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## COMMUNITY BOARD NO. 2, MANHATTAN

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January 24, 2014

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

Dear Commissioner Mintz:

At its Full Board meeting on January 23, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### App. to Dept. of Consumer Affairs for Newsstand at:

#### 1. On Centre St. near the northeast corner of Canal St.

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

**Whereas**, there were several emails sent to CB2 strongly opposed to the location for a newsstand due to the fact there are already 5 existing newsstands within a single block of this location and a 6<sup>th</sup> located just one additional block down Centre St, and

**Whereas**, the committee could not immediately see any technical problems with the location, we are adamantly opposed to adding yet another newsstand to a congested area that is already literally chock-a-block with them,

**THEREFORE BE IT RESOLVED that Community Board 2 Manhattan STRONGLY recommends DENIAL of an application for a newsstand on Centre St near the northeast corner of Canal St, DCA# 580-2013-ANWS**

. **VOTE: Unanimous, with 36 Board members in favor.**

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

#### 2. 98 Kenmare Restaurant Group LLC d/b/a Maison O, 98 Kenmare St (btw Cleveland Pl & Mulberry St), with 14 tables & 28 chairs, DCA# 2199-2013-ASWC

Block:481 Lot:32

Year Built:1900(estimated)

Residential Units:30 Total # of Units:32

Lot Frontage:100' Lot Depth:100.17

Number of Buildings:1; Number of Floors:6

Zoning:C6-1

**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 had been previously approved but has not been operated for at least two years, and

**Whereas**, according to DCA no changes have occurred in the plan and the blueprint we were provided by both DCA and the applicant was the same plan from 2+ years ago, and

**Whereas**, this cannot be considered the same café as the façade has subsequently been modified, including:

- Two doors have been added within the café area, neither of which is shown on the print
- The locations of both doors, one of which is the food service access, are shown with furniture blocking them
- The door indicated for food service is no longer accessible by the applicant
- In addition, a fire escape and drop ladder are not shown on the print

**Whereas**, neither the applicant nor DCA produced a print remotely matching the current conditions of the establishment, it was impossible for CB2 Manhattan to assess this application,

**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 **98 Kenmare Restaurant Group LLC d/b/a Maison O, 98 Kenmare St (btw Cleveland Pl & Mulberry St), with 14 tables & 28 chairs, DCA# 2199-2013-ASWC**

**AND FURTHER BE IT RESOLVED** that Community Board 2 Manhattan requests that DCA require this applicant to file a new application with a blueprint that correctly reflects the current conditions of the café location, and allows for a proper review by CB2 Manhattan as required by law

**VOTE: Unanimous, with 36 Board members in favor.**

**3. Upright Holding 547 LLC d/b/a Upright Holding Brew House, 547 Hudson St (btw Charles St & Perry St), with 6 tables & 12 chairs, DCA# 3028-2013-ASWC**

Block:632 Lot:149

Year Built:1900(estimated)

Residential Units:3 Total # of Units:4

Lot Frontage:19' Lot Depth:90.42

Number of Buildings:1; Number of Floors:4

Zoning: C1-6

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

**Whereas**, this café is proposed for a sidewalk of 19'4" width but which has a bicycle rack directly in front that limits the usable sidewalk width to 15'4", and an allowable café depth of 7'8" (half of the unobstructed sidewalk), and

**Whereas**, the supplied print erroneously showed the bicycle rack 12" from the curb when it is actually 3' from the curb as well as showing the clear path extending to the curb rather than to the "bicycle rack (with bicycles)" as required, and the applicant committed to immediately have his architect correct the print, and

**Whereas**, the narrower usable sidewalk means the indicated service aisle at the outside of the tables is no longer possible, but tables can be separated enough to use the available 7'8" of space and service can be handled (between diners) from the service aisle shared with entry to the restaurant, and

**Whereas**, the applicant has agreed as part of their Method of Operation on their SLA license for the sidewalk café to operate the café no later than 9:00pm Sun-Thurs and 10:00pm Fri-Sat,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Upright Holding 547 LLC d/b/a Upright Holding Brew House, 547 Hudson St, with 6 tables & 12 chairs, DCA# 3028-2013-ASWC**

**PROVIDED** the applicant provides DCA with a new plan correctly showing the location of the bicycle rack and the resulting reduced usable sidewalk and outside food service aisle

**VOTE: Unanimous, with 36 Board members in favor.**

**Renewal/modification app for revocable consent to operate an Unenclosed sidewalk cafe for:**

**4. 753 Washington Trattoria Inc. d/b/a [none indicated], 753 Washington St. (SE corner of Bethune St), with 12 tables & 26 chairs, DCA# 1382062**

Block:635Lot:11

Year Built:1905(estimated)

Residential Units:2Total # of Units:3

Lot Frontage:20'Lot Depth:55

Number of Buildings:1; Number of Floors:3

Zoning:C1-6A

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

**Whereas**, this restaurant has been operated with a d/b/a of Malaparte for at least 2 years, but there is no d/b/a listed on this application or current license, and

**Whereas**, this application is for a renewal of an existing café on the Bethune St side of the restaurant and a modification which adds café seating on the Washington St side, and

**Whereas**, this café modification is proposed for the Washington St side of the restaurant on a sidewalk of 15'2" width but which has a fire hydrant which limits the unobstructed sidewalk width to 13' and street light (with cross signal) which further limits the north end of the café space, and

**Whereas**, the café modification is dependent on service taking place through a set of folding doors shown on the plan, but that façade modification has not been done and the committee does not typically support applications which are based on non-existent conditions, and

**Whereas**, the supplied print also shows 3 square tables and 1 round table with one chair angled to allow it to fit within the space requested in the application, and the committee requested the applicant use only one size/shape of table and rearrange or reduce the seating to provide a reproducible café layout that can be realistically set up in daily operation, and the applicant agreed,

**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 **753 Washington Trattoria Inc. d/b/a [none indicated], 753 Washington St. (SE corner of Bethune St), with 12 tables & 26 chairs, DCA# 1382062**

**FURTHER BE IT RESOLVED** that Community Board 2 Manhattan maintains that this application should have been filed only after the doors required for the additional café seating were installed as the print supplied does not represent the existing conditions at the time the application was filed

**VOTE: Unanimous, with 36 Board members in favor.**

**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,

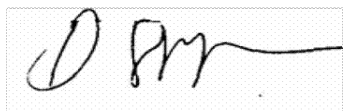
- 110 Varick St. Corp., d/b/a Amelia's Restaurant Coffee Shop, 110 Varick St., with 12 tables & 24 chairs, DCA# 1312498
- Pomodoro Restaurant and Pizzeria, Inc., 51 Spring St., with 6 tables & 18 chairs, DCA#0884882
- Rustic Table, LLC d/b/a The Quarter, 522 Hudson St., with 16 tables & 32 chairs, DCA# 1444395

**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/ch

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. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Pauline Yu, Community Assistance Unit

