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## COMMUNITY BOARD NO. 2, MANHATTAN

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

July 25, 2014

Julie Menin, Commissioner  
NYC Department of Consumer Affairs  
42 Broadway  
New York, NY 10004

Dear Commissioner Julie Menin:

At its Full Board meeting on July 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### App. to Dept of Consumer Affairs for Newsstands at:

#### 1. Southeast corner of 5<sup>th</sup> Avenue and East 14<sup>th</sup> Street (6350-2014-ANWS)

##### Whereas,

- a. the area was posted, community groups notified, there were community members present regarding this application, and the applicant, Mohammed Hossain, was present, and
- b. the newsstand is proposed for the east side of 5<sup>th</sup> Ave, 25' south of its intersection with E. 14th St., and is to be 6' x 8' on a site with a retail entrance to its north and a tree pit to its south as the primary limiting factors, with 20' between them, and
- c. a representative from the New School which owns the building directly adjacent to this site stated that due to a recent water line flood, the basement of the new building has required additional work and all elements of the sidewalk, including a MUNI Meter, have not yet been installed, and
- d. the New School representative also said the tenant for the retail space is to be a chain drugstore and many on the committee felt this would make it further likely that all the products stocked by a newsstand are already readily available in the immediate area,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends DENIAL of an application for a newsstand on **Southeast corner of 5<sup>th</sup> Avenue and East 14<sup>th</sup> Street (6350-2014-ANWS)**

**VOTE: Unanimous, with 37 Board members in favor.**

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

**2. Fig & Olive Thirteen Street LLC d/b/a Fig & Olive, 420 West 13th St., with 17 tables & 34 chairs (1343247-DCA)**

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's Director of Accounting, Chez Whiter, was present, and
- b. the committee requested the applicant appear for this renewal to address the illegal use of extremely large umbrellas that are:
  - not on the approved plans in any form
  - extend over most of the public sidewalk, well beyond the café limits
  - are mounted in concrete plates with planters (also not on plan) and are not removed when the café is closed
- c. the representative stated that he would pass the information on but was apparently not authorized to commit to correction of the situation,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Fig & Olive Thirteen Street LLC d/b/a Fig & Olive, 420 West 13th St., with 17 tables & 34 chairs (1343247-DCA)**

**UNLESS the applicant permanently removes the umbrellas that are not shown on the applicant's approved plan, extend well out over the public sidewalk and are mounted in concrete plates and not removed from the sidewalk when it is closed, along with the concrete pods and planters which are also not on the approved plan.**

**VOTE: Unanimous, with 37 Board members in favor.**

**3. Friendly Foods LLC, d/b/a Cherche Midi, 282 Bowery, with 11 tables & 35 chairs (1343045-DCA)**

**Whereas,**

- a. 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
- b. the committee requested the applicant appear for this renewal as the restaurant's façade has been completely altered as part of its remodeling and change from Pulino's to Cherche Midi, with the entry/service door moved from the north corner to the middle of the façade which requires an entirely new plan, and
- c. as Mr. Kelly was not made aware of the façade alteration, the committee could not further consider the matter and it is clear a modification application must be made to DCA, and the applicant should return to the committee when that application has been filed,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Friendly Foods LLC, d/b/a Cherche Midi, 282 Bowery, with 11 tables & 35 chairs (1343045-DCA)**

**VOTE: Unanimous, with 37 Board Members in favor.**

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

**4. Lasso NYC, Inc., L'ASSO, 192 Mott St. (NE corner Kenmare St), with 13 tables & 29 chairs (8769-2014-ASWC)**

Block:479 Lot:5	Lot Frontage:31.92' Lot Depth:94.08
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:30 Total # of Units:33	Zoning:C6-1

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager, Reginald Noel, and his representative, Michael Kelly, were present, and
- b. this café is proposed for a sidewalk of just 12'8" on Mott St with no obstructions and a sidewalk of 18'9" on Kenmare St which is partially restricted by a postal relay box to a usable width of 14' at that point, and
- c. the supplied print shows the last table on Mott St as being larger than the other tables on that side and Mr. Noel agreed to remove the third chair and use the same size 20"x24" table, and
- d. also, due to the proposed seating on Kenmare depending on what was essentially a 'carve out' to maintain the required clearance from the postal box, at the request of the committee Mr. Noel agreed to remove the outer 2 tables and 5 seats leaving just the seating which is against the façade
- e. based on these agreements, Mr. Noel and Mr. Kelly committed to filing a new print with DCA showing the reduced seating of 11 tables & 23 chairs (5 tables & 10 chairs on Mott St, 6 tables & 13 chairs on Kenmare St),

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Lasso NYC, Inc., L'ASSO, 192 Mott St. (NE corner Kenmare St), with 13 tables & 29 chairs (8769-2014-ASWC)**

**UNLESS the applicant files a new plan with DCA reducing the seating to 11 tables & 23 chairs as noted in the Whereas clauses (c), (d) and (e)**

**VOTE: Unanimous, with 37 Board members in favor.**

**5. Doppio Hudson Street LLC d/b/a Doppio, 581 Hudson St. (btw W 11 St & Bank St), with 9 tables & 20 chairs (9043-2014-ASWC)**

Block:634 Lot:60	Lot Frontage:50.08' Lot Depth:71.08
Year Built:1930	Number of Buildings:1; Number of Floors:5
Residential Units:22 Total # of Units:24	Zoning:C1-6

**Whereas,**

- a. the area was posted, community groups notified and there were community members present regarding this application, and the applicant's manager, Michael Vigliotti, and his representative, Michael Kelly, were present, and
- b. this café is proposed using the same plan that was used by a previous operator and the committee was not aware of any substantial issues with its operation during that time, and
- c. the one change requested by the committee was the removal of 1 table and 2 chairs situated on the outer row in front of the door which requires patrons to enter the café and restaurant from the north end of the café, but there is another sidewalk café immediately adjacent that prevents this, and the previous operator had not used that 1 table and 2 chairs, and
- d. As a result of it being a New application, Mr. Kelly agreed to file a new print with DCA removing the 1 table & 2 chairs that essentially block the entry, reducing the seating to 8 tables & 18 chairs,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Doppio Hudson Street LLC d/b/a Doppio, 581 Hudson St. (btw W 11 St & Bank St), with 9 tables & 20 chairs (9043-2014-ASWC)**

**UNLESS the applicant files a new plan with DCA reducing the seating to 8 tables & 18 chairs as noted in the Whereas clauses (c) and (d)**

**VOTE: Unanimous, with 37 Board members in favor.**

**FYI Renewals:**

**Whereas,** the renewals below were posted on the CB2 Manhattan website and there were no community members requesting these applications be heard, and

**Whereas,** these cafés have been operated for at least 2 years by the applicants and the Board has not been notified of any issues with their operation,


- **Dynamic Music Corp., d/b/a Olive Tree Café, 117 MacDougal St., with 3 tables & 6 chairs (0807555-DCA)**
- **99 South Rest. Corp., 99 7<sup>th</sup> Ave. S., with 42 tables & 84 chairs (1217775-DCA)**
- **4 Runners, Inc., 310 W.14<sup>th</sup> St., with 5 tables & 10 chairs (1290477-DCA)**
- **Daily Bread Inc., d/b/a Deb's Catering, 200 Varick St., with 8 tables & 16 chairs (1431295-DCA)**

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate the indicated sidewalk café for the above applicants.


**VOTE: Unanimous, with 37 Board members in favor.**

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Maury Schott, Chair  
Sidewalks & Public Access Committee  
Community Board #2, Manhattan

DG/EM

- c:
- Hon. Jerrold L. Nadler, Congressman
  - Hon. Nydia Velázquez, Congresswoman
  - Hon. Brad Hoylman, NY State Senator
  - Hon. Daniel L. Squadron, NY State Senator
  - Hon. Sheldon Silver, Assembly Speaker
  - 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