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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

May 22, 2015

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

Dear Commissioner Menin:

At its Full Board meeting on May 21, 2015, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

14 Spring Street Café LLC d/b/a Rintintin, 14 Street Street, with 2 tables & 8 chairs (1469471-DCA)

Whereas, the application came late to the agenda and so even though the area was posted, and community groups notified, no community members appeared to testify in opposition; but

Whereas, the CB2 office received two e-mails complaining about the noise emanating from this establishment and had been told many times by a CB2 member and resident of Spring Street that this was a problem location and that the sidewalk café was often open beyond permissible hours; and

Whereas, CB2 District Manager Bob Gormley told the applicant that he had personally witnessed loud music emanating from the establishment approximately one year ago and had filed a complaint with the 5th Precinct; and

Whereas, the District Manager had been told by the 5th Precinct's commanding officer that officers had gone to the establishment to speak with the owner about repeated noise complaints; and

Whereas, even though the owner assured the committee that he no longer allowed the windows and doors to remain open when playing amplified music, community board members offered testimony to the contrary.

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of an application for a RENEWAL revocable consent to operate an unenclosed sidewalk café for: **14 Spring Street Café LLC d/b/a Rintintin, 14 Street Street, with 2 tables & 8 chairs (1469471-DCA), with 2 tables & 8 chairs (2005254- DCA).**

VOTE: Unanimous with 38 Board Members in favor.

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

Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 West 12th Street with 8 tables & 16 chairs (3991-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members present regarding this application and applicant's principal, Konstantino Danalis and his representative, Michael Kelly, appeared; and,

Whereas, the application was for a corporate change regarding its sidewalk café license, but will essentially remain under the same owners; and

Whereas, this restaurant has been operating with no issues for many years.

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: **Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 West 12th Street with 8 tables & 16 chairs (3991-2015-ASWC).**

VOTE: Unanimous with 38 Board Members in favor.

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

86 St AA LLC d/b/a SoHo Room, 203 Spring Street, with 8 tables & 16 chairs (4441-2015-ASWC);

Whereas, the area was posted, community groups notified, restaurant owner Louis Raiolo appeared to present the application; and four area residents appeared to complain about the establishment's operation and oppose the sidewalk café application; and

Whereas, the owner stated that his sidewalk café would cease operation at 11 p.m. on Friday and Saturday and 10 p.m. Sunday through Thursday as per an agreement with his landlord; and

Whereas, the three tables to the south of the door do not comply with sidewalk café requirements because of the existing tree pit fence and installing a flush grate is not feasible because of the size of the tree and the tree root system that extends above the level of the sidewalk; and

Whereas, applicant agreed to reduce the size of the sidewalk café to five tables and ten chairs by removing the three tables and six chairs at the southern end of the sidewalk café; and

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 **86 St AA LLC d/b/a SoHo Room, 203 Spring Street, with 5 tables & 10 chairs (4441-2015-ASWC)** contingent on the submission of the amended sidewalk café plan.

VOTE: Unanimous with 38 Board Members in favor.

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

Nourish New York LLC, d/b/a Nourish Kitchen and Table, 95 Greenwich Ave., with 3 tables & 6 chairs (4323-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members present regarding this application and the presentation was made by the principal, Marisa Lippert, along with her representative, Michael Kelly; and

Whereas, the committee raised concerns about the clearance from the bicycle rack to the nearest table; and

Whereas, this applicant agreed to address this concern by “stacking” the three tables adjacent to the entry door and to use the 3’ door width as the wait service aisle.

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: **Nourish New York LLC, d/b/a Nourish Kitchen and Table, 95 Greenwich Ave., with 3 tables & 6 chairs (4323-2015-ASWC).**

VOTE: Unanimous with 38 Board Members in favor.

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

Culinary Concepts Hospitality Group LLC, d/b/a Spice Market, 29 9th Ave., with 13 tables & 26 chairs (4502-2015-ASWC)

Whereas, the area was posted, community groups were notified, no community members were present, and the application was presented by one of its principals, Danilda Ruiz; and

Whereas, the applicant stated that the sidewalk café has been in operation for several years and that there are no planned changes to the operation; and

Whereas, the applicant explained that this is considered a new application rather than a renewal because there have been changes to the corporate membership.

THEREFORE BE IT RESOLVED, that Community Board 2 Manhattan recommends an **APPROVAL** of this NEW APPLICATION for revocable consent to operate an unenclosed sidewalk café on **Culinary Concepts Hospitality Group LLC, d/b/a Spice Market, 29 9th Ave., with 13 tables & 26 chairs (4502-2015-ASWC).**

VOTE: Unanimous with 38 Board Members in favor.

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

Margherita Corporation, d/b/a Margherita, 197 Grand St., with 4 tables & 8 chairs (4612-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members present regarding this application and the presentation was made by the principal, Giuseppe Delli Carpini, and his representative, Michael Kelly;

Whereas, the owner assured the committee that there were no benches or planters opposite his sidewalk café and, if there were, he would have them removed;

Whereas, the sidewalk café will close at 11:00 p.m. during the week and at 12 midnight on the weekends, as per an agreement made with CB2 when appearing before CB2's SLA Licensing Committee.

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: **Margherita Corporation, d/b/a Margherita, 197 Grand St., with 4 tables & 8 chairs (4612-2015-ASWC).**

VOTE: Unanimous with 38 Board Members in favor.

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

Genuine Grand St NYC LLC, d/b/a Genuine Roadside, 191 Grand St., with 15 tables & 30 chairs (4437-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the application was presented by the owner, Dan Rafalin; and

Whereas, the owner assured the committee that there were no benches or planters opposite his sidewalk café and, if there were, he would have them removed;

Whereas, the owner also owns two other restaurants in Community Board 2, Public and Saxon & Parole; and

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: **Genuine Grand St NYC LLC, d/b/a Genuine Roadside, 191 Grand St., with 15 tables & 30 chairs (4437-2015-ASWC)**

VOTE: Unanimous with 38 Board Members in favor.

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

Rohart Inc., d/b/a Clarkson Restaurant, 225 Varick St., with 12 tables & 28 chairs (5704-2015-ASWC)

Whereas, the area was posted, community groups notified; and the application was presented by the owner, George Forgeois and his representative, Michael Kelly; and

Whereas, the committee noted that the owner had been operating an illegal, unlicensed sidewalk café prior to obtaining a sidewalk café license and revocable consent from the Department of Consumer Affairs; and

Whereas, the committee noted that the illegal sidewalk café also contained a foosball table and a petanqué court, both of which would be violations of sidewalk cafes rules; and

Whereas, the owner was reminded that the entrance to the second restaurant, La Gauloise, violated the 200-foot rule because it was within 200 feet of the entrance to City-As-School High School; and

Whereas, the violation of the 200-foot rule would make service at the four westernmost tables illegal; and

Whereas, the owner agreed to relocate those four tables to Varick Street; and

Whereas, the owner's representative told the committee he would measure the distance between the entrance to the school and the remaining tables on Clarkson Street, to ensure that their location complied with the 200-foot rule.

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: **Rohart Inc., d/b/a Clarkson Restaurant, 225 Varick St., with 12 tables & 28 chairs (5704-2015- ASWC)**, **UNLESS** the applicant submits revised plans to the Department of Consumer Affairs and Community Board 2 showing the relocation of the westernmost tables to Varick Street and it is established that the tables remaining on Clarkson Street are in compliance with the 200-foot rule and the café is operated exactly in the way it is laid out in the approved plan.

VOTE: Passed, with 25 Board Members in favor.

Against: 11 Board Members (E. Young, D. Miller, S. Tyree, R. Ely, R. Goldberg, C. Booth, S. Gammie, M. Schott, L. Rakoff, A. Wong, S. Kent)

Abstain: 2 Board Members (S. Secunda, K. Berger)

FYI Renewals:

9. 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.

- Da Silvano Corp., d/b/a Da Silvano, 260 Avenue of America, Front, with 26 tables & 55 chairs (1187717-DCA)

- 164 Mulberry St. Corp., d/b/a Da Nico Restaurant, 164 Mulberry St., with 4 tables & 8 chairs (0949447-DCA)
- Caliente Cab Rest. Co., Inc., d/b/a Caliente Cab Co., 61 7th Ave. S., with 42 tables & 84 chairs (0670525-DCA)
- Nilo Inc. & Viola Consulting LLC, d/b/a Mezzogiorno Assoc., 195 Spring St., with 11 tables & 22 chairs (0832737-DCA)
- Cowgirl Inc., d/b/a Cowgirl and Bar K, 519 Hudson St., with 11 tables & 22 chairs (0919917-DCA)
- ASC Inc., d/b/a La Nonna, 134 Mulberry St., with 6 tables & 12 chairs (1208521-DCA)
- Gadberry Pizza Inc., d/b/a Bleecker Street Pizza, 69 7th Ave. S., with 3 tables & 6 chairs (1183527-DCA)
- Eli-Lilla, Inc., 385 Broome St., with 9 tables & 22 chairs (1388457-DCA)
- Apicio LLC, d/b/a Tertulia, 359 Avenue of the Americas, with 5 tables & 10 chairs (1414241-DCA)
- GMT New York LLC, d/b/a GMT Tavern, 142 Bleecker St., with 24 tables & 51 chairs (1382861-DCA)
- St. Jude Enterprises LLC, d/b/a Benito One, 174 Mulberry St., with 4 tables & 8 chairs (1394721-DCA)
- Francis Louis LLC, d/b/a Frankie's 570 Spuntino, 570 Hudson St., with 11 tables & 31 chairs (1387557-DCA)
- Karavas Food Ltd, d/b/a Karavas Place Tavern, 164 W. 4th St., with 10 tables & 21 chairs (1001562-DCA)
- Greenwich Village Bistro Ltd., d/b/a Greenwich Village Bistro, 13 Carmine St. Front A, with 9 tables and 18 chairs (1030835-DCA)
- Macelleria Restaurant Inc, d/b/a Macelleria, 48 Gansevoort St., with 9 tables & 18 chairs (1188887-DCA)
- D.E.L. Inc., d/b/a Alexandra, 455 Hudson St., with 10 tables 20 chairs (1192285-DCA)
- Red Mulberry Ltd., d/b/a Sambuca's, 105 Mulberry St., with 10 tables & 20 chairs (1158751-DCA)
- Kings 55 Group Inc., d/b/a Le Philosophe, 55 Bond St., with 7 tables 14 chairs (1470765-DCA)
- Andikiana Corp., 490 Laguardia Pl., with 16 tables & 32 chairs (0941701-DCA)
- Piacere Enterprises LLC, d/b/a Piacere, 351 Broome St., with 8 tables & 24 chairs (1458267-DCA)

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: Unanimous with 38 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

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Liz Krueger, 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