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## COMMUNITY BOARD NO. 2, MANHATTAN

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October 15, 2025

Director  
Licensing Issuance Division  
NY State Liquor Authority 163 W. 125th Street  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on September 18, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution from August:

**Michael G Fanelli Inc dba Fanellis 94 Prince St 10012 (OP–Tavern) (Alteration: DONYC–Sidewalk)**  
(Lic. ID # 0370-24-102406)

- i. **Whereas**, the Applicant will submit an application to the NYS Liquor Authority for an Alteration to the existing On-Premises Liquor License to add sidewalk seating consisting of **34 seats** as part of the Dining Out NYC program to their licensed premises; and
- ii. **Whereas**, the premises has operated as Fanelli’s at this location since around 1922 and is the second oldest tavern in New York, the current owner’s father having purchased the building in 1982, the licensed premises was expressly prohibited through the zoning code from having any outdoor seating on the sidewalk, did not have any outdoor seating under the old DCWP sidewalk café program or any stipulations in place regarding the emergency pandemic era dining program, the Applicant not having filed for an expansion of the licensed premises under the NYSLA June 30/2022 guidance regarding Chapter 165 of 2022 stating that all licensees wishing to incorporate the municipal property into their licensed premises must notify the municipality; the Applicant having appeared before CB2, Man. in [May/2025](#) to add 36 seats in a roadway café on Mercer Street which CB2 unanimously recommended be approved; and
- iii. **Whereas**, the instant application is to add one (1) table and four (4) seats on a platform located adjacent to the building on Prince Street and 8 tables and 30 seats on a platform located adjacent to the building on Mercer Street for a total of 34 seats on the sidewalk in addition to the 36 seats in the roadway café from the May/2025 application (70 exterior seats in total); and
- iv. **Whereas**, the Dining Out NYC rules state that a sidewalk café shall be: **a) level with the sidewalk** (see §5-11 Design Requirements (a)(2)(ii) Flooring), **b) be directly accessible to persons with physical disabilities** (see §5-10 Operation and Management Requirements (h) Accessibility), **c) be demarcated by a removable and self-supporting base wall, railing, planter, fence or stanchion and rope** (see §5-11 Design Requirements (a)(2)(i) Perimeter demarcation) and **d) a licensee must ensure that employees serve patrons solely from within the perimeters of such sidewalk café** (see § 5-10 Operation and Management Requirements. (m) Service); the proposed sidewalk seating meeting none

of those requirements, the platform being raised approximately 6" (inches) from the sidewalk with no fencing, railing or lip on the edge posing a serious life safety risk as there is no way to prevent patrons from inadvertently having a chair slide off the edge or tripping off the side, there being little to no room on the platform on Mercer Street especially for a service aisle, the waitstaff having used the public sidewalk for service to patrons when there was pandemic-related seating on the sidewalk platform which created significant congestion on both Mercer and Prince Streets with Prince Street being indicated as a Global corridor requiring a 12' clear path and Mercer a Regional corridor requiring a 10' clear path and, while the existence of the platform precludes the clear path from being met on either street, the existence of any exterior seating bringing with it the various movements of waitstaff, patrons waiting for seats and/or slowly leaving further adds to the sidewalk congestion, the Applicant/Licensee acknowledging this issue when he appeared for the roadway seating and agreed to make some adjustments to that seating in an effort to minimize the congestion caused by the outdoor dining; any required demarcation of the raised sidewalk café area would likely need to be placed on the sidewalk as there is no room on the platform for it, especially on Mercer Street, this demarcation further taking away from the already-limited clear path on the sidewalk, the sidewalk seating is not ADA accessible as it is on a raised platform which does not have a built-in ramp; and

- v. **Whereas**, the Applicant stating that DOT considers the platform a continuing non-conforming use and therefore has no objection to its use for outdoor dining but prior to the Covid-19 pandemic the raised platform and sidewalk were never used for eating and drinking as it was prohibited by zoning – the platform pre-existing the pandemic but **the use is not a continuing use**, DOT further fails to address the issue of lack of ADA accessibility and the lack of a service aisle located within the platform for wait staff to serve patrons in order to keep the limited remaining pedestrian sidewalk for the use of the public; the Attorney and Applicant / Licensee further stating that the sidewalk condition has been unchanged since the 1940's in contradiction of the 1940's tax photos which show the platform with a stairwell, fencing and a railing located within the platform on Mercer Street, the fencing and railing having been removed at some point and replaced with hatch doors, it being unclear if permits were ever filed with DOB for those changes but clearly the raised area has changed over the years and has not remained in its 'original' condition; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to add sidewalk seating to the existing On-Premises Tavern Liquor License for **Michael G Fanelli Inc dba Fanellis 94 Prince St 10012**; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the NYSLA, CB2, Man. respectfully requests that this item be calendared to appear before the Full Board of the NYSLA before any alteration permitting an expansion of the licensed premises to the sidewalk is issued to this Applicant.

**Vote:** Unanimous, 33 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,





Donna Raftery, Chair  
SLA Licensing 1 and 2 Committees  
Community Board #2, Manhattan

Valerie De La Rosa, Chair  
Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman  
Hon. Brad Hoylman-Sigal, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Deborah J. Glick, NY State Assembly  
Hon. Grace Lee, State Assembly Member  
Hon. Brad Lander, NYC Comptroller  
Hon. Michael Levine, Man. Borough President  
Hon. Erik Bottcher, NYC Council Speaker  
Hon. Christopher Marte, NYC Council Member  
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority