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COMMUNITY BOARD NO. 2, MANHATTAN

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

May 24, 2016

Alba Pico, Acting Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Acting Commissioner Pico:

At its Full Board meeting on May 19, 2016 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

New Applications for revocable consent to operate an unenclosed sidewalk café for:

1. **BSL Carmine, Inc., d/b/a Bluestone Lane, 30 Carmine St.**, with 6 tables and 12 chairs (4156-2016-ASWC)

Whereas, there were no community members present to speak about this application; and

Whereas, there were no issues identified with regard to layout and placement of the proposed tables and chairs; and

Whereas, the right to create a sidewalk café at this address was confirmed by review of the Zoning and Land Use database, which shows that the address is located within a C1-5 commercial overlay of the underlying R7-2 zone;

Therefore Be It Resolved that CB2 Manhattan recommends approval of the sidewalk café for **BSL Carmine, Inc., d/b/a Bluestone Lane, 30 Carmine St.**, with 6 tables and 12 chairs.

VOTE: Unanimous, with 33 board members in favor.

2. **VAP Union Square, LLC, d/b/a Vapiano, 113 University Pl.**, with 8 tables and 15 chairs (3082-2016-ASWC)

Whereas, by the time of the meeting, the Community Board office had received at least 23 emails from neighborhood residents opposed to the proposed sidewalk café, and approximately a dozen local residents spoke at the meeting in opposition to the café; and

Whereas, objections to approving a café at this location included neighbor testimony about vehicular and pedestrian traffic congestion and safety related to the major construction site across University Place; a history of complaints about dirty sidewalks, crowd noise, and HVAC noise at the existing restaurant; violations of SLA stipulations regarding trash removal and closing windows by 10:00 p.m.; and frequent lack of a knowledgeable manager on premises; and

Whereas, the representatives of the application were their architects, and there was no representative of restaurant management to speak to the operational issues raised by community residents; now

Therefore Be It Resolved that CB2 Manhattan recommends denial of a sidewalk café for **VAP Union Square, LLC, d/b/a Vapiano, 113 University Pl.**, with 8 tables and 15 chairs; and

Be It Further Resolved that CB2 Manhattan recommends that the applicant be permitted to re-apply after the major construction across University Place has been completed and when the applicant can demonstrate that it is in full compliance with the SLA stipulations to which it has agreed.

VOTE: Passed, with 32 board members in favor; 1 abstention (R. Sanz).

3. **SoHo 75, LLC, d/b/a The Mill, 75 Varick St.**, with 7 tables and 24 chairs (4572-2016-ASWC)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the premises seats 25-30 patrons inside and has no liquor license; and

Whereas, the restaurant's hours of operation are Monday-Friday, 6:00 a.m. to 9:00 p.m., Saturday 7:00 a.m. to 3:00 p.m., and closed on Sunday; and

Whereas, that applicant stated that café tables will go out at 8:00 a.m. and be removed by 9:00 p.m.; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the sidewalk café for **SoHo 75, LLC, d/b/a The Mill, 75 Varick St.**, with 7 tables and 24 chairs, provided that the hours of operation stated by the applicant are followed.

VOTE: Unanimous, with 33 board members in favor.

4. **Kale NYC, LLC, d/b/a Oficina 1000 Miglia, 371 Broome St.**, with 11 tables and 22 chairs (4401-2016-ASWC)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee identified problems with the plans as presented and the applicant agreed to make the following corrections to its proposed operations and the drawing:

1. The Broome Street façade does not have an operable façade, but rather operable windows and a door;
2. The Mott Street façade has operable full-height windows that lead to the service aisle for two tables and four chairs, and those two tables and four chairs must be removed when windows are closed;
3. Windows must be closed at 10:00 p.m. every day, and the windows and doors facing Broome Street must be closed at all times as required by the SLA stipulation, which may affect the café layout;

Therefore Be It Resolved that CB2 Manhattan recommends approval of the sidewalk café for **Kale NYC, LLC, d/b/a Oficina 1000 Miglia, 371 Broome St.**, provided that new plans are submitted that comply with the SLA stipulation that there be no access on Broome St.

VOTE: Unanimous, with 33 board members in favor.

5. **MoonBlu Inc., d/b/a Joy Burger Bar, 361 6th Ave.**, with 11 tables and 22 chairs (5445-2016-ASWC)

Whereas, the applicant had missed the deadline for submitting his renewal application, which necessitated the renewal being presented like a new application; and

Whereas, the applicant attested that his sidewalk café operates exactly as it has operated under its previously approved application; and

Whereas, there were no members of the public present to speak about the application; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the sidewalk café for **MoonBlu Inc., d/b/a Joy Burger Bar, 361 6th Ave.**, with 11 tables and 22 chairs.

VOTE: Unanimous, with 33 board members in favor.

Assignment App. for revocable consent to operate an unenclosed sidewalk café for:

1. **BKUK 7 Corp., d/b/a Gallo Nero III, 1 7th Ave. South**, with 18 tables and 36 chairs (5188-2016-ASWC)

Whereas, the applicant is seeking approval to be assigned the revocable consent to operate a sidewalk café previously approved for the site, with no changes to the layout or operations: and

Whereas, one member of the public objected to the application saying that there had been complaints about the operator regarding a different location and expressing concern about a supposed sidewalk grate in front of the location; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the assignment for revocable consent to operate an unenclosed sidewalk café for **BKUK 7 Corp., d/b/a Gallo Nero III, 1 7th Ave. South**, with 18 tables and 36 chairs.

VOTE: Unanimous, with 33 board members in favor.

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

1. **55 Greenwich Café, Inc., d/b/a BlueStone Lane, 55 Greenwich Ave.**, with 9 tables and 24 chairs (2011207-DCA)

Whereas, there were no members of the public present to speak about the application: and

Whereas, the photograph submitted with the application did not conform with the layout drawing submitted with the application; and the operator agreed to follow the approved layout henceforth; and

Whereas, there was a question about a possible SLA stipulation regarding the premises that was later shown by Community Board staff to be related to a different premises with a similar name; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the renewal for revocable consent to operate an unenclosed sidewalk café for **55 Greenwich Café, Inc., d/b/a BlueStone Lane, 55 Greenwich Ave.**, with 9 tables and 24 chairs.

VOTE: Pass, with 32 board members in favor; 1 Against (T. Connor)

FYI Sidewalk Café Renewals:

1. **Thai Smile Restaurant, Inc., d/b/a Tue Tahi Food, 3 Greenwich Ave., with 10 tables and 20 chairs (2006631-DCA)**

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor

2. **Legendary Night Spots, Inc., d/b/a The Duplex, 61 Christopher St.**, with 18 tables and 36 chairs (4166-2016 ASWC)

Whereas, one representative of the applicant was present to support the application and there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor

3. **Tatane Corp., d/b/a Fiat Café, 203 Mott St.**, with 2 tables and 4 chairs (2009331-DCA)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

4. **815 Broadway NYC, LLC, d/b/a The Hummus and Pita Co., 815 Broadway**, with 6 tables and 12 chairs (2004087-DCA)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

5. **265 Lafayette Ristorante, LLC, d/b/a Sant Ambroeus, 263 Lafayette St.**, with 7 tables and 14 chairs (2009341-DCA)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

6. **SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St.**, with 14 tables and 29 chairs (2004071-DCA)

Whereas, there were no members of the public present to speak about the application; and

Whereas, the committee was unaware of any complaints made about the operation; now

Therefore Be It Resolved that CB2 Manhattan recommends approval of the subject renewal.

VOTE: Unanimous, with 33 board members in favor.

Please advise us of any decision or action taken in response to these resolutions.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Robert A. Woodworth, Chair
Quality of Life Committee
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member