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COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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September 26, 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 September 22, 2011, Community Board #2, Manhattan adopted the following resolution:

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

- Rajmar Holdings, Inc. d/b/a Hudson Bar and Books, 636 Hudson St. (btw Jane St & Horatio St), with 4 tables & 8 seats, DCA# 1092103**

Block:626 Lot:27

Year Built:1910(estimated)

Residential Units:20 Total # of Units:23

Landmark Building: Yes

Lot Frontage:46.83' Lot Depth:56

Number of Floors:6

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 manager was present, and

Whereas, this café has been operated by this applicant for several years with only one known issue,

Whereas, the committee noted there are two benches against the façade within the sidewalk café which are not allowed and which shift the café further out on the sidewalk than approved and the manager committed to removing the two benches,

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 **Rajmar Holdings, Inc. d/b/a Hudson Bar and Books, 636 Hudson St. (btw Jane St & Horatio St), with 4 tables & 8 seats, DCA# 1092103**

VOTE: Unanimous, with 40 Board members in favor.

2. **Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St. (btw Spring St & Prince St), with 2 tables & 5 seats, DCA# 1260966**

Block:492 Lot:4	Lot Frontage:25.17' Lot Depth:97.17
Year Built:1900(estimated)	Number of Floors:6
Residential Units:20 Total # of Units:21	Zoning:C6-2

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

Whereas, this café has been operated by this applicant for several 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 Unenclosed sidewalk café for **Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St. (btw Spring St & Prince St), with 2 tables & 5 seats, DCA# 1260966**

VOTE: Passed, with 28 Board members in favor, 11 against-(Caccappolo, Riccobono, Frost, Hamilton, Rakoff, Burton, Reck, Ely, Stewart, Young Campbell), 1 abstention-(Berger)

3. **RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring St. (at Thompson St), with 14 tables & 30 seats, DCA# 1101999**

Block:488 Lot:15	Lot Frontage:19.83' Lot Depth:62.42
Year Built:1910(estimated)	Number of Floors:4
Residential Units:3 Total # of Units: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 applicants were present, and

Whereas, this café has been operated by this applicants' family for several years with few known issues, and

Whereas, the committee did note in inspecting the café that liberties were being taken with the seating and the amount of sidewalk space being used, particularly on Thompson St which is a sidewalk of just 11 ½ feet and hosts part of the café only under grandfathering, and

Whereas, the primary issue on Thompson St is the seating has been done with the tables pulled out from the façade with chairs partially behind the tables, when the tables and chairs should be up against the façade, and

Whereas, the applicant spent substantial time with the committee in trying to understand the issues and appears to be committed to correcting them, and

Whereas, while this may require a modification application, the applicant may work with an architect to see if seating on Spring St can be better arranged to support customer seating while maintaining the approved seat count and layout,

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 **RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring St. (at Thompson St), with 14 tables & 30 seats, DCA# 1101999**

UNLESS the applicant shows improvement in complying with the approved seating layout between now and when the City Council reviews this application

VOTE: Unanimous, with 40 Board members in favor.

4. **I Malatesta Trattoria, Inc. d/b/a Malatesta Trattoria, 649 Washington St. (at Christopher St), with 18 tables & 35 seats, DCA 1076713**

Block:630 Lot:1

Lot Frontage:31.75' Lot Depth:68.25

Year Built:1919(estimated)

Number of Floors:5

Residential Units:12 Total # of Units:14

Zoning:R6

Landmark Building: Yes

Historic District: Greenwich Village Historic

Dist. Ext.

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 with no known issues, and **Whereas**, the committee did note that chairs were sometimes placed on the Washington St sidewalk for the use of patrons waiting for tables, and the applicant committed to ceasing the practice, and

Whereas, the committee regretfully noted that the property is in R6 zoning with no commercial overlay and as such cannot legally have a sidewalk café and should never have been approved for one, and

Whereas, the committee noted that the other 3 segments of this busy intersection of Washington St and Christopher St are all zoned commercial and it seems inappropriate that this one segment of the intersection should not at least have a commercial overlay,

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 **I Malatesta Trattoria, Inc. d/b/a Malatesta Trattoria, 649 Washington St. (at Christopher St), with 18 tables & 35 seats, DCA 1076713**

UNLESS some way can be found to address the zoning compliance issue with the Dept. of City Planning, preferably by adding a commercial overlay to this property

VOTE: Unanimous, with 40 Board members in favor.

5. **60 Greenwich, LLC, 60 Greenwich Avenue (at Perry St), with 13 tables & 26 seats, DCA# 1191326**

Block:606 Lot:25

Lot Frontage:25' Lot Depth:67.83

Year Built:1920(estimated)

Number of Floors:3

Residential Units:3 Total # of Units:5

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 was present, and

Whereas, this café also uses space in front of 62 Greenwich Ave. which is owned by the applicant but is currently not in use for the restaurant, and

Whereas, the initial approval for the café was given two years ago with the limitation that most of the tables in front of 62 Greenwich Ave would need to be served from that building's door which the committee confirmed with the applicant has in fact never been available for use, and

Whereas, the plan on which the café is based is flawed in several other respects as well, some of which actually limit the size of the café more than is required, and

Whereas, the applicant confirmed what the committee had noted that the café has never seated more than 20 seats, and the committee feels this is a maximum practical number of seats for the amount of available space, and

Whereas, the applicant was told that several issues were observed in the café:

- no service aisle (for which they were recently cited by DCA),
- only 7 ft clearance from the café to a fire hydrant where there should be 8 ft,
- seats blocking a Siamese connection (there should be 3 ft clearance) and the door of 62 Greenwich Ave,
- the café has been opened before noon on Sunday, and

Whereas, while this may require a modification application, the committee feels the current seating plan is so flawed that the café cannot be approved for renewal as is and the applicant has committed to file a corrected print with DCA as part of moving forward with the renewal,

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 **60 Greenwich, LLC, 60 Greenwich Avenue (at Perry St), with 13 tables & 26 seats, DCA# 1191326**

UNLESS the applicant files an updated print which is not dependent on use of the door of 62 Greenwich Ave for service

VOTE: Unanimous, with 40 Board members in favor.

6. **Tre-Giovani, Inc., 548 LaGuardia Place (btw Bleecker St & W. 4th St), with 4 tables & 12 seats, DCA# 0997686**

Block:537 Lot:21
Year Built:1900
Residential Units:3 Total # of Units:4

Lot Frontage:20' Lot Depth:55
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 was NOT present, and

Whereas, the applicant is required under the rules to appear before the Community Board and did not contact the CB2 office to request a rehearing,

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 **Tre-Giovani, Inc., 548 LaGuardia Place (btw Bleecker St & W. 4th St), with 4 tables & 12 seats, DCA# 0997686**

VOTE: Unanimous, with 40 Board members in favor.

7. **PGT Rest. Corp. d/b/a Slainte, 304 Bowery (btw E. Houston St & E. 1st St), with 8 tables & 16 seats, DCA # 1318806**

Block:521 Lot:7503
Year Built:1910(estimated)
Residential Units:5 Total # of Units:6
Landmark Building:Yes

Lot Frontage:23.17' Lot Depth:88.83
Number of Floors:6
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 applicants were present, and

Whereas, this café has been operated by these applicants for several 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 Unenclosed sidewalk café for **PGT Rest. Corp. d/b/a Slainte, 304 Bowery (btw E. Houston St & E. 1st St), with 8 tables & 16 seats, DCA # 1318806**

VOTE: Unanimous, with 40 Board members in favor.

8. **Florio's Enterprises Inc., 192 Grand St. (btw Mulberry St & Mott St), with 7 tables & 20 seats, DCA# 0890546**

Block:471 Lot:57
Year Built:1901(estimated)
Residential Units:3 Total # of Units:4
Landmark Building: Yes

Lot Frontage:24.75' Lot Depth:100
Number of Floors:3.75
Zoning:C6-2G
Historic District: No

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, an uncle, was present, and

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

Whereas, the committee noted the presence of a large podium-style menu board placed on the sidewalk and the applicant agreed to remove it, and

Whereas, the committee also noted the café consistently expands – occasionally with extra seats, but mostly just in spacing – to encompass space in front of neighboring properties on both sides of the café and the applicant committed to keeping the café in its approved space only in front of the applicant’s establishment,

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 **Florio’s Enterprises Inc., 192 Grand St. (btw Mulberry St & Mott St), with 7 tables & 20 seats, DCA# 0890546**

UNLESS the applicant shows improvement in complying with the approved seating layout between now and when the City Council reviews this application

VOTE: Unanimous, with 40 Board members in favor.

9. **Caffe Dante Inc., 81 Macdougall St. (btw W. Houston St & Bleecker St), with 7 tables & 14 seats, DCA# 0768933**

Block:526 Lot:28

Year Built:1910

Residential Units:38 Total # of Units:40

Lot Frontage:39.75' Lot Depth:100

Number of Floors:7

Zoning:R7-2

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 with few known issues, and

Whereas, the committee noted that 1 additional table and 2 chairs had been added to the café partially blocking the food service aisle and the representative committed to having the applicant correct the situation,

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 **Caffe Dante Inc., 81 Macdougall St. (btw W. Houston St & Bleecker St), with 7 tables & 14 seats, DCA# 0768933**

VOTE: Unanimous, with 40 Board members in favor.

10. **French Roast Inc., 78 West 11th St. (at 6th Ave), with 8 tables & 16 seats, DCA# 0907203**

Block:574 Lot:7

Year Built:1920

Residential Units:21 Total # of Units:22

Landmark Building: Yes

Lot Frontage:34.5' Lot Depth:121

Number of Floors:6

Zoning:C1-6R6

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's General Manager was present, and

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

Whereas, the committee did note there was a large 'podium-style' menu board in front of the café and the applicant committed to removing or replacing it with a vertical version against the side of the café railing, and

Whereas, one member of the community noted there was a bench and 2 planters on the W. 11 St side of the establishment. While they are not in the café area, which is entirely on 6th Ave and could not be considered as part of this renewal, the committee informed the applicant the bench and planters were illegally on the sidewalk and they could be cited for them by the Dept. of Sanitation,

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 **French Roast Inc., 78 West 11th St. (at 6th Ave), with 8 tables & 16 seats, DCA# 0907203**

VOTE: Unanimous, with 40 Board members in favor.

11. **Tortilla Flats Inc., 767 Washington St. (at W. 12th St), with 11 tables & 21 seats, DCA# 0805433**

Block:640 Lot:40

Year Built:1905(estimated)

Residential Units:1 Total # of Units:2

Landmark Building: Yes

Lot Frontage:20.08' Lot Depth:70.17

Number of Floors:3

Zoning:C1-6A

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, while there appear to have been few reported issues with the café, the committee noted to the applicant the following problems and concerns:

- there was a large steel service cart being used in the middle of the café,
- there were 3 tables and 7 chairs stored on the sidewalk nearby, presumably to expand the seating in the café beyond its approved size – both the storage and the increase are not allowed,
- the seating on the west side of the café was rearranged so the service aisle was reduced in part to approximately 1 foot, and

whereas, there appeared to the committee to be some reluctance on the part of the applicant to address these issues,

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 **Tortilla Flats Inc., 767 Washington St. (at W. 12th St), with 11 tables & 21 seats, DCA# 0805433**

UNLESS the issues listed in the 2nd Whereas of this resolution are resolved and consistently adhered to between now and when the City Council reviews this application

VOTE: Unanimous, with 40 Board members in favor.

Re-Apply App. for revocable consent to operate an Unenclosed sidewalk café for:

- 12. **Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. So. (at Grove St), with 22 tables & 44 seats, DCA# 1202961**

Block:591 Lot:10	Lot Frontage:86.5' Lot Depth:117.92
Year Built:1910(estimated)	Number of Floors:3
Residential Units:6 Total # of Units:8	Zoning:C4-5
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 was NOT present, and

Whereas, the applicant is required under the rules to appear before the Community Board and did not contact the CB2 office to request a rehearing, and

Whereas, this is a re-apply application as the applicant had already failed to file for renewal of the license as the previous license expired in April 2011 and the applicant has continued to operate unlicensed since then,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RE-APPLY App. for revocable consent to operate an Unenclosed sidewalk café for **Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. So. (at Grove St), with 22 tables & 44 seats, DCA# 1202961**

VOTE: Unanimous, with 40 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
Lolita Jackson, Manhattan Director, CAU
Peter Janosik, Council, Land Use Division

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September 23, 2011

Beverly Gotay, Deputy Director of Special Applications
NYC Dept. of Consumer Affairs
42 Broadway
New York, New York 10004

Dear Ms. Gotay:

At its Full Board meeting September 22, 2011, Community Board #2, Manhattan, adopted the following resolution:

App. to Dept. of Consumer Affairs for:

Review of newsstand application on Lafayette St (btw Astor Pl & E. 8th St)

Whereas, the area was posted, community groups notified, and the applicant's architects were present, and

Whereas, this newsstand has been operated by Jerry Delakis with exemplary service to the Astor Place public for more than 25 years, and

Whereas, several people spoke at the meeting in support of Mr. Delakis, his constancy in the community and fully supported his continuing to operate the newsstand, and

Whereas, petitions supporting granting a license to Mr. Delakis have been signed by ##### people,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan fully supports APPROVAL of an application for a newsstand license for the long-time location on Lafayette St (btw Astor Pl. & E. 8 St) to its long-time operator, Jerry Delakis, and urges DCA to exercise its discretion and grant Mr. Delakis a license to operate a newsstand at this site

VOTE: Unanimous, with 40 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
- Lolita Jackson, Manhattan Director, CAU
- Peter Janosik, Council, Land Use Division
- Michael Ben-Asher, Dept. of Consumer Affairs



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September 23, 2011

Beverly Gotay, Deputy Director of Special Applications
NYC Dept. of Consumer Affairs
42 Broadway
New York, New York 10004

Dear Ms. Gotay:

At its Full Board meeting September 22, 2011, Community Board #2, Manhattan, adopted the following resolution:

App. to Dept. of Consumer Affairs for:

Newsstand northeast corner of 6th Avenue & West 9th Street

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

Whereas, there were several emails sent to CB2 strongly opposed to the location for a newsstand due to heavy pedestrian traffic and a risky intersection which combines a bus lane, bike lane and substantial taxi traffic, and

Whereas, this is a new application by the license holder for a current newsstand on the SE corner of 6th Avenue & Waverly Place, which does not meet new NYCDOT location standards and must be moved, and

Whereas, the applicant is allowed to freely move to an approved location within 500 ft (the catchment), and the applicant identified and NYCDOT has approved a new location further south on the same block, and

Whereas, while that in-catchment location continues to be available to the applicant, he chose for his own reasons to apply to DCA for a different, out-of-catchment location, and

Whereas, there are at least four existing newsstands or news retailers on 6th Ave. within 3 blocks of this location, and

whereas, neither members of the community nor anyone on the committee felt there was need or general benefit to using sidewalk space on this congested corner for another newsstand in an area that is extremely well-served by existing long-time businesses, particularly as the applicant has an approved option on his existing block,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan STRONGLY recommends DENIAL of an application for a newsstand at the northeast corner of 6th Avenue & West 9th Street

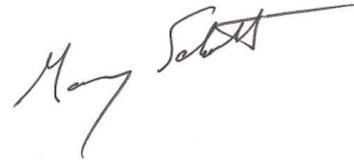
VOTE: Unanimous, with 40 Board members in favor

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

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
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