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COMMUNITY BOARD NO. 2, MANHATTAN

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

SIDEWALKS, PUBLIC FACILITIES & PUBLIC ACCESS

Maury Schott, Chair

Mon., 9/10 @ 6:30 PM – St. Patrick's Youth Center

268 Mulberry St.

SIDEWALK COMMITTEE BOARD MEMBERS

PRESENT: Maury Schott, Chair; Bill Bray; Pier Consagra; Maria Derr; Anne Hearn; Florent Morellet

EXCUSED: Sasha Greene; Rocio Sanz; Wendy Schlazer

PUBLIC MEMBERS

PRESENT: Karen Eckhoff

GUESTS: See attached list

Pictures of the items on this agenda can be viewed at:

<http://picasaweb.google.com/cb2sidewalks/CB2SidewalksSept2012#>

Plans for the items on this agenda can be viewed at:

<https://picasaweb.google.com/cb2sidewalks/SidewalkCafePlans#>

App. to DCA for revocable consent for newsstand:

1. Newsstand northeast corner of Lafayette St. & E. Houston St.

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

Whereas, the application is for a newsstand of 5' x 12' in front of a retail store at 315 Lafayette St near its northeast corner with E. Houston St on a sidewalk of 16'2" width leaving 9'8" of clearpath, just over the minimum 9'6" required, and

Whereas, some members of the committee felt this was a sufficiently wide sidewalk to allow for the newsstand, the majority felt this was a busy sidewalk and there was no particular need for a newsstand at this location, and

Whereas, both residents and businesses on this block have endured 5 years of construction of the sidewalk that virtually cut off their businesses from customers while the MTA expanded the connection between the Broadway/Lafayette and Bleecker St subway stations, and the majority of the committee felt limiting visibility of businesses on the block with a newsstand is unacceptable, and

Whereas, the majority also feel the addition of a newsstand at this location will only serve as an encouragement to mobile vendor to set up shop, expanding onto a new block the already untenable vendor situation that has for too long existed just south in Soho,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a **NEWSSTAND** at the **Northeast corner of Lafayette St. & E. Houston St, DCA# 1440554**

VOTE: 3 Board & 1 Public member FOR, 3 Board members AGAINST

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

2. Wogie's Inc. d/b/a Wogie's, 39 Greenwich Ave. (NW corner Charles St.), with 16 tables and 32 seats, DCA# 1160623

Block:612 Lot:65

Year Built:1900(estimated)

Residential Units:12 Total # of Units:14

Landmark Building: Yes

Lot Frontage:26.83' Lot Depth:82.17

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, CB2 has noted this establishment consistently violates their approved plans by adding additional seats to the Charles St. side of the café, and regardless the number of seats used, the café almost always takes up more than ½ of this narrow sidewalk on a residential street, and

Whereas, the establishment has been warned before by CB2 to cease mis-seating the Charles St. side of the café and was cited by DCA on 5/5/12 for overuse of the Charles St. sidewalk as noted above, and it is the committee's opinion the operator intends to continue violating its license whenever desired, and

Whereas, the approved plan was dependent on service to the Charles St. side being done from the main entrance on Greenwich Ave, but the committee has observed most service to that side being done from the back door on Charles St. using the public sidewalk, outside the already illegally expanded café depth,

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 Wogie's Inc. d/b/a Wogie's, 39 Greenwich Ave. (NW corner Charles St.), with 16 tables and 32 seats, DCA# 1160623**

UNLESS the seating on the Charles St. side of the café is eliminated and seating and service is allowed only on Greenwich Ave.

VOTE: Unanimous

3. Pasta Bistro Grill, d/b/a Bistro Grill, 93 Macdougall St. (NW corner Bleecker St.), with 5 tables & 10 seats, DCA# 1311319

Block:542 Lot:7502
Year Built:1900
Residential Units:40 Total # of Units:41

Lot Frontage:0.12' Lot Depth:0
Number of Buildings:2; Number of Floors:6
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, CB2 has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

Whereas, CB2 notes that the issues with seating are exacerbated by multiple signs standing in the area that is supposed to be service aisle for the café with multiple additional signs hung on the façade. CB2 noted at least 6 signs used in or immediately adjacent to the café, and

Whereas, the establishment was warned by CB2 at its previous renewal to cease mis-seating the café and was subsequently cited by DCA on 5/5/12 for overuse of the sidewalk in addition for having too many tables and chairs in the café, and

Whereas, even after being cited by DCA, the operator continues to violate their license in the same way and the committee sees no willingness on the part of the operator to cure these conditions,

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 **Pasta Bistro Grill, d/b/a Bistro Grill, 93 Macdougall St. (NW corner Bleecker St.), with 5 tables & 10 seats, DCA# 1311319**

VOTE: Unanimous

4. Mottsu Cuisine Inc. d/b/a Mottsu, 285 Mott St. (btw Prince St & E. Houston St), with 6 tables & 12 seats, DCA# 1376493

Block:509 Lot:27
Year Built:1900(estimated)
Residential Units:54 Total # of Units:58

Lot Frontage:80.08' Lot Depth:90.83
Number of Buildings:1; Number of Floors:6
Zoning:C6-2C6-3

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, CB2 has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

Whereas, the establishment was warned by CB2 at its previous renewal to cease mis-seating the café and was subsequently cited by DCA on 4/26/12 for overuse of the sidewalk in addition for having too many tables and chairs in the café, and

Whereas, even after being cited by DCA, the operator continues to violate their license in the same way and the committee sees no willingness on the part of the operator to cure these conditions,

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

Mottsu Cuisine Inc. d/b/a Mottsu, 285 Mott St. (btw Prince St & E. Houston St), with 6 tables & 12 seats, DCA# 1376493

VOTE: Unanimous

- 5. Grotta Azzurra Inn Inc. d/b/a Grotta Azzurra, 177 Mulberry St. (SW corner Broome St), with 20 tables & 40 seats, DCA# 1150943**

Block:471 Lot:14

Lot Frontage:25.25' Lot Depth:105.42

Year Built:1930(estimated)

Number of Buildings:1; Number of Floors:5

Residential Units:20 Total # of Units:21

Zoning:C6-2G

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, CB2 has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

Whereas, the establishment was cited by DCA on 6/14/12 for operating outside their approved perimeter and the committee pointed out to the applicant that proper operation of the café is dependent on service occurring from most of the doors in the restaurant, but it is now being done from only two which requires wait staff to use the public sidewalk to reach most of the tables, and

Whereas, even after being cited by DCA, the operator continues to violate their license in the same way but the applicant assured the committee that service would be reestablished from the other doors as needed,

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 **Grotta Azzurra Inn Inc. d/b/a Grotta Azzurra, 177 Mulberry St. (SW corner Broome St), with 20 tables & 40 seats, DCA# 1150943**

UNLESS the applicant immediately resumes service from all doors necessary to eliminate café furniture and activity from the public sidewalk

VOTE: Unanimous

- 6. Ladl, LLC d/b/a Jack's 80 University Pl. (NW corner E. 11th St.), with 14 tables & 28 seats, DCA# 1226076**

Block:569 Lot:28

Lot Frontage:25' Lot Depth:91.5

Year Built:1930

Number of Buildings:1; Number of Floors:5

Residential Units:0 Total # of Units:5

Zoning:C1-7

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 for several years by this applicant 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

Ladl, LLC d/b/a Jack's 80 University Pl. (NW corner E. 11th St.), with 14 tables & 28 seats, DCA# 1226076

VOTE: Unanimous

7. Cerli Inc. d/b/a Mole, 57 Jane St. (NE corner Hudson St.) with 7 tables & 16 seats, DCA# 1343516

Block:626 Lot:21

Year Built:1920(estimated)

Residential Units:3 Total # of Units:4

Landmark Building: Yes

Lot Frontage:18' Lot Depth:59.75

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 was one community member present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this café has been operated for two years by this applicant with few known issues and the one community member present supported the continued operation of the cafe, and

Whereas, the CB2 office has received a few complaints about groups of patrons which often completely block the sidewalk, and

Whereas, when a member of the committee measured the sidewalk there was only 6'8" clearance between the traffic signal pole (with pedestrian signal) and the café, substantially less than the required 9 feet, and

Whereas, it also appears the location of the traffic signal pole and the fire hydrant were mis-drawn on the approved plan resulting in the café depth not allowing for the required sidewalk clear path,

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 **Cerli Inc. d/b/a Mole, 57 Jane St. (NE corner Hudson St.) with 7 tables & 16 seats, DCA# 1343516**

UNLESS the applicant provide DCA with a plan which shows the correct locations of the traffic signal pole and fire hydrant and reduces the café depth to provide the legal minimum clear path between the café and the traffic signal pole which is the nearest obstruction

VOTE: Unanimous

8. Feenjon Corp. d/b/a Panchitos, 103-105 Macdougall St. (btw Bleecker St. & Minetta Ln.), with 12 tables & 27 seats, DCA# 0855696

Block:542 Lot:49

Year Built:1900(estimated)

Residential Units:36 Total # of Units:37

Lot Frontage:25' Lot Depth:135.5

Number of Buildings:1; Number of Floors:7

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 present, and

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

Whereas, the committee noted that on a recent inspection visit service was occasionally occurring outside the café perimeter and the applicant committed to instructing the staff to cease doing so,

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 **Feenjon Corp. d/b/a Panchitos, 103-105 Macdougall St. (btw Bleecker St. & Minetta Ln.), with 12 tables & 27 seats, DCA# 085569**

VOTE: Unanimous

9. 151 Bleecker LLC d/b/a Red Lion, 151 Bleecker St. (NE corner Thompson St.), with 8 tables & 18 seats, DCA# 1348223

Block:537 Lot:37

Year Built:1900(estimated)

Residential Units:40 Total # of Units:44

Lot Frontage:57.17' Lot Depth:100

Number of Buildings:2; Number of Floors:6

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 café has been operated for several years by this applicant with consistent issues with over-seating and blocking the sidewalk with multiple sandwich board signs, and

Whereas, the committee noted on more than one recent inspection the café had 50% more tables (12 tables & 24 seats) than it is approved for, including 2 tables and 4 seats additional in the approved Bleecker St section, 2 tables and 4 seats at the corner of the building which are not in the approved plan, and seating completely blocking the ADA ramp on the Thompson St. side, and

Whereas, the committee now feels that despite multiple warnings from CB2 and citations from DCA, the applicant has no interest in addressing the issues with this café in any meaningful way,

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 **151 Bleecker LLC d/b/a Red Lion, 151 Bleecker St. (NE corner Thompson St.), with 8 tables & 18 seats, DCA# 1348223**

VOTE: Unanimous

10. Tobsk LLC, d/b/a McCoy, 89 Macdougall St. (SW corner Bleecker St.), with 17 tables & 34 seats, DCA# 1432085

Block:526 Lot:25

Year Built:1900(estimated)

Residential Units:15 Total # of Units:17

Lot Frontage:25' Lot Depth:98

Number of Buildings:1; Number of Floors:6

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 General Manager, Steve Cervino, was present, and

Whereas, this café has been operated for several years by a previous applicant who assigned the café license to the new operator several months ago, and

Whereas, the committee noted on a recent inspection that the café was originally approved with part of its service aisle on the Macdougall St side overlapping a transformer vault where a 3' clearance is required, and

Whereas, the same area of the café does not provide the required 3' clearance from a fire escape drop ladder, and

Whereas, the tables on the Macdougall St side should consist of the current most southerly 5 tables & 10 seats which would be served from the south door, a break of roughly 15' for drop ladder and transformer vault clearance, and the current northernmost 1 table & 2 chairs served from the front door, and

Whereas, this would reduce the café by the 3 tables & 6 seats currently occupying the area on Macdougall St adjacent to the drop ladder and overlapping the transformer vault, and

Whereas, the applicant is moderately mis-seating the Bleeker St side essentially as four 4-seat tables where it should be three 4-seat tables and two 2-seat tables in order to maintain a 3' service aisle and 8' clear path at the corner where the sidewalk is slightly more narrow,

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 **Tobsk LLC, d/b/a McCoy, 89 Macdougall St. (SW corner Bleeker St.), with 17 tables & 34 seats, DCA# 1432085**

CONDITIONAL UPON

- **the applicant providing DCA with an updated plan reducing the seating to 14 tables & 28 seats as noted in Whereas clauses 5 and 6**
- **the applicant returns the Bleeker St seating to the configuration on the approved plan**

VOTE: Unanimous

Applications for Street Activities Permits

WHEREAS, the street fair permit applications listed below are renewals which were approved by the Committee and Community Board 2 for at least three prior years; and

WHEREAS, the Committee has determined in the exercise of its sound judgment that the sponsor meets the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office relating to Applications, Fees and Charges, in that each of the sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

WHEREAS, there is no material community opposition to such application, nor any changes in the application from previous years when it was approved by CB # 2 Manhattan; now

THEREFORE BE IT RESOLVED, that CB # 2 Manhattan supports the street fair permit application on the date and at the location listed below:

1. 10/13/12 Tavern on Jane 16th Annual Block, Jane St. bet. Hudson St. & Eighth Ave.

Expense Budget Priorities for FY 2014

The committee discussed its priorities for fiscal year 2014 and established the primary need remains the same as in years past: better enforcement of sidewalk café issues, particularly through the addition of more inspections at night and on weekends, when the issues are greatest.