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## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)  
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June 21, 2010

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

Dear Commissioner Mintz:

At its Full Board meeting on June 17, 2010, CB#2-Man., adopted the following resolutions:

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

- G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA#1225841**  
Block:529 Lot:140 Lot Frontage:16.9' Lot Depth:59.1  
Year Built:1920(estimated) Number of Floors:4  
Residential Units:3 Zoning:C6-1  
Landmark Building: Yes Historic District: Noho East

**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 69 feet and depth of 59 feet with a building of four stories, with Zoning: C6-1, and

**Whereas**, the applicant appears to operate this sidewalk café in a responsible manner,

**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 **G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 4 tables & 9 seats, DCA#1225841**

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

- Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas, 33 Greenwich Ave. with 23 tables & 50 seats, DCA# 1221127**  
Block:611 Lot:65 Lot Frontage:150.25' Lot Depth:110  
Year Built:1961 Number of Floors:15  
Residential Units:151 Zoning:C1-6 R6  
Landmark Building: Yes Historic District: Greenwich Village

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

**Whereas**, this lot has frontage of 150 feet and depth of 110 feet with a building of fifteen stories, with Zoning: C1-6, R-6, and

**Whereas**, emails and petitions totaling more than 60 members of the community were received requesting denial of this application due to noise, drunkenness and unruly behavior generated by this establishment, and

**Whereas**, a petition was submitted by the applicant supporting this application, although most of the substantial number of signers were from outside NYC, and

**Whereas**, there are numerous complaints about this establishment's operation of its sidewalk cafe, and

**Whereas**, the applicant has been instructed by the FDNY to maintain access from a second door, the applicant has requested the size of the café be reduced to 20 tables and 44 chairs, and

**Whereas**, the applicant stated that no patrons are seated in the sidewalk café unless they are eating food, and the applicant has committed to continuing this restriction, and

**Whereas**, the applicant has committed to establish and maintain a regular series of meetings with residents of the 33 Greenwich Ave coop, and

**Whereas**, the applicant has committed to establishing a more 'robust' presence in the sidewalk café than is currently provided by the hostess in order to better monitor patron behavior, and

**Whereas**, the applicant is in the process of installing an awning over the sidewalk café to improve sound attenuation between the café and the residences above,

**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 **Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas, 33 Greenwich Ave. with 20 tables & 44 seats, DCA# 1221127**

**CONDITIONAL UPON the applicant meeting the conditions set forth in Whereas 6, 7, 8, 9 and 10 of this resolution.**

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

4. **Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. with 8 tables and 16 seats, DCA# 0762511**  
Block:525 Lot:50 Lot Frontage:25' Lot Depth:75  
Year Built:1900(estimated) Number of Floors:5  
Residential Units:4 Total # of Units:5 Zoning:R7-2 Commercial Overlay: C1-5

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

**Whereas**, this lot has frontage of 25 feet and depth of 75 feet with a building of five stories, with Zoning: R7-2, Commercial Overlay of C1-5, and

**Whereas**, the applicant appears to operate this sidewalk café in a responsible manner,

**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 **Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. with 8 tables and 16 seats, DCA# 0762511**

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

5. **Paesano Rest. Corp. d/b/a Paesano of Mulberry St. 136 Mulberry 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 Floors:6  
Residential Units:0 Total # of Units:11 Zoning:C6-2

**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 124 feet and depth of 101 feet with a building of six stories, with Zoning: C6-2, and

**Whereas,** the applicant appears to operate this sidewalk café in a responsible manner,

**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 **Paesano Rest. Corp. d/b/a Paesano of Mulberry St. 136 Mulberry St. with 3 tables & 6 seats, DCA#1240086**

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

6. **99 South Rest. Corp. d/b/a Garage, 97-99 7<sup>th</sup> Ave. South, with 42 tables & 84 seats, DCA# 1217775**

Block:591 Lot:17 Lot Frontage:59.67' Lot Depth:83.83  
Year Built:1920 Number of Floors:1  
Residential Units:0 Total # of Units:1 Zoning:C4-5  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas,** the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was not present, and

**Whereas,** this lot has frontage of 59 feet and depth of 83 feet with a building of one story, with Zoning: C4-5, and

**Whereas,** the applicant appears to operate this sidewalk café in a responsible manner,

**THEREFORE BE IT RESOLVED** that Manhattan Community Board 2 recommends DENIAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **99 South Rest. Corp. d/b/a Garage, 97-99 7<sup>th</sup> Ave. South, with 42 tables & 84 seats, DCA# 1217775** AND REQUESTS DCA instruct the applicant to appear before this committee as required by the sidewalk café rules of the City of New York.

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

7. **Happy Walking Boys Corp. d/b/a Chow Grill Restaurant, 184 W. 10th St. /230 W. 4th St. with 6 tables & 13 seats, DCA# 1072271**

Block:619 Lot:68 Lot Frontage:26.42' Lot Depth:101  
Year Built:1901 (estimated) Number of Floors:5  
Residential Units:16 Total # of Units:20 Zoning:C4-5, R-6  
Landmark Building: Yes Historic District: Greenwich Village

**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 26 feet and depth of 101 feet with a building of five stories, with Zoning: C4-5, R-6, and

**Whereas**, the applicant is operating the sidewalk café, which is entirely on the W 10<sup>th</sup> St side of the building, with a completely different configuration than approved that often reduces the public width of the sidewalk to roughly 6 feet, 2 feet less than required, and

Whereas, the current seating arrangement further requires the wait staff to serve from the already reduced area of public sidewalk, and

Whereas, the applicant is also using more tables and chairs than approved, sometimes as many as 11 tables and 22 chairs,

**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 **Happy Walking Boys Corp. d/b/a Chow Grill Restaurant, 184 W. 10th St. /230 W. 4th St. with 6 tables & 13 seats, DCA# 1072271**

**CONDITIONAL UPON the applicant returning the cafe size and arrangement to that shown on the layout thereby maintain the full 8 feet of clear public sidewalk space.**

**VOTE:** Passed, with 39 Board members in favor, 1 abstention-(Secunda)

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

8. **BacBars Group, LLC d/b/a Bayard's Alehouse, 533 Hudson St. aka 116 Charles St. with 14 tables & 32 seats, DCA# 1248153**

Block:631 Lot:39 Lot Frontage:27.58' Lot Depth:74.92  
Year Built:1910 Number of Floors:3.5  
Residential Units:5 Total # of Units:6 Zoning:C1-6  
Landmark Building: Yes Historic District: Greenwich Village

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

**Whereas**, this lot has frontage of 27 feet and depth of 74 feet with a building of 3½ stories, with Zoning: C1-6, and

**Whereas**, this enclosed sidewalk café has been in operation under prior operators for many years, and

**Whereas**, the applicant appears to operate this enclosed sidewalk café in a responsible manner,

**THEREFORE BE IT RESOLVED** that Manhattan Community Board 2 recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **BacBars Group, LLC d/b/a Bayard's Alehouse, 533 Hudson St. aka 116 Charles St. with 14 tables & 32 seats, DCA# 1248153**

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

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

9. **Mendered, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 19 tables & 38 seats, DCA# 1354717**  
Block:525 Lot:7504 Lot Frontage:25' Lot Depth:125  
Year Built:1900 (estimated) Number of Floors:5  
Residential Units:0 Total # of Units:8 Zoning:R7-2 Commercial Overlay:C1-5

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

**Whereas**, this lot has frontage of 25 feet and depth of 125 feet with a building of five stories, with Zoning: R7-2, Commercial Overlay C1-5, and

**Whereas**, several members of the community appeared in support of this applicant and a sidewalk cafe for this establishment, and

**Whereas**, the applicant has agreed to reduce the café to 18 tables and 36 seats to better accommodate access through one of the required doors,

**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 **Mendered, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 18 tables & 36 seats, DCA# 1354717**  
**CONDITIONAL UPON the applicant reducing the number of tables and seats to those stated in the final Whereas and the THEREFORE BE IT RESOLVED clause of this resolution.**

**VOTE:** Passed, with 39 Board members in favor, and 1 against-(Dutton)

10. **Village Tart LLC, 86 Kenmare St. with 10 tables & 20 seats, DCA# 1353290**  
Block:481 Lot:32 Lot Frontage:100' Lot Depth:100.17  
Year Built:1900 (estimated) Number of Floors:6  
Residential Units:30 Total # of Units:32 Zoning:C6-1

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

**Whereas**, this lot has frontage of 100 feet and depth of 100 feet with a building of five stories, with Zoning: C6-1, and

**Whereas**, several residents of the building appeared to state concerns about issues with this operator, but these were primarily due to issues with mechanical equipment at the back of the building and not directly related to the sidewalk café, and

**Whereas**, the applicant will install a retractable awning over the café to somewhat control noise between and café and residences above, and

**Whereas**, the applicant has agreed to establish and maintain a regular dialog with residents of the building to deal with issues as they arise, and

**Whereas**, the applicant has agreed to reduce the café to 8 tables and 16 seats to better accommodate access through the adjacent door to the building's residences,

**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 **Village Tart LLC, 86 Kenmare St. with 8 tables & 16 seats, DCA# 1353290** **CONDITIONAL UPON the applicant reducing the number of tables and seats to those stated in the final Whereas and the THEREFORE BE IT RESOLVED clause of this resolution.**

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

**Re-apply app. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**11. Four Green Fields, LLC, d/b/a Agave, 140 7th Ave. So. (W 10<sup>th</sup>/Charles) with 24 tables & 48 seats, DCA# 1220688**

Block:611 Lot:14

Lot Frontage:20' Lot Depth:95

Year Built:1940 (estimated)

Number of Floors:3

Residential Units:5 Total # of Units:6

Zoning:C2-6

Landmark Building: Yes

Historic District: Greenwich Village

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

**Whereas**, this lot has frontage of 20 feet and depth of 95 feet with a building of three stories, with Zoning: C2-6, and

**Whereas**, the applicant committed to replacing the heavy, immovable planters that are higher than the allowed 30 inches with new movable, lower planters, and

**Whereas**, applicant has committed to moving the planters against the building as required when the café is not in operation, and

**Whereas**, it should be noted that the above two commitments were made at the café's previous renewal and were never carried out,

**Whereas**, the applicant appears to operate this café responsibly in all other ways,

**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 **Four Green Fields, LLC, d/b/a Agave, 140 7th Ave. So. (W 10<sup>th</sup>/Charles) with 24 tables & 48 seats, DCA# 1220688** **CONDITIONAL UPON the applicant following through on the commitment, made in this hearing as well as the last renewal hearing, to replace the current planters with movable planters or railings that are moved against the wall of the establishment when the café is not in operation.**

**VOTE:** Passed, with 39 Board members in favor, 1 against-(Diether)

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  
Lolita Jackson, Manhattan Director, CAU  
Peter Janosik, Council, Land Use Division  
Michael Ben-Asher, Dept. of Consumer Affairs  
Applicants