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## COMMUNITY BOARD NO. 2, MANHATTAN

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **1. Siggy's NYC, Inc., 292 Elizabeth St – Renewal of Beer and Wine**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for the renewal of their Beer and Wine license in a mixed-use building located on Elizabeth Street between Houston and Bleecker Street (Block #521 / lot #65), for a 1,000 sq. ft premise with 23 tables and 50 seats and no bar and the maximum occupancy is 74 people, there will be no sidewalk café and no courtyard use; and,

**Whereas**, the applicant states that the hours of operation will be Sunday to Saturday from 8:00 a.m. to 12:00 a.m.; with quiet background music consisting of background music from ipod; there will be no scheduled performances and private parties; and,

**Whereas**, stipulations regarding the method of operation were established with CB2 in April of 2012 and are updated and signed again by the applicant for CB2; and,

**Whereas**, those stipulations are as follows:

1. Hours of operation will be Sunday to Saturday from 8:00 a.m. to 12:00 a.m.
2. There will be no live music, DJ's, promoted events or events that require a cover charge.
3. Music will be quiet background only.
4. All doors and windows will be closed by 9:00 p.m.
5. Agree to seek a Beer and Wine license exclusively.
6. There will be no outside seating or tree guards that would accommodate seating, now or in the future, in this location.

7. There will be no rear yard use by customers now or in the future.
8. All garbage will be stored inside until closing and will clean up any remaining refuse after garbage pick-up.
9. Agree to abide by the regulations associated with this Landmarked building, including signage, and further agree that an appropriate sign will be permanently affixed at the entrance requesting patrons to respect the neighbors and to be quiet.
10. A Certificate of Occupancy or Letter of No Objection has been secured and is attached to your application
11. An approval has been gained from the NYC Landmarks Commission regarding restoration of the storefront at the first floor of this address and is also attached to the agreement.
12. Agree that neighbors will not suffer deleterious effects of noise, odors or particulate matter from your kitchen.
13. Agree that the occupancy will be no greater than 75 people and that all service will be inside the establishment.
14. Correct deliveries so not to intrude on neighbors at 294 Elizabeth Street.
15. Stop chaining delivery bikes to the living tree and use available bike racks.
16. Employees will cease to be discourteous and rude to residents.

**Whereas**, there was no one from the community in opposition to this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the request to renew a Beer and Wine license for **Siggy's NYC, Inc., 292 Elizabeth St** **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **2. Five Points, 31 Great Jones St. - Renewal of On Premise**

**Whereas**, all three principals appeared before the committee; and,

**Whereas**, this application is for the renewal of a On Premise license (#796466) in a mixed-use building, located on Great Jones Street (Block #530 / lot #22), for a 2,250 sq. ft premise with 30 tables and 90 seats and 1 bar with 12 seats and a maximum occupancy of 158; there is a sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will continue to be Sunday 10:30 a.m. – 10:30 p.m., Monday to Friday from 12:00 p.m. to 11:00 p.m. and Saturday from 10:30 a.m. to 11:00 p.m.; the establishment is a family restaurant, music will be background only, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the community has complained about the noise from the venting from the kitchen exhaust and the operators have attempted to correct this, after receiving a violation from the Environmental Control Board (violation # 00268005Y) , by replacing the exhaust motor; and,

**Whereas**, the NoHo Bowery Stakeholders requested this application come before CB2 and presented testimony and a letter referring to the need to control the noises and odors emitting from the kitchen exhaust vent; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. Hours of operation will continue to be Sunday 10:30 a.m. – 10:30 p.m., Monday to Friday from 12:00 p.m. to 11:00 p.m. and Saturday from 10:30 a.m. to 11:00 p.m.
2. The correction of noise and odors from kitchen exhaust vents.
3. Maintain the correct seating arrangement for the outdoor sidewalk café.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the renewal of the On Premise license for **Five Points, 31 Great Jones St** unless those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
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Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **3. Fair Folks and a Goat, LLC d/b/a Fair Folks and a Goat, 96 W. Houston St. 10012 – New Beer and wine**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building, located on Houston between Thompson Street and LaGuardia Place (Block #525 / lot #60), for a 1,700 sq. ft premise with 2 tables, 2 benches and a couch that will offer a total of 19 seats and 1 bar with no seats and a maximum occupancy of 40; there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will continue to be Sunday to Wednesday from 7:00 a.m. – 12:00 a.m., Thursday to Saturday from 7:00 a.m. to 1:00 a.m.; music will be background only with occasional acoustical live with no amplification, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the applicant has agreed to the following stipulations with the neighborhood association called BAMRA and with CB2:

1. Hours of operation will be Sunday to Wednesday from 7:00 a.m. – 12:00 a.m., Thursday to Saturday from 7:00 a.m. to 1:00 a.m.
2. The operator shall obtain all required certificates, permits and related documents
3. The operator shall use reasonable efforts to remedy vehicle and pedestrian traffic.
4. The operator shall have an English-speaking manager or Owner on duty capable of communicating with residents and will follow these stipulations and make their phone numbers available to the community.

5. Music shall be quiet background only. No music will be played outside the establishment nor should music inside the establishment be audible outside the establishment.
6. Operators shall have up to ONE concert per week with no more than three acoustical instruments that are unamplified and played at a level that conforms to the New York City Noise Code and that in no way disturbs the surrounding residences.
7. There shall be no permanent T.V.'s or projection screens.
8. The operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturb residents living nearby. There is no use of neon signs.
9. The operator shall notify CB2 in the event of a change of ownership as required by law.
10. The applicant will not apply for a Full On-Premise license at any time.

**Whereas**, this is **another** location within CB#2, Man. that has **never been license by the SLA**; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, CB#2, Man. and the community have great concerns that applicants are using the Beer and Wine license as a ploy to be licensed by the SLA and change the status of an unlicensed location where there is great community opposition, often with the plans to quickly upgrade to a full On-Premise license; and,

**Whereas**, the applicant did provide a petition in support with 66 signatures; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the renewal of the On Premise license for **Fair Folks and a Goat, LLC d/b/a Fair Folks and a Goat, 96 W. Houston St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 4th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
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NY State Liquor Authority  
317 Lenox Avenue  
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Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

#### **4. 4. My Café LLC d/b/a Kopi Kopi, 68 W. 3rd St. 10012 – New Full On-Premise**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On-Premise license in a mixed-use building, located on 3rd Street between Thompson Street and LaGuardia Place (Block #537 / lot #17), for a 3,200 sq. ft premise with 15 tables and 40 seats and 1 bar with no seats and a 25 ft coffee counter with no seats and a maximum occupancy of 50; there is no sidewalk café and but **may** have backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 7:00 a.m. – 11:00 p.m., Friday and Saturday from 7:00 a.m. to 12:00 a.m.; music will be background only, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, this application is for a coffee house with a minimum food menu even though the applicant states the method of operation is for a restaurant and states that an Indonesian Coffee house would require a full on-premise liquor license in order to add just a few ounces of liquor to after dinner coffee drinks even though there is no tradition in Indonesia of adding alcohol to coffee drinks; and,

**Whereas**, a number of months ago this applicant originally spoke to several residents in passing while building out the establishment at which time the residents were told that this would be a beer and wine license and the applicant notified CB#2, Man. that they would be applying for a beer and wine license and requested to be placed on the CB#2, Man. calendar, they subsequently notified CB2 several months later after laying over the original application that they were instead going to pursue a full on-

premise liquor license and requested to be placed on the calendar, but did not reach out to local residents before they came before CB#2, Man. in March 2013, at which time it was suggested that in addition to reaching out to immediate neighbors that they also meet with the local neighborhood and business association, Bleecker Area Merchants' and Residents' Association (BAMRA) and then return to CB2; and,

**Whereas**, the applicant reached out to BAMRA and presented their application on April 2, 2013 in front of BAMRA's SLA Committee and as a result of that meeting, at BAMRA's general meeting the following day, BAMRA voted to recommend denying this application to CB#2, Man. because there was not sufficient public interest or benefit warranting a full On Premise License given the existing conditions in the area, the use of the backyard space, history of operators operating contrary to their proposed method of operation at this location and a generally vague business plan and communicated this to CB#2, Man. with a resolution; and

**Whereas**, it did not appear that the applicant attempted to do any outreach to the immediately abutting residents and several who appeared in opposition stated that no attempts were made to contact them; and

**Whereas**, CB#2, Man. agrees with BAMRA, this location has only most recently had a Beer and Wine license for the prior licensee and a coffee house does not justify a full OP at this location because it does not meet elements of the 500 ft rule and there was no benefit or public interest served that rises to the level of issuing a full on-premise liquor license; and,

**Whereas**, there are several coffee houses in this area/district and Greenwich Village has a long tradition of coffee houses and this application presents no unique addition to the community and many of those coffee houses have no liquor license or even beer and wine license; and,

**Whereas**, the applicant presented a petition with only 4 signatures in support, however the petition did not correctly represent the hours of operation which claimed they would be operating from 7 am to 10:30 pm, 7 days a week; and,

**Whereas**, this location has a backyard garden which was a great source of disturbance for residents in the past and those in the surrounding buildings and absolutely no discussions or outreach was conducted with abutting residential buildings and units; and,

**Whereas**, the operator **did not include the backyard in this application** in the diagramed premises through an oversight and stated they were not sure how they were going to use the backyard just yet but that they may put a tent in, to reduce noise, but it was pointed out that outdoor areas generate some of the most vociferous community complaints and this should be thoroughly explored and researched prior to presenting any application for consideration and the supporting Certificate of Occupancy does not indicate any allowed use of the rear garden; and,

**Whereas**, this backyard has also been a huge source of rodent issues for the community surrounding this backyard; and,

**Whereas**, there were 5 community members who attended this hearing in opposition and there were **no** community members in support; and,

**Whereas**, one of the community members in opposition reminded the committee that in the past, one of the principles in a previously issued license at this location and several of his employees or associates were arrested and were convicted of crimes relating to a previously issued license at the

location including kidnapping, extortion and threatening the lives of others and therefore the issuance of any license at this location was very sensitive to area residents; and,

**Whereas**, there are already 18 OP licenses within 500 ft. of this application and 2 OP licenses currently pending within 500 ft. of this location as well as numerous beer and wine licenses; and additionally there are already 3 bars/restaurants on the block and,

**Whereas**, this area is already saturated with existing liquor licenses and any additional full on-premise liquor license would only add to additional traffic, congestion, and quality of life concerns; the issuance of this license would add to the existing noise level; it does not appear that the rear yard garden has the proper permits to operate; and,

**Whereas**, CB2 respectfully request that the SLA conduct a 500 ft. rule hearing;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to a full OP license for **My Café LLC d/b/a Kopi Kopi, 68 W. 3rd St. 10012.**

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **5. La Quinta Group, LLC d/b/a Peix, 151B Elizabeth St. 10012– transfer full OP**

**Whereas**, this was operated under the ICA Group, LLC and is requesting a transfer to LA Quinta Group, LLC, d/b/a Peix; and,

**Whereas**, this application is for the transfer of the current On Premise license (#1190867) in a mixed use building located on Elizabeth Street between Kenmare and Broome Street (Block #479/lot #31), for a 350(???) sq. ft premise with 9 tables with 22 seats and 1 bar with 10 seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 11:00 p.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m.; establishment is a small scale seafood restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

**Whereas**, in the past the operator did have live music which was not allowed and has promised that it has stopped; and,

**Whereas**, the applicant agreed to the following stipulations:

1. Operator will provide a contact number to residents.
2. All doors and windows are to be closed no later than 9:00 p.m.
3. There is to be no furniture provided outside for any reason.

4. Hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 11:00 p.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m
5. No live music or D.J.'s at any time. No Promoted events or events that require a cover charge, no scheduled performances.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the transfer of the On Premise license for **La Quinta Group, LLC d/b/a Peix, 151B Elizabeth St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, Chair  
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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

### **6. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,  
**Whereas**, this application is for a Corporate Change; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed Corporate Change for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
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NY State Liquor Authority  
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Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **7. The Culture Project, Inc. d/b/a The Culture Project, 45 Bleecker St. 10012**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover; and,

**Whereas**, this application is for a new Beer and Wine license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed new Beer and Wine license for **The Culture Project, Inc. d/b/a The Culture Project, 45 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
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Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **8. Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for a new Beer and Wine license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed beer and wine license for **Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
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Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **9. Rockin Raw, LLC, 171 Sullivan St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas**, this application is for a new Beer and Wine license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
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Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **10. Doozo Restaurant, Inc., 216 Thompson St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for a Corporate Change; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed Corporate Change for **Doozo Restaurant, Inc., 216 Thompson St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **11. La Vecindad Corp. 116 MacDougal St. 10012**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in May 2013 and the applicant agreed; and,

**Whereas**, this application is for a new On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **La Vecindad Corp. 116 MacDougal St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 12 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **12. Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

**Whereas**, this application is for a new On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **13. South Village Hospitality Group LLC d/b/a Carroll Place, 157 Bleecker St. 10012**

**Whereas**, this applicant did not appear before the committee; and,

**Whereas**, this application is for a Cabaret license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed Cabaret license for **South Village Hospitality Group LLC d/b/a Carroll Place, 157 Bleecker St. 10012 until** the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **14. Lobster Smack, LLC, 90 W. Houston St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for a new Beer and Wine license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the proposed beer and wine license for **Lobster Smack, LLC, 90 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **15. Spread NYC LLC, d/b/a Tartinery, 209 Mulberry St. 10012**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the committee requested that the applicant layover the application from consideration and the applicant through there attorney agreed to do so;

**Whereas**, this application is for an upgrade to a full On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Spread NYC LLC, d/b/a Tartinery, 209 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**16. Victor Sigoura/Brian Crawford d/b/a 100 Mantaditkos/100 Em Franchisee LLC, 176 Bleeker St 10012**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the committee requested that the applicant layover the application from consideration; and,

**Whereas**, this application is for the transfer of a Beer and Wine license; and,

**Whereas**, the applicant failed to present a CB2 questionnaire to this committee; and,

**Whereas**, this transfer includes the use of a backyard garden that has been the source of noise issues for the surrounding residents; and,

**Whereas**, this applicant stated that he would not wait for a layover and will continue to move forward with the SLA application regardless of CB2's request;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed transfer of a Beer and Wine license to **Victor Sigoura/Brian Crawford d/b/a 100 Mantaditkos/100 Em Franchisee LLC, 176 Bleeker St 10012** until the applicant has presented their application, **IN FULL**, in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**17. Entity in which Brian Shehairo is Principal d/b/a Crif Dogs, Corner of Houston and Elizabeth Sts. – via Truck and Portable Bathroom – this is an Empty lot**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

**Whereas**, this application is for a new On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Entity in which Brian Shehairo is Principal d/b/a Crif Dogs** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **18. West Houston MacDougal LLC, d/b/a Bar Veloce, 146 W. Houston St. 10012**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

**Whereas**, this application is for an upgrade to a full On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **West Houston MacDougal LLC, d/b/a Bar Veloce, 146 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, Chair  
Bo Riccobono, First Vice Chair  
Jo Hamilton, Second Vice Chair  
Bob Gormley, District Manager



Antony Wong, Treasurer  
Susan Kent, Secretary  
Keen Berger, Assistant Secretary

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **19. Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013 (Alteration SN#1265533)**

**Whereas**, the applicant appeared before the SLA Licensing committee for an alteration application to add a NYC Department of Consumer Affairs licensed sidewalk café to the existing on-premise license, SN 1265533; and,

**Whereas**, the sidewalk café consists of 10 tables and 22 seats as noted on the seating diagram provided by the applicant; and,

**Whereas**, the applicant's representative stated that there were no other changes to the existing license; and,

**Whereas**, the following resolution was passed by CB#2, Man. on September 20, 2012 at the time of the original license application and forwarded to the Liquor Authority:

#### ***11. Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013***

***Whereas***, the applicant appeared before the committee; and,

***Whereas***, this application is for a new restaurant full on premise license in a previously licensed location for a "family style restaurant" that will be a quiet and well run operation "which caters to the immediate residential and commercial buildings in our area of operation" located in 10 story commercial building between Vandam and Charlton Streets for a 3,840 square foot premise (Basement 1,200 sf, 1<sup>st</sup> floor 2,640 sf

patrons in 1<sup>st</sup> floor only) with 30 tables, 80 table seats, 1 bar with 16 seats for a total of 96 seats and a maximum legal occupancy of 162 persons per the existing Place of Assembly permit, there will be no sidewalk cafe; and,

*Whereas, the applicant states the hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m., there will be no security personnel, there will be no tv's there will be quiet background music generated from ipod/cd's, there will never be a dj or live music, no promoted events, no scheduled performances, no outside promoters, and no private parties; and,*

*Whereas, the applicant runs three other successful restaurants, one of which is located in CB2 at 210 West 10<sup>th</sup> Street which has not received any complaints that CB2 is aware of; and,*

*Whereas, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:*

- 1. There will be no dj's, no promoted events, no events for which a cover fee is charged, no scheduled performances.*
- 2. All Doors and Windows will be closed at 10 p.m. The applicant understands there are no exceptions to this.*
- 3. Basement is for storage only – no customer usage.*
- 4. The hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m.*

*Whereas, no one appeared in opposition and no letters were received in opposition, but there are more than 3 licensed on premise liquor licenses within 500 ft.; and,*

***THEREFORE BE IT RESOLVED*** that CB#2, Man. recommends ***denial*** of an on-premise liquor license for ***Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013*** ***unless*** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

***Vote:*** Unanimous with 42 Board members in favor

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alteration to the existing on premise liquor license SN#1265533 for **Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant at the original hearing for this license in September 2012 as outlined in the 4<sup>th</sup> “whereas” clause continue to be incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, Chair  
Bo Riccobono, First Vice Chair  
Jo Hamilton, Second Vice Chair  
Bob Gormley, District Manager



Antony Wong, Treasurer  
Susan Kent, Secretary  
Keen Berger, Assistant Secretary

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **20. Dailyfish 33, TBD, 33 Greenwich Ave. 10012 (New Application – Previously licensed)**

**Whereas**, the applicants appeared before the committee for a second time after having originally appeared in July 2012 with an additional principal who is no longer part of the operation under “Jennifer Carrol or Corp. to be formed, TBD”; and,

**Whereas**, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood approachable seafood restaurant” which will also serve American cuisine and locally sourced produce with a full food menu for a full service, sit down restaurant in a residential cooperative building for 1,900 sq ft premise located on the first floor with 28 tables and 85 seats and 1 bar with 8 seats for a total of 93 seats, the applicant will be updating the certificate of occupancy to reflect eating and drinking use and an appropriate occupancy to match the information presented; and,

**Whereas**, the applicant has agreed that the hours of operation are Sunday to Thursday from 11 a.m. to 12 p.m. and Friday and Saturday from 11 am to 1 am; at the end of the hours of operation, no patrons will remain in the premises, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be new soundproofing installed by a qualified profession sound engineer, there will be no d.j., no promoted events, no scheduled performances, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, this application does not include a sidewalk café nor any other outdoor space; and,

**Whereas**, the applicant reached out to the local neighborhood block association, the Mid West 10<sup>th</sup> St. Block Association prior to the applicant appearing before CB2 Manhattan in July 2012 and had extensive discussions regarding various aspects of this application and the method of operation and reached an agreement on a number of points, but was unable to reach consensus on the hours of operation; and,

**Whereas**, at CB2's SLA Licensing Committee meeting in July 2012 a number of residents in the area said they were opposed to the application unless the applicant agreed to stipulate to hours of operation ending at midnight Sunday to Thursday and 1 a.m. Friday and Saturday in addition to the other stipulations that had been agreed to prior to the meeting; community residents also pointed out that a significant number of establishments in the area that are full service restaurants and others close at those hours and there was no reason a full-service, high end restaurant would need to close any later than similar establishments in the area and the high number of liquor licenses and the corresponding late night quality of life issues were noted; it was also pointed out that the previous licensed establishment at this location, Maracas Greenwich Avenue Partners LLC, SLA Serial #1170228, was the subject of a significant number of community complaints and even though it was a "restaurant" operated as a party location and caused significant noise issues in the building in which it was located in because the premise was not sound proofed, even though they operated at the same hours; and,

**Whereas**, in July 2012 CB2 Manhattan received a large number of emails also stating opposition to this license application unless the applicant agreed to close at midnight Sunday to Thursday and 1 a.m. Friday and Saturday; and,

**Whereas**, in April 2013, several residents who live immediately above the premises stated that they had significant concerns in regards to soundproofing to the extent that the previous operator had sound leakage coming up through pipes and ventilation systems and they requested total soundproofing to which the applicant stated they were in the process of installing; and,

**Whereas**, at CB2's SLA Licensing meeting in July 2012, the applicants were able to reach consensus with the local Block Association, the Mid West 10<sup>th</sup> Street Block Association and CB2 Manhattan and executed a written agreement; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 in July 2012 that they agreed was still binding in April 2013 and that they would be attached and incorporated in to their method of operation on their SLA license stating that they would adhere to their agreement with the Mid West 10<sup>th</sup> Street Block Association which states that:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.

4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10<sup>th</sup> Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10<sup>th</sup> Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.
8. **Front Door:** The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will

be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.

10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

**Whereas**, the applicant agreed to execute an additional stipulations agreement in April 2013 with CB2 which they agreed would be additionally attached and incorporated in to their method of operation on their SLA license stating:

1. This application does not include any outdoor area, specifically a sidewalk café.
2. A sound limiter will be installed on the music system and tests will be conducted with any interested residents *prior* to opening the establishment, in particular the applicant will reach out to the residents living immediately above the establishment.
3. If one TV is installed in the immediate vicinity of the bar (behind the bar), it will be no larger than 46" and the intention is not to make that area a sports related area on a regular basis and if any sports programs are broadcasted, those events will not lead to any disruptions that have any impact on area residents.
4. If any reasonable noise complaint arises, additional sound tests and sound attenuation measures will be implemented swiftly to remedy the problem.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Dailyfish 33, TBD, 33 Greenwich Ave. 10012** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 9<sup>th</sup> and 10<sup>th</sup> "whereas" clauses above are incorporated into the "Method of Operation" on the SLA On Premise liquor license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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

April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **21. The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014 (New Catering)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise Catering license for a 4,000 s.f. private event facility for a catering hall/event space (2,000 s.f. basement non-patron use, 2,000 s.f. 1<sup>st</sup> floor) in a mixed use building located on Horatio Street between West and Washington Streets with a maximum legal capacity of 74 persons; and,

**Whereas**, there were several different seating configurations presented due to the catering nature of the establishment, however the main seating configuration is for 6 tables and 60 seats and 14 seats in lounge/cocktail area where the maximum occupancy for the entire space would never exceed 74 persons; and,

**Whereas**, the applicant stated the hours of operation for alcohol service are Monday - Thursday from 11:00 a.m. – 1:00 a.m. seven days a week that are not open to the public, all events will be private parties and have a previously arranged guest list but there may be operating hours beginning earliest at 8 a.m. without alcohol service, there will be no outdoor space utilized including no backyard or sidewalk café, music is background and D.J. and live only as contracts for catered events dictate, however, DJ's will bring in their own sound system as needed, however no subwoofers are allowed and bands will use minimal amplification; and,

**Whereas**, the applicant has been operating this private event facility for over 25 years, operating using outside vendors with 1 day catering licenses; and,

**Whereas**, a petition in support with 15 residential signatures was presented, the applicant stated that there has been one complaint in their entire history and no one appeared in opposition from the community; and,

**Whereas**, there are at least 11 on premise licenses within 500 feet; and,

**Whereas**, the applicant executed a signed stipulations agreement with CB2 which they agreed would be attached and incorporated in to their method of operation on their SLA license stating:

1. The premise will be advertised and operated as a full catering premise.
2. The hours of operation will be no later than 1 a.m. 7 days a week or earlier than 8 a.m.
3. The applicant will not apply for a Department of Consumer Affairs Cabaret License that allows dancing, but will have a catering license that allows dancing for catered events.
4. The applicant will only have one main door used for ingress and egress that will not be left open and there will be no operable windows (windows that open).
5. The applicant will only have dj's and live music as described previously for catered events only.
6. The premise will have soundproofing.
7. There will be no licensed areas that are outdoor areas.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise catering liquor license for **The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> and 8<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise liquor license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **22. Highline Restaurant, LLC, dba TBD, 820 Washington St. 10014 (New Application)**

**Whereas**, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for an "Italian driven restaurant focusing on local products with an emphasis on Pasta"; and,

**Whereas**, this application is for a previously unlicensed location in a commercial use building located underneath the Highline on Washington St. at Gansevoort St. in a building under construction for on-premise liquor for a roughly 3,444 sq. ft premise on one floor which includes 1,031 sq. ft of outdoor area with 26 tables and 72 seats in the interior, 2 stand up bars with 24 seats and 21 tables with 50 table seats in the exterior area for a grand total of 146 seats, the applicant is in the process of obtaining a Certificate of Occupancy, there is no sidewalk café, but there is an adjoining outdoor seating area within the premises; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 9 a.m. to 1 a.m. and Friday to Saturday from 9 a.m. to 2 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are operable French doors that will open to the outdoor space, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

**Whereas**, the principals are also principals of 4 different restaurants within the confines of CB#2, Man. and in the process of opening each establishment have conducted extensive outreach with the local community and worked with them to address concerns and continue to operate each establishment without complaints; and

**Whereas**, the applicant presented a petition with 75 residential signatures in support, and several residents appeared in support and in opposition, and,

**Whereas**, this is a unique application in that the Friends of the Highline own this location and revenue from the rent of the restaurant will support the Highline Park and the applicant was selected from nearly 20 restaurateurs in an extensive, six month competition that included a written application, multiple rounds of interviews and tastings, prior to conducting the competition, the Friends of the Highline also met with CB2 leadership, CB2's Parks and Waterfront Committee and various residents of the area in order to understand the concerns of the area so that they could prioritize these concerns throughout the selection and development process; and,

**Whereas**, the applicants met with a number of residents in the area and executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as an Italian restaurant.
2. The hour of operation of the interior will be from 9 a.m. to 1 a.m. Sunday to Thursday and 9 a.m. to 2 a.m. Friday to Saturday.
3. The hours of operation of the outdoor seating area and outdoor standup bar, which has no seats, will be from 9 a.m. to 12 a.m. Sunday to Thursday and 9 a.m. to 1 a.m. Friday to Saturday.
4. All doors and windows will be closed promptly at 10 p.m. without exception.
5. The restaurant's full menu will be served until closing; there will not be a separate "late-night menu."
6. Noise from the establishment will not be audible at any time from any point further than 20 feet from the restaurant's boundaries. The operator will take measures to mitigate noise from the outside space.
7. There will be no line for patrons waiting outside of the restaurant; patrons will either wait inside the restaurant, or be notified that their table is ready by a remote messaging system.
8. There will be no music in the outdoor area at anytime.
9. There will be no live music, dj's, or any events for which a cover fee is charged.

**Whereas**, there are at least 18 on-premise licenses within 500 ft, and CB#2, Man. respectfully requests that a 500 ft hearing be conducted; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new restaurant full on-premise liquor license for **Highline Restaurant, LLC, dba TBD, 820 Washington St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Passed, with 39 Board members in favor, and 2 in opposition (S. Aaron, A. Meadows).

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **23. B.B. NYC, LLC 1-3 Little West 12th St. dba Buddha Bar Restaurant and Lounge (New Application)**

**Whereas**, the applicant and his attorney appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for a "very unique restaurant to serve a blend of Far Eastern (Chinese, Japanese, Thai and other Eastern Flavors) cuisine with Western tastes and influences which will re-invent a new wave of Pacific Rim Cuisine. In addition the restaurant will have a sushi bar and a small sushi dining room. There is no restaurant similar to the proposed restaurant in this community planning board or in this particular neighborhood. It is strictly a restaurant open for brunch, lunch and dinner. The owner will not file for a Cabaret License with the New York City Department of Consumer Affairs or operate the premises as a Cabaret or Club. Dancing will not be allowed at the premises"; and,

**Whereas**, this application is for a new On Premise license in a commercial building located on Little West 12<sup>th</sup> Street between Greenwich and Hudson St., for a 5,472 sq. ft. restaurant (2,800 sq. ft. first floor for patrons and 2,672 sq ft in basement for staff, kitchen bathrooms and storage) which will have 45 tables and 129 seats, 1 bar with 14 seats, 2 bar rails with 12 seats and 12 seats at a sushi bar for a grand total of 167 seats with a maximum capacity of 207, there is no sidewalk café included in this application and no backyard use, the building owner is in the process of acquiring a new Certificate of Occupancy and Public Assembly Permit; and,

**Whereas**, the hours of operation will be Sunday from 10 a.m. to 1 a.m., Monday to Wednesday from 11 a.m. to 1 a.m. and Thursday to Saturday from 10 a.m. to 2 a.m.; music will be from ipod's/cd's played at entertainment level (note not background level), there will be private parties, there will be no security guards, there will be no tv's, there are no current plans to address vehicular traffic and crowd

controls, there will be no live music and it was unclear whether there would be dj's, but particularly branded "Buddha Bar" music is an essential component to this concept and it seems a dj would be utilized in order to exercise the essential element to this concept, there will no promoted events, no events with cover fees, there will be use of velvet ropes; and,

**Whereas**, the applicant has no experience operating in NYC but does own a similar establishment in London which operates under another licensing agreement of some sort with Buddha Bar "International"; and,

**Whereas**, the applicant has apparently purchased the right or licensed the name of Buddha Bar in New York from an international company which apparently owns the rights to this name, but the applicant was unable to explain exactly what was so special about this name or what exactly the parameters were to use this name for a new restaurant except the right to play certain branded music at loud volumes in the restaurant, and it was noted that a previous applicant to CB2 had previously used this name on the same street under license, but the current applicant stated he no longer had the right to use the name and that he was a "bad" operator and was not following some proscribed model that needed to be followed by Buddha Bar "International" but it could not be articulated what exactly he had been doing wrong except than the previous operator was not paying the proper fees to Buddha Bar "International" and because that previous license was approved prior to the neighborhood becoming oversaturated and because that location is still licensed, CB2 could not find any specific benefit to this "better operator" because the other location is still licensed; and,

**Whereas**, even though the applicant's attorney stated this was a unique concept, it was noted that many different variables of the presented method of operation exist in this very immediate community if not the same and certainly within CB2 and that there was certainly a creative license utilized in drafting the public interest statement and that nothing described made this particular applicant unique except that it had licensed an international name already used in this neighborhood with a right to play branded music and that by no means rises to meet any public benefit or interest; and,

**Whereas**, the same attorney representing this applicant had represented a previous applicant at this location that CB2 recommend a "Deny Unless" with specific parameters, but also noted at the time in May 2011 "Whereas, members of the committee have serious concerns with licensing another establishment in a saturated area but comfortable with this upscale, full service restaurant establishment" and note that the previous applicant never opened their business or completed their build out and therefore, this space is still viewed by CB2 as previously unlicensed and further more that the previous applicant had a much smaller total capacity, had a kitchen on the ground floor, appeared to be a restaurant only and had no community opposition, did not advertise itself as being a lounge and did not have alcohol "bottle service" for vodka, rum, tequila, etc. which in particular is a signature element in operating in a lounge/nightclub environment which this community is over-run with and contribute to significant quality of life issues; and,

**Whereas**, the applicant submitted some basic stipulations that they would agree to but were reflected in the application as presented to CB#2, Man. and appeared to be willing to negotiate essential elements to their brand and concept on the fly at the meeting which seemed disingenuous and it was questioned why if the applicant had properly researched this concept, they would have appeared at a meeting willing to so drastically alter their business model without a careful presentation already including those elements and CB#2, Man. felt this was not a stable operation that would maintain a consistent business model, but was instead offering concessions in exchange for support from CB#2, Man. which ultimately would not be followed and for which the Liquor Authority has limited resources to pursue and compel the applicant to live up to their agreed upon operation; and,

*Whereas, it is the responsibility of the applicant to present a final presentation of a viable business model for themselves, and not negotiate what appear to be signature elements to their brand that they have licensed which is still not clear; and,*

**Whereas,** even though the applicant submitted stipulations they would agree to, CB#2, Man. does not believe the issuance of this license would be in the public interest; and,

**Whereas,** this is another location within CB#2, Man. that has **never been license by the SLA and in particular in the Meatpacking District which is has a significant amount of liquor licenses and the contiguous block on which this applicant is located on bounded by Little West 12<sup>th</sup> Street, Ninth Ave, West 13<sup>th</sup> Street and Hudson St. the ground floor locations are almost all fully licensed on premise facilities;** and,

**Whereas,** there are at least 31 full on premise licenses within 500 feet and 46 within 750 feet and many of those venues are large multi floor locations with significant capacities; and,

**Whereas,** CB#2, Man.'s SLA Committee notes that the applicant, while providing some requested materials did not present a complete presentation or additional materials which would address the known issues in the area specifically how a self described "international destination location" with very expensive food and drinks, loud music at entertainment levels with bottle service attracting the "jet-set" crowd which are already claimed to be visiting many of the other venues within just a few blocks which presumably would not arrive by foot or subway that has a lounge component would adequately address issues as outline in the 500 ft rule in regards to traffic, existing noise levels, vehicular parking and quality of life concerns among others; and,

**Whereas,** the concept as presented by the applicant is not a unique concept for CB#2, Man. or for this area and many similar types of "restaurants" with lounge components and sushi bars and "far eastern food" operate in the area in which this premise is located and the applicant did not provide any supporting materials to explain specifically how this was unique and was not able to explain or show or illustrate why this concept as a whole would be unique or somehow add to the public interest and benefit particularly with the disguised lounge component, destination location and entertainment level volumes of music with residential units directly across the street; and,

**Whereas,** the applicant was willing to enter in to some basic stipulations but CB#2, Man. does not feel that simply complying with the law or standard practices rises to the level of meeting public interest or benefit; and,

**Whereas,** this establishment does not serve the neighborhood or public interest for an area already inundated beyond its capacity or the capacity of the city to properly provide adequate policing presence, traffic control and other measures to address the impact on quality and safety of life; and,

**Whereas,** CB#2, Man. and members of the public have repeatedly submitted illustrations and testified at the Liquor Authority regarding the extreme effects of vehicular traffic and pedestrian traffic and parking issues and double parking issues in the meat packing district, and furthermore east bound traffic on this street is critical to allowing traffic to leave the meat packing district efficiently in order to alleviate traffic congestion and the effects of yet another restaurant/lounge/tavern/bar with a large occupancy and turnover with many patrons arriving by taxi, hired cars and/or private vehicles (which require parking) due to the limited public transportation in the area at evening, late evening and early morning hours would further exacerbate an already tenuous and deplorable traffic situation which directly impacts the surrounding residential community due to the fluid nature of traffic movement and even while the applicant did not offer it simply having staff dedicated to ameliorate any traffic

situations directly in front of the venue does not address the new volume specifically attributable to this new venue in a previously unlicensed location in an area that is know to have significant traffic issues; and,

**Whereas**, adding another large establishment operating as a restaurant/bar/lounge/tavern with a high occupancy and turnover in this area would exacerbate the existing noise level in the area, not necessarily from music emanating from the premise which is of concern with “entertainment” level volume, but from the large number of new patrons that would be drawn to this location and because of the self described “international destination location” which suggests patrons would be waiting outside and the increased number of patrons that would be traversing through the area being loud at late hours of the evening and early morning creating quality of life issues, which while each licensee in the area says they do not contribute to this problem, is often intuitively obvious to any casual observer who ventures into the meat packing district during late evening or early morning hours, particularly in the fall and spring during warmer weather where the noise can be heard from a significant distance; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores and promoting diverse business uses in the area which lead to healthy mixed used communities which the meat packing district is becoming with the addition of new retail stores, museums and a new park and that having too many on premise licensed locations is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, the applicant did reach out to certain community residents, but was unable to come to any agreements or win their support, the applicant did submit a petition with 180 signatures, they were unable to identify who were residents and who were employees of surrounding businesses and *no one appeared in support at the CB2 SLA Licensing Committee meeting*; and

**Whereas**, there were concerns from the community regarding this application and over 12 residents appeared in opposition at a late hour to oppose this application and numerous emails in opposition were received (over 20) in particular addressing the saturation of loud nightlife in the Meat Packing District late at night, non uniqueness of another restaurant/lounge and overwhelming traffic concerns in the immediate area and previously mentioned issues and additionally a petition in opposition was presented by verifiable residential residents in the immediate area; and,

**Whereas**, those in opposition to the issuance of this license were very concerned specifically about the impact on traffic, parking and quality of life in this area, which is a topic very familiar to CB#2, Manhattan and to which no solutions have been implemented despite years of complaints and meetings with City officials and in particular the existing traffic conditions in the evenings and during late night hours are already deplorable and have a direct impact on the quality of life in the immediately adjacent residential communities which result in traffic jams, honking horns, loud patrons arguing about taxi’s and livery cars, drunk patrons wandering quiet residential cross streets and screaming as they exit the area at late hours; and,

**Whereas**, those in opposition wonder how this could possibly be in the public interest given all the concerns and also questioned the applicant’s ability to address the impact to the existing traffic and parking conditions and quality of life issues when no other licensee has been able to address these issues successfully as a whole in this community or for each additional license added; and,

**Whereas**, the community did acknowledge that the applicant was somewhat open about his plans for the location but expressed additional concerns regarding a lack of any illustration of how the concept would be executed because many elements kept being changed or what would make it unique or how it would serve the public interest or benefit; and,

**Whereas**, those in opposition also stated that there needs to be a line when there are so many licensed venues in the Meat Packing District and that new licenses just exacerbate existing conditions beyond a tolerable level and that enough is enough and the area does not need another restaurant/lounge/bar/tavern playing music at entertainment levels; and,

**Whereas**, a new license here will in effect grandfather a location through “build out” to forever be a licensed premise; and,

**Whereas**, in particular, there was unique opposition to this application because of what was perceived by many as an affront to the Buddhist tradition by using the name Buddha Bar and a number of local residents felt this was the antithesis of Buddhist practice and was very offensive, in particular that the very existence of this establishment violates one of the 5 precepts/5 virtues which is “I undertake the training rule to abstain from fermented drink that causes heedlessness.” ; and,

**Whereas**, the stance taken by local residents is not anti-business, but rather a clear argument that it is just too much for this particular area to incorporate more of these types of establishments; and,

**Whereas**, CB#2, Man. respectfully request that the SLA hold a 500 ft. rule hearing for this application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new On Premise license for **B.B. NYC, LLC 1-3 Little West 12th St. dba Buddha Bar Restaurant and Lounge (New Application).**

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **24. Café Nadery, LLC, dba Café Nadery 16 W. 8th St. 10011 (New Restaurant Beer & Wine License)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Persian cafe restaurant beer and wine license for a "warm and friendly café that will offer a nice variety of appetizers and salads along with sandwiches and platters"; it "will also offer delectable desserts such as faloodeh ice cream with various fruit sauces and baklava all complimented by a large assortment of hot drinks;" it will also "serve as a community center for cultural and political discussions along with art exhibits"; and,

**Whereas**, originally presented as an application for an on-premise liquor license, after discussion with the committee, the applicant **agreed to down-grade the application to a restaurant beer and wine license only**; and,

**Whereas**, this application is for a previously licensed location in commercial use building located on West 8<sup>th</sup> Street between Fifth Avenue and MacDougal Street for restaurant beer and wine for a roughly 1,100 sq. ft premise on one floor with 8 tables and 40 table seats, 1 stand up bars with 9 seats for a grand total of 49 seats, there is an existing certificate of occupancy and the applicant states the maximum occupancy is less than 50 people, there is no sidewalk café, or outdoor seating area,

**Whereas**, the method of operation will be a restaurant with hours of operation Sunday to Thursday from 7 a.m. to 12 a.m. and Friday to Saturday from 7 a.m. to 2 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled

performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be occasional live music from acoustic instruments only and will only occur between 7 p.m. and 10 p.m.; and,

**Whereas**, the 6 principals have no previous experience of owning or acting as principals on any liquor license; and,

**Whereas**, the applicant did reach out to the local block association and agreed to a number of stipulations, but the local block association also pointed out that these applicants had no experience running this type of establishment and did express some concerns and the applicant submitted a petition with 56 signatures in support, one member of the community appeared in opposition stating his opposition to a very vague business plan that was predicated on serving sandwiches and alcohol by inexperienced operators and felt it was dangerous to the community to support an unstable and unrefined business plan with full alcohol service, but then supported the application for a beer and wine license; and,

**Whereas**, there was some concern from members of the committee in regards to a lack of any plans or statements as to how live music would be incorporated into this establishment, as no details were provided as to what type of music would be played or what type of performers would be booked, but was more comfortable after the applicant agreed to downgrade the application to a restaurant beer and wine application and have acoustic non-amplified performances only between the hours of 7 pm and 10 pm and understood the potential for quality of life concerns which exist on this block from a number of loud establishments; and,

**Whereas**, there are at least 16 on-premise licenses within 500 ft, many of which have been approved recently, including 12 on premises licenses and 3 beer and wine licenses on the same block between 5<sup>th</sup> and 6<sup>th</sup> avenues and a pending license for a hotel; and,

**Whereas**, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA Restaurant Beer and Wine license stating that:

1. This application is for a beer and wine license.
2. The premises will be advertised and operated as a café.
3. The hours of operation will be Sunday to Thursday from 7 a.m. to 12 a.m., Friday and Saturday from 7 a.m. to 2 a.m.
4. The premises will not operate as a bar, nightclub or disco.
5. The applicant will not seek a DCA Cabaret license.
6. There will be no outdoor areas.
7. Doors and windows will remain closed at all times.
8. There will be no dj's or any events for which a cover fee is charged.
9. Live music performances will only occur between 7 and 10 p.m. and will include acoustic instruments only (not electronic) – there will be no amplification used.
10. There will not be sales of wine or beer by the pitcher.
11. The café is not a club and will not have a DJ, DJ booth, dance floor or other atmosphere or apparatus typical of a club or bar.
12. Television will be limited to that necessary for artistic programming, should they be utilized in the future.
13. Steps will be taken to reduce music leakage when the door is opened if necessary.

14. The establishment will have a hands-on policy regarding outside patron noise – actively moving along and discouraging patrons from “hanging out” outside the space after closing time.
15. The café will make good faith efforts to coordinate trash collection with neighboring businesses and to reduce the noise caused by empty bottles when placed on street for disposal.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new restaurant beer and wine license for **Café Nadery, LLC, dba Café Nadery 16 W. 8th St. 10011** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 2<sup>nd</sup> and 9<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA restaurant beer and wine license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**25. An Entity which James Haber is Principal (SjL Bar LLC), d/b/a “Double 7”, 63 Gansevoort St. 10014 (“transfer”)**

**Whereas**, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” application (previously SN 1223285) for a bar/tavern operating under the trade name of “Double 7” which will remain the same and will have the same method of operation; and,

**Whereas**, this application is for a previously licensed location in a commercial use building located between 9<sup>th</sup> Avenue and Washington St. in a commercial building for a new on-premise liquor license via a “transfer” application (temporary license filed in conjunction with a new license application) for a 3,200 sq. ft. premise on one floor which has 23 tables and 108 table seats and 1 stand-up bar with 8 seats, this application does not include a sidewalk café, there is currently no active public assembly permit or certificate of occupancy, both having expired (C of O was only temporary) which must be corrected before issuance of the license in order to comply with ABC laws; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 5 p.m. to 3 a.m. and Thursday to Saturday from 5 p.m. to 4 a.m., there will be light food service prepared in a kitchen that will be available at all hours of operation, music will be quiet background only and at entertainment level when all doors and windows are closed and in compliance with NYC Noise Codes consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) if any doors and windows are open and which may have dj’s when doors and windows are closed after 10 p.m., there are operable French doors that will be closed no later than 10 pm on all nights, there will be no promoted events, no scheduled performances or cover fees, there will be velvet ropes or movable barriers, there will be no T.V.’s; and,

**Whereas**, one of the principles currently is a principle in several licensed establishments in New York City and is a principle in the entity from which the license is being “transferred” and one of the other principles, the “controlling” principle, currently is a principal on 8 on premise licensed establishments, 7 of which are in New York City; and,

**Whereas**, the attorney for this applicant explained that this “transfer” was in the public interest because the new entity would not include the old “bad” partners and the new controlling principle has a stellar record of operations within New York City and that the original concept of this location would be returned to which would be an “upscale” place to have an after dinner drink and light food and no additional impact would exist because the premises is operating in the exact same was as the previous entity; and,

**Whereas**, there was outreach to local neighborhood residents and the applicant agreed to stipulations in response to concerns; and,

**Whereas**, there were a number of residents present to discuss this application including 4 residents in favor and 7 residents who expressed some resignation and opposition of varying degrees with transferring the license and shared deep concerns with which the Liquor Authority is familiar in regards to the meatpacking district including noise, traffic, saturation of licenses, quality of life concerns and increased crime in the area; and,

**Whereas**, the applicants executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be operated as a tavern/lounge.
2. The hours of operation will end at 3 a.m. Sunday to Wednesday and will end at 4 a.m. Thursday to Saturday.
3. The premises will not operate as a nightclub/disco.
4. The premises will not seek a NYC Department of Consumer Affairs Cabaret License and as such there will be no dancing permitted.
5. There will be security during all hours of operation.
6. All doors and windows will be closed at 10 p.m. everyday of the week without exception.
7. There will be food service until closing.
8. There will be a sound limiter installed and an acoustical engineer will be hired and the principals will work with the neighborhood residents to ensure that there are never violations of NYC Noise Ordinances.
9. Patrons outside in front of the establishment will be properly supervised in order to avoid any disruptions.
10. The premise will prominently display a “please respect the neighbors” style sign.
11. The applicant will secure all necessary permits including a Public Assembly Permit and a Certificate of Occupancy prior to operating.
12. The premises will not have a dj anytime the doors and windows are open and at that time the dj will play music at background volumes that comply with NYC Noise Codes.
13. There will be no use of outside promoters.

**Whereas**, there are at least 29 on-premise licenses within 500 ft and 3 pending licenses, and CB2 respectfully requests that a 500 ft. hearing be conducted;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a “transfer” for an on-premise liquor license for **An Entity which James Haber is Principal (SJL Bar LLC), dba “Double 7”, 63 Gansevoort St. 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 8<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, Chair  
Bo Riccobono, First Vice Chair  
Jo Hamilton, Second Vice Chair  
Bob Gormley, District Manager



Antony Wong, Treasurer  
Susan Kent, Secretary  
Keen Berger, Assistant Secretary

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

**26. ViGu, Inc., 628 Hudson St. 10014 (layover – New Beer & Wine License)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant's representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine license, liquor license, alteration, upgrade or changes to any existing license for **ViGu, Inc., 628 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **27. Even Plate Corp. 82 Christopher St. 10014 (layover – New Beer & Wine License)**

**Whereas**, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant's representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine license, liquor license, alteration, upgrade or changes to any existing license for **Even Plate Corp. 82 Christopher St. 10014** until the applicant has presented their application in front of CB#2, Man.'s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **28. Indie Fork Hospitality, 170 Mercer St. 10012 (layover – new on premise license)**

**Whereas**, prior to this months CB#2, Man.'s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant's representative requested to **layover** this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, alteration, upgrade or changes to any existing license for **Indie Fork Hospitality, 170 Mercer St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

### **29. Pearl & Ash, LLC 220 Bowery 10012 (Withdrawn)**

**Whereas**, prior to this month's CB#2, Man.'s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant's representative requested to **withdraw** this application for a new on premise liquor license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, any upgrade to an existing license, any changes to any existing beer and wine license, any corporate changes or any alterations, or upgrade or changes to any existing license for **Pearl & Ash, LLC 220 Bowery 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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April 24, 2013

Dana E. Christian, Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Mr. Christian:

At its Full Board meeting on April 18, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**30. Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 10012 (layover – new on premise liquor license)**

**Whereas**, prior to this months CB#2, Man.'s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant's representative requested to **layover** this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

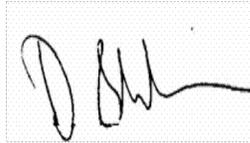
Sincerely,



Richard Stewart, Co-Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



Carter Booth Co- Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



David Gruber, Chair  
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Sheldon Silver, NY State Assembly Speaker  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Pauline Yu, CAU  
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority  
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority  
SLA Examiners