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COMMUNITY BOARD No. 2, MANHATTAN

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

May 25, 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 May 24, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- 1. Smorgas Chef West Village, LLC d/b/a Smorgas Chef, 283 W. 12th St.(NW corner W. 4 St), with 13 tables & 26 seats, DCA#1233131**

Block:625 Lot:62

Year Built:1910(estimated)

Residential Units:3 Total # of Units:4

Landmark Building: Yes

Lot Frontage:24' Lot Depth:65

Number of Buildings:1; Number of Floors:4

Zoning:C1-6

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 representative, Michael Kelly, was present, and

Whereas, this café has been operated for four years by this applicant with consistent issues, particularly opening the café prior to noon on Sunday, not following the approved seating plan and constant staff use of the public sidewalk on both sidewalks and around the corner, and

Whereas, the applicant has signed two letters of intent with the office of Council Speaker Christine Quinn to correct these issues (among others), one in April 2009 and the second in August 2010, but continues to violate those terms as noted above,

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 **Smorgas Chef West Village, LLC d/b/a Smorgas Chef, 283 W. 12th St.(NW corner W. 4 St), with 13 tables & 26 seats, DCA#1233131**

VOTE: Unanimous, with 43 Board members in favor.

2. **Think Bleecker LLC, d/b/a Think Coffee, 1 Bleecker St. (NW corner Bowery), with 10 tables & 20 seats, DCA# 1277645**

Block:529 Lot:7505

Year Built:1900

Residential Units:6 Total # of Units:8

Landmark Building: Yes

Lot Frontage:89.83' Lot Depth:33.25

Number of Buildings:1; Number of Floors:4

Zoning:C6-1

Historic District: Noho East

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 approximately four 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 **Think Bleecker LLC, 1 Bleecker St. (NW corner Bowery), with 10 tables & 20 seats, DCA# 1277645**

VOTE: Unanimous, with 43 Board members in favor.

3. **Lafayette Street Partners, d/b/a Chinatown Brasserie, LLC 380 Lafayette St. (NW corner E. 3 St), with 23 tables & 84 seats, DCA# 1219985**

Block:531 Lot:7504

Year Built:1906(estimated)

Residential Units:0 Total # of Units:4

Landmark Building: Yes

Lot Frontage:82.08' Lot Depth:98

Number of Buildings:1; Number of Floors:6

Zoning:M1-5B

Historic District: NoHo

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 **Lafayette Street Partners, LLC 380 Lafayette St. (NW corner E. 3 St), with 23 tables & 84 seats, DCA# 1219985**

VOTE: Unanimous, with 43 Board members in favor.

4. Friendly Foods LLC d/b/a Pulino's Bar & Pizzeria, 282 Bowery (SW corner E. Houston St), with 11 tables & 35 seats, DCA# 1343045

Block:507 Lot:25

Year Built:1900

Residential Units:3 Total # of Units:4

Lot Frontage:37.5' Lot Depth:88.67

Number of Buildings:1; Number of Floors:4

Zoning:C6-1

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 two years by this applicant, and

Whereas, the committee noted the seating plan is not being followed and has numerous photos from several occasions where café seating and border planters are sitting directly on sidewalk grates which are supposed to have 3 feet clearance, and

Whereas, the applicant also always has a POS/service station on the south end of the café which also impinges on the 3 foot clearance required to a Siamese connection, and

Whereas, on each inspection the applicant also had 9 or 10 additional folding chairs stacked against the south end of the façade (also blocking the Siamese connection) presumably to add to the café as needed which would put it over the approved seating, and

Whereas, while Mr. Kelly committed to addressing these issues with the applicant, this café appears to have too much approved seating based on the square footage, particularly when the clearance for the Siamese connection and sidewalk grates are maintained, and based on other cafes the 267 sq. ft. could reasonably be expected to support less than 30 seats,

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 **Friendly Foods LLC d/b/a Pulino's Bar & Pizzeria, 282 Bowery (SW corner E. Houston St), with 11 tables & 35 seats, DCA# 1343045**

UNLESS

- **The seating of the café is reduced to less than 30 seats to allow for the required clearance to the two sidewalk grates and the Siamese connection**
- **DCA confirms the removal of the non-complying service station and stored chairs prior to the City Council receiving this application**

VOTE: Unanimous, with 43 Board members in favor.

5. 99 South Rest. Corp. d/b/a Garage Café, 97-99 7th Ave. South (btw Barrow St & Grove St), with 42 tables & 84 seats, DCA# 1217775

Block:591 Lot:17

Year Built:1920

Residential Units:0 Total # of Units:1

Landmark Building: Yes

Lot Frontage:59.67' Lot Depth:83.83

Number of Buildings:1; Number of Floors:1

Zoning:C4-5

Historic District: Greenwich Village

Whereas, the applicant committed to addressing the situation with the planters and café growth,

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 **Mendared, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. (btw W. Houston St & Bleecker St), with 17 tables & 34 seats, DCA# 1354717**

CONDITIONAL UPON the applicant removing the tall planters from the border of the café and improving the control of the depth of the café so it occupies no more than half the sidewalk width

VOTE: Unanimous, with 43 Board members in favor.

8. Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. (btw W. Houston St & Bleecker St),with 8 tables & 16 seats, DCA# 0762511

Block:525 Lot:50	Lot Frontage:25' Lot Depth:75
Year Built:1900(estimated)	Number of Buildings:1; 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 no community members present regarding this application, and the applicant's manager 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 **Lu-Ann Bakery Shop, d/b/a Bruno Bakery, 506 LaGuardia Pl. (btw W. Houston St & Bleecker St),with 8 tables & 16 seats, DCA# 0762511**

VOTE: Unanimous, with 43 Board members in favor.

9. 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 Buildings:1; Number of Floors:4
Residential Units:3 Total # of Units:4	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 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 noted a minor variation in the café setup that might interfere with the function of the fire escape drop ladder and the applicant committed to ensure proper clearance for the ladder,

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

VOTE: Unanimous, with 43 Board members in favor.

10. 333 Lafayette LLC, d/b/a Pinche Taqueria, 333 Lafayette St, with 16 tables & 36 seats, DCA# 1347971

Block:522 Lot:36

Year Built:1926(estimated)

Residential Units:0 Total # of Units:2

Lot Frontage:94.17' Lot Depth:17.83

Number of Buildings:1; Number of Floors:2

Zoning:M1-5B

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, after initial issues with seating on Mulberry St and noise from the café and interior, via bands and outdoor speakers, this café has been operated by this applicant since their last renewal 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 **333 Lafayette LLC, 333 Lafayette St, with 16 tables & 36 seats, DCA# 1347971**

VOTE: Unanimous, with 43 Board members in favor.

11. Villa Pacri, LLC, d/b/a Villa Pacri, 53 Gansevoort St. (btw Washington St & 9 Ave.), with 43 tables & 87 seats, DCA# 1350811

Block:644 Lot:60

Year Built:1910(estimated)

Residential Units:0 Total # of Units:4

Landmark Building: Yes

Lot Frontage:115.5' Lot Depth:64.75

Number of Buildings:1; Number of Floors:5

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 applicant's representative, Enik Mahmeti (for Steve Wygoda), was present, and

Whereas, at the time of their last renewal, the applicant had installed a platform for the café, but this appears to have been removed many months ago, and

Whereas, this café has subsequently been operated by this applicant since their last renewal 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 **Villa Pacri, LLC, 53 Gansevoort St. (btw Washington St & 9 Ave.), with 43 tables & 87 seats, DCA# 1350811**

VOTE: Unanimous, with 43 Board members in favor.

12. Groove Enterprises, d/b/a Groove, 125 Macdougall St (NW corner W. 3 St), with 5 tables & 10 seats, DCA# 1305277

Block:543 Lot:60

Year Built:1900(estimated)

Residential Units:4 Total # of Units:5

Lot Frontage:20' Lot Depth:65.75

Number of Buildings:1; Number of Floors:4

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, the committee noted that the seating, which is all on W. 3 St., has often extended too close to Macdougall St. where the sidewalk is less than 12 feet, and

Whereas, there have also been velvet ropes and a sandwich board sign used outside the main entrance,

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 **Groove Enterprises, d/b/a Groove, 125 Macdougall St (NW corner W. 3 St), with 5 tables & 10 seats, DCA# 1305277**

CONDITIONAL UPON the applicant keeping all seating at the west end of the building as shown on the approved plan and ceasing use of velvet ropes and sandwich board signs on the sidewalk

VOTE: Unanimous, with 43 Board members in favor.

Assignment of consent to operate an Unenclosed sidewalk café for:

13. T. Hospitality, Inc. d/b/a Sea, 835 Washington St. (NE corner Little W. 12 St), with 29 tables & 58 seats, DCA# 1425422

Block:645 Lot:62

Year Built:1900

Residential Units:0 Total # of Units:1

Landmark Building: Yes

Lot Frontage:25' Lot Depth:103.25

Number of Buildings:1; Number of Floors:2

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 applicant and their representative, Andrew Caraballo, were present, and

Whereas, this café has been operated for several years by this applicant with few known issues, and this application is due to the addition of a new president of the corporation, and

Whereas, the committee noted the depth of the café tends to creep out so it is taking up more than half of the sidewalk, and

Whereas, this is primarily due to numerous planters used on the border of the café, many of which are approximately 6 feet tall making them well over the allowed height, and

Whereas, the applicant also has a very large service station complete with a sink within the café which is not allowed, and

Whereas, the applicant committed to better policing the creep in depth and to correcting the non-complying planters and large service station,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for an ASSIGNMENT OF CONSENT App. for revocable consent to operate an Unenclosed sidewalk café for **T. Hospitality, Inc. d/b/a Sea, 835 Washington St. (NE corner Little W. 12 St), with 29 tables & 58 seats, DCA# 1425422**

UNLESS DCA confirms the removal of the non-complying planters and large service station prior to the City Council receiving this application

VOTE: Unanimous, with 43 Board members in favor.

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

14. Zossima Inc. d/b/a Doma Na Rohu, 271/2 Morton St. (NW corner 7 Ave S.), with 6 tables & 12 seats, DCA# 1424566

Block:587 Lot:1	Lot Frontage:43.75' Lot Depth:49.33
Year Built:1910(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:20 Total # of Units:24	Zoning:C2-6
Landmark Building: Yes	Historic District: Greenwich Village

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

Whereas, this applicant has operated another establishment, Doma, several blocks north on Perry St for many years which has proved to be a valued member of the community, and

Whereas, while the address of the restaurant is on Morton St, this café will be situated entirely on 7 Ave S where the sidewalk is 20 feet wide but the café is limited by a street light, and

Whereas, the applicant has voluntarily restricted the size of the café by leaving several feet between its southern edge and the corner of the building at Morton St, and

Whereas, the only issue the committee saw is whether the plan allows the required 3 foot clearance from the fire escape drop ladder, particularly between it and the 2 tables and 4 chairs on the north end,

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 **Zossima Inc. d/b/a Doma Na Rohu, 271/2 Morton St. (NW corner 7 Ave S.), with 6 tables & 12 seats, DCA# 1424566**

CONDITIONAL UPON DCA confirming the required 3 foot clearance in all directions from the fire escape drop ladder is maintained

VOTE: Unanimous, with 43 Board members

15. 343 Broome Street Restaurant, d/b/a Randolph Beer, 343 Broome St. (btw Elizabeth St & Bowery), with 7 tables & 18 seats, DCA#1426393

Block:470 Lot:50

Year Built:1915(estimated)

Residential Units:0 Total # of Units:5

Lot Frontage:50.67' Lot Depth:177.17

Number of Buildings:1; Number of Floors:4

Zoning:C6-2G, C6-1G

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

Whereas, this applicant has operated another sidewalk cafe, Randolph, on the same block at 349 Broome St for a few months, and

Whereas, this café is proposed for a 17 foot wide sidewalk but the café is limited by a street light just outside the property line on the west end of the property and proposed cafe, and

Whereas, the applicant has agreed to reduce the café by the 2 tables and 4 seats at the west end of the café to maintain the required clearance to the street light, and

Whereas, the committee asked the applicant if there would be waiter service to the café as there have been complaints from the community that there is no waiter service at their establishment at 349 Broome St. and the committee chair has been told by staff at 349 Broome St that there is no waiter service, and

Whereas, the applicant stated that the service at 349 Broome St is done by patrons ordering inside and returning to their sidewalk table and food/beverage then being brought by staff, and

Whereas, as both establishments have liquor licenses, the committee asks DCA to confirm that the service provided at both establishments owned by this applicant is in fact “wait staff service” under DCA rules,

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 **343 Broome Street Restaurant, d/b/a Randolph Beer, 343 Broome St. (btw Elizabeth St & Bowery), with 7 tables & 18 seats, DCA#1426393**

CONDITIONAL UPON

- **Seating being reduced to 5 tables & 14 seats by removing the tables on the west end of the plan**
- **DCA confirming there will be appropriate waiter service to the sidewalk café during all hours of operation**

VOTE: Unanimous, with 43 Board members in favor

16. Forcella Eatery Inc. d/b/a Forcella, 334 Bowery, with 6 tables & 12 seats, DCA # 1427807

Block:530 Lot:38

Year Built:1909

Residential Units:14 Total # of Units:15

Landmark Building: Yes

Extension

Lot Frontage:35.17' Lot Depth:96.33

Number of Buildings:1; Number of Floors:8

Zoning:C6-1

Historic District: NoHo Historic District

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

Whereas, the committee noted the applicant has consistently been placing numerous items on the public sidewalk, including a cigarette butt receptacle, a stand with menus, a sandwich board sign (often right in the middle of the sidewalk) and several large planters, and

Whereas, while the plan shows, and is dependent for its layout, a flush tree pit, the pit is actually surrounded by a fence which would limit the seating beyond what is proposed, and

Whereas, the plan does not appear to allow sufficient clearance of 3 feet in all directions between the fire escape drop ladder and the seating, particularly the two tables on the north end of the cafe, and

Whereas, the only issue the committee saw is whether the plan allows the required 3 foot clearance from the fire escape drop ladder, particularly between it and the 2 tables and 4 chairs on the north end,

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 **Forcella Eatery Inc. d/b/a Forcella, 334 Bowery, with 6 tables & 12 seats, DCA # 1427807**

UNLESS the applicant provides a new plan correctly showing the existing state of the tree pit and appropriate clearance for the fire escape drop ladder

VOTE: Unanimous, with 43 Board members in favor.

Renewal revocable and Petition of Modify consent to operate an Unenclosed sidewalk café for:

17. Carapina LLC, d/b/a Grom, 233 Bleecker St. (NW corner Carmine St), with 4 tables & 8 seats, DCA# 1286005 (addition)

Block:589Lot:48

Year Built:1920(estimated)

Residential Units:2Total # of Units:8

Landmark Building:Yes

Ext. II

Lot Frontage:25'Lot Depth:100

Number of Buildings:1; Number of Floors:2

Zoning:R7-2 ; Commercial Overlay:C1-5

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's representative, Michael Kelly, was present, and

Whereas, this café has been operated for more than 2 years by this applicant with few known issues, and

Whereas, this application is to modify the café by reducing the seating from 8 tables & 16 seats to 4 tables & 8 seats, which the applicant has decided is sufficient for their business, and

Whereas, while the café is on the Carmine St side of the establishment, the committee noted the frequent use of stanchions and a velvet rope to partition off part of the sidewalk on the Bleecker St side for lines of customers, and

Whereas, the committee instructed Mr. Kelly to inform the applicant that this practice of misappropriating public sidewalk must cease, and Mr. Kelly assured the committee the applicant would be told this,

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 **Carapina LLC, d/b/a Grom, 233 Bleecker St. (NW corner Carmine St), with 4 tables & 8 seats, DCA# 1286005**

CONDITIONAL UPON the applicant removes all items detailed in **Whereas #2** from the sidewalk

Vote: Unanimous, with 43 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