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COMMUNITY BOARD NO. 2, MANHATTAN

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

April 24, 2015

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

Dear Commissioner Menin:

At its Full Board meeting on April 23, 2015, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

1. App. For Modification to operate an unenclosed sidewalk café for:

132 Fourth Ave. restaurant, LLC d/b/a The Fourth, 132 Fourth Ave., with 12 tables & 24 Chairs (2005254-DCA)

Whereas, the area was posted, community groups notified, applicant appeared by its representative, Michael Kelly; and, one community member (who lives around the corner at 77 East 12th St.) appeared opposing the expansion of the café;

Whereas, this café has operated with no issues;

Whereas, the plan shows 19" x 24" tables;

Whereas, members of the community were concerned about the applicant separating the tables, the table count should be reduced to six(6) 38"x 24" tables,

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **APPROVAL** of an application for a MODIFICATION revocable consent to operate an unenclosed sidewalk café for: **132 Fourth Ave. Restaurant d/b/a The Fourth, 132 Fourth Ave., with 6 tables & 12 chairs (2005254- DCA)**

VOTE: Passed, Unanimous with 41 Board Members in favor.

2. New App. for revocable consent to operate an unenclosed sidewalk café for:

Tava Café, LLC d/b/a Balzem, 202 Mott St. with 6 tables & 12 chairs (2828-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant's principal, Balahen Bobus and his representative, Andrew Caraballo, appeared;

Whereas, this restaurant has been operating with no issues;

Whereas, applicant's plan shows 18" x" 24" tables; and a DCA/Landmarks approved retractable awning;

Whereas, applicant agreed to the following hours of operation: Monday – Thursday: 8 a.m. to 9 p.m.: Saturday & Sunday: Noon- 9 p.m. and service ONLY through the open façade French doors;

Whereas, applicant submitted a petition of support of approximately 42 signatures primarily from Mott, Spring, Broome and Prince Streets;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for: **Tava Café, LLC d/b/a Balzem, 202 Mott St. with 6 tables & 12 chairs (2828-2015-ASWC)**

UNLESS applicant complies with the terms of the “third” and “fourth” Whereas.

VOTE: Passed

Approved: 39 Board Members

Against: 2 Board Members (R. Goldberg, M. Schott)

3. New App. for revocable consent to operate an unenclosed sidewalk café for:

International Hospitality Concepts LLC, d/b/a La Loteria, 29-7th Ave. South with 18 tables & 38 chairs (3125-2015 ASWC);

Whereas, the area was posted, community groups notified; no community members were present regarding this application and applicant appeared by its principal, Julieta Ballesteros together with her representative, Michael Kelly;

Whereas, the owner is the former chef for more than five years at Mexicana Mamma and also owns and operates Crema restaurant on W. 17th Street;

Whereas, applicant agreed 1) cafes hours of operation will be midnight on Friday and Saturday; 2) to maintain the DCA/Landmarks retractable awning; 3) remove two chairs from the application and, 4) remove the cement ramp at the entrance and level the sidewalk;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for **International Hospitality Concepts LLC, d/b/a La Loteria, 29-7th Ave. South with 18 tables & 36 chairs (3125-2015 ASWC);**

UNLESS applicant complies with the terms of the “third” Whereas.

VOTE: Passed

Approved: 40 Board Members

Against: 1 Board Member (M. Schott)

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

Adoro Lei, LLC d/b/a Adoro Lei, 287 Hudson St., with 8 tables & 14 chairs (3125-2015) ASWC);

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its principal, Joseph Primiano;

Whereas, this is a 20-foot wide sidewalk at a restaurant located 50 feet south of Spring St.;

Whereas, applicant agrees to install a DCA/Landmarks approved retractable awning; and, to operate pursuant to DCA regulated hours of operation;

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for: **Adoro Lei, LLC d/b/a Adoro Lei, 287 Hudson St., with 8 tables & 14 chairs (3125-2015) ASWC);**

VOTE: Passed, Unanimous with 41 Board Members in favor.

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

Nisida LLC, d/b/a Rossopomodoro, 118 Greenwich Ave., with 9 tables & 32 chairs (3420-2015-ASWC)

Whereas, the area was posted, community groups were notified, no community members were present, the applicant appeared by its principal, Simone Falco, together with his representative, Michael Kelly;

Whereas, the applicant has operated this restaurant/pizzeria at this location for 4 ½ months and operates a restaurant/pizzeria at Eataly on 23rd St.;

Whereas, the sidewalk on Greenwich Avenue measures 11’ 9 “, three inches less than the minimum twelve foot required sidewalk at this location; and, therefore no sidewalk café is legally permitted on Greenwich Avenue;

Whereas, on 13th St. (13’, 2” wide), applicant is agreeable to a sidewalk café of no more than 8 two-top tables and 16 chairs with a 3” service aisle along 13th St., (identical to the DCA approved café plan of the prior owner) leaving the requisite 8’ clearance; for a total of **8 tables and 16 chairs;**

Whereas, applicant agreed to close the café at midnight on Friday and Saturday; and shall maintain its DCA/Landmark’s retractable awnings;

Whereas, applicant shall submit a new architect’s plan reflective of the “third” and “fourth” whereas, prior to the DCA hearing;

THEREFORE BE IT RESOLVED, that Community Board 2 Manhattan recommends a **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café on Greenwich Avenue and **APPROVAL** of a NEW APPLICATION for revocable consent to operate an unenclosed sidewalk cafe for **Nisida LLC, d/b/a Rossopomodoro, 118 Greenwich Ave., on West 13th St. only with no more than 8 tables & 16 chairs (3420-2015- ASWC).**

VOTE: Passed

Approved: 38 Board Members

Opposed: 3 Board Members (M. Schott, R. Chatree, K. Bordonaro)

6. New App. for revocable consent to operate an unenclosed sidewalk café for:

390 Broome Restaurant, LLC, d/b/a Seamore’s, 390 Broome St., with 18 tables & 36 chairs (3288-2015- ASWC)

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its principal, Michael Chernow, his general Manager, Robert Mallan and his representative, Michael Kelly;

Whereas, Michael Chernow operates five sidewalk cafes with his “meatball” theme restaurant in CB1, CB2, CB3, CB4, and CB8 with no issues;

Whereas, this location will be an affordable “seafood” theme restaurant at the corner of Broome & Mulberry Sts.;

Whereas, the eleven tables on Mulberry St, shall measure 18” x 22”;

Whereas, applicant will close the sidewalk café at 10pm from Sunday to Thursday and at 11pm on Fridays and Saturdays;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **APPROVAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for: **390 Broome Restaurant, LLC, d/b/a Seamore’s. 390 Broome St., with 18 tables & 36 chairs (3288-2015-ASWC)**

VOTE: Passed:

Approved: 40 Board Members

Against: 1 Board Member (M. Schott)

7. New App. for revocable consent to operate an unenclosed sidewalk café for:

PB Hudson LLC Pizzeria Brunetti, 626 Hudson St., with 6 tables & 12 chairs (3784-2015-ASWC)

Whereas, the area was posted, community groups notified; applicant appeared by its principal, Jason Brunetti and his representative, Michael Kelly;

Whereas, the Jane Street Block Association appeared by Paula Fedderson as well as two residents of 53 and 55 Jane Street, whose townhouses overlook the applicant's backyard and who filed a complaint with the Board Office about the backyard noise issue;

Whereas, this owner, previously agreed to no sidewalk café at the SLA Committee hearing on February 21, 2013;

Whereas, applicant agreed to the following terms to the satisfaction of the community:

Re: Backyard Garden: 1) close all service no later than 9:30 p.m. on Sunday- Thursday and 11 p.m. on Friday and Saturday; 2) to the best of their ability, install sound attenuating equipment; 3) shall not accommodate parties of more than 6 persons;

Re: Sidewalk Café: 1) reduce the café to 4 tables and 8 chairs; 2) close the sidewalk café at 10 p.m. from Sunday-Thursday and 11 pm. on Friday and Saturday; 3) install DCA/Landmarks approved retractable awning;

Whereas, the applicant entered into a stipulation incorporating the aforementioned terms;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café for: **PB Hudson LLC Pizzeria Brunetti, 626 Hudson St., with 4 tables & 8 chairs (3784-2015-ASWC)**

UNLESS applicant complies with the "fourth" whereas clauses above.

VOTE: Passed

Approved: 40 Board Members

Against: 1 Board Member (M. Schott)

FYI Renewals:

8. Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed) :

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.

- Bac Bars Group LLC, d/b/a Bayard's Ale House, 533 Hudson St. with 14 tables & 32 chairs (CA12488153-DCA)
- Sengupta Food Services LLC, d/b/a SoHo Park, 63 Prince St., with 7 tables & 14 chairs (1277362-DCA)
- 164 Mulberry St. Corp., d/b/a Da Nico Restaurant, 164 Mulberry St. (0949447-DCA)
- 151 Bleecker LLC d/b/a The Red Lion, 151 Bleecker St. with 7 tables and 13 chairs (DCA #1348216DCA) (ENCLOSED SWC)

- Zonor Rest. Corp. d/b/a Riviera Café, 225 West 4th St. with 17 tables and 36 chairs (DCA #0629616DCA) (ENCLOSED SWC)

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Passed, Unanimous with 41 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