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## COMMUNITY BOARD NO. 2, MANHATTAN

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May 23, 2014

Julie Menin, Commissioner  
NYC Department of Consumer Affairs  
42 Broadway  
New York, NY 10004

Dear Commissioner Julie Menin:

At its Full Board meeting on May 22, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

#### 1. Southeast corner of Varick St & Carmine St.

**Whereas,**

- a. the area was posted, community groups notified, there were no community members present regarding this application, and the applicant was present, and
- b. while 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 well-served with purveyors of the products a newsstand would sell,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends DENIAL of an application for a newsstand on **Varick St near the southeast corner of Carmine St, DCA# 4605-2014-ANWS**

**VOTE: Passed**

**For:** 32 Full Board Members

**Against:** 8 Full Board Members (Woodworth, Hamilton, Bordonaro, Gruber, Berger, Young, Kiely, Wittenberg)

#### 2. Northeast corner of East 13th St & 5th Avenue

**Whereas,**

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Muhammed Hafeez, was present, and
- b. the newsstand is proposed for the north side of E 13th St adjacent to the new campus building of the New School, yet a representative of the school provided the committee with two notices of application as required under section 2-64 of Title 6 of the Rules of the City of New York, but one

was for a location in front of 66 W. 12th St, two blocks away, and while the form had the applicant's name on it, he stated he knew nothing about this location, and

- c. the other notice was for a location in front of 65 5th Ave, 25 ft south of the southeast corner of 5th Ave & E. 14th St and listed another applicant's name, Mohammed A. Hossain, and
- d. it appears to the committee that the New School, as the adjacent property owner, was not properly notified as required under the Rules of the City of New York, and the school is adamantly opposed to a newsstand at this location, and
- e. the plan for the newsstand has it sited just 5' from doors into the elevator lobby of the New School building, but Section 2-65 of Title 6 requires "a 15 foot clearance as measured parallel to the curb" from any "entrance to the elevator lobby of a building having non-residential uses above the street level floor and having 16 floors in height or more with a frontage of at least 100 feet on a narrow street or 140 feet on wide streets", and
- f. it appears to the committee that moving the newsstand further down the block would create clearance problems to additional doors from main egress stairways and an immediately adjacent loading dock door,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan **STRONGLY** recommends **DENIAL** of an application for a newsstand on **E 13th St. near the northeast corner of 5<sup>th</sup> Ave, DCA# 5016-2014-ANWS**

**VOTE: Unanimous, with 40 Board Members in favor**

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

**3. 333 Lafayette, LLC d/b/a Pinche Taqueria, 333 Lafayette St. (SE corner Bleecker St), with 16 tables & 36 seats (1347971-DCA)**

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager and representative, Michael Kelly, were present, and
- b. the committee requested the applicant appear for this renewal to properly discuss the illegal use of a storm enclosure to completely enclose the café during winter of 2013/2014, and
- c. the manager stated that they had paid \$12,000 for the enclosure based on the assurances of the enclosure company that it was a legal usage, which it is not as the license is for an Unenclosed café and by city rules storm enclosures should extend no farther than 18" from the property line, and
- d. the applicant had been previously cautioned by the CB2 office that this was illegal and was subsequently cited by DCA for its use (but apparently only after a previous DCA inspection had found no violation in its use), and
- e. both the manager and Mr. Kelly clearly committed that the enclosure would not be used again,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this **RENEWAL** application for revocable consent to operate a **SMALL** sidewalk café for **333 Lafayette, LLC d/b/a Pinche Taqueria, 333 Lafayette St. (SE corner Bleecker St), with 16 tables & 36 seats (1347971-DCA)**

**CONDITIONAL UPON no storm enclosure being used again to enclose any part of the sidewalk café seating**

**AND FURTHER BE IT RESOLVED** that DCA add to the sidewalk café rules and contract a section clearly stating that no storm enclosure is allowed to enclose any part of an unenclosed sidewalk café's seating, and that any enclosure used should extend no more than 18" from the façade as dictated in Section 313(c) of Title 27 of the NYC Administrative Code

**AND FINALLY BE IT RESOLVED** that DCA send a letter to all sidewalk café license holders well in advance of the 2014/2015 winter season informing them of this restriction on the use of storm enclosures relative to any area licensed for a sidewalk café to ensure that more café operators, many of whom are small business owners, are not duped by unscrupulous and/or uninformed installers of these enclosures

**VOTE: Unanimous, with 40 Board Members in favor**

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

**4. Tatane Corp., d/b/a Fiat Café, 203 Mott St. (btw Kenmare St & Spring St), with 3 tables & 6 chairs (4713-2014-ASWC)**

Block: 480 Lot: 24

Year Built: 1900(estimated)

Residential Units:16 Total # of Units:20

Lot Frontage: 25.5' Lot Depth: 93.92

Number of Buildings:2; Number of Floors:5

Zoning:C6-2

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Stephane Iacovelli and his representative, Andrew Caraballo, were present, and
- b. the applicant supplied a petition in support of the café with approximately 80 names, but a quick perusal showed many of those were from areas well-removed from this location, and
- c. this café is proposed for a sidewalk of just 12'3" – just 3" wider than the minimum required width – which is not further constrained by any obstructions, and
- d. the supplied print shows all of the seating in a space of only 10'4" and in the considerable number of cafes it has encountered, the committee has consistently found that 10' of space can realistically accommodate no more than 2 tables & 4 chairs, and
- e. at the request of the committee the applicant agreed to reduce the seating to 2 tables & 4 chairs,

**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 **Tatane Corp., d/b/a Fiat Café, 203 Mott St. (btw Kenmare St & Spring St) (4713-2014-ASWC)**

**UNLESS the applicant files a new plan with DCA reducing the seating to 2 tables & 4 chairs as noted in the Whereas (e)**

**VOTE: Unanimous, with 40 Board Members in favor**

**5. Blue Bell Restaurant, LLC, d/b/a Cantine Parisienne, 153 Elizabeth St. (SW corner Kenmare St), with 14 tables & 42 chairs (5354-2014-ASWC)**

Block:479 Lot:29  
Year Built:2006  
Residential Units:0 Total # of Units:1

Lot Frontage:33.67' Lot Depth:94.17  
Number of Buildings:1; Number of Floors:8  
Zoning:C6-1

**Whereas,**

- a. the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Stephane Jauslin, was present, and
- b. this café is proposed for a sidewalk of 19'3" and the seating at the façade is partially within 1'6" of space which lies inside the property line, and the plan allows the required clearances to a traffic signal pole at the corner and the subway sidewalk grates that run the entire length of the cafe, and
- c. in accordance with its policy to make every effort to limit café noise as much as possible, the committee requested the applicant supply DCA with a modified print placing all the 24"x42" 4-seat tables against the façade and the applicant agreed, and
- d. two members of the community appeared to argue against the approval of the café, citing the relatively recent proliferation of cafes on Kenmare St, the extent of traffic on the street and the presence of the sidewalk grate that runs along that section of the sidewalk, and
- e. the committee pointed out that the café depth leaves 4'6" clearance to the subway grates, which is more than the required 3' and that there is no provision in sidewalk café law allowing the limiting of café licenses based on either street traffic volume or the number of nearby cafes,

**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 **Blue Bell Restaurant, LLC, d/b/a Cantine Parisienne, 153 Elizabeth St. (SW corner Kenmare St), with 14 tables & 42 chairs (5354-2014-ASWC)**

**CONDITIONAL UPON the applicant filing a new plan with DCA moving all 4-top tables against the façade as noted in the Whereas (c).**

**VOTE: Unanimous, with 40 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,

- Mouquinho Enterprises, Inc. d/b/a PJ Charlton, 549 Greenwich St., with 5 tables & 10 chairs (#1225847-DCA)
- Think Bleecker LLC d/b/a Think Coffee, 1 Bleecker St., with 10 tables & 20 chairs (#1277645-DCA)
- Bleecker Spaghetto, LLC d/b/a Trattoria Spaghetto, 232 Bleecker St., with 14 tables & 28 chairs (1399534-DCA)
- Serafina Meatpacking, LLC, 7 9<sup>th</sup> Avenue, with 14 tables & 36 chairs (1418637-DCA)
- Lupe's East L.A. Kitchen, Inc., 110 Avenue of the Americas, with 4 tables & 16 chairs (1321335-DCA)
- Il Buco Vineria, LLC d/b/a Il Buco Alimentary & Vineria, 53 Great Jones St., with 6 tables & 12 chairs (1422675-DCA)
- ITM Garden, Inc. d/b/a Revel NYC, 12 Little West 12<sup>th</sup> St, with 13 tables & 28 chairs (1214291-DCA)
- Juicerie, LLC., d/b/a Juicerie, 19 Kenmare St., with 20 tables & 40 chairs (1437537-DCA)

- SOH Peace, Inc., d/b/a Fukuro, 87 MacDougal St., with 7 tables & 14 chairs (1452982-DCA)
- Raro, Inc. d/b/a Rafele, 29 7<sup>th</sup> Avenue South, with 14 tables & 42 chairs (1419407-DCA)
- Cosi, Inc. d/b/a Cosi, 841 Broadway, with 14 tables & 36 chairs (1027305-DCA)
- Toby's Public House LLC, d/b/a Toby's Public House, 86 Kenmare St, with 6 tables & 12 chairs (1431897-DCA)
- Smorgas Chef West Village LLC, d/b/a Smorgas Chef, 283 W 12 St, with 13 tables & 26 chairs (1233131-DCA)

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate the indicated sidewalk cafés for the above applicants

**VOTE: Unanimous, with 40 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/EM

- c:
- Hon. Jerrold L. Nadler, Congressman
  - Hon. Nydia Velázquez, Congresswoman
  - 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

