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## COMMUNITY BOARD NO. 2, MANHATTAN

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June 19, 2015

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

Dear Commissioner Menin:

At its Full Board meeting on June 18, 2015, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

**1. New App. for revocable consent to construct, maintain and use fenced-in areas:**

**45 Fifth Avenue., between E 11<sup>th</sup> & 12<sup>th</sup> Sts., (EIN#13-3110697)**

**Whereas**, the area was posted, community groups notified, applicant appeared by its representative, Walter B. Melvin Architects and, no community members appeared in favor or in opposition;

**Whereas**, this project features limestone curbs that are similar to the base of the building, a black iron fence similar in design to that of 25 Fifth Avenue and planting and green areas with attractive landscaping characteristic of this historic district;

**Whereas**, CB2 previously approved, on March 19, 2015, the Landmarks Committee resolution supporting this application and LPC issued, on April 13, 2015, a Certificate of Appropriateness;

**THEREFORE, BE IT RESOLVED**, that Community Board 2 Manhattan recommends **APPROVAL** of a new application for revocable consent to construct, maintain and use fenced-in-areas for **45 Fifth Avenue, between E. 11<sup>th</sup> & E. 12<sup>th</sup> Sts. (EIN#13-31106697)**;

**VOTE: Unanimous, with 40 Board Members in favor.**

**2. Renewal Modification App. for revocable consent to operate an unenclosed sidewalk café for:**

**Quimera Restaurant Group LLC, 81 Greenwich Avenue with 20 tables & 42 chairs  
(1457681-DCA)**

**Whereas**, the area was posted, community groups notified and the owners of the adjacent building on Bank St. were present regarding this application as well as the applicant's principal, Hector Sanz and his representative, Steve Wygoda;

**Whereas**, this is a modification of the Greenwich Avenue, Barraca Restaurant sidewalk café (currently licensed for 17 tables and 34 seats) for an additional 3 tables and 8 chairs located on the four foot platform in front of the Bank Street, Macondo West Bank Street Restaurant;

**Whereas**, the two restaurants are owned by the same corporation (with two different trade names) with one liquor license and share the same kitchen;

**Whereas**, the owners of the adjacent Bank Street building appeared and agreed to the café on Bank St. upon the following terms:

a – a sign is posted stating “Quiet Please” or Please Be Considerate of Your Neighbors”;

b – applicant places a planter outside the café area next to the adjacent building railing;

c – Bank Street café location closes by 10 p.m. every night, seven days a week;

**Whereas**, the CB2 requests that DCA review of the legality of the platform;

**Whereas**, there exists a DCA/Landmarks approved retractable awning;

**THEREFORE, BE IT RESOLVED, that Community Board 2 recommends DENIAL of this MODIFICATION APPLICATION for revocable consent to operate an unenclosed sidewalk café for Quimera Restaurant Group LLC, 81 Greenwich Avenue with 20 tables & 42 chairs (1457681-DCA) UNLESS 1) applicant complies with the terms in the fourth “Whereas” and 2) DCA determines that the platform is legal.**

**VOTE: Passed: with 39 Board Members in favor.**

**Against: with 1 Board Member (M. Schott)**

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

**South Village Hospitality Group LLC, d/b/a Carroll Place, 157 Bleecker St., with 1 table & 10 chairs (59133-2015-ASWC);**

**Whereas**, the area was posted, community groups notified; several community members were present regarding this application and applicant appeared by its principals, Sergio Riva, Allan Bontempo and Richard Mourry;

**Whereas**, the proposed one communal table with ten chairs would create an out-of-control, seven days a week, noisy party table, on the already congested Bleecker Street and it is unacceptable;

**Whereas**, the applicant submitted one letter from a neighbor in support of the application; and a petition with seven signatures, only two of which were from Thompson and Bleecker Streets;

**Whereas**, the office received three extensive emails opposed to this application; and, two community members and one community organization were present, opposing the application stating that: 1) when applicant first opened, they continually maintain the façade window open permitting patrons to sit and drink outside, on the street, at the window counter/ledge on barstools; 2) while the bar stools have been removed, patrons continue to drink while congregating on the sidewalk and utilize the counter/ledge for eating and drinking;

**Whereas**, after the committee hearing, the Board Office received an email from a community member, stating that they observed patrons standing on the sidewalk outside the window and drinking and utilizing the window ledge as a counter for a “pass through” for liquor and food;

**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 **South Village Hospitality Group LLC, d/b/a Carroll Place, 157 Bleecker St., with 1 table & 10 chairs (59133-2015-ASWC)**;

**VOTE: Unanimous, with 40 Board Members in favor.**

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

**JL Solo, Inc. d/b/a Sensa Gluten, 206 Sullivan St with 6 tables & 15 chairs (7065-2015-ASAWC)**

**Whereas**, the area was posted, community groups notified, three community members appeared and spoke in favor of this application and applicant appeared by its representative, Michael Kelly and its principal, Jemel Solomnishvili;

**Whereas**, DCA has ordered that the fixed fence/railing be removed and applicant has applied to Landmarks to remove it; but, has not received a response;

**Whereas**, applicant represents that he will operate the sidewalk café Sunday through Thursday 11a.m. to 11 p.m. and will close at midnight on Friday and Saturday;

**Whereas**, there exists an approved DCA/Landmarks retractable awning;

**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 **JL Solo, Inc. d/b/a Sensa Gluten, 206 Sullivan St. with 6 tables & 15 chairs (7065-2015-ASAWC)**

**UNLESS** applicant 1) operates the sidewalk café Sunday through Thursday 11a.m. to 11 p.m. and closes at midnight on Friday and Saturday and 2) legally removes the fixed fence/railing surrounding the café area.

**VOTE: Unanimous, with 40 Board Members in favor.**

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

**HHP Union Square Associates LLC, d/b/a Singl, 132 4<sup>th</sup> Ave. with 14 tables & 32 chairs (7381- 2015-ASWC)**

**Whereas**, the area was posted, community groups were notified, no community members were present, the applicant appeared by its representative, Michael Kelly;

**Whereas**, this proposed café is located on the 13<sup>th</sup> Street sidewalk and 4<sup>th</sup> Avenue, adjacent to the Hyatt Hotel on a 15 foot sidewalk, on a block across the street from the rear loading areas, of the 14<sup>th</sup> St. Union Square Regal movie theatre;

**THEREFORE BE IT RESOLVED**, that Community Board 2 Manhattan recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed sidewalk café for **HHP Union Square Associates LLC, d/b/a 132 4<sup>th</sup> Ave. with 14 tables & 32 chairs (7381-2015-ASWC)**

**VOTE: Unanimous, with 40 Board Members in favor.**

**6. 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.

- Clew Z. Angus (USA) Inc., Niu Noodle, 15 Greenwich Ave., with 5 tables & 10 chairs (1432061-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 40 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. Sheldon Silver, Assembly Member  
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