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COMMUNITY BOARD NO. 2, MANHATTAN

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

January 23, 2015

Julie Menin, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Julie Menin:

At its Full Board meeting on January 22, 2015, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

Renewal app for revocable consent to operate an Enclosed sidewalk cafe for:

- 1. Carabean LLC, d/b/a Downtown Galway Hooker, 133 Seventh Avenue South, (bet 10th and Charles Streets) with 8 tables and 18 chairs, DCA#1341044.**

Block: 611 Lot: 33

Whereas, the area was posted, community groups notified; applicant's owner, Mary Niamh Conway, appeared with applicant's representative, Michael Kelly; No members of the community were present regarding this application; and,

Whereas, this applicant, for the most part, has dealt with noise complaints from several years ago by installing sound proofing; however, there exists 1) a tv in the enclosed café as well as a speakers which are prohibited by the Sidewalk Café rules and regulations and 2) several years ago, applicant installed garage style windows on either side of the façade entrance which are opened, weather permitting, creating noise issues; and,

Whereas, which applicant agreed to permanently remove the tv and speakers from the enclosed café no later than Wednesday January 21, 2015 (the day before the full board meeting); and,

Whereas the applicant agreed to close the garage style doors on either side of the façade entrance by 10 p.m., 7 days a week;

Whereas, the applicant agreed to continue to monitor and resolve any and all café noise issues as they may arise;

Whereas, CB2 notes that this is yet another enclosed café where there is no physical separation between the private property and the café structure in violation of the Zoning Resolution on Sidewalk cafes,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Enclosed sidewalk café for **Carabean LLC, d/b/a Downtown Galway Hooker, 133 Seventh Avenue South, (bet 10th and Charles Streets) with 8 tables and 18 chairs with DCA#1341044.**

UNLESS 1) applicant permanently removes the tv and speakers located within the café no later than Wednesday, January 21, 2015; and, 2) closes the garage style doors on either side of the façade entrance by 10 pm, 7 days a week.

VOTE: Unanimous, with 45 Board Members in favor.

New App. for revocable consent to operate an Unenclosed sidewalk cafe for:

- 2. Prime 135 NYC LLC, 135 Seventh Avenue South (between 10th and Charles Streets) with 8 tables and 15 chairs; ASWC#16178-2014.**

Block: 611 Lot: 32

Whereas, the area was posted, community groups notified and there was present applicant's representative, Michael Kelly and a representative of the 10th Street Block Association, James Hirsch; and,

Whereas, the committee, applicant's representative, and the Block Association representative, discussed, at length, the issues and concerns negotiated into a stipulation between the West 10th Street Block Association and applicant relative to the applicant's "restaurant wine" license and its operation of 8 tables and 14 seats in an outdoor area, within the property line, adjacent to the proposed café; and,

Whereas, while café hours, allowed by law, extend until midnight on Mondays through Thursdays and 1 AM on Friday and Saturdays, the applicant volunteered to close the café by 11 PM, 7 days a week,

Whereas, applicant agreed to a "no smoking" policy in the café;

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends DENIAL of this new application for revocable consent to operate a sidewalk café for **Prime 135 NYC LLC, 135 Seventh Avenue South (between 10th and Charles Streets) with 8 tables and 15 chairs; ASWC#16178-2014**

UNLESS, applicant 1) removes one table and chair near the restaurant entrance, resulting in 7 tables and 14 seats; 2) submits a revised plan to DCA; 3) closes the café no later than 11 pm, seven days a week; and, 4) enforces a "no smoking" policy;

VOTE: Unanimous, with 45 Board Members in favor.

FYI Renewals:

Whereas, the renewals below were posted on the CB2 Manhattan website and there were no community members requesting these applications be heard, and

Whereas, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation,

- 675 Hudson Vault LLC, d/b/a Dos Caminos, 675 Hudson St., with 48 chairs & 135 chairs (1159248-DCA)
- La Meridana, Ltd., 26 Carmine St., with 12 tables & 24 chairs (1133014-DCA)
- 174 Grand Street Corp., d/b/a Onieal's, 174 Grand St., with 7 tables & 14 chairs (1218544-DCA)
- Caffè Vetro, Inc., 200 Mott St., with 6 tables & 12 chairs (1245908-DCA)

- Iridium Restaurant Corp., 20 Spring St., with 2 tables & 4 chairs (1221130-DCA)
- 132 Mulberry Inc., d/b/a Umberto's Clam House, 132 Mulberry St., with 6 tables & 12 chairs (1432938-DCA)
- Carmine Restaurant, Inc., d/b/a Il Cortile Restauarant, 125 Mulberry St., with 9 tables & 18 chairs (1161434-DCA)
- New Restart Inc., 145 Mulberry St., with 8 tables & 16 chairs (1342588-DCA)
- Slice West Village Ltd., d/b/a Slice, The Perfect Food, 535 Hudson St., with 10 tables & 20 chairs (1346838-DCA)
- Buffanna Inc., d/b/a Il Piccolo Bufalo, 141 Mulberry St. with 4 tables & 8 chairs (1165364-DCA)
- Oliver King Enterprises, Inc., d/b/a Empire Szechwan Village, 173 7th Ave South, with 11 tables & 22 chairs (1007220-DCA)

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate the indicated sidewalk cafés for the above applicants

VOTE: Unanimous, with 45 Board Members in favor.

Please advise us of any decision or action taken in response to these resolutions.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Maria Passannante-Derr, Chair
Sidewalks & Public Access Committee
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member