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Daniel Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

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

FULL BOARD MINUTES

DATE: June 22, 2017
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Keen Berger, Tobi Bergman, Katy Bordonaro, Anita Brandt, Lisa Cannistraci, Ritu Chattree, Erik Coler, Tom Connor, Terri Cude, Chair; Robert Ely, Kathleen Faccini, Stella Fitzgerald, Joseph Gallagher, Susan Gammie, Nicholas Gottlieb, David Gruber, Susan Kent, Jeannine Kiely, Patricia Laraia, Maud Maron, Daniel Miller, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Shirley Secunda, Frederica Sigel, Georgia Silvera Seamans, Shirley Smith, Susan Wittenberg
BOARD MEMBERS ABSENT WITH NOTIFICATION: Susanna Aaron, Don Borelli, Coral Dawson, Doris Diether, Cristy Dwyer, Billy Freeland, Jonathan Geballe, Robin Goldberg, Lauren Racusin, Kristin Shea, Elaine Young

BOARD MEMBERS ABSENT: Jon Giacobbe, Robert Riccobono

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, William Bray, Richard Caccappolo, Cormac Flynn, Edward Ma, 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; Elena Sorisi, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Laurence Hong, Assembly Member Yuh-Line Niou's office; Charles Anderson, Assembly Member Deborah Glick's office; Eric Holguin, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerford, Council Member Corey Johnson's office; Sheila Rodriguez, Council Member Rosie Mendez's office; Marian Guerra and Paul Leonard, Council Member Margaret Chin's office; Rosalind Barbon, Larry Early, Bogdan Docu, Kathryn Quinn, Jeanmarie Fenrich, Pete Davies, Kevin Abbott, Eric John Paredes, David Schanoes, Jeremy Reed, Jeff Hannon, Daphne Rubin-Vega, Elizabeth Sabo, Judith Gibbons Early, Christopher Marte, Anne Ricitelli, Jane Carey, Salvatore Raffaelo, Leslie Clarke, David Aigner, Jonathan Arcila-Garcia, Christopher Barfuss, Jim Bogart, Valentine Goldstein, Allen Keeler, Jaimee Gee, Sturgis Warner, Augustine Hope, Fayanne Betan, Steven DeMarco, Gail Papp, Elizabeth Kipp-Giusti, Jessica Slaght, Tom McCann, Kathryn Quinn

MEETING SUMMARY

Meeting Date – June 22, 2017
Board Members Present – 37
Board Members Absent With Notification – 11
Board Members Absent - 2
Board Members Present/Arrived Late - 7
Board Members Present/Left Early – 0

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II. PUBLIC SESSION

Non-Agenda Items

Zoning

Pete Davies spoke regarding zoning in SoHo, NoHo, and Little Italy.

Old St. Patrick's Basilica

Anne Riccitelli spoke in favor of saving the Erben Organ at the basilica.

Graffiti

David Schanoes spoke regarding graffiti in the area.

Housing

Erik Coler spoke regarding this topic.

Various Announcements

Lois Rakoff spoke regarding the Bellevue Community Advisory Board, and reminded the community about the Washington Square Music Festival.

Landlord Harassment

Allen Keeler spoke against landlord harassment of tenants.

Whitney Museum of American Art

Jane Carey updated everyone regarding the museum's summer events.

Landmarks & Public Aesthetics Items

278 W. 11th St. - Application is to replace exterior windows/railings/front door, demolish portion of rear façade to create extension into rear yard, demolish portion of rear yard to install sub-grade cellar extension, and to install a penthouse addition with new mechanical/generator equipment above.

Jaimee Gee, the architect for the project, spoke in favor of the proposed application.

Quality of Life Items

While We Were Young, LLC, d/b/a N/A, 183 W. 10th St. with 3 tables & 14 chairs (6130-2017-ASWC)

Leslie Clarke, Kathryn Quinn, Augustine Hope, and Elizabeth Sabo, spoke against the proposed sidewalk café application.

SLA Licensing Items

While We Were Young, LLC, d/b/a While We Were Young, 183 W. 10th St., Space #2 10014

Leslie Clarke spoke against the proposed liquor license alteration to include a sidewalk café.

Traffic and Transportation Items

Request to co-name the northeast corner of Lafayette St. and Astor Pl. "Joe Papp Way"

Gail Papp, Elizabeth Kipp-Giusti, Jessica Slaght, Kevin Abbott, and Sturgis Warner, spoke in favor of the proposal.

Tom McCann spoke regarding the proposed street co-naming.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler's office

Elena Sorisi, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Laurence Hong, Assembly Member Yuh-Line Niou's office

Charles Anderson, Assembly Member Deborah Glick's office

Eric Holguin, NYC Comptroller Scott Stringer's office

Andrew Chang, Manhattan Borough President Gale Brewer's office

Patrice Comerford, Council Member Corey Johnson's office

Marian Guerra and Paul Leonard, Council Member Margaret Chin's office

V. ADOPTION OF MINUTES

Adoption of May minutes

VI. EXECUTIVE SESSION

1. **Chair's Report** Terri Cude reported.
2. **District Manager's Report** Bob Gormley reported.
3. **Treasurer's Report** Antony Wong reported.

STANDING COMMITTEE REPORTS

LAND USE AND BUSINESS DEVELOPMENT

1. **568 Broadway** (NE corner of Broadway and Prince, also aka 69-79 Prince Street and 108-112 Crosby Street) BSA Cal No 55-01-BZ is an application to extend ten years of the term of the special permit for a physical culture establishment named Bliss World, pursuant ZR 73-36.

Whereas:

1. This is an application to extend the term of a previously-granted special permit for a Physical Culture Establishment pursuant to ZR 73-36 for 10 years.
2. The special permit, initially granted on August 7, 2001, was extended on July 14, 2009 and expired on April 1, 2017.
3. The PCE has a Certificate of Occupancy.
4. There has been no change of ownership or operating control of the spa since the special permit was granted.
5. In response to increased demand, management extended the hours of operation—by 30 minutes Monday to Friday, by 2.5 hours on Saturdays, and is now open from 9am to 9pm on Sunday—without knowing that the special permit controlled the hours. However, all other conditions from prior resolutions not specifically waived by the Board remain in effect.
6. No changes are proposed to the plans.
7. All outstanding violations will be cured prior to the BSA hearing.
8. No one from the neighborhood appeared to speak against this extension.

Therefore, be it resolved that CB2, Man. has no objection to this application.

Vote: Unanimous, with 37 Board members in favor.

2. **112 Charlton Street** (SE corner of Charlton and Greenwich Streets also aka 547 Greenwich Street) BSA Cal No. 260-06-BZ is an application to extend ten years of the term of the special permit for a physical culture establishment named Oishi Judo Club, pursuant ZR 73-36.

Whereas:

1. This is an application to extend the term of a previously-granted special permit for a Physical Culture Establishment pursuant to ZR 73-36 for 10 years.
2. The special permit was initially granted on April 10, 2007 for operation of a judo club.
3. The PCE has a Certificate of Occupancy.
4. The mixed residential/commercial use of the cooperatively-owned building remains the same as when the special permit was granted as has the character and zoning of the neighborhood.
5. The judo club has been in continuous operation with no change in the number of students for several decades.
6. The conditions imposed in 2007 have all been fulfilled; the ownership remains the same; the hours and days of operation remain the same as do the sound attenuation measures appearing on the plans submitted to the Board.
7. There are no outstanding violations, complaints or civil actions with respect to the judo club.
8. No one from the neighborhood appeared to speak against this extension.

Therefore, be it resolved, that CB2, Man. has no objection to this application.

Vote: Unanimous, with 37 Board members in favor.

3. 100 Varick Street (between Sixth Avenue, Broome and Watts Streets) **CPC #C170382ZSM and CEQR #17DCP168M.** Applicant is requesting a special permit from the City Planning Commission pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to (i) increase permitted capacity of an automated parking facility from a total of 29 permitted spaces to a total of 42 residential accessory off-street parking spaces and (ii) certification that floor space used for such off-street parking in the accessory automated parking facility above a height of 23' above curb level and below the height of 40'-0" above curb level is exempt from the definition of floor area.

Whereas:

1. The parking facility will be located in a new, 25-story predominantly mixed use building within the Special Hudson Square District. Hudson Square is zoned M1-6.
2. On June 6, 2016, an application was approved by the CPC Chairperson pursuant to ZR13-432, certifying that floor space located below a height of 40' above curb level within the proposed automated facility with a capacity of 29 as-of-right spaces is exempt from floor area.
3. The City established the Special Hudson Square District to encourage the targeted introduction of residential uses on underutilized sites in a neighborhood with unique built character.
4. The applicant meets the findings for a special permit for additional parking spaces.
5. The applicant stated all of the 42 spaces are reserved specifically for residential occupants of this building.

Therefore, be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 37 Board members in favor.

4. West Village Houses (residential complex between Bank and Morton Streets and Washington and West Streets). WVH Housing Development Corporation (the "Applicant") has applied for a Zoning Authorization pursuant to Section 13-443 of the Zoning Resolution ("ZR") to eliminate the requirement to maintain accessory off-street parking spaces that were required at the time that the West Village Houses residential complex ("WVH") was constructed in 1974.

Whereas:

Parking Issues

1. The garage currently operates as a public garage in accordance with its Certificate of Occupancy, and Department of Consumer Affairs License with a capacity of 240 total spaces under a lease from the Applicant.
2. For off-street parking facilities built before May 8, 2013, ZR 13-443 permits the City Planning Commission (“CPC”) to authorize a reduction in the number of required accessory off-street parking spaces if CPC finds that “...such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.” It also provides that CPC can prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.
3. The applicant states that the nine units currently utilizing monthly parking can easily be accommodated in 14 public garages within ¼ mile of WVH (five of which it stated are within one block). After the meeting, the Applicant’s attorney provided a list of addresses of these 14 garages, but no additional information on whether such locations had any monthly parking availability etc.
4. The applicant did not address the availability of substitute monthly parking for the 91 transient parkers plus the other approximately 140 current legal monthly parkers (or any residents of units in WVH who want a monthly space in the future and currently have a right to get one).
5. Monthly parking availability in this area of the West Village was never abundant, and a number of the public garages that were in the area have been or are being sold for upscale residential development making the scarcity even greater.
6. The applicant has provided no evidence on who is using the transient parking at the Garage or whether the Garage is usually at capacity for such parking. If these parkers cannot find additional parking, they may add to the traffic and cars looking for the scarce street parking, causing an adverse effect on the traffic and on businesses and residents in the area.

Affordability Issues

7. WVH has long been an important Mitchell-Lama affordable housing complex in the West Village.
8. In 2006, the owner of WVH sought to leave the Mitchell-Lama Program, and the tenants negotiated a deal with New York City to convert the project into a non-eviction residential cooperative, which is the applicant.
9. As part of the agreement with NYC, the applicant became the owner of the WVH residential buildings and the garage, and received certain concessions, including reduced real estate taxes, for the cooperative for a 12-year period ending March 2018. Existing tenants were permitted to buy the shares in the cooperative allocated to residential units at discounted prices, subject to limitations on the resale prices for those shares for the period of the concessions.
10. The rent charged on units for residents who continued to rent and did not become shareholders remained “affordable” for that 12-year period.
11. The applicant stated that, of the 420 units, (a) shares attributable to approximately 370 of the units are owned by residents, and 50 are owned by a private investor, and (b) of the 50 units controlled by the private investor, 40 are currently rented to residents who did not buy; 10 are vacant.
12. Questions were raised at the June meeting about what effect removing the parking requirement would have on continued affordability at WVH. The applicant explained that removal of the parking requirement would, via monetizing the parking building, offset an anticipated maintenance increase due to the reset of taxes once the reduction expires in 2018.
13. Sales prices for WVH cooperative units will be at market rate.

14. Members of the committee asked WVH representatives present what offers or concessions they had received from the City and/or HPD with respect to the reduction of property taxes, but did not get specific responses.
15. Members of the committee questioned whether WVH would be affordable for any parties other than those who had purchased at greatly reduced prices and could now sell at market rate with the extra sale price support of low maintenance fees.
16. Members questioned whether removal of the parking requirement would in any way benefit the community by keeping WVH affordable for any significant length of time, and did not receive a response beyond what funds from the sale of the garage would provide for the relatively near term.
17. Members were not impressed by the applicant's stated intention to apply \$1.6 million of the proceeds of the sale to a four-month maintenance holiday for residents.
18. Members of the committee had additional questions that the applicant was unable to answer. The applicant's attorney did not provide the date by which CB2 needed to respond to DCP on this application. The committee requested additional time to review, but was unable to determine during the committee meeting whether this would be possible.
19. The applicant did not include HPD's proposal/negotiations in its presentation.
20. A vote was hastily taken in committee, based on the belief that there was no more time to review the application.

Therefore, it is resolved that CB2, Man. recommends **denial** of the application **unless** the loss of necessary parking is offset by a significant benefit to the community, such as an agreement with HPD that preserves affordable units, includes property tax abatements in exchange for sale caps and income restrictions for individually owned coop units, and protects affordability for current renters in sponsor-owned units.

A motion was made to table the above application to and refer back to the committee, and was seconded.

Vote: Passed, with 37 Board members in favor, and 1 recusal (K. Bordonaro).

5. 47 Greene Street (west side between Broome and Grand Streets) BSA Cal No. 2017-191-BZ is an application for a variance to permit Use Group 6 retail use on the cellar and ground floors for premises located in M1-5B zoning district, contrary to ZR 42-14(d)(2)(b). 47 Greene St. (west side between Broome and Grand Streets) BSA Cal No. 2017-191-BZ is an application filed pursuant to Section 72-21 of the Zoning Resolution to seek a variance to permit Use Group 6 retail use on the cellar and ground floors of premises located within an M1-5B zoning district.

Whereas:

1. The application is to legalize within the M1-5B zoning district, Use Group 6 commercial retail use within the cellar (3,054sf) and ground floor (4,746sf) of an existing six-story plus cellar building.
2. Originally built as a store and a loft, the premises are within the SoHo-Cast Iron Historic District and have a total lot area of approximately 4,833 square feet and an FAR of 4.98.
3. The 1934 Certificate of Occupancy notes storage in the cellar and UG16 storage for woolen clips on the ground through sixth floors.
4. The ground floor and the cellar of the building have been occupied by various commercial uses for the past 30 years and currently, the two floors are leased to a retail clothing store.
5. Floors two through six are occupied by seven UG2 Interim Multiple Dwelling units and are not subject to this variance application.

6. Applicant states that without a loading dock, space to install one, pedestrian-sized doors on the street, and the building's location on a narrow street, it is obsolete for conforming manufacturing uses. Alteration of the doors would detract from the architectural significance of the façade of the building.
7. The building's usable floor plate of only 3,912sf makes it insufficient for manufacturing uses.
8. Adjacent buildings to the north and south of the premises are commercial ground floor uses.
9. Financial analysis with variance granted shows a marginal positive return on investment of 0.2%.
10. Almost all the buildings along Greene St. and 65 out of 104 buildings within a 400-foot radius of the building have retail uses on the ground floor.

Therefore, CB2, Man. recommends approval of this application.

A motion was made to table the above application to and refer back to the committee, and was seconded.

LANDMARKS AND PUBLIC AESTHETICS

1 *538-544 Hudson St. - Application to demolish existing buildings and construct a new building.

Whereas:

1. The applicant asserted that the two existing buildings are not contributing; and
2. Neither of the buildings is in reasonable condition and the rowhouse building has been altered beyond any recognition of its original state; and
3. The proposed residential building is 6 stories in brick with identical punched windows throughout, a rounded corner and an undulated façade that becomes more pronounced floor by floor and ends in an unanchored cornice that is designed to disregard the engineering principles of the chosen masonry material; and
4. The mass and bulk of the building is unacceptable because it overpowers the surrounding historic buildings and is prominently situated on a corner lot; and
5. The penthouse is too large, with no apparent attempt to minimize its bulk by either selecting a cladding that would be less industrial in appearance, or placing it further back from the two facades; and it is aggressively visible, as illustrated in the applicant's renderings, from numerous vantage points on public thoroughfares; and

NB: Visibility is normally determined by photographs of a rooftop mockup and it was necessary in this instance to rely on the applicant's renderings and drawings to make this determination.

6. The undulating façade and disturbingly unanchored cornice have no relationship to the examples of classic neighborhood buildings proffered by the applicant and no or scant reference to any historic period or other buildings from the district and the applicant, when questioned, did not provide a persuasive response; and

7. There is no vertical or horizontal expression and division with the windows or architectural elements of the type that is seen in almost every worthy large building in the district and there is no attempt to suggest the roughly 20' lot frontages (especially with respect to the building to be demolished) that are typical of the district; and
8. The repetition of the exact same size windows with a large a ratio of openings to masonry, contrary to examples shown and in almost every worthy building in the district, do not vary in size from floor to floor, have no enframing or other architectural distinction, have a mullion pattern that its without historic or district reference and the ratio of opening to masonry give an appearance of an undistinguished institutional building; and
9. This appearance is reinforced by the absence of any variation in the plane of the entrances, storefronts, and variation of the ground floor height to the upper floors and windows as it typical of the district and; and
10. The overall design shows no reverence for or reference to the historic architecture of the district, reflected in its overall size, proportions, detailing, lack of vertical and horizontal elements, and is oppressively monotonous and without distinction on this prominent Greenwich Village corner; and
11. There was considerable oral and written testimony from the public in opposition to the application and no support for the application; now

Therefore be it resolved that CB2, Man. recommends denial of the application.

Vote: Unanimous, with 37 Board members in favor.

2. *1-5 Bond St. - Application is to install a new HVAC system in the rear alley.

Whereas:

1. Existing units must be replaced on account of age and design; and
2. The replacement units are smaller and less obtrusive that the existing units; and
3. A rendering showing the position of the units affirmed that they are within the property line; and
4. The applicant represented that the cooperative occupying the floors above the subject property would not agree to placing the units in the more preferable position on the roof; now

Therefore it be resolved that CB2, Man. approves this application.

Vote: Unanimous, with 37 Board members in favor.

3 *55 Horatio St. – Application is to add railing and reconfigure basement steps at the front of the house where there was once a railing and stoop.

Whereas:

1. The proposal with steps parallel to the building and railing are typical to the district; and

2. The bluestone and sidewalk treatment serves to separate the sidewalk from the areaway; and
3. The plan of the proposed stairs and the design of the railing does not appear to conform to the area that the areaway and stairs originally occupied; and
4. The railing, copying non-original designs prevalent in the block, lacks a substantial curb to anchor the railing visually and practically;

Therefore be it resolved that CB2, Man. recommends that the application be denied unless the footprint of the areaway and stairs conforms to the original plan and that there be a substantial curb for the railing.

Vote: Unanimous, with 37 Board members in favor.

- 4 ***32 Perry St.** – Application is to construct a rooftop penthouse addition that is not visible from any public thoroughfare, construct a new rear addition and basement and first floors to "Fill in the L" on existing rear yard addition.

Whereas:

1. The penthouse is not visible from any public thoroughfare; and
2. The rear two floor extension is in line with the existing partial extension and evokes a tea room with the basement floor enclosed; now

Therefore be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 37 Board members in favor.

- 5 ***278 W. 11th St.** - Application is to replace exterior windows/railings/front door, demolish portion of rear façade to create extension into rear yard, excavate portion of rear yard to install sub-grade cellar extension, and to install a penthouse addition with new mechanical/generator equipment above.
 1. The areaway iron work is to be changed to a more delicate design that was represented by the applicant as being suitable to the building, though legible drawings and photographs were not shown, and
 2. The parlor floor windows are to be changed to 6 over 9 with window guards and the upper floors changed to 6 over 6 as is typical to the style of the house; and
 3. The front entrance door will be one wooden door with sidelights; and
 4. The penthouse addition is set back 15' from the front façade, clad in gray brick, and added beside the existing stair bulkhead; and is represented by the applicant as not visible from a public thoroughfare though no photographs of a mockup were shown; and
 5. The garden excavation is well within the property lines and the applicant represented that care would be taken not to endanger the root system of trees on the property and on adjacent property; and
 6. The rear addition will have a new central balcony on the parlor level and the upper balcony will have new, matching iron work; now

Therefore be it resolved that CB2, Man. recommends:

1. Approval of the front window and doorway replacement; and
2. Approval of the ironwork replacement provided the drawings of the proposed ironwork are presented to the Commission for their consideration; and
3. Denial of the penthouse configuration unless photographs of a mockup are shown to the Commission to illustrate that it is not visible from any public thoroughfare; and
4. Approval of the rear addition modifications; and
5. Approval of the excavation provided that it is carried out in a manner that does not endanger the trees on the property or buildings and trees on adjacent properties.

Vote: Unanimous, with 37 Board members in favor.

6 *546 Hudson St. – Application is to alter storefront.
(Will be reviewed at LPC staff level-will not be heard by CB2.)

7 *379-381 W. Broadway – Application is to install a barrier-free access lift.

Whereas:

1. The lift is unobtrusive and folds flat against the bulkhead when not in use; and
2. Planters further help to obscure the lift when it is in the storage position, now

Therefore be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 37 Board members in favor.

QUALITY OF LIFE

1. Application for a revocable consent to construct, maintain and use a stoop and fenced-in area on the north sidewalk in front of 81 Charles St., between Bleecker and West Fourth Streets

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the plans presented by the applicant indicate that the proposed stoop would be consistent with other stoops on the block and meets all clearance requirements; and

Whereas, the proposed stoop has been approved by the Landmarks Preservation Commission; now

Therefore Be It Resolved that CB2, Man. recommends **approval** to construct, maintain and use a stoop and fenced-in area on the north sidewalk in front of 81 Charles Street, between Bleecker and West Fourth Streets.

VOTE: Unanimous, with 37 Board Members in favor.

2. New Assignment Application for revocable consent to operate an unenclosed sidewalk café for:

First, LLC, d/b/a Raviolo, 57 7th Avenue South with 10 tables and 30 chairs (7517-2017-ASWC)

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the applicant explained that this is a new restaurant and café in a location that previously received consent for an unenclosed sidewalk café; and

Whereas, the applicant produced the previously approved consent and café plan; and

Whereas, the applicant indicated that they intended to adhere to all the stipulations agreed to in the prior owner's SLA application; and

Whereas, the applicant agreed that the café will close at 11 p.m each evening and that the café furniture will be stored within the restaurant overnight; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **First, LLC, d/b/a Raviolo, 57 7th Avenue South**, with 10 tables & 30 chairs, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Unanimous, with 37 Board Members in favor.

3. New Application for revocable consents to operate an unenclosed sidewalk café for:

While We Were Young, LLC, 183 W. 10th Street with 4 tables & 8 chairs (6130-2017-ASWC)

Whereas, the applicant withdrew its original sidewalk café plan for 3 tables and 14 chairs and replaced it with a revised plan for 4 tables and 8 chairs; and

Whereas, the proposed revised layout does not comply with FDNY rules as it includes a table and 2 chairs directly under a fire escape drop ladder and FDNY rules prohibit sidewalk café seating in any manner that obstructs or otherwise impedes access to, or use of, any means of egress, including any fire escape drop ladder; and

Whereas, this proposed café is on a sidewalk barely over 12 feet in an area that is saturated with nightlife establishments, including next door to Smalls Jazz Club, which consistently has a queue of patrons down the block and directly parallel to the proposed sidewalk café; and

Whereas, several neighboring residents spoke in opposition to this application citing concerns about the level of noise that emanates from this block of establishments, the fact that the sidewalk is so narrow and already has other impediments including planters in front of this restaurant; that these impediments -and the line at Smalls Jazz Club- produce a domino effect whereas pedestrians creep into the bike lane and bicyclists creep into the traffic lane and the traffic lane becomes clogged with crosstown traffic and the concomitant honking, and

Whereas, the neighboring residents and CB2, Man. members raised serious concerns as to the character of this applicant arising from the applicant's prior attestations to Community Board 2 and the SLA Board that the applicant's establishment would have a fixed façade, meaning no operable French doors or windows, and yet the applicant subsequently installed a fully operable façade; and

Whereas, committee members were concerned that the applicant, on page 2 of the Sidewalk Café Compliance Checklist, attested that this café was NOT in an "historic district or in or adjacent to a landmarked building or district," when, in fact, it IS in an historic district; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of a sidewalk café for **While We Were Young, LLC, 183 West 10th Street**, with 4 tables & 8 chairs, now

Therefore Be It Further Resolved that CB2, Man. requests that the NYC Department of Consumer Affairs require that a pedestrian flow analysis be submitted with this revocable consent application and that such analysis show that the proposed café would not cause a degradation of level-of-service of the pedestrian path by more than one level pursuant to the NYC Administrative Code before any such sidewalk café application is considered.

VOTE: Unanimous, with 37 Board Members in favor.

Micbruard, LLC, d/b/a Guilietta's Cantina Club, 13 Carmine Street with 9 tables and 18 chairs (7501-2017-ASWC)

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the applicant explained that this café had previously received consent for an unenclosed sidewalk café and that consent lapsed; and

Whereas, the applicant produced the previously approved consent and café plan; and

Whereas, the applicant agreed that the café furniture will be stored within the restaurant overnight; and

Whereas, the applicant indicated that he would ensure that the tree pit and associated grating in front of the café would be flush with the sidewalk; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **Micbruard, LLC, d/b/a Guilietta's Cantina Club, 13 Carmine Street**, with 9 tables & 18 chairs, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Unanimous, with 37 Board Members in favor.

Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard Street with 6 tables & 24 chairs (7866-2017-ASWC) (Small Unenclosed Sidewalk Café)

Whereas, the plans presented by the applicant indicate that the small unenclosed sidewalk café meets all clearance requirements; and

Whereas, the operator stated that all beer and wine would be delivered to café tables by waitstaff; and

Whereas, the operator attested that the sidewalk café will initially close by 10 p.m. each evening but will never stay open later than 11 p.m.; and

Whereas, the operator acknowledged that some neighbors had expressed concerns that this would be the first sidewalk café on this mixed-use block and, therefore, the operator indicated that the applicant would take care to minimize as much ambient noise as possible and agreed that there would be no amplified sound in the sidewalk café; and

Whereas, the operator agreed that the sidewalk café furniture would be removed at the end of each night and stored within the restaurant; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard Street with 6 tables & 24 chairs**, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Passed, with 36 Board Members in favor, and 1 in opposition (A. Wong).

4. Street Activity Application

Friday, August 18, 2017 – Blue Apron Block Party, 5 Crosby Street between Howard and Grand Streets from 9 a.m to 5 p.m.

Whereas, the applicant is a for-profit, private corporation that ships weekly pre-portioned ingredients with recipes to subscribers and ships approximately 8 million meals per month; and

Whereas, the applicant's NYC headquarters are located on this block with approximately 500 employees on site; and

Whereas, the applicant wishes to host a block party for its corporate employees with the street closed for set-up on this summer Friday at 9 a.m and the block party would take place from 12 pm – 5 pm; and

Whereas, the applicant stated that while no members of the public would be explicitly invited to this employee event none would be turned away either; and

Whereas, the applicant intends to have an unspecified amount of food vendors; and

Whereas, the NOMO SoHo Hotel has a frequently used entrance on this block and the applicant has not yet contacted the hotel about this proposed street closure; and

Whereas, the applicant intends to have some sort of amplified sound and possibly a live-band at this employee event; now

Therefore Be It Resolved that CB2, Man. recommends **DENIAL** of the Blue Apron Block Party on Crosby Street between Howard and Grand Streets on August 18, 2017.

VOTE: Unanimous, with 37 Board members in favor

Saturday, September 9, 2017 – The Peter Cooper Block Party; Cooper Square between East 7th Street and St. Mark’s Place.

Whereas, the applicant did not appear to speak on behalf of this application; now

Therefore Be It Resolved that CB2, Man. recommends denial of The Peter Cooper Block Party; Cooper Square between East 7th Street and St. Mark’s Place on September 9, 2017.

VOTE: Unanimous, with 37 Board members in favor

Wednesday, October 4, 2017 – Slice Out Hunger Single Block Festival, 155 Sullivan Street between West Houston and Prince Streets from 6 p.m. to 11 p.m.

Whereas, the applicant wishes to host this 9th annual \$1 pizza fundraiser to support New Yorkers in need by inviting 50-60 pizzerias (including some neighboring pizzerias) to donate pizzas to be sold at \$1 a slice to attendees; and

Whereas, the applicant wishes to close Sullivan Street between Houston and Prince Streets from 6 p.m. until 11 p.m in order to accommodate 5 mobile pizza vendors and some queued attendees while most activity will be confined to the lower hall of St. Anthony’s Church; and

Whereas, 100% of the proceeds from this event will be donated to area hunger non-profits including City Harvest and the Sylvia Center; and

Whereas, the applicant received a permit for the street closure for last year’s event in the same location and there were no complaints or problems; and

Whereas, the applicant has been in contact with businesses on this block and has met no resistance to this annual event and will continue outreach as the event date nears; and

Whereas, the event will use no amplified sound on the block and will be staffed by an all-volunteer crew who will attend to a swift break-down and cleanup of the event; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the Slice Out Hunger Single Block Festival, 155 Sullivan Street between West Houston and Prince Streets on October 4, 2017.

VOTE: Unanimous, with 37 Board members in favor

FYI/Renewal Street Activities

- 1. Saturday, June 24, 2017 – Sons of Italy Wreath Laying Block Party, 203 Grand St. between Mott and Mulberry Streets.**
- 2. Sunday, August 20, 2017 – 128th Feast of St. Rocco, Baxter St. between Canal and Hester Streets.**
- 3. Sunday, September 17, 2017 – Palio on Minetta Block Party, Minetta Street between Bleecker Street and Minetta Lane.**
- 4. Saturday, October 28, 2017 – Friends of LaGuardia – Bleecker Street Festival, Washington Square North between Macdougall Street and University Place.**

Therefore Be It Resolved that CB2, Man. recommends approval of the subject renewals.

VOTE: Unanimous, with 37 Board members in favor.

July 14, 2017 – November 22, 2017 – South Village Farmer’s Market, Avenue of the Americas between Carmine Street and West 3rd Street

Therefore Be It Resolved that CB2, Man. recommends approval of the subject renewal.

VOTE: Passed, with 36 Board members in favor and 1 recusal (D. Gruber).

SCHOOLS AND EDUCATION

Resolution in Support of Extending the Option to Build the Bleecker School

Whereas:

1. New York University has made a series of shrinking commitments to build a public school over the last 50 years:
 - a. Starting in the 1960s, NYU promised to build an elementary school for neighborhood children on the site of the former Coles Sports Center and the future 181 Mercer building,
 - b. Again in 2010, NYU promised to build the core and shell of a new 600-seat public elementary school on one of its three superblocks, and,
 - c. In 2012, NYU promised the land for the SCA to build a 100,000 square foot school in the Bleecker Building (“Bleecker School”), with the option expiring in 2025;
2. In 2012, as detailed in the final Restrictive Declaration of Large-Scale Development for the NYU LSGD (“Restrictive Declaration”), NYU promised the land for the Bleecker School, but the option or “School Election Notice” would expire on December 31, 2014;
3. In October 2014, both CB 2 and Community Education Council District 2 unanimously passed resolutions in support of extending the “School Election Notice” to 2025, which was NYU’s original proposal and which would allow the Bleecker School to be funded in the SCA’s next five year capital plan as opposed to requiring an amendment of the current one;
4. In a letter dated October 21, 2014, NYU extended the “School Election Notice” to December 31, 2018;
5. This option is worth in excess of \$65 million, based on the average land value in Manhattan in 2016 of \$681 per buildable square foot, and failure to exercise this option would be a loss of \$65 million to NYC taxpayers;¹
6. The 2025 date is fair, just and needed because:
 - a. 181 Mercer construction may impact the phasing of construction for the Bleecker School,
 - b. The Trinity Place and Duarte Square Schools are delayed, and
 - c. There is no funding for the Bleecker School in the School Construction Authority’s Capital Plan for FY 2015-2019, updated February 2017;
7. The Bleecker School would benefit NYU as well as our children because:
 - a. A public school on NYU’s core campus would be attractive to its faculty, staff and their families and,

¹ “The Performance of the Manhattan Land Market in 2016” *Commercial Observer*, January 25, 2017. <https://commercialobserver.com/2017/01/the-performance-of-the-manhattan-land-market-in-2016/>

- b. NYU Steinhardt School of Culture, Education and Human Development and its student teachers could benefit from a public school on the NYU campus;
8. In June 2016, CB 2 updated its 2014 analysis of the current and projected need for the Bleecker School, based on the following assumptions:
- a. The 100,000 square foot Bleecker School would provide 600 school seats,
 - b. The Study Area consists of the current elementary school zones for PS 3, PS 11, PS 41, PS 130 and PS 340 based on the assumption that new construction and population growth in Chelsea will reduce capacity for Greenwich Village families currently zoned for PS 340, and,
 - c. Flaws in the City Environmental Quality Review Process (CEQR) as detailed in a CB 2's resolution passed unanimously in February 2017, whereby:
 - i. Most new construction falls well below the 310 units required to trigger an analysis,
 - ii. CEQR does not take into account the significant increase in family-sized apartments – increasing from 7% to 27% of the downtown condo market from 2007 to 2016, and,
 - iii. Use of a CEQR multiplier of only 0.12 even though actual data from 2002 to 2016 show a multiplier of 0.16 for the Study Area; and;
9. The updated demographic analysis continues to demonstrate the need for the Bleecker School based upon:
- a. The need for more than 600 public elementary school seats today, due to:
 - i. 148 to 337 seat shortfall from overcrowding at all three CB 2 elementary schools for 2015-2016, based on outdated Blue Book figures that underestimate overcrowding, at 112% at PS 3, 109% at PS 41 and 109% at PS 130 as well as 114% at PS 11,
 - ii. 88 seat shortfall at the Duarte Square School, based on a CEQR multiplier of 0.16,
 - iii. 169 to 225 seat shortfall resulting from the 550 Washington rezoning, based on a CEQR multipliers of 0.12 and 0.16 respectively,
 - iv. 100+ seats to reduce kindergarten class size to comply with Contract for Excellence class size reductions (and 650+ seats for grades K-5),
 - v. 69 seats to expand pre-kindergarten seats to 50% of the kindergarten cohort,
 - vi. 131 seats to expand 3K programs to 25% of the kindergarten cohort,
 - vii. 44 seats for District 75 students at Duarte Square,
 - viii. 60 seats for District 75 students at Bleecker, and,
 - ix. Additional square footage and seats to comply with physical education requirements,
 - b. The need for additional public elementary school seats based on projected population growth, due to:
 - i. 31% growth in the under-five population from 2000 to 2010 vs. less than 1% in Manhattan,
 - ii. 26% growth in births from 2000 to 2010, a stark contrast to a drop of nearly 2% in Manhattan, which the DOE mistakenly has used to predict the continued growth in our under-five population,
 - iii. Mid-range population projections for 2022 showing a need for a 600+ seat school,

Therefore be it resolved that CB2, Man. recognizes the need for 600 public school seats at the Bleecker School; and

Be it further resolved that CB2, Man. urges NYU to reinstate the School Election Notice to 2025 and to extend the requirement to commence construction from July 1, 2020 to 2025, that was NYU's original proposal and will allow the Bleecker School to be funded in the SCA's next five year capital plan; and,

Be it further resolved that CB2, Man. urges the School Construction Authority and the Department of Education to take into account the demographic analysis and projections developed by CB 2 and fund the Bleecker School in the SCA's next five year Capital Plan.

VOTE: Unanimous, with 37 Board Members in favor.

SLA LICENSING

1. 153 Elizabeth Hotel, LLC and Blue Bell Restaurant, d/b/a The Nolitan, 153 Elizabeth St. aka 40 Kenmare St. 10012 (OP Alteration – Hotel, Adding existing Ground Floor Restaurant and Sidewalk Café to Hotel License).

A. Whereas, the Applicant and his Representative appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an alteration application for an existing Hotel license SN# 1232135 in that the Hotel operator seeks to take back the restaurant space on the ground floor within an eight story Hotel on the corner of Elizabeth and Kenmare Streets (Circa 2006); and

B. Whereas, this Hotel operator ("The Nolitan") previously operated a French restaurant ("Cantine Parisienne") with an on premise license at these premises until 2016 when the license was transferred to another business (The Food Commission LLC d/b/a "Bread") in the same ground floor storefront; and

C. Whereas, Bread recently closed and left the space so the Hotel is seeking to take back the space within its existing license and again operate within the same space with the same method of operation as a full service restaurant; and

D. Whereas, the existing storefront has fixed windows that do not open and the interior premises consists of an approximately 1,800 SF space (ground floor and cellar), with 18 interior tables with 52 interior patron seats, 1 bar with 9 patron seats, there will continue to be no TVs, three bathrooms and music will be background only; and

D. Whereas, the hours of operation for the Restaurant will continue to be from 7:00 AM to 12:00 AM Sunday through Thursday and from 7:00 AM to 1:00 AM Fridays and Saturdays, the premises will continue to operate as a full service restaurant, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

E. Whereas, even though the Hotel did not previously operate a sidewalk café, the applicant proposes to operate such a café over the public sidewalk (similar to Bread) in front of the premises with 42 seats covering approximately 470 S.f. of the public sidewalk that will close by 10 PM every night; and

F. Whereas, the applicants 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 continue to be advertised and operated as a full service restaurant with a full service kitchen.
2. The interior hours of operation for the restaurant will be from 7:00 AM to 12:00 AM Sunday through Thursday and from 7:00 AM to 1:00 AM Fridays and Saturdays.
3. There will be no outdoor areas other than the licensed sidewalk café located on the public sidewalk directly in front of the premises.
4. There will only be table service to the sidewalk café and the sidewalk café will close by 10 PM every night.
5. No French or accordion style doors or windows will be installed at the premises and the applicant will close all doors by 10 PM every night.
6. Music will be quiet, background level inside the restaurant and there will be no live music, djs, promoted events, scheduled performances or any events for which a cover fee is charged
7. There will be two small televisions but the premises will never operate as a Bar, Tavern or Sports Bar.
8. There will be no dancing.
9. There will be no boozy brunches or unlimited all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration application to an existing on premise license to **153 Elizabeth Hotel, LLC and Blue Bell Restaurant, d/b/a The Nolitan, 153 Elizabeth St. aka 40 Kenmare St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the On Premise License.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (A. Wong).

2. Genuine Grand St. NYC, LLC, d/b/a Genuine Superette, 191 Grand St. 10013 (OP – Restaurant) (OP – Alteration Application)

A. Whereas, the applicant appeared before CB2’s SLA Committee for the purpose of seeking an alteration to an existing liquor license to change its floor layout, lowering the height of its seating, changing its food menu, removing its sidewalk café and adding 6-7 bar stools to its first floor stand up bar within its existing premises while continuing to operate a restaurant with the same method of operation serving American/Italian fare, the applicant originally appearing before CB2 Manhattan in December/2014 seeking its on premise license in a previously licensed (Italian restaurant known as Novella) location subject to a stipulations agreement which remains in place, in a 2428 sf storefront premises (1080 sf ground floor and 1348 sf basement) within a 6 story mixed use building (circa 1939) at the corner of Grand and Mulberry Streets; and

B. Whereas, there will be one entrance for patrons, two bathrooms, there will be 19 tables with 65 seats, 2 bars with 18 seats for a total of 83 seats inside; there will be no sidewalk café or other outdoor areas for service to patrons, there are no operable windows or doors to the front façade; and

C. Whereas, the hours of operation for the premises will continue to be from 9 AM to 12 AM Sunday through Tuesday, from 9 AM to 1 AM on Wednesdays and from 9 AM to 2 am Thursday through Saturday, there will no TVs, music with be background only, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge, no velvet ropes, no movable barriers; 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 OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service restaurant with a full service kitchen.
2. Will operate from 9 AM to 12 AM Sunday through Tuesday, from 9 AM to 1 AM on Wednesdays and from 9 AM to 2 AM Thursday through Saturday.
3. There will be no live music, djs, promoted events, scheduled performances or any events for which a cover fee is charged.
4. Will operate only one business at the premises using only one d/b/a name.
5. Occupancy will be no greater than 83 patrons.
6. There will be no sidewalk café.
7. There will be no TVs and 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.
8. The operator will not install French doors, operable windows or open facades and will keep its existing doors closed at all times.
9. There will be one entrance/exit for patrons.
10. There will be no all you can eat/drink specials or “boozy brunches”; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing OP license to **Genuine Grand St., LLC d/b/a Genuine Roadside, 191 Grand 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 the OP License.

Vote: Unanimous, with 36 Board members in favor.

3. Dean & DeLuca New York, Inc., d/b/a Dean & DeLuca, 560 Broadway 10012 (RW – Market Store—Class Change from Grocery Beer to Beer/Wine)

A. Whereas, the applicant and his attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a change in license class from Grocery Beer license to Tavern Wine license for the purpose of continuing to operate a high end Grocery Store within a ground floor storefront located in a six-story commercial use building on Broadway between Prince and Spring Streets in Soho; and,

B. Whereas, the existing operator is seeking to promote wine tastings and to offer wine over the counter to customers café style with 4 tables and 16 seats within one section of a large grocery store, the grocery store being 9,000 SF, there being a patron bathroom for customers in the basement and a certificate of occupancy permitting retail use and occupancy; and,

C. Whereas, there will be no sidewalk café and no other outdoor areas for service to patrons, there will be no operable windows or doors that open out to the sidewalk, the hours of operation for the will be consistent with the hours of the grocery store, from 8 AM to 9 PM Sundays and Saturdays and from 7 AM to 9 PM Monday through Friday, there will be no TVs, music will be quiet background only consisting of music from ipod/cds (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; 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 Tavern Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a Grocery Store.
2. The hours of operation will be from 8 AM to 9 PM Sundays and Saturdays and from 7 AM to 9 PM Monday through Friday.
3. The premises will not operate as a sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will play quiet ambient recorded background music only.
7. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The operator will not install French doors, operable windows or open facades and will close at existing doors and windows at all times.
9. There will be no all you can eat/drink specials; and

F. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine application to **Dean & DeLuca New York, Inc., d/b/a Dean & DeLuca, 560 Broadway 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Tavern Wine License.

Vote: Unanimous, with 36 Board members in favor.

4. Let’s East Cantina, d/b/a Pepe Rosso Cantina, 173 Mott St. Basement 10013 (Class Change/Upgrade to On Premise from Tavern Wine)

A. Whereas, the applicant has operated a full service Italian restaurant Pepe Rosso Social on the ground floor (Lic. #1283300) and has also operated a small café in the basement in the same six story mixed use building but which has a separate entrance down to the basement from the street, and like the ground floor restaurant will be for serving Italian fare from the restaurant in the basement premises on Mott Street between Broome and Grand Streets; and

B. Whereas, the applicant has no plans to alter or modify/renovate the existing basement premises which previously operated with a tavern wine license since 2014, the licensee having presented a Letter of No Objection from the NYC Dept. of Building permitting eating and drinking in the basement premises with the licensee repeatedly agreeing and affirmatively stating that he has no intention of operating the premises as a bar or tavern but rather solely in conjunction with the existing Restaurant; and

C. Whereas, the total basement premises is 1,200 s.f., there will be 4 tables and 40 seats and 1 bar with four seats for a proposed occupancy of 44 patrons, no TVs, with background (quiet) music only, no sidewalk café or outdoor garden, the hours of operation will be the same as the first floor Restaurant, from 11 am to 11 pm from Sunday to Wednesday and from 11 am to 12 am on Thursdays through Saturdays; and

D. Whereas, the applicant previously executed a stipulations agreement with CB2, Man. in Nov./2014 when it applied for its Tavern Wine license at the same premises and those stipulations incorporated into their method of operation on their TW license were as follows:

1. Basement premises will be advertised and operated as a full service Restaurant serving Italian food consistent with and in conjunction with the ground floor storefront restaurant.
2. Will not operate a sidewalk café or outdoor garden.
3. Will operate Sunday to Wednesday and from 11 am to 11 am and from Thursday through Saturday from 11 am to 12 am.
4. There will no TVs.
5. Will not seek to upgrade to full OP license class.
6. Will not be operated as a bar or tavern.
7. All doors and windows will be closed at all times.
8. Music will be quiet, background level inside restaurant only and there will be no live music, djs, promoted events, scheduled performances or any events for which a cover fee is charged.

E. Whereas, the Licensee has no plans to alter its current method of operation, the current Restaurant operating with fixed windows, no outdoor uses or sidewalk café, the hours of operation being reasonable, neighborly and consistent with the operation of a restaurant in the mixed use neighborhood, the current operations with the proposed, agreed upon stipulations and method of operation establishing the threshold public interest standard; and

F. Whereas, this upgrade application being subject to the 500 ft. rule, there being an existing and significant saturation of liquor licenses in the area with 20 On Premise licenses within 500 ft. of the premises and there being 48 On Premise licenses within 750 ft. of the premises; and

G. Whereas, the licensee agreed to a new set of stipulations for the basement premises with the same or similar terms and conditions as previously agreed to in 2014, to be, once more, incorporated on its On Premise license and those stipulations/conditions are as follows:

1. The basement premises will be advertised and operated as a full service Restaurant serving Italian food consistent with and in conjunction with the ground floor storefront restaurant.
2. The hours of operation will be Sunday to Wednesday and from 11 am to 11 am and from Thursday through Saturday from 11 am to 12 am.
3. The premises will have no televisions and will not operate as a lounge, bar or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not permit dancing.
5. The premises will play quiet ambient, recorded background music only.
6. There will be no sidewalk café, no backyard garden or any outdoor service
7. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The operator will not install French doors, operable windows or open facades and will close at existing doors and windows at all times.
9. There will be no all you can eat/drink specials; and

H. Whereas, two members of the Community representing the Chinatown Head Start Program, a preschool program located across the Street and in the adjacent block, appeared in opposition, presenting a petition against the application with the signatures of 100 parents with children in the preschool, citing an increase in noise, traffic, garbage, congestion and air pollution in the neighborhood but speaking in

general terms about an over saturation of liquor licenses but not making specific comments about the Licensee's prior operations at these premises or the specific impacts the existing operations on the immediate neighborhood; and

I. Whereas, the Chinatown Head Start Program further asserted that these basement premises were located within 200 feet of the Head Start Preschool and within 200 feet of two Churches (Most Holy Crucifix Church at 378 Broome Street and the Holy Trinity Ukrainian Orthodox Cathedral at 359 Broome Street), the Churches however being located not on the same block or Avenue of each of the two Churches;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an On Premise license to **Lets Eat Cantina, d/b/a Pepe Rosso Cantina Basement, 173 Mott 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 OP License; and

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. recommends the New York State Liquor Authority conduct an investigation to determine whether the Head Start Program occupies the entire building at 180 Mott Street and does so exclusively as a School so as to establish a prohibition for the licensing of the premises at 173 Mott Street pursuant to the 200 Foot Rule.

Vote: Unanimous with 36 Board members in favor.

5. Buona Notte Restaurant, Inc., d/b/a Buona Notte, 120 Mulberry St. 10013 (Restaurant On Premise—Transfer of Assets to New Owners)

A. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present a transfer of an existing On Premise liquor license application to the Liquor Authority with the plan of continuing to operate a full service Italian Restaurant with the existing method of operation within a ground floor storefront located in a 5-story mixed-use building (Circa 1910) located on Mulberry Street between Hester and Canal Streets in Little Italy; and,

B. Whereas, the premises was previously operated as the Buona Notte Restaurant (Lic. #1025256) with an on premise license since 1999 and there will be no renovations or changes to the interior of the premises or the existing method of operation of the business as a full service restaurant with a full service kitchen; and,

C. Whereas, the storefront premises is approximately 3,500 Sq. ft. (2,500 sq. ft. ground floor and 1,000 sq. ft. basement for storage only), one entrance for patrons, one service bar with no patron seats, 14 interior tables with 56 interior patron table seats for a total interior patron seating capacity of 56, there is an existing sidewalk café with 6 tables and 12 seats, and an existing backyard garden with 4 tables and 12 patron seats; and,

D. Whereas, the interior hours of operation will continue to be from 11 AM to 12 AM Sunday through Saturday, the sidewalk café will close by 10 PM Sunday through Thursday and 11 PM Fridays and Saturdays, the rear yard will be for dinning only and close at 10 PM every evening, there are two TVs, music will be quiet background for the interior premises and there will be no music in the exterior areas, the interior only music 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 by 9PM every evening, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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 Restaurant Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Italian Restaurant.
2. The hours of operation will be from 11 AM to 12 AM 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 have two televisions only.
5. The premises will not permit dancing.
6. The backyard garden will close by 10 PM every night.
7. The sidewalk cafe will close by 10 PM Sunday through Thursday and 11 PM on Fridays and Saturdays.
8. The interior premises will play quiet ambient recorded background music only.
9. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. All doors and windows will be closed by 9PM every night.
11. There will be no all you can eat/drink specials or boozy brunches; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the On Premise transfer application to **Buona Notte Restaurant, Inc., d/b/a Buona Notte, 120 Mulberry 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 Restaurant On Premise License.

Vote: Unanimous, with 36 Board members in favor.

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

6. 9 Crosby, LLC & Interstate Management Company LLC, d/b/a Nomo Soho, 9 Crosby St. 10013 (OP Alteration Hotel—layover requested prior to meeting)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant request to layover its application and presentation before CB2 Man. to July/2017;

THEREFORE BE IT RESOLVED that CB#, 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 **9 Crosby, LLC & Interstate Management Company, LLC, d/b/a Nomo Soho, 9 Crosby St. 10013** **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 36 Board members in favor.

7. Mott Street Baking Company, LLC, d/b/a Little Cupcake Bake Shop, 30 Prince St. 10012
(TW – layover requested at meeting)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant was not prepared to present his application and requested to lay over this application for a Tavern Wine license to July/2017;

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 **Mott Street Baking Company, LLC, d/b/a Little Cupcake Bake Shop, 30 Prince 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 36 Board members in favor.

8. Entity to be formed by Laurent Francois, d/b/a Botanicus Grand, 127 Grand St. 10013
(Restaurant Wine—laid over at request of Applicant).

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested to lay over this application for an on premise license to July/2017;

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 **Entity to be formed by Laurent Francois, d/b/a Botanicus Grand, 127 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 36 Board members in favor.

9. Greek Natural Foods, LLC, d/b/a Greecologies, 379 Broome St. 10013 (Restaurant Wine — Withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested to withdraw this application from further consideration and will not move forward with the application to the New York State Liquor Authority;

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 **Greek Natural Foods, LLC, d/b/a Greecologies, 379 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 36 Board members in favor.

10. 123 McDougal Street Pizza Corp., d/b/a Ben's Pizzeria, 123 MacDougal St. aka 119 MacDougal St. 10012 (Beer & Cider for Pizzeria—Applicant failed to appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 13, 2017, the Applicant failed to appear or provide any information as to their absence before CB2 Manhattan for a Cedar and Beer license to operate a pizzeria;

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 **123 McDougal Street Pizza Corp., d/b/a Ben's Pizzeria, 123 MacDougal St. aka 119 MacDougal St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

11. Vittorio Assaf, d/b/a Serafina, 406 Broome St. 10012 (OP – Restaurant) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested to lay over this application for an on premise license to July/2017;

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 **Vittorio Assaf, d/b/a Serafina, 406 Broome 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 36 Board members in favor.

12. FT 328, LLC, d/b/a Bar Veloce, 328 W. 12th St. 10014 (OP – Bar/Tavern Laid over at Meeting at Request of Applicant)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested that this application be laid over to July/2017;

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 **FT 328, LLC, d/b/a Bar Veloce, 328 W. 12th St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

14. Svetlana Sky or Corp. to be formed, d/b/a Fork and Parrot, 519 Broome St. 10013 (OP – Previously Unlicensed - includes Live Music and Outdoor Seating—laid over at request of Applicant).

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested to lay over this application for an on premise license to July/2017;

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 **Svetlana Sky or Corp. to be formed, d/b/a Fork and Parrot, 519 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 36 Board members in favor.

15. The Wing Soho, LLC, d/b/a The Wing, 52 Mercer St. aka 477 Broadway 10013 (OP – Work-share Space with Café on 5th floor – Layover at request of applicant)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested that this application be laid over to July/2017;

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 **The Wing Soho, LLC, d/b/a The Wing, 52 Mercer St. aka 477 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 36 Board members in favor.

16. 135 Tart, LLC, d/b/a Once Upon a Tart, 135 Sullivan St. South Store 10012 (OP – Previously Unlicensed—laid over at request of Applicant).

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 13, 2017, the Applicant requested to lay over this application for an on premise license to July/2017;

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 **135 Tart, LLC, d/b/a Once Upon a Tart, 135 Sullivan 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 36 Board members in favor.

17. George Marcel, LLC, d/b/a Perla, 234 W. 4th St. 10014 (OP – Restaurant alteration)

i. Whereas, the Licensee and his attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority for a currently licensed premises for George Marcel, LLC d/b/a Perla Serial Number 1291243 to **(1)** make physical changes to the licensed premises which have already been completed to relocate the bar inside the premises due to plumbing limitations, **(2)** extend the hours of operation to opening at 8AM to incorporate a breakfast seating, and **(3)** to change from an Italian restaurant to a new American seasonal restaurant focusing on a more casual method of operation with lower price points; and,

ii. Whereas, the application was originally presented to CB2, Man. in December 2015 and an extensive resolution covering the various aspects of this application was provided to the Liquor Authority including a list of detailed stipulations which the applicant had agreed to; and,

iii. Whereas, in December 2015 there was significant community opposition to this application, but many of those who appeared in opposition in December 2015 appeared in June 2017 in support, stating that the applicant had adhered to his stipulations and was operating **this** location in the manner which he had promised; and,

iv. Whereas, the Applicant executed an updated stipulations agreement with CB2, Man. (changes in italics) that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation for the restaurant on-premise liquor license reflecting the changes in this alteration application:

1. The establishment will be advertised and operated as a *seasonal new American restaurant*.
2. The hours of operation of the premises will be from 8AM to 12AM 7 days a week. All patrons will be cleared from the premises and no patrons will remain after stated closing time
3. The kitchen will remain open and the full food menu will be available until closing time.
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 not have televisions. There will be no projectors.
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 DCA 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 DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The licensee will obtain all required certificates, permits and related documents and will keep current all certificates, permits and related documents.
11. All doors and windows will be closed at 9PM every night and anytime there is amplified music. All doors will remain closed after 9 pm except for patron ingress and egress.
12. The premises and all mechanicals will comply with all NYC Noise Codes at all times.
13. The licensee will install Landmark’s approved awnings subject to approval from the landlord and relevant City Agencies.
14. The licensee will post a “Please be considerate of our neighbors” style sign that is visible to patrons both entering and exiting the premises.
15. There will be no discounting from full price of any alcohol for “happy hour”.

16. The licensee will install an upgraded air-conditioning system in consultation with an HVAC specialist that is capable of adequately cooling the premises without the need to open any windows for ventilation. Any new air conditioning or mechanicals will comply with all NYC Noise codes.
17. There will be no A-frames, sandwich boards or other sidewalk obstructions utilized by the premises.
18. No Staff members will serve patrons on the sidewalk, from the sidewalk or through any windows at anytime.
19. A portion of the Maitre D's job responsibilities will include managing patrons in the immediate exterior sidewalk area outside the premises.
20. There will be no velvet ropes, barricades, planters or other sidewalk obstructions used to control patrons.
21. *The alteration application presented in June 2017 includes presenting plans for physical changes which have been made that include a modification of the existing standup bar to rotate and move away from the windows along West 4th St. due to limitations from plumbing configurations as indicated on diagrams and for future changes to expand the hours of operation to include a breakfast seating (no later hours of service) and to change from an Italian restaurant to a new American seasonal restaurant and to focus on a more casual method of operation with lower price points.*

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application for the existing restaurant on-premise liquor license serial # 1291243 for **George Marcel, LLC, d/b/a Perla, 234 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 Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

18. Simo Pizza, LLC, 90-92 Gansevoort St. 10014 (New RW – Restaurant, prev. unlicensed)

i. Whereas, the applicant and his representative appeared before Community Board 2, Manhattan's SLA Licensing Committee #2 to present an application to the Liquor Authority for a new restaurant wine license for a specialty pizza restaurant serving pizza by the pie; and,

ii. Whereas, the premises is a previously unlicensed location in a mixed-use commercial/residential building located on the ground floor on Gansevoort Street between Washington St. and Tenth Avenue, it is a roughly 1,184 sq. ft. premise, there will be 23 tables and 49 seats, there is no standup bar, there will 1 service bar, no sidewalk café is included with this application; the applicant presented a temporary certificate of occupancy which they represented would be kept current going forward; and,

iii. Whereas, the hours of operation will be 11AM to 12AM 7 days a week (no patrons will remain after closing time), all doors will be closed by 10PM daily, all windows will be closed at all times as there will be no operable facades, music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there will be no dj, no promoted events, no private parties, 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 new restaurant wine license stating that:

1. Premise will be advertised and operated as a specialty pizza restaurant.

2. The hours of operation will be from 11AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
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 on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJs, live music, cover charges or promoted events.
9. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
10. The premises will not have French doors, operable windows or open facades and will close all doors by 10PM every night.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. No sidewalk café is included in this application.
14. The Licensee will meet with residents of 95 Horatio St if there are any issues to resolve from complaints.

v. Whereas, the Principles also operate another restaurant within CB2, Man., Rossopomodoro located at 118 Greenwich Ave; a petition in support was presented; there were some concerns voiced a lack of community outreach, in particular to local residents and residents of 95 Horatio Street, local community groups were not contacted, several local residents appeared with concerns which the applicant was able to address and they agreed to meet with any residents who live above should any issues arise to resolve their complaints; and,

vi. Whereas, there are currently approximately 20 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 on restaurant wine license for **Simo Pizza, LLC, 90-92 Gansevoort 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 Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

19. 632 Below, LLC, d/b/a 632 Below, 632 Hudson St. 10014 (OP – Catering Hall)(Remove Basement from license)

Whereas, after appearing before CB2 Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **withdraw** this application for a new 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

Whereas, prior to consideration by the Full Board of CB2, Man. but after appearing before the Committee, CB2 Manhattan’s SLA Licensing Committee #2 had voted to recommend denying this application 6-1;

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 **632 Below, LLC, d/b/a 632 Below, 632 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

20. Maisie Below, Inc., d/b/a N/A, 632 Hudson St. 10014 (OP – New Tavern in what is currently basement of Catering Hall)

Whereas, after appearing before CB2 Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **withdraw** this application for a new 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

Whereas, prior to consideration by the Full Board of CB2 Manhattan but after appearing before the Committee, CB2 Manhattan’s SLA Licensing Committee #2 had voted to recommend denying this application 6-1;

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 **Maisie Below, Inc., d/b/a N/A, 632 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

21. Sushi on West 10th Street, LLC (Entity to be formed by Derek Feldman), d/b/a N/A, 210 W. 10th St. 10014 (New RW – Restaurant, previously unlicensed location)

i. Whereas, the Applicant and representative appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a high end omakase sushi establishment with 30 to 60 minute seating’s serving sake and beer; and,

ii. Whereas, this application is for a new restaurant wine license located in a mixed-use building located on the ground floor and basement on West 10th Street between West 4th Street and Bleecker Street for a roughly 1,000 sq. ft. premise (500 sq. ft. ground floor patron use, 500 sq. ft. accessory basement, no patron use) with 1 tables and 2 seats and 1 bar/sushi bar/eating counter with 10 seats, there is no sidewalk café and there are no other outdoor areas for patrons, and no benches on the sidewalk, there is no existing

certificate of occupancy for the building; this building has multiple existing ground floor uses; no letter of no objection pertaining to this specific location within the building was presented; the applicant agreed to present a new letter of no objection dated after June 15th, 2017 for this specific location within the building; and,

iii. Whereas, the hours of operation will be 12AM to 11PM 7 days a week, all patrons will be cleared and no patrons will remain after stated closing times, music will be quiet background only consisting of music from ipod/cds (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 dj, no promoted events, no private parties, no scheduled performances or cover fees, there will be no TV's, there will be no use by patrons of the basement; and,

iv. Whereas, the Applicant agreed to execute 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 high-end Japanese omakase sushi restaurant with 30-60 minute seating's.
2. The hours of operation will be from 12AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
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 on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJs, live music, cover charges or promoted events.
9. The premises will close all doors & windows at 9PM every night and anytime there is amplified music.
10. The premises will not have French doors, operable windows or open facades and will close all doors by 9PM every night.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. Will post a “please be considerate to neighbors” style sign in window.
14. Premises will be reservation only – if there are walk-ins, will take phone number and text when seating available or equivalent so there are no patron lines or congregating on sidewalk.
15. Applicant will obtain a new updated letter of no objection that is dated after June 15th, 2017. This Location has never previously been used as an eating and drinking premise.
16. No sidewalk café is included in this application.

vi. Whereas, the Applicants have been operating a smaller somewhat comparable variation of this concept for about a year called Sushi on Jones located in an outdoor food market located within CB2, Man. on the Northwest corner of Great Jones St. and Bowery which does not serve any alcohol, beer or wine, they explained that at this location on West 10th St. seatings are only 30 to 60 minutes long, are by reservation only, communications regarding reservations are handled by text/electronic means and as a result there are no waiting patrons, the premises will never use outdoor benches; and,

vii. Whereas, the applicant presented a petition in support; and,

viii. Whereas, a few residents appeared and spoke in opposition stating that this is another previously unlicensed location which is becoming an eating and drinking use with later hours of operation where one did previously not exist and would have resulting quality of life impacts to the local area without benefits to the local community; and,

ix. Whereas, according to the applicant, there are currently approximately 30 On Premise Liquor Licenses within 500 ft. of the premises and 5 beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Sushi on West 10th Street, LLC, d/b/a N/A, 210 W. 10th 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 Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

22. While We Were Young, LLC, d/b/a While We Were Young, 183 W. 10th St., Space #2 10014 (OP – Restaurant add Sidewalk Café)

i. Whereas, the Applicant and his representative appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an alteration application for an existing on-premise liquor license SN# 1290230 to incorporate a Sidewalk Café originally submitted as 3 tables with 14 seats, which in order to comply with Department of Consumer Affairs’ regulations was reduced to 3 tables and 6 seats; and,

ii. Whereas, the applicant’s restaurant has only been open for less than one year, during which time the applicant installed an open front façade to the storefront in derogation of his prior agreements and representations to CB2, Man. and to the Liquor Authority when applying for his initial license that he would only have a fixed façade thereby receiving an approval of the license by the NYS Liquor Authority despite recommendations from CB2, Man. that the license application did not meet the public interest standard and despite a 500 foot hearing whereat the findings of the Administrative Law Judge coincided with the recommendation of CB2, Man. that the public interest for the issuance of the license had not been met; additionally, while barely complying with the minimum requirements for a sidewalk café in the most abbreviated manner possible, there being no other sidewalk cafes existing on the block, this block not being suitable for outdoor seating due to the unique circumstances created by an on-premise liquor license in every storefront on this side of the street on this short block, there being a jazz club next door with long lines queuing on the public sidewalk for multiple shows each evening blocking pedestrian use of the sidewalk and due to such heavy use of the narrow street which includes an adjacent bike lane and a NYC Transit Bus service line, the M8, the sidewalk is heavily congested and a sidewalk café at this location in conjunction with the other uses of the sidewalk walk by patrons of the other licensed premises on this block would result in an unsafe condition with pedestrians stepping into the street to avoid the sidewalk congestion; and,

iii. Whereas, CB2, Man. had originally recommended to the Liquor Authority that the initial liquor license be denied in October 2015 because of the large number of liquor licenses in the immediate area, there had never been an on premise license issue to these premises previously, because the restaurant was not unique, that the 2 existing licenses already in the building already generate noise complaints because

of the operations, the impact on the quality of life in the area, the large number of people on the sidewalk, the impact on noise, and that the issuance of the license on this short block would result in every storefront on this side of the street having a liquor license; and,

iv. Whereas, even though there remain questions as to whether the Public Interest was ever met for a license to be issued at these premises in the first place, the license was issued his license based on certain representations by the Applicant to CB2, Man. and the NYS Liquor Authority, which have now been found to be misrepresentations, to wit the Applicant in March 2016 appeared before the Full Board of the Liquor Authority and the Members of the Authority and after a lengthy discussion, question and answer period where the Applicant and his Counsel unambiguously represented to the Authority (during argument and in order to persuade the Full Board of the NYS Liquor Authority that a public interest could be found) that its front façade to the storefront would be fixed and the premises would be soundproofed even though the Applicant was actually intending to and was in the process of applying with the NYC Landmark Commission to replace the entire fixed façade with operable doors that made the entire façade open to the public sidewalk; and,

v. Whereas, in materials submitted to CB2, Man. and in statements to CB2 in October 2015, the applicant stated that the façade would change to include “new signage/new impact windows for sound and efficiency”, they indicated specifically that they did not plan to install French Doors, accordion doors or windows that open and that they planned to install sound proofing; diagrams presented indicate a fixed façade; and,

vi. Whereas, in March 2016 before the Liquor Authority, the Applicant’s attorney is recorded as making several statements to persuade the Liquor Authority that the issue of the license was in the public interest, including “We’ll be soundproofing the floor, the ceiling, the walls, replacing the frontage of the building with soundproof glass.” and, “They’re soundproofing this place like crazy” and “I don’t think that adding a full bar and a full food menu and soundproofing is going to net us a louder establishment. They’ve taken advice from the Community Board in respect to getting a security person or someone to keep the front area clean. They’ve come done that, keeping the façade fixed”; and

vii. Whereas, during the same hearing before the Liquor Authority, the Applicant Bradford Dunnigan was also recorded as follows: “I’ve done everything I’ve been asked.” and, “As far as the storefront goes, we’ve already had an initial meeting with LPC and we will be replacing the whole storefront.”; In response to a question from Chairman Bradley “are those windows going to open?”, Mr. Dunnigan responded “no fixed”; and,

viii. Whereas, just two months later in May 2016 the applicant appeared before CB2, Man. to present an application to the New York City Landmark Preservation Commission (LPC) to replace the existing storefront of the premises; the application included the installation of an operable façade with large accordion style windows across the entire façade; CB2’s recommendation to LPC was “A. That the removal of the existing aluminum storefront be approved. B. That the replacement wood framed storefront be approved. C. That the signage and illumination be approved. D. *That the accordion style windows be denied.*”, LPC subsequently approved the application as presented; and,

ix. Whereas, in June 2017, the applicant originally submitted plans to CB2, Man. for a sidewalk café with 3 tables and 14 seats at this location but was not feasible or legal that included notations that the sidewalk café could only operate if the operable façade remained in a fixed open position; the applicant subsequently modifying the sidewalk café plans to include 3 tables and 6 seats due to the existence of a fire escape located directly above the proposed sidewalk café; and,

x. Whereas, after photos were shown by residents in the area who appeared in opposition to this application demonstrating the business operating at all time of the day and night for months with the open façade, the Licensee and Applicant stated that his air-conditioning system is not operating properly requiring him to operate his establishment with the open façade rather than in a fixed closed position as was his agreement and condition upon which the license was issued in the first place; and,

xi. Whereas, the applicant stated that he just didn't think it was a big deal, that he was closing his windows at 8:45PM and that his AC repairman was coming to his premises first thing the following day; and,

xii. Whereas, the applicant said there was a huge time lag to open the establishment and that plans changed which resulted in an open façade storefront; and,

xiii. Whereas, the applicant and his representative conceded that they had not filed an alteration application with the Liquor Authority regarding the operable façade; and,

xiv. Whereas, neighbors appeared in opposition and submitted photographs and letters in opposition stating that the applicant had **(1)** misrepresented his prior application to both the Liquor Authority and CB2, Man. regarding the operable façade; **(2)** that the sidewalk café would add to the existing noise level that this premises already due to the open facades and no soundproofing; **(3)** that the current premises had been consistently operating with an open façade long before the warm weather of June and dated photographs were provided; **(3)** that the Applicant has taken no steps to fix the issue of the operable façade and has been aware of this issue as it was a deciding factor in the issuance of the license at the NYS SLA; **(4)** that impeding pedestrian traffic on this narrow sidewalk would create a dangerous condition in the bike lane; **(5)** there is a licensed premises operating in every single façade along this side of this short block (4 businesses) and there are many patrons who congregate and queue up on the sidewalk regularly on the shared sidewalk between the 4 premises which often causes pedestrians to step into the street in front which has an unprotected bike lane, which cause bikers to move into the moving vehicular traffic etc. and this street is also a bus route; **(6)** that the sidewalk tables which are only allowed to be 13 inches by 16 inches are too small to serve lunch and dinner meals and have drinks which would result in the outdoor area becoming more of a tapas and cocktails area which is not what the applicant represents himself as which is a fine restaurant with chefs who have worked at Michelin starred locations; **(7)** that there has never been this level of noise until recently in this immediate area; **(8)** there is simply no credibility whatsoever with the applicant; **(9)** that the tree in front of the business further blocks pedestrian traffic and exacerbates the confusion and congestion on the sidewalk in this area where the sidewalk café is planned; **(10)** that if the façade was fixed, there would most likely be limited opposition; **(11)** it is unlikely that the operator would operate the café as presented and would operate in violation of DCA regulations or further conditions set by the NYS SLA; and **(12)** that the operator also uses an "A frame" sign in violation of city regulations blocking the sidewalk, that he already has placed a table on the sidewalk, as well as planters further congesting the sidewalk in question; and,

xv. Whereas, in addition to the concerns outlined above, CB2, Man. has significant issues with this application and location and with respect to the impact of this premises; the operable façade and sidewalk café create a condition that was outlined as significant concern before the Liquor Authority in the original hearing where the license was granted in March 2016 as that of an open window eating and drinking establishment; no other sidewalk cafés exist on this block; the applicant and his attorney stated that this operator was doing everything to have no impact and no noise impact at all in addition to having a fixed facade; that has clearly not been the case and it is difficult to take any representations by this applicant on their face as accurate, complete or correct; the misrepresentations, if known at the inception of this license, would have resulted in this liquor license not being approved by the Liquor Authority – this is

clear from the record of the meeting; to extend any aspect of this license at this time to include the possibility of having more quality of life impacts through noise or disrupting pedestrian flow of traffic or any other issues and by allowing a condition whereby there is an operable façade and outdoor seating, effectively negating any sound proofing and moving the establishment partially on to the sidewalk street, by creating a monetary benefit for the applicant would be a reward for not complying with the representations that they have made that have not been truthful; and,

xvii. Whereas, CB2, Man. relies on Applicants to be honest and truthful in their presentations and that statements made are accurate and complete;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application to the existing on-premise license Serial Number 1290230 for **While We Were Young, LLC, d/b/a While We Were Young, 183 W. 10th St., Space #2 10014**; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that this alteration application be placed on the calendar to be heard before the Full Board of the New York State Liquor Authority prior to any determination.

Vote: Unanimous, with 36 Board members in favor.

23. Oidia, LLC, d/b/a Sherry B. Dessert, 643 Hudson St. 10014 (New OP – Dessert restaurant includes future sidewalk café)

i. Whereas, the Applicant and representative appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an on-premise liquor license for a “chef-owned and operated dessert restaurant that focuses on pastry and ice-cream”; and,

ii. Whereas, this application is for a new tavern on-premise liquor license for a premises which had previously been licensed as a restaurant on-premise liquor license; even though this is a tavern on-premise liquor license, the premises will be operated in the spirit of a restaurant, but is unable to meet the minimum requirements of serving appropriate meals throughout the day as they are a dessert restaurant; the premises is located in a mixed-use building on Hudson St. between Gansevoort and Horatio St. for a roughly 1,690 sq. ft. premise (ground floor 690 sq. ft., cellar 1,000 sq. ft., no patron use in cellar); there are 8 tables and 16 table seats, an easting counter with 4 seats and 1 standup bar with no seats for a total of 20 seats; there is a sidewalk café that will be applied for in the future anticipated to be 6 tables and 12 seats; a certificate of occupancy was presented; and,

iii. Whereas, the hours of operation will be Sunday to Wednesday from 7:30AM to 8PM and Thursday to Saturday from 7:30AM to 12AM (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), the sidewalk café will operate no later than 8PM Sunday to Wednesday and 10:30PM Thursday to Saturday and all tables and chairs will be removed at that time and no patrons will remain in sidewalk café, all doors will be closed by 8PM Sunday to

Wednesday and 10PM Thursday to Saturday, there are operable windows in the front of the facade, music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there will be no dj, no promoted events, no private parties, 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 dessert restaurant focusing on pastries and ice cream.
2. The hours of operation will be Sunday to Wednesday from 7:30AM to 8PM and Thursday to Saturday from 7:30AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
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 on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will close all doors & windows at 8PM Sunday to Wednesday and 10PM Thursday to Saturday and anytime there is amplified music.
10. The premises will not have French doors or open facades.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. This application includes a future Department of Consumer Affairs sidewalk café with 6 tables and 12 seats in the sidewalk cafe.
14. The applicant will operate the sidewalk café no later than 8PM Sunday to Wednesday and 10:30PM Thursday to Saturday (all tables and chairs will be removed at this hour).
15. There may be cover fees for book singings and charity events.
16. There will be wait service (waiters) for seated patrons inside and in the sidewalk café.
17. Applicant will monitor the immediate area and playground for “to go” trash from the establishment.
18. Operator will operate the establishment in the spirit of a restaurant even though this is a tavern application for a dessert restaurant.
19. Applicant will not apply to extend the hours of operation in the future.
20. Should the interior waiting capacity be exceeded, a notification system will be used to ensure lines do not form on the street.

vi. Whereas, the applicants operate a similar dessert shop in Chappaqua, NY but do not have a liquor license of any kind at that location; and,

vii. Whereas, the applicant reached out to a local community group and presented a petition in support; and,

viii. Whereas, the local community group that was reached out to, the West Village Residents Association indicated that there was a more active local neighborhood group but was not opposed to the application, The Jane Street Block Association appeared and advised that they had not been contacted by the applicant but indicated the application seemed somewhat reasonable; the main concern voice by the Jane Street Block Association was trash generated from “to go” business which the applicant intends to do and the impact of trash in the area and in the park across the street as well as any potential lines that

might form outside the establishment; CB2, Man. members voiced concerns that the applicant would not have waiter service to patron tables and was concerned that without having wait service the business would operate in free form manner with open seating and customers ordering drinks without a seat etc.; to resolve these concerns, the applicant agreed to police the immediate area and the park for trash to ensure this is not an issue (up and down the block and across the street in the park, that they would have a notification system if lines form outside the establishment to ensure there is no line and that they would have wait service to tables at all times; and,

ix. Whereas, according to the applicant, there are currently approximately 20 On Premise Liquor Licenses within 500 ft of the premises and 5 beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new on premise liquor license for a restaurant for **Oidia, LLC, d/b/a Sherry B. Dessert, 643 Hudson St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

24. Uncle Biagio, LLC, d/b/a N/A, 103 Greenwich Ave. 10014 (OP – Restaurant includes Sidewalk Café)

i. Whereas, the Applicant and representative appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer application” of an existing on-premise liquor license for a “neighborhood Italian restaurant run by the chef’s at Quality Italian in the Quality Eats price range” and,

ii. Whereas, this application is for a new restaurant on-premise liquor license at a currently licensed location in a mixed use building on Greenwich Ave. between West 12th St. and Jane Street for a roughly 2,200 sq. ft. premise (ground floor 1,100 sq. ft., cellar 1,000 sq. ft., no patron use in cellar); there are 16 tables and 35 banquette seats and 16 table seats, 1 standup bar with 10 seats for a total of 61 seats; there is a sidewalk café that will be applied for as an assignment application with 7 tables and 14 seats, a letter of no objection was presented; and,

iii. Whereas, the hours of operation will be Sunday to Wednesday from 9AM to 12AM and Thursday to Saturday from 9AM to 1AM (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), the sidewalk café will close at 11PM and all tables and chairs will be removed at that time and no patrons will remain in sidewalk café, all doors will be closed by 10PM daily, there are no operable windows, music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there will be no dj, no promoted events, no private parties, 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 neighborhood Italian restaurant.

2. The hours of operation will be Sunday to Wednesday from 9AM to 12AM and Thursday to Saturday from 9AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
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 on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
10. The premises will not have French doors, operable windows or open facades and will close all doors by 10PM every night.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. This application includes a future Department of Consumer Affairs sidewalk café with 7 tables and 14 seats.
14. The applicant will operate the sidewalk café no later than 11PM (all tables and chairs will be removed at this hour).

vi. Whereas, the applicant’s operate 9 other restaurants in New York City and operate one restaurant within CB2, Man. at 19 Greenwich Ave. operated as Quality Eats (Off Cuts, LLC); and,

vii. Whereas, the applicant met with a local community group and presented a petition in support; and,

viii. Whereas, the local community group, The Jane Street Block Association, advised the applicant to reach out to immediate neighbors as their block association does not have members in adjoining buildings and was not satisfied with the Applicants outreach and recommended that either the application be laid over or denied; and,

ix. Whereas, according to the applicant, there are currently approximately 9 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 on premise liquor license for a restaurant for **Uncle Biagio, LLC, d/b/a N/A, 103 Greenwich Ave. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

25. Juice and Java NYC, LLC, d/b/a Juice and Java, 64 Carmine St. 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 an on-premise liquor license for a health food 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 on Carmine St. between Bedford St. and 7th Avenue South for a roughly 2,100 sq. ft. premise (ground floor 1,300 sq. ft., cellar 800 sq. ft.); there are 20 tables and 60 table seats, 1 standup bar with 8 seats for a total of 68 seats; there is no outdoor seating, a letter of no objection was presented; and,

iii. Whereas, the hours of operation will be 8AM to 11PM 7 days a week (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), all doors will be closed by 10PM daily, music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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 health food restaurant.
2. The hours of operation will be 8AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
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 on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
10. The premises will not have French doors, operable windows or open facades.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. There is no sidewalk café included in this application.

vi. Whereas, the applicant had discussions with local residents and the local block association who expressed support provided the above listed stipulations were adhered to; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new on premise liquor license for a restaurant for **Juice and Java NYC, LLC, d/b/a Juice and Java, 64 Carmine St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

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

26. Rocky’s Pizza 14th Street Corp., d/b/a N/A, 304-310 West 14th St. 10014 (RW – laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, 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 **Rocky’s Pizza 14th Street Corp., d/b/a N/A, 304-310 West 14th 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 36 Board members in favor.

27. Springbone 90 West 3rd, LLC, d/b/a Springbone Kitchen, 90 West 3rd St. 10012 (RW - withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, 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 **Springbone 90 West 3rd, LLC, d/b/a Springbone Kitchen, 90 West 3rd St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

28. Bel Fries Foods, LC, d/b/a Bel-Fries, 195 Bleecker St. 10012 (RW –laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, 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 **Bel Fries Foods, LC, d/b/a Bel-Fries, 195 Bleecker St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

29. Big Ciccio Corp. or Entity to be formed, d/b/a Cig Ciccio, 112-114 Perry St. 10014 (OP – Restaurant - withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **withdraw** this application for a new 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 **Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry 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 36 Board members in favor.

30. The Woo, Inc., d/b/a Pending, 206 Spring St. 10012 (OP – Restaurant, Bsmt, 1st & 2nd Flr, laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **layover** this application for a new 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 **The Woo, Inc., d/b/a Pending, 206 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 36 Board members in favor.

31. Blokes Retail, LLC, d/b/a N/A, 76 Carmine St. 10014 (OP – Bar/Tavern includes Sidewalk Café - laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **layover** this application for a new 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 **Blokes Retail, LLC, d/b/a N/A, 76 Carmine St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

32. Loui Amsterdam, Inc., d/b/a TBD, 76-78 Carmine St. 10014 (OP – Restaurant - withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on June 15th, 2017, the Applicant requested to **withdraw** this application for a new 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 **Loui Amsterdam, Inc., d/b/a TBD, 76-78 Carmine St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

TRAFFIC AND TRANSPORTATION

Resolution in support of co-naming the northeast corner of 8th Street and Lafayette Street "Joseph Papp Way."

Whereas neighbors, staff and Board members of the Public Theater at 425 Lafayette Street, propose a "Joseph Papp Way" sign beneath the Lafayette Street sign on the NE corner of 8th Street and Lafayette Street to honor the legacy of community member Joseph Papp; and

Whereas over 350 signatures and testimonials were gathered in support from neighbors, theater members, community organizations and local businesses including 170 signatures from residents, in CB2, Man. These supporters attested to Papp's contribution to the neighborhood, long standing local residency, successful restoration of a landmarked building, and his legacy of bringing new play-wrights, actors, and theater producers to The Public Theater which has become a mecca for young talent and which seeded the revival of the neighborhood; and

Whereas

- Joseph Papp was a resident of 40 East 9th Street from 1973 until his death in 1991.
- Papp founded the New York Shakespeare Festival, which has presented free Shakespeare in Central Park for more than seven decades.
- Through Papp's conviction that culture belongs to everyone, he founded The Public Theater, which has produced 900 new plays and musicals and today serves more than 300,000 New Yorkers annually.
- In 1966, Papp acquired and revitalized as the Public Theater, the former severely deteriorated Astor Library on Lafayette Street. This became the first building to be saved from real estate demolition under New York City's new Landmark Preservation Law and one of the first successful models of "adaptive reuse" as an approach to saving historic landmark buildings. New York Times critic Ada Louise Huxtable called it the "first major preservation success under the landmarks law" and "the miracle on Lafayette Street" referencing the last-minute rescue of the building from the wrecker's ball and from construction of a high-rise apartment house ("A Landmark is Saved," NYT, Jan. 6, 1966).
- The impact of Papp's leadership on the neighborhood, specifically the stretch of Lafayette Street between Astor Place and East 4th Street and the surrounding community, led to the transformation of a rundown, neglected area to a newly revived and vital one with diverse cultural, commercial, residential and retail uses, and to recognition of the area's historic landmark heritage, leading to the designation of the NoHo Historic District; and

Whereas the proposal for co-naming the northeast corner of 8th Street and Lafayette Street "Joseph Papp Way" meets the requirements of Manhattan CB2's *Street Co-Naming Guidelines*;

THEREFORE, BE IT RESOLVED: that CB2, Man. supports remembering Joseph Papp by co-naming the northeast corner of 8th Street and Lafayette Street "Joseph Papp Way."

Vote: Unanimous, with 37 Board Members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan