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COMMUNITY BOARD NO. 2, MANHATTAN

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SLA LICENSING COMMITTEE

November 2008

The SLA Licensing Committee of Community Board #2, Manhattan, held its regular monthly meeting on Thursday November 13th 2008 at 6:30 p.m. in NYC Silver Building, 32 Waverly Place, Room 703

Board Members Present: R. Lee (Chair), R. Stewart (Vice-Chair), C. Booth, Ke-Wei Ma, Dr. Shirley Smith, A. Kriemelman and Carol Yankay

Board Members Excused: L. Rackoff

Board Members Absent: None

Public Members Present: None

Public Members Excused: None

Public Members Absent: None

Other Board Members Present: Zella Jones

RESOLUTIONS:

1. Play Earth Inc., 57 Great Jones St. (Lafayette and Bowery), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an existing On Premise license, pursuant to purchase for a Japanese restaurant located in a 1,390 s.f. premise in a commercial building located on Great Jones between Lafayette and Bowery with 24 table seats, 1 bar with 5 seats and a maximum legal capacity of 45 persons pending the issuance of a new Certificate of Occupancy, which will not exceed said capacity; and,

Whereas, the applicant stated the hours of operation are 5:00 p.m. – 2:00 a.m. Sunday – Thursday and 5:00 p.m. – 3:00 a.m. Friday - Saturday; there is no sidewalk café and no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to install functional security cameras on the premises; and,

Whereas, the applicant has agreed to ensure that a proper means of egress is in place as required by the New York City Department of Buildings; and,

Whereas, the applicant has agreed to implement proper waste control for the establishment; and,

Whereas, the applicant has agreed that any changes to the proposed floor plan or method of operation will require a full review by this Committee; and,

Whereas, the applicant has agreed to community outreach on a regular basis immediately following its opening; and,

Whereas, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 1:00 a.m. Sunday-Thursday and 2:00 a.m. Friday – Saturday); and,

Whereas, the applicant has agreed to not operate the restaurant until all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy from the New York City Department of Buildings have been issued; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed transfer of an On Premise license for **Play Earth Inc., 57 Great Jones St.**, unless those conditions agreed to by applicant relating to the fourth, fifth, sixth, seventh, eighth, ninth and tenth “whereas” clauses above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous In Favor

2. V Bar, 2 LLC, 334-336 Bowery (Great Jones and Bond Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for an Italian cafe located in a 2,500 s.f. premise with a 1,200 s.f. basement for storage in a mixed use building located on Bowery between Great Jones and Bond Streets with 51 table seats, 1 bar with 9 seats and a maximum legal capacity of 70 persons; and,

Whereas, the applicant stated the hours of operation are 7:00 a.m. – 2:00 a.m. Sunday – Thursday, 7:00 a.m. – 4:00 a.m. Friday and 10:00 a.m. – 4:00 a.m. Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant is planning to install French doors but has agreed to close them by 8:00 p.m. daily; and,

Whereas, the applicant has agreed to install proper soundproofing in the establishment; and,

Whereas, several member of the community, including residents in the building appeared in opposition; raising quality of life concerns with another new licensed restaurant establishment in the area; and close proximity of over 18 licensed establishments within 500 feet; and,

Whereas, a petition with over 160 names was submitted in opposition; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an On Premise license for **V Bar, 2 LLC, 334-336 Bowery.**

Vote: Unanimous In Favor

3. West Village Ritz Corp. 189 Bleecker St. (at McDougal), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a Asian fusion restaurant located in a 1,100 s.f. premise in a mixed use building on at the corner of Bleecker and McDougal Streets with 38 table seats and 1 bar with 4 seats; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are 11:00 a.m. – 12:00 a.m. Sunday – Thursday and 11:00 a.m. – 2:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval of an On Premise license for **West Village Ritz Corp. 189 Bleecker St.**

Vote: Unanimous In Favor

4. J&M Rest. Corp 393 Canal St. a/k/a 8 Thompson St. (Thompson and West Broadway), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an existing On Premise license, pursuant to change of ownership for a Japanese restaurant known as BINY located in a 2,200 s.f. premise in a commercial building on Canal st Thompson Street with 58 table seats and 1 bar with 7 seats; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated there are no plans to change the existing method of operation; the applicant stated the current hours are 11:30 a.m. – 1:00 a.m. Monday – Thursday, 11:30 a.m. – 3:00 a.m. Friday, 1:30 p.m. – 3:00 a.m. Saturday and 1:30 p.m. – 1:00 a.m. Sunday; there is no sidewalk café nor a backyard garden; music is background and Karaoke only; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval to the proposed transfer of an On Premise license for **J&M Rest. Corp 393 Canal St. a/k/a 8 Thompson St.**

Vote: Unanimous In Favor

5. Sweet 101 LLC, 161 Lafayette St. (Grand and Howard), NCY

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a casual restaurant located in a 238 s.f. premise in a mixed use building located on Lafayette Street between Grand and Howard Streets with 12 table seats, 1 bar with 8 seats and a maximum legal capacity of 23 persons; and,

Whereas, the applicant stated the hours of operation are 12:00 p.m. – 12:00 a.m. Sunday – Monday, 12:00 p.m. – 2:00 a.m. Tuesday – Thursday and 12:00 p.m. – 4:00 a.m. Friday and Saturday; there will not be a sidewalk café application nor a backyard garden; music will be live and background only; and,

Whereas, the previous owner and current leaseholder appeared to inform the Committee that she has been evicted from this establishment by the landlord; and,

Whereas, the applicant has executed a lease for this establishment pursuant to the termination of the existing lease; and,

Whereas, the applicant has agreed to not operate until the lease issues have been resolved; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval of an On Premise license for **Sweet 101 LLC, 161 Lafayette St.;** and,

Vote: Unanimous In Favor

6. Divine LLC, 248 Wes 14th St. (at 8th Avenue) NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an existing On Premise license for a nightclub located in a 4,100 s.f. premise in a commercial building located on West 14th Street between 7th and 8th Avenues with 36 table seats, 2 bars with 12 seats and a maximum legal capacity of 196 persons; **for a stock transfer with current ownership while changing the Incorporated to a Limited Liability Corporation;** and,

Whereas, the applicant stated there are no plans to change the current method of operation; the applicant stated the hours are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music is background and DJ only; and,

Whereas, the Committee expressed issues with this operator; citing overcrowding and noise problems outside the premises; and,

Whereas, the applicant was previously denied by this Committee and the Full Board of Community Board 2, Manhattan for a proposed transfer of an On Premise license in August 2007; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the proposed transfer to an On Premise license for **AER Lounge, LLC, 409 W. 13th St.**

Vote: Unanimous In Favor

7. Arsenal Food Corp 248 West 14th St. (at 8th Avenue) NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license for a nightclub located in a 4,100 s.f. premise in a commercial building located on West 14th Street between 7th and 8th Avenues with 36 table seats, 2 bars with 12 seats and a maximum legal capacity of 196 persons; **to add a cellar bar with no seats; and,**

Whereas, the applicant stated there are no plans to change the current method of operation; the applicant stated the hours are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music is DJ and background only; and,

Whereas, the Committee expressed issues with this operator; citing overcrowding and noise problems outside the premises; and,

Whereas, the applicant was previously denied by this Committee and the Full Board of Community Board 2, Manhattan for a proposed transfer of an On Premise license in August 2007; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of the proposed alteration to an On Premise license for **Arsenal Food Corp 248 West 14th St.**

Vote: Unanimous In Favor

8. 26 Bond Street Retail LLC (at Lafayette Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license for a high-end retail store and cafe located in a 1,200 s.f. premise in a mixed use building on Bond Street at Lafayette with 10 table seats, 1 bar with no seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated that the hours of operation will be 8:00 a.m. – 11:00 p.m. Sunday – Wednesday and 8:00 a.m. – 12:00 a.m. Thursday - Saturday; there will be no sidewalk application and no backyard garden music will be background only; and,

Whereas, this applicant has met with members of the community, including residents of the building; and,

Whereas, the applicant has agreed to seek a Beer and Wine license exclusively and to never upgrade to an On Premise License; and,

Whereas, the applicant has agreed that the ground floor café will serve prepared food only; there will be no kitchen; and the café area will be limited to 10 table seats; and,

Whereas, the applicant has agreed to operate primarily as a retail establishment at all times; and,

Whereas, the applicant has agreed to prohibit the use of the backyard garden at all times; and,

Whereas, the applicant has agreed to never promote the operation as a drinking establishment including the use of outdoor signage for this purpose; and,

Whereas, the applicant has agreed to never sub-lease the space to a third party; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City departments and safety organizations including but not limited to the Department of Buildings, Fire Department, and Landmark Commission prior to the use of the Beer and Wine license; and,

Whereas, over 12 members of the community appeared in support of the applicant; citing the value of a high end retail store/café operation; and,

Whereas, over 15 letters and email were submitted and 15 members of the community appeared in opposition; citing quality of life concerns with another drinking establishment in the area; citing potential building and safety issues; noise and overcrowding issues on a residential block; and close proximity of over 20 licensed establishments near Bond Street; citing that the applicant has started construction without valid permits; and,

Whereas, in light of the concerns and some support expressed by the community, the Committee has agreed to apply additional conditions in order to support the application:

- 1) Reduce operating hours to close at 11pm daily
- 2) Limit promotional/private events to 1 per month
- 3) Limit cafe area to 10 seats at all times
- 4) Limit the sale of beer and wine to the café area only; beer and wine will not be purchased or served at the bar

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed Beer and Wine license for **26 Bond Street Retail LLC**, unless those conditions agreed to by applicant relating to the fifth through eleventh and particularly the fourteenth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Beer and Wine license.

Vote: Unanimous In Favor

9. Crime Scene Pub, 310 Bowery (Bleecker and Houston), NYC.

Whereas, the operator appeared before the committee; and,

Whereas, this application is for a renewal of an On Premise license for a bar/restaurant d/b/a Crime Scene Pub located in a 2,200 s.f. premise in a commercial building located on Bowery between Bleecker and Houston Streets; and,

Whereas, the previously approved application (filed under “Archangels”) and adopted resolution from 2004, which states the method of operation as: operating with 72 table seats, 1 bar with 12 seats with a maximum legal capacity of 74 persons; the hours are 11:00 a.m. – 4:00 a.m. seven days a week; there is no sidewalk café and no backyard garden; music is live and jukebox only; food items provided by a concessionaire who also serves the bar next door known as the Bowery Poetry Club; and,

Whereas, this Committee has raised concerns regarding the legality of the kitchen sharing and the open access between the two adjacent licensed premises; and,

Whereas, the applicant has since altered the license with a change of control without notifying the Committee and Full Board, Community Board 2, Manhattan as explicitly required by the New York City State Liquor Authority; and

Whereas, the applicant has numerous outstanding New York City Department of Buildings and ECB violations for exceeding their capacity; questions have been raised on the validity and accuracy of their Certificate of Occupancy and Public Assembly permit on record; and,

Whereas, a member of the community appeared in vehement opposition; citing overcrowding and noise issues with the establishment, deriving from private parties and velvet rope/nightclub like activities; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan strongly opposes the renewal of an On Premise License to **Crime Scene Park, 310 Bowery**; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Manhattan strongly recommends that the SLA conduct an investigation to determine if the operator has violated its duly licensed method of operation.

Vote: Unanimous In Favor

Respectfully submitted,

Raymond Lee
Chair, SLA Licensing Committee, CB2 Manhattan