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COMMUNITY BOARD No. 2, MANHATTAN

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

REVISED

April 20, 2012

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on April 19, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- 1. 212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. (at Kenmare St), with 5 tables & 4 seats, DCA# 1349707**

Block:482 Lot:31

Year Built:1900(estimated)

Residential Units:16 Total # of Units:17

Lot Frontage:24.92' Lot Depth:100

Number of Buildings:1; Number of Floors:5

Zoning:M1-5B

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

Whereas, this café has been operated for two years by this applicant, and

Whereas, a member of the Friends of Petrosino Square stated there had been problems with late night crowding on the sidewalk and the applicant was encouraged to manage this as much as possible, and

Whereas, the committee noted a bench which is not shown on the café print is used as part of the café, but as pointed out by the applicant, the bench is installed within the property line of the building and does not use public sidewalk space, and

Whereas, there was some concern over clearance for the fire escape drop ladder, but based on inspection photos it appears the seating is generally maintained in order to accommodate the needed clearance,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. (at Kenmare St), with 5 tables & 4 seats, DCA# 1349707**

VOTE: Unanimous, with 37 Board members in favor.

- 2. Focacceria, Ltd., d/b/a Focacceria Restaurant, 87 Macdougall St. (bet. Bleecker St. & Houston St.), with 7 tables & 14 seats, DCA# 1244977**

Block:526 Lot:25	Lot Frontage:25' Lot Depth:98
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:15 Total # of Units:17	Zoning:R7-2; Commercial Overlay:C1-5

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

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

Whereas, the committee pointed out to the applicant that one 2-top table which should be up against the façade to the right of the door is often set up as part of the first group of tables to the left of the door, which interferes with the required service aisle, and the applicant committed to correcting the situation,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Focacceria, Ltd., d/b/a Focacceria Restaurant, 87 Macdougall St. (bet. Bleecker St. & Houston St.), with 7 tables & 14 seats, DCA# 1244977**

VOTE: Unanimous, with 37 Board members in favor.

- 3. Bleecker Spaghetti, LLC, d/b/a Trattoria Spaghetti, 232 Bleecker St. (SE corner Carmine St), with 14 tables & 28 seats, DCA# 1399534**

Block:527 Lot:72	Lot Frontage:70' Lot Depth:50
Year Built:1900(estimated)	Number of Buildings:2; Number of Floors:6
Residential Units:25 Total # of Units:27	Zoning:R7-2 ; Commercial Overlay:C1-5
Landmark Building:Yes	Historic District:Greenwich Village Historic Dist.
Ext. II	

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

Whereas, this café has been operated for many years under a previous applicant with few known issues, and

Whereas, the committee pointed out to that a large planter is substantially blocking the sidewalk on the Bleecker St. side of the main entrance and needs to be removed and a food service hutch has been used in the café and must not be, and Mr. Kelly committed to having the applicant rectify these items,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Bleecker Spaghetti, LLC, d/b/a Trattoria Spaghetti, 232 Bleecker St. (SE corner Carmine St), with 14 tables & 28 seats, DCA# 1399534**

VOTE: Unanimous, with 37 Board members in favor.

- 4. Lupe’s East L.A. Kitchen, Inc., 110 Sixth Ave.(NE corner Watts St), with 4 tables & 16 seats, DCA# 1321335**

Block:476 Lot:15	Lot Frontage:51.58' Lot Depth:127.08
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:30 Total # of Units:34	Zoning:M1-5B

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

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

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Lupe’s East L.A. Kitchen, Inc., 110 Sixth Ave.(NE corner Watts St), with 4 tables & 16 seats, DCA# 13213**

VOTE: Unanimous,with 37 Board members in favor.

- 5. Paesano Rest. Corp. d/b/a Paesano’s, 136 Mulberry St. (btw Hester St & Grand St), with 3 tables & 6 seats, DCA# 1240086**

Block:237 Lot:7501	Lot Frontage:124.75' Lot Depth:101.33
Year Built:1915	Number of Buildings:1; Number of Floors:6
Residential Units:0 Total # of Units:11	Zoning:C6-2G

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

Whereas, this café has been operated for many years by this applicant, and

Whereas, the committee showed the applicant photographs taken on multiple dates which clearly show the café is consistently set up with 5 tables and 10 seats in clear violation of its license,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Paesano Rest. Corp. d/b/a Paesano’s, 136 Mulberry St. (btw Hester St & Grand St), with 3 tables & 6 seats, DCA# 1240086**

UNLESS the applicant signs a binding agreement with the City Council to strictly abide by its approved seating of 3 tables and 6 seats

VOTE: Unanimous, with 37 Board members in favor.

6. Bar Giacosa Corp. d/b/a Bar Pitti, 268 Sixth Ave. (btw W Houston St & Bleecker St), with 21 tables & 49 seats, DCA# 1097155

Block:526 Lot:16	Lot Frontage:40' Lot Depth:100
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:32 Total # of Units:34	Zoning:R7-2; Commercial Overlay:C1-5

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

Whereas, this café has been operated for many years by this applicant with some previous issues of over-seating and wait staff use of the public sidewalk but these issues appear to be largely resolved, and

Whereas, the committee noted there often continue to be issues with sidewalk clearance due to crowds of waiting customers blocking passage and requested Mr. Kelly work with the applicant to address this issue as much as possible,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan 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 Ave. (btw W Houston St & Bleecker St), with 21 tables & 49 seats, DCA# 109715**

VOTE: Unanimous, with 37 Board members in favor.

7. Dynamic Music Corp. d/b/a Olive Tree Café, 117 Macdougall St. (btw Minetta Ln & W 3 St), 3 tables & 6 seats, DCA# 0807555

Block:543 Lot:22	Lot Frontage:25' Lot Depth:74
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:4
Residential Units:5 Total # of Units:6	Zoning:R7-2 ; Commercial Overlay:C1-5

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

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

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan 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 Macdougall St. (btw Minetta Ln & W 3 St), 3 tables & 6 seats, DCA# 0807555**

VOTE: Unanimous, with 37 Board members in favor.

8. Mouquinho Enterprises, Inc., d/b/a PJ Charlton, 549 Greenwich St. (SE corner Charlton St), with 5 tables & 10 seats, DCA# 1225874

Block:597 Lot:45

Lot Frontage:50' Lot Depth:75

Year Built:1920(estimated)

Number of Buildings:1; Number of Floors:6

Residential Units:9 Total # of Units:11

Zoning:M1-6

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

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

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan 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 PJ Charlton, 549 Greenwich St. (SE corner Charlton St), with 5 tables & 10 seats, DCA# 1225874**

VOTE: Unanimous, with 37 Board members in favor.

9. Fig & Olive Thirteen Street, LLC., 420 West 13th St. (btw Washington St & 9 Ave), with 17 tables & 34 seats, DCA 1343247

Block:645 Lot:29

Lot Frontage:144' Lot Depth:206.5

Year Built:1901

Number of Buildings:1; Number of Floors:3

Residential Units:0 Total # of Units:34

Zoning:M1-5

Landmark Building:Yes

Historic District:Gansevoort Market

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

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

Whereas, the committee reminded the applicant that any encroachment on the public sidewalk by a menu sign and some planters must be controlled,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Fig & Olive Thirteen Street, LLC., 420 West 13th St. (btw Washington St & 9 Ave), with 17 tables & 34 seats, DCA 1343247**

VOTE: Unanimous, with 37 Board members in favor.

10. 4 Runners, Inc., d/b/a Istanbul, 310 West 14th St. (btw 8 Ave & Hudson St), with 5 tables & 10 seats, DCA# 1290477

Block:629 Lot:29

Lot Frontage:100' Lot Depth:98

Year Built:1905(estimated)

Number of Buildings:1; Number of Floors:6

Residential Units:66 Total # of Units:73

Zoning:C6-2A

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

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

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **4 Runners, Inc., d/b/a Instabul, 310 West 14th St. (btw 8 Ave & Hudson St), with 5 tables & 10 seats, DCA# 1290477**

VOTE: Unanimous, with 37 Board members in favor.

11. Bonarue Bleu Industries, Inc., d/b/a Florencia 13, 185 Sullivan St., with 4 tables & 8 seats, DCA# 1301635

Block:525 Lot:7	Lot Frontage:50' Lot Depth:100.17
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:40 Total # of Units:42	Zoning:R7-2 ; Commercial Overlay:C1-5

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

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

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Bonarue Bleu Industries, Inc., d/b/a Florencia 13, 185 Sullivan St., with 4 tables & 8 seats, DCA# 1301635**

VOTE: Unanimous, with 37 Board members in favor.

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

12. 18 Front, Inc. d/b/a Room 18, 18 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA#141936

Block:479 Lot:19	Lot Frontage:23.83' Lot Depth:71
Year Built:1905(estimated)	Number of Buildings:1; Number of Floors:4
Residential Units:7 Total # of Units:8	Zoning:C6-2

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

Whereas, this café is proposed for a sidewalk of 12'8" width which – the required 8' sidewalk clearance and 3' service aisle – limits the table width to 1'8" but the plan shows a width of 1'10 ½", and

Whereas, the plan shows the fire escape drop ladder 5' from the façade when it is actually approximately 3' from the façade, which calls into question the legality of the table/chairs to the left of the door,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **18 Front, Inc. d/b/a Room 18, 18 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA#141936**

CONDITIONAL UPON the applicant using tables no wider than 1’8” (20”) wide as noted in the 4th Whereas and DCA confirming the location of the drop ladder and subsequent legality of the 1 table and 2 chairs beneath it

VOTE: Unanimous, with 37 Board members in favor.

13. Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1421348

Block:493 Lot:16	Lot Frontage:23.5' Lot Depth:109.67
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:5
Residential Units:8 Total # of Units:8	Zoning:C6-2

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

Whereas, this café is proposed for a sidewalk of 12’6” width and the committee does not agree the table/chair units positioned perpendicular to the façade will remain within the 4’6” required to maintain 8’ of clear public sidewalk, and

Whereas, the sidewalk at this address is compromised by a peak between the proposed tables and substantial slopes down on either side making seating problematic even with adjustable leg furniture, and

Whereas, the proposed café is heavily constrained by the need to maintain clearance to the curb, a street light and the fire escape drop ladder which is sandwiched between the two tables,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1421348**

UNLESS DCA can confirm the café can be routinely operated while maintaining the required clearances to the curb, streetlight and fire escape drop ladder and the substantial slope of the sidewalk will not present safety issues

VOTE: Unanimous, with 37 Board members in favor.

14. 11 Carmine Tacos, LC, d/b/a Dos Toros Taqueria, 11 Carmine St. (btw Blecker St & 6 Ave), with 6 tables, & 12 seats, DCA# 1422296

Block:589Lot:46	Lot Frontage:25' Lot Depth:100
Year Built:1900	Number of Buildings:1; Number of Floors:5
Residential Units:13 Total # of Units:14	Zoning:R7-2; Commercial Overlay:C1-5

Landmark Building:Yes
Ext. II

Historic District:Greenwich Village Historic Dist.

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Oliver Kremer, and his representative, Joseph Levy, were present, and

Whereas, the applicant stated the restaurant has no waiter service and the café will not as well, but staff will be responsible for continual cleanup of the café space, and

Whereas, the NYC Dept. of Consumer Affairs Sidewalk Café Regulations state: “If the applicant at any point holds a State Liquor Authority license to serve alcohol in the restaurant premises, the applicant must provide waiter service”, and

Whereas, the plan does not show the fire escape drop ladder to the right of the door which may impact the legality of the 1 table and 2 chairs just below it,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **11 Carmine Tacos, LLC, d/b/a Dos Toros Taqueria, 11 Carmine St. (btw Bleecker St & 6 Ave), with 6 tables, & 12 seats, DCA# 1422296**

CONDITIONAL UPON:

- **DCA confirming the applicant will provide waiter service if they hold any permit from the State Liquor Authority to serve alcohol in the restaurant premises**
- **applicant revising the drawing to include the location of the fire escape drop ladder and DCA confirming the legality of the 1 table and 2 chairs beneath it**

VOTE: Passed, with 36 Board members in favor, and 1 against-(Sanz)

15. Il Buco Vineria, LLC,d/b/a Il Buco Alimentary & Vineria, 53 Great Jones St. (btw Lafayette St & Bowery), with 8 tables & 16 seats, DCA# 1422675

Block:530 Lot:31 Lot Frontage:27' Lot Depth:100
Year Built:1920(estimated) Number of Buildings:1; Number of Floors:2
Residential Units:0 Total # of Units:1 Zoning:M1-5B
Landmark Building:Yes Historic District:NoHo Historic District Extension

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

Whereas, the committee received several emails requesting careful consideration of this café as the neighborhood has already experienced issues of crowds of restaurant patrons on the sidewalk and illegal parking in the fire lane which begins just to the west of the applicant’s property, and

Whereas, the applicant stated the plan presented had been modified at the suggestion of DCA staff who purportedly said that, as the streetlight was at one end of the café, they would ‘overlook’ the required clearance between it and the café, requiring the 8’ clearance only from the curb, and

Whereas, regardless of how this change to the clearance on the plan was made, the committee rejects any suggestion that DCA staff has the authority to ignore sidewalk café clearances as laid out in Article I, Section 4 of the Zoning Resolution of the City of New York, and

Whereas, maintaining the required 8' clearance between at least the east end of the café and the streetlight means that end of the café must be no deeper than 6'4" from the property line, and the applicant does not wish to have a café depth that changes from one end to the other, which the committee would not support in any case, the 6'4" depth will support only 6 tables and 12 seats, and

Whereas, the reduction in tables should allow for an incremental increase in width of the tables to 20" or 22", which the committee finds is substantially more practical in daily operation,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Il Buco Vineria, LLC, d/b/a Il Buco Alimentary & Vineria, 53 Great Jones St. (btw Lafayette St & Bowery), with 6 tables & 12 seats, DCA# 1422675**

CONDITIONAL UPON the seating being reduced to 6 tables and 12 seats as noted in Whereas 4

VOTE: Unanimous, with 37 Board members in favor.

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

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



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

BH/gh

- c:
- 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
 - Jessica Silver, Man. Boro. President's Office
 - Pauline Yu, Community Assistance Unit
 - Peter Janosik, Council, Land Use Division