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## COMMUNITY BOARD No. 2, MANHATTAN

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

February 27, 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 February 23, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- 1. Jo-Rach Inc. d/b/a The Caffe Palermo, 148 Mulberry St. (SE corner Grand St), with 3 tables & 10 seats, DCA# 0920440**

Block:237 Lot:12

Year Built:1900

Residential Units: 35; Total # of Units:38

Lot Frontage:51' Lot Depth:90

Number of Buildings:1; Number of Floors:6

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 with no 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 **Jo-Rach Inc. d/b/a The Caffe Palermo, 148 Mulberry St. (SE corner Grand St), with 3 tables & 10 seats, DCA# 0920440**

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

**2. Pomodoro Restaurant & Pizzeria, 51 Spring St. (NW corner Mulberry St), with 6 tables & 18 seats, DCA# 0884882**

Block:495 Lot:42

Year Built:1910(estimated)

Residential Units:15; Total # of Units:17

Lot Frontage:28' Lot Depth:76.25

Number of Buildings:1; Number of Floors:6

Zoning:C6-2

**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 no known issues, and

**Whereas**, the committee only had available a partial print that appeared to be somewhat different from the café seating in use, but given the age of the café the minimal print is somewhat to be expected,

**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 **Pomodoro Restaurant & Pizzeria, 51 Spring St. (NW corner Mulberry St), with 6 tables & 18 seats, DCA# 0884882**

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

**3. 247 Deli LLC, d/b/a Delicatessen, 265 Lafayette St. (SE corner Prince St), with 20 tables & 40 seats, DCA#1248648**

Block:495 Lot:11

Year Built:1926(estimated)

Residential Units:93; Total # of Units:102

Lot Frontage:163.33' Lot Depth:81.83

Number of Buildings:1; Number of Floors:6

Zoning:C6-2

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

**Whereas**, this café has been operated for four years by this applicant and initial issues with noise and congestion from the café were addressed early in its existence and the café appears to continue to be a benefit to its neighbors as attested to by two residents at the meeting, and

**Whereas**, the committee only noted that while the majority of the café is on Spring St, the small part of the café on Lafayette should fall under the small sidewalk category and, contrary to DCA interpretation, CB2 Manhattan continues to believe this should restrict that portion of the café to two-seat tables,

**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 **247 Deli LLC, d/b/a Delicatessen, 265 Lafayette St. (SE corner Prince St), with 20 tables & 40 seats, DCA#1248648**

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

**4. BLL Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St. (btw Bleecker St & W 3 St), with 2 tables & 5 seats, DCA# 0924708**

Block:537Lot:1

Year Built:1909

Residential Units:82; Total # of Units:86

Lot Frontage:100'Lot Depth:100

Number of Buildings:3; Number of Floors:7

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 no known issues, and

**Whereas**, the committee received one email from a neighborhood resident in support of this renewal,

**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 **BLL Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St. (btw Bleecker St & W 3 St), with 2 tables & 5 seats, DCA# 0924708**

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

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

**5. Ayza Upper West Side, Inc. d/b/a Ayza Wine & Chocolate Bar, One 7th Ave. South (NE corner Carmine St), with 18 tables & 36 seats, DCA# 14116689**

Block:582 Lot:43

Year Built:2006

Residential Units:4; Total # of Units:5

Lot Frontage:58.67' Lot Depth:55.08

Number of Buildings:1; Number of Floors:6

Zoning:C2-6

**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**, a similar café had been operated at this location for a short time by a previous applicant with no known issues, and

**Whereas**, Mr. Kelly pointed out the proposed café is smaller in both length and depth than would be allowable, but the applicant might apply to expand the café in the future if the amount of business can support it and the community is comfortable with the café operation up to that time,

**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 **Ayza Upper West Side, Inc. d/b/a Ayza Wine & Chocolate Bar, One 7th Ave. South (NE corner Carmine St), with 18 tables & 36 seats, DCA# 14116689**

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

**6. Serafina Meatpacking LLC, 7 9th Ave (SW corner Little W 12 St), with 21 tables & 48 seats, DCA# 1418637**

Block:644Lot:54

Year Built:1900 (estimated)

Lot Frontage:20'Lot Depth:63

Number of Buildings:1; Number of Floors:4

Residential Units:0; Total # of Units:1  
Landmark Building:Yes

Zoning:M1-5  
Historic District:Gansevoort Market

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicants and their representative, Steve Wygoda, were present, and

**Whereas**, the committee was informed that a third door would be used for service which would allow the addition of another table and 4 seats, but this was not included on the application or print, and

**Whereas**, the plan was dependent on the proper use of 3 separate service doors, at least 4 different table sizes and ill-defined angles on the borders of the café to maintain clearance between the café and two fire hydrants, a street light and the corner curb, and

**Whereas**, the committee has found through experience with numerous other cafes that multiple service doors, table sizes and irregular café borders almost ensure non-compliance with the application in daily operation, and

**Whereas**, Mr. Wygoda and the applicants agreed that the café setup should be simplified for better management and compliance and committed to providing the committee with an updated plan which would utilize no more than 2 table sizes where each table size's placement is clearly delineated so it is easily understood by busy restaurant staff, and

**Whereas**, at the committee's request, Mr. Wygoda will look at the feasibility of restricting food service to the two more eastern entrances, and

**Whereas**, to reduce the possibility of service occurring from the public sidewalk, the 4-seat tables shown on the outer edge of the café will be moved against the façade with the 2-seat tables moving to the outside position,

**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 **Serafina Meatpacking LLC, 7 9th Ave (SW corner Little W 12 St), with 21 tables & 48 seats, DCA# 1418637**

**UNLESS the applicant provides a print with a more workable and reproducible layout and table/seat count relative to the available space prior to the application being considered by the City Council**

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

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

**7. Dinner is Ready, LLC d/b/a Eightyfour, 84 7th Ave. South (btw Bleecker St & Grove St), with 6 tables & 21 seats, DCA# 1375447**

Block:591 Lot:3  
Year Built:1910 (estimated)  
Residential Units:1; Total # of Units:2  
Landmark Building: Yes

Lot Frontage:25.17' Lot Depth:50.83  
Number of Buildings:1; Number of Floors:3  
Zoning:C4-5  
Historic District: Greenwich Village

**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 applicant noted that the first word of their corporate name was misspelled as “Diner” on the application and the correct spelling is “Dinner”, and

**Whereas**, this enclosed café has been operated for many years by previous applicants with few known issues, and

**Whereas**, the committee noted the applicant has placed an illegal bench and sandwich board sign on the sidewalk in front of the café and loudspeakers mounted on the front of the building façade within the café that would need to be removed, and

**Whereas**, the applicant stated the bench was an attempt to offset the detrimental effect of scaffolding that was installed next door that overlaps the applicant’s property, and

**Whereas**, while the committee stated the bench must still be removed and the sign kept flat against the café façade, it agreed that the scaffolding is a serious impediment to the applicant’s visibility and should be carefully inspected by the city to ensure it is not illegally impinging on the applicant’s property, and

**Whereas**, the property next door, which is currently vacant, also has several large planters on the sidewalk which further detract from the applicant’s street presence and should be removed immediately,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **Dinner is Ready, LLC d/b/a Eightyfour, 84 7th Ave. South (btw Bleecker St & Grove St), with 6 tables & 21 seats, DCA# 1375447**

**PROVIDED the bench in front of and loudspeakers within the café are removed and the sandwich board sign is kept flush against the façade of the cafe**

**VOTE:** Unanimous, with 40 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

JH/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