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COMMUNITY BOARD NO. 2, MANHATTAN

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November 22, 2013

Jonathan Mintz, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Mintz:

At its Full Board meeting on November 21, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

- **Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. with 7 tables & 16 seats, DCA # 1383186**

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Hari Kalyan, was present, and

Whereas, this café has been operated for two years by this applicant with some issues including the café using more than ½ of the sidewalk and A-frame signs, and

Whereas, the applicant confirmed that there have been issues with the amount of space used on the sidewalk and they have already tethered the surrounding barrier to limit the depth from the facade, and he committed to ensure that A-frame signs are not placed in the public sidewalk,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. with 7 tables & 16 seats, DCA # 1383186**

CONDITIONAL UPON the applicant continuing to meet the commitments made in **Whereas 3**.

VOTE: Passed, with 28 Board members in favor and 8 against (Aaron, Berger, Booth, Goldberg, Kent, Kriemelman, Meadows, & Tyree).

- **PSSP NY Inc., d/b/a Sofia's Little Italy, 143 Mulberry St., with 5 tables & 10 seats, DCA# 1383044**

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Marc Glazer, was present, and

Whereas, this café has been operated for many years by this applicant with continuing issues including over-seating the café and multiple signs on the public sidewalk, and

Whereas, the committee showed Mr. Glazer photos of the café with as many as 13 seats with the service aisle blocked with the additional tables/chairs, and

Whereas, the photos also showed multiple signs on the public sidewalk, and Mr. Glazer committed to speaking to the applicant about both these issues,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **PSSP NY Inc., d/b/a Sofia's Little Italy, 143 Mulberry St., with 5 tables & 10 seats, DCA# 1383044**

UNLESS the applicant immediately corrects the over-seating and signage issues as noted in Whereas 3 & 4.

VOTE: Unanimous, with 36 Board members in favor.

- **Il Buco Corp. d/b/a IL Buco, 47 Bond St., with 2 tables & 12 seats, DCA # 1109238**

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant's GM, Scott Henkle, was present, and

Whereas, this café has been operated for several years by this applicant with few known issues, and

Whereas, one resident of the block complained about noise, public drunkenness, smoking and other issues on the block which he felt were exacerbated by this sidewalk café, but the committee had no way to confirm to what extent those issues related specifically to this café, and

Whereas, the committee noted that planters placed around the café are, with the foliage, higher than the allowed 30" and Mr. Henkle committed to correcting that, and

Whereas, the committee also noted that a Siamese connection within the west end of the café was not shown on the approved plan and there was no clearance between it and the planters and some of the seating, and Mr. Henkle committed to correcting the situation including filing a corrected plan with DCA,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Il Buco Corp. d/b/a IL Buco, 47 Bond St., with 2 tables & 12 seats, DCA # 1109238**

UNLESS the applicant corrects the height of the bordering planters and files a corrected plan with DCA showing the Siamese connection and the required 3' clearance between it and any furniture or planters

VOTE: Unanimous, with 36 Board members in favor.

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

- **Ship Wrecked Bar & Grill, Inc., d/b/a Wicked Willy's, 149 Bleecker Street, with 6 tables & 14 seats, DCA# 1459624**

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Marc Glazer, was present, and

Whereas, this café has been operated illegally by this applicant since 2006, who has applied for a license from DCA to operate the café only after being cited by DCA for the illegal operation and forced to remove all seating from the enclosure, and

Whereas, it also appears the application was made only when the CB2 SLA Committee began pressing the SLA to remove the enclosure area from the applicant's liquor license, and

Whereas, the café enclosure also worsens congestion on the sidewalk that is often virtually impassable due to what may be an illegal fixed awning which extends to the curb and is supported by two poles which narrow the pedestrian passageway, and

Whereas, the committee noted that the café enclosure is immediately adjacent to a licensed, enclosed cafe, and as such clearly does not meet the requirement set out in both the NYC Zoning law and NYC Administrative Code that there be 15' clearance between two enclosed sidewalk cafes,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this NEW application for revocable consent to operate an Enclosed sidewalk café for **Ship Wrecked Bar & Grill, Inc., d/b/a Wicked Willy's, 149 Bleecker Street, with 6 tables & 14 seats, DCA# 1459624**

VOTE: Passed, with 35 Board members in favor and 1 abstention (Rakoff).

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,

- Tortilla Flats Inc. d/b/a Tortilla Flats, 767 Washington Street, with 11 tables & 21 seats (unenclosed), DCA# 0805433
- Karavas Food, LTD. d/b/a Karavas Place Tavern, 162 West 4th St. (enclosed), with 11 tables and 22 seats, DCA # 1001562

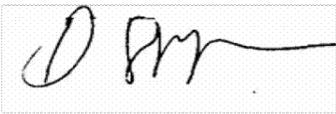
- Tre-Giovani Inc. d/b/a Tre Giovanni Pizza & Pasta, 548 LaGuardia Place (unenclosed), with 4 tables & 12 seats, DCA # 997686
- The Original Vincent's, Established 1904, Inc. d/b/a Vincent's, 119 Mott St. (unenclosed), with 9 tables & 18 seats, DCA # 1139678

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

VOTE: Unanimous, with 36 Board members in favor

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

Sincerely,



David Gruber, Chair
Community Board #2, Manhattan



Maury Schott, Chair
Sidewalks & Public Access Committee
Community Board #2, Manhattan

DG/jrm

c: Hon. Jerrold L. Nadler, Congressman
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. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Pauline Yu, Community Assistance Unit