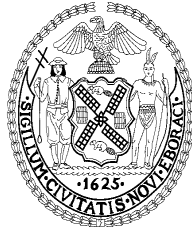


David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## 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)

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

March 27, 2013

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on March 21, 2013, Community Board #2, Manhattan adopted the following resolution:

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

- Hudson Falafel, Inc. d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W. 10<sup>th</sup> St), with 8 tables & 15 seats, DCA#1219470**

Block:619 Lot:7

Year Built:1905

Residential Units:15 Total # of Units:17

Landmark Building: Yes

Lot Frontage:47.25' Lot Depth:70

Number of Buildings:3; Number of Floors:4

Zoning:C1-6R6

Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and neither the applicant nor a representative was present, and

**Whereas**, appearance before the Community Board is a critical part of the sidewalk café renewal process and is required just once every two years,

**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 **Hudson Falafel, Inc. d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W. 10<sup>th</sup> St), with 8 tables & 15 seats, DCA#121947**

**VOTE: Unanimous, with 37 Board members in favor.**

**2. 31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette St & Bowery), with 11 tables & 22 seats, DCA# 1034252**

Block:530 Lot:22	Lot Frontage:26.67' Lot Depth:100.17
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:3
Residential Units:0Total # of Units:4	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**, this café has been operated for several years by this applicant with continuing issues related to the amount of sidewalk used, and

**Whereas**, as the applicant did not appear before the committee 2 years ago as required, this is the first time in 4 years the committee has had the opportunity to discuss this café with the applicant, and

**Whereas**, the CB2 office has received multiple complaints about the café being consistently extended to in front of the adjacent business to the west as well as using more than 50% of the sidewalk width, and

**Whereas**, DCA cited the applicant on 8/13/12 and 9/1/12 for non-compliant planters, an improper service aisle and the café occupying too much sidewalk, and

**Whereas**, the plan originally filed for this café in 2000 does not include the required 3' clearance to a Siamese connection, 3' clearance for a fire escape drop ladder, extends the café to in front of the residential entrance to the building, and

**Whereas**, it is clear to the committee that this plan should never have been approved as designed and the legal space is incapable of hosting anywhere near the currently approved amount of seating,

**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 **31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette St & Bowery), with 11 tables & 22 seats, DCA# 1034252**

**UNLESS** the applicant

- **supplies DCA with a new print that provides the required 3' clearance from the Siamese connection and fire escape drop ladder, and does not extend the café to in front of the residential entrance**
- **removes all unapproved planters and operates the café within its approved footprint**

**VOTE: Unanimous, with 37 Board members in favor.**

**3. Fiddlesticks LLC, d/b/a Fiddlesticks, 54-56 Greenwich Ave. (btw Charles St & Perry St), with 16 tables & 29 seats, DCA# 1133898**

Block:606 Lot:22	Lot Frontage:72.25' Lot Depth:80.5
Year Built:1920(estimated)	Number of Buildings:3; Number of Floors:4
Residential Units:8Total # of Units:10	Zoning:C1-6
Landmark Building: Yes	Historic District: Greenwich Village

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

**Whereas**, this café has been operated for several 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 **Fiddlesticks LLC, d/b/a Fiddlesticks, 54-56 Greenwich Ave. (btw Charles St & Perry St), with 16 tables & 29 seats, DCA# 1133898**

**VOTE: Unanimous, with 37 Board members in favor.**

4. **Four Green Fields, LLC d/b/a Agave, 140 7<sup>th</sup> Ave. South (btw W 10<sup>th</sup> St & Charles St), with 19 tables & 38 seats, DCA# 1220688**

Block:611 Lot:14  
Year Built:1940(estimated)  
Residential Units:3Total # of Units:4  
Landmark Building: Yes

Lot Frontage:20' Lot Depth:95  
Number of Buildings:2; Number of Floors:3  
Zoning:C2-6  
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's manager was present, and

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

Whereas, this unenclosed café directly abuts both sides of an enclosed sidewalk café, which appears to violate a rule requiring 15' clearance between any café and an adjacent enclosed sidewalk café,

**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 **Four Green Fields, LLC d/b/a Agave, 140 7<sup>th</sup> Ave. South (btw W 10<sup>th</sup> St & Charles St), with 19 tables & 38 seats, DCA# 1220688**

**CONDITIONAL UPON DCA and the City Council confirming that the two sections of unenclosed café immediately abutting the Enclosed sidewalk café meet the requirement that there be 15' of clearance between any sidewalk café and an adjacent Enclosed sidewalk café**

**VOTE: Unanimous, with 37 Board members in favor.**

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

5. **Mulberry Street Bar, LLC d/b/a Mulberry Street Bar, 176 Mulberry St (btw Grand St & Broome St), with 4 tables & 16 seats, DCA# 1164852**

Block:471 Lot:7502  
Year Built:1967  
Residential Units:4Total # of Units:5

Lot Frontage:28.19' Lot Depth:74.94  
Number of Buildings:1; Number of Floors:7  
Zoning:C6-2G

**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 several years by this applicant with few known issues, but often sets up all currently approved seating in violation of the approved plan, and

**Whereas**, this plan is dependent on all service occurring from two doors and requires the service to be between the diners at 4-top tables, while in practice it typically takes place from the ends of the tables which in this case would mean it is from the public sidewalk,

**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 **Mulberry Street Bar, LLC d/b/a Mulberry Street Bar, 176 Mulberry St (btw Grand St & Broome St), with 4 tables & 16 seats, DCA# 1164852**

**CONDITIONAL UPON the applicant making every effort to restrict service personnel to the allowed café footprint, avoiding any activity in the public sidewalk (the entire area beyond the tables)**

**VOTE: Unanimous, with 37 Board members in favor.**

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

- 6. Westville Hudson LLC, d/b/a Westville, 333 Hudson St. (SW corner Charlton St), with 11 tables & 24 seats, DCA# 1455798**

Block:597 Lot:55	Lot Frontage:100.58' Lot Depth:100.08
Year Built:1925	Number of Buildings:1; Number of Floors:10
Residential Units:0Total # 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, Michael Kelly, was present, and

**Whereas**, this café is proposed for approx. 34 ft of sidewalk at the north end of this commercial building on a sidewalk of 19'5" width with a fire hydrant and traffic signal pole restricting the café depth to 7', and the seating is also restricted somewhat on the south end by two Siamese connections, and

**Whereas**, the proposed plan includes one 2-seat table that extends well in front of the steps to the main entrance, and at the committee's request Mr. Kelly agreed to removing that, thereby reducing the seating to 10 tables and 22 seats,

**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 **Westville Hudson LLC, d/b/a Westville, 333 Hudson St. (SW corner Charlton St), with 11 tables & 24 seats, DCA# 1455798**

**UNLESS a new print is provided to DCA reducing the seating to 10 tables & 22 seats as noted above**

**VOTE: Unanimous, with 37 Board members in favor.**

- 7. Le Gans Restaurant Inc. d/b/a Ryu, 46 Gansevoort St. (SW corner Greenwich St), with 8 tables & 20 seats, DCA# 1456381**

Block:643 Lot:54	Lot Frontage:69.42' Lot Depth:92.58
Year Built:1941	Number of Buildings:1; Number of Floors:2
Residential Units:0Total # of Units:1	Zoning:M1-5
Landmark Building: Yes	Historic District: Gansevoort Market

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

**Whereas**, this café is proposed for approx. 21'11" of sidewalk at the east end of this commercial building on a sidewalk of 17'7" width with the corner, a street light pole on Greenwich St and a fire hydrant restricting the café depth to 7', and

**Whereas**, the applicant and Mr. Kelly stated the d/b/a for this establishment would be changing to 'The Sugar Factory' under a licensing agreement with that company, which is based in Las Vegas, and the committee questions how this business will be a "family oriented" restaurant while being so named, and

**Whereas**, the proposed plan is dependent on the seating being kept from extending to the corner of the building where it would impinge on the required clearance to the street light pole on Greenwich St which already has a very narrow sidewalk and the committee is very concerned that will be a significant issue at night when this entrance to the Meatpacking District becomes very congested, and

**Whereas**, the proposed plan includes two 2-seat tables that sit entirely in front of the double French doors that will serve as the only entrance to the restaurant, and the committee is very concerned that to facilitate entrance to the restaurant those tables and the 2 tables next to them will be consistently moved toward the corner, reducing the required clearance as noted in the previous Whereas,

**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 **Le Gans Restaurant Inc. d/b/a Ryu, 46 Gansevoort St. (SW corner Greenwich St), with 8 tables & 20 seats, DCA# 1456381**

**UNLESS**

- **the applicant provide DCA with a new print removing the two 2-seat tables directly in front of the French doors thereby reducing the seating to 6 tables and 16 seats**
- **the d/b/a is updated to that under which the business will be operated**

**VOTE: Unanimous with 37 Board members in favor.**

**8. Quimera Restaurant Group, LLC d/b/a Barraca, 81 Greenwich Ave.(SW corner Bank St), with 17 tables & 34 seats, DCA# 1457681**

Block:614 Lot:56	Lot Frontage:58.42' Lot Depth:62.25
Year Built:1926	Number of Buildings:1; Number of Floors:6
Residential Units:20Total # of Units:22	Zoning:C1-6
Landmark Building: Yes	Historic District: Greenwich Village

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

**Whereas**, this café is proposed for approx. 54'5" of sidewalk on a sidewalk of 15'1" width with the corner and a street light pole restricting the café depth to 7'1", and there is a break in seating to the east of the center of the café to allow clearance for a fire escape drop ladder, and

**Whereas**, the proposed plan includes one 3-seat table at the east end of the café that severely limits wait service access to that table and the 4-seat table opposite and the applicant agreed to remove the 3<sup>rd</sup> seat from that table, and

**Whereas**, the proposed plan includes one 1-seat table that sits right at the edge of the required 3' clearance from the fire escape drop ladder in the middle of the cafe, but there is enough room to add the removed 3<sup>rd</sup> seat noted in the previous Whereas which keeps the café at the same number of tables and seats,

**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 **Quimera Restaurant Group, LLC d/b/a Barraca, 81 Greenwich Ave.(SW corner Bank St), with 17 tables & 34 seats, DCA# 1457681**

**CONDITIONAL UPON** the applicant providing DCA with a new print shifting the third seat from the outer table at the east end of the café and adding it to the 1-seat table near the center of the cafe

**VOTE: Unanimous, with 37 Board members in favor.**

**9. Piacere Enterprises, LLC d/b/a Piacere, 351 Broome St. (btw Elizabeth St & Bowery), with 8 tables & 20 seats, DCA# 1458267**

Block:470 Lot:50  
Year Built:1915(estimated)  
Residential Units:0Total # of Units:5

Lot Frontage:50.67' Lot Depth:177.17  
Number of Buildings:1; Number of Floors:4  
Zoning:C6-2GC6-1G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's attorney, Hari Kalyan, was present, and

**Whereas**, this café is proposed for approx. 20 ft of sidewalk at the west end of this commercial building on a sidewalk of 17' width with no legal obstructions, allowing a café depth of 8'6", and

**Whereas**, the premise frontage consists of a center doorway of roughly 4' with façade of roughly 8' on either side and the proposed plan shows two 4-seat tables on either side of the door, which the committee's experience shows cannot be accommodated in 8' without impacting the entrance to the restaurant, and

**Whereas**, the seating to the right of the door is directly under a fire escape drop ladder and would all need to be removed to allow for 3' of clearance, and

**Whereas**, it appears that the space available can properly host no more than 14-16 seats,

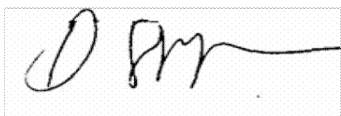
**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Piacere Enterprises, LLC d/b/a Piacere, 351 Broome St. (btw Elizabeth St & Bowery), with 8 tables & 20 seats, DCA# 1458267**

**UNLESS a new print is provided to DCA reducing the seating to allow sufficient clearance for the fire escape drop ladder and unimpeded access to the entrance to the restaurant**


**VOTE: Unanimous, with 37 Board members in favor.**

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



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

DG/gh

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, 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  
Hannah Friedman, Community Liaison, Man. Boro. Pres. Office  
Pauline Yu, Community Assistance Unit