

Terri Cude, Chair
Daniel Miller, First Vice Chair
Susan Kent, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Keen Berger, Secretary
Erik Coler, Assistant Secretary

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

July 20, 2018

Lorelei Salas, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Salas:

At its Full Board meeting on July 19, 2018 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

New Application to Department of Consumer Affairs for Newsstand at:

1. Northeast Corner of Hudson Street and West 13th Street in front of 345 West 13th Street (10959-2018-ANWS)

Whereas, the area was posted, a neighboring resident appeared in opposition to the location, and 5 letters of opposition were received by the Community Board 2 District Office in opposition to this location and application, including a letter from the owner of 345 West 13th Street; and

Whereas, the location of this newsstand is directly in front of an entirely residential building with no commercial storefronts and the bedroom and living room of one apartment is 15 feet from the location of the proposed newsstand; and

Whereas, the applicant wishes to operate the newsstand starting at 7 AM which would likely create a disturbance for the residents on the first floor of the condominium at 345 West 13th Street; and

Whereas, the owner of 345 West 13th Street stated that the proposed newsstand would be directly above a sidewalk vault which could not support the weight of the newsstand; and

Whereas, neighboring residents expressed that there were many corners in this neighborhood with street level commercial storefronts that would be more appropriate locations and create more foot traffic for a newsstand; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of the application for a newsstand at the **Northeast Corner of Hudson Street and West 13th Street in front of 345 West 13th Street (10959-2018-ANWS)**, and further requests that an inquiry is made as to the existence of a sidewalk vault below the location in question before any application is considered by the Department of Consumer Affairs.

**Vote: Passed, 35 Board Members in favor.
1 Abstention. (R. Sanz)**

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



Joseph Gallagher, Chair
Quality of Life Committee
Community Board 2, Manhattan

TC/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Yuh-line Niou, Assembly Member
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hon. Corey Johnson, Council Member

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Lorelei Salas, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Salas:

At its Full Board meeting on July 19, 2018 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

Assignment Application for revocable consent to operate an unenclosed sidewalk café for:

1. Low Overrun, LLC d/b/a Morgenstern's Finest Ice Cream, 490-494 LaGuardia Place with 16 tables & 32 chairs (12209-2018-ASWC)

Whereas, this assignment is from a sidewalk café operated since 1996 by Silver Spurs, a casual, reasonably priced diner that closed by 11 PM during the week and by 12 AM on the weekends; and

Whereas, the applicant appeared before the Committee Board 2 SLA committee in April 2018 and sought a recommendation for an on-premises liquor license for this ice-cream parlor/cocktail bar and Community Board 2 recommended denial of the application citing the impact created by the anticipated long lines blocking the public sidewalk which will also be occupied by this proposed sidewalk café; and

Whereas, the applicant is seeking the on-premises liquor license to cover the large sidewalk café with hours from Sunday-Thursday until midnight and until 1 AM on Friday and Saturday evenings; and

Whereas, said hours are the legal permitted operating hours for unenclosed sidewalk cafes; and

Whereas, the applicant operates another location of this establishment, without a sidewalk café, at 2 Rivington Street that is infamous for long lines snaking down the block; and

Whereas, the applicant confirmed that any lines to enter this establishment would be queued outside the sidewalk café which would further encroach on the public sidewalk already being used for the proposed sidewalk café; and

Whereas, the applicant refused to compromise on the hours he was seeking for the sidewalk café, stating that the block is zoned commercial and therefore the hours are legally allowed, but acknowledged that no other establishments in this mixed residential area operate sidewalk cafes with the requested hours; and

Whereas, the establishment at this location is not yet opened nor has it received a health inspection, yet the applicant has been operating an ice cream cart on the sidewalk accompanied by approximately

5 tables and 10 chairs even though a stoop cart license requires that items sold at a stoop cart be paid for inside the establishment; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of the assignment application for revocable consent to operate an unenclosed sidewalk café for **Low Overrun, LLC d/b/a Morgenstern's Finest Ice Cream, 490-494 LaGuardia Place with 16 tables & 32 chairs (12209-2018-ASWC)**.

Vote: Unanimous, 36 Board Members in favor.

New Application for revocable consent to operate an unenclosed sidewalk café for:

2. Stem 330, LLC d/b/a Kish Kash NYC, 455 Hudson Street with 6 tables & 12 chairs (12211-2018-ASWC)

Whereas, the area was posted, the applicant was present and no member of the public appeared to speak regarding this application; and

Whereas, the applicant appeared before Community Board 2 in May 2017 for a restaurant wine license and Community Board 2 recommended approval of that application and the applicant stipulated that any sidewalk café would close at 10PM Sunday to Thursday and at 11PM Friday and Saturday and that no patrons would remain in the sidewalk café after the stated closing hours of 10PM/11PM; and

Whereas, the previous establishment at this location, Alexandra, operated a sidewalk café with 10 tables and 20 chairs and the new operator has scaled down the size of the sidewalk café to 6 tables and 12 chairs; and

Whereas, the applicant paid to have the existing sidewalk repaired and renovated and removed many uneven areas of the old sidewalk in front of the establishment; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored within the restaurant when the sidewalk café was closed; and

Whereas, the applicant stated that all food and drink would be delivered by servers in the sidewalk café; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **Stem 330, LLC d/b/a Kish Kash NYC, 455 Hudson Street with 6 tables & 12 chairs (12211-2018-ASWC)** provided that all applications conform with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, 36 Board Members in favor.

FYI/ Sidewalk Café Renewal

3. Box Hill, LLC, 18 King St. with 10 tables & 24 chairs (2042865-DCA)

Whereas, the area was posted, community groups notified and no member of the public requested the renewal to be heard in a public hearing nor appeared to speak regarding this application; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the subject renewal, provided that all applications conform with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, 36 Board Members in favor.

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



Joseph Gallagher, Chair
Quality of Life Committee
Community Board 2, Manhattan

TC/EM

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