



COMMUNITY BOARD No. 2, MANHATTAN

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

April 23, 2010

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

Dear Commissioner Mintz:

At its Full Board meeting on April 22, 2010, CB#2-Man., adopted the following resolutions:

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

1. **Mouquinho Enterprises, Inc., d/b/a/ P.J. Charlton**, 549 Greenwich St. at Charlton St. Manhattan Block: 597, Lot:45, with 15 tables & 33 seats, DCA# 1225847

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

Whereas, this lot has frontage of 50 feet and depth of 75 feet with a building of six stories, with Zoning: M1-6, and

Whereas, there are no changes from previous applications, and

Whereas, there are no complaints on file and DCA signs are present,

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Mouquinho Enterprises, Inc., d/b/a/ d/b/a/ P.J. Charlton**, 549 Greenwich St. at Charlton St. Manhattan, with 15 tables & 33 seats, DCA# 1225847.

VOTE: Unanimous, with 40 Board members in favor.

2. **Gat 35 Corp.**, 35 W 13 St between 5th Ave and 6th Ave. Manhattan Block: 577, Lot:19, with 8 tables & 16 seats, DCA# 1307585

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

Whereas, this lot has frontage of 125 feet and depth of 206 feet with a building of five stories, with Zoning: C6-2, MC6-2, and

Whereas, there are no changes from previous applications, and

Whereas, there are no complaints on file and DCA signs are present,

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL **App. for revocable consent to operate an Unenclosed sidewalk café for Gat 35 Corp., 35 W 13 St between 5th Ave and 6th Ave. Manhattan Block:577, Lot:19, with 8 tables & 16 seats, DCA# 1307585.**

VOTE: Unanimous, with 40 Board members in favor.

3. Cosi, Inc., 841 Broadway, at 13th St., Manhattan Block:565, Lot:15, with 14 tables & 36 seats, DCA# 1027305

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

Whereas, this lot has frontage of 219 feet and depth of 124 feet with a building of twenty-one stories, with Zoning: C6-1, C6-4, and

Whereas, there are no changes from previous applications, and

Whereas, the applicant has been placing the entire approved number of tables and chairs on the Broadway side of the property rather than as approved including the 13th Street side, and

Whereas, the applicant has committed to returning the sidewalk café to the layout provided with the application, placing tables on both Broadway and 13th Street, and

Whereas, there are no complaints on file and DCA signs are present,

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL **App. for revocable consent to operate an Unenclosed sidewalk café for Cosi, Inc., 841 Broadway, at 13th St., Manhattan Block:565, Lot:15, with 14 tables & 36 seats, DCA# 1027305 CONDITIONAL UPON** the applicant returning the layout of the café to that provided with the application as detailed in the fifth Whereas of this resolution.

VOTE: Unanimous, with 40 Board members in favor.

4. Dynamic Music Corp., d/b/a Olive Tree Café, 117 MacDougal St., between W 3rd and Minetta Lane, Manhattan Block:543, Lot:22, with 3 tables & 6 seats, DCA# 0807555

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

Whereas, this lot has frontage of 25 feet and depth of 74 feet with a building of four stories, with Zoning: R7-2, and

Whereas, there are no changes from previous applications, and

Whereas, there are no complaints on file and DCA signs are present,

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL **App. for revocable consent to operate an Unenclosed sidewalk café for Dynamic Music Corp.,** d/b/a Olive Tree Café, 117 MacDougal St., between W 3rd and Minetta Lane, Manhattan Block:543, Lot:22, **with 3 tables & 6 seats, DCA# 0807555.**

VOTE: Unanimous, with 40 Board members in favor.

5. **Bar Giacosa Corp.,** d/b/a Bar Pitti, 268 Sixth Avenue, between Bleecker and W. Houston Sts, Manhattan Block:526, Lot:16, **with 21 tables & 49 seats, DCA# 1097155**

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

Whereas, this lot has frontage of 40 feet and depth of 100 feet with a building of six stories, with Zoning: R7-2, and

Whereas, there are no changes from previous applications, and

Whereas, there have been complaints of the sidewalk in front of the café being blocked by crowds of customers waiting for tables, and

Whereas, there have been reports of waiters serving customers outside the approved seating area, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL **App. for revocable consent to operate an Unenclosed sidewalk café for Bar Giacosa Corp.,** d/b/a Bar Pitti, 268 Sixth Avenue., between Bleecker and W. Houston Sts, Manhattan Block:526, Lot:16, **with 21 tables & 49 seats, DCA# 1097155 CONDITIONAL UPON** the applicant continuing to make further efforts to control the two situations detailed in the fourth and fifth Whereas clauses of this resolution.

VOTE: Unanimous, with 40 Board members in favor.

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

6. **Japonica USA Ince.,** d/b/a Japonica, 100 University Pl., at E 12th St, Manhattan Block:570, Lot:32, **with 7 tables & 20 seats, DCA# 0885853**

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

Whereas, this lot has frontage of 176.25 feet and depth of 107.67 feet with a building of four stories, with Zoning: C1-7, C6-1, and

Whereas, there are no changes from previous applications, and

Whereas, there are no complaints and DCA signs are present,

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a RENEWAL **App. for revocable consent to operate an Unenclosed sidewalk café for Japonica USA Ince.,** d/b/a Japonica, 100 University Pl., at E 12th St, Manhattan Block:570, Lot:32, **with 7 tables & 20 seats, DCA# 0885853.**

VOTE: Unanimous, with 40 Board members in favor.

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

7. **400 West 14th St Inc., 400 W. 14th St., at 9th Ave, Manhattan Block: 646, Lot:43, with 27 tables & 55 seats, DCA# 1346493**

Whereas, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant and his representative, Steve Wygoda, were present, and

Whereas, this lot has frontage of 50 feet and depth of 103.25 feet with a building of five stories, with Zoning: M1-5, in the Gansevoort Market Historic District , and

Whereas, this establishment has been in business for 15 years, and to the committee's knowledge there are no recent complaints of noise from it, and

Whereas, a member of the community was present to complain about the constant noise problems in this area of the Gansevoort Market, and

Whereas, a member of the community was present to attest to the owner's presence and involvement in the community and responsiveness to issues with neighbors, and

Whereas, the applicant has operated the establishment for many years with a series of several French doors open along the 9th Ave side, which will abut the sidewalk café, and

Whereas, the applicant has agreed to remove the 2 tables and 4 chairs at the south end of the café area to allow for proper clearance from a bike rack WITH bikes and the 1 table and 3 chairs at the north end of the café to allow further clearance from the corner of 14th St., reducing the café size to 24 tables and 48 chairs, and

Whereas, the committee was split on whether a sidewalk café of this size would serve to control noise rather than increase it in an area that is already extremely congested and noisy, particularly on weekends, and

Whereas, the applicant was not inclined to further reductions in the number of tables and chairs in the café at this time, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for 400 West 14th St Inc., 400 W. 14th St., at 9th Ave, Manhattan Block: 646, Lot:43, with 24 tables & 48 seats, DCA# 1346493.**

VOTE: Passed with 28 Board members in favor, 5 Abstentions-(Reck, Booth, Secunda, Bergman, Brandt), 1 Recusal- (Collins), 6 in opposition-(Diether, Wong, Rackoff, K-W. Ma, Greenberg, Rothstein)

8. **Slice West Village Ltd., d/b/a Slice The Perfect Food, 535 Hudson St., between Charles and Perry Sts, Manhattan Block:632, Lot:55, with 11 tables & 23 seats, DCA# 1346838**

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

Whereas, this lot has frontage of 100 feet and depth of 38 feet with a building of five stories, with Zoning: C1-6, in the Greenwich Village Historic District, and

Whereas, this space previously was part of Monster Sushi which had a sidewalk café for many years, and

Whereas, the applicant's establishment – and the sidewalk café – reside in less than 25 feet of the entire building's Hudson St. frontage, and

Whereas, the committee felt the applicant's layout was too dense for the allotted area ensuring a 36" wide serving aisle could not be maintained, and

Whereas, the applicant has agreed to reduce the seating of the café to 10 tables and 20 chairs by altering the seating against the building so the tables are parallel to the building line, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for Slice West Village Ltd.**, d/b/a Slice The Perfect Food, 535 Hudson St., between Charles and Perry Sts, Manhattan Block:632, Lot:55, **with 10 tables & 20 seats, DCA# 1346838 CONDITIONAL UPON** the applicant complying with the conditions set forth in Whereas 6 of this resolution by reducing the café to 10 tables and 20 seats.

VOTE: Unanimous, with 40 Board members in favor.

9. Moz Restaurant Inc., d/b/a MeMe, 581 Hudson Street, at Bank St, Manhattan, Block 634 Lot 60, **with 8 tables & 16 seats, DCA#1347167**

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

Whereas, this lot has frontage of 50 feet and depth of 71 feet with a building of five stories, with Zoning: C1-6, in the Greenwich Village Historic District, and

Whereas, this space previously was Valdino West which had a sidewalk café for many years, and

Whereas, the sidewalk café is entirely on the Hudson St side, on a sidewalk of 19' 10" wide and the café will use only 7 feet of the width and 22' 9" of the property's width, and

Whereas, there is 9 feet clearance between the café perimeter and the only sidewalk obstruction, a street light, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for Moz Restaurant Inc.**, d/b/a MeMe, 581 Hudson Street, at Bank St, Manhattan, Block 634 Lot 60, with 8 tables & 16 seats, **DCA#1347167**.

VOTE: Unanimous, with 40 Board members in favor.

10. **L Plus L Productions LLC**, 113 7th Ave. So., between Christopher and W 10th Sts, Manhattan, Block 610 Lot 1, **with 12 tables & 24 seats, DCA# 1347094**

Whereas, the area was posted, community groups notified and there were no community members present regarding this new application, and the applicant and his representative Michael Kelly, were present, and

Whereas, this lot has frontage of 90.58 feet and depth of 149 feet with a building of one story, with Zoning: C4-5 R6, in the Greenwich Village Historic District, and

Whereas, the sidewalk café is on a sidewalk of 20-foot width and the café will be 9 feet deep and 23 feet wide, and

Whereas, there is 9 feet clearance between the café perimeter and the only sidewalk obstruction, a tree, and more than 5 feet clearance to two subway ventilation grates, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for L Plus L Productions LLC**, 113 7th Ave. So. between Christopher and W 10th Sts, Manhattan, Block 610 Lot 1, **with 12 tables & 24 seats, DCA# 1347094.**

VOTE: Unanimous, with 40 Board members in favor.

11. **308-310 Bleecker Restaurant LLC**, 308-310 Bleecker St, between Grove and Barrow Sts, Manhattan, Block 588, Lots 22 & 23, **with 8 tables & 16 seats, DCA # 1348231**

Whereas, the area was posted, community groups notified and there was one community member present regarding this new application, and the applicant was present, and

Whereas, a representative of the PS41 PTA appeared before the committee to support the application as the owners, who also own Dell'anima on 8th Ave, have supported many non-profit groups in the community, and

Whereas, two emails were received from the community opposing the café on the basis of the sidewalk being just 12' 6" wide and heavily-traveled, and

Whereas, these lots each have frontage of 20 feet and depth of 83 feet with a building of four stories, with Zoning: C1-6 C2-6 (308) and C1-6 (310), in the Greenwich Village Historic District, and

Whereas, the café is on a sidewalk of 12' 6" width with no other obstructions and the café will be 4 feet deep and in two sections of 12' 6" wide with 6' 7" clearance between for the residential entrance, and

Whereas, the only available service area is from the two doors at 308 and 310, the applicant has committed that all service will be handled from the two doors and no waiter traffic will be on the sidewalk outside the allowed café area, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for 308-310 Bleecker Restaurant LLC**, 308-310 Bleecker St. between Grove and Barrow Sts, Manhattan, Block 588, Lots 22 & 23, **with 8 tables & 16 seats, DCA # 1348231.**

VOTE: Unanimous, with 40 Board members in favor

12. **151 Bleecker LLC**, d/b/a Red Lion, 151 Bleecker St, at Thompson St, Manhattan, Block 537 Lot 37, **with 9 tables & 21 seats, DCA# 1348223**

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

Whereas, this lot has frontage of 57 feet and depth of 100 feet with a building of six stories, with Zoning: R7-2, and

Whereas, the café is a slight modification of an existing sidewalk plan with 2 tables and 5 seats next to the rear of the establishment on Thompson St and the remainder on Bleecker St, and

Whereas, the seating on the Bleecker St. side does not extend any further into the sidewalk than an enclosed café directly adjacent, and

Whereas, service for the tables on each street is handled from adjacent doors, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for 151 Bleecker LLC**, d/b/a Red Lion, 151 Bleecker St, at Thompson St, Manhattan, Block 537 Lot 37, **with 9 tables & 21 seats, DCA# 1348223.**

VOTE: Unanimous , with 40 Board members in favor.

13. **BMT Partners, LLC** d/b/a Betel, 49 Grove St., between 7th Ave So. and Bleecker St, Manhattan, Block 591 Lot 40 **with 3 tables & 6 seats, DCA # 1347560**

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

Whereas, this lot has frontage of 73 feet and depth of 117 feet with a building of six stories, with Zoning: C1-6, C4-5, and

Whereas, the café is a minimal intrusion in a 12' 6" sidewalk consisting of 3 18" tables and 6 chairs against the facade and a 3' service aisle beside them, and

Whereas, further expansion of the café is restricted by the need to maintain clearance from an existing Muni-Meter and lamp post, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for BMT Partners, LLC** d/b/a Betel, 49 Grove St., between 7th Ave So. and Bleecker St, Manhattan, Block 591 Lot 40 **with 3 tables & 6 seats, DCA # 1347560.**

VOTE: Unanimous, with 40 Board members in favor

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

14. **60 Greenwich LLC**, d/b/a Gusto, 60 Greenwich Ave., at Perry St, Manhattan, Block 606 Lot 25, **with 13 tables & 26 seats, DCA# 1191326**

Whereas, the area was posted, community groups notified and there were no community members present regarding this **Re-application**, and the applicant was present, and

Whereas, this lot has frontage of 25 feet and depth of 67 feet with a building of three stories, with Zoning: C1-6, and

Whereas, the café extends 6' out from the establishment on a sidewalk that is 17'4" wide from part of the building and 16'2" from bay windows beside the main entrance, and

Whereas, there is not 36" of service aisle along the whole café, but the applicant has committed to maintaining service from both doors, and

Whereas, one table and 2 chairs were sited virtually in front of the main entrance, and two other tables were immediately adjacent to the neighboring residential entrance, the applicant has agreed to reducing the application by 1 table and 2 chairs, allowing the other 2 tables to be moved ½ of the distance toward the establishment entrance, providing more clearance for both entrances, and

THEREFORE BE IT RESOLVED that Manhattan Community Board #2 recommends APPROVAL of this Re-application for a **NEW App. for revocable consent to operate an Unenclosed sidewalk café for 60 Greenwich LLC**, d/b/a Gusto, 60 Greenwich Ave., at Perry St, Manhattan, Block 606 Lot 25, **with 12 tables & 24 seats, DCA# 1191326 CONDITIONAL UPON** the applicant reducing the application by one table and 2 chairs as noted in Whereas 5.

VOTE: Unanimous, with 40 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jo Hamilton, Chair
Community Board #2, Manhattan



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

JH/gh

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
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
Sandy Myers, Community Board Liaison, Man., Boro. President
Lolita Jackson, Manhattan Director, CAU
Peter Janosik, Council, Land Use Division
Michael Ben-Asher, Dept. of Consumer Affairs
Applicants