



COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

May 22, 2009

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

Dear Commissioner Mintz:

At its Full Board meeting on May 21, 2009, CB#2-Man., adopted the following resolutions:

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

1. **Village Cantina Corp., d/b/a/ Village Cantina**, 170 Bleecker St., 10012 @ Sullivan, Block: 526, Lot: 64, Police Precinct: 6, with 3 tables & 6 seats, DCA# 1250691

Whereas, the area was posted, community groups notified and there was community attendance, and the applicant, Ignacio Mansa and representative, Michael Kelly were present, and,

Whereas, this lot has frontage of 46.75 feet and depth of 98 feet, with two buildings of six stories, built in 1900 (estimated), with 19 residential units of a total 21 units in a Mixed Residential and Commercial area; Zoning:R7-2 with a Commercial Overlay, Zoning Map #12A, and

Whereas, the application proposes a sidewalk café on the Bleecker St side, only, and,

Whereas, the Liquor License stipulates hours of operation between 12 p.m. and 12 a.m. daily, and,

Whereas, Judith Callet of BAMRA and two other area residents expressed concern that tree plantings paid for by the Community had been removed and the tree and pit is now flush with the sidewalk, and,

Whereas, this Committee has no jurisdiction on tree pit plantings and said planting had a barrier that would otherwise render the sidewalk plan un -approvable as a fixed obstruction, and,

Whereas, the applicant has no plans for the installation of sidewalk café heaters and no permits,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL for an unenclosed sidewalk café for **Village Cantina Corp., d/b/a/ Village Cantina**, 170 Bleecker St., 10012 @ Sullivan, Block: 526, Lot: 64, Police Precinct: 6, with 3 tables & 6 seats, DCA# 1250691

Vote: Passed, with 31 Board members in favor and 1 in opposition.

2. **212 Lafayette Associate, LLC, d/b/a/ Café Select**, 212 Lafayette St. 10012 @ Kenmare, Block: 482, Lot: 31, Police Precinct: 5 with 4 tables & 8 seats, DCA# 1314520

Whereas, the area was posted, community groups notified and there was community correspondence and attendance regarding this area, and the applicant, Oliver Stumm and representative, Frank Palillo, Esq. were present, and,

Whereas, this lot has frontage of 24.92 feet and depth of 100 feet, with one building of five stories, built in 1900 (estimated), with 16 residential units of a total 17 units in a Mixed Residential and Commercial area; Zoning:M1-5B Manufacturing, Zoning Map #12C, and

Whereas, the applicant proposed an outside counter with stools but may not have provided sufficient clearance from the lamp-post located 13' from the building line, and,

Whereas, this establishment in their Liquor License application of February 2008 stipulated that the hours of operation are 8:00 a.m. – 1:00 a.m. Sunday – Wednesday and 8:00 a.m. – 2:00 a.m. Thursday – Saturday; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, The applicant must first seek approval of an amendment to the current Method of Operation attached to the Liquor License before this Committee can consider a sidewalk application, and,

Whereas, there was objection by three members of the community to the addition of another sidewalk café in this area densely populated with restaurants and bars, but more than a dozen members of the Community who spoke in favor of this applicant,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends DENIAL of this application for a new unenclosed sidewalk café for **212 Lafayette Associate, LLC, d/b/a/ Café Select**, 212 Lafayette St. 10012 @ Kenmare, Block: 482, Lot: 31, Police Precinct: 5 with 4 tables & 8 seats, DCA# 1314520, UNTIL SUCH TIME THAT an alteration application for the Liquor License stipulating that a sidewalk café is part of the method of operation, is approved by CB#2 SLA Committee.

Vote: Unanimous, with 32 Board members in favor.

- 3. E.D.O. Food IV, LLC, d/b/a Hummus Place**, 71 7th Ave. So, 10014, Block: 590, Lot: 54, Police Precinct: 6, betw. Barrow & Bleecker Sts., with 4 tables & 8 seats, DCA# 131521

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant, Ori Apple, was present, and,

Whereas, this lot has frontage of **39.5** feet and depth of 75.17 feet, with one building of one story, built in 1900, with 0 residential units of a total two units in a Commercial and Office Buildings area; Zoning:C2-6 Commercial, Zoning Map #12A, and

Whereas, the applicant states that there will be no addition of bicycle racks for delivery personnel, and,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a NEW application for **E.D.O. Food IV, LLC, d/b/a Hummus Place**, 71 7th Ave. So, 10014, Block: 590, Lot: 54, Police Precinct: 6, betw. Barrow & Bleecker Sts., with 4 tables & 8 seats, DCA# 131521

Vote: Unanimous, with 32 Board members in favor.

- 4. Hensam Enterprises, Inc. d/b/a S.O.B.'s**, 200 Varick St., 10014 @ West Houston St., Block: 520, Lot: 1, Police Precinct: 1, with 15 tables & 30 seats, DCA# 1315699.

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicants, Larry and Robin Gold were present, and,

Whereas, this lot has frontage of 200.42 feet and depth of 265 feet, with one building of one story, built in 1926, with 0 residential units of a total 41 units in a Commercial and Office Buildings area; Zoning:M1 -6Manufacturing, Zoning Map #12A, and,

Whereas, all aspects of the sidewalk plan are in compliance with regulation, except for a “service station” which the applicant has agreed to remove, and,

Whereas, the applicant may, sometime in the future apply for a license for Sidewalk Café heaters but has not currently, and agreed to return with an amended application at such time as they plan to do so, and,

Whereas, service for the sidewalk café area will be from a door on the far east side of the West Houston Street side of this property, and

Whereas, this Committee agreed that this area would particularly benefit by the addition of sidewalk café presence for the activity it would give to a largely commercial area

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a NEW application for an unenclosed sidewalk café for **Hensam Enterprises, Inc. d/b/a S.O.B.’s**, 200 Varick St., 10014 @ West Houston St., Block: 520, Lot: 1, Police Precinct: 1, with 15 tables & 30 seats, DCA# 1315699.

Vote: Unanimous, with 32 Board members in favor.

5. RRBV Associates, LLC., d/b/a/ Harbor NY, 290 Hudson St., 10013, betw. Dominick & Spring Sts., Block: 579, Lot: 5, Police Precinct: 1, with 5 tables and 10 chairs, DCA# 1316164

Whereas, the area was posted, community groups notified and there was no community correspondence or attendance on this application and the applicant’s representative, Mike Kelly was present, and,

Whereas, this lot has frontage of 19.9 feet and depth of 99.92 feet, with one building of six stories, built in 1900, with 0 residential units of a total one units in a Commercial and Office Buildings area; Zoning:M1 -6 Manufacturing, Zoning Map #12A, and

Whereas, this Committee has coordinated the approval of this sidewalk café with CB#2’s SLA Committee, who also heard an amended application this month, to amend that method of operation to include a sidewalk café where it had previously been prohibited. This was done without objection and with Full board review, and,

Whereas, the applicant must first seek approval of an amendment to the current Method of Operation attached to the Liquor License before this Committee can consider a sidewalk application, and,

Whereas, this Committee given the approval of the SLA Committee sees no other impediment to granting the sidewalk café as presented

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends DENIAL of this application for a new unenclosed sidewalk café for, **RRBV Associates, LLC., d/b/a/ Harbor NY, 290 Hudson St., 10013, betw. Dominick & Spring Sts., Block: 579, Lot: 5, Police Precinct: 1, with 5 tables and 10 chairs, DCA# 1316164 UNTIL SUCH TIME THAT** an alteration application for the Liquor License stipulating that a sidewalk café is part of the method of operation, is approved by CB#2 SLA Committee.

Vote: Unanimous, with 32 Board members in favor.

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

6. **Brass Monkey**, 55 Little West 12th St. betw. Washington St. & 10th Ave., Block: 645, Lot: 23, Police Precinct: 6, with 3 tables & 6 seats, **DCA# 1199470**

Whereas, the area was posted, community groups notified and there was no community correspondence, and the applicant, Joseph Carbonetti, was present, and,

Whereas, this lot has frontage of 25 feet and depth of 103.25 feet, with one building of three stories, built in 1900 (estimated), with 0 residential units of a total 3 units in a Commercial and Office Buildings area; Zoning: M1-5, Zoning Map # 08B, and

Whereas, the sidewalk plan is in order and there are no complaints from the Community, and,

Whereas, there are no plans for sidewalk café heaters.

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends **APPROVAL** of a RE-APPLICATION for revocable consent to operate an Unenclosed sidewalk café for Brass Monkey, 55 Little West 12th St. Block: 645, Lot: 23, Police Precinct: 6, with 3 tables & 6 seats, **DCA# 1199470**.

Vote: Unanimous, with 32 Board members in favor.

7. **Gadberry Pizza Inc., d/b/a/ Bleecker Street Pizza**, 69-71 7th Avenue South, 10014, Block: 590, Lot: 54, Police Precinct: 6, @ Bleecker St. with 3 tables & 6 seats, **DCA# 1183527**.

Whereas, the area was posted, community groups notified and there was no correspondence, and attendance and the applicant's representative, Mike Kelly, was present, and,

Whereas, this lot has frontage of 39.5 feet and depth of 75.17 feet, with one building of one story, built in 1900 (estimated), with 0 residential units of a total 2 units in an area of Commercial and Office Buildings, Zoning C2-6 Commercial, Zoning Map # 12A, and,

Whereas, there are no complaints or citations and,

Whereas, there is a bike rack placed outside the sidewalk café area that obstructs the pedestrian right of way, installed by the applicant for delivery bicycles, which the applicant agrees to remove.

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends **APPROVAL** of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Gadberry Pizza Inc., d/b/a/ Bleecker Street Pizza**, 69-71 7th Avenue South, 10014, Block: 590, Lot: 54, Police Precinct: 6, @ Bleecker St. with 3 tables & 6 seats, **DCA# 1183527**.

Vote: Unanimous, with 32 Board members in favor

8. **Out of the Kitchen, Inc.** 420 Hudson St., 10014, betw. Leroy & Morton, Block: 583, Lot: 1, Police Precinct: 6, with 8 tables & 18 seats, **DCA# 1250691**.

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant, Eve Crenovich, was present, and,

Whereas, this lot has frontage of **23.08** feet and depth of 59.5 feet, with one building of four stories, built in 1910 (est) , with 2 residential units of a total 4 units in a Mixed Residential and Commercial area; Zoning:C1-6Commercial, Zoning Map #12A, and

Whereas, there are no community objections and no citations, and

Whereas, there are no plans for portable natural gas heaters

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Out of the Kitchen, Inc.** 420 Hudson St., 10014, betw. Leroy & Morton, Block: 583, Lot: 1,

Vote: Unanimous, with 32 Board members in favor.

9. **Caliente Cab Rest. Co. Inc. d/b/a Caliente Cab Co.**, 61 7 Ave. So. 10014, Block: 587, Lot: 21, Police Precinct: 6, betw. Bleecker & Morton Sts. with 42 tables & 84 seats, DCA#0670525

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Robert Bookman was present, and,

Whereas, this lot has frontage of 47 feet and depth of 72.92 feet, with one building of 2.5 stories, built in 1925 (est) , with 8 residential units of a total 9 units in a Multi-Family Walk-Up Building; Zoning:C2-6 Commercial, Zoning Map #12A, and,

Whereas, there are no community complaints and no citations, and

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Caliente Cab Rest. Co. Inc. d/b/a Caliente Cab Co.**, 61 7 Ave. So. 10014, Block: 587, Lot: 21, Police Precinct: 6, betw. Bleecker & Morton Sts. with 42 tables & 84 seats, DCA#0670525

Vote: Unanimous, with 32 Board members in favor.

10. **ASC, Inc. d/b/a/ La Nonna**, 134 Mulberry St. 10013, betw. Grand and Hester Block: 237, Lot: 7501, Police Precinct: 5, with 6 tables & 12 seats, DCA# 12008521.

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Mike Kelly was present, and,

Whereas, this lot has frontage of 124.75 feet and depth of 101.33 feet, with one building of six stories, built in 1915, with 0 residential units of a total 11 units in a Commercial and Office Buildings; Zoning:C2-2G Commercial, Zoning Map #12C, and

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the sidewalk plan have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **ASC, Inc. d/b/a/ La Nonna**, 134 Mulberry St. 10013, betw. Grand and Hester Block: 237, Lot: 7501, Police Precinct: 5, with 6 tables & 12 seats, DCA# 12008521.

Vote: Unanimous, with 32 Board members in favor.

11. **Greenwich Village Bistro, 13 Carmine St.**, 10014, betw Bleecker and Ave of the Americas, Block: 589, Lot: 47, Police Precinct: 6, with 9 tables & 18 seats, DCA# 1030835

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant, Richard Oalandrani was present, and,

Whereas, this lot has frontage of 25 feet and depth of 100 feet, with one building of five stories, built in 1900 (est), with 13 residential units of a total 14 units in a Mixed Residential and Commercial Buildings area; Zoning:R7-2 Commercial Overlay, Zoning Map #12A, and

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the sidewalk plan have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Greenwich Village Bistro, 13 Carmine St.**, 10014, betw Bleecker and Ave of the Americas, Block: 589, Lot: 47, Police Precinct: 6, with 9 tables & 18 seats, DCA# 1030835.

Vote: Unanimous, with 32 Board members in favor.

- 12. Cowgirl, Inc. d/b/a/ Cowgirl Hall of Fame**, 519 Hudson St.,10014, betw W 10th & Charles, Block: 631, Lot: 46, Police Precinct: 6, with 11 tables & 22 seats, DCA# 0919917

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant, Joel Gordin was present, and,

Whereas, this lot has frontage of **106.5** feet and depth of 105.33 feet, with five buildings of five stories, built in 1930 (est), with 90 residential units of a total 96 units in a Multi-Family Walk-up Mixed Residential and Commercial Buildings area; Zoning: C1-6 Commercial, Zoning Map #12A, and

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the sidewalk plan have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Cowgirl, Inc. d/b/a/ Cowgirl Hall of Fame**, 519 Hudson St.,10014, betw W 10th & Charles, Block: 631, Lot: 46, Police Precinct: 6, with 11 tables & 22 seats, DCA# 0919917.

Vote: Unanimous, with 32 Board members in favor.

- 13. Riomar Corp. d/b/a Kana**, 324 Spring St.,10013, betw Greenwich & Washington Sts. Block: 595, Lot: 72, Police Precinct: 1, with 4 tables & 13 seats, DCA# 1003195.

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant Armando Orofina. was present, and,

Whereas, this lot has frontage of **20.08** feet and depth of 56 feet, with one buildings of four stories, built in 1900 (est), with 3 residential units of a total 4 units in a Mixed Residential and Commercial Buildings, area; Zoning: C6-2A Commercial, Zoning Map #12A, and,

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the application have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Riomar Corp. d/b/a Kana**, 324 Spring St.,10013, betw Greenwich & Washington Sts. Block: 595, Lot: 72, Police Precinct: 1, with 4 tables & 13 seats, DCA# 1003195.

Vote: Unanimous, with 32 Board members in favor.

- 14. JVC Pizzeria, Inc. d/b/a/ Il Fornaio**, 132A Mulberry St. 10013, betw Grand & Hester Sts. Block: 237, Lot: 7501, Police Precinct: 5, with 7 tables & 14 seats, DCA# 1143227

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Mike Kelly was present, and,

Whereas, this lot has frontage of 124.75 feet and depth of 101.33 feet, with one building of six stories, built in 1900 (est), with 0 residential units of a total 11 units in a Commercial and Office Buildings area; Zoning: C6-2G Commercial, Zoning Map #12C, and

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the application have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **JVC Pizzeria, Inc. d/b/a/ Il Fornaio**, 132A Mulberry St. 10013, betw Grand & Hester Sts. Block: 237, Lot: 7501, Police Precinct: 5, with 7 tables & 14 seats, DCA# 1143227.

Vote: Unanimous, with 32 Board members in favor.

- 15. Red Mulberry Ltd., d/b/a Sambuca**, 105 Mulberry St. betw Canal & Hester Sts. City Address 203 CANAL STREET, 10013, Block: 206, Lot: 26, Police Precinct: 5, with 10 tables & 20 seats, DCA# 1158751

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Mike Kelly was present, and,

Whereas, this lot has frontage of 52.25 feet and depth of 75.67 feet, with one buildings of five stories, built in 1915 (est), with 6 residential units of a total 14 units in a Commercial and Office Buildings area; Zoning: C6-2G Commercial, Zoning Map #12C, and

Whereas, there are no portable natural gas heaters, and

Whereas all conditions of the application have been observed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Red Mulberry Ltd., d/b/a Sambuca**, 105 Mulberry St. betw Canal & Hester Sts. City Address 203 CANAL STREET, 10013, Block: 206, Lot: 26, Police Precinct: 5, with 10 tables & 20 seats, DCA# 1158751.

Vote: Unanimous, with 32 Board members in favor.

- 16. D.E.L. Inc., d/b/a/ Alexanders**, 455 Hudson St., 10014, betw. Barrow & Morton, Block: 603, Lot: 65, Police Precinct: 6, with 10 tables & 20 seats, DCA# 1192285

Whereas, the area was posted, community groups notified and there was subsequent community correspondence regarding this applicant, and the applicant, Eran Shorehef was present, and,

Whereas, this lot has frontage of **50** feet and depth of 100.08 feet, with one buildings of six stories, built in 1920 (est), with 39 residential units of a total 41 units in a Mixed Residential and Commercial Buildings area; Zoning: C1-6 Commercial, Zoning Map #12a, and

Whereas, an upstairs resident has submitted testimony (attached) that the sidewalk café has operated on Sundays prior to 12 Noon, and this Committee has notified the applicant that this practice must stop, and,

Whereas, there are no portable natural gas heaters, and

Whereas all other conditions of the application are in order,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **D.E.L. Inc., d/b/a/ Alexanders**, 455 Hudson St., 10014, betw. Barrow & Morton, Block: 603, Lot: 65, Police Precinct: 6, with 10 tables & 20 seats, DCA# 1192285.

Vote: Unanimous, with 32 Board members in favor.

- 17. Andikiana Corp. d/b/a/ Silver Spurs**, 490 LaGuardia Pl. betw Bleecker & Houston Sts. Block: 525, Lot: 56, Police Precinct: 6, City Address 88 West Houston St., with 16 tables & 32 seats, DCA# 0941701

Whereas, the area was posted, community groups notified and there is no community correspondence regarding this area, and the applicant, Andrew Persousis, was present, and,

Whereas, this lot has frontage of **18.75** feet and depth of 98 feet, with one buildings of four stories, built in 1900 (est), with 0 residential units of a total 7 units in a Commercial and Office Buildings area; Zoning: R7-2 Commercial Overlay, Zoning Map #12C, and

Whereas, there are no portable natural gas heaters, and

Whereas all other conditions of the application are in order,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Andikiana Corp. d/b/a/ Silver Spurs**, 490 LaGuardia Pl. betw Bleecker & Houston Sts. Block: 525, Lot: 56, Police Precinct: 6, City Address 88 West Houston St., with 16 tables & 32 seats, DCA# 0941701

Vote: Unanimous, with 32 Board members in favor.

- 18. Buona Notte Inc., d/b/a/ Da Nico**, 120 Mulberry St. 10013 betw. Hester & Canal Sts., Block: 205, Lot: 11, Police Precinct: 5, with 6 tables & 12 seats, DCA# 1135217

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Mike Kelly was present, and,

Whereas, this lot has frontage of **25** feet and depth of 100.33 feet, with one buildings of five stories, built in 1910, with 8 residential units of a total 9 units in a Multi-Family Walk-Up Buildings area; Zoning: C6-2G Commercial Overlay, Zoning Map #12C, and,

Whereas, there are no portable natural gas heaters, and

Whereas all other conditions of the application are in order, including sidewalk plans showing the grandfathered platform,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Buona Notte Inc., d/b/a/ Da Nico**, 120 Mulberry St. 10013 betw. Hester & Canal Sts., Block: 205, Lot: 11, Police Precinct: 5, with 6 tables & 12 seats, DCA# 1135217.

Vote: Passed, with 31 Board members in favor and 1 in opposition.

- 19. 164 Mulberry Corp. d/b/a Da Nico**, 164 Mulberry St. 10013, betw. Broome & Grand Sts., Block: 471, Lot: 29, Police Precinct: 5, with 4 tables & 8 seats, DCA# 0949447.

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant's representative, Mike Kelly was present, and,

Whereas, this lot has frontage of **25** feet and depth of 100.17 feet, with one buildings of five stories, built in 1900 (est), with 3 residential units of a total 4 units in a Commercial and Office Buildings area; Zoning: C6-2G Commercial, Zoning Map #12C, and

Whereas, there are no portable natural gas heaters, and

Whereas all other conditions of the application are in order,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café

for **164 Mulberry Corp. d/b/a Da Nico**, 164 Mulberry St. 10013, betw. Broome & Grand Sts., Block: 471, Lot: 29, Police Precinct: 5, with 4 tables & 8 seats, DCA# 0949447.

Vote: Passed, with 31 Board members in favor and 1 in opposition.

20. Macelleria Restaurant, 48 Gansevoort St. Betw Greenwich & Washington Sts., Block: 643, Lot: 54, Police Precinct: 6, City Address 842 GREENWICH STREET, 10014, with 9 tables & 18 seats, DCA# 1188887

Whereas, the area was posted, community groups notified and there was no community correspondence regarding this area, and the applicant, Sergio Betici was present, and,

Whereas, this lot has frontage of 69.42 feet and depth of 92.58 feet, with one buildings of two stories, built in 1941, with 0 residential units of a total 1 units in a Commercial and Office Buildings area; Zoning: M1-5 Manufacturing, Zoning Map #08B, and

Whereas, there are no portable natural gas heaters, and

Whereas all other conditions of the application are in order,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a Renewal application for revocable consent to operate an Unenclosed sidewalk café for **Macelleria Restaurant**, 48 Gansevoort St. Betw Greenwich & Washington Sts., Block: 643, Lot: 54, Police Precinct: 6, City Address 842 GREENWICH STREET, 10014, with 9 tables & 18 seats, DCA# 1188887

Vote: Passed, with 31 Board members in favor and 1 in opposition.

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

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



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

BH/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
Angelica Crane, Community Board Liaison, Man., Borough President
Lolita Jackson, Commissioner, CAU
Peter Janosik, Council, Land Use Division
Michael Ben-Asher, Dept. of Consumer Affairs
Applicants

May 26, 2009

Janette Sadik-Khan, Commissioner
New York City Department of Transportation
Division of Franchises, Concessions & Consents
40 Worth St., 9th Floor South
New York, NY 10013

Dear Commissioner Sadik-Khan:

At its Full Board meeting on May 21, 2009, CB#2-Man., adopted the following resolutions:

App. to NYCDOT for revocable consents for: Wheelchair lift & stairs at 411-417 W. 13th St., bet. 9th Ave. & Washington Sts., Block: 646, Lot: 7501, Police Precinct: 6

Whereas, the area was posted, community groups notified and there was no community correspondence, and the applicant, 411-417 West 13th St Condominium's representative and architectural firm, O'Neil Langan were present, and,

Whereas, this lot has frontage of **103** feet and depth of 207.5 feet, with one building of five stories, built in 1900 (estimated), with 0 residential units of a total 5 units in a Commercial and Office Buildings area; Zoning: M1-5 Manufacturing, Zoning Map #08B, and

Whereas, the applicant proposes the installation of one mechanical handicapped lift and the addition of three staircases (stoops) from a previously existing loading dock whose width is 77', height is 2'8" and depth is 3'8", leaving two 13' inset stairwells at the east and at the west, and a 11'4 1/2" sidewalk, and,

Whereas, the three additional stairways (stoops) will extend 4'8" into the sidewalk and the resulting proposed public right-of-way is 6'8" and,

Whereas, the required pedestrian right of way is 8' minimum, and

Whereas, the applicant indicated that this plan had been reviewed by the Landmarks Commission two years ago, when the Commission expressed a concern for the preservation of the loading dock as a common feature on this block and in this landmarked district and approved of the current configuration and design based on that concept, and

Whereas, the application to install new storefront infill, alter the loading platform and install barrier-free lifts was heard by CB#2 Landmarks Committee in September 2008. It was denied by the Committee and by Full Board vote, but the plan submitted as that time was different from the one reviewed by this Committee, (See Addenda) and

Whereas, the installation of the staircases (stoops) are for the purpose of access to planned retail tenants and their customers, and,

Whereas, the one mechanical lift for handicapped access also needs a 36" minimum right of way at the top of the platform for equal handicapped access to the planned retail, as well as to entrances to the offices in the building, and,

Whereas, this applicant has chosen stairs positioned north/south instead of ramps and/or stairs positioned east/west as other buildings on this block, and

Whereas, members of this Committee were concerned for the precedent of allowing a 6'8" pedestrian right-of-way when an 8' right of way is required in this rapidly developing area with similar conditions throughout, but a majority were not concerned for this requirement, and

Whereas, the majority favored the Landmark Preservation Commission's advisement regarding design and positioning of the stoops, over the sidewalk impacts and possible DOT regulation, and

Whereas this is the third time in three months that a similar competing determination between LPC and other City Agencies, has been considered by Community Board #2, and,

Whereas, some members of this committee saw an opportunity for the Traffic and Transportation Committee to consult on the possibility of blending the pedestrian features of the pedestrian mall directly to the east of this location with a slightly wider sidewalk to provide more holistic relief for the sidewalk restrictions upon this application,

Substitute Resolution by Full Board Vote:

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends DENIAL of the of **App. to NYCDOT for revocable consents for: Wheelchair lift & stairs at 411-417 W. 13th St.**, betw 9th Ave. & Washington Sts., Block: 646, Lot: 7501, Police Precinct: 6, requesting that the applicant revisit the design to preserve the 8' minimum pedestrian sidewalk either by:

- a. Redesign the staircases – since the existing stairs are inset, one would assume that additional staircases should look like those existing at the time of landmarking.
- b. Re-consider handicapped access possibly incorporating a ramp within the 77' un-encumbered width of the current loading dock that serves both the handicapped and un-handicapped, with an approximate width of 3'8".
- c. Propose a widening of the sidewalk which would be reviewed by both the Traffic & Transportation Committee and the Sidewalk Committee of CB#2 for its appropriateness in the overall traffic planning of West 13th St. LPC has been proposed sidewalk widening in three applications just this year, on similarly landmarked streets in this District.

Vote: Passed, with 24 Board members in favor and 8 in opposition.

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

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



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

BH/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
Angelica Crane, Community Board Liaison, Man., Borough President
Lolita Jackson, Commissioner, CAU
Peter Janosik, Council, Land Use Division
Michael Ben-Asher, Dept. of Consumer Affairs
Applicant