of the issuance of a liquor license because the premises had been previously licensed, (2) that a simple fast casual restaurant warranted a liquor license despite a seemingly different style of food offering, simple inexpensive food offerings typically do not have a full liquor license establishment, (3) that while the hours of operation included early opening hours of 8AM, no morning food offerings were presented as part of any menu or explanation of morning service (4) that the main operator and principal who will be at the premises does not have experience as a principal and until recently was a front of house food server at a high end establishment as well as a private chef hosting pop-up events in other establishments, (5) that the primary fixture in the premises is what appears to be at least a 35-foot bar with 14 seats which extends most of the length of the premises and a 19 seat communal table, (6) that the total number of seats is 70 in the premises but the maximum occupancy is 74 which leaves no room for more than 4 staff or standees (7) that the alcohol drink prices are higher than the food prices (8) that the applicant would not consider a restaurant wine license or laying over to fully review the premises mechanical and exhaust conditions prior to promise fixing what could be an un-budgeted cost prohibitive expenditure, (9) that while at first the applicant insisted that an expert had reviewed all the mechanical systems and insisted that they were all located above the 1<sup>st</sup> floor extension of the building, they stated that the expert did not go on the roof of the 3 story building to inspect the kitchen ventilation system and stated they were not aware that's where it was located, (10) that the fast casual nature of the business would result in a high turn over at a liquor serving establishment and that high turn over would have an impact on noise through the high turnover of patrons which would be much greater than that of the previous operator who closed about a year ago and could have an impact on increased vehicular traffic and demands on parking, (11) that the applicant did not deliver a sufficient public interest in their presentation and instead relied on the uniqueness of a simple soup dumpling based dish served in a variety of ways which does not rise to differentiate itself in such a way to overcome the class and character of existing establishments in the area given the number of offerings and premises within CB2 and even within 500 ft; and

x. **Whereas**, despite a willingness to enter into a stipulations agreement with CB2, Man. the applicant has not addressed public benefit to the satisfaction of CB2 that would warrant support of the application; and

xi. **Whereas**, there are currently 10 On Premise Liquor Licenses within 500 ft. of the premises, an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to **Kubbeh LLC, d/b/a Kubbeh, 464 Avenue of the Americas a/k/a 77 West 11<sup>th</sup> Street 10011**, on its application seeking a new restaurant on-premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. respectfully requests that the Liquor Authority re-review the application of the 200 ft. rule for this location and address the concerns noted above.

Vote: Unanimous, with 38 Board members in favor.

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

**22. CGM-GH LLC & Paige GH Group LLC, d/b/a The Chester, 18 9th Ave. 10014 (OP Renewal SN# 1146048)**

i. **Whereas**, after emailing the attorney Alan Gardner of the Licensee directly regarding CB2's request that the Licensee appear before CB2's SLA Licensing Committee on September 14<sup>th</sup>, 2016 to address ongoing issues at the establishment and the renewal of their on-premise liquor license SN# 1146048, neither the Attorney nor the Licensee responded nor did they appear at the meeting; and,

ii. **Whereas**, CB2, Man. had placed the renewal application on the Agenda at the request of several members of the Community who have been experiencing ongoing issues with the applicant; and,

iii. **Whereas**, several members of the community appeared in opposition and letters in opposition were provided outlining various complaints; and,

iv. **Whereas**, an overview of the complaints are as follows: music is not at background levels as filed with the SLA and is often audible more than 1 or 2 blocks away, exterior music is played late into the evening, operating outside of agreed upon hours of operation, managers are unresponsive and not knowledgeable regarding existing agreements and/or the law, live dj's used outside, speakers placed outside in locations against existing agreements and also in such a manner as to exacerbate music issues, excessive seating beyond what is allowed in their area diagram as on file at the SLA, premises does not conform to plans on file with the SLA, music is played at very loud volumes when no customers are present in both indoor and outdoor areas; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends that the SLA **deny** the renewal of the liquor license for **CGM-GH LLC & Paige GH Group LLC, d/b/a The Chester, 18 9th Ave. 10014 (OP Renewal SN# 1146048)** until such time that the Licensee addresses the ongoing complaints and either appear before CB2 Manhattan directly or meet directly with impacted residents with representatives of CB2 and the NYPD 6<sup>th</sup> Precinct present; and,



**THEREFORE BE IT FURTHER RESOLVED** that should the Licensee not come into compliance immediately, CB2, Man. respectfully requests that the SLA and other enforcement bodies investigate any complaints they receive and take appropriate enforcement actions and continue to do so until there are no longer violations.

Vote: Unanimous, with 38 Board members in favor.

**23. Mazi Hospitality Group, LLC, d/b/a N/A, 9 Jones St. 10014** (New OP – Layover)

**i. Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 14th, 2016, the Applicant requested to **layover** this application for a restaurant on-premise restaurant liquor license in order to continue to meet with residents who would be immediately impacted by the issuance of a license at this location in order to continue ongoing discussions and they 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, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Mazi Hospitality Group, LLC, d/b/a N/A, 9 Jones St. 10014** **until** the Applicant has presented their application again in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**24. Clean Table, LLC, d/b/a TBD, 28 7th Ave. 10014** (New RW - layover)

**i. Whereas**, after not appearing without prior notice at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 14<sup>th</sup>, 2016 the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Clean Table, LLC, d/b/a TBD, 28 7th Ave. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**25. Kut Operating Corp. d/b/a KUT, 301 6th Ave. 10014** (New RW – withdrawn)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 14<sup>th</sup>, 2016 the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for Kut Operating Corp. d/b/a KUT, 301 6th Ave. 10014 until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**26. Random, LLC, d/b/a Chit Chat, 268 Bleecker St. 10014** (New RW – laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 14<sup>th</sup>, 2016 the Applicant requested to layover this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Random, LLC, d/b/a Chit Chat, 268 Bleecker St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**27. Eric Cerato, d/b/a Le Garage Corp., 97-99 7th Ave. South 10011** (OP - withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 14<sup>th</sup>, 2016, the Applicant requested to withdraw this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Eric Cerato, d/b/a Le Garage Corp., 97-99 7th Ave. South 10011** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**28. Grey Lady West, LLC, d/b/a Grey Lady, 173 7th Ave. So. 10014 (OP – withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 14th, 2016, the Applicant requested to **withdraw** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Grey Lady West, LLC, d/b/a Grey Lady, 173 7th Ave. So. 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**29. Mangia Bene, LLC, d/b/a Paradiso, 135 7th Ave. S. 10014 (OP – Withdrawn)**

**Whereas**, prior to this month.s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 14th, 2016, the Applicant requested to **withdraw** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Mangia Bene, LLC, d/b/a Paradiso, 135 7th Ave. S. 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution in support of proposed bicycle lane on 8<sup>th</sup> St. bet. 6<sup>th</sup> Ave. (Ave. of the Americas) and Astor Pl.**

**Whereas** the NYC Dept. of Transportation (DOT) implemented a pedestrian safety project on 8<sup>th</sup> St. between 6<sup>th</sup> Ave. (Ave. of the Americas) and Broadway just last year (completed July 31, 2015), and now an imminent resurfacing of that street up to Lafayette St. and Astor Pl. (in Oct. 2016) has presented the opportunity to re-examine improvements in the corridor and conclude that a bike lane is feasible there; and

**Whereas** currently, the design of the corridor includes two unnecessarily wide parking lanes, 13 ft. on the north side and 11 ft. on the south side, that can contribute ample space for accommodating a bike lane while still retaining enough space for parking on both sides as well as the existing travel lane width of 11 ft; and

**Whereas** DOT is proposing a bicycle lane on 8<sup>th</sup> St. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and Lafayette St./Astor Pl. with the following street configuration up to Broadway from 6<sup>th</sup> Ave.:

- A 10 ft. curbside parking lane on the north side,
- A 9 ft. curbside parking lane on the south side,
- A 5 ft. bicycle lane next to the parking lane on the north side,
- An 11 ft. travel lane for motor vehicles in the middle,
- Preservation of the curb extensions on both sides; with the same 10 ft. width as before on the north side and a 7 ft. width (one ft. less than before) on the south side, as well as preservation of the two bike corrals on the south side,

and the following configuration from Broadway to Lafayette St. (where the width is only 30 ft. as compared with the 35 ft. wide streetbed from 6<sup>th</sup> Ave. to Broadway):

- An 8 ft. parking lane on the north side,
- An 8 ft. lane with No Standing and a bus stop on the south side,
- A 14 ft. shared lane in the middle; and

**Whereas** 12-hour bicycle counts by DOT show increased and very heavy bike use on this corridor: 583 riders on weekdays and 843 on weekend days; and

**Whereas** bicyclists, including the many delivery people who use this major thoroughfare, presently travel helter-skelter anywhere on the street, and a bicycle lane will organize and make their movements safer by providing a clear and dedicated space for cyclists; and

**Whereas** a bicycle lane on 8<sup>th</sup> St. will provide direct and convenient access to the newly constructed Astor Pl., and also can serve as a needed link in the bicycle network to 8<sup>th</sup> Ave. and on to Hudson St. once Greenwich Ave. bicycle improvements (now being studied) are possible; and

**Whereas** DOT has indicated that it may look into modifying the curb extension on the southeast corner of 8<sup>th</sup> St. and 5<sup>th</sup> Ave., but this extension slows down turning motor vehicles, captures their attention and improves their visibility, providing needed safety for pedestrians crossing 8<sup>th</sup> St. there, an improvement that CB2, Man. had requested for many years and wants to preserve; and

**Whereas** tour buses proliferate on 8<sup>th</sup> St. at the 5<sup>th</sup> Ave. corner, causing congestion all at once that prevents vehicular movement and would also hinder activity on the bicycle lane;

**Therefore be it resolved** that CB2, Man. supports the proposed bicycle lane on 8<sup>th</sup> St. bet. 6<sup>th</sup> Ave (Ave. of the Americas) and Astor Pl.; and

**Be it further resolved** that CB2, Man. asks that the curb extension on the southeast corner of 8<sup>th</sup> St. and 5<sup>th</sup> Ave. be preserved and preserved as it is; and

**Be it further resolved** that CB2, Man. requests that DOT thoroughly study and implement alternatives for accommodating and spreading out tour buses to avoid the kind of pressure in hindering other modes of travel that they now produce on 8<sup>th</sup> St.; and

**Be it finally resolved** that CB2, Man. encourages DOT to employ its Outreach Ambassadors to orient bicyclists on 8<sup>th</sup> St. to use the new bicycle lane and educate them in the rules that bicyclists should follow to ensure a safe street environment for all.

Vote: Unanimous, with 38 Board Members in favor.

**2. Resolution requesting a traffic study to include granite bike paths on renovated cobblestone streets.**

**Whereas**, cobblestone (or Belgian Block) streets are difficult and often unsafe for cyclists to navigate in a city that is promoting bicycle use; and

**Whereas**, the uneven cobblestone streets often have large gaps with separating stones and depressions caused by use, maintenance, and weather elements that add to the peril of riding as well as walking on the stones, especially if using high heel shoes; and

**Whereas**, cobblestone streets become even more perilous when wet; and

**Whereas**, cyclists often ride on sidewalks which is dangerous and illegal to avoid the bumpy and uneven cobblestone surfaces which contributes an additional layer of safety concerns not only for cyclists but pedestrians as well; and

**Whereas**, cobblestone streets contribute to the unique, historical character that defines many CB2, Man. neighborhoods and need to be preserved; and

**Whereas**, other historic neighborhoods such as DUMBO have employed granite bike paths to make cycling safe in cobblestone areas without impeding on the historical character of the cobblestone street; and

**Whereas**, a successful six ft. wide granite bike path has been employed on Varick St. south of Canal St. to Erickson Place, and is used extensively by cyclists; and

**Whereas**, water main breaks and weather elements often contribute to the quick erosion and disintegration of cobblestone blocks, requiring frequent renovation providing windows of opportunity to add a safe cycling alternative to riding on uneven cobblestones; and

**Whereas**, the .NYC Dept. of Transportation (DOT) already has machinery in place that is programmed to provide the design of granite bike paths when renovating existing cobblestone streets, as performed on the Varick site; and

**Whereas**, there are crosstown cobblestone streets currently planned for renovation between W. Houston St. and W. 10<sup>th</sup> St., such as on Clarkson St. and Leroy St., that, with the addition of granite bike paths, have the potential to become important links in the bicycle network;

**Therefore be it resolved** that CB2, Man. requests that a cost and viability study be made by DOT to consider the implementation of granite bike paths when plans are made to renovate existing cobblestone (Belgian Block) streets; and

**Be it further resolved** CB2, Man. asks that the area of crosstown cobblestone streets currently planned for renovation between W. Houston St. and W. 10<sup>th</sup> St. be included in this study; and

**Be it further resolved** that CB2, Man. asks that the study also include consideration of the widths of current cobblestone blocks and the viability of adding granite bike paths on narrow streets as are common in Soho; and

**Be it further resolved** that CB2, Man. recommends that, as part of this study, weather conditions contributing to granite bike path erosion be examined in conjunction with the surface of granite paths and how the granite holds up to wet conditions versus cobblestone materials; and

**Be it finally resolved** that consideration of the placement of granite paths should take into account the placement of utilities under the street to minimize reconstruction after water main breaks and utility repairs.

Vote: Failed, with 4 Board Members in favor (K. Berger, J. Gallagher, D. Miller, S. Secunda), and 34 Board Members in opposition.

### **ELECTION COORDINATING COMMITTEE SELECTION**

Before the conclusion of the meeting, the Full Board selected the following individuals to serve on the Election Coordinating Committee:

Doris Diether  
Robin Goldberg  
Lauren Racusin  
Frederica Sigel  
Dr. Shirley Smith

Dr. Shirley Smith was chosen to be the committee's chair.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan