



COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

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

March 30, 2011

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

Dear Commissioner Mintz:

At its Full Board meeting on March 24, 2011, Community Board #2, Manhattan adopted the following resolution:

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

- 1. Christwill Ventures, LLC, d/b/a Cru, 24 Fifth Ave. (NW corner of W 9th St), with 8 tables & 26 seats, DCA# 1168780**

Block:573 Lot:43

Year Built:1926

Residential Units:421 Total # of Units:426

Landmark Building:Yes

Lot Frontage:92.25' Lot Depth:230.33

Number of Floors:21

Zoning:R6, R10

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 to appear before this committee as a condition for renewal of this renewal application,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **Christwill Ventures, LLC, d/b/a Cru, 24 Fifth Ave. (NW corner of W 9th St), with 8 tables & 26 seats, DCA# 1168780**

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 40 Board members in favor.

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

- 2. 675 Hudson Vault, LLC, d/b/a dos Caminos, 675 Hudson St. (at W 14th St & 9th Ave) with 48 tables & 135 seats, DCA# 1159248**

Block:629 Lot:1

Year Built:1910(estimated)

Residential Units:5 Total # of Units:10

Landmark Building: Yes

Lot Frontage:167.83' Lot Depth:70

Number of Floors:5

Zoning:M1-5

Historic District: Gansevoort Market

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Steve Hanson and his COO, Alexandre Gaudelet, were present, and

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

Whereas, one member of the committee noted that speakers had been seen mounted outside at one point, but the applicant did a subsequent inspection and confirmed in writing that there are no outdoor speakers currently in place and to their knowledge never have been,

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 **675 Hudson Vault, LLC, d/b/a dos Caminos, 675 Hudson St. (at W 14th St & 9th Ave) with 48 tables & 135 seats, DCA# 1159248**

VOTE: Passed, with 39 Board members in favor and 1 recusal-(Schlazer)

3. 31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette & Bowery), with 11 tables & 22 seats, DCA#1034252

Block:530 Lot:22	Lot Frontage:26.67' Lot Depth:100.17
Year Built:1900(estimated)	Number of Floors:3
Residential Units:0 Total # of Units:4	Zoning:M1-5B
Landmark Building:Yes	Historic District:NoHo Historic District Extension

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 to appear before this committee as a condition for renewal of this renewal application, and

Whereas, in addition to not appearing, the committee has evidence the applicant has consistently violated the terms of the sidewalk café permit by extending the café beyond the applicant's property line,

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 **31 Great Jones Restaurant Corp., d/b/a Five Points, 31 Great Jones St. (btw Lafayette & Bowery), with 11 tables & 22 seats, DCA#1034252**

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 40 Board members in favor.

4. Italian Wine Company, LLC, d/b/a Dell Anima, 38 8th Ave. (btw W 12th St & Jane St), with 7 tables & 14 seats, DCA# 1277408

Block:625 Lot:58	Lot Frontage:20' Lot Depth:58.33
Year Built:1905(estimated)	Number of Floors:4
Residential Units:6 Total # of Units:7	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 unenclosed café has been operated by this applicant for several years with few known issues, and

Whereas, the committee noted the café has been opened on Sunday prior to the allowable time of noon and the applicant committed to resolving 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 **Italian Wine Company, LLC, d/b/a Dell Anima, 38 8th Ave. (btw W 12th St & Jane St), with 7 tables & 14 seats, DCA# 1277408**

VOTE: Unanimous, with 40 Board members in favor.

5. 265 Pastry, LLC, d/b/a Caffè Falai, 265 Lafayette St. (SE corner of Prince St), with 4 tables & 16 seats, DCA# 1285032

Block:495 Lot:11	Lot Frontage:163.33' Lot Depth:81.83
Year Built:1926(estimated)	Number of Floors:6
Residential Units:93 Total # of Units:102	Zoning:C6-2

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

Whereas, per Section 14-43 of the zoning regulations, this establishment is governed by the Small Sidewalk Café regulations which specifically allow only an "unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line", and

Whereas, based on input from the NYC Dept. of City Planning which was provided to CB2 and the Dept. of Consumer Affairs, the committee continues to disagree with DCA's interpretation of this requirement and contends this application violates the letter and intent of the zoning regulation because it has two (2) rows of chairs at each table and the second row of chairs is not "adjacent to the street line", and

Whereas, the committee noted the use of large planters bordering the café that had very wide foliage that greatly reduced public pedestrian space and were far taller than the allowed 30 inches, and the representative committed to the removal of the planters,

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 **265 Pastry, LLC, d/b/a Caffè Falai, 265 Lafayette St. (SE corner of Prince St), with 4 tables & 16 seats, DCA# 1285032**

VOTE: Unanimous, 40 Board members in favor.

UNLESS the café is reduced to 4 tables & 8 seats to meet the requirements for a small sidewalk café as clarified by the NYC Dept of City Planning.

6. Buffanna, Inc., d/b/a Il Piccolo Bufalo, 141 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 1165364

Block:236 Lot:25	Lot Frontage:25' Lot Depth:100.08
Year Built:1900(estimated)	Number of Floors:5
Residential Units:12 Total # of Units:13	Zoning:C6-2G

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 unenclosed café has been operated by this applicant for several years and there have been numerous complaints related to the operators extending the café beyond their property line in order to add additional unlicensed tables, typically in front of the adjacent residential building at 139 Mulberry St which is not allowed under sidewalk café rules, even with the consent of the adjacent property's owner, and

Whereas, such expansion of the sidewalk café also violates the establishment's SLA license which allows serving of alcohol only within the approved café size and seating, and

Whereas, the committee had several photos showing this illegal expansion of the café seating was occurring outside the time of the Mulberry Mall, and

Whereas, residents have complained of verbal and physical harassment from establishment staff on numerous occasions, and

Whereas, the applicant's representative was not able to counter these claims with any veracity,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan strongly recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Buffanna, Inc., d/b/a Il Picolo Bufalo, 141 Mulberry St. (btw Hester St & Grand St), with 4 tables & 8 seats, DCA# 1165364**

UNLESS the applicant enters into a binding consent agreement with the City Council which includes the following stipulations:

- **The sidewalk café area or seating will not at any time extend beyond the establishment's north or south property line, including during the Mulberry Mall**
- **The establishment's staff will immediately cease any harassment of residents**

VOTE: Passed, with 39 Board members in favor and 1 against-(Dutton)

7. La Meridiana, Ltd., 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA# 1133014

Block:527 Lot:69

Lot Frontage:50' Lot Depth:75

Year Built:1900(estimated)

Number of Floors:6

Residential Units:26 Total # of Units:28

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's representative, Michael Kelly, was present, and

Whereas, this unenclosed 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 **La Meridiana, Ltd., 26-28 Carmine St. (btw Bedford St & Bleecker St), with 12 tables & 24 seats, DCA# 1133014**

VOTE: Unanimous, with 40 Board members in favor.

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

8. Sud 123 Incorporated, 178 Mulberry St. (NE corner of Broome St), with 9 tables & 19 seats, DCA# 1382366

Block:480 Lot:1

Lot Frontage:22.17' Lot Depth:80.83

Year Built:1900(estimated)

Number of Floors:7

Residential Units:24 Total # of Units:26

Zoning:C6-2G, C6-1

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 is entirely on the Broome Street side of the property and its impact on the corner of Mulberry Street is further limited by the seating being restricted on the west side in order to clear a fire escape ladder, and

Whereas, an unenclosed café has been operated by a previous operator (Umberto's Clam House) for several years with no known issues, and

Whereas, while there was some concern on how some of the seating was sited relative to unfinished façade/entrance work, it appeared any impact would be minimal and could be reviewed at the café's renewal,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Sud 123 Incorporated, 178 Mulberry St. (NE corner of Broome St), with 9 tables & 19 seats, DCA# 1382366**

VOTE: Unanimous, with 40 Board members in favor.

9. **753 Washington Trattoria Inc., 753 Washington St. (SE corner of Bethune St), with 8 tables & 16 seats, DCA# 1382062**

Block:635 Lot:11	Lot Frontage:20' Lot Depth:55
Year Built:1905(estimated)	Number of Floors:3
Residential Units:2 Total # of Units:3	Zoning:C6-1
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 and representative, Steve Wygoda, were present, and

Whereas, an unenclosed café has been operated by a previous operator (Baby Buddha) for several years with few known issues, and

Whereas, this café is entirely on the Bethune Street side of the property and most food service is proposed to take place from a side door on Bethune, and

Whereas, the café layout is partially based on installing a solid plate over an unused sidewalk vault that currently has a grate, and

Whereas, the proposed layout showed service being handled from both the side door and the front door around the corner on Washington St based on a 3 foot clearance around a vent pipe just west of the Bethune St door, and

Whereas, the committee does not believe the 3 foot clearance is required and prefers the one inside table in the west half of the café be moved to the west end where it should be used along with the outside table as a 4-seat table and all service will be handled from the Bethune St door, and

Whereas, the applicant would also prefer this arrangement,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **753 Washington Trattoria Inc., 753 Washington St. (SE corner of Bethune St), with 8 tables & 16 seats, DCA# 1382062**

CONDITIONAL UPON the arrangement of the café being slightly modified as noted in Whereas 6

VOTE: Unanimous, with 40 Board members in favor.

10. **Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491**

Block:617 Lot:36	Lot Frontage:133' Lot Depth:150
Year Built:1890(estimated)	Number of Floors:5
Residential Units:37 Total # of Units:42	Zoning:C1-6
Landmark Building:Yes	Historic District:Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant was NOT present, and

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

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 **Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491**

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 40 Board members in favor.

11. Gusto Grilled Organics, Inc., 519-523 6th Ave. (btw 13th St & 14th St), with 17 tables & 36 seats, DCA# 1382533

Block:609 Lot:41
Year Built:1940(estimated)
Residential Units:0 Total # of Units:1

Lot Frontage:40' Lot Depth:62
Number of Floors:1
Zoning:C6-3A

Block:609 Lot:40
Year Built:1915(estimated)
Residential Units:0 Total # of Units:4

Lot Frontage:20' Lot Depth:62
Number of Buildings:2, Number of Floors:4
Zoning:C6-3A

Whereas, the area was posted, community groups notified and there were community members present and others had contacted the committee via email regarding this application, and the applicant and his representative, Michael Kelly, were present, and

Whereas, this unenclosed café has been operated by a this applicant for several years and this is a 'new' application because the café license was not renewed in time, and

Whereas, the primary concern of nearby residents is the size of the café on an extremely busy area of 6th Avenue just south of its intersection with W. 14th Street and the amount of clearance between the café and sidewalk subway vents which had been further reduced by café edge drift on the part of staff, and

Whereas, the issue with size drift were addressed by the applicant in a timely manner when notified of the issue by the CB2 office and the applicant has reduced the café depth by another 1 foot in this application by the use of narrower tables nearest the restaurant,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Gusto Grilled Organics, Inc., 519-523 6th Ave. (btw 13th St & 14th St), with 17 tables & 36 seats, DCA# 1382533**

VOTE: Unanimous, with 40 Board members in favor.

12. Pssp NY Inc., 143 Mulberry St. (btw Hester St & Grand St), with 5 tables & 10 seats, DCA# 1383044

Block:236 Lot:24
Year Built:2003
Residential Units:9 Total # of Units:10

Lot Frontage:25.17' Lot Depth:100.08
Number of Floors:7
Zoning:C6-2G

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 application is 'new' due to a transfer of ownership to another member of the same family and an unenclosed café has been operated by this applicant's family for several years, and

Whereas, neighbors noted there had been issues in the past with this establishment and its staff, but that they appear to have been resolved with the transfer of management to this applicant,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Pssp NY Inc., 143 Mulberry St. (btw Hester St & Grand St), with 5 tables & 10 seats, DCA# 1383044**

VOTE: Unanimous, with 40 Board members in Favor.

13. 551 Hudson Restaurant, LLC d/b/a Spasso, 551 Hudson St. (NW corner of Perry St), with 11 tables & 22 seats, DCA# 1382844

Block:633 Lot:58
Year Built:1901(estimated)
Residential Units:20 Total # of Units:24
Landmark Building: Yes

Lot Frontage:52.92' Lot Depth:45
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, Bobby Werhane, his General Manager, Gordon Adams and his representative, Michael Kelly, were present, and

Whereas, an unenclosed café had been operated by previous operator (Alfama) for several years with no known issues, and

Whereas, while there was some concern on how some of the seating was sited relative to the front door which is on an angled portion of the facade, it appeared any impact to traffic on the corner would be minimal and could be reviewed at the café's renewal,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **551 Hudson Restaurant, LLC d/b/a Spasso, 551 Hudson St. (NW corner of Perry St), with 11 tables & 22 seats, DCA# 1382844**

VOTE: Unanimous, with 40 Board members in favor.

14. GMT New York, LLC, 142 Bleecker St. (SW corner of La Guardia Pl), with 24 tables & 52 seats, DCA# 1382861

Block:525 Lot:7504
Year Built:1900(estimated)
Residential Units:0 Total # of Units:8

Lot Frontage:25' Lot Depth:125
Number of Floors:5
Zoning:R7-2, Commercial Overlay:C1-5

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 is entirely on the LaGuardia Place side of the property and no service will take place from the Bleecker Street entrance, and

Whereas, an unenclosed café had been operated by previous operator (Senor Swanky's) for several years with no known issues, and

Whereas, the committee requested that a portion of café railing be installed on the north end of the café to ensure no patron or staff traffic occurs near the intersection with Bleecker Street, and

Whereas, while some members of the community were concerned about the addition of more outdoor activity in an area already busy with nightlife others noted this location had a sidewalk café for many years and praised the previous operation and this applicant's outreach to the community throughout the planning of the restaurant,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **GMT New York, LLC, 142 Bleecker St. (SW corner of La Guardia Pl), with 24 tables & 52 seats, DCA# 1382861**

VOTE: Unanimous, with 40 Board members in favor.

15. Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. (SW corner of Bowery), with 7 tables & 16 seats, DCA# 1383186

Block:470 Lot:50	Lot Frontage:50.67' Lot Depth:177.17
Year Built:1915(estimated)	Number of Floors:4
Residential Units:0 Total # of Units:5	Zoning:C6-2GC6-1G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Hari Kalyan, Esq, was present, and

Whereas, this is in a block which currently has no sidewalk cafes, and

Whereas, the committee was concerned about an unorthodox seating arrangement which leaves substantial open space in the middle of the cafe, and

Whereas, the applicant explained this was due to the restaurant's primary focus being artisanal coffee and cocktails, but the committee reminded the applicant that all service in the café, whether coffee, food or alcohol, must be to seated patrons,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Cherry Lane, Inc. d/b/a The Randolph at Broome, 349 Broome St. (SW corner of Bowery), with 7 tables & 16 seats, DCA# 1383186**

VOTE: Unanimous, with 40 Board members in favor.

16. Franco-American Restaurant Investment Group Inc., 235 W. 12th St. (NW corner of Greenwich Ave), with 3 tables & 7 tables, DCA# 1383038

Block:615 Lot:81	Lot Frontage:40' Lot Depth:62.25
Year Built:1900(estimated)	Number of Floors:6
Residential Units:16 Total # of Units:18	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's representative, Michael Kelly, was present, and

Whereas, this is in a block of W. 12 Street which is almost exclusively residential and currently has no sidewalk cafes, and

Whereas, the committee noted that the applicant has routinely been placing an illegal sandwich board sign out near the curb and has illegally been serving customers for whom interim seating has been provided on crates with cushions, and

Whereas, the committee was extremely concerned about the amount of seating relative to the available space on either side of the entrance to the establishment, particularly since that is also being used as the only service aisle, and

Whereas, the committee felt strongly that maintaining the 3 foot service aisle/entrance space would be impossible with the proposed seating, and the applicant's representative agreed to remove one seat from the 3-seat table to the west of the door, and

Whereas, the committee was further concerned about the practicality of this seating as it would also be on diamond plate which covers a hollow sidewalk and is raised several inches above the main sidewalk, particularly since the condition of the diamond plate appears to be extremely deteriorated, and

Whereas, the committee requests DCA do a careful inspection of this area to ensure proper service/entrance clearance can be maintained, even with the reduced seating, and that the condition of the diamond plate is sufficient to maintain the weight involved in operating the café, and

Whereas, the applicant explained this was due to the restaurant's primary focus being artisanal coffee and cocktails, but the committee reminded the applicant that all service in the café, whether coffee, food or alcohol, must be to seated patrons,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Franco-American Restaurant Investment Group Inc., 235 W. 12th St. (NW corner of Greenwich Ave), with 3 tables & 7 tables, DCA# 1383038**

CONDITIONAL UPON:

- **the applicant reducing the number of seats to 6 (with only 2 on the west side of the door) as agreed**
- **strictly maintaining a 3 foot service aisle/entrance between the seating**
- **ceasing the placement of any signage on the public portion of the sidewalk**

VOTE: Unanimous, with 40 Board members in favor.

17. West Village Pizza Champions, Inc. d/b/a 900 Degrees, 29 7th Ave. South (btw Bedford St & Morton St), with 19 tables & 38 seats, DCA#1383207

Block:586 Lot:45

Year Built:1998

Residential Units:12 Total # of Units:15

Lot Frontage:160' Lot Depth:67.75

Number of Floors:6

Zoning:C2-6

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

Whereas, this is on the east side of a block of 7th Avenue South which currently has no sidewalk cafes, and

Whereas, one member of the community on Morton St. was concerned about additional noise, the issue appeared to be primarily in regards to a nearby residential tenant with a second floor roof terrace, and

Whereas, the committee was concerned about the size of proposed tables and the applicant agreed to reduce the café size by 1 table and 2 seats in the center of the layout in order to allow for the larger tables, and

Whereas, the larger tables would increase the depth of the café by 1 foot, the committee felt this was a more realistic setup for the café,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **West Village Pizza Champions, Inc. d/b/a 900 Degrees, 29 7th Ave. South (btw Bedford St & Morton St), with 18 tables & 36 seats, DCA#1383207**

VOTE: Unanimous, with 40 Board members in favor.

18. Feta & capers, LLC, d/b/a Cafe Gitane, 113 Jane Street, with 12 tables & 25 seats , DCA # 1383431

Block:642 Lot:1

Year Built:1908

Residential Units:0 Total # of Units:1

Landmark Building: Yes

Lot Frontage:66.17' Lot Depth:135.17

Number of Floors:5

Zoning:C6-2A

Historic District: No

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, several members of the community contacted the committee to note previous issues with the Jane Hotel, and

Whereas, the committee confirmed the applicant is just a tenant in the space and has no other relationship with the operators of the Jane Hotel, and

Whereas, the layout was done in part based on an apparent misinterpretation of the 8 foot clearance between the café and a bike rack which was actually laterally placed further down along the façade of the building, not across the sidewalk as usually seen, and

Whereas, the 8 foot clearance was not required in this case, the committee requested the applicant to move 2 tables and 4 chairs from the outside edge of the café to against the façade and remove the remaining outside table and 2 chairs reducing the seating count by that much, and

Whereas, this rearrangement and reduction will place all tables and chairs near the façade with only the 3 foot service aisle outside them, which will retain more public sidewalk space on the corner,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Feta & capers, LLC, d/b/a Cafe Gitane, 113 Jane Street, with 11 tables & 23 seats , DCA # 1383431**

CONDITIONAL UPON the applicant reducing the seating to 11 tables and 23 seats and rearranging 2 tables and 4 seats to along the corner façade, all as noted above.

VOTE: Unanimous, with 40 Board members in favor.

Modification app. for revocable consent to operate an unenclosed sidewalk cafe for:

19. New Restart Inc., 145 Mulberry St. (btw Hester St & Grand St), with 8 tables & 16 seats, DCA# 1342588

No property information available at <http://gis.nyc.gov>

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 unenclosed café has been operated by this applicant for several years with some issues, but no recent issues of which the committee is aware,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a MODIFICATION App. for revocable consent to operate an Unenclosed sidewalk café for **New Restart Inc., 145 Mulberry St. (btw Hester St & Grand St), with 8 tables & 16 seats, DCA# 134258**

VOTE: Unanimous, with 40 Board members in favor.

20. 265 Pastry, LLC, d/b/a Caffè Falai, 265 Lafayette St. with 7 tables & 28 seats, DCA# 1285032

Block:495 Lot:11	Lot Frontage:163.33' Lot Depth:81.83
Year Built:1926(estimated)	Number of Floors:6
Residential Units:93 Total # of Units:102	Zoning:C6-2

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

Whereas, the applicant has expanded the establishment into the storefront immediately north of the existing space, and

Whereas, per Section 14-43 of the zoning regulations, this establishment is governed by the Small Sidewalk Café regulations which specifically allow only an “unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line”, and

Whereas, based on input from the NYC Dept. of City Planning which was provided to CB2 and the Dept. of Consumer Affairs, the committee continues to disagree with DCA’s interpretation of this requirement and contends this application violates the letter and intent of the zoning regulation because it has two (2) rows of chairs at each table and the second row of chairs is not “adjacent to the street line”, and

Whereas, the committee noted the use of large planters bordering the café that had very wide foliage that greatly reduced public pedestrian space and were far taller than the allowed 30 inches, and the representative committed to the removal of the planters,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a MODIFICATION App. for revocable consent to operate an Unenclosed sidewalk café for **265 Pastry, LLC, d/b/a Caffe Falai, 265 Lafayette St. (SE corner of Prince St), with 7 tables & 28 seats, DCA# 1285032**

UNLESS the café is reduced to 7 tables & 14 seats to meet the requirements for a small sidewalk café as clarified by the NYC Dept of City Planning.

Vote: Unanimous, with 40 Board members in favor.

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

Sincerely,



Jo Hamilton, 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
Michael Ben-Asher, Dept. of Consumer Affairs
Applicants