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Alison Greenberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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COMMUNITY BOARD No. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: July 21, 2011
TIME: 6:00 P.M.
PLACE: SEIU 32BJ, 101 Avenue of Americas, Pre-Conference Room, 22nd Floor

BOARD MEMBERS PRESENT: Susanna Aaron, Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, William Bray, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Terri Cude, Maria Passanante Derr, Doris Diether, Roberty Ely, Joshua Frost, Gideon Gil, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Arthur Kriemelman, Evan Lederman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Robin Rothstein, Rocio Sanz, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Anita Brandt, Sigrid Burton, Wendy Schlazer, Sean Sweeney

BOARD MEMBERS ABSENT: Sheelah Feinberg, Alison McGonigle-Nelson

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Laura Morrison, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Sandy Myers, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Jasmin Torres, Samuel Morales, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Nathaniel A. Siegel, Elizabeth Adam, Michael Jones, Steven Maskell, Tiffany Messer, David Monberg, Makrand Bhoot, Zach Winestine, Edward Boyd, Ryan Newman, Steven Cunningham, Timothy Luncford, Franky Bassora, Rick Boles, Christopher Barnes, Ryan Toomire, Pablo Lopez, Thomas Peterson, Alec Pruchnicki, Evette Stark Katz, Michael Witkin, Kevin Moore, D.I. Brandon DelPozo, P.O. Baranski, 6th Precinct; Eric Einstein, Matt Pohl, Roger Newtons, Dick Domitrovich, Matt Clemons, Joe Regan, Garth Schilling, Nick Hovsepian, Kamyar Atabai, Kevin Bourgeois, William Chan, Carol F. Yost, Arturo Espinoza, Devon Garcia, Christopher Joseph, Dominick Romeo, John Thorp, Greg Davis, Terrie Brightman, Kat Hwang, Richard Geist, William Borseo, Tony Juliano, Neil Coppola, Allan Moskovitz, Jeffrey Marx, Wylie Tene, Bishop Alexis, Gregory Seta, Jennifer Craft, Noah Sapir, Renee Cruz, Jason Bain, John Doucette, Gary Reynolds, Charles Walz, Matt Leiter, Margie Rubin, John Flood, Jeff Straud, Albert Imperatore, Carol Gilmore, Cormac Flynn, Mindy Camel, Jerald Choy, Jerry Cuachon, John Moodie, Frank Guglielmo, Jeff Pan, Paul Salmon, John Kelly Bridget McLaughlin, Barbara Reuther, Darren Dotson, Chaim Peer, Carol Wilson, Michael Bryan Hill, Boris Keyser, Kevin Mulcahy, Jr., David Crawford, Daniel SanGermano, Curtis O'Neal, Ashley Voroba, Dr. Laurie Moody, Elaine Shulman,

GUESTS: Sharon Woolums, John Petrozino, Dr. Gil Horowitz, Will Clark, Robbie Jones, Rachel Ladd, Gerald Doherty, Peter Tsidenkov, Lee Wilson, Andrew Becerra, Jack Eppler, Danya Sherman, Michael Wilson, Liz Parkekr, Marcel Regensburg, Jules Vigh, Samantha Dinerman, Stacia Bedford, Laura Germak, Sung Wi, Shelly Friedman

MEETING SUMMARY

Meeting Date –July 21, 2011
Board Members Present – 44
Board Members Excused–4
Board Members Absent - 2

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II. PUBLIC SESSION

Non-Agenda Items

General

Barbara Reuther spoke regarding general concerns.

Fat Cat Community Center

Renee Cruz and Noah Sapir spoke regarding the new Fat Cat Community Center//School.

High Line

Danya Sherman made an announcement regarding the expansion of the High Line.

Accessibility

Timothy Luncford spoke regarding building accessibility.

NYC Coalition for a Smoke-Free City

Ashley Veroba spoke regarding the organization.

Sidewalks

Frank Guglielmo spoke against sidewalk obstructions.

Discrimination

Maragie Rubin spoke regarding discrimination.

West Houston/Pier 40

Makrand Bhoot spoke regarding the naming of the WoHo West Houston Pier 40 District.

SLA Licensing Items

Physical Onion, LLC d/b/a Pieces, 61 W. 8th St.

Eric Einstein (principal), Ryan Toomerie, Andrew Becerra, Lee Wilson, Peter Tsidenkov, Gerald Doherty, Jeff Straud, Rachel Ladd, David Monberg, Robbie Jones, Will Clark, John Petrozino, Christopher Joseph, Jason Bain, Bishop Alexis, Joe Regan, Michael Jones, Steven Maskell, Wylie Tene, Carlie Walz, Nathaniel A. Siegel, Neil Coppola, and Anthony Juliano spoke in favor of the proposed relocation and liquor license.

Christopher Barnes spoke in favor of the proposed relocation and liquor license, stating that the Pieces employees' jobs are on the line.

Jack Epler, Terrie Brightman, Gil Horowitz, Sharon Woolums, Carol Gilmore, Tiffany Messer, Carol Wilson, Laura Moody, John Moodie, and Allan Moskovitz spoke against the proposed relocation and liquor license.

Cormac Flynn spoke in favor of the SLA Committee resolution, but not the proposed bar.

MTOWN, Inc. d/b/a Piazza Seventeen, 17 Cleveland Pl.

Elaine Shulman, representing the applicant, and Laura Germak, the applicant, spoke in favor of the proposed liquor license.

Stacia Bedford and Sung Wi spoke in favor of the proposed liquor license.

Forcella Eatery, Inc., 334 Bowery

Jules Vigh, representing the applicant, spoke in favor of the proposed beer and wine license.

Samantha Dinerman and Marcel Regensburg spoke in favor of the proposed beer and wine license.

Whitehall NYC, LLC d/b/a Whitehall, 19 Greenwich Ave.

Kamyar Atabai spoke against the proposed liquor license.

Gans Mex, LLC, d/b/a MPD, 817 Washington St.

Zack Winestine spoke in favor of the resolution recommending denial of the renewal of the liquor license.

Brown Stew LLC, d/b/a Miss Lily's, 132 W. Houston St.,

Paul Salmon, the principal, spoke in favor of the alteration of the beer and wine license

Il Buco Alimentaria/Vineria, 53 Great Jones St.,

Michael Witkin spoke against the proposed liquor license.

St. Vincent's Omnibus

Hospital

Evette Stark spoke in favor of a West Village hospital.

Michael Wilson and Liz Parker spoke regarding the former St. Vincent's site.

Rudin/LIJ Plan

Carol Yost spoke against the proposal for the former St. Vincent's site.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Laura Morrison, Senator Tom Duane's office

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Sandy Myers, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office introduced herself as the new CB2 liaison.

Matt Viggiano, Council Member Margaret Chin's office;

Jasmin Torres and Samuel Morales, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of May minutes and distribution of June minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 – LPC Item:8 - 334 Bowery - NoHo Historic District Extension

A Classical Revival style store and loft building designed by Charles M. Straub, and built in 1908-09. Application is to install storefront infill.

Whereas, this application appears to be a generic storefront design plopped into an attractive building in a landmarked district, with no respect or reference to either; and

Whereas, the proposal for windows on a retail storefront that open up, removing a significant amount of the façade in order to bring unwarranted attention into the interior of the pizzeria is without precedent in this building, this district or this community board.

In fact, it is without precedent historically in this country, being a relatively modern innovation. This exposed façade may be appropriate on the Via Veneto, but not in NoHo SoHo, or Greenwich Village. It serves only to market the restaurant, not to improve the building or the historic district.

Furthermore, we are, frankly, quite dismayed that the Commission regularly approves this type of fenestration, ignoring that it has no historical precedent, as well as being a source of great annoyance to residents who live nearby, and who regularly complain to the community board about the loud noise and disturbance that these open windows emit into the neighborhood.

So for aesthetic as well as humane reasons, we strongly urge the Commission to re-examine its position on these types of installations; and

Whereas, the security gates should be moved from the outside to the inside, in order to enhance the building when the store is closed as well as open; and

Whereas, the proposed wide checkerboard signage made from awning fabric detracts from the building; but

Whereas, we do appreciate that the applicant has maintained a high base beneath the window; now

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

Vote: Unanimous, with 44 Board members in favor.

2- LPC Item: 9 - 35 Wooster Street (Grand/Broome) Drawing Center - SoHo-Cast Iron H.D.

A French Renaissance style store and loft building designed by S. Curtiss Jr. and built in 1866. Application is to remove an access lift and replace the loading platform and storefront infill.

Whereas, we regret the loss of the loading dock, a relic of the neighborhood's industrial past; but under the circumstances of this being a busy public building, we recognize the necessity of its removal; but

Whereas, this is a terrific proposal and we appreciate how the applicant cleverly solved the problem of lowering the door by introducing the double transom; now

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

Vote: Unanimous, with 44 Board members in favor.

3 - LPC Item:10 - 112-114 Prince Street (Greene/Prince)- SoHo Cast-Iron Historic District

A cast-iron store and loft building, designed by Richard Berger and built in 1889-90. Application is to install new storefront infill

Whereas, removing the side door and replacing it with a new display window provides additional elegance to this classic storefront; and

Whereas, replacing the store's entry door further enhances the building's appearance; and

Whereas, the blade sign is modest in size and scale; now

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

Vote: Unanimous, with 44 Board members in favor.

4 - LPC Item:11 - 110 Prince Street (s.w. Greene)- SoHo-Cast Iron Historic District

A one story stucco-clad building designed by John Truso and built in 1994.

Application is to replace storefront infill, and install mechanical equipment.

Whereas, the mechanicals proposed for the roof will not detract from the building; but

Whereas, the introduction of transparent sliding doors into the historic Cast-Iron District has no precedent. Further, the sheer number of them is boggling; and

Whereas, additionally, according to the applicant's presentation, the idea is to have the doors open all day during clement weather; that is, over half the year, effectively eliminating half the storefront a good part of the time; and

Whereas, the applicant stated that this is a modern building. Indeed it is! But modern buildings are quite hermetic, not expansively open and repeatedly exposed to the outside as this storefront would be. This proposal invites and encourages the dissolution of the distinction between the store's interior and the crowded street-scene outside, suggestive of an open-air souk in a Third World country.

Whereas, in other words, this proposal seems not intended to be an aesthetic improvement on the existing storefront design, which was approved by the Commission relatively recently in 1994. Rather, the proposal to radically alter the design, rhythm, harmony and balance of the existing structure seeks merely to capitalize on the frenetic street scene outside, not as an enhancement to the building or the Historic District; and

Whereas, corner buildings like this in SoHo are characterized by multiple windows and perhaps just one door. Twelve doors and no window is excessive and unprecedented; and

Whereas, the applicant states that there is precedent for open doors in SoHo, in the form of garage doors that were open all day. None of these former garage buildings contributed anything architecturally to the historic district; and

Whereas, the existing storefront base is about thirty inches in height. This is respectful of the high bases found in traditional, SoHo buildings, whose bases are often two feet or higher. On the other hand, this proposals seeks to lower the base to a paltry 3-3/8", completely out of scale and character, despite the claim by the applicant that the very few stores that somehow managed recently to get such low bases should influence this application; and

Whereas, this proposal changes our experience of the SoHo streetscape: windows alternating with doors. Instead, this design is evocative of an arcade; now

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

Vote: Unanimous, with 44 Board members in favor.

5 - LPC Item:13 - 109-111 Spring Street – SoHo-Cast Iron Historic District. A store and loft building, designed by J.B. Snook, built in 1878. Application is to install storefront infill.

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

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

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

Vote: Unanimous, with 44 Board members in favor.

6 - LPC Item:14 - 30 Charlton Street (Varick/Sixth) - Charlton-King-Vandam Historic District

An eclectic Georgian style apartment building built in 1927. Application is to legalize facade alterations, and the installation of windows, light fixtures, and intercom boxes all without LPC permits, and to install through wall air conditioning units

Whereas, several tenants of the building appeared and spoke in support of legalizing the alterations on the windows that were done without LPC permits, primarily because the costs of installing historically accurate windows would not be born by the former landlord who did the illegal work, but would be iniquitously passed on to them by the current landlord to bear as a Major Capital Improvement; and

Whereas, the Landmarks Committee was split on whether to legalize; but

Whereas, the majority felt that legalizing would send the wrong signal, as well as believing that the alterations to the windows were not appropriate to the building; and

Whereas, the applicant represented that the LPC staff had requested immediate installation of clip-on muntins to simulate the original six-over-six windows, but the Committee prefers to leave the windows as they are; and

Whereas, air-conditioner sleeves would clutter the façade; and

Whereas, the intercoms should be moved to within the reveal of the door enframing; and

Whereas, the existing light fixtures are acceptable; now

Therefore, be it resolved that CB#2, Man. recommends denial of most of this application of this application, with the exception of the light fixtures.

Vote: Unanimous, with 44 Board members in favor.

7 - LPC Item:15 - 137 7th Avenue South (Charles/W10) – Greenwich Village Historic District

A commercial building designed by Charles A. Platt Partners and built in 1999. Application is to alter the facade, and install signage, awnings, and lighting

Whereas, the alteration is attractive and is a big improvement from the current storefront; now

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

Vote: Unanimous, with 44 Board members in favor.

8 - LPC Item:16 -122 Greenwich Avenue (1 Jackson Sq.) - Greenwich Village H.D. A modern glass building, designed by William Pederson and built in 2009. Application is to construct a rooftop trellis.

Whereas, due to community opposition to the initial proposal, the design and bulk of this building were carefully negotiated with LPC. This current proposal violates those negotiations and circumvents the negotiated design; and

Whereas, members of the public attended and also wrote to the Board expressing opposition to the application; and

Whereas, the building has a clean design and this proposal is like some kind of pop-up installation; now

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

Vote: Unanimous, with 44 Board members in favor.

9 - LPC Item:17 - 20 7th Avenue (O'Toole Building/SVH) - Greenwich Village Historic District. A contemporary institutional building designed by Arthur A. Schiller and Albert Ledner and built in 1962-63. Application is to alter the ground floor, install canopies and rooftop mechanical equipment, and remove tiles from the facade.

Whereas, the restoration respects the building and addresses years of neglect to the façade; and

Whereas, the new additions like signage and the glass canopy are sensitive to the building; and

Whereas, the mechanicals on the roof do not greatly detract from the structure; now

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

Vote: Unanimous, with 44 Board members in favor.

10 - LPC Item:18 - 527 Hudson Street - Greenwich Village Historic District
A vernacular building built in 1858. Application is to construct a roof railing, deck, pergola and skylight.

Whereas, we appreciate that the LPC encouraged the applicant to modify the original design; and

Whereas, the revised design is an improvement and does not detract significantly from the building; now

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

Vote: Unanimous, with 44 Board members in favor.

11 - LPC Item: 7 Cornelia Street (W 4th)- Greenwich Village Historic Extension II
A residential building with a commercial ground floor built c.1873 with major alterations completed in 1944 and 2007-09. Application is to install a bracket sign. Zoned R6

Whereas, the proposed sign is within the signage guidelines, being of modest size and within scale; now

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

Vote: Unanimous, with 44 Board members in favor.

12 – 56 W. 14th St. – The original Macy’s building App. is to propose landmark status for this location.

Whereas, this is the former Macy’s building and at one time was part of the fashionable Ladies Mile that stretched along Broadway from 9th Street to 23rd Street; and

Whereas, The calendaring of 56 West 14th Street is a small but important step forward in the preservation of buildings along this historic 14th Street corridor; and

Whereas, the building itself is very handsome with great detail and ornamentation; now

Therefore, be it resolved that CB#2, Man. recommends that the LPC approve landmark status for this building.

2ND LANDMARKS MEETING

13. LPC Item 15 – 400 West Broadway – SoHo Cast Iron Historic District.

An Italianate style store building, designed by William Jose, & built in 1870-71 & altered in the late 20th Century. Application is to construct a new lobby entrance adjacent to the building.

Whereas, the “lobby entrance” is, in fact, a doorway leading to a narrow alley between this building and the adjoining building, the alley giving access to the stairs and elevator for the upper floors of this building, and

Whereas, the peaked roof structure over the entrance is in poor condition, and

Whereas, the proposal is to replace the peaked roof structure with a flat steel panel even with the façade of the building and containing the numbers “400” vertically on one side of the panel,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of this application for 400 West Broadway.

Vote: Unanimous, with 44 Board members in favor.

14. LPC #18 – 49 West 8 St. – Greenwich Village Historic District. A Greek Revival style row house built in 1845 & altered in the early 20th Century to accommodate stores at the first two floors. Application is to install signage.

Whereas, the sign currently installed at the storefront is not appropriate, and

Whereas, the applicant presented a new proposed sign more in keeping with the area, one 20” by 16”, 8’ above the sidewalk, installed with a curved hanging bracket,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of the proposed sign but notes that it should be installed in the mortar joints and not attached directly to the bricks.

Vote: Unanimous, with 44 Board members in favor.

15. LPC #20 – 417 Bleecker St. – Greenwich Village Historic District. A hotel built in 1901 & altered in the 1920s. Application is to install storefront infill.

Whereas, since the current storefronts are deteriorating, the proposal is to renovate the entire storefront following the original design, and

Whereas, this will mean removing the present vent, replacing the concrete columns with new replicas, removing the present large bracket sign, and replacing the present awnings with new fixed awnings, with signage on the awnings and also on the front doors, and

Whereas, it was explained that the awning panels which appeared black on the renderings are to be dark brown in color, and

Whereas, the current fire door on Bank St. would be replaced with a wood door more in keeping with the building,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of the application for 417 Bleecker St., but suggests that the awning be retractable rather than fixed.

Vote: Unanimous, with 44 Board members in favor.

16. LPC #21 – 139 West 10 St. – Greenwich Village Historic District. A house designed by Myndert Van Schaick & built in 1834. Application is to legalize the installation of a bracket sign and menu box without Landmarks Commission permits.

Whereas, the signage presented for legalization was not in line with signage regulations and practices of the Landmarks Commission, and

Whereas, the applicant sought suggestions and clarification for signage he proposed for the building, and

Whereas, it was felt that the bracket sign, which should be limited to one and not three, was oversized and inappropriate, and should be mounted in the joints and not the bricks, and

Whereas, the menu sign was also too large, and should be more of a size as other menu signs in the area which contained only one page of the menu, and

Whereas, the sandwich board is not appropriate and is actually within DOT jurisdiction and probably would not be permitted on what appears to be a narrow sidewalk, and

Whereas, the applicant indicated that he would be willing to withdraw this application and come back to us with a more appropriate proposal,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial of the current application for 139 West 10 St., but looks forward to seeing a replacement plan for the signage.

Vote: Unanimous, with 44 Board members in favor.

17. LPC #22 – 277-279 West 11 St. – Greenwich Village Historic District. An apartment house designed by George P. Pelham & built in 1906. Application is to replace entrance doors.

Whereas, the present metal doors are not in good condition and also are difficult for some of the tenants to open, especially if they have packages or a baby carriage, and

Whereas, the proposal is to change the heavy metal doors to wood doors, but take the present ornamental ironwork off the current metal doors and attach it to the front of the proposed wood doors, so that, when painted black, as is the ironwork, it would maintain the look of the building,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of this application for 277-279 West 11 St.

Vote: Unanimous, with 44 Board members in favor.

18. LPC #23 – 3 Greenwich Ave. – Greenwich Village Historic District. A one-story commercial building built in the 20th Century. Application is to legalize a wall constructed without Landmarks Commission permits.

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

Whereas, the applicant failed to appear before the Community Board Committee, nor did he contact us for a layover,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial of this application for 3 Greenwich Ave., in the absence of this important step in the review process.

Vote: Unanimous, with 44 Board members in favor.

19. LPC #24 – 22 Greenwich Ave. – Greenwich Village Historic District. A building built in 1829 and remodeled after the turn of the century. Application is to reconstruct the primary façade.

Whereas, during the process of repairing the side walls of the building, the front façade started to come apart, and became so unstable that it was ordered demolished, and

Whereas, during the demolition process, It was discovered that the original façade of the building had been Flemish brick with only the top trim being of a different material, and

Whereas, the gates had not been attached to the two cast iron columns, one at each side of the front façade, and

Whereas, the applicant intends to rebuild the front façade as it was originally, using Flemish brick not covered with stucco, replacing the residential door and all the windows to match the original, and repairing the cast iron columns,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of the application for 22 Greenwich Ave.

Vote: Unanimous, with 44 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 70 Greene Street (Block 485, Lot 7) Department of City Planning Commission Special Permit Application pursuant to Section 74-711 to modify the provisions of Section 42-00 to allow the Building's ground floor lobby and floors 2 through 4 to be occupied for residential use (Use Group 2); and the recently constructed envelope for the fifth floor and mezzanine additions to the Building to be occupied for residential use in a 5-story building located in an MI-5A Zoning District and in the Soho Cast Iron District

WHEREAS, The area was posted and there was no opposition to this application, And

WHEREAS, The Applicant has agreed that the ground floor retail space in the Building will not be occupied by an eating and drinking establishment use (Use Group 6), And,

WHEREAS, No bulk modifications are being requested as part of the Application, And,

WHEREAS, This proposal will have few, if any, adverse impacts on the surrounding area;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this Department of City Planning Commission Special Permit Application pursuant to Section 74-711 to modify the provisions of Section 42-00 to allow the Building's ground floor lobby and floors 2 through 4 to be occupied for residential use (Use Group 2); and the recently constructed envelope for the fifth floor and mezzanine additions to the Building to be occupied for residential use in a 5-story building located in an MI-5A Zoning District and in the Soho Cast Iron District

Vote: Unanimous, with 44 Board members in favor.

2. Hudson Square Rezoning, Community Board #2 recommendations based on input from local stakeholders on the proposed rezoning of the M1-6 Zoning District.

WHEREAS, CB#2, Man. conducted a Public Hearing on July 14, 2011 to request input from local stakeholders on the proposed rezoning of the M1-6 Zoning District, And,

WHEREAS, There has been strong support over the last several years for the basic concepts and general goals of the proposed rezoning. While the basic proposal has had broad support, local stakeholders have expressed concern for the details and have requested that the Board consider other options.

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends that City Planning consider the inclusion of the following modifications:

1.) A waiver on bulk rules:

Lots in CB#2, Man. were established before the enactment of standard lot sizes. Short and narrow blocks often make it difficult to fully comply with standard bulk rules. There may be other massing that would be more appropriate and might provide flexibility to produce a better design. The Community Board is familiar with this issue and would prefer to have a rational rezoning that will solve as many issues as possible so that future variances would be minimized.

- CB#2, Man. recommends the inclusion of a Special Permit Waiver that would allow, where appropriate, the adjustment of any bulk rules, including open space, setbacks, and height limits, but only to the extent these are justified based on the narrowness or shortness of the particular block, and would not allow increases in FAR."

2.) Consideration for increasing the size of buildings allowed to convert to Residential.

Local stakeholders have expressed concern that the 50,000 Sq Ft. limit for conversion would leave out some buildings that would be appropriate for residential use. It appears this modification would only affect a few buildings, several of which are recently constructed hotels. While CB#2, Man. supports the concept of maintaining a mixed-use area, the Board recognizes that the smaller foot print buildings are more appropriate for residential conversion.

- CB#2, Man. recommends an increase in the size limit for residential conversions to somewhere between the proposed 50,000 and 80,000 based on an evaluation of the buildings that would be affected at different levels, however the size limit for demolitions should remain unchanged.

3.) Reconsideration of the proposed down zoning on Watts, Broome, Dominick Streets

Residential property owners on these streets have expressed concern that the proposed down zoning in these areas is far greater than the proposed down zoning on other mid block areas. CB#2, Man. agrees it is appropriate to reduce the zoning where the use is changed from manufacturing to residential, but the proposed down zoning in the Watts, Broome, Dominick Street area is excessive. The neighborhood character is disrupted by newer buildings and vacant lots and dominated by traffic conditions related to the tunnel. Its preservation does not justify differentiated treatment from the rest of the zone.

- CB#2, Man. recommends elimination of the sub-area with reduced FAR and treating it the same as the rest of the zone and leaving the merits of individual buildings to potential landmark consideration if appropriate.

4.) Special Permit for Hotels with 100 or more rooms.

CB#2, Man. has received some opposition and some support for this Special Permit. The Board notes that the proposal does not ban hotels, rather, it requires that they be subject to an appropriate review process.

Given the hotel related issues that have arisen in the Board, this Permit is appropriate.

- CB#2, Man. expresses support for the inclusion of a Special Permit for Hotels with 100 or more rooms.

5.) Inclusion of a new grade school.

CB#2, Man. expresses its concern that any future residential rezoning needs to consider the impacts on our already overburdened school system. This proposal, which includes a plan for a new grade school with 420 seats, has support and the applicant has done a good job of community outreach on this issue. The new school, however, addresses only this proposal and does not address the larger problem in the downtown school system.

- CB#2, Man. expresses support for the proposed grade school with at least 420 seats and recommends that City Planning establish a policy for all future rezoning that will address this important issue.

Vote: Unanimous, with 44 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

App. To DOITT for revocable consents for Public Pay Phone

1. 431 Canal Street – between Varick St. and Hudson St. – double installation

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and Patrick Fergus of DOITT was present, and

Whereas, emails were received from two CB2 Board members opposing this installation as unneeded due to low pedestrian volume and that this was desired merely as an advertising platform, and

Whereas, while these phones were presented as replacements for phones recently removed further east on Canal St, the committee felt that given the low pedestrian traffic they would not serve as a meaningful communication replacement for those phones, but would have the same potential to draw undesired and illegal activity, and

Whereas, the committee agrees that this proposal is strictly about the advertising space and the small amount of income the city would receive from this installation does not justify the cluttering of another sidewalk,

THEREFORE BE IT RESOLVED that CB#2 Man. recommends **DENIAL** of this application for revocable consent to install a **double phone booth in front of 431 Canal Street – between Varick St and Hudson St**

VOTE: Unanimous, with 44 Board members in favor

Renewal App. for revocable consent to operate an Unenclosed sidewalk café for:

2. 13th Street Entertainment, LLC, 409 W. 13th St. (btw 9th Ave. & Washington St.), with 10 tables & 20 seats, DCA# 1324561

Block:646 Lot:49	Lot Frontage:75' Lot Depth:103.25	Year Built:1911
Number of Floors:3	Residential Units:0	Total # of Units:2
Zoning:M1-5	Landmark Building: Yes	Historic District: Gansevoort Market

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

Whereas, DCA recently cited and fined the applicant for operating an unlicensed café as they had not filed for a renewal, although the applicant stated that they had paid the renewal fees, and

Whereas, the café is also operated on an illegal platform, which the applicant stated was needed to adjust for the substantial slope of the sidewalk which was causing safety and liability issues (tripping, tipping tables, etc). While the committee agreed there is an issue with the sidewalk, it made clear to the applicant that there was no allowance in the sidewalk café rules that would allow the platform, and

Whereas, the committee made clear the applicant would need to address the sidewalk grade in another way and suggested that Macelleria around the corner had and addressed a similar grade issue and the applicant stated the platform would be removed prior to the termination of their temporary extension permit on August 15, 2011, and

Whereas, the CB#2, Man. office has also received complaints about noise from the restaurant during brunch, particularly on Saturday afternoon when the establishment becomes a dance club and is clearly advertised as such on the establishment's website, and

Whereas, a member of the committee as well as a staff member from the CB#2, Man. office confirmed that on Saturday and Sunday afternoons, the music from the establishment could clearly be heard half a block away on the corner of 9th Ave, and

Whereas, the applicant stated they had a cabaret license but it was later confirmed with DCA that they do not and the last cabaret license at the address was held several years ago by a previous operator, and

Whereas, the committee felt this applicant was not forthcoming with the committee, particularly on the issue of the cabaret license and **STRONGLY** requests DCA investigate the illegal marketing of the establishment as a dance club,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a **RENEWAL** App. for revocable consent to operate an Unenclosed sidewalk café for **13th Street Entertainment, LLC, 409 W. 13th St. (btw 9th Ave. & Washington St.), with 10 tables & 20 seats, DCA# 1324561.**

UNLESS

- **DCA confirms that the illegal platform has been removed and the condition and slope of the sidewalk is sufficient to safely host a sidewalk café while still remaining safe for pedestrians AND**
- **DCA enforces the New York City cabaret law and prevents the applicant from operating an illegal dance club in violation of said law.**

VOTE: Unanimous, with 44 Board members in favor

SLA LICENSING

1. Forcella Eatery, Inc., 334 Bowery, NYC 10012

Whereas, the applicant appeared before the committee for the third time; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building on Bowery between Bond and Great Jones Street (block #530 / lot # 38); and,

Whereas, the applicant stated the hours of operation is Sunday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.; and,

Whereas, there were 9 community members in attendance against this application and 2 community members in support; and,

Whereas, there was a petition presented by the applicant with 65 signatures (8 which were from within the building of 14 apartments) in support of this application; and,

Whereas, there was also 2 petitions presented by the community, one with 184 signatures (including 7 from residents within the building) and the other with 42 signatures (by property and building owners in the immediate area) against this application; and,

Whereas, the community, consisting of residents, property owners, businesses and developers have repeatedly objected to the adding additional new licenses in the immediate area citing quality of life concerns such as noise, traffic, sheer density of existing licenses, the rapid transformation of the area in the last number of years but have worked with some applicants in a number of other locations to work out mutually acceptable agreements; and,

Whereas, the owner of the Penthouse at 54 Bond Street was represented by counsel stating the great concerns regarding the smoke from the brick oven would directly cause a multiple of “Quality of Life” problems for this apartment and was disappointed that the applicant did not present detailed schematics of their venting plan even after having been asked by this committee at the last presentation to make these plans available; and,

Whereas, this is yet another location that has never been previously licensed by the SLA; and,

Whereas, while this is a Beer & Wine License application, there are over 28 licensed premises within 500ft, including 28 full on-premise licenses; and,

Whereas, CB#2, Man. has repeatedly recommended denial of a license at this location not only on the basis of saturation (even though this is a Beer and Wine application) but also, in this case, on the basis that there are already many restaurants focusing on Pizza in the immediate area and there have been several applications for a pizza style eatery at this location and all were denied and it would be unfair to approve this one; and,

Whereas, C#B2, Man. repeatedly requested the applicant to reach out to the NoHo Community and establish some agreement and yet the parties were not able to move forward on any discussion topics or come to any agreements; and,

Whereas, CB#2, Man. and NoHo Community repeatedly requested safety plans and codes for installing a brick oven into the ground floor of a residential building that is over a hundred years old which were never presented; and,

Whereas, the applicant submitted the following stipulations to CB#2, Man.'s SLA Committee:

1. Hours of operation are Sunday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.
2. There will be no "Happy Hours" type service or gimmicks.
3. There will be no "Sandwich Board" advertising on the sidewalk.
4. There will never be a request for a sidewalk café.
5. The applicant will never apply for a Full On Premise license with the SLA.
6. All windows and doors will be closed by 9:00 p.m.
7. The applicant agrees to update any equipment necessary to contain smoke from the wood-burning stove within 90 days of opening.
8. The applicant will adjust any necessary sound proofing if needed within 90 days of opening.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new Beer and Wine license for **Forcella Eatery, Inc., 334 Bowery, NYC 10012**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that if the SLA should approve this license that all the stipulations agreed to in the 13th Whereas clause in this resolution are incorporated into the "Method of Operation".

Vote: Unanimous, with 44 Board members in favor.

2. Il Buco Alimentaria/Vineria, 53 Great Jones St., NYC

Whereas, the applicant re-appeared before the committee for the third time; and,

Whereas, this is an application for a full service restaurant specializing in fine food and wines; and,

Whereas, this application is for a new Full OP license in a mixed-use building (block #530 and lot #31) on Great Jones Street between Bowery and Lafayette Street for a 6,400 s.f. restaurant and shop with 28 tables and 89 seats, 2 bars with 24 seats and a food counter with 12 seats, and a maximum legal capacity of 155 persons; and,

Whereas, the applicant stated the hours of operation are from Sunday from 9:00 a.m. to 12:00 a.m., Monday through Thursday from 7:30 a.m. to 12:00 a.m. and Friday from 7:30 a.m. to 1:00 a.m. and Saturday from 9:00 a.m. to 1:00 a.m.; there is no sidewalk café at this time, no roof top use by patrons, no backyard garden and music will be background only; and,

Whereas, the applicant had originally submitted an application for a full on-premise license in the preceding month which was a modification to an application originally presented in January 2010, but had withdrawn that application to meet with local community members and the local neighborhood association; and,

Whereas, the applicant met with the neighborhood associations and other community members and created the following stipulations that are to be included by CB2:

1. **Commitments to Prohibit Outdoor Assembly.** iB/V agrees that it will not permit food or liquor service on any rooftop surface of the Building at this time, but reserves the right at a future date to request that the Community Owners agree in written form to modify this Agreement to allow daytime or early evening dining on the rooftop and Community Owners agree to consider same in good faith, provided that iB/V acknowledges that such consideration may include iB/V's performance with regard to the other provisions of this Agreement, included but not limited to controls of odors and noise emanating from the rooftop mechanical equipment. For the avoidance of doubt, Community Owners expect that, until such time as this Agreement may be modified at some future point, no patrons will have rooftop access for any purpose or function, except as may be necessary to provide egress from the second floor restaurant area to the stair bulkhead on the lower roof. iB/V agrees that its employees will be permitted rooftop access to maintain rooftop landscaping and mechanical equipment as necessary on the rooftops and will be permitted access for routine breaks during the course of the workday from 9:00 am until 10:00 pm, provided iB/V will take measures to assure that staff will respect the privacy and quiet enjoyment of adjacent neighbors, which shall include that staff will not (i) smoke, (ii) congregate more than six (6) at any one time, (iii) play instruments or recorded music.
2. **Commitments to Landscape Rooftops.** iB/V agrees to landscape the rooftops of the Building prior to the restaurant opening.
3. iB/V agrees to design and operate the Building so as to comply with all NYC Noise Code standards. All music in the building will comply with NYC noise code standards. Any music played in iB/V will be background music only, with the single exception of a private event requesting live music, which live music will revert to background music at 12 am Fridays and Saturdays and 11 pm Sundays through Thursdays. Sound testing will be performed within thirty (30) days after the opening of the restaurant to patrons to assure that any amplified or non-amplified sound from the interior of the building is not present or audible outside or in the contiguous residences beyond NYC noise control code levels. Such testing will establish a permitted maximum volume and such volume will be made part of any Special Events contract as set forth in paragraph 5. Those Community Owners with property contiguous to the Building agree to make available and provide access to at least one unit for the installation and monitoring or sound meter device(s)
4. All doors, skylights and windows of the Building other than the restaurant entrance and the sidewalk-level windows Great Jones Street will be closed by 10 pm every night.
5. All waste bins will be maintained inside the building and all waste will remain inside the building until no more than 30 minutes prior to the scheduled time of pick-up. All organic waste will be brought outside in sealed bins rather than brought curbside and left in bags.
6. iB/V will make reasonable best efforts to contract for waste carting for morning pick-up as to avoid arrival between the hours of 2am and 6 am. iB/V agrees it will make best efforts to limit garbage pick up to one pick-up per day.

7. iB/V commits to take all reasonable measures to assure that no vehicles related to operation of the restaurant will park or double-park on on Great Jones Street and to assure that all trucks with refrigeration will shut off their motors while standing on Great Jones Street.
8. iB/V will not permit, nor will it permit any third party to establish, any presence on Great Jones Street other than customary restaurant services. No rope lines, checkpoints, check-in tents will be established at any time outside the Building.
9. iB/V will make every effort to ensure that large numbers of vans, limousines, SUV's, taxicabs are not waiting at any given time. Arrivals will be informed of the availability of parking agreements with nearby parking lots and garages.
10. Employees, visitors and contractors of iB/V will be expressly prohibited from congregating on the Great Jones Street sidewalk.
11. iB/V will make every effort to keep sidewalk noise to a minimum. iB/V will install a plaque that will be posted so as to be visible from the sidewalk advising "Please respect the peace and quiet of our neighbors." (or similar language).
12. All rooftop mechanical equipment will be installed and maintained so as to remain in compliance with all relevant NYC noise codes. iB/V agrees to test noise levels for a one-month period after the opening of the restaurant using a competent consultant acceptable to Community Owners and to share the test results with the Community Owners. Community Owners with property contiguous to the Building agree to cooperate with regard to this testing by permitting access to their buildings as necessary for the installation and monitoring or sound meter device(s). If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, iB/V agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.
13. iB/V agrees to install and maintain in good working order prior to the opening of the restaurant a state-of-the-art UV hood to control kitchen exhausts and odors. In the event such equipment proves ineffective, as evidenced by [insert standard], iB/V agrees to either immediately modify its baking and/or cooking plan or promptly take the additional steps of installing and maintaining in good working order a precipitator on the upper roof.
14. Commitments regarding "Special Events". A "Special Event" is defined as any of the following:
 - (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or
 - (b) any group, including iB/V, which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:
 - (i) iB/V will limit the number of guests attending Special Events in the Building to no more than 125 persons per day at any given time.
 - (ii) iB/V will require that any Special Event for 50 or more guests will require the responsible party (and if it is the iB/V that is holding the Special Event, then iB/V itself will be equally bound) to enter into an Events Contract stipulating:
 - (a) that the event will be primarily food service oriented with incidental liquor service,
 - (b) that the event will end one hour before licensed closure,

- (c) iB/V management will ensure that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,
- (d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,
- (e) that in the event an outside party will use its own sound amplification devices, the time limits and volumes will be consistent with this Agreement.

(iii) iB/V agrees that will not enter into Special Events contacts with “promoters,” *i.e.*, third party booking agents advertising events to the public.

15. Commitments to Appoint Community Liaison. iB/V agrees to assign at least one person (“Community Liaison”) who will be available to speak with the Parties during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.
16. Commitments to Contain Sounds to within the Building. iB/V agrees to design and operate the Building so as to comply with all NYC Noise Code standards. Sound testing will be performed to assure that any amplified or non-amplified sound from the interior of the building is not present or audible outside or in the contiguous residences beyond NYC noise control code levels. Such testing will establish a permitted maximum volume and such volume will be made part of any Special Events contract as set forth in paragraph 5. A testing period will be established for not less than one month at the opening of the restaurant. Those Community Owners with property contiguous to the Building agree to make available and provide access to at least one unit for the installation and monitoring or sound meter device(s)

Whereas, the applicant has signed a Memorandum of Understanding document that is attached to this resolution (see attached) which incorporates these stipulations; and,

Whereas, the applicant submitted a petition with 361 signatures in support of the new restaurant; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the new full on premise license for **Il Buco Alimentaria/Vineria, 53 Great Jones St., NYC** unless all stipulations agreed to in the 6th Whereas clause in this resolution are incorporated into the “Method of Operation”.

Vote: Unanimous, with 44 Board members in favor.

3. Twelve Spring St. Rest. Corp. d/b/a The Vig Bar, 12 Spring St., NYC 10012

Whereas, the applicant and their lawyer appeared before the committee; and,

Whereas, this application is for an alteration of the Full On Premise license, in a mixed use building (block 478 / lot 18) on Spring Street between Bowery and Elizabeth Street, for a total of 1,500 s.f. bar with 8 tables and 45 seats and 1 bar with 9 seats, there will be no sidewalk café and no back yard garden, and a maximum legal capacity of **200 persons** inside; and,

Whereas, the applicant stated the hours of operation are Sunday through Saturday from 4:00 p.m. to 4:00 a.m.; music will be background and also live DJ; and,

Whereas, this application is actually to correct the fact that the applicant already made alterations inside the establishment without notice to CB2 and the SLA; and,

Whereas, the alteration entails moving the food prep area to behind the bar and building a DJ booth in its' place; and,

Whereas, on May 13, 2008 the applicant, Twelve Spring St Rest Ltd, appeared before Community Board 2's SLA Licensing committee to present their original application for the transfer of this license with the same DBA, Vig Bar, from the previous licensee, Udamann Enterprises Inc. (License number 1025186), and at that time, the previous licensee, Udamann Enterprises Inc. was operating under SAPA and information was presented by members of the community of a concurrent proceeding being conducted by the SLA to cancel or revoke the license and further said that Michael Smith, Public Information Officer at the SLA indicated that the SLA would not accept or hear any transfer application at the time until the matter was resolved and as a result, CB2 laid over the application because it would not be accepted by the SLA at that time (Please refer to letter from Kerri J. Obrien, Director of Licensing Operations for the SLA dated March 26, 2007 to Udamann Enterprises Inc., regarding non-renewal of the previous license and explanation of SAPA) ; and,

Whereas, the previous licensee at this location using the same DBA, Vig Bar, had a troubling adverse history dating back to 2003 through the time of the application of the current licensee, which included serving underage persons, exhibiting disorderly conduct and excessive noise, failing to conform to all building and fire, health and safety regulations and utilizing unlicensed security guards (see DO#2644-2002/Case#21, DO#803-2004/Case#15085, DO#3617-2005/Case #29411, DO#1537-2005/Case#24860, DO#515-2006/Case #30839, DO#2665-2006/Case#35336); and,

Whereas, the current applicant circumvented the community input process and never returned to Community Board 2 to present their application after the legal proceedings with the previous licensee were resolved and therefore Community Board 2 was denied the opportunity to present information relevant to this application prior to the SLA making a decision on whether to grant this applicant a liquor license at 12 Spring St. utilizing the same method of operation as the previous licensee which were clearly of concern; and,

Whereas, this establishment has a record of noise and crowd control problems; and,

Whereas, the applicants filed and received a "Place of Assembly" permit for 200 people in March of 2011 and still failed to notify CB2; and,

Whereas, had the applicant followed the correct notification procedures, CB2 would have certainly required a hearing on this establishment to negotiate stipulations or at least establish a resolution that would be on file with the SLA but were not given the chance; and,

Whereas, CB#2, Man. feels that by coming before us regarding the alteration to "correct" the error of not notifying the board is a mute point when we have not been able to offer any input on the original transferred license or discuss community concerns with the noise and crowd control at this establishment; and,

Whereas, installing a DJ booth would never have been approved by CB2 without stipulations and is an issue that runs concurrent with noise complaints; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **denial** to the alteration of the On Premise license for **Twelve Spring St. Rest. Corp. d/b/a The Vig Bar, 12 Spring St., NYC 10012**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends the SLA review the history of this applicant original application and the transfer of the license from the previous applicant before approving any changes.

Vote: Unanimous, with 44 Board members in favor.

4. TNTE LLC, 265 Elizabeth Street, NYC 10012

Whereas, the applicant appeared before the committee a second time; and,

Whereas, this is an application for a new Full OP license for an upscale Asian restaurant that is in a mixed use building (block 508 / lot 30) on Elizabeth Street for a 2,000 s.f. restaurant which will include 24 tables and 66 seats, 1 bar with 8 seats and a maximum legal capacity of 74 persons, there will be no sidewalk café but will include an enclosed backyard garden; music will be background only; and,

Whereas, the applicant stated the hours of operation are Sunday from 10:00 a.m. to 9:00 p.m., Monday through Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 1:00 a.m.; and,

Whereas, the applicant agrees to obtain all necessary permits to permanently enclose the existing backyard garden and will do so before opening for operations; and,

Whereas, the applicant's architect appeared and stated that he believed there would not be any issues with permanently enclosing the backyard garden and had consulted with the DOB who had verbally assured him that the application would most likely be approved; and

Whereas, the applicant agrees to not have promoted events, outside promoters or live performances and that the music would be quiet background only throughout the premise; and,

Whereas, the applicant agrees to not put out benches or sandwich board ads on the sidewalk; and,

Whereas, the applicant agrees to maintain open communications with the community and surrounding neighbors; and,

Whereas, CB#2, Man. request that the SLA conduct a 500 ft. rule hearing; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Full OP license for **TNTE LLC, 265 Elizabeth Street, NYC 10012** unless all the stipulations agreed to in this resolution in the 3rd, 4th, 6th, 7th and 8th Whereas clauses are incorporated into the "Method of Operation".

Vote: Passed, with 42 Board members in favor and 2 in opposition (T. Bergman, D. Diether).

5. MTOWN, Inc. d/b/a/ Piazza Seventeen, 17 Cleveland Pl., NYC

Whereas, the applicant re-appeared before the committee for the second time after having received a negative recommendation from CB#2, Man. for a full OP license; and,

Whereas, this is an application for a full service Italian restaurant; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building (block #481 and lot #8) on Cleveland Place between Kenmare and Spring Street for a 700 s.f. restaurant with 13 tables and 26 seats and no bar and a maximum legal capacity of 74 persons; there will be no sidewalk café and no backyard garden, music is background only; and,

Whereas, the applicant stated the hours of operation are Sunday through Saturday from 9:00 a.m. to 2:00 a.m., 7 days a week; and,

Whereas, the applicant has agreed to close all doors and windows by 10:00 p.m., 7 days a week; and

Whereas, the community has concern for quality of life issues in this residential square and believes that this operation will only further contribute to the deteriorating quality of life with increases in late time pedestrian traffic due to the proliferation of licensed premises in the immediate area (at least 16 within 500 ft. and 10 out of 15 of the store fronts bordering Petrosino Square on which this address is located) and the belief that this location will function primarily as a late night pizza location with beer and wine further exacerbating an already oversaturated and loud area (see CB2's resolution dated June 2011 in regards to renewing La Esquina's liquor license (License #1162928)); and,

Whereas, the applicant did respond to previous requests and agreed to make it into a small restaurant instead of just a bar and decreased the bar size by 2/3; and,

Whereas, there are already 16 OP licenses within 500 ft of the applicant's location; and,

Whereas, this location is in a highly saturated area and though there is not a 500 Ft hearing for beer and wine, CB#2, Man. request the SLA to seriously consider the over saturation as a very clear issue; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the denial of the new Beer and Wine license for **MTOWN, Inc. d/b/a/ Piazza Seventeen, 17 Cleveland Pl., NYC, unless all the stipulations agreed to in this resolution in the 2nd, 3rd, 4th, 5th, and 7th "Whereas" clauses are incorporated into the Method of Operation**

Vote: Passed, with 41 Board members in favor, and 3 in opposition (C. Booth, D. Diether, G. Gil).

6. Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St, NYC

Whereas, the applicant re-appeared before the committee for the third time after returning to CB#2, Man. after presenting their application to the SLA; and,

Whereas, this is an application for a full service Pan-South American restaurant; and,

Whereas, this application is for the transfer of a Full OP license in a mixed-use building (block #493 and lot #16) on Prince Street between Elizabeth and Mott Street for a 1,500 s.f. restaurant with 22 tables and 44 seats, 1 dinning counter with 10 seats, 1 banquette with 16 seats, 1 bar with 9 seats, and a maximum legal capacity of 103 persons (after all permits are received from the NYC DOB); there is no sidewalk café and no use of the backyard garden; background music only; and,

Whereas, the applicant stated the hours of operation are Sunday through Saturday from 11:00 a.m. to 1:00 a.m. 7 days a week; and,

Whereas, CB#2, Man. had originally denied this application unless a certain method of operation was adhered to in February, 2010 but had subsequently addressed a letter to the SLA on June 21, 2011 stating that the applicant while operating under temporary licenses had failed to honor their presented method of operation and requested that the SLA deny the application; and

Whereas, CB#2, Man. agreed at the request of community members, to rehear the application after the community members had an opportunity to meet with the applicant to establish new stipulations and review the new method of operation; and,

Whereas, this applicant has had numerous problems with the community which seemed to stem from misuse by one of the owners (principals) who no longer is a partner in this business; and,

Whereas, the two other partners have reached out to the community and worked out the problems with the community by agreeing to the following stipulations:

1. Hours of operation will now be 11:00 a.m. to 1:00 a.m. 7 days a week and NO LATER.
2. They will run this establishment as a restaurant.
3. They will not operate as a Disco/Nightclub/Bar.
4. They will not apply for a Cabaret License and no dancing will be allowed.
5. They will never be any use of the backyard for any reasons at all.
6. They will close all doors and windows by 10:00 p.m.
7. There will be no live music, no DJ's, no promoted events, no performances.
8. There will be no signs on the sidewalk.
9. The applicant will not allow occupancy of over 74 people until all the proper building department permits and certificates of occupancy and public assembly permits are in place.

Whereas, the community is very skeptical regarding this applicant based on the history of noise and crowds, illegal building and unauthorized hours of operation; and,

Whereas, the community did agree to these stipulations but are very concerned about the enforcement of these stipulations; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends the **denial** of the transfer or renewal of the Full OP license for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St, NYC** unless all the stipulations agreed to in this resolution in the 7th Whereas clauses are incorporated into the "Method of Operation"; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. request that the SLA attempt to keep a strict enforcement of the stipulations.

Vote: Passed, with 43 Board members in favor, and 1 in opposition (D. Diether).

7. Akram Restaurant Management, Inc. d/b/a Da Gennero, 129 Mulberry St., NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this applicant is expanding to a 450 s.f space next door to the original restaurant acquired through the vacancy of a retail space; and,

Whereas, this application is for the alteration of the currently existing On Premise license, for an Italian restaurant in a mixed-use building on Mulberry Street between Hector and Grand Street to include an additional 6 tables and 12 chairs in the sidewalk café fronting space that was just recently acquired; and,

Whereas, the applicant stated the hours of operation are Sunday –Thursday from 10:30 a.m. to 1:00 a.m. and Friday – Saturday from 10:30 a.m. to 2:00 a.m.; there will be a no backyard garden; music will be quiet background only; and,

Whereas, this addition next door has not had a SLA license of any kind for over 20 years; and,

Whereas, CB#2, Man.’s Sidewalk Café committee and CB#2, Man.’s Full Board took the extraordinary step and denied the expansion of the sidewalk café because the applicants current operations in the sidewalk café are always in contradiction to the license for the sidewalk café such as not following proper layout, adding additional tables and chairs beyond the approved number and serving from the sidewalk instead of the service isle; and,

Whereas, until the applicant properly follows the law, rules and regulations regarding use of their existing sidewalk café area CB2 feels that at this time it would be inappropriate to license this new area; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends the denial of the alteration to the On Premise license for **Akram Restaurant Management, Inc. d/b/a Da Gennero, 129 Mulberry St., NYC 10013.**

Vote: Unanimous, with 44 Board members in favor.

8. New Restart, Inc. d/b/a Mambo Italiano, 145-147 Mulberry St., NYC 10013

Whereas, the applicant re-appeared before the committee after last appearing in June 2011 for a different configuration for the proposed additional space for which CB#2, Man. recommended that the SLA deny the application; and,

Whereas, in July 2009, CB#2, Man. recommended approval for a On Premise license in a mixed use building on Mulberry between Grand and Hester streets for a 5,000 s.f. Italian restaurant with 84 table seats, 1 bar with 10 seats, and a maximum legal capacity of 142 persons on the first floor only; and the applicant stated the hours of operation are 12:00 p.m. – 1:00 a.m. Sunday – Thursday and 12:00 p.m. – 2:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music is background only; and,

Whereas, this application is for the alteration of the currently existing On Premise license, for an Italian restaurant in a mixed-use building on Mulberry Street between Hester and Grand Street (block 236 / lot 7502) to expand seating into the basement, which has never been licensed before, to include 24 tables and 48 chairs and a service bar and add an additional 14 tables and 40 seats on the first floor (for a total of 34 tables and 124 table seats and 1 bar with 10 seats on the first floor and 48 seats in the basement creating a grand total of 182 seats)

Whereas, the applicant appeared before this committee with an application to increases the total number to 292 seats but has agreed to reduce the total number of seats to 182; and,

Whereas, the applicant appeared before this committee before with a request to have a cabaret license which was denied; and,

Whereas, the basement space at this location has never licensed before and the request will essentially double the current size of this operation and create a very large location for this neighborhood, so this committee requests that the applicant comply with DOB requirements to obtain a current/updated Certificate of Occupancy and Place of Assembly permit before use of the space is permitted; and,

Whereas, there is still no evidence that the applicant has applied for or received a Place of Assembly permit that is required for the current approved operation and which the applicant stipulated in July 2009 that they would obtain prior to opening the establishment; and,

Whereas, there are at least 20 licensed OP establishments within 500 feet of the proposed expansion and many beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **Approval** of the alteration to the On Premise license for **New Restart, Inc. d/b/a Mambo Italiano, 145-147 Mulberry St., NYC 10013.**

Vote: Passed, with 42 Board members in favor, and 2 in opposition (C. Booth, D. Diether).

9. St. Jude Enterprises, LLC d/b/a Benito's 1, 174 Mulberry St., NYC 10003

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of a Full OP license in a mixed use building on Mulberry Street between Broom and Grand Street to include a sidewalk café with 4 tables and 8 seats; and,

Whereas, the applicant stated the hours of operation are from 11:00 a.m. to 12:00 a.m. seven days a weeks; there is a sidewalk café included in this application, but no backyard garden, and music is background only; and,

Whereas, the applicant stated that all food and liquor service in the sidewalk café will be conducted from the service aisle and not from the public sidewalk, which was a concern that CB2 had when the sidewalk café license was applied for; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration of the Full OP license for **St. Jude Enterprises, LLC d/b/a Benito's 1, 174 Mulberry St., NYC 10003 Street** unless the 4th Whereas clause is incorporated into the "Method of Operation"

Vote: Unanimous, with 44 Board members in favor.

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

10. Mother's Ruin, LLC 18 Spring St., NYC 10013

Whereas, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Mother's Ruin, LLC 18 Spring St., NYC 10013** 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 44 Board members in favor.

11. Toby's Public House II, LLC d/b/a Toby's Public House II, 86 Kenmare St., NYC 10012

Whereas, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Toby's Public House II, LLC d/b/a Toby's Public House II, 86 Kenmare St., NYC 10012** 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 44 Board members in favor.

12. Sogno Restaurant Corp. d/b/a The City Tavern, 22 E. 13th St., NYC 10003

Whereas, the applicant requested to withdraw from consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Sogno Restaurant Corp. d/b/a The City Tavern, 22 E. 13th St., NYC 10003** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

13. Altamarea Group LLC, d/b/a Osteria Marini, 218 Lafayette St., NYC 10013

Whereas, the applicant requested to withdraw from consideration of the application until they have corrected some outstanding violations but will return to the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Altamarea Group LLC, d/b/a Osteria Marini, 218 Lafayette St., NYC 10013** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

14. Sigma Burger Pie, LLC, d/b/a Sigma Burger Pie, 68 W. 3rd St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Sigma Burger Pie, LLC, d/b/a Sigma Burger Pie, 68 W. 3rd St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

15. Ginza 4 LLC, d/b/a Pending, 54 Crosby St., NYC 10012

Whereas, the applicant requested to withdraw from consideration of the application until they have corrected some outstanding violations but will return to the CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Ginza 4 LLC, d/b/a Pending, 54 Crosby St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

16. Ryan Chadwick, d/b/a Esco, 173 Mott St., NYC 10013

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Ryan Chadwick, d/b/a Esco, 173 Mott St., NYC 10013** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

17. 1140 Broadway Mussel Corp. d/b/a TBD, 220-224 W. Houston St., NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **1140 Broadway Mussel Corp. d/b/a TBD, 220-224 W. Houston St., NYC** until the applicant has presented their application in front of the SLA Licensing Committee 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 44 Board members in favor.

18. Physical Onion, LLC 61 W. 8th St. (6th Avenue and MacDougal Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on West 8th Street between 6th Avenue and MacDougal Street) for a 2,400 s.f. (2,400 s.f. ground floor and 2,400 s.f. cellar (cellar used for storage and offices only)) bar with 32 table seats, 1 bar with 16 seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 2:00 p.m. to 2:00 a.m.; there is no sidewalk café application and no backyard garden; music is DJ and Ipod at entertainment levels only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 2:00 a.m. seven days a week
2. The applicant will seal all windows shut
3. The applicant will post a “please respect the neighbors” type sign
4. The applicant will fully soundproof the establishment
5. The applicant will police smokers and other loitering outside in front of the establishment
6. The applicant will install a vestibule/double door at the entrance

Whereas, the applicant had reached out to members of the community including but not limited to the West 8th Street Block Association and nearby residents; the applicant has submitted over 12 letters of support from immediate neighbors; support letters from various community organizations and charities such as the Greenwich Village-Chelsea Chamber of Commerce and submitted a petition with over 4000 signatures in support; and,

Whereas, over 40 people appeared in support of the proposed establishment versus 20 people appeared in opposition; and,

Whereas, the members in the neighborhood and representatives from the West 8th Street Block Association appeared in strong opposition; stating over saturation of on premise liquor licenses in the area and raising issues with a late night bar establishment on the block; citing most establishments with an On Premise license in the area are restaurant type establishments that close no later than 2:00 a.m. seven days a week; and,

Whereas, the committee expressed concerns with the proposed late night weekend hours on a saturated block – currently over 13 licensed establishments within 500 feet; negative feedback was also received from current and recent neighbors of the bar on Christopher Street; this Committee acknowledged however that the applicant has performed an extensive amount of community outreach; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial unless** of an On Premise license for **Physical Onion, LLC 61 W. 8th St.**

Vote: Passed, with 33 Board members in favor, 8 in opposition (H. Campbell, C. Booth, R. Ely, A. Greenberg, D. Gruber, B. Riccobono, C. Spence) and 3 in abstention (D. Diether, Ah. Hearn, L. Rakoff).

19. David Reuben or LLC to be formed, 199 Prince St. (MacDougal and Sullivan Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an existing On Premise license in a mixed use building on Prince Street between MacDougal and Sullivan Streets for a 1,000 s.f. restaurant with 18 table seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant state the hours of operation are Sunday, Tuesday through Thursday from 12:00 p.m. to 1:00 a.m. and Friday and Saturday from 12:00 p.m. – 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 1:00 a.m. on the weekdays and 2:00 a.m. on the weekends

2. The applicant will use only 1 French door. The remaining 2 French doors will be used for emergency purposes

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the transfer of an On Premise license for **David Reuben or LLC to be formed, 199 Prince St.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

20. ADSAD, LLC, d/b/a Onegin, 391 6th Ave. (Greenwich Avenue and Waverly Place), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a commercial building on 6th Avenue between Greenwich Avenue and Waverly Place for a 3,300 s.f. Russian Restaurant with 101 table seats, 1 bar with 11 seats with a maximum legal capacity of 122 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be IPod/CDs at background levels only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will operate as a full service restaurant only
2. The applicant will limit its closing hours to 1:00 a.m. on Weekdays and 2:00 a.m. on Weekends.
3. The applicant will not seek a DCA Cabaret License.
4. The applicant will not seek a DCA Sidewalk Café permit
5. The applicant will monitor smokers outside the establishment
6. The applicant will obtain all required certificates, permits and related documents from the NYC Department of Buildings prior to opening the establishment.

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **ADSAD, LLC, d/b/a Onegin, 391 6th Ave.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, 44 with Board members in favor.

21. San Marion at SoHo, d/b/a Pending, 66 Charlton St

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for an On Premise license in a Hotel establishment d/b/a Sheraton Four Points on Charlton Street between Varick and Hudson Streets for a 2,000 s.f. bar/restaurant with 200 table seats, 1 bar with 6 seats, and a maximum legal capacity of 149 persons; and,

Whereas, the applicant state the hours of operation are seven days a week from 6:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

Whereas, the applicant will be holding the new license for the Hotel bar/restaurant once the Hotel establishment relinquishes the license with the State Liquor Authority; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to an On Premise license for **San Marion at SoHo, d/b/a Pending, 66 Charlton St** subject to the relinquishment of said license by the Hotel d/b/a Sheraton Four Points.

Vote: Unanimous, with 44 Board members in favor.

22. Daniel Mitovski on behalf an entity to be determined, TBD, 308-310 Bleecker St. (Seventh Avenue South and Grove Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license in a commercial building on Bleecker Street between Seventh Avenue South and Grove Street for a 2,000 s.f. restaurant with 84 table seats, 1 bar with 10 seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 11:00 a.m. to 2:00 a.m.; there will be a sidewalk café application and backyard garden; music will be IPod/CDs at background levels only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will operate as a full service restaurant only
2. The applicant will limit its closing hours to 2:00 a.m. seven days a week
3. The applicant will cure all outstanding violations pertaining to the illegal backyard enclosure
4. The applicant will limit its backyard closing hours to 10:00 p.m. daily
5. The applicant will obtain all required certificates, permits and related documents from the NYC Department of Buildings prior to opening the establishment.

Whereas, the existing backyard garden structure is illegal with several open violations; applicant has agreed to cure these violations and obtain the proper permits for a legal backyard garden enclosure; the applicant intends to erect a canvas enclosure; and,

Whereas, the committee expressed concerns with the proposed enclosure for the backyard in a residential area; citing the proposed canvas enclosure is inadequate for mitigating noise; applicant has failed to reach out to the neighboring residents who may be impacted by the proposed backyard garden; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Daniel Mitovski on behalf an entity to be determined, TBD, 308-310 Bleecker St.**

Vote: Unanimous, with 44 Board members in favor.

23. Whitehall NYC, LLC d/b/a Whitehall, 19 Greenwich Ave. (West 10th Street and Christopher Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on Greenwich Avenue between Christopher and West 10th Streets for a 1,200 s.f. upscale restaurant with 52 table seats, 1 bar with 14 seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 10:00 a.m. to 12:30 a.m. and Friday and Saturday 10:00 a.m. to 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music is iPod/CDs at background levels only; and,

Whereas, the applicant had reached out to members of the community; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its closing hours to 12:30 a.m. on Weekdays and 2:00 a.m. on Weekends.
2. The applicant will obtain all required certificates, permits and related documents including a letter of no objection from NYC Department of Buildings prior to opening the establishment.
3. The applicant will ensure that there will be no less than 3 staff managers on duty at all times
4. The applicant will have a General Manager on duty during all hours of operation who is capable of adequately communicating with residents of the community.
5. The applicant will hire a certified acoustical consultant to make recommendations to meet or exceed the current New York City Noise Code guidelines for residential areas. The applicant will use best efforts to soundproof the establishment.
6. The applicant will not permit any doors or windows of the establishment to be open prior to the opening of the establishment and no later than 9:00 p.m. daily.
7. The applicant will not have DJs, Live Music or outside promoters in the establishment.
8. The applicant will not post signage on discounted drink promotions of any kind.
9. The applicant will work with the community and local FDNY Squad 18 Firehouse to determine and address traffic congestion and noise issues that are identified.
10. The applicant will not host third party private events.
11. The applicant will not store garbage or garbage dumpsters outside the establishment. The applicant will place refuse at the curb at the latest time possible before pick up.
12. The applicant will hold monthly meetings with representatives of the community during the first six months of operation and quarterly thereafter to address any issues raised by the community.
13. The applicant will notify the Community Board in the event of a change of ownership.

Whereas, the applicant submitted a petition with over 200 signatures in support of the proposed establishment; and,

Whereas, the applicant is currently operating another bar/restaurant establishment d/b/a Highlands a few blocks from the proposed establishment; and,

Whereas, no one appeared in opposition from the community but it had been communicated via email that the committee should adjourn this matter until the West 10th Street Block Association has weighed in; however, the applicant has since executed a stipulations agreement with members of the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Whitehall NYC, LLC d/b/a Whitehall, 19 Greenwich Ave.** unless those conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

24. Brown Stew LLC, d/b/a Miss Lily’s, 132 W. Houston St. (Sullivan and MacDouga l), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing Beer and Wine license for a Jamaican restaurant located in 1,800 s.f. premise in a mixed use building located on West Houston between Sullivan and Macdougall Streets with 58 table seats and 1 bar with 5 bar seats and a maximum legal capacity of 74 persons; **to add 3 tables with 10 seats in an unenclosed sidewalk cafe; and,**

Whereas, the applicant stated there are no plans to change the previously approved operation; and,

Whereas, the applicant stated that there will be NO MUSIC played in the sidewalk cafe; the applicant agreed to close the sidewalk café by 10 p.m. daily and prohibit smoking in the café area; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the proposed alteration to a Beer and Wine license for **Brown Stew LLC, d/b/a Miss Lily’s, 132 W. Houston St.** unless the 3rd and 4th “Whereas” clauses are included in the Method of Operation of the license.

Vote: Unanimous, with 44 Board members in favor.

25. Gans Mex, LLC, d/b/a MPD, 817 Washington St., (NYC

Whereas, this application is for a renewal to an On Premise liquor license; and,

Whereas, the operator has been running the establishment for over 3 years; and,

Whereas, the applicant originally appeared in front of Community Board 2 in September 2006 at which time the applicant presented the proposed premise as a Mexican restaurant with hours of operation from 11 a.m. to 1:00 am and that music would be background only; and,

Whereas, In the applicants original application to the SLA in the “Proposed Method of Operation” section, the applicant described the establishment as a “restaurant”, that they would have music and that it would be “background music only”, would not permit dancing, and that the hours of operation would be “11 a.m. – 1 a.m. – 7 days a week”, that they would not employ a manager, and that they would have 1 security personnel; and,

Whereas, on 12/05/2010, 817-33 Washington St. LLC, the landlord (of whom members also appear to be principals of the applicants LLC) was served an ECB Violation #34878490Z, which is still listed as of July 20, 2011, as “No Compliance Recorded” and Hearing Status “In Violation” for “Operation of Place of Assembly w/o a current C of O Noted: Premises is a Eating & Drinking Establishment with a occupancy for 137 Persons no PA permit provided at time of inspection. Rem: Obtain a Place of Assembly”; and,

Whereas, on 12/23/2010 an application was filed with the New York City Department of Buildings for a Place of Assembly Permit for the location and the application was approved the same day and there were subsequent filings amending the original application on 2/2/2011 and 4/20/2011; and,

Whereas, the operator has consistently violated the DEP Noise code while permitting dancing in the establishment without a DCA Cabaret license; and,

Whereas, the operator has been deceptive throughout the process; meeting with members of the community and Community Board yet unwilling to execute a stipulations agreement and was absent at the committee hearing and instead sent an individual who stated the was the manager of the location and is not a principal and was not able to address any issues except to state that there has been dancing in the premise in response to a direct question; and,

Whereas, several members of the community appeared to express concerns with the establishment; overcrowding and noise issues on this block; citing loud bass emanating from the establishment to illegal dancing in the establishment; and,

Whereas, CB#2, Man. Board members have witnessed the applicant violating its approved seating in its sidewalk café by hosting lounge seating (sofas, etc.) with its sidewalk café space;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the renewal of an On Premise license for **Gans Mex, LLC, d/b/a MPD, 817 Washington St.**

Vote: Unanimous, with 44 Board members in favor.

26. Off the Wagon, 109 MacDougal St., NYC

Whereas, the operator appeared before the committee; and,

Whereas, this application is for renewal of an On Premise license for a tavern/bar on MacDougal Street between Bleecker and West 3rd Streets; and,

Whereas, the operator stated no changes to their previously approved method of operation; and,

Whereas, the operator has agreed to the following set of stipulations to be amended in their current method of operation:

1. The operator will close all accordion doors by 9:00 p.m. daily
2. The operator will close all accordion doors before 9:00 p.m. in the event sound/noise exceeds 42 decibels to adhere to NYC DEP noise code guidelines (e.g. during major sporting events).

Whereas, several member of the community appeared opposing this application and requested that the bar doors/windows are closed at all times; citing loud noise emanating from the establishment, particularly during major sporting events; and,

Whereas, the applicant has established dialogue with residents to address there concerns; and,
THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a renewal to the On Premise license of **Off the Wagon, 109 MacDougal St.** unless those conditions relating to the fourth “whereas” clause above are incorporated into their duly licensed “Method of Operation”.

Vote: Unanimous, with 44 Board members in favor.

27. Currywurst Bros. USA 182 LLC d/b/a Currywurst Bros., 182 Bleecker St. (Sullivan and MacDougal), NYC

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for a Beer and Wine license in a mixed use building on Bleecker street between Sullivan and MacDougal Streets for a 2,434 s.f. casual German sausage restaurant with 48 table seats with a food counter with 12 seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application but will have a rear yard garden; music will be IPod/CDs at background levels only; and.

Whereas, the rear yard is part of the unique MacDougal-Sullivan Gardens Historic District, designated in 1967, one of New York’s first and most renowned historic districts (**SEE ATTACHED NYC LANDMARK COMMISSION DESIGNATION**); and

Whereas, the rear yards in this district are unique in that they are specifically called out in the Findings and Designation of the Landmark Commission as follows: “that the pioneering efforts of William Sloane Coffin, preserving and making use of these old buildings and his idea of creating communal gardens, were when first initiated revolutionary in concept; and that they were destined to have far-reaching, beneficial effects on the development of our City”; and

Whereas, an eating and drinking establishment within these gardens disrupts their quiet communal character and diminishes their extraordinary historic character that is specifically and integrally related to their residential use; and

Whereas, the rear yard portion of the premises is directly beneath the rear windows of apartments and will have a negative impact on the residential life in adjacent buildings; and

Whereas, the fast food nature of the establishment is not a good fit for an establishment serving beer and wine in an area saturated with eating and drinking establishments; and

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will close the backyard garden at 10:00 p.m. daily
2. The applicant will waive his rights to not seek an On Premise Liquor License.
3. The applicant will stop serving at 12:00 a.m. on weekdays and 1:00 a.m. on weekends.
4. The applicant will not apply for a DCA cabaret license.
5. The applicant will not play music in the backyard garden.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for Currywurst Bros. USA 182 LLC d/b/a Currywurst Bros., 182 Bleecker St. despite their agreement to the above conditions and even if such conditions are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 37 Board members in favor, and 7 in opposition (S. Ashkinazy, D. Collins, M. Derr, E. Lederman, A. Meadows, R. Stewart, M. Schott).

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

28. Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14th St., NYC

Whereas, the applicant did not appear before the committee nor requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14th St., NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

29. Ayza Upper West Side Inc. 1 7th Avenue South, NYC

Whereas, the applicant did not appear before the committee nor requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **Ayza Upper West Side Inc. 1 7th Avenue South, NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

30. Greenwich Gardens, LLC d/b/a TBD, 609 Greenwich St., NYC

Whereas, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an alteration of an existing On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license **Greenwich Gardens, LLC d/b/a TBD, 609 Greenwich St., NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

31. Gnosh, Inc. d/b/a Gnosh, 203 Spring St., NYC

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of any proposed liquor license to **Gnosh, Inc. d/b/a Gnosh, 203 Spring St., NYC** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 44 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Support of Various Street Fair Permit Application Renewals

WHEREAS, each of the street fair permit applications listed below are renewal applications which were approved by the Committee and Community Board 2 last year; and

WHEREAS, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

WHEREAS, there is no material community opposition to such applications, nor any changes in the applications from previous years when they were approved by CB#2, Man.; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

1. 8/21/11-Feria del Sol, West 14th Street bet. 7th Avenue & 8th Avenue.

Vote: Unanimous, with 44 Board members in favor.

2. 9/18/11-Palio on Minetta, Minetta St. bet. Bleecker St. & Minetta Lane.

Vote: Unanimous, with 44 Board members in favor.

3. 9/24/11-Far West 10th Street Block Association Street Fair, West 10th Street bet. Bleecker St. & West 4th St.

Vote: Unanimous, with 44 Board members in favor.

4. 10/15/11-Bedford Downing Sidewalk Sale, Downing St. bet. Sixth Ave. & Bedford St.

Vote: Unanimous, with 44 Board members in favor.

2. Conditional Approvals

7/17/-9/4/11-Basis Farmers Market, 14th Street, Hudson St. and 14th /15th & 9th Ave. Pedestrian Plaza, 14th /15th Ave. Pedestrian Plaza

WHEREAS, this is a new application for a small farmers market in the meatpacking area featuring locally grown produce and products; and

WHEREAS, no streets will be closed to accommodate this farmers market; and

WHEREAS, there was concern in the Committee about the high levels of pedestrian congestion in the area where the farmers market will be situated; and

WHEREAS, the Committee felt that a farmer's market featuring locally grown fresh produce, vegetables and products that does not close down any public streets would be beneficial for the community but that in the interest of overcrowding in that area it would be best to limit the farmers market to only one of the requested areas: 14th Street/ Hudson Street and 9th Ave; and

WHEREAS, the applicant agreed to this limitation in exchange for the Committee's support; and

WHEREAS, this application is being approved on a one time basis only to determine if this farmers market will be embraced by the community and not cause or contribute to pedestrian overcrowding in the area; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the street fair permit application.

Vote: Unanimous, with 44 Board members in favor.

NEW BUSINESS

None

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan