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Antony Wong, *Treasurer*
Emma Smith, *Secretary*
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Mark Diller, *District Manager*

COMMUNITY BOARD No. 2, MANHATTAN

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FULL BOARD MINUTES

DATE: December 19, 2024
TIME: 6:30 P.M.
PLACE: The Sheen Center for Thought and Culture, 18 Bleecker Street, and via Zoom

ATTENDANCE

BOARD MEMBERS PRESENT IN PERSON: Susanna Aaron, Keen Berger, Carter Booth, Katy Bordonaro, Amy Brenna, Richard Caccappolo, Valerie De La Rosa, Chris Dignes, Mar Fitzgerald, Cormac Flynn, Susan Gammie, Juliet Kaye, Zachary Kazzaz, Susan Kent, Ryder Kessler, Jeannine Kiely, Patricia Laraia, Janet Liff, Benjamin Listman, Matthew Metzger, Erika Olson, Brian Pape, Donna Raftery, Lois Rakoff, Rocio Sanz, Eddie Siegel, Emma Smith, Dr. Shirley Smith, Susan Wittenberg, Antony Wong, Eugene Yoo (31)

BOARD MEMBERS PRESENT VIA ZOOM AND COUNTING TOWARD QUORUM: Ivy Kwan Arce, Ed Ma, Frederica Sigel, Chenault Spence (4)

BOARD MEMBERS PRESENT VIA ZOOM AND NOT COUNTING TOWARD QUORUM: Stella FitzGerald, Bo Riccobono, Shirley Secunda (3)

BOARD MEMBERS ABSENT WITH NOTIFICATION: William Benesh, Anita Brandt, Ritu Chattree, Arturo Fernandez, David Gruber, Michael Levine (6)

BOARD MEMBERS ABSENT: Andy Diaz (1)

BOARD MEMBERS PRESENT/ARRIVED LATE: Matthew Metzger (1)

BOARD MEMBERS PRESENT/LEFT EARLY: Ivy Kwan Arce (1)

BOARD STAFF PRESENT: Mark Diller, District Manager; Florence Arenas, Community Coordinator; Eva Mai, Community Associate

ELECTED OFFICIALS’ REPRESENTATIVES: US Congressman Dan Goldman (Tevin Williams); NYS Senator Brian Kavanagh (Sharif Krabti); NYS Senator Brad Hoylman-Sigal (Caroline Wekselbaun); NYS Assembly Member Grace Lee (Sophia Rasowitz.); NYS Assembly Member Deborah Glick (Roy Ruiz); Mayor Eric Adams (Christian Williams, Robin Forst); Manhattan Borough President Mark Levine (Andrew Chang); New York City Comptroller Brad Lander (Evelin Collado); City Council Member Christopher Marte (Conor Allerton); City Council Member Carlina Rivera (Bianny Rodriguez); NYC Council Member Erik Bottcher (Nicole Barth)

MEETING SUMMARY

Meeting Date – December 19, 2024

Board Members Present – 38

In Person – 31

via Zoom Counting toward Quorum – 4

via Zoom not Counting toward Quorum – 3

Board Members Absent with Notification – 6

Board Members Absent – 1

Board Members Present/Arrived Late – 1

Board Members Present/Left Early – 1

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PUBLIC SESSION

Proposed construction of the tower in Gansevoort Square, opposed:

- **Elisabeth Tiso:** Disagrees with process by which this project is being vetted, as well as the inclusion of the out-of-scale proposed tower. The project should be blocked. Concerned that constructing a large residential tower without including additional schools and amenities. Concerned about the impacts on the Community of the expansion of tourism and of the Whitney Museum. The public should have input on what will be constructed on city-owned property.
- **Zack Winestine:** The December presentation was the first time the community had heard about this project. CB2 should do all it can to delay this proposal so the Community can be heard. It is outrageous that the city is trying to jam an RFP through only a month after the proposal was presented. The proposed proportion of market-rate housing is unacceptable on City-owned land. There was no Community involvement in the creation of this proposal. Only the Whitney Museum was involved at that time.
- **Andrew Berman:** Speaking on behalf of Village Preservation about the proposed Gansevoort construction. Project has not engaged in community consultation, this is steamrolling. Appreciates that CB2 is pushing back on the timelines. Planned housing component is going to be overwhelmingly luxury units, not affordable housing. The tower should only be between 1/4 and 1/2 of the proposed height to be contextually appropriate. This is public land, with no acquisition cost. There should be a higher standard for how such land is used. Furthermore, the City has been inconsistent in its promises around affordability and development timelines in this project versus 388 Hudson. City must slow down the process, reduce the height of the proposed building, and remove all luxury housing from Gansevoort Square.
- **Vera:** Echoes the sentiments of the Village Preservation. Believes that a City-owned lot should be treated with a different process, instead of being rushed through over the holidays.
- **Lanny Stephens:** Difficult to comprehend how out-of-scale is this proposed building. [Shares specifications of local buildings to illustrate this disparity.] This development would be more than 25% as dense as any local comparison point.
- **Sam Moskowitz:** Important to understand what is meant by affordable in this context. Only 25% affordability has been proposed, which would be accessible to those making 60% of AMI. The median income in NYC is actually below 60% AMI. That means that 75% of the building would be affordable to only the very rich, and the remaining 25% of units would be only limited in affordability.
- **Julie Goldscheid:** Is a 35+ year resident of the West Village. Outraged at the proposal. This is not the way to expand affordable housing in our residential neighborhood. This once-quiet neighborhood is already overcrowded with tourists. Welcomes truly affordable housing, but this proposal promises to destroy the neighborhood and contribute to the income inequality that is already threatening to make our neighborhood unaffordable.

- **Joyce Goldzman:** Strongly opposes the City's rushed plan to use public land to benefit real estate/business interests, at the expense of the residents of the West Village and the Meatpacking District. The 600' tower is wildly out of character with the Historic Meatpacking District and the West Village. The affordable housing will be minimal and barely affordable, and the luxury housing will be primarily purchased as real estate investments and/or second, third, fourth, fifth, etc., homes – and thus will largely be un-lived-in and infrequently even visited – rather than adding new neighbors to the character of the neighborhood. Asks that CB2 insist that the City postpone the RFP for this project until after there has been meaningful consultation with the Community.
- **Josh Spodek:** The building as proposed would lower property values for the whole neighborhood, as well as damage the character that makes it desirable.
- **Melissa Krawitz:** The Tower plan must go, and the process slowed down.
- **Anna Shapiro:** Opposes with conditions. Tall buildings are changing the character of the neighborhood, which has been attractive to generations of people for its low-rise nature. Manhattan is already too dense, including the West Village at its north end, where at times it is difficult even to walk. There is a great deal of luxury housing already, and even the new 'middle-class' housing is too expensive for most. What is needed is LOW INCOME housing as infill projects. Further, Gansevoort Street and Square is the site of the very first greenmarket in New York, before Union Square became the central locus. The qualities that made it possible, and vestiges of the meat market for which the area is named, have been disappearing and should not be further effaced. The tower plan can only help developers, not ordinary citizens.
- **Paula Singer:** The City is rushing to invite developers to bid on this project just a few weeks from now, in January. Urges CB2 to ask the City to delay issuing this Request for Proposals until there has been time for adequate community input, and for that input to be incorporated into the plans.

Lenox Health Greenwich Village, expansion of services on site

- **Maliq Mendez:** Represents community relations at Lenox Health. LHGV has expanded the services available at its site at Seventh Avenue and West 12th – 13th Streets, including the addition of state-of-the-art cardiac catheterization labs, labs to support the emergency procedure suite, and inpatient recovery facilities. The Community is invited to an Open House event on January 30th from 6pm to 8pm.

Recognition of various CB2 committees

- **Darlene Lutz:** Recognizes the Outdoor Dining Working Group and the SLA-1 and -2 Committees for their good work throughout the year. Also thanks to Will Benesh for his work with SAPO.

ADOPTION OF AGENDA

The agenda was adopted by acclamation.

ELECTED OFFICIALS' AND REPRESENTATIVES' REPORTS

Tevin Williams, Director of Community and External Affairs, US Congress Representative Dan Goldman's Office, 10th District:

- Congressman Goldman spoke at a recent oversight hearing. There is a bipartisan movement to improve the USPS. There have been issues with thieves using glue traps in the blue mailboxes to extract Social Security checks and other payments. One-third of postal theft in the entire country takes place in Brooklyn and Queens.
- The Congressman is calling for the IRS to expedite Small Business Tax Credits.
- The Congressman has been appointed as the Co-Chair to the bipartisan force against anti-Semitism.
- Tevin will be leaving the office! [Many thanks to Tevin!]
- Q / A
 - Q: E. Siegal: Will the government be shut down due to the absence of a budget agreement?
 - A: Congress is expected to vote on a deal tonight. We will see.

Sharif Krabti, Community Affairs Liaison, NYS Senator Brian Kavanagh's Office, 27th District:

- Office will be closed on December 25-27.
- Senate Bill S563 was signed into law at the end of November. Impacts rent increases for rent controlled apartments. The new act repeals the requirement for the city to hold mandatory maximum base rent hearings.
- S9283 passed earlier this month and will require that maternity patients and families be educated about congenital heart defects.
- Office nominated 6 businesses for the Historic Business Preservation Registry. CO Bigelow and John's of Bleeker Street were confirmed.
- Q / A
 - R. Sanz asks if the Senator agrees that the rent control law is negative for both tenants and landlords. Sharif says that the Senator likely disagrees with this statement.
 - C. Flynn asks for clarification on whether S563 pertains to rent control or rent stabilization.
 - L. Rakoff asks if the designated businesses get anything more than recognition. Sharif will follow up with additional details.
 - Dr. Smith asks who selected the businesses. Sharif explains that it was an internal process.

Caroline Wekselbaum, NYS Senator Brad Hoylman-Sigal's Office, 47th District:

- On December 11, Senator Hoylman-Sigal's bill requiring private insurers to cover dyslexia exams was signed into law.
- Upcoming legislative priority around ghost guns. Currently, the possession of ghost guns is illegal, but the manufacture of ghost guns is not. This is pertinent to the murder of the United Healthcare CEO, as he was shot with a form of ghost gun.
- Report is accessible at the meeting.

- Groundbreaking will be taking place on the new LGBTQ+ museum on the UWS. Should be completed in a couple of years. The Senator secured \$9 million to support this project.
- Q / A
 - R. Sanz asks how families without any insurance get access to dyslexia testing. Caroline will follow up.

Hayden Ryan, NYS Assembly Member Grace Lee's Office, 65th District:

- Office will close for the holidays and re-open on January 2nd.
- Excited for upcoming term, AM Lee's second term
- End of year newsletters will be coming out soon.
- Office held a successful toy drive last Saturday.
- Delancey-Essex subway elevator installation has been included among planned 2025 capital improvements.

Roy Ruiz, Community Liaison, NYS Assembly Member Deborah Glick's Office, 66th District:

- AM Glick is disappointed that the Governor vetoed the LICH Bill, which would have required local community input on hospital closures.
- AM Glick is also disappointed that the Governor vetoed a bill protecting horseshoe crabs.
- Q / A
 - R. Kessler asks about legislative priorities for next session. Roy will get back to him.
 - Z. Kazzaz asks about financing gap for the MTA with the return of congestion pricing at only part of its originally anticipated amount. Roy is unsure.
 - L. Rakoff asks about fluoride in the water.

Conor Allerton, Director of Land Use and Housing, NYC Council Member Christopher Marte's Office, District 1:

- CM Marte is carrying Intro 1096, which would protect retirees' access to traditional Medicare, and not just to Medicare Advantage. The Mayor is continuing to push for reimburse only the premiums for mandatory Medicare Advantage plans.
- Update: the Community lawsuit seeking to eliminate a transfer fee for artists' lofts in SoHo/NoHo was successful.
- City of Yes for Housing Opportunity passed the Council, 31 in favor, 20 opposed. CM Marte voted against the proposal on grounds that it did not sufficiently require new housing that would be built to be affordable, and that the plan remained a giveaway to developers. Believes that the community deserves better and is continuing to advocate for these needs.

Bianny Rodriguez, Director of Community Outreach, NYC Council Member Carlina Rivera's Office, District 2:

- CM Rivera secured funding to support Latinx studies.
- Office joined God's Love We Deliver over Thanksgiving. Distributed Thanksgiving meals to the Communities.

- Office celebrated the tree lightings in all parks. Looking forward to joining the carolers next week.
- Q / A
 - Dr. Smith asks for additional information on Latinx studies. Bianny elaborates that the CM's office announced \$3M of funding for citywide educational program. Curriculum will be written by the United Way of NYC, the Hispanic Federation and Teacher's College.

Nicole Barth, Community Liaison, NYC Council Member Erik Bottcher's Office, District 3:

- MTA press conference to announce the completion of the elevator renovations at the 14th Street station complex today. CM Bottcher was present. This will bring accessibility to 6th and 7th Avenue entrances. There are 9 new elevators. Other important improvements were made to improve passenger movement throughout the station. 29,000 customers use the station each day.
- Thanks to everyone who donated toys for the drive and joined caroling this week (despite the rain!).
- End of year newsletter will be out soon.
- Many thanks to CB2, and especially to Mark Diller.

ADOPTION OF MINUTES

The minutes of November 2024 Full Board were adopted by acclamation.

BUSINESS SESSION

Chair's Report: Susan Kent

- **Borough Board**
 - Pre-K program has been announced today for families of moderate income.
 - Presentation from Office of Night Life and Landmarks Office.
- **Holiday Announcements**
 - Thanks to everyone who joined the informal holiday party last week.
- **CB Applications**
 - Applications for appointments to Community Boards are expected to become available in January. The applications are typically due at the end of February.
 - Check the Borough President's website for the latest.

District Manager's Report: Mark Diller

- **Sheen Center**
 - Thanks to the Sheen Center for hosting us!
- **Website**
 - The website now includes a button linking to various resources relating to the Gansevoort Square project. Currently includes the recent EDC presentation and will include resolution when it becomes available.

- The website also includes a button linking to various Congestion Pricing information, including to resources detailing various discounts and exemptions from the obligation to pay the toll.
- Work on creating a better search platform for legacy documents via the Air Table app is continuing. Certain documents need to be renamed in order to be searchable – many thanks to all who have submitted comments on the proposed naming convention – all such suggestions are being incorporated.
- **SLA Meeting Locations**
 - St. Anthony’s Church basement will be undergoing extensive renovations, so CB2’s SLA Committees and other Committees will need to find alternate space starting in March or possibly sooner..
 - Maliq Mendez, who spoke during the Public Session, has helped us to secure the Lenox Hill Greenwich Village meeting space as an alternative for many of the meetings during the period we will be displaced.

STANDING COMMITTEE REPORTS WITH RESOLUTIONS

CANNABIS LICENSING

1. Resolution to Deny the Application by James Choung/NYC Green Girl LLC, 69 Gansevoort St. 10014

1. **WHEREAS**, on November 6, 2024, CB2 received a Notification to Municipality (NTM) form OCM-06009 for an Adult-Use Retail Dispensary License for NYC Green Girl LLC, signed by James Choung to be located at 69 Gansevoort Street 10014; and
2. **WHEREAS**, the proposed premises is on the north side of Gansevoort St. between Washington and Greenwich Streets and is a contributing building of the [Gansevoort Market Historic District](#) in CB2’s Meatpacking District neighborhood;
3. **WHEREAS**, the applicant and representative failed to respond to outreach, submit hours or method of operation via questionnaire, provide any materials or information concerning the proposed businesses, or appear before the CB2 Cannabis Licensing Committee; and
4. **WHEREAS**, CB2 has received a total of five Adult-Use Cannabis Dispensary applications for 69 Gansevoort under various names and corporate entities apparently associated with the signatory of the 11/22/2024 NTM form, Michael Shah; and
5. **WHEREAS**, Michael Shah is the landlord of the proposed premises at 69 Gansevoort St. 10014 as evidenced by multiple [sale and mortgage documents](#), and
6. **WHEREAS**, the proposed premises may be facing [possible foreclosure for failing to repay a \\$28 million mortgage](#); and

7. **WHEREAS**, the individual named as True Party of Interest (TPI) in court documents for the submitted LLC, [Mr. Shah, is a local business owner with a long and adverse history in Community District 2 and is well known to both CB2 and the 6th Precinct](#), in relation to his multiple hospitality establishments where he has violated multiple stipulations, and operated outside the parameters of licenses in the past; and
8. **WHEREAS**, the applicant is currently the plaintiff in at least three lawsuits seeking to compel the NYS Cannabis Control Board and NYS Office of Cannabis Management to approve his Adult-Use Retail Dispensary License applications, and possible damages for lost rent; and
 - a. [GRIFFON GREEN LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
CMRETL-2023-001520 / 69 Gansevoort Street 10014
 - b. [GRIFFON CANNABIS LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
OCMRETL-2023-1522 / 461 7th Avenue 10001
 - c. [NYC GREEN GIRL, LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
OCMRETL-2023-001517 / 58-60 Ninth Avenue 10011
9. **WHEREAS**, the business entity submitted to CB2 on the 11/6/2024 NTM form, and signed by James Choung, NYC Green Girl LLC, was assigned Application No. OCMRETL-2023-001517, with a different proposed location of 461 Seventh Avenue 10001, which is not in Community District 2; and
10. **WHEREAS**, neither of the two NTM forms submitted to CB2 for the proposed premises match the addresses proposed to the OCM or CCB under those corporate entities; and
11. **WHEREAS**, the proposed premises is located in a flood zone with a history of severe flooding, yet no flood mitigation measures were addressed raising concerns about structural safety and tenant vulnerability; and
12. **WHEREAS**, the heightened risk of crime associated with a cash-heavy business model is justified as theft, robberies, and burglaries of licensed dispensaries are becoming increasingly common, and evidenced by the recent burglary of a CB2 dispensary on November 16, 2024; and
13. **WHEREAS**, the lack of outreach to local stakeholders has not built trust with the community; and
14. **WHEREAS**, the proposed dispensary's close proximity to several places that provide services and activities for local families, and visitors including the Whitney Museum, and Meatpacking District, and Highline park, where many schools and children's

classes/activities occur all year round, raise concerns about public safety and community impact; and

15. **WHEREAS**, concerns were raised by neighboring residents and businesses that this license would dramatically alter the fabric of this cultural, and family-friendly neighborhood, detract from the current retail tenants, and cause a large portion of visitors and residents to avoid the area; and

THEREFORE, BE IT RESOLVED, Community Board 2 (CB2) strongly recommends the **denial** of the Adult-Use Retail Dispensary License application for James Choung, NYC Green Girl LLC, **69 Gansevoort 10014** due to the extensive and documented issues outlined, and, and that this decision shall be deemed part of the record upon which the Office of Cannabis Management (Office) makes its recommendation to the Cannabis Control Board (Board) to grant or deny the application per §76 section 4 of NYS Cannabis Law.

- Discrepancies between the address of the premises proposed to the municipality, and the address submitted to the OCM/CCB for the corporate entity.
- Discrepancy between the applicant name submitted to the municipality and the True Party of Interest of record, according to court documents.
- Concerns regarding the viability of the proposed premises related to a contentious and sizable mortgage, uncertainty of future ownership, and various legal issues.
- A long and documented history of license, legal, and regulatory violations, raising questions about operational integrity and the TPI's and/or applicant's fitness to possess, hold, control or manage a license of any kind.
- Failure to address historic preservation requirements for the landmarked premises within the Gansevoort Market Historic District.
- Concerns regarding public safety, increased crime risks, and security measures for a cash-heavy business in a residential neighborhood.
- Lack of outreach to local stakeholders and community opposition.
- Proximity to sensitive areas that make the location inappropriate for a cannabis dispensary.

BE IT FURTHER RESOLVED, CB2 strongly advises that applications of this nature must meet the highest standards of transparency, community engagement, and compliance with all applicable regulations, including but not limited to cannabis law, state regulations, zoning, historic preservation, and security requirements, to be considered viable. The applicant's failure to respond to outreach, and the significant concerns raised by the community make this application unsuitable for approval.

Vote: Passed with 35 Board Members in favor, 2 abstentions (R. Kessler, J. Liff), 1 recusal (M. Metzger).

2. Resolution to Deny the Application Michael Shah/Griffon Cannabis LLC, 69 Gansevoort St. 10014

1. **WHEREAS**, on November 22, 2024, CB2 received a Notification to Municipality (NTM) form OCM-06009 for an Adult-Use Retail Dispensary License for Griffon Cannabis LLC, signed by Michael Shah to be located at 69 Gansevoort Street 10014; and
2. **WHEREAS**, the proposed premises is on the north side of Gansevoort St. between Washington and Greenwich Streets, and is a contributing building of the [Gansevoort Market Historic District](#) in CB2's Meatpacking District neighborhood;
3. **WHEREAS**, the applicant and representative failed to respond to outreach, submit hours or method of operation via questionnaire, provide any materials or information concerning the proposed businesses or appear before the CB2 Cannabis Licensing Committee; and
4. **WHEREAS**, CB2 has received a total of five Adult-Use Cannabis Dispensary applications for 69 Gansevoort under various names and corporate entities apparently associated with the signatory of the 11/22/2024 NTM form, Michael Shah; and
5. **WHEREAS**, the applicant, Michael Shah, is the landlord of the proposed premises at 69 Gansevoort St. 10014 as evidenced by multiple [sale and mortgage documents](#), and [articles](#) spanning the past decade; and
6. **WHEREAS**, the proposed premises may be facing [possible foreclosure for failing to repay a \\$28 million mortgage](#); and
7. **WHEREAS**, the Applicant, Mr. Shah is a local business owner with [a long and adverse history in Community District 2](#) and is well known to both CB2 and the 6th Precinct, in relation to his multiple hospitality establishments where he has violated multiple stipulations, and operated outside the parameters of licenses in the past; and
8. **WHEREAS**, the applicant is currently the plaintiff in at least three active lawsuit against the and Cannabis Control Board seeking to compel the NYS Cannabis Control Board and NYS Office of Cannabis Management to approve his Adult-Use Retail Dispensary License applications, and damages for lost rent:
 - a. [GRIFFON GREEN LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
CMRETL-2023-001520 / 69 Gansevoort Street 10014
 - b. [GRIFFON CANNABIS LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
OCMRETL-2023-1522 / 461 7th Avenue 10001
 - c. [NYC GREEN GIRL, LLC v. NEW YORK STATE CANNABIS CONTROL BOARD et al](#)
OCMRETL-2023-001517 / 58-60 Ninth Avenue 10011; and
9. **WHEREAS**, the business entity submitted to CB2 on the 11/22/2024 NTM form, and signed by Michael Shah, Griffon Cannabis LLC, was assigned Application No. OCMRETL-2023-1522, with a different proposed location of 461 7th Avenue 10001, which is not in Community District 2; and
10. **WHEREAS**, neither of the two NTM forms submitted to CB2 for the proposed premises match the addresses proposed to the OCM or CCB applications under those corporate entities; and

11. **WHEREAS**, the proposed premises is located in a flood zone with a history of severe flooding, yet no flood mitigation measures were addressed raising concerns about structural safety and tenant vulnerability; and
12. **WHEREAS**, the heightened risk of crime associated with a cash-heavy business model is justified as theft, robberies, and burglaries of licensed dispensaries are becoming increasingly common, and evidenced by the recent burglary of a CB2 dispensary on November 16, 2024; and
13. **WHEREAS**, the lack of outreach to local stakeholders has failed to build trust with the community; and
14. **WHEREAS**, the proposed dispensary's close proximity to several places that provide services and activities for local families, and visitors including the Whitney Museum, Meatpacking District, and Highline Park, where many schools and children's classes/activities occur all year round, raises concerns about public safety and community impact; and
15. **WHEREAS**, concerns were raised by neighboring residents and businesses that this license would dramatically alter the fabric of this cultural, and family-friendly neighborhood, detract from the current retail tenants, and cause a large portion of visitors and residents to avoid the area; and

THEREFORE, BE IT RESOLVED, Community Board 2 (CB2) strongly recommends the denial of the Adult-Use Retail Dispensary License application for Michael Shah, Griffon Cannabis LLC, **69 Gansevoort 10014** due to the extensive and documented issues outlined, and, and that this decision shall be deemed part of the record upon which the Office of Cannabis Management (Office) makes its recommendation to the Cannabis Control Board (Board) to grant or deny the application per §76 section 4 of NYS Cannabis Law.

- Discrepancies between the address of the premises proposed to the municipality, and the address submitted to the OCM/CCB for the corporate entity.
- Concerns regarding the viability of the proposed premises related to a sizable and contentious mortgage, future ownership uncertainty, and legal issues.
- A long and documented history of license, legal, and regulatory violations by the applicant, raising questions about operational integrity and the applicant's fitness to possess, hold, control or manage a license of any kind.
- Failure to address historic preservation requirements for the landmarked premises within the Gansevoort Market Historic District.
- Concerns regarding public safety, increased crime risks, and security measures for a cash-heavy business in a residential neighborhood.
- Lack of outreach to local stakeholders and community opposition.
- Proximity to sensitive areas that make the location inappropriate for a cannabis dispensary.

BE IT FURTHER RESOLVED, CB2 urges the NYS Office of Cannabis Management (OCM) and Cannabis Control Board (CCB) to investigate the irregularities in this application and strongly recommends that such applications meet the highest standards of transparency, community engagement, and thorough vetting to ensure compliance with all applicable regulations, including cannabis law, state regulations, zoning, historic preservation, and security requirements, and to uphold integrity in the licensing process.

Vote: Passed with 35 Board Members in favor, 2 abstentions (R. Kessler, J. Liff), 1 recusal (M. Metzger).

3. Resolution to Deny the Application for Metro Heights LLC, 650 Broadway 10012

1. **WHEREAS**, on November 15, 2024, Community Board 2 (CB2) received a Notification to Municipality (NTM) form OCM-06009 for an Adult-Use Retail Dispensary License for Metro Heights LLC, signed by Makayla Berry, proposing to locate at 650 Broadway, New York, NY 10012; and
2. **WHEREAS**, the proposed premises are situated on the east side of Broadway between Bleecker and Bond Streets in CB2's NoHo neighborhood; and
3. **WHEREAS, WHEREAS**, the the applicant, Metro Heights LLC, failed to respond to outreach efforts, submit a questionnaire, hours, provide any materials or substantive information concerning the proposed business, or appear before the CB2 Cannabis Licensing Committee, which are standard requirements for applications under consideration by CB2; and
4. **WHEREAS**, the proposed premises is currently operating as a Wendy's franchise whose management is unaware of any pending closure or transition to a dispensary, raising concerns about the legitimacy and transparency of the application; and
5. **WHEREAS**, evidence suggests that Metro Heights LLC and its principal, Makayla Berry, may be fictitious entities, as the contact information provided on the application (phone number: 248-420-0420) leads to an answering service, and inquiries regarding Ms. Berry or the application resulted in confusion and an apparent lack of knowledge about the individual and dispensary application; and
6. **WHEREAS**, further investigation revealed that the applicant was associated with three separate applications for a single address in CB1, pointing to potential irregularities and a lack of credibility in the application process; and
7. **WHEREAS**, the investigation traced connections to several entities based in Michigan, including [Canna Zoned MLS LLC](#), [Hydra Real Estate Development](#), Vannabis Property Brokers, Cannabis Property Brokers (malware website) and Cannabis Pro, which appear to be part of a broader real estate scheme rather than a legitimate dispensary business; and
8. **WHEREAS**, efforts to contact related parties via the applicant's listed address, 2207 Orchard Lake Rd. Sylvan Lake, MI 48320, led to a phone number for one of the businesses listed above which was answered by an individual listed as the applicant on one of the CB1 applications, yet yielded no substantive response, further demonstrating a lack of good faith engagement with CB2 or the community;

THEREFORE, BE IT RESOLVED, Community Board 2 (CB2) strongly recommends the **denial** of the Adult-Use Retail Dispensary License application for **Metro Heights LLC, 650 Broadway 10012** due to the extensive and documented issues outlined, and, and that this decision shall be deemed part of the record upon which the Office of Cannabis Management (Office) makes its recommendation to the Cannabis Control Board (Board) to grant or deny the application per §76 section 4 of NYS Cannabis Law.

BE IT FURTHER RESOLVED, that due to the applicant's failure to provide required information, the apparent lack of legitimacy of the application, and concerns regarding potential misrepresentation; CB2 urges the Office of Cannabis Management (OCM) to investigate the irregularities in this application and ensure that future applications are vetted thoroughly to maintain transparency and integrity in the licensing process.

Vote: Passed with 35 Board Members in favor, 2 abstentions (R. Kessler, J. Liff), 1 recusal (M. Metzger).

4. Resolution Regarding Public Convenience and Advantage

WHEREAS:

1. The New York State Office of Cannabis Management (OCM) and Cannabis Control Board (CCB) have proposed amendments to regulations [\(Part 118 and 119\)](#)¹ affecting retail dispensary proximity and waivers for public convenience and advantage (PCA);
2. These proposed regulations eliminate previously established standards, introduce ambiguities in distance measurement methods, and redefine PCA criteria without sufficient clarity;
3. The Proposed amendment to the regulations was posted to the [New York State Register Issue 43 Vol. XLVI Division of Administrative Rules](#)² on October 23, 2024 and will close following a 60-day public comment period on December 23, 2024;
4. Community stakeholders, elected officials from Community District 2, and licensed cannabis operators have raised concerns about the potential impact of these changes on local businesses, community saturation, and equitable access.

THEREFORE BE IT RESOLVED, that Community Board 2 recommends the following criteria be incorporated into any amendments to Public Convenience and Advantage law and regulations;

1. Measurement Clarity:

1. Specify a consistent methodology for measuring distances between dispensaries, reinstating the door-to-door linear method as the standard to prevent arbitrary interpretations.
2. Geographic barriers only justify exceptions in narrowly defined and extraordinary circumstances.

2. Criteria for PCA Waivers:

1. Clear, specific standards for PCA waivers are reinstated to ensure consistent application and prevent arbitrary decision-making.
2. Metrics such as quantifiable public demand, the impact on existing legal dispensaries, and community benefits should be integral to the evaluation criteria.

3. Process Suggestions:

1. Develop and publish an official PCA guidance document for applicants, licensees, and municipalities, outlining clear instructions and covering specific topics such as criteria, application steps, and decision-making processes.

¹ <https://cannabis.ny.gov/system/files/documents/2024/09/part-118-119-emergency-exprs-terms.pdf>

² <https://dos.ny.gov/system/files/documents/2024/10/102324.pdf>

2. Establish and maintain a publicly available list of criteria used by the OCM and CCB to evaluate PCA applications, ensuring transparency and accountability in the vetting process.
3. Provide a centralized PCA application form or online portal for submission, detailing key requirements and steps involved in the process.
4. Extend the 45-day municipal comment deadline to 75 days if municipalities formally request an extension, outlining how this extension process will work in practice.
5. Ensure transparency by publicly disclosing the rationale behind approvals or denials of PCA applications, particularly for decisions made prior to the finalization of regulations.
6. Address applicant confusion about PCA requirements by creating instructional resources and direct outreach programs to guide them through the application and waiver process.
7. Incorporate feedback mechanisms for municipalities and community boards to improve coordination and ensure their input is reflected in final decisions.
8. Require applicants to submit all pertinent documentation, including detailed PCA requests and waiver rationales, alongside their Notice to Municipality forms to ensure compliance and completeness.

4. Equity and Market Integrity:

1. The prevalence of illicit dispensaries should not be used as justification for PCA waivers, as this conflates regulated market needs with unlawful activity.
2. Protections for small, local businesses must be strengthened to prevent market oversaturation and domination by larger entities.

5. Operational Transparency:

1. PCA waiver applications must include comprehensive disclosures, such as financial viability, operational plans, and potential community impacts.
2. The OCM must publicly disclose PCA decisions and provide clear rationales for approvals or denials.

6. Notification and Review Timeline:

1. Any dispensary location changes or PCA waiver approvals made after initial municipal consent must be resubmitted for review to account for significant changes in the local landscape.

7. Local Adaptability:

1. The regulations should recognize the unique geographic and demographic considerations of urban areas like New York City. Provisions must address challenges such as population density and transportation barriers.

Immediate Actions Requested

- Rescind non-compliant Notice to Municipality (NTM) forms submitted for locations that fail to meet the 1,000-foot minimum distance requirement.
- Require applicants to resubmit updated NTM forms, including a detailed PCA waiver request submitted to the state.
- Notify municipalities or community boards that they will have up to 45 days to respond to notifications prior to board consideration of applications, as stipulated under Section 76 of the Cannabis Law and Section 119.3(b) of the regulations.

- Applicants include a copy of the application they intend to submit to the board as part of their notification.
- Proof of notification and any municipal responses accompany applications resubmitted for further review.

Vote: Passed with 35 Board Members in favor, 2 abstentions (R. Kessler, J. Liff), 1 recusal (M. Metzger).

Discussion concerning the Cannabis Licensing Committee Resolutions:

M. Fitzgerald: One Board member regularly leaves the room whenever Cannabis Licensing Committee resolutions are presented and votes on such resolutions are taken, raising a question about how votes were being tallied for such resolutions.

The Chair inquired whether the CLC Chair wished to have a roll call vote to replace the roll call attendance and vote already taken at the beginning of the Business Session. The CLC Chair declined to so move, and the meeting continued.

JOINT PARKS & WATERFRONT AND TRAFFIC & TRANSPORTATION

1. Resolution concerning NYC Council Intro. 0060-2024.

Whereas NYC Council bill Intro 0060-2024 proposes to amend the Administrative Code of the City of New York (NYC) so that “Operation of an electric scooter, as defined in section 114-e of the vehicle and traffic law, and operation of a bicycle with electric assist, as defined in section 102-c of the vehicle and traffic law, shall be prohibited in any area of any park under the jurisdiction of the Department of Parks and Recreation”; and

Whereas Community Board No. 2 Manhattan (CB2) thanks Council Member Vickie Paladino, the sponsor of the bill, for her presentation concerning the bill; and

Whereas CB2 received many expressions of concern about e-bikes, from both pedestrians and cyclists, including accounts of being hit by e-bikes and e-scooters and suffering serious injuries (e.g. the woman struck by an e-bike and partially paralyzed, who was no longer able to work as a cellist) and worries for the safety of those who can’t move quickly away from speeding e-bikes, like the disabled, the elderly and children, coupled with their support of the bill; and

Whereas at the same time CB2 received many expressions about the positive benefits of e-bikes and e-scooters and the benefits e-bikes and e-scooters have brought to them personally, such as providing an easy way to get around and be outdoors for families and the physically challenged, like people with injuries, people who are older and less physically strong and the disabled, coupled with their opposition to the bill; and

Whereas bicycles are already banned from riding and operating in NYC parks by NYC law (except in rare instances approved by the NYC Parks Commissioner) and from all parks within

CB2 under the jurisdiction of NYC's Dept. of Parks and Recreation. (The Mayor's current pilot program allows e-bikes and e-scooters on drives and greenways within NYC parks, but no parks with such byways are located in CB2); and

Whereas there are different types of e-bikes and other motorized two-wheeled vehicles, from e-bike Class 1 Pedal Assist (20 mph) to e-bike Class 3 Throttle With Pedals (25-28 mph) to Class C (20 mph) and Class A (40 mph) Mopeds and e-scooters (15 mph), all with varying weights, and when e-bikes have speed limiters removed, they can go as high as 70 mph. Each needs to be individually assessed for its potential impact and place in certain locations rather than all of them broadly addressed; and

Whereas there are many different kinds of parks, from small neighborhood parks (like CB2's Jackson Sq. and Vesuvio Playground) and larger local parks (like Washington Square and Seravalli Park) where children play, older people relax, people stroll, push baby carriages, sit and socialize and where sometimes space and/or small facilities are available for sports or there is art and small performances, and their peace, quiet and safety would be compromised by e-bikes, to large parks with extensive acreage that have drives and greenways (like Central Park) that can accommodate e-bikes and other motorized vehicles; and

Whereas it was appreciated that the intent of Intro 0060-2024 is to ensure people's safe, undisturbed and relaxed enjoyment of NYC parks; and

Whereas it was recognized that although it's important to regulate the activities and preserve the sanctuary that these many different parks provide, one size does not fit all; and

Whereas it was understood that there are conflicts and problems with e-bikes (e.g. collisions, encroachment on pedestrian space, excessive speed), that need to be resolved; and

Whereas it was agreed that the major concern is a lack of enforcement of the laws that already exist to address these problems and that (before adding another bill) what is imperative is to strongly enforce such rules by carrying out existing laws and developing additional enforcement strategies to ensure their success;

Therefore Be It Resolved that CB2 cannot support Intro. 0060-2024.

Vote: Passed, with 35 Board members in favor, 3 against (C. Flynn, R. Sanz, A. Wong).

LANDMARKS

FIRST LANDMARKS MEETING

1. *38 Bedford St. – Application is to replace the front elevation windows in an alternate material.

Whereas:

- A. The existing windows and surround are clearly in poor condition as shown in detailed photographs; and
- B. The proposal is to install replacement windows in a gunmetal color historic multi-pane design however the proposed material is fiberglass rather than the historic wood; and
- C. The surround is to be modified from the presented design to one that more closely adheres to a historic design; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Denial** of the non-historic material (fiberglass) for the windows as being a non-historic material; and
- B. **Approval** of the design of the windows and the surround as agreed.

Vote: Unanimous, with 38 Board Members in favor.

2. *35 Bethune Street. – Application to install a new entrance infill.

Whereas:

- A. The existing entrance is from the 1980 conversion to an apartment building; and historic photograph shows doors with divided lights above a solid panel below; and
- B. The proposed entrance is a pair of doors, multi-pane at the top and a detailed panel below that resemble the historic doors and are flanked by similar sidelights and simple transom lights above; and
- C. The dark green woodwork is suitable to the building; and
- D. There is a small can light above each of the doors and, though not of historic design, is suitable to the converted factory building and is unobtrusive; and
- E. The application, with a complete replacement of the entryway, did not address the lack of ADA access and the applicant was unreceptive to considering this necessary modification; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the entry way as reflecting the original industrial entrance and suitable for the present residential use; and
- B. That the applicant reconsider incorporating ADA access to the renovation of the entrance.

Vote: Unanimous, with 38 Board Members in favor.

3. *34 W. 12th St. – Application is to renovate rear façade to include structural repairs at selected spots of the wall, retain existing brick and use existing brick as the finish patch material; increase building height to 9 inches above adjacent neighbors; and power wash and clean brick to unify rear façade.

Whereas:

A. The front facade has been faithfully restored with approval by Landmarks Commission staff and the applicant represented that approval has been granted for revocable consent for the intrusion of the steps onto the sidewalk; and

B. The upper three floors of the rear facade will be repaired, using existing brick to the extent possible, and will not appear significantly different from the present original condition; and

C. Detailing at the top of the facade will increase the building's height to 9 inches above the adjacent building; and

D. The facade will be cleaned, restoring it to the original appearance; and

E. Modifications to the fenestration of the basement and parlor floor were approved with a prior application; now

Therefore be it resolved that CB2, Man. recommends:

A. **Approval** of the repairs and modification of the rear facade; and

B. Agrees that the design of the stairs merits **approval** of revocable consent for the intrusion onto the sidewalk.

Vote: Unanimous, with 38 Board Members in favor.

4. *83 Horatio St. – Application is to excavate at cellar level; revise the design of the rear yard; install a new double-height opening at the rear facade at garden (basement) level; replace iron gate under front stoop and window guards at the front facade at street level; install a new elevator overrun at roof level; expand the existing rooftop bulkhead.

Whereas:

A. A considerable, historic restoration of the front facade, including the retention of the horse walk entrance in its historic condition, is to be considered by the Landmarks Commission staff; and

B. The proposed basement window guards and gate below the stoop are of no particular historic design and seem rather delicate for the building and the applicant agreed to consider a more substantial historic design; and

C. The current condition of the rear yard is one story below grade and the proposal is to rebuild the garden at grade which will have the benefit of aligning with other gardens in the doughnut; and

D. At the rear facade, the modern window configuration proposed for the basement and parlor floor introduces a massive void that is strikingly out of place in the historic building; and

E. The modifications to the rear of the building and the garden will require excavation and underpinning and these were represented by the applicant as not having been considered in any detail and therefore information was not available concerning the details or measures to ensure the integrity of the building and adjacent buildings; and

F. The applicant agreed to present the required reports and documentation concerning the excavation and under pinning at a subsequent meeting in order complete this part of the presentation; and

G. The stair bulkhead above the rooftop addition is to be enlarged to full width, an elevator override, lower than the stair bulkhead and forward of the bulkhead, are of acceptable design and represented by the applicant as not visible from a public thoroughfare; and

H. A mockup that lacked the usual netting was constructed and the only photograph presented was from a near vantage point showing no visibility from that point, but photographs are required from all vantage points and neighbors expressed particular concern about visibility from Gansevoort Plaza; and

I. The applicant agreed to provide the netting and additional photographs concerning visibility of the rooftop additions at a subsequent meeting in order to complete this part of the application, ensuring public transparency; and

J. Members of the public spoke against the rooftop additions; now

NOTE: The applicant agreed to return to a public hearing of CB2 with the additional information and documentation requested prior to a hearing before the Landmarks Commission.

Therefore be it resolved that CB2, Man. recommends:

A. That the design for the window guards and under steps gate be of a more substantial historic design as agreed by the applicant; and

B. That the design for the window walls on the garden and parlor floors be modified to reflect the rhythm of the historic three window openings and give the appearance of punched openings rather than modern sheet glass without defined edges; and

C. **Approval** of the general design of the garden with the return to grade to align with other gardens in the doughnut and the considerable landscaping; and

D. That the rear facade construction and garden modifications not be considered until the applicant has returned for a public hearing by CB2 with drawings and documentation detailing the work including excavation and underpinning.

E. That the rooftop additions not be considered until the applicant has returned for a public hearing by CB2 with photographs of a proper mockup of the rooftop additions from all possible vantage points in public thoroughfares

Vote: Unanimous, with 38 Board Members in favor.

5. *271 W. 11th St. –Application to provide new brownstone stucco entry steps, cast iron railing, new ground floor wood entry doors, brownstone stucco door surround, cross header, and pediment and to reconfigure the areaway.

Whereas:

A. The facade, windows, and cornice being restored with approval by the Landmarks Commission staff; and

B. The entry and steps are to be restored to a historic design similar to a matching house at 269 next door that has been restored with Commission approval; and

C. The areaway is to be restored in a similar manner with fencing, window guards, and below stair gate similar to the stair railing; and

D. The restoration of a much-altered facade similar to the adjacent restored building adds a welcome addition to the row, now

Therefore be it resolved that CB2, Man. recommends approval of the restoration of the entry, stairs, and areaway in addition to the historic restoration of the facade.

Vote: Unanimous, with 38 Board Members in favor.

SECOND LANDMARKS MEETING

1. *66 Perry St. – Application is to install a stoop gate.

Whereas:

A. The applicant gave extensive credible testimony about the need for a gate at this location; and

B. The double gate, with a rounded top, matches the handsome ironwork that was created when the building underwent a faithful restoration in the 1980s, and

C. One side is intended to remain closed and the other side is sufficiently wide for day to day use and is self-closing and does not unduly intrude onto the sidewalk when open; now

Therefore be it resolved that CB2, Man. recommends **approval** of this application as being sensitive to the design of the house especially with its matching the existing elegant ironwork.

Vote: Unanimous, with 38 Board Members in favor.

2. *241 West 4th St. – Application is to restore entry, stairs, and areaway.

Whereas:

- A. The original entry and stairs were removed in order to accommodate a no longer existing storefront; and
- B. The building is being restored to the original single-family use with restoration of the stoop and stairs and removal of the fire escape (staff approval); and
- C. The simple design of the entry, stairs, and iron work are suitable to the modest row house; and
- D. The design maintains the maximum practical clearance between the stairs and an existing tree pit; now

Therefore be it resolved that CB2, Man. recommends approval of the application for restoration of the entryway, stairs and areaway.

Vote: Unanimous, with 38 Board Members in favor.

3. *241 West 4th St. – Application is to seek a recommendation of approval of revocable consent for front steps.

Whereas:

- A. The restored front steps extend beyond the property line onto the sidewalk in a manner typical front steps for row houses in Greenwich Village; now

Therefore be it resolved that CB2, Man. recommends approval of revocable consent for use of sidewalk area for the restoration of front steps.

Vote: Unanimous, with 38 Board Members in favor.

4. *156 Waverly Pl. – Application is to restore the facade, construct a rooftop addition with mechanical equipment, reconfigure the rear facade and change windows, excavation, and a new garden.

NOTE: This resolution supersedes an application that was approved by the CB2 Board in October 2024, and incorporates modifications presented in December 2024.

Whereas:

- A. The building is the sole surviving intact house in the extensive row with the facade in the original three-story configuration with an unusually detailed cornice; and

B. The facade is in the original brick and the stairs and entry way appear to be original and is to be restored unchanged with the addition of a stoop gate with automatic closure modeled on the existing ironwork; and

C. The location is unusually prominent in that it is on an east-west street (Waverly Place) and at the location the point where Waverly Place turns northward affording a view of the house from 7th Avenue South, two blocks to the north; and

D. The building, with an unusually detailed cornice, has undergone minimal front facade changes and none for a great while w; and

E. The proposal is to restore the front facade, areaway, and iron without changes; and

F. There is a wooden rear extension that is not original and it is proposed to be demolished and rebuilt in the same volume in brick and the upper floors facade will be rebuilt, salvaging original brick as possible; and

G. The rear windows are full width multi-pane steel at the basement, parlor, and second floor, typical three double hung punched windows on the third floor and a large, segmented plate glass window intended to evoke an artist's skylight in the rooftop addition; and

H. The cellar is to be excavated with the excavation extending into the garden to a distance clear of the rear property line with underpinning under the east wall 8' at the elevator shaft and 16' at the rear with the remainder of the excavation being benched, and mature trees have been destroyed in order to accommodate the excavation; and

I. The light gray roof top addition mockup was shown in photographs that showed no visibility from the sidewalk immediately opposite and clear visibility from a few feet to the north and extending one block north that exceeds the standard universally applied to rooftop additions on row houses in the district that they be "not more than minimally visible from a public thoroughfare". The committee showed photographs that expectedly showed increased excessive visibility moving north toward Christopher Street and extensive visibility just after half the distance up the block; and

J. There was testimony from the public objecting to the removal of mature trees from the garden, even before permission was given for the excavation of the area and the visibility of the rooftop addition; now

Therefore be it resolved that CB2, Man. recommends:

A. **Approval** of the sensitive restoration of the sole surviving front facade in the row and the stoop gate; and

B. **Approval** of the basement excavation and underpinning provided that all regulations are followed with respect to engineering studies, best practices for construction, and monitoring to ensure the integrity of the building and the adjacent property.

C. **Approval** with reservations of the excavation of the rear yard for which mature trees were removed before there was consideration of the application; and

D. **Denial** of the rooftop addition (*detailed in Whereas, letter “I” section, above*) as blatantly visible from a public thoroughfare in a district where it is widely known that the long-standing policy is that such additions must be minimally visible from any public thoroughfare; and

E. That the Commission, in view of the applicant’s willful and excessive misrepresentation of the visibility of the rooftop addition, not hold a hearing with respect to any alternate proposal until it has been reviewed by the CB2 Landmarks Committee with a full mockup and accurate photographs of the visibility.

Vote: Unanimous, with 38 Board Members in favor.

5. *465 6th Ave. – Application is to legalize facade renovations constructed without LPC permits and to install signage.

Whereas:

A. The infill is similar to a design that was approved in the past and replaced by the most recent tenant; and

B. The large original sign band is retained and for a time had signs which were removed because of the violation; and

C. The signs, as shown in a photograph when they were in place, are large and bold for Greenwich Village however are not out of place on this section of 6th Avenue conform to the original sign band; and

D. Excessively bright lights, further subjects of the violation, were installed by the applicant and have been removed; and

E. The applicant did not know details about the proposed new lighting and agreed to present this information to the CB2 Landmarks Committee at a subsequent meeting; now

NOTE: The applicant agreed to return for a public hearing before the Committee to present the proposed lighting.

Therefore be it resolved that CB2, Man. recommends:

1. **Approval** of the infill and signs; and

2. That the applicant return for a public hearing before the CB2 Landmarks Committee about the important matter of exterior lighting, especially in view of the grossly unsuitable lighting previously installed by the applicant, and that the application not be heard by the Landmarks Commission until this has been presented for review and a recommendation made.

Vote: Unanimous, with 38 Board Members in favor.

6. *182-184 W. 4th St. – Application is to legalize the construction of a new storefront without LPC permits.

Whereas:

- A. The infill has been replaced with suitable off-white wood and glass as a welcome revival of the corner storefront; and
- B. The restoration of the historic entablature was modeled on an extant fragment uncovered in the course of the restoration and is lighted with recessed LED strips; and
- C. The applicant agreed that the lighting would be regulated to be no brighter than a “glow”; and
- D. Several neighbors spoke in favor of the application; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the restoration and color of the facade; and
- B. **Approval** of the lighting of the entablature provided that it is regulated to be no brighter than a “glow.”

Vote: Unanimous, with 38 Board Members in favor.

7. *184 7th Ave. So. – Application is to legalize the painting of a wall mural on façade and the installation of an awning.

Whereas:

- A. The small shop is an irregular shape with a large northeast facing wall resulting from the creation of 7th Avenue South; and
- B. The property has had a number of unattractive and undesirable alterations in recent years; and
- C. Examples were shown in the area of similar awnings and brightly painted walls along this section of 7th Avenue South; and
- D. The woodwork and wall, with cartoon like drawings, are painted yellow and while the appearance is not typical of Greenwich Village is suitable to this section of 7th Avenue South; and
- E. The red and white striped awning is suitable to the location; and
- F. Members of the public spoke generally in favor of the application; now

Therefore be it resolved that CB2, Man. recommends approval of the awning, paint and wall design as suitable to the building and to this location

Vote: Unanimous, with 38 Board members in favor.

LAND USE

Resolution on Gansevoort Meat Market Site Public Process

Whereas:

1. In October 2009 and May 2011, The Whitney Museum and The City of New York entered into two agreements that have effectively disposed of what is now, in 2024, the largest known parcel of undeveloped City-owned land in CB2 for the benefit and expansion of the museum.
2. These transactions were conducted with neither public process nor public notice.
3. Whereas in December 2008, Community Board 2 noted as part of our support of the original Whitney Development that “WHEREAS, almost any new use on the rest of the block would come before the Community Board for public review” and that has proven to not be the case at this time, specifically neither The Whitney, nor The Friends of the High Line, have presented their plans for this site or discussed exercising the Right of First Offer for this site, or integrating the proposed housing development on the site; and”
4. The NYC Economic Development Corporation (NYCEDC) presented a proposal to redevelop the Gansevoort Meat Market Site located at 559-573 West Street, aka 44 Little West 12th Street.
5. A site plan was presented that allocated 38,471sf to a Whitney expansion (effectively doubling the size of the museum); 6,322sf to an expansion of the Friends of the High Line headquarters; 11,200sf to open space; and only 10,000sf to a 60-story, 600 unit residential building that would be developed by NYCEDC and administered under the 485-x program.
6. NYCEDC stated that the housing will comply with the 485-x program, which mandates that 25% of the units be affordable at an average AMI of 60%. It is EDC’s hope that a developer will propose a scenario that creates up to 50% affordable units
7. CB2 faces a shortage of publicly owned land in the district.
8. NYCEDC referenced Executive Order 43 with respect to new housing projects under consideration. On August 21, 2024, Mayor Adams issued [Executive Order 43](#) requiring city agencies, and other designated bodies to review city-owned and -controlled land for potential housing development sites.

Therefore be it resolved that CB2 Manhattan:

1. Requests that NYCEDC expand the public review process and timeline so that it is robust, transparent, and reflective of community input and responds to the long timeline for the ULURP.
2. Rejects the proposal of only 50% affordability on public land and continues to advocate for 100% affordable housing.
3. Calls for NYCEDC to slow down the RFP process. The RFP should not be issued until after: a) the community board has issued a full resolution on Gansevoort Square and b) the community board has had an opportunity to review and comment on a draft RFP.
4. Requests a report from NYCEDC on its findings from the planned public engagement sessions on December 19, 2024, and proposed for January 7 and 8, 2025.
5. Requests that NYCEDC share with CB2 all sources of city and state funding for the affordable housing that have been considered before arriving at the cross-subsidy model.
6. Requests that the redevelopment plans on public land maximize the overall public benefit, including the development of affordable housing, owing to its relative scarcity in CB2.
7. Requests that the Mayor's Office, the City Housing Activation Task Force, NYCEDC and any other agencies involved immediately and regularly share with CB2 a list of all sites being considered under Executive Order 43.
8. Requests that NYCEDC make all agreements between The Whitney, Friends of the High Line, and other involved parties available for public review, including all Right Of First Offer documentation.
9. Insists that the proposed site plan be considered open for further analysis and review in a public process.

Vote: Passed, with 29 Board members in favor, 4 abstaining (Z. Kazzaz, J. Liff, B. Listman, E. Smith), 4 against (C. Dignes, R. Kessler, M. Metzger, E. Siegel).

OUTDOOR DINING WORKING GROUP

November 26, 2024 Meeting

Applications to DOT for a Sidewalk Cafe:

1. **Tatane Corp. dba Fiat Cafe, 203 Mott Street, 10013 (Sidewalk)**
 - a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions:**
 - The establishment is located on Mott Street between Spring Street and Kenmare Street in Nolita;

- The sidewalk on Mott Street at this location is 12' (12 feet) wide;
 - The Applicant/Licensee, Stephane Iacovelli, appeared at the CB2 Outdoor Dining Working Group meeting on Tuesday, November 26, 2024.
- b. Whereas, the comments related to **pedestrian flow** are as follows:
- Mott Street is a Regional Corridor requiring a 10-foot clear path;
 - There are two primary building entrances on both sides of the establishment – 205 Mott Street and 203 Mott Street, which is specifically the primary building entrance for residents of 203 Mott Street, each which requires a 5' (5-foot) clearance to the sidewalk cafe perimeter on both sides;
- c. Whereas, the recommended modifications are as follows:
- Will add the primary building entrance of the adjacent building located at 205 Mott Street to the north of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan;
 - Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance south of the establishment to the proposed sidewalk cafe setup on the site plan;
 - Will reduce the length of the proposed sidewalk cafe setup from 10'-3" (10 feet, 3 inches) to 7'-1" (7 feet, 1 inch), which takes into account the required 5' (5-foot) clearance for the Primary Building Entrance;
 - Will add the Primary Building Entrance for residents at 203 Mott Street, south of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan;
 - Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance north of the establishment to the proposed sidewalk cafe setup on the site plan;
 - Will reduce the length of the proposed sidewalk cafe setup from 6'-4" (6 feet, 4 inches) to 3'-8" (3 feet, 8 inches) which takes into account the required 5' (5-foot) clearance for the Primary Building Entrance;
 - Confirm that the Applicant/Licensee has a signed Cellar Door Certification on file with DOT in the Dining Out NYC application portal that is signed and sealed by a licensed design professional, which ensures that *“(iii) the placement of tables and chairs [on top of the cellar door] is safe for the use of sidewalk cafe patrons and the general public;*
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein;

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Tatane Corp. dba Fiat Cafe at 203 Mott Street, 10013 (Sidewalk), and **upon**

receipt of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

2. 78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Avenue, 10011 (Sidewalk)

- a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions**:
 - The establishment is located on 5th Avenue between West 14th Street and West 13th Street in Greenwich Village;
 - The sidewalk on 5th Avenue at this location is 21' (21 feet) wide;
 - The Applicant/Licensee, Antonis Barbagianis, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
 - The pedestrian clear path required for 5th Avenue at the location is 8' (8 feet) since this is categorized as a Neighborhood Corridor;
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
 - There is a bus pole parallel to the proposed sidewalk cafe setup that meets the required 8' (8 foot) clearance for both the obstruction and the clear path;
- d. Whereas, the recommended modifications are as follows:
 - Will reduce the length of the proposed sidewalk cafe setup from 12' (12 feet) to 11'-7" (11 feet, 7 inches);
 - Will add the required North Arrow to the site plan;
 - Relocate the space shown to the left of the establishment's front door to the right of the establishment's front door;
 - Adjust the door swing of the establishment's front door to be shown as swinging out on the site plan as the proposed site plan indicates the door swings into the establishment, which is not accurate;
 - Will add the Primary Building Entrance of the adjacent building located at 74 5th Avenue, which is the primary building entrance for residential tenants, to the south of the establishment's frontage which means labeling it as a Primary Building Entrance;
 - Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance south of the establishment to the proposed sidewalk cafe setup on the site plan;
 - Will add the Primary Building Entrance for 78 5th Avenue, which is the

primary building entrance for commercial tenants on floors 2-10, to the north of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan;

- Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance north of the establishment to the proposed sidewalk cafe setup on the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for 78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Avenue, 10011, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

3. Dynamic Music Corp. dba Olive Tree Cafe and Comedy Cellar, 117 MacDougal Street, 10012 (Sidewalk)

a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions:**

- The establishment is located on MacDougal Street between Minetta Lane and West 3rd Street in Greenwich Village, which is in the South Village Historic District;
- The sidewalk on MacDougal Street at this location is 11' (11 feet) wide;
- The proposed sidewalk cafe setup is:
 - MacDougal Street: 6' (6 feet) length by 2' (2 feet) width, however, the length presented on the proposed site plan does not take into account the required 5' (5-foot) clearance from the Primary Building Entrance to the south of the establishment;
- The Applicant/Licensee, Antonio "Tony" Jiminez, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;

b. Whereas, the comments related to **pedestrian flow** are as follows:

- The establishment is located on MacDougal Street, which as a Regional Corridor, requires a 10' (10-foot) clear path on the sidewalk;
- As long as the sidewalk cafe setup on MacDougal Street does not exceed a 1' (1-foot) width, the required 10' (10-foot) clear path will be maintained;
- However, a 1' (1-foot) wide sidewalk cafe is not ADA accessible as required by the Dining Out NYC rules;

- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
 - There is a Primary Building Entrance, south of the establishment, which requires a 5' (5-foot) clearance to the perimeter of the sidewalk cafe;
 - As long as the sidewalk cafe setup on MacDougal Street does not exceed 3'-6" (3 feet, 6 inches) in length, it will maintain the required clearance for a Primary Building Entrance;
- d. Whereas, the recommended modifications are as follows:
 - There are no recommended modifications since once the proposed sidewalk cafe setup takes into account the required 5' (5-foot) clearance for the Primary Building Entrance and the required 10' (10-foot) clear path:
 - The potential size for a sidewalk cafe setup at this location is reduced to: 3'6" (3 feet, 6 inches) length by 1' (1 foot) which does not seem reasonable;

Manhattan CB2 **recommends denial** of the Dining Out NYC sidewalk cafe for Dynamic Music Corp. dba Olive Tree Cafe and Comedy Cellar at 117 MacDougal Street, 10012.

Vote: Unanimous, with 38 Board members in favor.

Report

Applications to DOT for a Roadway Cafe:

The following applications presented show comments submitted to NYC DOT by the December 12, 2024 and December 18, 2024 comment deadlines:

4. PopUp Bagels Inc. dba PopUp Bagels, 177 Thompson Street, 10012 (roadway)

- a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions**:
 - The establishment is located on Thompson Street between Bleecker Street and West Houston Street in Greenwich Village within the South Village Historic District;
 - The roadway on Thompson Street at this location is 26' (26 feet) wide, per the FDNY letter dated October 31, 2024;
 - The proposed roadway cafe setup on the updated site plan – see Exhibit A – is: 11' (11 feet) length by 6' (6 feet) width, which does not comply with the required 15-foot emergency lane clearance on Thompson Street, however, FDNY issued the Applicant/Licensee a waiver dated October 31, 2024 via a Letter of No Objection which allows for a 12' (12-foot) travel lane on Thompson Street, which is based on a 6' (6-foot) wide roadway cafe;
 - There are inconsistencies, specifically on this block, with how FDNY is granting waivers, and while the October 31, 2024 Letter of No Objection for

this Applicant/Licensee stated that a 12' (12-foot) travel lane, – based on a roadway cafe width of 6' (6 feet) – is allowed in absence of the required 15' (15-foot) travel lane for PopUp Bagels Inc. dba PopUp Bagels, across the street at 170 Thompson Street, in a similar Letter of No Objection, dated November 4, 2024 from FDNY to Red Clam LLC dba Lupa Osteria Romana, Red Clam LLC is allowed to only maintain a 10.5' (10.5-foot) travel lane on Thompson Street based on a roadway cafe with a width of 6.5' (6.5-feet) for their roadway cafe setup;

- FDNY waivers should be unilaterally applied, if granted, to maintain the same travel lane width within the same block across multiple operators instead of allowing a smaller travel lane just a few feet south of this Applicant/Licensee's location and allowing a different operator on the same street to have a roadway setup that is 0.5' (0.5 feet) larger than this Applicant/Licensee's proposed roadway cafe setup;
- DOT should coordinate with FDNY to ensure that if FDNY does grant waivers allowing a reduced travel lane width that the size is uniform across the entire block for all operators of that block;
- The updated site plan dated December 4, 2024 indicates there is one area on the roadway where a roadway cafe is set up:
 - Thompson Street: 11' (11 feet) length by 6' (6 feet) width;
 - The FDNY waiver is contingent upon a proposed roadway cafe width of 6' (6 feet) width for this location as stated in the above-referenced Letter of No Objection;
- Since June 2023, the establishment has received sixteen (16) 311 complaints, and twelve (12) of those complaints were noise - commercial and noise - street/sidewalk complaints that required NYPD to respond and take action to fix the condition;
- The Applicant/Licensee's two representatives, Lisa Potash and Adam Goldberg, appeared via Zoom at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;

b. Whereas, the comments related to **pedestrian flow** are as follows:

- The proposed roadway cafe will have flooring flush with the sidewalk ensuring ADA access into the roadway cafe;

c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:

- The tree bed in the furnishing zone of the sidewalk on Thompson Street in front of the Applicant/Licensee's frontage is parallel to the roadway cafe, which allows for what appears to be limited egress into the proposed roadway cafe;
- The tree bed was originally not included on the site plan in package referred to

CB2 on November 12, 2024, and this continues to be a consistent omission on roadway cafe applications referred, however, the Applicant/Licensee added it to the updated site plan dated December 3, 2024;

- While there is no clearance requirement for tree beds in relation to roadway cafes, tree beds in the furnishing zone parallel to roadway cafes affect the means of egress into the roadway cafe from the sidewalk and should be included on site plans for all roadway cafe applications in order for them to be considered “complete and accurate” before referral for community board review;
- The importance of a service aisle within the roadway cafe due to limited means of egress from the sidewalk into the roadway cafe;

d. Whereas, the **suggested modifications** related to the above-referenced application are:

- Will reduce the width of the proposed roadway cafe by 6” (6 inches) – from 6’6” (6 feet, 6 inches) as originally proposed to 6’ (6 feet) since the FDNY based their review of this establishment and subsequently their statement of No Objection on a proposed roadway cafe width of 6’ (6 feet) on Thompson Street, which leaves a 12’ (12-foot) travel lane on Thompson Street at this location as stated in FDNY’s letter dated October 31, 2024;
- Will add the tree bed on Thompson Street that is in front of the establishment’s frontage in the furnishing zone to site plan so the site plan is complete and accurate;
- Will adjust the clearance from the manhole cover on Thompson Street to the required 18” (18 inches) instead of the 13” (13 inches) shown on the site plan included in the CB2 referral package for this application from DOT, and ensure that the adjusted roadway cafe width of 6’ (6 feet) is in compliance with the required 18” (18 inches) clearance from the manhole cover;
- Will update 2nd page of the Dining Out NYC Roadway Cafe Site Plan Form to indicate the manhole cover is present at the site by checking off R-18-Manholes and indicating the measurement (inches) of the clearance from the manhole to roadway cafe setup in the blank next to R-18;
- Will add the primary building entrance of the adjacent building to the left (south) of the establishment’s frontage which means labeling it as a Primary Building Entrance on the site plan;
- Will add the primary building entrance of the adjacent building to the right (north) of the establishment’s frontage which means labeling it as a Primary Building Entrance on the site plan;
- Will add the required North Arrow to the site plan in order to comply with the drawing requirements listed on the DOT Roadway Cafe Site Plan Form;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;

- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for PopUp Bagels Inc. dba PopUp Bagels at 177 Thompson Street, 10012.

Vote: Unanimous, with 38 Board members in favor.

Comments submitted to DOT by December 12, 2024 deadline for this application.

5. Red Clam LLC dba Lupe Osteria Romana, 170 Thompson Street, 10012 (roadway)

a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions:**

- The establishment is located on Sullivan Street between Bleecker Street and West Houston Street in Greenwich Village within the South Village Historic District;
- The roadway on Thompson Street at this location is 26' (26 feet) wide, per the FDNY letter dated October 31, 2024;
- The proposed roadway cafe setup on the updated site plan – see Exhibit A – is: 18' (18 feet) length by 6.5' (6.5 feet) width, which does not comply with the required 15-foot emergency lane clearance on Thompson Street, however, FDNY issued the Applicant/Licensee a waiver dated November 4, 2024 via a Letter of No Objection which allows for a 11.5' (11.5-foot) travel lane on Thompson Street, which is based on a 6.5' (6.5-foot) wide roadway cafe for this Applicant/Licensee;
- There are inconsistencies, specifically on this block, with how FDNY is granting waivers, and while the November 4, 2024 Letter of No Objection for this Applicant/Licensee stated that a 11.5' (11.5-foot) travel lane, – based on a roadway cafe width of 6.5' (6.5 feet) – is allowed in absence of the required 15' (15-foot) travel lane for Red Clam LLC dba Lupa Osteria Romana, across the street at 170 Thompson Street, in a similar Letter of No Objection, dated October 31, 2024 from FDNY regarding PopUp Bagels Inc. dba PopUp Bagels, PopUp Bagels is required to maintain a larger 12' (12-foot) travel lane on Thompson Street based on a roadway cafe with a width of 6' (6 feet) for their roadway cafe setup;
- FDNY waivers should be unilaterally applied, if granted, to maintain the same travel lane width within the same block across multiple operators instead of allowing a smaller travel lane at this Applicant/Licensee's location and requiring a different operator on the same street and on the same block to have a roadway setup that is 0.5' (0.5 feet) smaller in width than this

- Applicant/Licensee's proposed roadway cafe setup;
- DOT should coordinate with FDNY to ensure that if FDNY does grant waivers allowing a reduced travel lane width size is uniform across the entire block for all operators on that block;
 - The updated site plan dated December 5, 2024 indicates there is one area on the roadway where a roadway cafe is set up:
 - Thompson Street: 18' (18 feet) length by 6.5' (6.5 feet) width;
 - Since July 2020, the establishment has received fourteen (14) 311 complaints, and ten (10) of those complaints were related to non-compliance with phased reopening for a restaurant/bar as well as site setup condition, specifically for the roadway cafe at this location;
 - The Applicant/Licensee did not appear at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
- The proposed roadway cafe will have flooring flush with the sidewalk ensuring ADA access into the roadway cafe;
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
- See suggested modifications below;
- d. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will add the primary building entrance of the adjacent building to the right (north) of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan;
 - Will add the required North Arrow to the site plan in order to comply with the drawing requirements listed on the DOT Roadway Cafe Site Plan Form;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for Red Clam LLC dba Lupe Osteria Romana at 170 Thompson Street, 10012.

Vote: Unanimous, with 38 Board members in favor.
Comments submitted to DOT by December 12, 2024 deadline for this application.

6. CE 27 LLC dba Quique Crudo, 27 Bedford Street, 10014 (roadway)

- a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions**:

- The establishment is located on Bedford Street between Downing Street and 6th Avenue in the West Village and in the Greenwich Village Historic District Extension II;
 - The roadway on Bedford Street at this location is 25' (25 feet) wide, per the FDNY letter dated November 4, 2024;
 - The proposed roadway cafe setup on the updated site plan is: 8'-2" (8 feet, 2 inches) length by 6'-5" (6 feet, 5 inches) width, which does not comply with the required 15-foot emergency lane clearance on Bedford Street, however, FDNY issued the Applicant/Licensee a waiver dated November 4, 2024 via a Letter of No Objection which allows for a 10.5-foot travel lane on Bedford Street;
 - The updated site plan dated December 5, 2024 indicates there is one area on the sidewalk where a roadway cafe is set up:
 - Bedford Street: 8'-2" (8 feet, 2 inches) length by 6.5' (6.5 feet) width;
 - The FDNY waiver is contingent upon a proposed roadway cafe width of 6.5' (6.5 feet) width for this location as stated in the above-referenced Letter of No Objection;
 - The roadway cafe length as presented above was adjusted from the original site plan submitted in the referral package to accommodate the required manhole clearance;
 - The parking lane at this location for the proposed roadway setup was previously part of the NYC DOT Carshare Pilot Program, however, the street sign on the sidewalk indicating the parking spots as such has since been removed;
 - The Applicant/Licensee, Barney Kulok, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
- The importance of a service aisle within the roadway cafe;
 - The proposed roadway cafe will have flooring flush with the sidewalk ensuring ADA access into the roadway cafe;
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
- There is a One-Way sign at the northeast corner of Bedford Street and Downing Street that is within 50' (50 feet) of the proposed roadway cafe set, which requires that any umbrellas used in the roadway cafe must be no greater in height than 46" (46 inches);
 - There is a manhole cover in the roadway on Bedford Street, south of the proposed roadway cafe setup that has been added to the updated site plan dated December 5, 2024 and the required clearance of 1'-6" (1 foot, 6 inches) has also been added;

- There is an unmarked crosswalk that is 26' (26 feet) from the proposed roadway cafe setup;
- d. Whereas, the **suggested modifications** related to the above-referenced application are:
- The Applicant/Licensee acknowledged and agreed to modifications relating to the above-referenced roadway cafe application when they appeared via Zoom at the November 26, 2024 CB2 Outdoor Dining Working Group meeting;
 - The Applicant/Licensee agreed to the proposed modifications for the roadway cafe and provided MCB2 with a signed and notarized modifications form for the roadway cafe application;
 - Will add the missing manhole cover in the roadway on Bedford Street, south of the proposed roadway cafe setup to site plan;
 - Will update 2nd page of the Dining Out NYC Roadway Cafe Site Plan Form to indicate the manhole cover is present at the site by checking off R-18-Manholes and indicating the measurement (inches) of the clearance from the manhole to roadway cafe setup in the blank next to R-18;
 - Will show the required 18" (18 inches) clearance from the manhole cover to the proposed roadway cafe setup and adjust the siting of the roadway cafe setup including reducing the length if needed to comply with the required 18" (18 inches) clearance from the manhole cover;
 - Will add the primary building entrance of 25 Bedford Street, the adjacent building to the left (south) of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan;
 - Will add the primary building entrance of 27 Bedford Street (red door), which means labeling it as a Primary Building Entrance on the site plan;
 - Will not have umbrellas in the roadway cafe that are greater than 46" (46 inches) in height since there is a One-Way sign at the northeast corner of Bedford Street and Downing Street that is within 50' (50 feet) of the proposed roadway cafe setup;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for CE 27 LLC dba Quique Crudo at 27 Bedford Street, 10014.

Vote: Unanimous, with 38 Board members in favor.

Comments submitted to DOT by December 12, 2024 deadline for this application.

7. Dynamic Music Corp. dba Olive Tree Cafe and Comedy Cellar, 117 MacDougal Street, 10012 (roadway)

- a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions**:
 - The establishment is located on MacDougal Street between Minetta Lane and West 3rd Street in Greenwich Village, which is in the South Village Historic District;
 - The roadway on MacDougal Street at this location is 26' (26 feet) wide;
 - There is a bike lane on the opposite side of the street from the establishment, which satisfies the 15-foot travel lane requirement, however, cars notoriously block the bike lane on this stretch of MacDougal Street;
 - The updated site plan dated December 16, 2024 indicates there is one area on the roadway where a roadway cafe is set up:
 - MacDougal Street 18' (18 feet) length by 7'-5.75" (7 feet, 5.75 inches) width;
 - The Applicant/Licensee's representative, Antonio Jiminez, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
 - The importance of a service aisle within the roadway cafe;
 - The proposed roadway cafe's flooring is at grade with the roadway with no raised floor or additional flooring material;
 - There is a ramp for ADA accessibility into the roadway cafe, and there is space within the roadway cafe setup that allows for a turn radius of 60" (60 inches);
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
 - There is a manhole cover on MacDougal Street, south of the proposed roadway cafe setup, which meets the required 1'-6" (1 foot, 6 inch) clearance from the obstruction;
- d. Whereas, the **suggested modifications** related to the above-referenced application are:
 - Will add the Primary Building Entrance for residential tenants of 117 MacDougal Street, which means labeling it as a Primary Building Entrance on the site plan;
 - Will indicate on the site plan that the turning radius for a wheelchair is achievable based on where the ramp is located on the site plan since the table directly above it on the proposed site plan does not indicate that is achievable as presented;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for Dynamic Music Corp. dba Olive Tree Cafe and Comedy Cellar at 117 MacDougal Street, 10012.

Vote: Unanimous, with 38 Board members in favor.

Comments submitted to DOT by December 18, 2024 deadline for this application.

8. Wagawongawitz LLC dba Cafe Cluny, 284 West 12th Street, 10014 (roadway)

- a. Whereas, the comments related to the roadway cafe setup's **physical footprint and dimensions**:
 - The establishment is located at the intersection of West 12th Street and West 4th Street in the West Village and in the Greenwich Village Historic District;
 - The updated site plan dated November 26, 2024 indicates there is one area on the roadway where a roadway cafe is set up:
 - West 4th Street: 24' (24 feet) length by 7' (7 feet) width;
 - The Applicant/Licensee, Steve Abramowitz, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
 - The importance of a service aisle within the roadway cafe;
 - The proposed roadway cafe has flooring that will be flush with the side ensuring ADA accessibility into the setup;
 - Several members of the public testified against a proposed roadway cafe at this location;
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
 - There is a marked crosswalk on the roadway north of the proposed roadway cafe setup;
 - The traffic on West 4th Street is approaching the intersection, which requires a 20' (20-foot clearance) from the marked crosswalk to the proposed roadway cafe setup;
- d. Whereas, the **suggested modifications** related to the above-referenced application are:
 - Will change any reference of the intersection labeled as the "exiting intersection" on the site plan to an "approaching intersection" on the site plan;
 - Will not have coverings/umbrellas or vertical screening in the roadway cafe that are greater than 46" (46 inches) in height since the proposed roadway setup is within 50' (50 feet) of a Stop Sign at West 4th Street and West 12th Street and will indicate on the site plan that the "overhead shading tent with open sides" and "vertical screening" is "no greater than 46" (46 inches) in height;"

- Will darken the outline of the labeled tree bed, located in the furnishing zone on West 4th Street in front of the proposed roadway cafe setup, so it is more legible on the site plan;
- Will darken the outline of the labeled crosswalk so it is more legible on the site plan;
- Will darken the outline of the two (2) labeled manhole covers in the roadway on West 4th Street so they are more legible on the site plan;
- Will correct the spelling of “length” to “length” on all references as such on the site plan;
- Will add a North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for Wagawongawitz LLC dba Cafe Cluny at 284 West 12th Street.

Vote: Unanimous, with 38 Board members in favor.

Comments submitted to DOT by December 18, 2024 deadline for this application.

9. Sorate Soho Corp. dba Sorate, 103 Sullivan Street, 10012 (roadway)

a. Whereas, the comments related to the roadway cafe setup’s **physical footprint and dimensions:**

- The establishment is located on Sullivan Street between Spring Street and Prince Street in SoHo and in the Sullivan-Thompson Historic District;
- The roadway on Sullivan Street at this location is 25’ (25 feet) wide;
- The proposed site plan indicates there is one area on the roadway where a roadway cafe is set up:
 - Sullivan Street: 11’-1” (11 feet, 1 inch) length by 6’-6” (6 feet, 6 inches) width;
- DOT is seeking a waiver on behalf of the Applicant/Licensee to waive the required 15-foot emergency travel lane at this location on Sullivan Street;
- The proposed sidewalk cafe width of 6’-6” (6 feet, 6 inches) and the 8’ (8-foot) parking lane leaves 10’-6” (10 feet, 6 inches) for the emergency travel lane;
- There was significant testimony in opposition to the FDNY waiver from a resident on the block citing a fire at 104-106 Sullivan Street on Memorial Day 2023 that resulted in the passing of two longtime neighborhood residents along with issues that emergency personnel had in gaining access to the site

- from the roadway;
- The Applicant/Licensee, Nicola Zanata, appeared in person at the CB2 Outdoor Dining Working Group meeting on November 26, 2024;
- b. Whereas, the comments related to **pedestrian flow** are as follows:
 - The importance of a service aisle within the roadway cafe due to limited means of egress;
 - The proposed roadway cafe flooring is at grade with the roadway with no raised floor or additional flooring material;
 - ADA access into the roadway cafe due to one means of egress and the placement of tables within the roadway cafe to allow for a temporary ADA ramp to be used as needed was also questioned;
- c. Whereas, the comments related to potential conflicts with **existing curb use** (i.e. planters, bike racks, bus stops) are as follows:
 - There is a manhole cover located within the roadway cafe setup which requires a 1'-6" (1 foot, 6 inches) clearance from the obstruction;
- d. Whereas, the **suggested modifications** related to the above-referenced application are:
 - Will indicate on the site plan where a ramp (whether temporary or permanent) is to be located for patrons who require such accommodation to move from the sidewalk on Sullivan Street in front of the establishment to the roadway cafe setup since there is no flooring proposed for the roadway cafe setup;

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments as stated above** regarding the Dining Out NYC roadway cafe for Sorate Soho Corp. dba Sorate at 103 Sullivan Street, 10012.

Vote: Unanimous, with 38 Board members in favor.

December 10, 2024 Meeting

Applications to DOT for a Sidewalk Cafe:

1. Raanana LLC dba Jack's Wife Freda, 72 University Place, 10003 (Sidewalk)

- a. Whereas, the recommended modifications are as follows:
 - Will label the Primary Building Entrance of the adjacent building located at 70 University Place to the south of the establishment's frontage which means labeling it as a Primary Building Entrance and removing the label of "Existing Residential Lobby" on the site plan;
 - Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance south of the establishment to the proposed sidewalk cafe set up on

the site plan and this includes checking the S-22 checkbox on page 2 of the site plan form indicating the clearance;

- Will add the Primary Building Entrance for residential tenants of 72 University Place to the north of the establishment's frontage which means labeling it as a Primary Building Entrance on the site plan and removing the label of "Existing Residential Lobby" on the site plan;
- Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance for residential tenants of 72 University Place to the proposed sidewalk cafe setup on the site plan and this includes checking the S-22 checkbox on page 2 of the site plan form indicating the clearance as well;
- Will reduce the length of the proposed sidewalk cafe setup to the appropriate length which complies with maintaining the required 5' (5-foot) clearance for the Primary Building Entrance for residents of 72 University Place and the required 5' (5-foot) clearance for the Primary Building Entrance at 70 University Place to the south of the establishment's frontage as stated above;
- Will update the sidewalk width of University Place on the site plan from 19'-3" (19 feet, 3 inches) to 18' (18 feet) which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will maintain the required 10-foot clear path on University Place by adjusting the sidewalk cafe width and updating the sidewalk cafe width on the site plan and show the required 10-foot clear path is met between the bike rack and the perimeter of the sidewalk cafe;
- Will move the bike rack icon on the site plan so that it is not depicted as on the same plane as the fire hydrant and once the sidewalk cafe length is adjusted for primary building entrance clearances – these two obstructions will no longer be parallel to the sidewalk cafe reducing the clearance for those items to 8' (8 feet);
- Will ensure the length and width at the bottom of the site plan match the length and width on the architectural drawing of the site plan as well as use one unit (fractions or decimals, not both) of measurement;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Raanana LLC dba Jack's Wife Freda at 72 University Place, 10003 and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed

modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

2. Andreas WV LLC dba Da Andrea, 35 West 13th Street, 10011 (Sidewalk)

a. Whereas, the comments regarding this application are as follows:

- Acknowledges that as of the date of the CB2 hearing for this application – December 10, 2024 – the establishment was operating a sidewalk cafe past November 1, 2024 that was not in compliance with the Dining Out NYC rules;
- Acknowledges that the current sidewalk setup as of December 10, 2024 had a sidewalk cafe width of 5'-2" (5 feet, 2 inches) on West 13th Street where the sidewalk width measures 12'-6" (12 feet, 6 inches), leaving a clear path of 7'-4" (7 feet, 4 inches), which falls 2'-6" (2 feet, 6 inches) short of the required 10-foot clear path for West 13th Street, which is classified as a regional corridor in the NYC DOT Pedestrian Mobility Plan;
- Acknowledges that the current sidewalk setup as of December 10, 2024 was fully enclosed with a storm enclosure extending the entire width and length of the sidewalk cafe setup, which does not comply with the Dining Out NYC rules that state on the Dining Out NYC website that "A sidewalk cafe may not be fully enclosed," and specifically, this location's setup was confirmed by DOT's Director of Public Engagement as "Enclosures are not allowed" when inquiring about storm enclosures on sidewalk cafes;
- Acknowledges that this establishment did not have an existing, permitted, enclosed sidewalk cafe in operation prior to March 16, 2020 or four years prior;
- Acknowledges that per § 5-10(h) in the Dining Out NYC rules: "A sidewalk cafe and roadway cafe must be directly accessible to persons with physical disabilities. The design of such cafe shall comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and applicable requirements of the New York City Building Code."
- Acknowledges that a sidewalk cafe cannot be accessible if less than 36" (36 inches) or 3' (3 feet), according to ADA and the New York City Building Code;
- Acknowledges that the proposed sidewalk cafe width of 2'-5" (2 feet, 5 inches) or 29" (29 inches) falls short of what ADA and the New York City Building Code deem as accessible and attempting to maintain the ADA standard 5% of outdoor seating as accessible is impossible to achieve as the setup is currently presented on the site plan sent to CB2;
- Acknowledges that the required 10' (10-foot) clear path on West 13th Street at this location leaves no options to site a sidewalk cafe with an ADA-compliant width of 36" (36 inches) because compliance with ADA would leave a clear

path of 9.5' (9 .5 feet), falling 0.5' (0.5 feet) short of the required 10-foot clear path;

Whereas, Manhattan CB2 **recommends denial** of the Dining Out NYC sidewalk cafe for Andreas WV LLC dba Da Andrea at 35 West 13th Street, 10011.

Vote: Passed, with 37 Board members in favor, 1 abstention (R. Kessler).

3. Numinosity LLC dba Jack's Wife Freda, 226 Lafayette Street, 10012 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will add the Siamese Connection on Lafayette Street to the site plan and check the S-27 Siamese Connection checkbox on page 2 of the site plan form and indicate the 5-foot clearance on page 2 by filling out the measurement for S-27;
- Will reduce the sidewalk cafe length to accommodate the required 5' (5-foot) clearance for the Siamese Connection and update the length on the sidewalk cafe site plan drawing;
- Will update the sidewalk cafe length at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe length on the site plan drawing;
- Will update the sidewalk width of Lafayette Street on the site plan from 16'-6" (16 feet, 6 inches) to 15'-9" 15 feet, 9 inches) which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will label the Primary Building Entrance located to the left of the establishment on the site plan, which means labeling it as a Primary Building Entrance and removing the label of "Existing Residential Lobby";
- Will check the S-14 Streetlight checkbox on page 2 of the site plan form and indicate the measurement from the streetlight to the perimeter of the sidewalk cafe setup;
- Will adjust the location of the restaurant entrance to the accurate location on the site plan;
- Will agree that seating in the proposed sidewalk cafe is parallel as shown on the site plan;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Numinosity LLC dba Jack's Wife Freda at 226 Lafayette Street, 10012, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

4. Juicerie Nolita LLC dba The Butcher's Daughter, 19 Kenmare Street (East Storefront) 10012 (Sidewalk) Juicerie Nolita LLC dba The Butcher's Daughter, 19 Kenmare Street (West Storefront) 10012 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will update the sidewalk width of Kenmare Street on the site plan from 19' (19 feet) to 18'-1" (18 feet, 1 inch), which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will reduce the width of the proposed sidewalk cafe setup from 9'-0" (9 feet, 0 inches) to 8'-1" (8 feet, 1 inch) and update the sidewalk cafe width on the site plan in order to comply with the required 10' (10-foot) clear path on Kenmare Street;
- Will update the sidewalk cafe width at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe width on the site plan drawing;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Juicerie Nolita LLC dba The Butcher's Daughter at 19 Kenmare Street (East Storefront) 10012, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

5. Juicerie Nolita LLC dba The Butcher's Daughter, 19 Kenmare Street (West Storefront) 10012 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will add the Primary Building Entrance for residential tenants of 19 Kenmare Street, which is located to the south of the establishment, which means labeling it as a Primary Building Entrance on the site plan;
- Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance for residential tenants of 19 Kenmare Street, which is located south of the establishment, to the proposed sidewalk cafe setup on the site plan;
- Will reduce the length of the proposed sidewalk cafe setup from 42'-5" (42 feet, 5 inches) to 35'-6" (35 feet, 6 inches), which takes into account the required 5' (5-foot) clearance for Primary Building Entrances;
- Will add the pedestrian ramp on Elizabeth Street to the site plan and show the required 10' (10-foot) clearance for the clear path;
- Will update the sidewalk width of Kenmare Street on the site plan from 19' (19 feet) to 18'-6" (18 feet, 6 inches), which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in §5-01: the term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will reduce the width of the proposed sidewalk cafe setup from 9' (9 feet) to 8'-6" (8 feet, 6 inches) and update the sidewalk cafe width on the site plan in order to comply with the required 10' (10-foot) clear path on Kenmare Street;
- Will update the sidewalk cafe width at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe width on the site plan drawing;
- Will remove the two (2) corner tables and remove the one (1) table sited directly under the word "aisle" on the site plan as the Applicant/Licensee offered via Zoom at the December 10, 2024 ODWG meeting;
- Will add the required North Arrow to the site plan;

- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein;

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Juicerie Nolita LLC dba The Butcher's Daughter at 19 Kenmare Street (West Storefront) 10012, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

6. Cantiere NY LLC dba Cantiere Hambirreria, 41 Kenmare Street, 10012 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will remove the label of “Existing Residential Lobby” and change to Primary Building Entrance;
- Will check the S-22 Primary Building Entrance checkbox on page 2 of the site plan form and add the measurement of the clearance listed on the site plan to page 2 of the site plan form;
- Will reduce the length of the proposed sidewalk cafe setup on the east side of the establishment from 7’-7” (7 feet), 7 inches to 7’-2” (7 feet, 2 inches) which is the complete and accurate measurement of the space;
- Will remove the platform where the proposed sidewalk cafe setup, west of the establishment is sited;
- Will reduce the length of the proposed sidewalk cafe setup on the west side of the establishment – once the platform referenced above is removed – from 10’ (10 feet) to 8’-9” (8 feet, 9 inches) which is the complete and accurate measurement of the space;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Cantiere NY LLC dba Cantiere Hambirreria at 41 Kenmare Street, 10012, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

7. Officina 1397 LLC dba Bar Pisellino, 92 7th Avenue South, 10014 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will add the primary building entrance for 100A 7th Avenue South, which is located to the south of the establishment’s frontage which means labeling it as a Primary Building Entrance on the site plan;
- Will illustrate the required 5’ (5-foot) clearance from the Primary Building Entrance south of the establishment to the proposed sidewalk cafe setup on the site plan;

- Will check the S-22 Primary Building Entrance checkbox on page 2 of the site plan form and add the measurement of the clearance listed on the site plan to page 2 of the site plan form;
- Will reduce the length of the proposed sidewalk cafe setup from 40' (40 feet) to 37' (37 feet), which takes into account the required 5' (5-foot) clearance for the Primary Building Entrance;
- Will ensure the reduced sidewalk cafe length is updated at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe length;
- Will update the sidewalk width of 7th Avenue South on the site plan from 20' (20 feet) to 19'-9" (19 feet, 9 inches), which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will correct the sidewalk cafe width of 7.5' (7.5 feet) at the bottom of page 1 of the site plan form to 7' (7 feet), which matches the measurement of the sidewalk cafe width on the site plan drawing;
- Acknowledges that as of the date of the CB2 hearing for this application – December 10, 2024 – the establishment was operating a sidewalk cafe that was not in compliance with the Dining Out NYC rules;
- Acknowledges that the current sidewalk setup as of December 10, 2024 was fully enclosed with a storm enclosure extending the entire width and length of the sidewalk cafe setup, which does not comply with the Dining Out NYC rules that state on the Dining Out NYC website that "A sidewalk cafe may not be fully enclosed," and specifically, this location's setup was confirmed by DOT's Director of Public Engagement as "Enclosures are not allowed" when inquiring about storm enclosures on sidewalk cafes;
- Acknowledges that this establishment did not have an existing, permitted, enclosed sidewalk cafe in operation prior to March 16, 2020 or four years prior;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Officina 1397 LLC dba Bar Pisellino at 92 7th Avenue South, 10014, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

8. Wagawongawitz LLC dba Cafe Cluny, 284 West 12th Street, 10014 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will remove the label of “Neighbor Entrance” on West 12th Street, located west of the establishment, and change it to Primary Building Entrance, which means labeling it as a Primary Building Entrance on the site plan;
- Will check the S-22 Primary Building Entrance checkbox on page 2 of the site plan form and add the measurement of the clearance listed on the site plan to page 2 of the site plan form;
- Will illustrate the required 5’ (5-foot) clearance from the Primary Building Entrance on West 12th Street, which is located west of the establishment, to the proposed sidewalk cafe setup on the site plan;
- Will reduce the length of the proposed sidewalk cafe setup on West 12th Street in order to comply with the required 5’ (5-foot) clearance for the Primary Building Entrance west of the establishment on West 12th Street;
- Will ensure the reduced sidewalk cafe length is updated at the bottom of page 1 of the site plan form for the proposed sidewalk cafe setup on West 12th Street to match the reduced sidewalk cafe length;
- Will update the sidewalk width of West 12th Street on the site plan from 15’-11” to 15’-6” (15 feet, 6 inches), which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term “sidewalk” means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term “clear path” means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;
- Will reduce the width of the proposed sidewalk cafe setup to 3’-6” (3 feet, 6 inches) which adheres to the required 8’ (8-foot) clear path on West 12th Street and tree bed;
- Will update the width on the sidewalk cafe at the bottom of page 1 of the site plan form for the proposed sidewalk cafe setup on West 12th Street to match the reduced sidewalk cafe width on the site plan drawing;
- Will remove the outer row of two (2) tables on the north side of the West 12th setup to allow a service aisle and add the perimeter demarcation on West 12th Street;
- Acknowledges that the proposed sidewalk cafe width of 2’ (2 feet) or 24” (29 inches) on West 4th Street falls short of what ADA and the New York City Building Code deem as accessible and attempting to maintain the ADA standard 5% of outdoor seating as accessible is impossible to achieve as the setup is currently presented on the site plan sent to CB2;

- Acknowledges that the required 8' (8-foot) clear path on West 12th Street at this location leaves no options to site a sidewalk cafe on West 4th Street with an ADA-compliant width of 36" (36 inches) because compliance with ADA would leave a clear path of 9.5' (9.5 feet), falling 0.5' (0.5 feet) short of the required 10-foot clear path;
- Will not set up sidewalk seating on West 4th Street due to the two issues outlined directly above;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Wagawongawitz LLC dba Cafe Cluny at 284 West 12th Street, 10014, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

9. Olio Restaurants LLC dba Olio e Piu, 3 Greenwich Avenue, 10014 (Sidewalk)

a. Whereas, the comments regarding this application are as follows:

- Acknowledges that as of November 1, 2024, all establishments operating sidewalk cafes and roadway cafes after this date are required to comply with the Dining Out NYC rules, which includes: "a sidewalk cafe may not be fully enclosed" among others;
- Acknowledges that that according to the Dining Out NYC rules: unless the sidewalk cafe was operating as an enclosed sidewalk cafe prior to March 16, 2020, an establishment may not have fully enclosed sidewalk cafe on the sidewalk as of November 1, 2024;
- Acknowledges that the current sidewalk setup as of December 10, 2024 was a fully enclosed with a structure on the sidewalk that extends the entire width and length of the sidewalk cafe setup, which does not comply with the Dining Out NYC rules that state on the Dining Out NYC website that "A sidewalk cafe may not be fully enclosed"
- Acknowledges that this establishment did not have an existing, permitted, enclosed sidewalk cafe in operation prior to March 16, 2020 or four years prior;
- Acknowledges that since November 1, 2024 deadline for compliance with the Dining Out NYC rules, the operator of this establishment has received twelve (12) 311 outdoor dining complaints regarding the existing sidewalk cafe setup including sidewalk zone blocked (9) and site setup condition (3);

- Acknowledges that the current roadway setup as of December 10, 2024 was a fully enclosed structure in the roadway, which does not comply with the Dining Out NYC rules that state that after November 29, 2024, all roadway cafe setups must stop operating for the season and compliance with that rule means removing the entire roadway setup from the premises;
- Acknowledges that since the November 29, 2024 deadline for compliance with the required removal of roadway cafe setups per the Dining Out NYC rules, the operator of this establishment has received twelve (12) 311 outdoor dining complaints regarding the roadway cafe setup including eleven (11) for site setup condition and one (1) for street zone blocked;
- Acknowledges that since the November 1, 2024 deadline for compliance with the Dining Out NYC rules, the operator of this establishment received four (4) 311 outdoor dining complaints including three (3) for site setup condition on the street and one (1) for street zone blocked;
- Acknowledges that during the Temporary Open Restaurants program, the operator of the establishment received: thirty-eight (38) 311 complaints including nineteen (19) 311 outdoor dining complaints and seventeen (17) non-compliance with phased reopening, and two (2) noise complaints;
- Will reduce the width of the proposed sidewalk cafe setup on the west side of the establishment to comply with the required 8' (8-foot) clearance from the tree bed on Greenwich Avenue;
- Will reduce the width of the proposed sidewalk cafe setup on the east side of the establishment to comply with the required 8' (8-foot) clearance from the bike rack and update the clearance on the site plan from 5' (5 feet) to 8' (8 feet);
- Will add the primary building entrance to the east of the establishment's frontage which means labeling it as a Primary Building Entrance;
- Will illustrate the required 5' (5-foot) clearance from the Primary Building Entrance east of the establishment to the proposed sidewalk cafe setup on the site plan;
- Will check the S-22 Primary Building Entrance checkbox on page 2 of the site plan form and add the measurement of the clearance listed on the site plan to page 2 of the site plan form;
- The Clear Path at this location should be 12' (12 feet) since 12' (12 feet), which is 50% of the sidewalk width, is greater than the width for the corridor category at this location – Neighborhood Corridor, 8' (8-foot) clear path requirement – which aligns with §5-11(a)(Iii)(A)(2) in the Dining Out NYC rules;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends denial** of the Dining Out NYC sidewalk cafe for Olio Restaurants LLC dba Olio e Piu, 3 Greenwich Avenue, 10014.

Vote: Passed, with 37 Board members in favor, 1 abstention (R. Kessler).

**10. Jay's Nickels and Dimes Inc. dba Westville Hudson, 333 Hudson Street, 10013
(Sidewalk)**

a. Whereas, the recommended modifications are as follows:

- Will update the measurement for the distance between the manhole cover on the sidewalk on Hudson Street and the sidewalk cafe perimeter from 8' (8 feet) to 4'-6" (4 feet, 6 inches);
- Will reduce the length of the proposed sidewalk cafe setup from 25' (25 feet) to 21'-6" (21 feet, 6 inches) which is the accurate measurement for the space;
- Will update the sidewalk cafe length on the sidewalk cafe at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe length on the site plan drawing – the length at the bottom of page 1 currently lists the width of the sidewalk cafe instead of the length;
- Will relocate the placement of the fire hydrant to its accurate location – diagonal from the establishment's entrance, which only requires an 8' (8-foot clearance) for the obstruction;
- Will relocate the placement of the streetlight to its accurate location – diagonal from the establishment, which only requires an 8' (8-foot clearance) for the obstruction;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Jay's Nickels and Dimes Inc. dba Westville Hudson, 333 Hudson Street, 10013, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

**11. Hamburger America 1 LLC dba Hamburger America, 51 MacDougal Street 10012
(Sidewalk)**

a. Whereas, the recommended modifications are as follows:

- Will update the sidewalk width of West Houston Street on the site plan from 21'-6" (21 feet, 6 inches) to 21' (21 feet), which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: the term "sidewalk" means a portion of a street between curb lines, or

lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians and definition of the clear path in § 5-01: the term “clear path” means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;

- Will reduce the width of the proposed sidewalk cafe setup from 6’ (6 feet) to 5’-8” (5 feet, 8 inches) to accommodate for the required 8’ (8-foot) clear path between the bus shelter and the perimeter of the proposed sidewalk cafe setup;
- Will update the sidewalk cafe width on the sidewalk cafe at the bottom of page 1 of the site plan form to match the reduced sidewalk cafe width on the site plan drawing;
- Will check off the checkbox for Furnishings on page 2 of the site plan form along with any required sub-checkboxes underneath that category on the form;
- Will add the utility (water valve) to the site plan and label the utility (water valve) that is on the establishment’s building facade on West Houston Street within the perimeter of the proposed sidewalk cafe setup and ensure that the placement of tables and chairs in the sidewalk cafe do not “prevent visual location or access” to the utility;
- Will show the full complete and accurate site plan as the site plan in the application package referred to CB2 on Monday, December 2 appears to be cut off at the top;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Jay’s Nickels and Dimes Inc. dba Westville Hudson, 333 Hudson Street, 10013, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

12. Uncle Boon’s LLC dba Thai Diner, 186 Mott Street, 10012 (Sidewalk)

a. Whereas, the recommended modifications are as follows:

- Will label the Fresh Air Intake located on the sidewalk in front of the building’s Mott Street frontage on the site plan;
- Will mark the required 1’-6” (1 foot, 6 inches) clearance for a utility (Fresh Air Intake) on the site plan;
- Will label the transformer vaults located on the sidewalk on Mott Street, which means removing the “Existing Subway Grates” label and labeling as “Transformer Vaults”;
- Will add the required 3’ (3-foot) clearance for the transformer vaults;

- Will check the S-29 checkbox for Transformer Vaults on page 2 of the site plan form and add the required clearance measurement of 3' (3 feet) to the form;
- Acknowledges that once accounting for the required 3' (3-foot) clearance for the transformer vaults, the remaining space for a sidewalk cafe parallel to the transformer vaults is 17" (17 inches) width for a sidewalk cafe, which is not ADA compliant;
- Acknowledges that as of the date of the CB2 hearing for this application – December 10, 2024 – the establishment was operating a sidewalk cafe on Kenmare Street that was not in compliance with the Dining Out NYC rules;
- Acknowledges that the current sidewalk setup on Kenmare Street as of December 10, 2024 was fully enclosed with a storm enclosure extending the entire width and length of the sidewalk cafe setup, which does not comply with the Dining Out NYC rules that state on the Dining Out NYC website that "A sidewalk cafe may not be fully enclosed," and specifically, this location's setup was confirmed by DOT's Director of Public Engagement as "Enclosures are not allowed" when inquiring about storm enclosures on sidewalk cafes;
- Acknowledges that this establishment did not have an existing, permitted, enclosed sidewalk cafe in operation prior to March 16, 2020 or four years prior;
- Will remove the existing, non-conforming sidewalk setup on Kenmare Street;
- Will show the full diagram of the proposed sidewalk cafe on Kenmare Street by updating the site plan;
- Will show the perimeter demarcation on the site plan drawing for the proposed sidewalk cafe on Mott Street;
- Will decide on whether to move the Fresh Air Intake to another location along the establishment's Mott Street frontage in order to gain back more space for the sidewalk cafe on Mott Street so it complies with the required clearances for utilities (1 foot, 6 inches) and ADA;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Whereas, Manhattan CB2 **recommends conditionally denying** the Dining Out NYC sidewalk cafe for Uncle Boon's LLC dba Thai Diner, 186 Mott Street, 10012, and **upon receipt** of the updated site plan with the recommended modifications (which the Applicant/Licensee is in the process of amending) including receipt of the signed modifications form, **the conditional denial will turn into an Approval with Modifications.**

Vote: Unanimous, with 38 Board members in favor.

Applications to DOT for a Roadway Cafe:

13. Il Buco Corp dba Il Buco Restaurant, 47 Bond Street, 10012 (Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will ensure that the barrier width is included when calculating the length and width of the proposed roadway cafe;
 - Will adjust the measurement of the manhole to the edge of the storefront;
 - Will add access to Open Street seating through the roadbed dining within the establishment's frontage on Bond Street;
 - Will agree to be in compliance with the Dining Out NYC rules for the existing sidewalk cafe setup since it is after November 1, 2024 and establishments operating sidewalk cafes after this date are required to comply with the Dining Out NYC rules in order to operate, which includes a 5' (5-foot) clearance for the Primary Building Entrance located to the east of the establishment's frontage;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approval with modifications) as stated above** regarding the Dining Out NYC roadway cafe for Il Buco Corp dba Il Buco Restaurant at 47 Bond Street, 10012.

Vote: Unanimous, with 38 Board members in favor.

14. Fellini Soho Corp dba Fellini, 120 Thompson Street, 10012 (Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will add flooring or add a ramp to the site plan to comply with ADA since there is no flooring in the roadway cafe;
 - Will ensure that the barrier width is included when calculating the length and width of the proposed roadway cafe;
 - Will adjust the storefront length measurement on the site plan from 13' (13 feet) to the accurate measurement of the storefront length, which is 10'-6" (10 feet, 6 inches);
 - Will reduce the length of the proposed roadway cafe setup from 13' (13 feet) in length to the accurate measurement of the storefront length, which is 10'-6" (10 feet, 6 inches);
 - Will add the required 6' (6-foot) clearance from pavement marking (shared bike lane);

- Will reduce the width of the proposed roadway cafe setup from 6’-6” (6 feet, 6 inches) to 2’-6” (2 feet, 6 inches) if the FDNY waiver for the emergency travel lane is not granted;
- Will add the primary building entrances located to the left and right of the establishment’s frontage, which means labeling them as Primary Building Entrance;
- Will add the required North Arrow to the site plan;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments as stated above** regarding the Dining Out NYC roadway cafe for Fellini Soho Corp dba Fellini, 120 Thompson Street, 10012

Vote: Unanimous, with 38 Board members in favor.

15. 45 Mercer Restaurant LLC dba Odd Sister 45 Mercer Street, 10013 (Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
 - Will add the primary building entrance for tenants at 45 Mercer to the site plan, which also means labeling it as a “Primary Building Entrance” on the site plan;
 - Will label the doorway to the elevator shaft for the residential elevator to the site plan, which means labeling it as “Elevator Shaft Door” on the site plan;
 - Will add the elevator access door to the site plan;
 - Will reduce the length of the proposed roadway cafe setup to end at the Primary Building Entrance for tenants of 45 Mercer since the establishment does not have u-shaped access behind the entire frontage of 45 Mercer Street;
 - Will label the manhole cover on Mercer Street, which means adding “Manhole Cover” to the site plan;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments as stated above** regarding the Dining Out NYC roadway cafe for 45 Mercer Restaurant LLC dba Odd Sister at 45 Mercer Street, 10013.

Vote: Unanimous, with 38 Board members in favor.

16. Fiaschetteria West Ltd. dba Fiaschetteria Pistoia, 114 Christopher Street, 10014

(Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will adjust the size of the tree bed located in the furnishing zone parallel and adjacent to the proposed roadway cafe setup so that the tree bed is accurately depicted to scale on the site plan as well as show the accurate representation of remaining space around the tree bed for egress into the roadway cafe;
 - Will add the measurement of the tree bed to the site plan;
 - Will agree to not place tables and chairs on top of the raised sidewalk next to the building's frontage;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approved with modifications) as stated above** regarding the Dining Out NYC roadway cafe for Fiaschetteria West Ltd. dba Fiaschetteria Pistoia at 114 Christopher Street, 10014 (Roadway)

Vote: Unanimous, with 38 Board members in favor.

17. White Horse Hospitality LLC dba White Horse Tavern, 567 Hudson Street, 10014

(Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will clarify ADA access to the ramp on the site plan – a safe ADA route from the restaurant on Hudson Street to the roadway cafe setup on Hudson Street since the ramp landings on the site plan are only 4' (4 feet) by 4' (4 feet) which does not comply with ADA code requiring a 5' (5-foot) diameter;
 - Will add the crosswalk to the site plan and add the measurement from the crosswalk to the roadway site on the site plan;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to here.

Therefore Be Resolved, Manhattan CB2 **recommends submitting the comments (approved with modifications) as stated above** regarding the Dining Out NYC roadway cafe for White Horse Hospitality LLC dba White Horse Tavern, 567 Hudson Street, 10014 (Roadway).

Vote: Unanimous, with 38 Board members in favor.

18. 330 WB Operations LLC dba A Pasta Bar, 330 West Broadway, 10013 (Roadway)

- a. Whereas, the **suggested modifications** related to the above-referenced application are:
- Will adjust the storefront length measurement on the site plan from 32'-6" (32 feet, 6 inches) to 29'-8" (29 feet, 8 inches);
 - Will acknowledge that the roadway cafe length is different numbers in two places on the site plan: on the actual site plan drawing itself and at the bottom of the site plan form;
 - Will add the required 6" (6-inch) clearance from the thermoplastic markings to the site plan;
 - Will add the required 5' (5-foot) clearance, for the curb cut to the west, to the site plan;
 - Will reduce the length of the proposed roadway cafe setup in order to adhere to the required thermoplastic markings clearance, the required crosswalk clearance, and the required curb cut, which ends up being about 10' (10 feet) for the roadway cafe length after clearances are met;
 - Will add the buffer, on Grand Street, between the bike lane and the roadway to the site plan and ensure that the buffer is not blocked by the roadway seating;
 - Will identify the safe ADA route from the sidewalk of the establishment's frontage on Grand Street to the proposed roadway cafe setup;
 - Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
 - Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends submitting the comments (approved with modifications) as stated above** regarding the Dining Out NYC roadway cafe for 330 WB Operations LLC dba A Pasta Bar at 330 West Broadway, 10013.

Vote: Unanimous, with 38 Board members in favor.

19. 330 WB Operations LLC dba A Pasta Bar at 330 West Broadway, 10013 (Sidewalk)

- a. Whereas, the comments physical footprint and dimensions are as follows:
- Acknowledges that as of the date of the CB2 hearing for this application – December 10, 2024 – the establishment started constructing a platform on December 10, 2024 on the sidewalk, which according to § 5-11(a)(2)(ii) Flooring in the Dining Out NYC rules: "A sidewalk cafe, other than an enclosed sidewalk cafe, shall be level with the sidewalk. No platforms, flooring, or other ground coverings (e.g., rugs, artificial turfs, etc.) are permitted";
 - Acknowledges that the sidewalk setup as of December 10, 2024 construction was in progress to construct a fully enclosed sidewalk cafe setup on West Broadway for the entire width and length of the sidewalk cafe setup, which does not comply with the Dining Out NYC rules that state on the Dining Out

NYC website that “A sidewalk cafe may not be fully enclosed,” and specifically, this location’s setup was confirmed by DOT’s Director of Public Engagement as “Enclosures are not allowed” when inquiring about storm enclosures on sidewalk cafes;

- Acknowledges that this establishment did not have an existing, permitted, enclosed sidewalk cafe in operation prior to March 16, 2020 or four years prior;
- Acknowledges that it was further confirmed by DOT’s Director of Public Engagement that “Platforms are not allowed for sidewalk cafes,” on December 10, 2024 that there was further confirmation that this establishment does not have a waiver for a platform on the sidewalk at this location on West Broadway;
- Will remove the platform that was in the process of being constructed on December 10, 2024 on the sidewalk in the space adjacent to the establishment’s frontage on West Broadway in order to be in compliance with the Dining Out NYC rules, which is required for all operators of sidewalk cafes to be in compliance with after November 1, 2024 and as stated on the Dining Out NYC website;

b. Whereas, the recommended modifications are as follows:

- Will update the sidewalk width of West Broadway at this location on the proposed site plan from 18’-10” (18 feet, 10 inches) to 18’-2” (18 feet, 2 inches) which is accurate and in compliance with the definition of a sidewalk in § 5-01 of the Dining Out NYC Rules: *the term “sidewalk” means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians* and definition of the clear path in § 5-01: *the term “clear path” means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation;*
- Will reduce the width of the proposed sidewalk cafe setup from 8’-10” (8 feet, 10 inches) to 8’-2” (8 feet, 2 inches), which adheres to the required 10’ (10-foot) clear path on West Broadway, a Regional Corridor street as classified by NYC DOTs Pedestrian Mobility Plan;
- Will update the site plan to illustrate a perimeter demarcation for the sidewalk cafe that is contiguous (no spaces in between) with one entrance demarcated, marked, and labeled on the site plan;
- Will ensure that the perimeter demarcation for the sidewalk cafe is no greater in height than 2’-6” (2 feet, 6 inches), exclusive of any shrubbery and/or planting, as stated in § 5-11(a)(2)(i) in the Dining Out NYC rules;
- Will submit an updated site plan with the modifications above to CB2, Man. and upload the updated site plan to the Dining Out NYC application portal;
- Will appear before CB2, Man. prior to submitting any changes to any modifications agreed to herein.

Therefore Be It Resolved, Manhattan CB2 **recommends denial** of the Dining Out NYC sidewalk cafe for 330 WB Operations LLC dba A Pasta Bar at 330 West Broadway, 10013.

Vote: Unanimous, with 38 Board members in favor.

PARKS AND WATERFRONT

A Resolution Supporting a Proposed Temporary Art Installation in Washington Square Park Called *To Reflect Everything*

WHEREAS:

1. The *Art in the Parks* program has been active since 1967, showcasing over 3,000 temporary public artworks by notable and emerging artists across more than 200 NYC parks, creating one of the world's largest open-air galleries.
2. The program emphasizes temporary, outdoor installations, reviewed for safety, durability, and minimal disruption to park usage.
3. For Washington Square Park, specific guidelines restrict anchoring into the hardscape and allow exhibitions only between November and April for a duration of 2–4 months.
4. The artwork called: *To Reflect Everything*, by artist Ryan Van Der Hout will reside in plaza to the east of the Garibaldi Monument in Washington Square Park from January 10 – April 25, 2025
5. The artwork is a 7' x 7' x 10' mirrored sculpture resembling a satellite/disco ball, constructed with polished stainless-steel panels and a steel base, weighing 1,500 pounds.
6. The sculpture includes anti-graffiti coating and safety measures to ensure stability and prevent tampering.
7. The artwork explores themes of reflection, identity, and the queer history of Washington Square Park, referencing the book *Cruising Utopia*.
8. The goal of the installation is to engage the community while reflecting the park's history, identity, and creativity.

THEREFORE, BE IT RESOLVED that Manhattan Community Board 2:

1. Recognizes the value of the *Art in the Parks* program in enriching NYC parks with diverse artworks.
2. Supports this installation and pledges to work with the Parks Department, CB2, and other stakeholders to ensure the community is informed and involved in this project.

Vote: Unanimous, 38 Board Members in favor.

SLA 1 LICENSING

1. Sankofa USA LLC 164 Mott St 10013 (New TW–Bar/Tavern) (*previously unlicensed*)

- i. **Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for a Tavern Wine License to operate a pizzeria and wine bar on the ground floor

- of a six (6)-story, tenement-style building (c. 1900, altered 2014) on Mott Street between Grand and Broome Streets (Block #470/Lot #7), the building falling within the designated Special Little Italy District; and
- ii. **Whereas**, the ground floor premises is approximately 1,270. ft., with 635 sq. ft. on the ground floor and an additional 635 sq. ft. in the basement, the basement accessed via an internal staircase and used for storage only with no patron access, there is one (1) entryway serving as both patron ingress and egress; there are seven (7) tables and 14 seats, one (1) food counter with 12 seats and an additional food counter for standing patrons for a seated occupancy of approximately 26 seats, certificate of occupancy for the premises is pending for occupancy of not more than 74 persons; there is one (1) bathroom; there are existing operable French doors and windows which will close by 10 PM daily; there is a raised sidewalk area adjacent to the premises that is public property but there is no outdoor seating included with this application; and
 - iii. **Whereas**, the Applicant's proposed hours of operation will be Sundays through Saturdays from 11 AM to 11 PM, music will be background only from iPods/CDs/streaming services; there will be no TVs, no DJ's, no promoted events, no live music or scheduled performances, and no cover fees; there will be not more than 12 private parties/events per year; there is no outdoor seating as part of this application; and
 - iv. **Whereas**, the premises to be licensed has been previously unlicensed and had operated without a liquor license from approximately 2014 to early 2024 as Two Hands, a community-focused Australian restaurant focused on breakfast, lunch and early dinner and prior to that as a hair salon; the Applicant's past experience being at 11 Madison Park located in Manhattan; and
 - v. **Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **97 active licensed premises** within 750 feet of the proposed premises to be licensed according to LAMP and an additional 7 pending licenses within this same area, this application being for the service of beer and wine only and thus not subject to the 500 Foot Rule, the hours being reasonable and the method of operation being of low-impact to the surrounding residents; and
 - vi. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Man. that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the Tavern Wine License, with those stipulations as follows:
 - 1. Will operate a pizzeria and wine bar with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be from 11 AM to 11 PM Sundays through Saturdays. All patrons will be cleared, and no patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. There is no backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating included with this application.
 - 5. There is a raised sidewalk area adjacent to the premises that is public property. Any future sidewalk café, if applied for and permitted under the Dining Out NYC program, will close no later than 10 PM and will be to seated patrons only, conforming to all other rules

and regulations including clear path requirements of the Dining Out NYC program. All tables and chairs will be secured at this hour. No exterior music, speakers or TVs.

6. Will have not more than 12 private parties / events per year.
7. Will play recorded background music at conversational levels only. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
10. Will not have patron occupancy/service to any portion of the basement of licensed premises.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or barricades or doormen/security personnel.
15. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
16. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
17. Will appear before CB2, Man. for change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the application for new Tavern Wine License for **Sankofa USA LLC 164 Mott St 10013**, unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

Vote: Unanimous, 38 Board Members in favor.

2. Casamata LLC 45 Bleecker St 10012 (OP–Restaurant)

- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License for a Mexican restaurant offering both a typical Mexican restaurant experience and a Taco “Omakase” experience located in the cellar floor of a six (6)-story commercial building (c. 1896, altered 1989) on Bleecker Street between Mott and Mulberry Streets with the primary entrance on privately gated Jones Alley on the north side which is accessed via Lafayette St. (Block #529/Lot #62), the building falling within the NoHo East Historic District; and
- ii. **Whereas**, the cellar premises is approximately 4,655 sq. ft., the primary cellar entrance being accessed via a private gated access on Jones Alley not accessible to the public but is a shared service-only access for all buildings which back onto the alleyway which is accessed from

Lafayette Street and a second emergency egress on Bleeker Street, the Applicant intending to use the entryway on Jones Alley only for all patron and employee ingress and egress and trash collection; there are 31 tables and 70 seats with two (2) bars and fifty seats for a total interior seated occupancy of 120 persons, the temporary certificate of occupancy presented dated 2016 and long expired indicating theatre (UG9) on the cellar floor; the premises has four (4) bathrooms, there are no additional operable doors and/or windows and no outdoor seating; and

- iii. **Whereas**, the hours of operation will be from 5 PM to 1 AM Sundays through Wednesdays and 5 PM to 2 AM Thursdays through Saturdays; music will be at background levels consisting of music from iPod/CDs and live DJs; there will be no dancing, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. **Whereas**, the premises to be licensed operated with a tavern wine license from approximately 2013–2020 as Subculture, which opened originally as a theatre and music venue featuring classical and contemporary music and added other types of scheduled performances and events only as the years went on, with its entry on Bleeker Street only and having agreed upon and executed an extensive stipulation agreement with NoHo Bowery Stakeholders which incorporated hours of trash pickup and guidelines for mitigating noise from patrons on Bleeker Street; and
- v. **Whereas**, it came as a surprise to both CB2’s SLA Committee and members of the public that the Applicant intended to use Jones Alley as its means of ingress and egress for all of the activities of the restaurant, the Applicant stating that was a quiet and discreet entryway with there currently being a taxi area on Lafayette Street where patrons can enter the gated and locked Jones Alley and walk East on the block to reach the restaurant entrance; a number of residents that live in the immediate vicinity of the premises came to speak in opposition to the application stating there was no outreach to the adjacent and nearby residential buildings that both share the alleyway and that overlook the alleyway, the Applicant supplying a letter that they had sent to various block associations about the instant application, that letter failing to mention that the proposed entry would be on Jones Alley and not Bleeker Street as the previous operator had done, residents also citing that while the premises are located in a commercial building the surrounding buildings are both mixed-use and residential with residential-only buildings both adjacent and across Jones Alley, many of those residents having bedrooms that face Jones Alley specifically because it is quiet and a service alley only not accessible to the public; quality of life concerns were raised due to noise of patrons leaving in the later hours combined with the large size of the restaurant, that there was no specific trash plan regarding hours of trash pick-up nor a specific plan to manage the crowd aside from managers watching Jones Alley and posting of signs to “Respect the Neighbors”, in addition it was unclear how access to Jones Alley would be achieved, there being a locked gate on Lafayette Street which is kept closed, the Alley not being either a car or pedestrian thoroughfare; and
- vi. **Whereas**, after hearing the concerns of the residents and the issues regarding the use of Jones Alley, the Applicant requesting during the SLA Licensing Committee meeting to lay over this

application to January/2025, further notifying CB2, Manhattan on the day of its December full board meeting of their intention to withdraw the application all together, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA deny any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Casamata LLC 45 Bleecker St 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

- 3. JEJU Noodle Bar Nolita LLC dba JEJU Noodle Bar Nolita 204 Elizabeth St 10012** (New RW—Restaurant) (*previously unlicensed*)
- i. Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 for a Restaurant Wine License to operate a Korean noodle bar restaurant on the ground floor and cellar of a six (6)-story commercial building (c. 1922, redeveloped 2022) on Elizabeth Street between Spring and Prince Streets (Block #492/Lot #8), this building falling within the Special Little Italy District; and
 - ii. Whereas**, the ground floor premises is roughly 3,500 sq. ft. with 2,000 sq. ft. on the ground floor connected by interior stairways to a 1,500 sq. ft. cellar; there are 17 tables with 46 seats and one bar with 18 seats on the ground floor and 1 table with 14 seats and one bar with four (4) seats in the cellar for a total seated patron occupancy of approximately 82 persons, there is one (1) entry which will serve as patron ingress and egress, one (1) emergency exit and three (3) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
 - iii. Whereas**, the hours of operation are from 11 AM to 12 AM Saturdays and Sundays and 12 PM to 12 AM Mondays through Fridays; music will be quiet background only consisting of music from iPod/cd's/streaming services, there will be no TVs, all doors and windows will be closed at all times except for patron ingress and egress, there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no security personnel/doormen; and
 - iv. Whereas**, the Applicant has operated with a restaurant wine license at another restaurant under the same name in Community Board 2 (Jeju R&D LLC dba JeJu Noodle Bar, Lic ID # **0240-23-141803**, SN #**1302075**) since 2017, that restaurant being awarded a Michelin star and operating without known complaints to CB2, Man. since inception, there already are a significant number of licensed establishments in both CB2, Man. and in the immediate area, there being **84 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 5 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and

- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the Restaurant Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as full-service Korean noodle bar with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 11 AM to 12 AM Saturdays and Sundays and 12 PM to 12 AM Mondays through Fridays. No patrons will remain after stated closing time.
 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 5. Will play recorded background music at conversational levels only. No music will be audible in any adjacent residences at any time.
 6. Will not have televisions.
 7. Will close all doors and windows at all times allowing only for patron ingress and egress.
 8. Will have no more than 12 private parties / events per year which close the entirety of the premises off from the public.
 9. Will not install or have French doors, operable windows or open facades.
 10. Will not make changes to the existing façade except to change signage or awning.
 11. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 13. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, security personnel/doormen.
 14. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA
 15. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 16. Will appear before CB2, Man. for change in method of operation/alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of **JEJU Noodle Bar Nolita LLC dba JEJU Noodle Bar Nolita 204 Elizabeth St 10012** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License.

Vote: Unanimous, 38 Board Members in favor.

4. **Rich 99 Ltd dba Go Dunk 332 Bowery 10012** (New OP–Restaurant) (*previously unlicensed*)
- i. **Whereas**, the Applicants and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for

an On-Premises Restaurant Liquor License for an authentic Southeastern Asian cuisine restaurant located in the ground floor of a four (4)-story, mixed-use building (c. 1827, altered 2005) on Bowery between Great Jones and Bond Streets (Block #530/Lot #40), the building falling within NYC LPC's designated NoHo Historic District Extension; and

- ii. **Whereas**, the ground floor premises is approximately 1,500 sq. ft. with 750 sq. ft. on the ground floor connected via an interior stairway to a 750 sq. ft. cellar, the cellar being used for storage and kitchen only with no patron use; there will be 27 tables with 52 seats, one (1) bar with eight (8) seats and one (1) window counter with three (3) seats for a total patron occupancy of 63 seats; there is one (1) entry which will serve as patron ingress and egress and two (2) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there will be no outdoor seating; and
- iii. **Whereas**, the hours of operation will be from 12 PM to 11 PM Sundays through Saturdays (7 days a week); music will be quiet background only inclusive of any private parties consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, and no movable barriers; there is no outdoor seating included with this application, the Applicant agreeing any future alteration application to their NYSLA Liquor License to include outdoor seating on Municipal Property that said Municipal Property would close by 10 PM daily; and
- iv. **Whereas** the location is previously unlicensed for an eating and drinking establishment and had been operated since 2013 as retail clothing stores Burkleman and Intermix; and
- v. **Whereas**, the applicant has executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the "method of operation" of the On-Premises Restaurant Liquor license and those stipulations are as follows:
 - 1. Premises will be operated and advertised as full-service, southeastern Asian restaurant with the kitchen open and full menu items available until closing every night.
 - 2. Hours of operation will be Sundays to Saturdays from 12 PM to 11 PM. No patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. There is no backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating included with this application.
 - 5. Any future sidewalk café, if applied for and permitted under the Dining Out NYC program, will close no later than 10 PM and will be to seated patrons only, conforming to all other rules and regulations including clear path requirements of the Dining Out NYC program. All tables and chairs will be secured at this hour. No exterior music, speakers or TVs.
 - 6. Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 - 7. Will not have televisions.

8. Will ensure that all kitchen venting is legally installed to NYC code and is vented to the roof.
 9. Will have not more than 36 private parties / events per year.
 10. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 11. Will not have patron occupancy/service to any portion of the basement of licensed premises.
 12. Will not install or have French doors, operable windows or open facades
 13. Will not make changes to the existing façade except to change signage or awning.
 14. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates
 15. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 16. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products
 17. Will not have dancing, DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances, velvet ropes or barricades, security personnel or doormen.
 18. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 19. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 20. Will appear before CB2, Man. for change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating.
- vi. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, there being **66 active licensed premises** within 750 ft. and 5 pending licenses according to LAMP; the Applicant’s hours to 11 pm only and no later, the location on Bowery which is a major thoroughfare and the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations and not extending the hours; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a On-Premises Restaurant Liquor License in the name of **Rich 99 Ltd dba Go Dunk 332 Bowery 10012** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 38 Board Members in favor.

5. 343 Broome Tomorrow LLC 146 Bowery 10013 (OP–Restaurant) (Transfer)

- i. **Whereas**, the Applicant, the Applicant’s architect and the Applicant’s Attorney appeared to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License for a restaurant serving Algerian/Sicilian cuisine located in the ground floor and cellar

floor of a four (4)-story hotel/SRO building (c. 1915, altered 2013) on Bowery between Broome and Grand Streets (Block #470/Lot #50) the building falling within the designated Special Little Italy District; and

- ii. **Whereas**, the ground floor storefront premises is approximately 4,175 sq. ft. (1,900 sq. ft. in the cellar and 2,245 sq. ft. in the ground floor) with 20 tables and 65 seats and one bar with 10 seats on the ground floor and 12 tables and 38 seats and one bar with 10 seats in the cellar for a total seated patron occupancy of 123 persons, the Applicant was unable to produce a valid certificate of occupancy for the basement portion of the premises and there is a question as to the current occupancy already being utilized by other licensed premises on those floors in the building, there is no sidewalk café and no backyard use included with this application but there will be a future application for a significant number of tables and chairs on the exterior; and
- iii. **Whereas**, the hours of operation will be from 12 PM to 12 AM Sundays through Thursdays and 12 PM to 2 AM Fridays and Saturdays; the Applicant stating the establishment will be a restaurant on both the ground floor and cellar, music will be quiet background only consisting of music from iPod/CDs; there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. **Whereas**, the premises has been licensed as Bowery Restaurant Group LLC operating under several names, most recently dba Casa Bocado, Escondido (Lic. ID #0340-22-106549, SN #1268378) since approximately 2014 against the objections of CB2, Manhattan, the SLA originally denying the application but issuing a license after reconsideration, this instant application being a transfer of assets from Bowery Restaurant Group LLC to 343 Broome Tomorrow LLC; and
- v. **Whereas**, the Applicant and his Attorney appeared before CB2, Man. in November/2024 and requested to lay their application over until December/2024 due to many questions that were raised about the application at that time, the Applicant also being the owner of the building which is one of the earliest hotels in the city, the most recent certificate of occupancy (dated 02/05/2007) not allowing for the existing eating and drinking establishment on the ground floor and basement, at the time of the issuance of the liquor license to Bowery Restaurant Group LLC the NYSLA was requiring all Applicants to have a proper certificate of occupancy for eating and drinking for the licensed premises prior to the issuance of the liquor license, therefore it is questionable whether the license should have been issued in the first place because there is no allowed use of the basement portion of the premises for eating and drinking purposes, the Applicant to date not able to get a temporary or permanent certificate of occupancy for eating and drinking on the basement premises, there is no occupancy listed for the cellar on the certificate of occupancy, there is a place of assembly for the first floor but the cellar and ground floor of the instant application are connected internally and operate as one premise with one means of egress and with a capacity of over 74 persons, requiring a place of assembly for the cellar and ground floor combined; it being a reasonable conclusion that the SLA issued the original liquor license for the entire premises for Bowery Restaurant Group LLC and both bars on both floors in error due to the lack of a proper certificate of occupancy for the basement; and

- vi. **Whereas,** the previous operator Bowery Restaurant Group LLC had several corporate changes and for many years, while not cited by the SLA for violations, operated in derogation of the imposed conditions on their license and later agreed upon stipulations, those operations including operating as a club in the basement, operating as two separate premises with different dba's, allowing dancing and entertainment level music in the basement, utilizing DJ's, utilizing promoters, utilizing separate entrances for the basement, utilizing cover charges, not utilizing reservation seating only in basement, operating with over 50 patrons in the basement, operating beyond the stipulated closing hours; and
- vii. **Whereas,** additional concerns were raised regarding the number of liquor licenses in the entire building, there being four other active licenses within the building, the ground floor of the building consisting primarily of eating and drinking establishments with liquor licenses where there used to be dry retail uses, the combined capacity within all the licensed premises being close to 700 persons, in addition there is a billiards establishment located on Elizabeth St which recently closed which was operated as a club with an accompanying large unlicensed basement space which has caused quality of life problems over the years with the community with violations issued by the SLA, the architect appeared showing plans going back to 2017 for bringing the building into compliance yet no changes to the Certificate of Occupancy have been made and no Temporary Certificate of Occupancy having been issued to date allowing those uses, concerns were raised that the same issues have been going on for over ten years and none have been corrected, there currently being numerous active DOB violations on the building; and
- vii. **Whereas,** additional concerns were raised regarding the combined large capacity and late hours of the application, there having never been permits in place to legally operate with patron occupancy in the basement ever, the premises having caused negative quality of life issues for residents in the past and operating in derogation of their stipulations by having DJs and dancing in the cellar and other issues as outlined above, the instant application being a transfer of assets which includes space that is not and has never been legal to operate, it being questionable whether this is a true transfer of assets given the prior operator went out of business, the Applicant stating they will operate in the same manner as the current licensee, albeit abiding by the stipulations and operating strictly as a restaurant only, not a lounge, on both floors; and
- viii. **Whereas,** the Applicant and his representative stating they were seeking the transfer of the license as opposed to applying for a new license once they could provide a temporary certificate of occupancy in order to have the ability to get a temporary liquor license with the 2 AM closing time, those hours being the most problematic to the community and not aligning with the hours of other restaurants in the neighborhood, additionally raising doubts that the proper DOB certificates will be obtained, there being a question as to how a liquor license that included the cellar premises without the proper DOB permits and therefore never should have been issued can be transferred; and
- ix. **Whereas,** this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the on-premises liquor

license at this location, there being **86 active licensed premises** within 750 ft. and 7 pending licenses according to LAMP, there being no proper certificate of occupancy for eating and drinking at the licensed premises, the instant application not illustrating that the granting of this license is in the public interest but instead would just permit the continued operation of a licensed premises without proper permits and thereby causing life safety risks to its patrons; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Liquor License for **343 Broome Tomorrow LLC 146 Bowery 10013**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Manhattan respectfully requests that this item be calendared to appear before the Full Board of the NYSLA.

Vote: Unanimous, 38 Board Members in favor.

6. Dante Elizabeth LLC 206-210 Elizabeth St 10012 (OP–Restaurant)

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 in [March/2024](#) under the licensee name of “Entity to be formed by Linden Pride” to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate a family run wood fire Italian restaurant on the ground floor, courtyard and cellar of a C6-2-zoned, four (4)-story commercial building (ca. 1900, renovated 2006) (Block #492/Lot #10), the rear courtyard being located in the rear ground floor of the adjacent C6-2-zoned, six (6)-story commercial building (ca. 1922) (Block #492/Lot #8) both buildings located on Elizabeth Street between Prince and Spring Streets, the buildings falling within the Special Little Italy District; and
- ii. **Whereas**, the Applicant re-notified CB2, Manhattan of a change in licensee name to Dante Elizabeth LLC with no change in principals or method of operation, the Applicant executing and notarizing the same stipulation agreement that was executed and notarized in March/2024 under the new licensee name, appearance being waived at this month’s SLA #1 Committee meeting; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a On-Premises Restaurant Liquor License in the name of **Dante Elizabeth LLC 206-210 Elizabeth St 10012** **unless** the statements presented by the Applicant in March/2024 remain accurate and complete and that the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 38 Board Members in favor.

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

7. Broome Audio LLC dba Silence Please 132 Bowery #2 10013 (RW–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on December 3, 2024, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Broome Audio LLC dba Silence Please 132 Bowery #2 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

8. Banana Republic, LLC 90 Crosby St 10012 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on December 3, 2024, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Banana Republic, LLC 90 Crosby St 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

9. 218 Retail Partners LLC 218 Bowery 10012 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on December 3, 2024, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **218 Retail Partners LLC 218 Bowery 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

10. 220 Retail Partners LLC 218-220 Bowery 10012 (OP–Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on December 3, 2024, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **220 Retail Partners LLC 218-220 Bowery 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

11. Blake Rosso TBD Entity 341 Broome St 10013 (OP–Hotel) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on December 3, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Blake Rosso TBD Entity 341 Broome St 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

SLA 2 LICENSING

1. **Talea Beer Inc. 102 Christopher Street 10014** (TW–Bar/Tavern) (Dining Out NYC-roadbed) (*previously unlicensed*) (Renotification)
 - i. **Whereas**, the Applicant, “NYC’s only female-founded brewery,” appeared before Community Board 2, Manhattan’s SLA Licensing Committee in [April/2023](#) to present an application to the NYS Liquor Authority for a new Tavern Wine Liquor License to operate a taproom beer bar in a ground floor storefront of a residentially-zoned (R-6), five-story mixed-use tenement style building (c. 1920) on Christopher Street between Bleecker and Bedford Streets (Block #588/Lot #54), the building falling within NYC LPC’s designated Greenwich Village Historic District; and
 - ii. **Whereas**, at the time CB2, Man. recommended denial of the application due to this being a previously unlicensed location, the Applicant requesting 1 AM closing on Thursdays and 2 AM closing on Fridays and Saturdays and outdoor seating on both the sidewalk and roadway on this residential block where no outdoor seating had previously been permitted, the detailed rules and guidelines of the future permanent outdoor dining program (Dining Out NYC) not yet having been formulated, the Applicant unwilling to remove the outdoor dining from the application at that time nor willing to reduce the hours of operation; and
 - iii. **Whereas**, the Applicant moved forward with the application at the NYSLA and has been operating serving beer and wine as a branch office to their farm brewery license while their tavern wine license is pending; and
 - iv. **Whereas**, the ground floor storefront was previously operated as Rag & Bone, a retail clothing store, closing by 7 PM every evening, with the location having never previously been licensed for the service of alcohol or for eating and drinking; and
 - v. **Whereas**, the storefront is approximately 2,615 sq. ft. consisting of a 1,561 sq. ft. ground floor and 1,054 sq. ft. in the basement, the two floors connected by an interior stairway, there is no patron use of the basement, the basement being for dry storage; the ground floor consisting of eighteen (18) tables with 56 patron seats and one (1) bar with twelve (11) seats for a total seated patron occupancy of 67 seats; the premises has one (1) door which serves as patron ingress and egress and two (2) bathrooms; and
 - vi. **Whereas**, the Applicant having pursued their application for roadbed seating through the Dining Out NYC program and having appeared before CB2, Manhattan’s Outdoor Dining Program with plans for roadbed seating only, the Applicant choosing not to move forward with any sidewalk seating; and
 - vii. **Whereas**, CB2, Manhattan received notice from the NYSLA that the Applicant’s Tavern Wine application was going to be reviewed at the December 11, 2024 full board meeting of

the NYSLA and invited the Applicant to return to CB2 to present their application for reconsideration this month in an effort to come to an agreement due to changes in the application that occurred between when the Applicant appeared before CB2, Man in April/2023 and what was presented as part of their Dining Out NYC application, those changes including reduced hours of operation on the interior, the removal of the sidewalk seating from their application and operating hours for the exterior seating ending at 10 PM daily; additionally, the Applicant has been operating since October/2023 with no known complaints from the local community; and

- viii. Whereas**, the hours of operation are from 10 AM to 11 PM Sundays through Thursdays, and 10 AM to 1:00 AM and Fridays/Saturdays; music is background only consisting of music from iPod/CDs; there is no dancing, DJs, live music, promoted events, no scheduled performances or cover fees; there is roadbed seating consisting of not more than six (6) tables and 12 chairs that will end by 10 PM daily, there is no sidewalk seating, all windows in the rear of the building will remain closed at all times and there are no operable doors and/or windows in the front façade aside from the entryway; and
- ix. Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **97 active licensed premises** within 750 feet of the proposed premises according to LAMP to be licensed and an additional 8 pending licenses within this same area, this application being for the service of beer and wine only and thus not subject to the 500 Foot Rule, the hours being reasonable and the Applicant having been operating for a year without any adverse history; and
- vi. Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the “method of operation” of their Tavern Wine license with those stipulations as follows:

 - 1. Premises will be advertised and operated as a taproom and café with the kitchen open and food available until closing every night.
 - 2. The hours of operation will be 10 AM to 11 PM Sundays through Thursdays and 10 AM to 1 AM Fridays and Saturdays. No patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. Will not operate a backyard garden or any outdoor area for commercial purposes except for roadbed seating operating under the Dining Out NYC program consisting of not more than 6 tables and 12 seats following all rules and regulations of the program. All service will be from within the roadbed area to seated patrons only. No exterior music, speakers or TVs.
 - 5. Roadbed seating will close no later than 10 PM. All tables and chairs will be secured at this hour.
 - 6. No sidewalk seating.
 - 7. Will play recorded background music at conversational levels only. No music will be audible in any adjacent residences at any time.
 - 8. Will have not more than 24 private parties / events per year.

9. Rear windows will be closed at all times.
10. Will not have televisions.
11. Will close all doors and windows at all times, allowing only for patron ingress and egress.
12. Will not have patron occupancy/service to any portion of the basement of licensed premises.
13. Will not install or have French doors, operable windows or open facades.
14. Will not make changes to the existing façade except to change signage or awning.
15. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
16. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
17. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
18. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
19. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
20. Will appear before CB2, Man. for change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine application **Talea Beer Inc. 102 Christopher Street 10014** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” of the NYSLA liquor license.

Vote: Unanimous, 38 Board members in favor.

2. Air Mail 546 Hudson Street LLC dba Air Mail 546 Hudson Street 10014 (TW–Bar/Tavern) (Rear Yard) (*previously unlicensed*)

- i. The Applicant and the Applicant’s attorney appeared before Community Board 2, to operate a retail store and newsstand with an accessory in a ground floor retail store located within a four (4)-story mixed-use building (ca.1852, altered 2015) on Hudson Street between Perry and Charles Streets (Block #621/Lot #6), this building falling within NYC LPC’s designated Greenwich Village Historic District; and
- ii. **Whereas**, the storefront premises is roughly 1,422 sq. ft. with 834 sq. ft on the ground floor and 678 sq. ft. in the cellar, the cellar being connected via an internal staircase with patron use of the cellar for bathroom purposes only; there is one (1) table and eight (8) seats, one (1) armchair consisting of one (1) seat and one (1) café bar with no seats on the interior ground floor and six (6) tables and 12 seats in the backyard for a total combined seated patron occupancy of 21 persons; there is one entrance serving as patron ingress and egress and one

- (1) bathroom, the store front infill being fixed without operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the hours of operation will be Sundays through Saturdays (7 days a week) from 8 AM to 8 PM, the regular operating hours of the café coinciding with the store hours which typically closes by 7 PM although there may be occasions where the premises stays open until 8 PM, backyard seating will close daily at 7 PM inclusive of any later operating hours; there is a Letter of No Objection dated November 14, 2024 for a retail store without cooking (DOB record indicates retail leather use) with accessory backyard seating for 12 persons, UG6, the accessory backyard seating being limited to outdoor table service for dry retail business and not for an eating and drinking establishment; and
 - iv. **Whereas**, the premises had previously never been licensed for the service of alcohol and has been vacant for approximately the past ten (10) years; and
 - v. **Whereas**, the Applicant having appeared before CB2, Manhattan in July/2024 with this same application, concerns being raised at the time that there was no Certificate of Occupancy or Letter of No Objection showing that the use of the rear yard was permitted and therefore CB2, Manhattan could not recommend approval of the tavern wine license, the Applicant laying over the application in July in order to do further research of the use of the rear yard and withdrawing the application in August/2024; and
 - vi. **Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **65 active licensed premises** within 750 feet of the proposed premises according to LAMP to be licensed and an additional 4 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and
 - vii. **Whereas**, the Applicant has executed and has had notarized a stipulations agreement with CB2, Man. which they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation on the tavern wine license, with those stipulations as follows:
 - 1. The premises will be advertised and operated as a retail store and newsstand with accessory café.
 - 2. Hours of operation will be Sundays through Saturdays from 8 AM to 8 PM.
 - 3. Will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
 - 4. Will operate with accessory backyard seating for not more than 12 persons without cooking. Patrons will not be permitted to hold zoom meetings or phone calls in the backyard. There will be no exterior music, speakers or TVs.
 - 5. Will not operate back yard area past 7 PM daily. Door to the back yard will be closed and there will be no patrons or staff in the back yard after 7 PM daily.
 - 6. Will not operate any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Dining Out NYC program.

7. Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will close all doors and windows any time there is music playing on the interior premises.
10. Will not have patron occupancy/service to any portion of the basement of licensed premises except for use of the bathroom.
11. Will not install or have French doors, operable windows or open facades.
12. Will not make changes to the existing façade except to change signage or awning.
13. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
14. Will not have unlimited drink or unlimited food and drink specials.
15. Will not have dancing, DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances, velvet ropes or barricades.
16. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA
17. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of the tavern wine application for **Air Mail 546 Hudson Street LLC dba Air Mail 546 Hudson 10014** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" of the NYSLA Liquor License.

Vote: Unanimous, 38 Board members in favor.

3. CE 27 LLC dba Quique Crudo 27 Bedford Street 10014 (OP–Restaurant)

(Change in Method of Operation: extend operating hours by 2 hours, add roadbed seating)

- i. **Whereas**, the Son of the Applicant and the chef appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for a Change in Method of Operation to the existing On-Premises Restaurant Liquor License (Lic ID #0340-23-162143) to continue to operate a seafood and cocktail focused Mexican restaurant within a non-conforming ground floor storefront in a residential four (4)-story tenement style building (ca. 1900) on the residential only zoned block of Bedford Street between Downing and West Houston Streets in Greenwich Village, the building's ground floor use predating the inception of residential only zoning in the 1930's, the building falling within NYC LPC's designated Greenwich Village Historic District; and
- ii. **Whereas**, the Applicant has been in operation with an On-Premises Liquor License at this location since December/2023, the original application being heard by CB2 in [November/2022](#), the current request being to extend the hours of operation by 2 hours every night for a 12 AM closing Mondays through Thursdays and 2 AM Fridays and Saturdays (the questionnaire states a closing time of 4 PM Sunday), and to add roadbed seating; and

- iii. **Whereas**, prior to the Applicant opening their restaurant the storefront premises previously operated as a dessert bar with a tavern-wine license and hours similar or earlier to the currently licensed hours, the premises having never previously operated with an on-premises liquor license; and
- iv. **Whereas**, the Applicant appeared before CB2, Man. in October/2022 for the original application and requested to lay the application over to November/2022 as there was significant opposition from those living on Bedford Street and the Bedford Downing St. Block Association to the original application which requested closing hours of 2 AM Mondays through Saturdays, the opposition citing the residential nature and residential zoning on the block, Bedford St. being a narrow, one way block with many buildings having ground floor residents, the proposed hours being significantly later than other nearby restaurants, the premises previously operating as a dessert bar and prior to that a café with earlier hours and without an on-premises liquor license, the quality of life impacts being mitigated by the method of operation and early hours of operation of the prior tenants; and
- v. **Whereas**, the Applicant at the time of the original application having arrived at a compromise with the community and block association, the community asking for closing hours of 10 PM Sundays through Thursdays, 11 PM Fridays and Saturdays and no outside seating, the Applicant asking to close at 12 AM Fridays and Saturdays in order to accommodate another seating on those nights, the Applicant stating that midnight closing on Friday and Saturday and 10 PM Sundays through Thursdays “was very reasonable”, a stipulation agreement was signed and notarized for the sole purpose of establishing public interest with the Applicant’s closing hours of operation being Sundays through Thursdays at 10 PM, Fridays and Saturdays at 12 AM, no roadbed or sidewalk dining or any other outdoor uses for commercial purposes, and recorded background music only; and
- vi. **Whereas**, in addressing the need for the instant application, the Applicant stating they need the additional hours to survive and with the size of the premises being only 400 sq. ft., there being 12 seats at the bar for dining patrons and 4 seats at the window, the intention of adding roadbed seating “was to get some of the people blocking the sidewalk traffic to have a place to sit,” the restaurant operating without reservations, therefore patrons wait on the sidewalk for seats to open up, the Applicant being unaware of the Dining Out NYC rules limiting hours of operation to no later than midnight closing for outdoor seating and instead hoping to seat patrons outside until 2 AM, in total disregard to the negative quality of life impacts that would cause to the surrounding residents including neighboring ground floor residential tenants on this very narrow residential street, so narrow that a specific waiver is required from the New York City Fire Department because the roadbed dining does not conform to the published Dining Out NYC regulations; and
- vii. **Whereas**, there was significant opposition to the instant application from both the Carmine Street Block Association and the West Village Residents Association as well as local neighbors, the Applicant having already filed this Change in Method of Operation application with the NYSLA without having done any outreach to either block association or outreach to the community, additionally the Applicant also applied to FDNY for a waiver of the 15’

emergency lane as part of the Dining Out NYC application, again without returning to the community for discussion, the proposed changes to method of operation, within a year of opening, is contrary to the specific compromises that were agreed to in order to gain support of the original application from both the community and CB2, Man. which established public interest for the issuance of this license, concerns were raised that the extension of hours will simply extend the current noise and congestion on the sidewalk from patrons into the later hours, the current earlier hours helping to mitigate the quality of life impacts, additional safety concerns were raised regarding the request for an FDNY waiver of the 15' emergency lane; and

- viii. Whereas**, the Applicant, being a successful, experienced restaurant operator as well as being the long-term owner of the building, was presumably fully aware of the economics of running a restaurant in a premises of that size when reaching an agreement and signing stipulations with CB2, Man. in November/2022 that he stated “was very reasonable”, the agreement of reasonable hours and no outdoor seating ever as well as regard for the Applicant as a long-standing member of the community who compromised with the surrounding community being the only reasons CB2, Man. recommended approval of the On-Premises restaurant liquor license initially, the instant application seeking to reverse the very conditions that lead to support of the initial application; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for the Change in Method of Operation for **CE 27 LLC dba Quique Crudo 27 Bedford Street 10014**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Manhattan respectfully requests that this item be calendared to appear before the Full Board of the NYSLA.

Vote: Unanimous, 38 Board members in favor.

- 4. Puttery Manhattan LP dba Puttery 446 W 14th St 10014** (OP–Restaurant) (Change in Method of Operation: extend closing hours 1st, 2nd, 3rd floors - 2AM, Cellar - 4AM; add lounge with patron dancing, outside promoters, scheduled performances to Cellar)
- i. Whereas**, the Applicant’s Attorney and the Chief of Staff for Drive Shack, the management and ownership group of the Puttery, appeared before CB2, Manhattan’s SLA Licensing Committee #2 to present an application to the Liquor Authority for a Change in Method of Operation to the existing On-Premises Restaurant Liquor License (Lic ID # 0340-23-132985, exp. 8/31/2025) to continue to operate an indoor mini golf venue with immersive indoor mini golf course rooms using a restaurant/bar concept with full service kitchen and craft cocktails on three floors, cellar and rooftop of a three story commercial building (ca. 1936) on 14th Street between Washington and 10th Avenue, the building falling within NYC LPC’s designated Gansevoort Market Historic District; and

- ii. **Whereas**, the premises, which opened in Spring 2024 operates within the entire 24,000 sq. ft. building and rooftop, with the basement/cellar containing a 13 tables with 60 seats, 1 stand up bar with an additional 8 seats for 68 patron seats and 90 persons maximum, the first floor will consist of a full service kitchen, entry and lobby space with no service to patrons, the second floor will consist of a portion of a mini golf course with 10 additional tables with 42 patron seats, the third floor will again consist of a portion of mini golf course with 9 tables and 38 patron seats and 1 stand up bar with 10 additional seats, the 4,738 sq. ft. rooftop consisting of 1 stand up bar with 10 seats, 25 tables with 108 seats for a total rooftop seating capacity of 118 patrons, the rooftop also having a proposed standing capacity/occupant load of 175 person and a total occupancy for the entire premises of approximately 550 persons; and
- iii. **Whereas**, the Applicant presented the initial application to CB2, Manhattan in [July/2022](#) at which time CB2 unanimously recommended approval of the application with an executed stipulation agreement which included interior hours of operation being Sundays 12 PM to 12 AM, Monday to Wednesday from 4 PM to 12 AM, Thursdays from 4 PM to 2AM, Fridays and Saturdays from 11 AM to 2 AM, music for the interior will be background music, but there will also be live music and DJs at entertainment music level, all doors and windows will be closed at all times and there will be no dancing, no event where a cover fee is charged except for access to play mini golf, no ropes or metal barricades on the sidewalk to contain patrons and a reservation system will be in place at all times and entry will be only for those over the age of 21; the rooftop space will close by 11 PM Sundays to Thursdays and by 12 AM Fridays and Saturdays, there will be no music played on the rooftop at any time, no TVs, no projectors and no speakers installed on the rooftop; and
- iv. **Whereas**, the Change in Method of Operation is as follows:
- A. Overall hours sought:**
- | | |
|--------------------|---|
| Floors 1, 2 and 3: | 11 AM to 2 AM daily |
| Cellar: | 11 AM to 2 AM Sundays to Wednesdays,
11 AM to 4 AM Thursdays to Saturdays |
| Rooftop: | 11 AM to 11 PM Sundays through Thursdays,
11 AM to 12 AM Fridays and Saturdays |
- Change in Hours**
- | | |
|-----------------|---|
| All floors: | open daily at 11 AM |
| Floors 1, 2, 3: | Sundays–Wednesdays extend closing hours from 12 AM to 2 AM |
| Cellar: | Sundays–Wednesday extend closing hours from 12 AM to 2 AM
Thursdays–Saturdays extend closing hours from 2 AM to 4 AM |
- B. Entry to patrons of all ages from 11 AM to 4 PM daily**
- C. Changes to Cellar operations**
- Will operate as a lounge/club from 10 PM to closing daily with a separate entrance
 - There will be dancing, scheduled performances, outside promoters, cover fees, bottle service and private parties (already existing are DJs and live music)

- Access will be available to walk-ins (the current stated method of operation is reservation only for the entire premises)
- v. **Whereas**, when the Application was first heard in July/2022 it was presented as a multi-floor mini golf and eating and drinking establishment operating as a single entity under one roof with one entry, one name, one brand, patrons making reservations to enter the premises and once inside could go to the various floors; the rooftop and cellar space described as places for persons to visit before or after playing golf; there were extensive negotiations concerning the operation of the roof to mitigate any quality of life impacts to area residents as well as visitors to The High Line park, the Applicant entering into a stipulation agreement which included no speakers, TVs, projectors, monitors, DJs or music on the rooftop premises at any time in addition to reasonable closing hours for the rooftop at 11pm Sunday to Thursday and 12am Friday and Saturday; and
- vi. **Whereas**, as part of the instant application the Applicant is requesting to change the method of operation of the cellar into a lounge/club after 10 PM with separate branding and name for the cellar, a separate entrance, third party promoters, dancing and cover fees (the Applicant removing the request for bottle service), the impacts of this change in method of operation being significantly different than when the initial application was evaluated as one, reservation-only business with earlier closing hours than those the Applicant is currently seeking, the lounge space originally being presented as an accessory component of the mini golf experience with the same hours of operation as the rest of the premises and serving the Puttery patrons as an extra amenity as opposed to operating as a separate club venue with the additional impacts of drawing a separate late-night crowd to the premises as the instant application is seeking; and
- vii. **Whereas**, when asked how the Puttery is currently operating, the representative stated that the patrons to the rooftop and cellar are people who are coming from mini golf and then will stay and have drinks and food at the rooftop bar or listen to a DJ in the cellar and in the instant application they are seeking to have more of a lounge-like experience for their patrons, and when asked what stipulations they were violating in their current method of operation the representative stated none; when asked about the large speakers on the rooftop that are on their own website in derogation of the agreed upon stipulations, the representative acknowledged that they were there but said they were never used, it was pointed out that during the initial conversations with the Puttery that Puttery had wanted to keep the TVs on the rooftop without sound until it was pointed out that if there's the ability to have sound, there will be sound and therefore the TVs were removed so it was surprising the Applicant installed large speakers on the roof despite stipulations clearly stating no speakers on the roof and that agreement being reached well before the rooftop was constructed; and
- viii. **Whereas**, Puttery, in derogation of their current stipulations attached to their license, has been branding both the rooftop and the cellar space as two separate and distinct entities on the doors that flank the primary entrance to the Puttery with different names, the rooftop being branded as Rory's Rooftop and the cellar as Bomba Lounge; the rooftop having cross-promotional events advertised on Eventbrite such as the one on August 24, 2024 titled "Tipsy Scoop Ice Cream Social on Rory's Rooftop" which advertised "the air will be alive with the sounds of live

music...”, Bomba Lounge in the cellar has been operating in derogation of its stipulation agreement since opening in late July/2024 by operating under reservation systems distinct and separate from the Puttery, various DJs are advertised and patron dancing on an open dance floor in addition to comedy shows, advertised hours for some events being until 3 AM, table reservations for 8 people for \$1500, bottle service with reservations made by email to various hospitality groups, and found through bombalounge on TikTok, some of which link to posh.vip for RSVPs, with none of these events being posted on the Puttery website nor including any access to the larger Puttery premises, apparently operating separately from the other floors of the licensed premises; the executed stipulation agreement stating the premises will not operate as a lounge, there will be no bottle service and there will be no dancing, no event where a cover fee is charged or scheduled performances, this calling into question the representations that were made to CB2, Man. when the application was initially heard in July/2022; and

- ix. **Whereas**, the Applicant’s flagrant disregard of their existing stipulations and failure to abide to key stipulations previously made with the CB2, Man. to mitigate issues known to disrupt the neighborhood and surrounding areas and which were submitted as part of the initial recommendation of approval for their On-Premises Liquor License application to create public interest, in conjunction with the fact that they have been violating numerous key stipulations since opening, there was no faith that the Applicant could be trusted with regards to any future stipulation agreement and that no consideration to any changes should be made by the SLA until appropriate enforcement actions have been taken and adjudicated; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends denial of the application for the Change in Method of Operation for **Puttery Manhattan LP dba Puttery 446 W 14th St 10014**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Manhattan respectfully requests that this item be calendared to appear before the Full Board of the NYSLA.

Vote: Unanimous, 38 Board members in favor.

5. New York Water Tours Inc dba Eclipse 353 West Street, Pier 40 10014 (New OP–Vessel/Boat/Ship)

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for four new Vessel On-Premises Liquor licenses for four ships – Eclipse, The Manhattan II, Liberty Cruise/Event Cruises NYC aka Freedom, The Manhattan – considered together by Community Board 2 given the consistent nature of each application outside of the unique characteristics of each vessel, to operate chartered Hudson River cruises originating from and docked at Pier 40 in Hudson River Park on the West side of Manhattan at West Houston Street and West Street; and

- ii. **Whereas**, the Eclipse has approximately 120 passengers and consists of two (2) decks; the ship is docked at Pier 40 and will operate for events, sightseeing and dinner cruises on the Hudson River in and about New York and New Jersey harbor area, the vessel currently holding all USCG permits; and
- iii. **Whereas**, the Applicant's hours of operation are Sundays through Saturdays (7 days a week) from 6:30 PM to 10 PM; there will be open air decks; music will include DJs, live music and music from iPod/CD's/streaming services at background levels, the Applicant agreeing to specific stipulations regarding music as indicated below; and
- iv. **Whereas**, complaints were shared by members of CB2, Man. with the Applicant in regards to the music volume levels played on the previously licensed vessels operating both out of Pier 40 and out of NJ that docked at Pier 40 when those ships are docked at Pier 40, when they disembark Pier 40 and when they return to Pier 40, the harmful quality of life impacts having been a persistent problem in the past for the surrounding residential buildings and to other users of the park, the Applicant understanding all the concerns and signing the stipulations that were put in place to mitigate the issues of the prior operators; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the "Method of Operation" of the On-Premises Vessel Liquor License, with those stipulations as follows:
 - 1. The licensed vessel will be operated as a sightseeing, event and cruise vessel on open waters with passenger embark/disembark at Pier 40.
 - 2. Will not advertise as a party boat rental or have booze cruises.
 - 3. The hours of operation will be Sundays through Saturdays from 6:30 PM to 10 PM.
 - 4. When docked and/or during embarking or disembarking of passengers at Pier 40, will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
 - 5. All vessels will cease playing music at entertainment levels within .5 nautical mile of shoreline.
 - 6. Owner will provide dedicated, updated and shared contact number for members of the Community and Community Board 2 to contact the cruise line directly should there be noise complaints or other problems.
 - 7. All noise complaints will be immediately shared with all managers and staff to prevent unreasonable noise intrusions to residents living nearby.
 - 8. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
 - 9. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
 - 10. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 - 11. Will not change any principals prior to submission of original application to NYSLA.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of a vessel wine

license for **New York Water Tours Inc dba Eclipse 353 West Street, Pier 40 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

Vote: Unanimous, 38 Board members in favor.

6. New York Water Tours Inc dba The Manhattan II 353 West Street, Pier 40 10014 (New OP–Vessel/Boat/Ship)

- i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for four new Vessel On-Premises Liquor licenses for four ships – Eclipse, The Manhattan II, Liberty Cruise/Event Cruises NYC aka Freedom, The Manhattan – considered together by Community Board 2 given the consistent nature of each application outside of the unique characteristics of each vessel, to operate chartered Hudson River cruises originating from and docked at Pier 40 in Hudson River Park on the West side of Manhattan at West Houston Street and West Street; and
- ii. Whereas**, The Manhattan II has approximately 218 passengers and consists of three (3) decks including the lower deck for bathroom access; the ship is docked at Pier 40 and will operate for events, sightseeing and dinner cruises on the Hudson River in and about New York and New Jersey harbor area, the vessel currently holding all USCG permits; and
- iii. Whereas**, the Applicant’s hours of operation are Sundays through Saturdays (7 days a week) from 7 PM to 10 PM; there will be open air decks; music will include DJs, live music and music from iPod/CD’s/streaming services at background levels, the Applicant agreeing to specific stipulations regarding music as indicated below; and
- iv. Whereas**, complaints were shared by members of CB2, Man. with the Applicant in regards to the music volume levels played on the previously licensed vessels operating both out of Pier 40 and out of NJ that docked at Pier 40 when those ships are docked at Pier 40, when they disembark Pier 40 and when they return to Pier 40, the harmful quality of life impacts having been a persistent problem in the past for the surrounding residential buildings and to other users of the park, the Applicant understanding all the concerns and signing the stipulations that were put in place to mitigate the issues of the prior operators; and
- v. Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the “Method of Operation” of the On-Premises Vessel Liquor License, with those stipulations as follows:
 - 1. The licensed vessel will be operated as a sightseeing, event and cruise vessel on open waters with passenger embark/disembark at Pier 40.
 - 2. Will not advertise as a party boat rental or have booze cruises.
 - 3. The hours of operation will be Sundays through Saturdays from 7 PM to 10 PM.

4. When docked and/or during embarking or disembarking of passengers at Pier 40, will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
5. All vessels will cease playing music at entertainment levels within .5 nautical mile of shoreline.
6. Owner will provide dedicated, updated and shared contact number for members of the Community and Community Board 2 to contact the cruise line directly should there be noise complaints or other problems.
7. All noise complaints will be immediately shared with all managers and staff to prevent unreasonable noise intrusions to residents living nearby.
8. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
9. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
10. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
11. Will not change any principals prior to submission of original application to NYSLA.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of a vessel wine license for **New York Water Tours Inc dba The Manhattan II 353 West Street, Pier 40 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

Vote: Unanimous in favor (5 board members, 1 public member)

7. **New York Water Tours Inc dba The Manhattan 353 West Street, Pier 40 10014** (New OP–Vessel/Boat/Ship)
 - i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for four new Vessel On-Premises Liquor licenses for four ships – Eclipse, The Manhattan II, Liberty Cruise/Event Cruises NYC aka Freedom, The Manhattan – considered together by Community Board 2 given the consistent nature of each application outside of the unique characteristics of each vessel, to operate chartered Hudson River cruises originating from and docked at Pier 40 in Hudson River Park on the West side of Manhattan at West Houston Street and West Street; and
 - ii. **Whereas**, The Manhattan has approximately 308 passengers and consists of two (2) decks; the ship is docked at Pier 40 and will operate for event and sightseeing cruises on the Hudson River in and about New York and New Jersey harbor area, the vessel currently holding all USCG permits; and
 - iii. **Whereas**, the Applicant’s hours of operation are Saturdays and Sundays from 2 PM to 5:30PM and Mondays through Fridays from 12 PM to 7 PM; there will be open air decks;

music will include DJs, live music and music from iPod/CD's/streaming services at background levels, the Applicant agreeing to specific stipulations regarding music as indicated below; and

- iv. **Whereas**, complaints were shared by members of CB2, Man. with the Applicant in regards to the music volume levels played on the previously licensed vessels operating both out of Pier 40 and out of NJ that docked at Pier 40 when those ships are docked at Pier 40, when they disembark Pier 40 and when they return to Pier 40, the harmful quality of life impacts having been a persistent problem in the past for the surrounding residential buildings and to other users of the park, the Applicant understanding all the concerns and signing the stipulations that were put in place to mitigate the issues of the prior operators; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the "Method of Operation" of the On-Premises Vessel Liquor License, with those stipulations as follows:
 - 1. The licensed vessel will be operated as a sightseeing and event cruise vessel on open waters with passenger embark/disembark at Pier 40.
 - 2. Will not advertise as a party boat rental or have booze cruises.
 - 3. The hours of operation will be Saturdays and Sundays from 2 PM to 5:30PM and Mondays through Fridays from 12 PM to 7 PM.
 - 4. When docked and/or during embarking or disembarking of passengers at Pier 40, will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
 - 5. All vessels will cease playing music at entertainment levels within .5 nautical mile of shoreline.
 - 6. Owner will provide dedicated, updated and shared contact number for members of the Community and Community Board 2 to contact the cruise line directly should there be noise complaints or other problems.
 - 7. All noise complaints will be immediately shared with all managers and staff to prevent unreasonable noise intrusions to residents living nearby.
 - 8. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
 - 9. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
 - 10. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 - 11. Will not change any principals prior to submission of original application to NYSLA.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of a vessel wine license for **New York Water Tours Inc dba The Manhattan 353 West Street, Pier 40 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the NYSLA Liquor License.

Vote: Unanimous, 38 Board members in favor.

8. New York Water Tours Inc dba Liberty Cruise/Event Cruises NYC aka Freedom 353 West Street, Pier 40 10014 (New OP–Vessel/Boat/Ship)

- i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for four new Vessel On-Premises Liquor licenses for four ships – Eclipse, The Manhattan II, Liberty Cruise/Event Cruises NYC aka Freedom, The Manhattan – considered together by Community Board 2 given the consistent nature of each application outside of the unique characteristics of each vessel, to operate chartered Hudson River cruises originating from and docked at Pier 40 in Hudson River Park on the West side of Manhattan at West Houston Street and West Street; and
- ii. Whereas,** The Manhattan has approximately 359 passengers and consists of two (2) decks; the ship is docked at Pier 40 and will operate for event and sightseeing cruises on the Hudson River in and about New York and New Jersey harbor area, the vessel currently holding all USCG permits; and
- iii. Whereas,** the Applicant’s hours of operation are Sundays through Saturdays (7 days a week) from 12 PM to 7 PM; there will be open air decks; music will include DJs, live music and music from iPod/CD’s/streaming services at background levels, the Applicant agreeing to specific stipulations regarding music as indicated below; and
- iv. Whereas,** complaints were shared by members of CB2, Man. with the Applicant in regards to the music volume levels played on the previously licensed vessels operating both out of Pier 40 and out of NJ that docked at Pier 40 when those ships are docked at Pier 40, when they disembark Pier 40 and when they return to Pier 40, the harmful quality of life impacts having been a persistent problem in the past for the surrounding residential buildings and to other users of the park, the Applicant understanding all the concerns and signing the stipulations that were put in place to mitigate the issues of the prior operators; and
- v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be incorporated into the “Method of Operation” of the On-Premises Vessel Liquor License, with those stipulations as follows:
 1. The licensed vessel will be operated as a sightseeing and event cruise vessel on open waters with passenger embark/disembark at Pier 40. Will not advertise as a party boat rental or have booze cruises.
 2. The hours of operation will be Sundays through Saturdays (7 days a week) from 12 PM to 7 PM.
 3. When docked and/or during embarking or disembarking of passengers at Pier 40, will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
 4. All vessels will cease playing music at entertainment levels within .5 nautical mile of shoreline.

5. Owner will provide dedicated, updated and shared contact number for members of the Community and Community Board 2 to contact the cruise line directly should there be noise complaints or other problems.
6. All noise complaints will be immediately shared with all managers and staff to prevent unreasonable noise intrusions to residents living nearby.
7. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
8. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
9. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
10. Will not change any principals prior to submission of original application to NYSLA.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of a vessel wine license for **New York Water Tours Inc dba Liberty Cruise/Event Cruise aka Freedom 353 West Street, Pier 40 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

Vote: Unanimous, 38 Board members in favor.

9. GVI West Village LLC dba Vin Sur Vingt 192 7th Ave South 10014 (Class Change) (OP-Bar/Tavern) (Dining Out NYC-sidewalk)

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA #2 Licensing Committee to present an application to the NYS Liquor Authority for a class change of their Tavern Wine License (Lic ID #0267-23-138630, exp. 9/30/2025) to an On-Premises Restaurant Liquor License to operate a neighborhood French wine bar serving classic small plates, tartines, sandwiches, casseroles, salads and desserts within a ground floor commercial storefront located within a five (5)-story residential building (c. 2019) on Seventh Avenue at the corner of West 11th Street (Block #613/Lot #53), this building falling within NYC LPC’s designated Greenwich Village Historic District; and
- ii. **Whereas**, the ground floor premises is approximately 2,400 sq. ft. with 1,193 sq. ft. on the ground floor and 1,200 sq. ft. in the basement, the basement is connected by an interior staircase with no patron use of the basement; there are 14 tables and 30 seats and one (1) bar with seven (7) seats and a window counter with 11 seats for a total interior occupancy of 48 patrons; the premises has two (2) doors which will serve as patron ingress and egress and one (1) bathroom and a small convection kitchen; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the hours of operation will continue to be from 11 AM to 1 AM on Sundays, 3 PM to 1 AM on Mondays, 3 PM to 2 AM Tuesday through Saturday, music will be quiet background only, not audible in surrounding residences, no televisions, there will be no DJ’s,

no dancing, no promoted events, no live music, no scheduled performances or cover fees; all doors and windows will close by 9 PM nightly; and

- iv. **Whereas**, there will be a sidewalk café operating under the Dining Out NYC program consisting of not more than 42 tables and 92 seats, all service will be to seated patrons only and will occur from within the sidewalk café, the sidewalk café will close no later than 10 PM Sundays through Tuesdays and 11 PM Wednesdays through Saturdays, there will be no exterior music, speakers or TVs; and
- v. **Whereas**, the Applicant has been operating with a beer and wine license at this location since approximately 2021 having appeared before CB2, Man. in [February/2021](#) at which time CB2, Man. unanimously recommended approval of the application, and has about five other locations within New York City, another in Long Island and one in Washington DC, the method of operation being the same in each with the operations in Washington and Long Island operating with an on-premises liquor license, the Applicant seeking the upgrade to full liquor in order to add a French forward cocktail menu; and
- vi. **Whereas**, the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the new On-Premises Tavern Liquor License, with those stipulations as follows:
 - 1. Premises will operate with a menu serving classic small plates, tartines, sandwiches, casseroles, salads and desserts with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 11 AM to 1 AM on Sundays, 3 PM to 1 AM on Mondays, 3 PM to 2 AM Tuesdays through Saturdays. All patrons will be cleared and no patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café operating under the Dining Out NYC program consisting of not more than 42 tables and 92 seats. All service will be from within the sidewalk café boundaries to seated patrons only and will follow all rules and regulations of the Dining Out NYC program. No exterior music, speakers or TVs.
 - 5. Sidewalk café will close no later than 10 PM Sundays through Tuesdays and 11 PM Wednesdays through Saturdays. All tables and chairs will be secured at this hour.
 - 6. No roadbed seating.
 - 7. Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 - 8. Will not have televisions.
 - 9. Will have not more than 24 private parties/events per year.
 - 10. Will close all doors and windows at 9 PM every night, allowing only for patron ingress and egress.
 - 11. Will not install or have French doors, operable windows or open facades.
 - 12. Will not make changes to the existing façade except to change signage or awning.

13. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
16. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
17. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
18. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
19. Will appear before CB2, Man. for change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating

vii. Whereas, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location where there already are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being **63 active licensed premises** listed on LAMP within 750 feet of the subject premises, in addition to 6 pending licenses, the Applicant having operated for approximately three years at this location without incident, and prior to that at a nearby location, with the hours of operation being reasonable and executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new on-premises restaurant liquor license for **GVI West Village LLC dba Vin Sur Vingt 192 7th Ave South 10014**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the into the “Method of Operation” of the NYSLA Liquor License.

Vote: Unanimous in favor (5 board members, 1 public member)

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

10. AW Hospitality LLC 244 W 14th St #6 10011 (OP–Restaurant) (Change in Method of Operation: add live music to 1st floor)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on November 7, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **AW Hospitality LLC 244 W 14th St #6 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor (5 board members, 1 public member)

11. Realmuto 117 7th Avenue South LLC dba Realmuto 117 7th Ave South 10014 (OP–Restaurant) (Class Change) (Dining Out NYC: Sidewalk)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on December 5, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Realmuto 117 7th Avenue South LLC dba Realmuto 117 7th Ave South 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor (5 board members, 1 public member)

12. 432 Sixth Avenue Restaurant LLC 432 Sixth Ave 10011 (OP–Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on December 5, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **432 Sixth Avenue Restaurant LLC 432 Sixth Ave 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed

directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor (5 board members, 1 public member)

13. French Roast Inc dba La Contenta Oeste 78 W 11th St 10011 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on December 5, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **French Roast Inc dba La Contenta Oeste 78 W 11th St** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor (5 board members, 1 public member)

14. Tapestry Management LLC 60 Greenwich Ave 10011 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on December 5, 2024, the Applicant requested **to lay over** this application to January/2025 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **French Roast Inc dba La Contenta Oeste 78 W 11th St** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 38 Board Members in favor.

STREET ACTIVITIES and RESILIENCY

1. ***12.6-12.19.24 – Production Parking – Load-in Load-out (Sponsor: Event Permits, LLC), Lafayette St. bet. Broome & Spring Sts. [SW & curb lane closure-W]**
2. ***12.12-12.15.24 - Exterior Signage Build for INTERIOR Pop-Up (Sponsor: Event Permits LLC), Lafayette St. bet. Broome & Spring Sts. [partial SW closure-W.]**

Whereas, the applicant is representing telecommunications company Verizon, which is seeking to hold a 4-day pop-up event in collaboration with Barbie, entitled “Barbie’s Stream House”, at 224 Lafayette Street, from December 12th – 15th; and

Whereas, in conjunction with this event, the applicant is seeking SAPO permits to allow for production parking as well as for a partial sidewalk closure for line management as well as to install exterior signage / façade elements; and

Whereas, the exterior signage elements are expected to consist of a 10-foot tall painted archway over the entrance to 224 Lafayette alongside other branded elements with Barbie and Verizon branding; and

Whereas, the event is intended to be structured as a “controlled access” event, with all programming elements inside the pop-up and non on the sidewalk or street, and with up to 50 attendees allowed inside at all times, and all attendees required to pre-register; and

Whereas, while prepackaged popcorn and cookies will be given out to attendees inside, there will be no food passed out on the street, nor any amplified sound; and

Whereas, brand ambassadors and security will be stationed outside the event for line management and to ensure that all attendees standing on line have pre-registered for the event; and

Whereas, the applicant was still deciding the optimal direction and location for the line (and community suggestions included the possibility of a line in the curb lane), but did not expected a long line given the pre-registration requirement; and

Whereas, the intended hours for the event are expected to be from 10 AM – 8 PM each day; and

Whereas, the activation will also consist of pink lighting on the exterior, regarding which the committee said must be turned off by 7 PM given the negative effect of the strong lighting on surrounding residents; and

Whereas, the community also asked that the use of scissor lifts to set up the event be restricted as much as possible; and

Whereas, CB2 Manhattan continues to stress the disruptive nature of these pop-up events, that even with no explicit activation elements on the street or sidewalk, still exert a negative impact on the community as a result of crowds, lines, and disruptive signage & lighting; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of – Production Parking – Load-in Load-out (Sponsor: Event Permits, LLC) and Exterior Signage Build for INTERIOR Pop-Up (Sponsor: Event Permits LLC) , provided that** the application conforms with all applicable laws, rules, regulations, and clearance requirements, and **further provided that** no scissor lifts be used for set-up before 8 AM or after 7 PM, and that all exterior lighting be turned off by 7 PM.

Vote: Unanimous, 38 Board Members in favor.

3. *12.9.24 – Simpsons ESPN (Sponsor: Roaming Hunger Jake), E. 13th St. bet. Broadway & 4th Ave. [SW & curb lane closure – No.]

Whereas, the applicant, representing a partnership between the Simpsons and ESPN, is seeking to hold a curb lane food truck activation in the north curb lane of East 13th Street between Broadway and 4th Ave; and

Whereas, the event is expected to consist of a vinyl-wrapped, branded food truck parked in the curb lane, giving out free donuts to attendees from 10 AM to 2:15 PM on Monday, December 9th; and

Whereas, the exterior of the food truck will also feature a very small (42-inch) TV showing a promotional video during the activation; and

Whereas, trash receptacles will be included in the activation to allow for disposal of waste; and

Whereas, three brand ambassadors will be present during the activation to assist in line management as well as sanitation; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of Simpsons ESPN (Sponsor: Roaming Hunger Jake), provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, 38 Board Members in favor.

4. *12.10.24 – Off-White Store Event (Sponsor: Eyesight Fashion Luxury Inc.), Mercer St. bet. Broome & Grand Sts. [partial SW closure-E.]

Whereas, the applicant, representing fashion brand Off-White, is holding a special in-store event at the Off-White store at 51 Mercer, and is seeking a partial sidewalk closure in order to accommodate lines for entrance into the event; and

Whereas, the event will take place on Tuesday, December 10th, from 5 PM to 8 PM, with set-up of stanchions on the sidewalk beginning at 4 PM and the stanchions expected to be cleared by 4:30 PM; and

Whereas, the applicant plans to have 8 stanchions on the sidewalk in place in anticipation of the line; and

Whereas, the applicants expects approximately 300 attendees during the 3-hour event, with no more than 50 people allowed in-store at any given time; and

Whereas, there will be no food, amplified sound, or lighting on the exterior of the store; and

Whereas, the event will have a “hard stop” at 8 PM, with those still on line at that time being told that no more attendees will be admitted; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of Off-White Store Event (Sponsor: Eyesight Fashion Luxury Inc.), provided that** the application conforms with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, 38 Board Members in favor.

5. *12.12-12.14.24 – Uniqlo Product Launch (Sponsor: Uniqlo), Broadway bet. Prince & Spring Sts. [partial SW closure-E.

Whereas, the applicant, representing clothing store Uniqlo, is seeking a partial sidewalk closure to accommodate expected lines that could form around a new product launch – the “Cactus Plant Flea Market” collaboration; and

Whereas, this event is not a “pop-up” and will take place in front of Uniqlo’s permanent store at 546 Broadway, though the applicant believes that this product launch could draw substantial interest; and

Whereas, in anticipation of these possible lines, the applicant is seeking to set up ropes and stanchions for line management on the mornings of December 12th, 13th, and 14th, from 8 AM until the 11 AM store opening each day; and

Whereas, the applicant also stated that they are exploring opening the store approximately 30 minutes early each day in order to bring customers waiting on line inside; and

Whereas, there are no other elements of activation / programming associated with this application; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of Uniqlo Product Launch (Sponsor: Uniqlo), provided that** the application conforms with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, 38 Board Members in favor.

6. *12.12-12.15.24 – NAKD Pop Up at 39 Wooster St. (Sponsor: Redgert Comms Inc.), Wooster St. bet. Broome & Grand Sts. [SW & curb lane closure-W.]

Whereas, the applicant is representing Scandinavian clothing brand NAKD, which is seeking to hold a 4-day pop-up event at 39 Wooster Street from December 12th – 15th, with set-up occurring on December 11th; and

Whereas, in conjunction with this event, the applicant is seeking a partial sidewalk closure for line management as well as to install exterior signage / façade elements; and

Whereas, the exterior signage elements will consist of exterior decals and branding on the store, as well as a bow installation, but no exterior lighting; and

Whereas, set-up is expected to be from 9 AM to 6 PM on December 11th, with the activation “live” from 11 AM to 7 PM on 12/12 through 12/15; and

Whereas, there will be no exterior amplified sound associated with this event; and

Whereas, the applicant expects approximately 300 attendees each day; and

Whereas, multiple security staff will be on site before, during, and after the activation hours each day to assist with line management; and

Whereas, the applicant agreed to perform outreach to the block ahead of the event; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of NAKD Pop Up at 39 Wooster St. (Sponsor: Redgert Comms Inc.), provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, 38 Board Members in favor.

7. *12.14.24 – McDonalds McRib Holiday (Sponsor: McDonalds McRib Holiday), Washington Sq. So. bet. LaGuardia Pl. & Thompson Sts. [SW & curb lane closure-So.]

Whereas, the applicant is seeking to hold a partial side walk and curb lane closure on Washington Square South between Laguardia Pl. and Thompson St. on Saturday, December 14th, for a special pop-up activation associated with the re-release of the McRib sandwich; and

Whereas, the event is expected to consist of a branded double decker bus with carolers on top of the bus singing “McRib” themed holiday songs, along with a few holiday-themed giveaways; and

Whereas, the event is structured as a quick, “stunty” pop-up, with the bus expected to be n site only from 3-4 PM, though a production car may park at the location as early as 8 AM to hold the parking spot; and

Whereas, while no food or drink will be given away at the activation, there will be a giveaway of 5-dollar gift cards; and

Whereas, breakdown is expected to be completely finished by 4 PM; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **McDonalds McRib Holiday (Sponsor: McDonalds McRib Holiday)**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, 38 Board Members in favor.

STANDING COMMITTEE REPORTS WITHOUT RESOLUTIONS (none this month)

Respectfully submitted,
Emma Smith, Secretary; Brian Pape, Assistant Secretary; Mark Diller, District Manager
Community Board #2, Manhattan