



## COMMUNITY BOARD No. 2, MANHATTAN

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October 27, 2009

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

Dear Commissioner Mintz:

At its Full Board meeting on October 22, 2009, CB#2-Man., adopted the following resolutions:

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

- PQ 550 Hudson, Inc., d/b/a/ Pain Quotidien , 550 Hudson St., at Perry St. Block:621; Lot:8; Police Precinct:6, with 13 tables & 26 seats, DCA# 1274769.**

**Whereas**, the area was posted, community groups notified and no people representing the community were present but the applicant's representative, Mike Kelly was present, and,

**Whereas**, this lot has frontage of **26.33** feet, with one building of five stories, built in 1920 (est), with 12 residential units of a total 14 units in an area of Multi-Family Walk-Up buildings, Zoning: C1-6, Zoning Map #: 12A, and

**Whereas**, this location has had a sidewalk café for more than 20 years without objection from the community, and,

**Whereas**, the owners of this establishment have completed their first two year license period without incident.

**THEREFORE BE IT RESOLVED THAT CB#2 MANHATTAN approves a RENEWAL Application for revocable consent to operate an Unenclosed sidewalk café for PQ 550 Hudson, Inc., 550 Hudson St. , d/b/a/ Pain Quotidien, Block:621; Lot:8; Police Precinct:6, with 13 tables & 26 seats, DCA# 1274769.**

Vote: Unanimous, with 39 Board members in favor.

- 174 Grand Street Corp., d/b/a/ Oniel's Café, 174 Grand St., at Centre Market Place, Block:471; Lot:28; Police Precinct:5, with 7 tables & 14 seats, DCA# 1218544**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant, CHRIS ONIEAL was present at this hearing; and,

**Whereas**, this lot has frontage of **24.75** feet, and depth of 72.33 feet with one building of four stories, built in 1910 (est), with 6 residential units of a total 7 units in an area of Mixed Residential and Commercial Buildings, Zoning:C6-2G; Zoning Map #: 12C , and

**Whereas**, the last renewal application was heard in 2006, but there has been no complaint or incident with this application,

**THEREFORE, BE IT RESOLVED**, that Community Board #2, Manhattan recommends APPROVAL of a RENEWAL application to operate an UNENCLOSED sidewalk café to **174 Grand Street Corp., d/b/a Oniel's Café, 174 Grand St., Block:471; Lot:28; Police Precinct:5, with 7 tables & 14 seats, DCA# 1218544**

Vote: Unanimous, with 39 Board members in favor.

**3. NECF Inc., d/b/a Mr. Dennehy's, 63 Carmine St., located on Seventh Ave So, betw Leroy and Carmine, Block:582; Lot:41, Police Precinct:6, with 14 tables & 28 seats, DCA# 1188879**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was present at this hearing; and,

**Whereas**, this lot has frontage of **25** feet and lot depth of 95 feet, with one building of five stories, built in 1900 (est), with 16 residential units of a total 17 units in an area of Mixed Residential and Commercial Buildings, Zoning:C6-2; Zoning Map #: 12A , and

**WHEREAS**, the restaurant is located between Bedford and 7th Ave. So. And the Sidewalk Café is located north of Carmine St. on 7<sup>th</sup> Ave. So., and

**WHEREAS**, on personal inspection the Committee Chair found tables, chairs and barriers to be in compliance, and

**Whereas**, there have been no complaints or incident,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **NECF, Inc., d/b/a Mr. Dennehy's, 63 Carmine St. - with 14 tables & 28 seats, DCA# 1188879;**

Vote: Unanimous, with 39 Board members in favor.

**4. 133 Mulberry Street Restaurant, LLC, d/b/a SPQR, 133 Mulberry St., betw Grand and Hester Sts., Block:236; Lot:27; Police Precinct:5 with 14 tables & 28 seats, DCA# 1313474.**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant's representative, Mike Kelly was present at this hearing; and,

**Whereas**, this lot has frontage of **74.67** feet, with one building of six stories, built in 1920 (est), with 16 residential units of a total 19 units in an area of Mixed Residential and Commercial Buildings, Zoning:C6-2G; Zoning Map #: 12C , and

**Whereas there was an assigned consent agreement regarding the operation of this sidewalk café between** Corso Inc and 133 Mullberry Rest Inc April 2009, and,

**Whereas**, on personal inspection this committee noted a service cart, which the applicant removed immediately, and

**Whereas**, during the San Gennaro Feast pedestrian right of way on Mulberry St had been temporarily reduced to 5' and SPQR tables seemed still to be set at the temporary 5' mark, which had been painted on the sidewalk,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **Corso Rest. Inc. d/b/a/ Sal Anthony's SPQR, 133-137 Mulberry St. between Grand and Hester Sts.** Block:236; Lot:27; Police Precinct:5, **with 14 tables & 28 (twenty-eight) seats, DCA# 1104216.**

**Vote:** Unanimous, with 39 Board members in favor.

5. **Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St., at Hester St.,** Block:236; Lot:31; Police Precinct:5, **with 13 tables & 26 seats, DCA# 1249523**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant's representative, Mike Kelly was present at this hearing; and,

**Whereas**, this lot has frontage of **25** feet and lot depth of 60 feet, with one building of five stories, built in 1900 (est), with 8 residential units of a total 9 units in an area of Mixed Residential and Commercial Buildings, Zoning:C6-2G; Zoning Map #: 12C , and

**Whereas**, the applicant has restored original sidewalk plan of 2007, lining up sidewalk table service with doors for table service, planters have been removed and all other café furnishings are within the sidewalk café area, and

**Whereas**, there are no unanswered complaints,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St.,** Block:236; Lot:31; Police Precinct:5, **with 13 tables & 26 seats, DCA# 1249523.**

**Vote:** Unanimous, with 39 Board members in favor.

6. **Kid Restaurant Corp. d/b/a Manatus Restaurant, 340 Bleecker St., betw West 10<sup>th</sup> & Christopher Sts.,** Block:619; Lot:26; Police Precinct:6, **with 6 tables & 12 seats, DCA# 0885879**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was present at this hearing; and,

**Whereas**, this lot has frontage of **90.5** feet, with one building of six stories, built in 1930, with 35 residential units of a total 38 units in an area of Multi-Family Elevator Buildings; Zoning:C1-6; Zoning Map #: 12A

**WHEREAS**, inspection showed that the sidewalk café is exactly as represented in the last application,

**WHEREAS**, the applicant agrees to more prominently display the DCA license for public viewing,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. Recommends APPROVAL, for the renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for **KID Restaurant, Inc., 340 Bleecker St.** Block:619; Lot:26; Police Precinct:6, **with 6 tables & 12 seats, DCA# 0885879.**

**Vote:** Unanimous, with 39 Board members in favor.

7. **Tortilla Flats Inc, 767 Washington St., at West 12<sup>th</sup> St., Block:640, Lot:40, Police Precinct:6, with 11 tables & 21 seats, DCA# 0805433.**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant, Andrew Secular, was present at this hearing; and,

**Whereas**, this lot has frontage of **20.08** feet and Lot Depth 70.17 with one building of three stories, built in 1905 (est), with 1 residential unit of a total 3 units in an area of Mixed Residential and Commercial Buildings; Zoning: C6-1; Zoning Map #: 8B.

**Whereas, there was no community objection or complaint, and**

**Whereas**, this committee noted the sidewalk café area was imposing on the pedestrian right-of-way by 6” and the applicant agreed to make employees aware of the application boundaries,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. Recommends APPROVAL, for the renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for **Tortilla Flats Inc, 767 Washington St., Block:640, Lot:40, Police Precinct:6, with 11 tables & 21 seats, DCA# 0805433.**

Vote: Unanimous, with 39 Board members in favor.

8. **French Roast, Inc., 78 W. 11<sup>th</sup> St., @ Sixth Ave., Block:574, Lot:7; Police Precinct:6, with 8 tables & 16 seats, DCA# 0907203**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was present at this hearing; and,

**Whereas**, this lot has frontage of 34.5 and depth (along Sixth Ave) of 121 feet, with one building of six stories, built in 1920, with 21 residential units of a total 22 units in an area of Mixed Residential and Commercial Buildings, Zoning: C1-6, Zoning Map #: 12C, and

**Whereas**, this establishment has operated at this location for a number of years without incident, and,

**Whereas**, the committee agreed to extend a layover to this application if the applicant who did not appear in September would appear on the October calendar,

**THEREFORE BE IT RESOLVED** that Community Board #2 Manhattan recommends APPROVAL for a RENEWAL of an unenclosed sidewalk café for French Roast, Inc., 78 W. 11<sup>th</sup> St., @ Sixth Ave., Block:574, Lot:7; Police Precinct:6 with 8 tables & 16 seats, DCA# 0907203.

Vote: Unanimous, with 39 Board members in favor.

9. **J.P.G. d/b/a Philip Marie, 569 Hudson St., at West 11<sup>th</sup> St., Block:634, Lot:67, Police Precinct:6, with 9 tables & 18 seats, DCA# 1003313**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was present at this hearing; and,

**Whereas**, this lot has frontage of **24.83** and depth of 78.25 feet, with one building of four stories, built in 1900 (est), with 16 residential units of a total 17 units in an area of Multi-Family Walk-up Buildings; Zoning: C1-6; Zoning Map #: 12A; and,

**WHEREAS**, there was no community complaint or opposition, and,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **J.P.G. LLC, d/b/a Philip Marie, 569 Hudson St. at Northwest corner of 11<sup>th</sup> St.** Block:634, Lot:67, Police Precinct:6,**with 9 tables & 12 seats, DCA# 1003313.**

**Vote:** Unanimous, with 39 Board members in favor.

- 10. Lunella Ristorante, Inc., 173 Mulberry St., betw Broome and Grand Sts.,** Block:471, Lot:16, Police Precinct:5, **with 4 tables & 8 seats, DCA# 1072629**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant's representative, Mike Kelly, was present at this hearing; and,

**Whereas**, this lot has frontage of **24.92** and with one building of five stories, built in 1900 (est), with 8 residential units of a total 9 units in an area of Multi-Family Walk-up Buildings; Zoning: C6-2G; Zoning Map #: 12C; and,

**Whereas**, there was an additional service table in the sidewalk café area which the manager agreed to remove, and

**Whereas**, this Committee reminds the applicant that the sidewalk café must adhere to it's original plan,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **Lunella Ristorante, Inc., 173 Mulberry St.,** Block:471, Lot:16, Police Precinct:5, **with 4 tables & 8 seats, DCA# 1072629,**

**Vote:** Unanimous, with 39 Board members in favor.

- 11. La Mela Ristorante Italiano, Inc., 167-171 Mulberry St., betw Broome and Grand Sts.,** Block:471,Lots:19, 18,17, Police Precinct:5, **with 9 tables & 19 seats, DCA# 1274929**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant, Anthony Costa, was present at this hearing; and,

**Whereas**, this application spans three lots, two of which have the unenclosed sidewalk café's covered in this application:

♣ **Owner:**167 MULBERRY STREET, **Lot Frontage:**25.17'; **Lot Depth:**99.83; **Year Built:**1905(estimated); **Number of Buildings:**1; **Number of Floors:**5. **Residential Units:**10; **Total # of Units:**11; **Land Use:** Mixed Residential and Commercial Buildings; **Zoning:**C6-2G; **Zoning Map #:** 12C

♣  
♣ **169 Mulberry St: Owner:** MANHATTAN TRANSFER L.; **Lot Frontage:**25'**Lot Depth:**99  
**Year Built:**1914(estimated); **Number of Buildings:**1; **Number of Floors:**6.  
**Residential Units:** 20; **Total # of Units:**21

♣ **Owner:**171 MULBERRY, LLC : **Lot Frontage:**25.17'; **Lot Depth:**101.5; **Year Built:**1900(estimated); **Number of Buildings:**1; **Number of Floors:**6, **Residential Units:**10 **Total # of Units:**11

**Whereas**, in March 2008 there was a **new application** because there is a new president and 100% stockholder of the corporation, Frank Catenaccio, but in all other aspects the sidewalk café and its method of operation remained the same, and,

**Whereas**, this applicant has corrected a number of illegal conditions previously affecting the sidewalk café permit when reviewed in March 2008, including platforms, enclosing structures and imposition on the pedestrian right of way,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **La Mela Ristorante Italiano, Inc., 167-171 Mulberry St., Block:471,Lots:19, 18,17, Police Precinct:5, with 9 tables & 19 seats, DCA# 1274929**

**Vote:** Unanimous, with 39 Board members in favor.

12. **Schatzi Corp. d/b/a Wallse, 342-344 West 11<sup>th</sup> St., at the corner of Washington St., Block:633, Lot:6; Police Precinct:6, with 8 tables & 16 seats, DCA# 1257073**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was NOT present at this hearing; and,

**Whereas**, this lot has frontage of 81.75 feet and depth of 79.83 feet and with seven buildings of five stories, built in 1900 (est), with 41 residential units of a total 45 units in an area of Multi-Family Walk-Up Buildings; Zoning C1-6, Landmarked; Zoning Map# 12A and,

**Whereas**, the applicant has complied with the conditions of the New Application reviewed in July 2007, including those specified by the Co-Op Board for these properties, and

**Whereas**, there is currently a large planter placed at curbside on the Washington St. side, and

**Whereas**, there is a bench placed at curbside on the Washington St. side, and

**Whereas**, it is the custom of this committee to deny an application should the applicant NOT APPEAR at our hearing, but the committee is willing to layover this application to the November calendar if the applicant will appear at that time,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends DENIAL, for the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **Schatzi Corp. d/b/a Wallse, 342-344 West 11<sup>th</sup> St., at the corner of Washington St., Block:633, Lot:6; Police Precinct:6, with 8 tables & 16 seats, DCA# 1257073, UNLESS the applicant agrees to appear before CB#@ Manhattan Sidewalks Committee in November 2009.**

**HELD OVER TO NOVEMBER**

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

13. **Le Basket, Inc., 683 Broadway, at East 3<sup>rd</sup> St. Block:535; Lot:7501; Police Precinct:6, with 10 tables & 31 seats, DCA# 1334388**

**Whereas**, the area was posted, contiguous neighborhood associations alerted by posting and e-mail and no residents appeared before the committee and the Applicant was present at this hearing; and,

**Whereas**, this lot has frontage of 209 feet and depth of 200 feet and with one building of 12 stories, built in 1908, with 274 residential units of a total 275 units in an area of Mixed Residential and Commercial Buildings; Zoning C6-2; Landmarked, Zoning Map 12C and,

**Whereas**, there were no community members present, but Committee members have been apprised by the neighborhood that this sidewalk café is less regularly used for food consumption than it is for a hang-out, and

**Whereas**, this is a NEW application for a sidewalk café that has previously existed in this location but whose application has lapsed, and

**Whereas**, this sidewalk café is ill-kept with constant refuse and little supervision, and,

**Whereas**, the applicant has agreed to maintain the sidewalk café with defined employee supervision,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL, for the NEW application for revocable consent to operate an Unenclosed sidewalk cafe for **Le Basket, Inc., 683 Broadway, at East 3<sup>rd</sup> St.** Block:535; Lot:7501; Police Precinct:6, **with 10 tables & 31 seats, DCA# 1334388**


Vote: Passed, with 33 Board members in favor and 6 in opposition.

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

Sincerely,



Jo Hamilton, Chair  
Community Board #2, Manhattan



Zella Jones, Chair  
Sidewalks & Public Access Committee  
Community Board #2, Manhattan

JH/gh

cc: Hon. Jerrold Nadler, Congressman  
Hon. Thomas Duane, NY State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Scott Stringer, Man. Borough President  
Hon. Christine Quinn, Council Speaker  
Hon. Alan Jay Gerson, Council Member  
Hon. Rosie Mendez, Council Member  
Sandy Myers, Community Board Liaison, Man., Borough President  
Lolita Jackson, Manhattan Director, CAU  
Peter Janosik, Council, Land Use Division  
Michael Ben-Asher, Dept. of Consumer Affairs  
Applicants