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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

GBND Enterprises Inc. d/b/a The Village Underground, 130 W. 3rd St. 10012 – Cabaret License

Whereas, the applicant appeared before the committee to reinstate an expired Cabaret License; and,

Whereas, this application is to reinstate an expired Cabaret license in a mixed use building located on West 3rd Street between 6th Avenue and MacDougal Street (Block #543 / lot #16), for a 3,000 sq. ft premise with 37 tables with 174 seats, 1 bar with 6 seats and no service bar, and the maximum proposed occupancy is 200 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 4:00 p.m. to 2:30 a.m. and Friday and Saturday from 4:00 p.m. to 4:00 a.m., the establishment will be a live music, comedy club, music will be live and or with a D.J.; and,

Whereas, community members from the neighborhood discussed complaints about this location and others on the street and requested stronger security and sidewalk control of patrons; and,

Whereas, the applicant agreed to the following stipulations:

1. Owner will make available the Owner and Managers contact information to the community.
2. All ticket lines are to be contained within the stairwell of the building and off the sidewalk.
3. Post signs that state "Please Be Quiet and Respect the Neighbors"
4. All Department of Building certificates and permits are in place and all violations corrected.

Whereas, CB2 also recognizes the concerns of the community regarding the deposit of trash on the

sidewalk and will attempt to reach out to the operator regarding better solutions; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of a Cabaret license for GBND Enterprises Inc. d/b/a The Village Underground, 130 W. 3rd St. 10012, unless those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” of the Department of Consumer Affairs permit.

Vote: Unanimous, with 42 Board members in favor

David Gruber, *Chair*
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317 Lenox Avenue
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Dear Mr. Christian:

At its Full Board meeting on October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

3 Sheets Saloon, 134 W. 3rd Street – renewal of OP

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant appeared before CB2 without the required CB2 application information or supporting documents; and,

Whereas, this application is for the renewal of an on-premise license (#1244258) for a bar in a mixed-use building on 3rd Street with a maximum occupancy of 74, there will be no sidewalk café and no backyard garden; and,

Whereas, CB2 requested this applicant appear before the SLA committee due to the number of complaints in the immediate neighborhood regarding noise; and,

Whereas, 3 neighborhood community members complained about excessive noise extending beyond the premise and across the street and request that the Department of Environmental Protection be notified as well as excessively over serving alcohol which is creating unruly and often dangerous patrons; and,

Whereas, the operators respond to neighbor requests to turn down volume levels and then staff waits a few minutes and then turns it back up, the same process is repeated over and over between neighbors and staff until it becomes a full time job for the residents; and,

Whereas, each time there is a sporting event the residents must endure noise that infiltrates their

homes

to the extent that they can not hear their own televisions; and,

Whereas, the applicant has agreed to the following stipulation:

1. All windows and doors are to be closed by 9:00 p.m., 7 days a week.
2. All windows and doors are to be closed during the Football Season and major sporting events.

Whereas, CB2 also recognizes the concerns of the community regarding the deposit of trash on the sidewalk and will attempt to reach out to the operator regarding better solutions; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an on-premise liquor license for **3 Sheets Saloon, 134 W. 3rd Street** unless those conditions and stipulations agreed to by the applicant relating to 8th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 42 Board members in favor

David Gruber, Chair
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Dear Mr. Christian:

At its Full Board meeting on October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

406 Broome St. Rest. Inc. d/b/a Brinkley's/Southside, 199 Lafayette St – renewal of OP SN 1172868

Whereas, CB2 requested this applicant appear before the SLA committee at the request of the community and due to the number of complaints in the immediate neighborhood regarding noise and complaints specific to this establishment that have been made at previous CB2 SLA Licensing Committee meetings; and,

Whereas, the Licensee appeared before CB2 without the required CB2 application information or supporting documents; and,

Whereas, this application is for the renewal of an on-premise license (#1172868) for a 4,500 s.f. restaurant on the ground floor known as Brinkley's and the bar/nightclub in the basement known as Southside in a commercial building on the corner of Centre and Broome Street; and,

Whereas, the original application for this operator was in October 2005 at which time the following resolution was presented to the Liquor Authority from CB2 Manhattan:

3. 406 Broome Street Rest., Inc., 199 Lafayette Street, NYC 10012 (f/k/a DMD Rest., Inc.)

WHEREAS, the applicant and the applicant's chef appeared before the committee; and

WHEREAS, this application is for a new On Premise license for a 4,500 s.f. restaurant, located in a commercial building off Kenmare Street, with 210 table seats and 2 bars with 27 seats; and

***WHEREAS**, the applicant stated that the hours of operation will be 11:00 a.m. – 4 a.m.; music will be by D.J provided as background; and*

***WHEREAS**, the applicant stated there are no plans to include an outdoor café nor a backyard garden; and*

***WHEREAS**, no one from the community appeared in opposition to this application and the applicant produced a petition with 47 signatures of local residents in favor of the application; and*

***THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an On Premise license to 406 Broome Street Rest., Inc., 199 Lafayette Street, NYC 10012.*

Vote: Unanimous, with 35 Board members in favor.

Whereas in 2009 the Licensee submitted an application to CB2 to split the basement and upper level of this premise in to two separate entities with another operator taking over the ground floor of the space with a separate new liquor license which CB2 recommended denial to the Liquor Authority; and,

Whereas community residents voiced their frustrations that the establishment is currently run as two separate businesses with a “restaurant” Brinkley’s on the ground floor and a separate venue in the basement called Southside which advertises itself as a “neighborhood nightclub” that is “committed to bringing back the old school New York Dance Party every night”, the community feels as if the Licensee misled the community from the outset for an establishment that was going to have background music and be a restaurant, not a tavern or a nightclub and over the years both operations on the ground floor and basement have morphed with the basement becoming a full on night club, with no NYC Cabaret license, that the establishment has throngs of people lining up at night outside and utilizes metal barricades to corral patrons coming in, but that they regularly spill into the street, block the sidewalk and create a very loud disturbing crowd, there are occasional fights and other disruptive behavior, some residents cited a lack of proper NYC building department certifications and dangerous overcrowding conditions; and,

Whereas CB2 notes that on the Licensees original application filed with the Liquor Authority, the applicant states that use of rooms in the establishment are Dining, Kitchen, Bathrooms and Storage, that the establishment will be a Restaurant (not a tavern or disco), that the premise will have back ground music, that the premise will not permit dancing, that there will be no security personnel, the diagrams provided for the basement do reflect the current layout of the basement, subsequent applications including one submitted in April 2009 to change the trade name begin to describe the premise as a Tavern and not a restaurant, and subsequent renewal notifications submitted to CB2 also indicate a Tavern License; and,

Whereas, this operator received a violation from the SLA for not notifying CB2 of their renewal in a timely fashion in the past and then said at this meeting that the did not understand why no one had raised complaints at previous renewals when they had request a waiver from CB2 and did not allow appropriate notice for a timely review; and,

Whereas, it is clear that the portion of the establishment in the basement does not have a NYC DCA Cabaret License but yet advertises and promotes it self as a nightclub with dancing and regularly promotes itself in that fashion and numerous online review sites are full of references to dancing at the establishment; and,

Whereas, both the ground floor and the basement have “promoted” events and lines of patrons outside which does not seem consistent with the method of operation for a restaurant including the use of metal barricades and a security staff; and,

Whereas, the a principal of the Licensee did appear before the CB2 SLA committee to point out in their defense how their neighbors are “worse” than they are, regardless of the dirty sidewalks, trash and lack of patron control or security and cited a lack of 311 complaints despite not being able to address the premise being advertised as a nightclub with dancing and worked very hard to deflect the issues to other venues without discussing his venue; and,

Whereas, members of the committee noted that this establishment singularly affects North bound traffic on Lafayette St. and Cleveland Place on the late night weekend evenings in particular with all the double parked taxi’s dropping off, picking up and waiting for patrons which creates a terrible traffic condition which leads to honking and congestion for a vital Northbound traffic artery; and,

Whereas, CB2 is appalled by the blatant disrespect to the neighboring community and obvious misinformation that has been conveyed to the SLA and CB2; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial to the renewal of an on-premise liquor license for **406 Broome St. Rest. Inc. d/b/a Brinkley’s/Southside, 199 Lafayette St;** and,

BE IT FURTHER RESOLVED that CB2, Manhattan respectfully request that the Liquor Authority review the concerns outlined above in regards to the original method of operation by the Licensee and take appropriate ongoing enforcement action and up to and including not renewing or suspending the Licensee’s license as it deems necessary.

Vote: Unanimous, with 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Slice West Village, LTD, d/b/a Slice, The Perfect Food, 535 Hudson Street – renewal B&W

Whereas, CB2 requested this applicant appear before the SLA committee due to the number of complaints in the immediate neighborhood regarding noise; and,

Whereas, the owner, Miki Agrawal, appeared before the CB2 SLA committee; and,

Whereas, this application is for the renewal of an existing beer and wine license (#1229971) in a mixed-use building located on Hudson between Perry and Charles Street (block #632/ lot #55), for a 765sq. ft premise which has 10 tables with 25 seats, 1 bar with 4 seats, and the maximum occupancy is 50 people, there is an existing unenclosed sidewalk café with 20 seats but no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.; 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; and,

Whereas, community complaints include noisy exhaust fan that never gets truly fixed or soundproofed and often left on all night though the location is closed by midnight; and a sidewalk café that is poorly maintained and never removed after closing, as required by the Department of Consumer Affairs; garbage left in front of the neighboring residential building and staff and patrons smoking on neighboring private residential steps; and,

Whereas, the applicant agreed to the following stipulations:

1. The exhaust fan on rooftop will be maintained and soundproofing will be completed.
2. A timer will be installed on the exhaust fan switch so it does not continue to run after midnight.
3. All sidewalk café furniture and plantings will be brought in up against the building at closing.
4. Employees must smoke out in street parking area and not in front of residential buildings.
5. Hours of operation will strictly adhere to the hours stated on the application which are Sunday to Thursday from 12:00 p.m. to 11:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial to the renewal of the beer and wine license for **Slice West Village, LTD, d/b/a Slice, The Perfect Food, 535 Hudson Street** unless those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 42 Board members in favor.

David Gruber, *Chair*
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Dear Mr. Christian:

At its Full Board meeting on October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012

Whereas, this applicant appeared before the committee; and,

Whereas, this application is for the renewal of a full OP license #1025227 (exp. 11/30/2012) in a mixed use building on Great Jones Street between Broadway and Lafayette (Block # 530 and Lot # 12), for a 3,800 s.f. restaurant that will have 55 tables with 133 seats and 2 bars with 26 seats (the ground floor will have 25 tables and 72 seats and 1 bar with 16 seats and the cellar space will have 30 tables and 61 seats and 1 bar with 10 seats) for a grand total of 159 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 201 persons; and,

Whereas, the operator presented an application to CB2 which states that the hours of operation are Sunday to Saturday from 10:00 a.m. to 4:00 a.m.; and,

Whereas the applicant did reach out to the community and the community agreed to the following; and,

Whereas, the stipulations in the form of an agreement are as follows:

AGREEMENT

Agreement made this 13th day of March 2012 by and between Noho-Bowery Stakeholders Inc. ("Noho") having an address at 17 Bleecker St., New York, NY 10012 and 9 GJ Bar & Restaurant Inc'

dba Acme having an office and place of business at 9 Great Jones Street, New York, New York (“Acme”)

Whereas, the parties are desirous of establishing a method of operation for the restaurant which will allow Acme’s business to succeed without causing inconvenience or nuisance to the neighbors and residents of the surrounding area. Towards that end, certain points have been agreed upon and they are:

1. That today the parties exchanged contact information as well as the phone numbers for the General Manager of ACME, as the contact accessible, at any time during the operation of the premises from opening to 4:00 a.m. Monday through Sunday. The person or persons connected with these phone numbers-will, take immediate responsibility for neighbor/neighborhood issues that arise, including but not limited to: crowd control associated with the restaurant and its patrons and disorderly conduct by patrons on the public right of way fronting the premises. Non-emergency issues such as garbage and sanitation, will be resolved within 48 hours of notice.

This contact information will also be utilized to exchange information regarding any special events planned either by the neighborhood or operator that will impact the normal conditions of business, residency or living.

Should these contacts or their phone numbers change, both parties agree to immediately notify each other with substituting information.

2. Acme agrees to provide, at its own expense, a means and protocol for garbage storage and collection that
 - 1) Prevents vermin access
 - 2) will not cause refuse to escape from its container - solid or liquid-or be left on the street'
 - 3) will be picked up before 3 AM when , restaurant personnel are available to speedily assist in its removal by a carting company and to clean up any residual garbage; or after 6 AM when restaurant personnel will soon 'be available to collect solid containers left on the street (should this be the storage option utilized), and sweep and wash down the sidewalks by 8AM daily.
3. Acme agrees to maintain exterior video camera for the purpose of monitoring sidewalk traffic, conditions, and patron activity for all hours of operation. Acme further agrees to provide personnel whose principal function it is to regularly monitor said video camera'

At any time that the premises reaches or anticipates reaching a capacity of 125 persons or greater, dedicated security personnel will be employed at a ratio of one per 75 persons present' such security personnel will be employed between the hours of 10: PM to 4: 15 AM (or until the last patron has left Wednesday through 4:15 AM Sunday morning.

The use of velvet ropes or outside waiting lines will be discouraged at all times. In the event of the need for outside congregation of patrons -by virtue of a planned or spontaneous events or circumstance, said security personnel will be physically present on the sidewalk to manage and oversee said congregation to assure that residential neighbors and other pedestrians have right of way as well as relief from extraordinary noise or other environmental or physical hazards that may arise as a result of Acme's operation of the business'

4. Acme warrants that the restaurant is legally configured for restaurant use, and will remain for the full period of this license and any subsequent renewals by these corporate owners, et-up in the

following manner.

The current configuration of the restaurant is as follows:

Ground floor 25 Tables
 72 Seats
 16 Bar Stools

Below Grade Cellar Space 30 Tables
 61 Seats
 10 Bar Stools

Acme further warrants that at no time will there be less seating except for the private party requiring less seating (ground floor) and that the public assembly stated for this and subsequent liquor license renewals will be for no more than 159 patrons. Any changes in patron capacity, seating and/or use will be duly set forth in an Alteration Application for review by the Community Board and submitted as prescribed by the New York State Liquor Authority.

If during the period covered by the initial SLA license Acme shall substantially abide by the above provisions and shall not cause undue inconvenience or discomfort to residents and businesses in the area, NoHo-Bowery Stakeholders, Inc agrees not to oppose renewal of said SLA license.

That both parties agree to continue a dialogue and continue to work together to insure a mutually harmonious existence for all.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends the **denial** to the renewal to the On-Premise License for **9GJ Bar & Restaurant, Inc. d/b/a Acme, 9 Great Jones St., 10012** **unless** all the stipulations agreed to in this resolution in the 5th “Whereas” clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 42 Board members in favor.

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Dear Mr. Christian:

At its Full Board meeting on October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston – New OP

Whereas, the applicant appeared before the committee to present an application for a restaurant that would serve small, sharable plates from classic New York dishes from the 1920's and 30's; and,

Whereas, this application is for a new on-premise license in a mixed-use building located on Houston between Mott and Mulberry Street (block #509/ lot #21), for a 1,600 sq. ft premise which will have 7 tables with 39 seats, 1 bar with 14 seats, for total of 53 seats, the maximum proposed occupancy is 65, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 3:00 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; and,

Whereas, CB2 is concerned that the business plan for this location lends itself to be more of a bar than a restaurant with minimal tables with 2 person seating and more group seating that is found in lounges; and,

Whereas, the menu of shared dishes also resembles lounge dining and not a full restaurant; and,

Whereas, the almost a third of the seating is based at a large bar which resembles a lounge and not a full restaurant; and,

Whereas, 3 community members came in support of this application but none of those speaking in support were residents near this location, 2 residents who live near the location spoke in opposition; and,

Whereas, the applicant presented a petition in support of this business however the petition itself did not disclose any hours of operation or description of it's method; and,

Whereas, all the restaurants in this immediate area do not stay open past 2:00 a.m.; and,

Whereas, though these operators are in good standing at another location within CB2, residents are concerned that the business plan does not truly lend to being a restaurant and would accept and support a true restaurant with earlier closing hours; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new On-Premise license for **Hill and Dale restaurant Group, LLC, TBD, 47 E. Houston.**

Vote: Unanimous, with 42 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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Griffs Global Corp., (Joint Licensees) d/b/a Duane Park, Bowery Poetry Club LLC., 308 Bowery – alteration to OP

Whereas, the applicant appeared before the committee to apply for the relocation and continuation of Duane Park restaurant featuring live entertainment and dinner theatre which will cater to a mature, sophisticated clientele: and,

Whereas, this application is for the alteration of the on-premise license (#1119552) in a mixed-use building located on Bowery between Bleecker and East Houston Street (block # 521/ lot #77), for a 2,900 sq. ft premise (2,100 s.f. on ground floor and 800 s.f. in basement) which will have 15 tables with 74 seats and 1 bar with 8 seats and 1 banquette holding area with 10 seats for a total capacity of 92 and a maximum occupancy of 125, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday and Monday from 12:00 p.m. to 1:00 a.m. and Tuesday and Wednesday from 5:00 p.m. to 1:00 a.m. and Thursday through Saturday from 5:00 p.m. to 3:00 a.m., music will be consisting of live and ipod but background level only, there will be no D.J.; and,

Whereas, the application is for the following alterations:

1. Relocate bar 12 ft easterly.
2. Install kitchen in rear of ground floor.
3. Relocate stage 10 ft. northerly.
4. Relocate wheelchair access bathroom 8 ft to northerly side.
5. Reconfigure general seating as shown on plan.

Whereas, the applicant had agreed to the following stipulations with the neighborhood group and CB2 which are:

Memorandum of Agreement

This AGREEMENT is made as of October 9, 2012 (the "Agreement") by and between Griff's Global Corp, a NY State corporation with an address at 308 Bowery, New York, NY 10012 doing business as Duane Park ("GGC"), Bowery Poetry Club, LLC, a limited liability company ("BPC") with an address at 308 Bowery, NoHo-Bowery Stakeholders, Inc. with an address at 17 Bleecker St., ("NBS") and certain individual whose names and addresses are attached as Exhibit A to this Agreement (the "Community Members" and said Community Members and NBS sometimes collectively referred to as the "Community");

WHEREAS, GGC as operator and BPC as the present holder of a full on premises SLA license for an establishment located in the first floor and cellar units at 308 Bowery; are applicants to the New York State Liquor Authority ("SLA") for an alteration to said license that will permit liquor service within a new restaurant space identified on the DOB Plans set forth below pursuant to an application filed with the SLA on or about October 15, 2012, 2012 and identified as Application Number 1119552 (the "SLA Application");

WHEREAS, GGC represents that it is the applicant to the NYC Department of Buildings ("DOB") to complete the currently incomplete renovations on the site (the "Building") for use as a eating and drinking establishment (Use Group 6) as described in plans at 308 Bowery (the "Property") filed in connection with DOB Job # 121373913, (the "DOB Plans"), reduced images of which are attached to this Agreement as **Exhibit A** and incorporated hereto; BPC

WHEREAS, BPC represents and affirms (i) that, as of the date of this Agreement, is sole owner of the Property and the Building; (ii) GGC as sole operator has full legal right, title and authority to enter into this Agreement, make all of the promises it has made to NBS in this Agreement, and undertake to all of the legal obligations it has agreed to accept in this Agreement; and,

WHEREAS, NBS and the Community Members have expressed their objections to BPC and GGC with regard to certain aspects of the SLA application, including but not limited to (i) the locations of permitted food and liquor service inside the Building, (ii) the capacities and hours of operation of the food and liquor venues shown in the DOB Plans and requested in the SLA Application, and (iii) the manner by which BPC and GGC would conduct food and liquor operations in and around the Building; and

WHEREAS, Community Members and additionally both residential and commercial members of the community, including many represented by NBS appeared prepared to testify in opposition to the SLA Application at a duly calendared public hearing of the SLA Committee of Manhattan Community Planning Board No. 2 ("CB 2") on Tuesday, October 9th, 2012; and,

WHEREAS, BPC and GGC expressed a willingness to address many of the concerns raised by the community, and to enter into a written agreement with the Community Members and NBS to memorialize its intentions in exchange for expressions of support from those present, that CB 2 should recommend approval of the SLA Application; and,

WHEREAS, after direct negotiations with BPC and GGC, NBS and the Community Owners, who represent the overwhelming majority of residents of the affected blocks of Bowery and Elizabeth Sts., agreed to provide support for the SLA Application as modified by the terms of this Agreement

throughout the remaining review of the SLA Application by CB 2 and the SLA, affirmed herein, provided that BPC and GGC agreed that (i) they would agree to the terms in this Agreement, (ii) they would take all necessary steps to modify its DOB Plans and SLA application in accordance with the terms of this Agreement, and (iii) they would agree to permit a copy of this Agreement to be attached to any CB 2 resolution BPCGGC and (iv) they would commit to the SLA that this Agreement is binding on the method of operation recorded with the SLA license, and,

WHEREAS, the Parties now wish to memorialize their mutual agreements in writing through this Agreement.

NOW THEREFORE, based on the mutual promises and covenants contained herein, it is AGREED by each of the Parties that:

1. BPC and GGC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
2. BPC and GGC will also seek review through CB#2 Manhattan should the principals of the corporation change.
3. BPC and GGC will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
 - a. The establishment will close at 1:00 a.m. Sunday through Wednesday, and 3:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
 - b. The inside capacity and Public Assembly Permit attached to this license will reflect the following maximum usage: 74 table seats; 1 bar with 8 bar seats and 10 banquet seats on the first floor with no more than 92 patrons on the premises. This number is not to be substituted by DOB capacity which may be greater than the above stated and agreed capacity of the venue.
 - c. There will be no sidewalk café.
 - d. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front, Thursday through Saturday from 10:00 p.m. to closing.
 - e. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2 am and 6 am, seven days a week.
 - f. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage, modifications and design.
5. Commitments regarding Special Events. Special Events will be defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including BPC and GGC management, which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:

- (i) BPC and GGC will limit the number of guests attending Special Events to no more than the total permitted Public Assembly named on the venue's license per day at any given time.
- (ii) BPC and GGC will require that any Special Event for 50 or more guests will require the responsible party (and if it is BPC and GGC that is holding the Special Event, they will be equally bound) to enter into an Events Contract stipulating:
 - (a) that the event will be primarily food service oriented with incidental liquor service,
 - (b) that any special event will end by 2:00 am,
 - (c) that dedicated Special Events personnel will be required for the entire period of the event to ensure that guests congregating or smoking on the Street be directed away from any other residential or merchant building entrances; that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,
 - (d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,
 - (e) that in the event an outside party will use its own sound amplification devices, the maximum permitted volume established for sound system pursuant to paragraph 6 of this Agreement will apply to those devices.

5. Commitments to Appoint Community Liaison. BPC and GGC will assign at least one person ("Community Liaison") who will be available to speak with NBS officers or directors during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.

6. Commitments to Contain Sounds. BPC and GGC agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaint be made to NBS and presented to BPC and Grifs Global Co/ DBA Duane Park, and should any measures taken by BPC and GGC to answer such complaint(s) not be sufficient to abate such sound, BPC and GGC agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels.

Such testing will establish a permitted maximum volume for the venue's interior sound systems and such volume will be made part of any Special Events contract as set forth in paragraph 5.

In the event of exterior HVAC system sound, a testing period will be established for not less than one week during normal hours of daytime and evening operation. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring or sound meter device(s).

If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, BPC and GGC agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.

7. Commitments to Prevent Odors and Restrict Locations of Mechanical Systems. BPC and GGC having taken over facility that has not previously served a full menu or operated a kitchen agrees to install and maintain its mechanical systems to provide industry standard venting and equipment that will minimize kitchen-related venting sound and odors. The location of all roof-top mechanical

equipment shall be as set forth in the drawing dated 9/12/12 and named “308 Bowery Kitchen Exhaust Plan” which is included in this Agreement as **Exhibit B** and incorporated herewith.

Upon installation of kitchen venting and HVAC systems, BPC and GGC agrees to a sound and odor testing period of not less than one week of full operation during evening service hours. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit/building for the installation and monitoring of sound meter device(s).

Should additional equipment or use of the venue (wood burning stoves, bread-baking facilities, additional meat broilers, pizza ovens, etc.) be added BPC and GGC agrees no kitchen-related vents or hoods will be placed at sidewalk level or within 15 feet of a window of a contiguous building; that they upon conference with affected building owners/residencies will install sound or odor abating equipment, including but not limited to electrostatic precipitator(s) sufficient to contain such sound or odors within an agreed upon period between all parties but no longer than 120 days.

8. Commitments regarding Public Support and Cooperation.

Provided the SLA Application and the DOB Plans remain consistent with the terms and intent of this Agreement, and the terms of any license approved by the SLA pursuant to the SLA Application are consistent with the terms and intent of this Agreement, NBS agrees that no Party to this Agreement shall appear, either directly, through a representative or proxy or through cooperation with any association in opposition to the SLA Application nor shall any Party to this Agreement subsequently commence or assist in any legal, administrative, or any other public proceedings which seeks to overturn approval of the SLA Application.

BPC and GGC whose principals are: Robert Holman and Merissa Ferrarin agree that any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NBS. as representatives of the community and be contingent upon a similar agreement subject to review and attachment to the new or altered license.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the alterations to the on-premise license for . **Griffs Global Corp., (Joint Licensees) d/b/a Duane Park, Bowery Poetry Club LLC., 308 Bowery** **unless** those conditions and stipulations agreed to by the applicant relating to the Memorandum of Agreement above are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

The Brick Cellar, LLC d/b/a The Brick Cellar, 100A 7th Avenue South, 10014 – Alteration to OP

Whereas, the applicant appeared before the committee to present an alteration to the interior space by installing banquette dinner seating around the perimeter of the stage and move the sound and lighting room to rear center of stage and change the bar shape and reduce from 45 ft to 32 ft: and,

Whereas, this application is for the alteration of an on-premise license (#1233401) which is in the middle of S.A.P.A. (State Administrative Procedures Act) pending decision; and,

Whereas, during S.A.P.A. the applicant has placed their SLA On-Premise License in safe keeping; and,

Whereas, this alteration is in a mixed-use building located on 7th Avenue between Grove and Bleecker Street (block # 591/ lot #10), for a 3,600 sq. ft theatre/dinner club which has 12 tables with 70 seats and 1 bar with 18 seats, and the maximum proposed occupancy is 207 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation (once in operation) will be Saturday and Sunday from 10:00 a.m. to 4:00 a.m. and Monday to Friday from 3:00 p.m. to 4:00 a.m., music will be live and background only; and,

Whereas, CB2 previously denied the renewal of this license because this location has not been in operation for the last year; and,

Whereas, CB2 has great concern that the alterations do not include a formal stage to provide a

dinner-theatre club and would provide the perfect set-up for a nightclub; and,

Whereas, CB2 feels that the applicant needs to provide some planned programming before supporting this concept further; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the alteration of the on-premise license for **The Brick Cellar, LLC d/b/a The Brick Cellar, 100A 7th Avenue South, 10014.**

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**Fabrizio Prim Cavallacci or Corp. to be formed, d/b/a Café Reggio, 119 MacDougal 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 MacDougal Street between West 3rd Street and Minetta Lane (block # 543/ lot #21), for a 1,500 sq. ft premise which has 21 tables with 49 seats and no bar and 8 seats in the sidewalk cafe, and the maximum proposed occupancy is 74 people, this will include the sidewalk café but there is no backyard use; and,

Whereas, the hours of operation will be Sunday from 9:00 a.m. to 3:00 a.m. and Monday through Thursday from 8:00 a.m. to 3:00 a.m. and Saturday from 8:00 a.m. to 4:00 a.m. however all alcohol service will cease at 2:00 a.m. every night / 7 days a week. Music is background only; there will be no promoted events, no scheduled performances or cover fees; and,

Whereas, this establishment has existed for 85 years and the operator is in good standing with the community; and,

Whereas, the operator agreed to 1 stipulation that states the following:

1. Hours of operation will be Sunday from 9:00 a.m. to 3:00 a.m. and Monday through Thursday from 8:00 a.m. to 3:00 a.m. and Saturday from 8:00 a.m. to 4:00 a.m. **however all alcohol service will cease at 2:00 a.m. every night / 7 days a week.**

Whereas, there was no community opposition regarding this application; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** to the new beer and wine license for **Fabrizio Prim Cavallacci or Corp. to be formed, d/b/a Café Reggio, 119 MacDougal St. 10012; unless** those conditions and stipulations agreed to by the applicant relating to the 5th Whereas clause are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Salume Mott Street LLC d/b/a Salume, 202A Mott Street 10012 – New Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Winelicense in a mixed use building located on Mott Street between Spring and Kenmare Street (Block #479 / lot #14), for a 412 sq. ft premise with no tables or tables seats, 1 bar with 10 seats, and the maximum proposed occupancy is 35 people, there is no sidewalk café and no backyard use; and,

Whereas, the establishment will be a full service restaurant serving breakfast, lunch and dinner specializing in Italian cuisine; and,

Whereas, the hours of operation will be Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 2:00 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; and,

Whereas, CB2 denied this applications request for a full On Premise license just last month in September 2012; and,

Whereas, there is no change in the application except now the operator will take reservations; and,

Whereas, this is another location within CB2 that has never been license by the SLA; and,

Whereas, CB2 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, a location as small as this is perfect for those types of retail stores and supporting businesses that can not afford larger spaces in this economy without a liquor license; and,

Whereas, this questionable business plan has seating at a bar for only 10 people and standing room for 20+ more people; and,

Whereas, there are over 25 on-premise licenses within 500 ft of this location; and,

Whereas, 3 community members spoke in opposition stating over saturation and quality of life issues; and,

Whereas, CB2 does not believe that this application offers any public interest; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new Beer and Wine license for **Salume Mott Street, LLC d/b/a Salume, 202A Mott St. 10012.**

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

FB Café 70 Greenwich Ave., d/b/a Francois Café, 70 Greenwich Ave. 10011 – 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 Greenwich Avenue between 7th Avenue and Perry Street (Block #606 / lot #7501), for a 380 sq. ft premise with 8 tables with 16 seats and no bar, and the maximum proposed occupancy is 45 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Saturday and Sunday from 9:00 a.m. to 12:00 a.m and Monday to Friday from 7:00 a.m to 12:00 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; and,

Whereas, this is another location within CB2 that has never been license by the SLA; and,

Whereas, the applicant has already partitioned off sidewalk café with planters from the store next door; and,

Whereas, this business has only been open since July of 2012; and,

Whereas, this operator was closing at 7:00 p.m. and is now trying different closing hours to investigate plausible business which concerns CB2 that this applicant has not established a solid

business plan that would justify an SLA license of any kind; and,

Whereas, the menu for this establishment which consist of crepes, yogurts, pastries and salads and sandwiches does not support the need of beer and wine license; and,

Whereas, the applicant submitted a petition in support with 79 signatures but only 7 were on Greenwich Avenue and many were not from the neighborhood or nearby; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new on-premise liquor license for **FB Café 70 Greenwich Ave., d/b/a Francois Café, 70 Greenwich Ave., 10011.**

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Michael Huynh on Behalf of an entity to be determined, 26 Greenwich Avenue 10011 – New Beer and Wine

Whereas, the applicant appeared before the committee to present the concept of an affordable Vietnamese restaurant serving authentic Vietnamese cuisine; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street (Block #606 / lot #08), for a 800 sq. ft premise with 14 tables with 38 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 40 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 12:00 p.m. to 12:00 a.m. and Friday and Saturday from 12:00 p.m. to 1:00 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; and,

Whereas, this is another location within CB2 that has never been license by the SLA; and,

Whereas, the applicant reached out to the community and established stipulations which CB2 includes with their own stipulation agreement; and,

Whereas, the following are the stipulations:

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 10th Street Block Association Board members. Should a sidewalk café permit be consented to by the Mid-West 10th 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.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new Beer and Wine license for **Michael Huynh on Behalf of an entity to be determined, 26 Greenwich Avenue 10011, 10012** **unless** those conditions and stipulations agreed to by the applicant relating to the 6th Whereas clause are incorporated into the “Method of Operation” on the SLA On-Premise license.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

An Entity to be formed by Frederique Thiollet, 4-6 Grand Street 10013– New Beer and Wine License

Whereas, the applicant appeared before the committee to present the concept of a café with an art gallery and small concept store with the aim to re-introducing the café society; and,

Whereas, this application is for a new Beer and Wine license in a mixed use building located on Grand Street between Varick and 6th Avenue (Block #477 / lot #?), for a 1,700 sq. ft premise with 17 tables with 45 seats, and 1 service bar, and the maximum proposed occupancy is 75 people, there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday from 11:00 a.m. to 7:00 p.m. and Monday to Thursday from 7:30 a.m. to 10:00 p.m. and Friday from 7:30 a.m. to 12:00 a.m. and Saturday from 11:00 a.m. to 12:00 a.m., music will be both Live and quiet background 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 velvet ropes, no movable barriers; and,

Whereas, there may be private parties and promoted events; and,

Whereas, this is **another** location within CB2 that has **never been license by the SLA**; and,

Whereas, CB2 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, CB2 denied a similar application which was an art gallery and café in September 2012; and,

Whereas, there were 3 community members who spoke emphatically against this application; and,

Whereas, the community has concerns that the building is all residential above this store front and there are many families with children whose quality of life will be affected by an establishment that serves beer and wine as apposed to a dry-retail store; and,

Whereas, 50% of the space is not going to be a café and would still be licensed if approved; and,

Whereas, CB2 and the community feel that this is an over saturated area with SLA licenses; and,

Whereas, this operator is establishing the funds for this venue by utilizing a public “crowd funding” internet program such as “Kickstart” and does not actually have the finances needed to begin this project; and,

Whereas, if this operator fails at this business plan, then the community would then have a 1,700 s.f. location with an unknown future; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the new Beer and Wine license for **Entity to be formed by Frederique Thiollet, 4-6 Grand Street 10013.**

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014 (serial number 1207903 - renewal)

Whereas, the Licensee's representatives appeared before CB2's SLA Licensing Committee for a second time after having originally been requested to do so by CB2 Manhattan upon CB2's receipt of a 30 day notice regarding this license's renewal application in September, 2012 to discuss concerns raised by members of the community; and,

Whereas, because the current license does not expire until 10/31/2012 and because no Principals were present to discuss this matter at the first CB2 SLA Licensing Committee meeting in September 2012, nor at the second CB2 SLA Licensing Committee meeting in October 2012, only managers who were not authorized to respond to concerns in detail regarding current or future plans, and because members of the community had met with two of the principals and management on October 4th 2012, and have been having on going dialogue via email regarding issues as they concern the "method of operation", outdoor areas on the roof and ground floor which were originally proposed as part of the licensed premise at the time of the original application in 2008 but which have never been utilized but the Licensee states they may do so some time in the future, the new outdoor "terrace" on the roof which was just opened on July 4, 2012, and issues as they relate to quality of life from music and noise and on the street level adjoining the premise involving patrons going to and coming from the premise and the responsibilities of the Licensee to manage this aspect of the operation; and,

Whereas, the Licensee's representative's agreed to continue the ongoing dialogue to discuss matters outlined above with the Principles on the license and residents and agreed to return again in November with either an authorized principal of the establishment or with permission to act on their behalf to

CB2's second regularly scheduled SLA Licensing Committee Meeting in November 2012 and provide an update as to the state of the discussions; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan again strongly recommends that the SLA not renew the existing license, **serial number 1207903**, for **Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014** until the ongoing dialogue has been completed between the residents and the Licensee so that ongoing issues can be clearly resolved and an authorized representative empowered to act for the principles or an authorized principle re-appears before CB2 to address the issues outlined in the above "whereas" clauses and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this renewal 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 and addressed.

THEREFORE BE IT FURTHER RESOLVED that CB2 Manhattan will provide an update to the Liquor Authority in November to apprise the Liquor Authority of any progress in the ongoing dialogue to address long standing issues that have not been resolved on an ongoing basis to the satisfaction of all parties involved and provide an updated recommendation based on the outcome of the dialogue.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Dorsia LLC d/b/a Windsor, 189 W. 10th St. a/k/a 234 W. 4th St., 10014 (Renewal - SN 1210408 expires 11/30/2012)

Whereas, the Licensee appeared before CB2's SLA Licensing Committee after having been requested to do so by CB2, Manhattan upon CB2's receipt of numerous complaints over a long period of time regarding the applicants establishment; and,

Whereas, CB2 Manhattan provided a recommendation to the Liquor Authority in March 2008 regarding this application which was subject to the 500 ft rule based on representations and statements made to CB2 at the time by this corporate entity and a completed CB2 SLA licensing questionnaire, subsequent to this recommendation, the original principals are no longer a part of the corporation and a "corporate change" was filed the Liquor Authority; and

Whereas, the March 2008 CB2 Resolution stated that:

Douglas Akin or Corporation to be formed, 234 W. 4th St. (10th and Charles), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license, pursuant to purchase, for a Mediterranean/American restaurant located in a 2,000 s.f. premise in a mixed use building located on West 4th between 10th and Charles Streets, with 55 table seats, 1 bar with 12 seats and a maximum legal capacity, pending the issuance of a new Certificate of Occupancy, not to exceed 74 persons; and,

Whereas, the applicant stated the hours of operation are 6:00 a.m. – 12:00 a.m. Monday – Wednesday; 7:00 a.m. – 2:00 a.m. Friday – Saturday and 8:00 a.m. – 12:00 a.m. Sunday; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, the required amended Certificate of Occupancy will be issued by the New York City Department of Buildings prior to the use of the On Premise license; and,

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

Whereas, the applicant has agreed to prohibit the use of a DJ at all times; and,

Whereas, the applicant has agreed to prohibit any patrons from drinking outside the establishment; and,

Whereas, several members of the community appeared to express their concerns, citing quality of life concerns with the previous restaurant establishment, and noise and overcrowding issues in the surrounding area; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for ***Douglas Akin or Corporation to be formed, 234 W. 4th St.,*** unless those conditions agreed to by applicant relating to the second, fourth, fifth, sixth and seventh “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license;

Vote: Unanimous, with 35 Board members in favor.

Whereas, CB2 Manhattan received numerous correspondence and a significant number of residents appeared at the meeting including the head of a local tenant’s association and a CB2 board member to address their concerns with the establishment which include hours of operation until 4 a.m. most nights of the week, open windows across the whole façade on both sides and doors with loud patrons and music and sports events audible inside surrounding residential buildings and for a considerable distance in 4 directions since this is a corner location, apparently there is an “internal policy” to close the windows and doors at 10 p.m. but this is often not followed, sound readings conducted by residents show levels above all acceptable standards including city laws and jobsite laws on weekends in particular, the premise was supposed to be a restaurant and now operates much more as an upscale sports bar with a number of tv’s, there is often amplified music which is clearly not background as presented originally to the community, and there are often significant sidewalk crowding issues on the narrow sidewalks in front of the establishment; and,

Whereas, a petition with 71 signatures from residents in the immediate area was presented requesting that CB2 recommend denial of the renewal application unless (1) the Licensee abide by the original hours of operation (6 a.m. to midnight Monday to Thursday, 7 a.m. to 2 a.m. Friday and Saturday and 8 a.m. to midnight Sunday, (2) The Licensee actively works to dissuade groups of patrons from blocking the sidewalks and disrupting the quality of life for residents and (3) That the Licensee keeps their windows and doors closed at all times to reduce noise pollution that erodes the residential character of the neighborhood; and,

Whereas, members of CB2’s SLA Committee had also observed the same issues as described by resident’s on an ongoing basis; and,

Whereas, the Licensee’s principals and attorney were not involved with the licensed entity at the time the original license was applied for and issued and stated that they were aware of no stipulations on the license and believed they were within the guidelines of their license to operate 7 days a week until 4 am; and

Whereas, in the Licensee’s original application to the Liquor Authority, they stated in their “Statement of Public Convenience and Advantage” that “There should be the presumption that the business would be in the public convenience and advantage until such time as opposition occurs” yet they operate contrary to what was presented to CB2 at the time of the original application and CB2 Manhattan would not have recommend approval of the current actual method of operation due to the significant impact on the existing noise level, vehicular and pedestrian traffic, the large number of licensed premises in this highly residential area located in the midst of the West Village on smaller streets; and,

Whereas, CB2 relied on the accuracy and truthfulness of the original statements made by the Licensee and therefore recommended denial unless those statements in the resolution were incorporated into the method of operation on their liquor license to the Liquor Authority being mindful that the applicant agreed to the stipulations and the Licensee further presented the same set of representations to the Liquor Authority; and,

Whereas, in the Licensee’s original application to the Liquor Authority, they stated under the proposed method of operation that they would be a “restaurant” and consistent with the stipulations the applicant agreed to incorporate into their method of operation with CB2, the applicant stated that their hours of operation were from 9 a.m. to midnight Monday to Thursday and 7 a.m. to 2 a.m. Friday and Saturday and 8 a.m. to midnight on Sunday; and,

Whereas, at the October 11, 2012 CB2 SLA Licensing Committee hearing, the Licensee agreed to additional stipulations which they subsequently executed in a Stipulations Agreement with CB2 stating that regardless of CB2’s recommendation to the Liquor Authority they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. All doors and windows will be closed Sunday to Friday at 8 p.m. and on Saturday at 9 p.m.
2. All doors and windows will also be closed during sporting events broadcast on their TV’s.
3. There will be a properly trained Security/Doorman who will clear and manage the sidewalk areas in front of the establishment.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the renewal of an on-premise liquor license for **Dorsia LLC d/b/a Windsor, 189 W. 10th St. a/k/a 234 W. 4th St., 10014 (SN 1210408), and,**

THEREFORE BE IT FURTHER RESOLVED that CB2 requests that the stipulations agreed to by the applicant relating to the 11th “whereas” clause above are incorporated into the “Method of Operation” on the On Premise license regardless of any determination, and

THEREFORE BE IT FURTHER RESOLVED that CB2 requests that the Liquor Authority review the concerns outlined above in regards to the Hours of Operation and Method of Operation and take appropriate ongoing enforcement action or require the applicant to honor their originally stated hours of operation and method of operation should the Authority consider renewing this license

Vote: Passed, with 41 Board members in favor, and 1 against (Aaron).

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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St., 10014 (Renewal - SN 1242425 expires 11/30/2012)

Whereas, the Licensee appeared before CB2's SLA Licensing Committee after having been requested to do so by CB2, Manhattan upon CB2's receipt of numerous complaints over a long period of time regarding the applicants establishment, in particular the method of operation of the rear yard dining area; and,

Whereas, CB2 Manhattan provided a recommendation to the Liquor Authority in September 2009 regarding this application which was subject to the 500 ft rule based on representations and statements made to CB2 at the time by Licensee and agreements in the way of stipulations which agreed would be added to the "method of operation" on their liquor license; and

Whereas, the September 2009 CB2 Resolution which was forwarded to the Liquor Authority at that time stated:

12. Village Restaurant Group, LLC, 447 Hudson St. (at Morton), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on the corner of Hudson and Morton Streets for a 850 s.f. restaurant with 57 table seats, 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are 8:00 a.m. – 2:00 a.m. seven

days a week; there will be a sidewalk café application and will include a backyard garden with 10 tables with 20 seats; music is background only; and,

***Whereas,** the applicant has agreed to receive a Letter of No Objection or revised Certificate of Occupancy from the New York City Department of Buildings prior to operating the restaurant; and,*

***Whereas,** the applicant has agreed to operate as a full service restaurant only; and*

***Whereas,** the applicant has agreed to the following set of stipulations for the backyard garden:*

- 1. The applicant has agreed to no music of any kind in the backyard garden*
- 2. The applicant has agreed to operate the backyard garden for dining purposed only*
- 3. The applicant has agreed to implement sound/noise mitigation techniques for the backyard garden, including but not limited to planters, etc.*
- 4. The applicant has agreed to cease operations in the backyard garden by 10:00 p.m. daily*

***Whereas,** the applicant has submitted a petition with 80 signatures in support of the proposed establishment; and,*

***Whereas,** several members of the community appeared in opposition; citing concerns with potential noise issues in the backyard garden within a residential block; and,*

***THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Village Restaurant Group, LLC, 447 Hudson St.** unless all conditions agreed to by applicant relating to the fourth, fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.*

Vote: Unanimous with 36 Board members in favor.

Whereas, CB2 Manhattan received numerous correspondence and a significant number of residents appeared at the meeting to request that the renewal application be denied for this Licensee because they are violating the “method of operation” which was originally presented and stipulations which they had agreed to; and,

Whereas, members of the community stated that at the time this application was originally presented in addition to the agreed upon stipulations, the applicant never stated that the traditional front door of the establishment would not be used for ingress, despite providing diagrams with an arrow pointing to the front door on Hudson St. as the entrance, that they are using the rear side door located on Morton St. which opens on to the rear yard through a wall bordering their rear yard as their primary means of ingress and egress at all times, that the establishment would operate as a speakeasy with no signage, but with a listed address on Hudson St, or that there would be operable windows installed on the rear façade overlooking the garden that would be kept open through many hours of operation including later evening hours; and,

Whereas, specific complaints were made that the backyard garden is used at all hours of operation and after the establishment closes as staff closes the establishment because it is the only utilized means of ingress and egress for the establishment even though the applicant “has agreed to operate the backyard

garden for dining purposed only” and “has agreed to cease operations in the backyard garden by 10:00 p.m. daily” and the entire reason those stipulations were entered into in the first place was because of the very situation which is now occurring which is patrons constantly moving in and out of the establishment in an exterior residential donut with numerous residential windows overlooking and adjacent to the rear yard garden, hard brick walls which surround the area which amplifies sounds and cause them to carry and the significant impact on quality of life of those residential tenants because of the noise this creates; and,

Whereas, additional complaints were made that because of the lack of signage and operation as a speakeasy, customers of the establishment are routinely trying to open doors to adjacent residential buildings and ring buzzers, that the rear yard entrance being open at all hours creates a security hazard because access is easier to the rear yards of several adjacent residential buildings, and that the Licensee’s breached the trust of the community by not considering the fact that operating as a “speakeasy” style establishment was a significant factor in their “method of operation” but this material fact was withheld from the community and CB2 as concerns could have been addressed at the time of the original application; and,

Whereas, the applicant first appeared in front of CB2 Manhattan in June 2009 with hours of operation in the rear yard area until 11 p.m. and the CB2 recommended that the Liquor Authority deny the application based partially on that reason so the applicant was fully aware of the concerns regarding the use of the rear yard garden; and,

Whereas, CB2 would have recommended denial had the Licensee been forth coming with all material facts and representations regarding the operation of the rear yard garden at the time of the original application and its operation as a speakeasy and because this is location subject to the 500 ft rule and for which the rear yard garden was never used previously for dining purposes and the impact of using the rear yard as the primary means of ingress and egress and would certainly been a part of not meeting the public interest because of it’s impact of the existing noise level among other reasons; and,

Whereas, not withstanding any other reasons, CB2 Manhattan feels the agreed to stipulations at the time of the application are very clear and state that the rear yard garden will be used for dining purposes only and that all operations will cease at 10 p.m., CB2 has difficulty understanding why the Licensee feels that using the rear yard garden as the primary and only ingress and egress for patrons up until the 2 a.m. closing is in keeping with the letter or spirit of the stipulations agreed to in September 2009 and further more why they are not cognizant that had the other aspects of their operation not been omitted from their initial presentation to CB2, the presentation of the application would have resulted in a recommendation of denial from CB2 to the Liquor Authority; and,

Whereas, the Licensee provided floor plans for the establishment at the time of the original application which clearly had an arrow pointing at the front door on Hudson Street and it was indicated next to the arrow with the word “entrance” and no arrow pointed to the side door to the rear yard garden entrance on Morton Street even though the door was shown on the plans and no information was provided that windows in the rear façade would be French Door style windows which open a large portion of the façade which allows music inside the establishment to be heard outside; and,

Whereas, the applicant also agreed to obtain a Letter of No Objection or revised Certificate of Occupancy from the New York City Department of Buildings prior to operating the restaurant but no revised Certificate of Occupancy has been applied for and no Letter of No Objection has been applied for and the Licensee has presented various documentation showing that the use of the rear yard may potentially be allowed but has been unable to provide any documentation either via a Letter of No Objection or Revised Certificate of Occupancy specifically stating that the rear yard can be currently used for patron dining; and,

Whereas, an New York City Environmental Control Board Citation was issued on October 7, 2012 citing “ALTERED/CHANGED BLDG OCCUPIED W/O A VALID CERT. OF OCCUPANCY AS PER 28-118.3.1 28-118.3.2.NOTED:JOB#110429180 HAS NOT BEEN SIGNED OFF AND PREMISE IS ARRANGED W/SEATING FOR APPROX 70 PATRONS WITH REAR YARD BEING”

(<http://a810bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=34940197Y>)

which seems to be in direct conflict with statements made by the Licensee that they are operating the rear yard garden in compliance with all NYC Department of Buildings regulations and in direct conflict with their statements that they do not have to adhere to the stipulation that they either obtain amended Certificate of Occupancy or a Letter of No Objection prior to operating the restaurant; and,

Whereas, CB2 Manhattan can only rely on accurate, truthful and complete statements from Licensee’s at the time of their original application in order to make recommendations to the Liquor Authority and relies on the fact that stipulations are agreed to for the express purpose of finding a balance point where the Liquor Authority could make an affirmative finding that it is in the public interest to issue the license and relies on plain language to express those stipulations which should not be subject to great interpretation in this case; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the renewal of an on-premise liquor license for **Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St., 10014 (Renewal - SN 1242425 expires 11/30/2012), and,**

THEREFORE BE IT FURTHER RESOLVED CB2 requests that the Liquor Authority review the concerns outlined above in regards to the original stipulations agreed to by the Licensee and take appropriate ongoing enforcement action

THEREFORE BE IT FURTHER RESOLVED that should the Liquor Authority consider renewing this license that the following requirements for the Licensee be considered:

1. The Licensee will adhere to all of the original stipulations agreed to at the time of the application, particularly those that state the rear yard is for dining use only and all operations will cease at 10 p.m.
2. The Licensee will stop using the rear yard side door on Morton Street as the Primary ingress and egress into the establishment and will instead use the “traditional” front door on Hudson Street.
3. That the Licensee will close all doors and windows by 8 p.m. or any time music is played inside the establishment.
4. The Licensee will present documentation that specifically states they are currently allowed to use the rear garden/backyard from the NYC Department of Buildings for patron use and dining and require that until this is presented that **all** use of the rear garden/backyard for any use in conjunction with this licensed premise cease.

Note: Passed, with 38 Board members in favor, 2 against (Meadows, Cannistraci), 1 abstention (Collins), and 1 recusal (Ely).

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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Aperitivo Di Palma, Inc., 30 Cornelia St. 10014

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

Whereas, this application for a new on premise liquor license (not a “transfer”) for a “organic Italian restaurant based on traditional, healthy and organic ingredients” that “will offer small plates with organic wines and herbal cocktails” and will also “retail specialty products and tableware” in a previously licensed location located between Bleecker Street and West Fourth St. in a mixed use building on the ground for an approximately 370 square foot premise, there will be 6 tables and 16 table seats, 1 stand up bar with 7 seats for a total of 23 seats, the maximum occupancy as stated by the applicant will be less than 35; and,

Whereas, the hours of operation will be from noon to midnight 7 days a week, music will be quiet background music from a very small sound system that will not disturb residents in the building, there will be sufficient sound proofing so that sound does not interfere with the residents in the building, there will be no dj’s, no live music, no jukebox, there will be no tv’s, , there will be no security personnel, there may be private parties;

Whereas, there are at least 19 licensed premises within 500 feet; and,

Whereas, the principals also own and operate an existing licensed premise next door which will not be connected and own a residential dwelling on the same block and have been on this block for 25 years; and,

Whereas, the applicant received support from the local block association and addressed some of the issues of the tenant living directly above the premise who was in opposition and who had serious concerns regarding the changes from the previous licensed premise, issues with the number of licensed premises in the immediate area and concerns with potential music and noise emanating from the establishment which would directly impact his quality of life, but was less concerned after hearing details of the proposed method of operation and promises from the applicant to address all music related issues and steps they were taking to make sure that was not an issues; and,

Whereas, the applicant agreed to a set of stipulations which they will execute as 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. Hours of operation will be from Noon to Midnight 7 Days a week. At Midnight all patrons will have left the premises.
2. Doors and Windows will remain closed at all times.
3. The applicant will install soundproofing
4. There will be absolutely no music played in the premise after closing.
5. They will operate as a restaurant at all times and not a bar.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an on-premise liquor license for **Aperitivo Di Palma, Inc., 30 Cornelia 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 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Mystique Mystique, Inc. 354-55 West St. d/b/a Platinum New York, NY 10014

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

Whereas, this application for a new on premise liquor license in a previously unlicensed location for a “Gentlemen’s Club”, located on the Northeast corner of West St. and Clarkson St. in two commercial buildings on the ground only for an approximately 3,500 square foot premise, there will be 28 tables and 42 table seats, 1 stand up bar with 9 seats, and 6 other seats located around a stage for a total of 57 seats, the maximum occupancy will be 74, there will be no outdoor space, backyard garden, rooftop space or sidewalk café and no French doors or windows that open; and,

Whereas, the hours of operation will be from Noon to 4 a.m. Monday to Saturday and from noon to 2 a.m. on Sundays, music will be from live d.j. and ipods/cd’s at entertainment level, the applicant will install sound proofing, there will be 2 t.v.’s, there will be events for which a cover fee is charged, there are no plans to address vehicular traffic, and the establishment will utilize “aesthetic movable rope” outside; and,

Whereas, the applicant states that this location is not subject to the “500 ft. rule” and therefore did not provide a written statement explaining in detail why they believe issuance of this license would be in the public interest; and,

Whereas, the applicant has submitted a security plan from their proposed security company and two of the three principles are principles at other licensed premises in New York City; and,

Whereas, at the first meeting, CB2 requested that the applicant provide a traffic plan or respond to

traffic concerns at this location and perform direct outreach to the residential buildings in the area directly and meet with them and also that they perform outreach to groups including the various youth athletic leagues which have activities at Pier 40 across the street among other things; and,

Whereas, the applicant was unable to provide a reasonable explanation as to why the two CB2 questionnaires submitted in September 2012 and October 2012 contained a maximum occupancy of 74 persons, yet there is a current alteration application filed with the New York City Department of Buildings to change the current occupancy of the building from an Adult Bookstore to an Eating and Drinking Establishment with a maximum occupancy of 150, more than double the proposed occupancy, and the applicant was unsure at the second meeting on whether it should be amended without discussing with his attorney first who was not present, and it was hard to understand why this material fact had not been presented by the applicant to CB2; and,

Whereas, the applicant was unable to explain why the number of seats stated in CB2's questionnaire did not match the number of seats including banquet seating and private room seating which were included in the floor plan presented to CB2, and members of CB2 raised questions as to whether or not it was appropriate to serve alcohol in the private rooms which would be closed off from public view by a curtain thereby leaving the view throughout the premise obstructed and the applicant was unable to address those discrepancies; and,

Whereas, the same alteration application filed with the New York City Department of Buildings (job # 121375984) to change the use from an Adult Bookstore to an Eating and Drinking Establishment and other work was disapproved by the Department of Buildings on 9/24/2012; The Department of Buildings stated that "Job number **121375984** was disapproved on September 24th, 2012, due to an incomplete submission of plans. A Notice of Objections was issued to the applicant to request clarification of items related to the project's address, lighting plan, mechanical plan, structural plan, BSA documents, plumbing diagrams, including sprinkler plans, and other issues concerning the proposed project."; it is unclear to CB2 if the change from an Adult Bookstore to a Gentleman's Club is allowed as an existing conforming use, allowed as an existing non-conforming use or if it not allowed or if only a portion of the premise can be used for adult use; the situation is complex because of several factors including the issue that this application spans two buildings out of four on the same tax lot and that this premise was perhaps connected at some point with the premise next door at 75-77 Clarkson Street when the original adult use was established, but the applicant was unable to address this issue in detail; and,

Whereas, should the maximum occupancy of this location be 150 it also raises the issue of the level of impact this establishment will have on vehicular traffic and parking and the direct impact that idling for hire vehicles would have; Specifically, Clarkson St. is the only ingress into Greenwich Village from the southbound NY 9A/West St between 14th St. and Houston St. and is a major artery to the Holland Tunnel; While Clarkson St. is 4 lanes wide, two lanes on Clarkson St. are dedicated to parking during the operating hours of the proposed establishment and another major nightlife establishment is located next door on Clarkson St. with similar operating hours; West St. is a major artery for Northbound traffic in front of the establishment on the other side and any pick up drop off service conducted via double parking or stopping in the active roadway is a serious safety hazard; the applicants also failed to address the impact of their establishment on the over 35 active truck bays in the immediate area (Fed Ex, UPS, St. John's Center); and

Whereas, while the applicant states that this location is not subject to the "500 ft. rule", CB2 is surprised as there seem to be 5 active liquor licenses within 500 feet, specifically (1) 75 Clarkson Street F&B LLC located at 75-77 Clarkson St., (2) Hornblower New York LLC (Vessel Liquor License for Inifnty) Located At 353 West Street A/K/A Pier 40, (3) Hornblower New York LLC (Vessel Liquor License For Hybrid) located at 353 West Street A/K/A Pier 40, (4) Affairs Afloat Inc

(Vessel Liquor License for Star Of Palm Beach) Located at Pier 40 A/K/A 353 West St. and (5) Queen Of Hearts Cruises Inc. (Vessel Liquor License For Queen Of Hearts) Located At Pier 40 A/K/A 353 West Street; and,

Whereas, the Main Entrance to Pier 40 where four of the five liquor licenses are located is within 500 Feet of the main entrance of the premise in question and CB2 would like the applicant to provide a statement of public interest so that CB2 can comment appropriately as the applicant did not provide a statement; and,

Whereas, the applicant presented a petition in support with over 1000 signatories and held an open house on a Saturday early afternoon at the location which is currently an adult bookstore with “peep booths” and posted signs in the area on lamppost’s etc.; and,

Whereas, a number of residents stated that they would not enter into the establishment given the nature of it’s business and had hoped that the applicant could have hosted an open house at a non-adult use venue in the area where parents involved in the local sports leagues and residents could attend without having to enter an adult bookstore; and,

Whereas several petitions were submitted in opposition, including a petition from one residential building located within 500 feet signed by 34 residents of that one building, a number of letters from community organizations and residents were also submitted including correspondence from Downtown United Soccer Club which serves 1,500 boys and girls ages 4-17, Greenwich Village Little League which serves over 800 boys and girls ages 5-16, and Gotham Girls FC which serves over 200 girls ages 7-16, and;

Whereas, residents in the closest residential building have stated that they would work with the applicant provided he is entitled to a liquor license at the establishment to establish stipulations; and,

Whereas, the applicant was willing to discuss some issues and indicated a willingness to work to open around the schedules of the children’s sport’s leagues and a willingness to beautify the area around the establishment and maintain a clean area but there were no concrete specifics that the applicant was able to provide; and,

Whereas, given the complex nature of this particular application including issues that may preclude the use of this space for this use, the discrepancy in occupancy presented to CB2 versus work filings submitted to the New York City Department of Buildings, discrepancies in the number of seats in the premise, and inability to come to a conclusion on final occupancy numbers, the unanswered questions regarding parking and traffic impact, the lack of a public interest statement, the lack of direct outreach to surrounding residential buildings and youth sports leagues based at Pier 40, the lack of sufficient dialogue with residents who with some answers to other questions such as the ability of the applicant to operate this type of establishment at this location and if a liquor license can be granted would be willing to have a dialogue to establish stipulations, and many other unanswered questions; and

Whereas, the applicant was unable to stipulate to the exact nature of certain parts of the application and details of the method of operation because he was unsure of certain facts at the time of the meeting; and,

Whereas, according to previous applicants in the immediate area, it has been brought to CB2’s attention that the immediate area has a history of drug arrests and prostitution for the last 15 years; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an on-premise liquor license for **Mystique Mystique, Inc. 354-55 West St. d/b/a Platinum New York, NY 10014.**

THEREFORE BE IT FURTHER RESOLVED that should the applicant proceed with this application to the Liquor Authority, CB2 Manhattan requests that the applicant be asked to return by the Liquor Authority to CB2 Manhattan with complete and accurate information which every other proposed liquor license applicant is able to provide so that a proper recommendation based on the actual circumstances of this applicant and premises can be provided.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Naughty Gull LLC d/b/a Quality Clam, 420 Hudson St., 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application for a new on premise liquor license (not a “transfer”) for a “neighborhood, family style restaurant specializing in seafood” in a previously licensed location located between Leroy St. and Morton St. in a mixed use building on the ground with a basement for auxiliary non-patron use for an approximately 1,830 square foot premise with 980 square feet on the ground floor and 850 square feet in the basement, there will be 14 tables and 38 table seats, 1 stand up bar with 6 seats for a total of 44 seats, the maximum occupancy will be 74, the applicant will return in the future to propose adding a sidewalk cafe; and,

Whereas, the hours of operation will be from 11:30 a.m. to midnight 7 days a week, music will be quiet background music, there will be sufficient sound proofing so that sound does not interfere with the residents in the building, there will be no dj’s, no live music, no jukebox, there will be no tv’s, , there will be no security personnel, there may be private parties;

Whereas, there are at least 7 licensed premises within 500 feet; and,

Whereas, the principals also own and operate three existing licensed premises located in CB2 without any known complaints; and,

Whereas, the applicant presented a petition in support from local residents and no opposition was voiced; and,

Whereas, the applicant agreed to stipulate to the hours of operation which they will execute as 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. Hours of operation will be from 11:30 a.m. to Midnight 7 Days a week. At Midnight all patrons will have left the premises.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an on-premise liquor license for **Naughty Gull LLC d/b/a Quality Clam, 420 Hudson 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 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Village Eats 10011 LLC d/b/a Umami Burger, 432 Sixth Ave. 10011

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

Whereas, this application for a new on premise liquor license (not a “transfer”) for a “full service restaurant serving gourmet hamburgers and sides, all infused with our proprietary sauces and spices” in a previously licensed location located between West 9th and West 10th St. in a commercial building on the ground floor and second floor with a basement for auxiliary non-patron use for an approximately 5,400 square foot premise with 1800 square feet on each floor with patron occupancy on half the first floor and the second floor, there will be 39 tables and 122 table seats, 1 stand up bar on the first floor with 11 seats and one stand up bar on the second floor with 6 seats for a total of 139 seats, the maximum occupancy will be 170, there will not be a sidewalk café and there will be no outdoor areas including no rooftop use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 10 a.m. to 1 a.m., and Thursday to Saturday from 10 a.m. to 2 a.m., music will be quiet background music from ipod/cd’s connected to a limited number of speakers, there will be no dj’s, no live music, no jukebox, there will be 2 tv’s, there will be no security personnel, there will be no private parties;

Whereas, there are at least 32 licensed premises within 500 feet; and,

Whereas, the applicant currently operates restaurants in California, including 13 Umami restaurants, but only 2 provide full alcohol service; and,

Whereas, the applicant did try to reach out to the local block association but received no response and the applicant posted signs in and around the area with contact information, there was some concern expressed by members of the Committee that this was previously a sushi/Thai restaurant and this method of operation was of concern give the large number of later evening venues in the area and the saturation of licenses and thought that a beer and wine license would be more appropriate for this type of method of operation; and,

Whereas, the applicant agreed to the stipulations which they will execute as a stipulations agreement with CB2 that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. Hours of operation will be Sunday to Wednesday from 10 a.m. to 1 a.m., and Thursday to Saturday from 10 a.m. to 2 a.m. All patrons will have vacated the premise at the listed closing time.
2. All doors and windows will be closed at 10 p.m. all nights.
3. There will be no DJ's, no live music, no promoted events, no 3rd party promoters, no events for which a cover fee is charged, and no scheduled performances.
4. There will be only one entrance through 6th Ave for both floors. No separate entrance will be used for the second floor.
5. The premise will be operated as a full service restaurant only.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an on-premise liquor license for **Village Eats 10011 LLC d/b/a Umami Burger, 432 Sixth Ave. 10011** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 41 Board members in favor, and 1 against (Young).

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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October 23, 2012

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 October 18, 2012, 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:

Hung Ry America, 55 Bond Street

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant requested to withdraw the application from consideration; and,

Whereas, a new corporation will be taking over this location and will come before the committee; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any alteration to the liquor license for **Hung Ry America, 55 Bond Street** 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.

Whereas, the applicant did appear before the committee and accepted a layover from the hearing; and,

Whereas, this application is for the Corporate Change of their On Premise license; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed liquor license for **Moo Kamibika, Inc. d/b/a Masala Times, 194 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration for a second time; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** the proposed liquor license for **Sigma Burger Pie, LLC d/b/a Sigma Burger Pie, 68 W. 3rd 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Kings 55 Group, Inc., 55 Bond Street 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** the proposed liquor license for **Kings 55 Group, Inc., 55 Bond Street 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

The Mussel Pot, 174 Bleecker St. 10012

Whereas, Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a Corporate Change of their On Premise license; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed changes to their liquor license for **The Mussel Pot, 174 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

205 Thompson Street LLC, d/b/a TBD, 205 Thompson St. 10012

Whereas, the applicant did appear before the committee and accepted a layover from the hearing; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed liquor license for **205 Thompson Street LLC, d/b/a TBD, 205 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal St. 10012

Whereas, the applicant did appear before the committee and accepted a layover from the hearing; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed liquor license for **SOH Peace, Inc. d/b/a Fukuro, 87 MacDougal St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Rockin Raw LLC, 171 Sullivan St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** the proposed liquor 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013

Whereas, at this month's CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant and the applicant's attorney requested a **layover of consideration** for this new on-premise liquor license application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting after performing community outreach; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Konstantin Ziring or entity to be formed d/b/a Graf Bar & Restaurant, 300 Spring St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington St. 10014

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this new on-premise liquor license application which is an upgrade to the existing Restaurant Wine license (SN# 1246369) and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or an upgrade to the Restaurant Wine license for **753 Washington Trattoria, Inc. d/b/a Malaparte, 753 Washington 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12th St. 10014

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this new on-premise liquor application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or existing application at this location for **Jeffrey Hacker d/b/a Café De La Musiane, 22 Little West 12th St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12th St. 10014 (upgrade to OP from RW)

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this upgrade application for SLA Serial #1119417 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license or upgrade application for **14 Year Dream, Inc. d/b/a Paradou, 8 Little W. 12th St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Corp. to be formed by John Souto, 501 Hudson St. 10014

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a to **withdraw** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Corp. to be formed by John Souto, 501 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square, 10014

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Meg Burnie on behalf of an entity to be determined, 11 Abingdon Square, 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Kevin LaCarrubba d/b/a Lola's Kitchen Corp. 128 Charles St. 10014

Whereas, the applicant was requested to appear before CB2 SLA Licensing Committee meeting on October, 11th, 2012, to present their application for a beer and wine license, but **the applicant failed to appear** and did not contact CB2 to request a layover or to withdraw their application; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or beer and wine license for **Kevin LaCarrubba d/b/a Lola's Kitchen Corp. 128 Charles 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 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Gans Mex LLC d/b/a MPD Restaurant, 817 Washington St. a/k/a 71-73 Gansevoort St., 10014 (SN # 1193736)

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on October, 11th, 2012, the applicant's attorney requested a **layover of consideration** for several applications for which CB2 Manhattan was notified of via 30 Day Notice Form's including an application for a (1) Corporate Change, an application for a (2) Alteration to the existing license and a application for a (3) New On-Premise liquor license application, and after the Committee meeting, but prior to CB2's Full Board Meeting on October 18th, 2012 the applicant's attorney notified CB2 that **all applications had been withdrawn**; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed liquor license or changes of any kind to any existing license for **Gans Mex LLC d/b/a MPD Restaurant, 817 Washington St. a/k/a 71-73 Gansevoort St., 10014 (SN # 1193736)** 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, and furthermore **CB2 refers the Liquor Authority to CB2's previous resolutions in regards to CB2's recommendations on matters which may still be before the Liquor Authority.**

Vote: Unanimous, with 42 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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October 23, 2012

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 October 18, 2012, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

An entity to be formed by Schratteer Food Incorporated d/b/a Affinage, 223 Mulberry St. 10012

Whereas, prior to this months CB2 SLA Licensing Committee meeting on October 9th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any proposed changes to their liquor license for **An entity to be formed by Schratteer Food Incorporated d/b/a Affinage, 223 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 42 Board members in favor

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

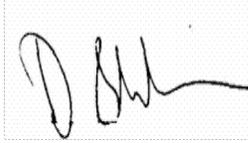
Sincerely,



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

BH/jrm

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, NY State Assembly Speaker
Hon. Thomas K. Duane, 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