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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)  
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March 21, 2014

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

Dear First Deputy Commissioner Alba Pico:

At its Full Board meeting on March 20, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### **Renewal app for revocable consent to operate an Unenclosed sidewalk cafe for:**

#### **1. New Organico, Inc. d/b/a Caffe Organico, 89 7th Ave. So., with 14 tables & 30 chairs, 1308502-DCA**

**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**, the CB2 office received one email from a building resident related to continuing loud music from the establishment, and while the applicant claimed the issues are being worked on with the resident, it was not clear to what extent this is the case, and

**Whereas**, this café has been operated for several years by this applicant with continuing issues with planters being too tall (with foliage) and not moved against the façade when the café is not in operation, and

**Whereas**, the applicant committed to resolving the issues, but also did so at the previous renewal 2 years ago and this has not happened,

**Whereas**, in addition to the planters, there is an antique lantern pole incorporated into one of the planters that is not allowed and also has a horizontal arm extending about a foot toward the sidewalk that may pose a risk to pedestrians,

**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 **New Organico, Inc. d/b/a Caffe Organico, 89 7th Ave. So., with 14 tables & 30 chairs, 1308502-DCA**

**UNLESS** the issues noted in **Whereas 2-5** are resolved prior to this application moving to the City Council

**VOTE: Unanimous, with 42 Board members in favor.**

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

**2. Kennedy Organics LLC d/b/a Charlie Bird, 5 King St. (NE corner 6<sup>th</sup> Ave), with 19 tables & 38 chairs, 1121-2014-ASWC**

Block: 520 Lot:85 Lot Frontage:34.9' Lot Depth:72.75  
Year Built:1925(estimated) Number of Buildings:1; Number of Floors:5  
Residential Units:17 Total # of Units:18 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 applicants, Ryan Hardy and Robert Bohr, were present, and

**Whereas**, this café is proposed for a sidewalk of 20' 9" width which has subway sidewalk grates which does not further restrict the depth of the café, and

**Whereas**, it appears the café is designed with some unusual features which include space between the table and bordering planters and especially wide planters, all of which seem to be there primarily to use every bit of allowable sidewalk, but do not add to the amount of seating, and

**Whereas**, the committee provided the applicants with a copy of the CB2 Café Guidelines and reminded them that the planters must be no more than 30" high with foliage, and that they and the shown umbrellas must be moved off the sidewalk or against the façade when the café is not in operation, and

**Whereas**, the applicant stated that the umbrellas they planned to obtain weigh 800 lbs and were essentially immovable, and the committee pointed out that they must be movable, and the applicant stated the umbrellas planned might be altered or scrapped, and

**Whereas**, the committee strongly encouraged the applicant to rethink not only the umbrellas, but also the number and size of the planters to ensure they are cleared from the sidewalk as necessary,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Kennedy Organics LLC d/b/a Charlie Bird, 5 King St. (NE corner 6<sup>th</sup> Ave), with 19 tables & 38 chairs, 1121-2014-ASWC**

**CONDITIONAL UPON the applicant resolving the potential issue with the unmovable umbrellas and non-portable planters shown on the plan and, if necessary, filing a new plan with DCA showing any changes**

**VOTE: Unanimous, with 42 Board members in favor.**

**3. 132 4th Avenue Restaurant LLC, The Fourth, 132 4th Ave. (SW corner E 13 St.), with 13 tables & 26 chairs, 1131-2014-ASWC**

Block: 564 Lot:45 Lot Frontage:101.15' Lot Depth:100.67  
Year Built:1910 Number of Buildings:1; Number of Floors:11  
Residential Units:0 Total # of Units:7 Zoning:C6-1

**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 proposed for a sidewalk of 14'3" width with no obstructions other than a fire hydrant which slightly restricts the north end of the service aisle, and

**Whereas**, the plan provided with the application showed service occurring from the north door and tables in front of what is actually the main entrance to the restaurant, and

**Whereas**, Mr. Kelly provided a new plan which addressed the issue of the blocked entrance by removing 1 table & 2 chairs, moving the remaining seating to the north end of the property, indicating the north door would be locked during café operation, and designating the main entrance (south door) as the door used for service to the café, and

**Whereas**, two residents of the neighboring building were in attendance and the CB2 office received several emails from residents opposing this café due to the relatively narrow sidewalk and increasing pedestrian traffic on this block, and ongoing noise issues and concerns this café would exacerbate them, and

**Whereas**, the plan places the tables all in 4-top configurations against the façade with the service aisle outside it, and Mr. Kelly confirmed that there would be no border railing or planters in order to allow pedestrian use when servers are not present,

**Whereas**, the committee is concerned the small 19-inch tables will not truly accommodate 2 diners, and present too much possibility the table will be separated, which would reduce the pedestrian clear path to below the required 8 feet,

**FURTHER BE IT RESOLVED** that DCA or the Council consider requesting the applicant agree to reduce the café to 2-top tables to ensure the café does not impinge on the public sidewalk while allowing the table size to be increased to a normal 24".

**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 **132 4th Avenue Restaurant LLC, The Fourth, 132 4th Ave. (SW corner E 13 St), with 13 tables & 26 chairs, 1131-2014-ASWC**

**UNLESS the applicant files the new plan showing the reduction to 12 tables & 24 chairs and correct placement of the seating with DCA prior to this application moving to the City Council**

**VOTE: Unanimous, with 42 Board members in favor.**

**4. Noodle Bar LLC d/b/a Noodle Bar, 26 Carmine St. (btw Bedford St & Bleecker St), with 6 tables & 12 chairs, 1940-2014-ASWC**

Block: 527 Lot:69

Year Built:1900(estimated)

Residential Units:26 Total # of Units:28

Lot Frontage:50' Lot Depth:75

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 representative, Michael Kelly, was present, and

**Whereas**, this café has been operated by this applicant for several years with no known issues, but the renewal was not filed in time and so the application was required to be filed as new, and

**Whereas**, there was no plan provided by DCA with the application but Mr. Kelly provided the original plan from 2009 which matched the plan CB2 had on file from that date, and stated there were no changes,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Noodle Bar LLC d/b/a Noodle Bar, 26 Carmine St. (btw Bedford St & Bleecker St), with 6 tables & 12 chairs, 1940-2014-ASWC**

**VOTE: Unanimous, with 42 Board members in favor.**

**5. Thai Smile Restaurant Inc. d/b/a Tue Tahi Food, 3 Greenwich Ave. (btw Christopher St & 6th Ave), with 12 tables & 24 chairs, 2419-2014-ASWC**

Block: 593 Lot:13

Lot Frontage:85' Lot Depth:90

Year Built:1960(estimated)

Number of Buildings:1; Number of Floors:1

Residential Units:0 Total # of Units:8

Zoning:C4-5 R6

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicants and their representative, Andrew Carabello, were present, and

**Whereas**, this café is proposed as being 11' deep on a sidewalk of 24'7" width with no legal obstructions restricting the café depth, although there are two adjacent tree pits around which the pits are and must remain flush to allow this café depth, and

**Whereas**, the plan provided with the application showed what were essentially two long 'communal' tables that the committee has not seen proposed before and there was a concern about the possibility of large parties creating a particularly noisy environment, and

**Whereas**, the applicant agreed to remove 1 table and 2 chairs from the center of the inner bank of tables and 1 table and 2 chairs from the outer bank of tables and space all remaining tables in 4-top configurations, and

**Whereas**, the husband of the neighboring business owner to the east was in attendance at the meeting to express his deep concern that this café in conjunction with the café for Olio directly to the east would essentially 'bury' their business, particularly as they have had constant issues with the Olio café illegally spreading to in front of the business either with café furniture placement or waiter activity outside the approved café boundaries, which is an issue CB2 has also seen in many instances, and

**Whereas**, the applicants clearly stated that they would make every effort to carefully police the café to ensure it does not encroach on the sidewalk outside the approved footprint,

**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 **Thai Smile Restaurant Inc. d/b/a Tue Tahi Food, 3 Greenwich Ave. (btw Christopher St & 6th Ave), with 12 tables & 24 chairs, 2419-2014-ASWC**

**UNLESS** the applicant files the new plan showing the reduction to 10 tables & 20 chairs with DCA prior to this application moving to the City Council

**VOTE: Unanimous, with 42 Board members in favor.**

**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 these applicants and the Board has not been notified of any issues with their operation,

- BLL Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St., with 2 tables & 5 chairs, 0924708-DCA
- Moonblu, Inc. d/b/a Joy Burger Bar, 361 6th Ave., with 14 tables & 29 chairs, 1473609-DCA
- Panzi Enterprises, LLC d/b/a Panca, 92 7th Ave. So., with 13 tables & 36 chairs, 1250013-DCA
- Dojo Restaurant Inc. d/b/a Dojo West, 14 W. 4th St., with 6 tables & 22 chairs, 0890588-DCA
- Legendary Night Spots Inc. d/b/a The Duplex, 61 Christopher St., with 18 tables & 36 chairs, 1190534-DCA

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

**VOTE: Unanimous, with 42 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/ch

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

