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COMMUNITY BOARD No. 2, MANHATTAN

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

October 21, 2011

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on October 20, 2011, Community Board #2, Manhattan adopted the following resolution:

RENEWAL APP. FOR REVOCABLE CONSENT TO OPERATE AN UNENCLOSED SIDEWALK CAFÉ FOR:

- 1. Lunella Ristorante, Inc. d/b/a Lunella, 173 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1072629**

Block:471 Lot:16

Year Built:1900 (estimated)

Residential Units:8; Total # of Units:8

Lot Frontage:24.92'; Lot Depth:71.58

Number of Buildings: 1; Number of Floors:5

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 by this applicant for several years, and

Whereas, the committee noted there was an additional table, chair and a menu board on the sidewalk which Mr. Kelly committed to ensure the applicant will remove, and

Whereas, the applicant has installed audio speakers just inside the open façade pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

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 **Lunella Ristorante, Inc. d/b/a Lunella, 173 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1072629**

UNLESS the applicant consistently keeps additional furniture and menu boards off the sidewalk and immediately removes any loudspeakers supplying amplified sound to the sidewalk café

VOTE: Unanimous, with 41 Board members in favor.

2. Schatzi Corp. d/b/a Wallse Restaurant, 342-344 West 11th St. (SE corner Washington St), with 8 tables & 16 seats, DCA# 1257073

Block:633Lot:6

Year Built:1900

Residential Units:41Total # of Units:45

Landmark Building: Yes

Lot Frontage:81.75'Lot Depth:79.83

Number of Buildings:7; Number of Floors:5

Zoning:C1-6AR6

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 was present, and

Whereas, this café has been operated by this applicant for several years, and

Whereas, the committee noted the applicant has begun to use larger 30” round tables and has set up the café in such a way as to use substantially more sidewalk space than allowed, and

Whereas, the addition of plants, a menu table, and a lantern in the café space also reduces the required clearances of the public sidewalk, and

Whereas, the use of additional space results in only 6 ft clearance between furniture and a streetlight and 7 ft clearance to a fire hydrant on Washington St. as well as 7 ft clearance between furniture and the curb on W. 11 St., and in both cases this is not including the required 3 ft service aisle,

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 **Schatzi Corp. d/b/a Wallse Restaurant, 342-344 West 11th St. (SE corner Washington St), with 8 tables & 16 seats, DCA# 1257073**

UNLESS the applicant returns the café to the approved seating and restricts the use of any other furniture, plants or other items that reduce the legally required public sidewalk clearances

VOTE: Unanimous, with 41 Board members in favor.

3. 133 Mulberry St. Restaurant, 133 Mulberry St. (btw Hester St & Grand St), with 14 tables & 28 seats, DCA# 1313474

Block:236Lot:27

Year Built:1920 (estimated)

Residential Units:15Total # of Units:17

Lot Frontage:74.67'Lot Depth:100

Number of Buildings:1; Number of Floors:6

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 by this applicant for several years, and

Whereas, the committee noted that on a recent inspection, while the applicant was not using the full complement of approved seating the seating that was used was not set up according to the approved plan with 4-top tables used where 2-top tables were approved which caused a reduction in the public sidewalk space, and

Whereas, the applicant has installed audio speakers just inside the open entryway pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

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 **133 Mulberry St. Restaurant, 133 Mulberry St. (btw Hester St & Grand St), with 14 tables & 28 seats, DCA# 131347**

UNLESS the applicant consistently follows the approved seating plan and immediately removes any loudspeakers supplying amplified sound to the sidewalk café

VOTE: Unanimous, with 41 Board members in favor.

4. La Mela Ristorante Italiano Inc. d/b/a La Mela Ristorante, 167-171 Mulberry St. (btw Grand St & Broome St), with 9 tables & 19 seats, DCA# 1274920

Block:471Lot:19

Year Built:1905(estimated)

Residential Units:6; Total # of Units:8

Lot Frontage:25.17'Lot Depth:99.83

Number of Buildings:1; Number of Floors:5

Zoning:C6-2G

Block:471Lot:17

Year Built:1900(estimated)

Residential Units:10; Total # of Units:11

Lot Frontage:25.17'Lot Depth:101.5

Number of Buildings:1; Number of Floors:6

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 by this applicant for many years with minimal issues, and

Whereas, the committee noted there was a menu board on the sidewalk which Mr. Kelly committed to ensure the applicant will remove,

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 **La Mela Ristorante Italiano Inc. d/b/a La Mela Ristorante, 167-171 Mulberry St. (btw Grand St & Broome St), with 9 tables & 19 seats, DCA# 1274920**

VOTE: Unanimous, with 41 Board members in favor.

5. PQ 550 Hudson Inc. d/b/a Le Pain Quotidien, 550 Hudson St. (SE corner Perry St), with 13 tables & 26 seats, DCA# 1274769

Block:621 Lot:8
Year Built:1920(estimated)
Residential Units:12 Total # of Units:14
Landmark Building: Yes

Lot Frontage:26.33' Lot Depth:56.5
Number of Buildings:1; Number of Floors:5
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 by this applicant for two years with no known major issues, and

Whereas, the committee noted that – possibly due in part to scaffolding installed for the building next door – the café has recently been set up differently than the approved plan in a way that has reduced the required 8 ft clearance to a streetlight on Hudson St and the 9 ft clearance to the corner of Hudson St and Perry St, and

Whereas, the committee noted the scaffolding next door has now been removed and Mr. Kelly committed to ensuring the applicant returns the café to the approved seating plan,

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 **PQ 550 Hudson Inc. d/b/a Le Pain Quotidien, 550 Hudson St. (SE corner Perry St), with 13 tables & 26 seats, DCA# 1274769**

UNLESS the applicant returns the seating to the approved plan and maintains the required clearance between the café and the streetlight and corner as noted in Whereas 3

VOTE: Unanimous, with 41 Board members in favor.

6. J.P.G. LLC d/b/a Philip Marie, 569 Hudson St. (NW corner W. 11 St), with 9 tables & 18 seats, DCA#1003313

Block:634 Lot:67
Year Built:1900(estimated)
Residential Units:16 Total # of Units:17
Landmark Building: Yes

Lot Frontage:24.83' Lot Depth:78.25
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 was present, and

Whereas, this café has been operated by this applicant for many years with no known major issues, and

Whereas, the committee noted the café is sometimes set up so that the required 9 feet of clearance to the corner is not maintained and the applicant committed to police the issue, and

Whereas, the committee noted the café railing is often not cleared from the sidewalk (or set closely against the façade) outside café operating hours and the applicant committed to correcting 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 **J.P.G. LLC d/b/a Philip Marie, 569 Hudson St. (NW corner W. 11 St), with 9 tables & 18 seats, DCA#100331**

VOTE: Unanimous, with 41 Board members in favor.

7. Akram Restaurant Management Inc. d/b/a Da Gennaro Ristorante, 129 Mulberry St. (NW corner Hester St), with 13 tables & 26 seats, DCA# 1249523

Block:236 Lot:31

Year Built:1900(estimated)

Residential Units:8; Total # of Units:9

Lot Frontage:25' Lot Depth:60

Number of Buildings:1; Number of Floors:5

Zoning:C6-2G

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

Whereas, this café has been operated for many years and has had substantial issues in the past over seating beyond the approved capacity and use of the public sidewalk by staff, but is now under new management, and

Whereas, the committee feels the new owner is making concerted efforts to correct bad management that occurred with this sidewalk café for many years, and

Whereas, the committee noted that in one recent instance the café had an additional 1 table and 2 seats, but in most other instances appears to be making successful efforts to maintain the correct seating count, and

Whereas, the applicant appears to be properly maintaining clearance to the streetlight and corner which has been a continuing problem in the past, and

Whereas, the committee also noted the staff continues to make consistent use of the public sidewalk, stacking menus on a staff member's parked car, blocking parking spaces with furniture, etc and the applicant committed to address this misuse of public sidewalk and street space,

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 **Akram Restaurant Management Inc. d/b/a Da Gennaro Ristorante, 129 Mulberry St. (NW corner Hester St), with 13 tables & 26 seats, DCA# 1249523**

UNLESS the applicant continues to make progress on maintaining the correct seating count and limiting staff use of the public sidewalk and street space

VOTE: Unanimous, with 41 Board members in favor.

8. NECF Inc. d/b/a Mr. Dennehy's, 63 Carmine St. (swc on 7 Ave S btw Carmine St & Leroy St), with 14 tables & 28 seats, DCA# 1188879

Block:582 Lot:41

Lot Frontage:25' Lot Depth:95

Year Built:1900(estimated)

Number of Buildings:1; Number of Floors:5

Residential Units:16; Total # of Units:17

Zoning:C2-6

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

Whereas, this café has been operated by this applicant for several years with minimal issues, and

Whereas, the committee received complaints from two residents of the building about noise and smoke from the café which they have not been able to resolve, and

Whereas, the committee noted to one of the residents that city rules state smoking can be allowed in no more than 25% of unenclosed sidewalk café seating with at least 3 ft separating it from non-smoking seats and smoking cannot be allowed at all if awnings, umbrellas or other coverings are used as is the case with this applicant, and

Whereas, the committee clarified for the resident that this location has a small private courtyard adjacent to the sidewalk café and the city has no control over the smoking use in that space, and

Whereas, the applicant has installed audio speakers just inside the property line pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

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 **NECF Inc. d/b/a Mr. Dennehy's, 63 Carmine St. (swc on 7 Ave S btw Carmine St & Leroy St), with 14 tables & 28 seats, DCA# 1188879**

UNLESS the applicant consistently restricts smoking as required by NYC rules as noted in Whereas 4 and immediately removes any loudspeakers supplying amplified sound to the sidewalk café

VOTE: Unanimous, with 41 Board members in favor.

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

9. Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. (btw Astor Pl & E 8 St), with 25 tables & 77 seats, DCA# 0924582

Block:545 Lot:7503

Year Built:1930(estimated)

Residential Units:52; Total # of Units:54

Landmark Building: Yes

Lot Frontage:98.42' Lot Depth:159

Number of Buildings:1; Number of Floors:11

Zoning:C6-2

Historic District: NoHo

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and their architect were present, and

Whereas, this café has been operated by this applicant for many years 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 Enclosed sidewalk café for **Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. (btw Astor Pl & E 8 St), with 25 tables & 77 seats, DCA# 0924582**

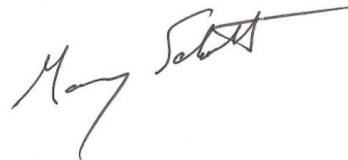
VOTE: Unanimous, with 41 Board members in favor.

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

JH/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
Pauline Yu, CAU
Peter Janosik, Council, Land Use Division