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

April 25, 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 April 24, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### **Renewal App. for revocable consent to operate a SMALL sidewalk cafe for:**

**1. 212 Lafayette Associates, LLC, d/b/a Café Select, 212 Lafayette St., with 5 tables & 4 chairs (1349707-DCA)**

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Oliver Stumm, was present, and

**Whereas**, the CB2 office received one email from a nearby resident related to continuing loud patrons in the café, and

**Whereas**, this establishment is in M1-5B zoning south of Houston St in which sidewalk cafes are not allowed, and three other operators just north of this restaurant with the same zoning were notified in April 2013 that their cafes were not legal, so the committee does not understand why this renewal has been processed, and

**Whereas**, two attempts to receive clarification on the zoning from DCA prior to the committee meeting were never answered,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate a SMALL sidewalk café for **212 Lafayette Associates, LLC, d/b/a Café Select, 212 Lafayette St., with 5 tables & 4 chairs (1349707-DCA)**

**UNLESS** the issues with the zoning are resolved prior to this application moving to the City Council

**VOTE: Unanimous, with 38 Board members in favor.**

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

**2. Naughty Gull, LLC, d/b/a The Clam, 420 Hudson St. (NE corner St Luke's Pl), with 7 tables and 17 chairs, (2905-2014-ASWC)**

Block:583 Lot:1 Lot Frontage:23.08' Lot Depth:59.5  
Year Built:1910(estimated) Number of Buildings:1; Number of Floors:4  
Residential Units:2 Total # of Units:4 Zoning:C1-6

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Joey Campanaro and his representative, Michael Kelly, were present, and

**Whereas**, this café is proposed for a sidewalk of 19'2" which is further constrained by a fire hydrant and traffic signal pole on the south end, and the café does not extend around the corner onto St. Luke's Pl, and

**Whereas**, a café using this same basic plan was operated by a previous establishment for many years with no known issues, and the operator runs several other well-respected establishments in the neighborhood,

**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 **Naughty Gull, LLC, d/b/a The Clam, 420 Hudson St. (NE corner St Luke's Pl), with 7 tables and 17 chairs, (2905-2014-ASWC)**

**VOTE: Unanimous, with 38 Board members in favor.**

**3. 265 Lafayette Ristorante LLC d/b/a Sant Ambroeus. 263 Lafayette St. (SE corner Prince St), with 7 tables and 14 chairs, (3331-2014-ASWC) [small sidewalk café]**

Block:495 Lot:11 Lot Frontage:163.33' Lot Depth:81.83  
Year Built:1926(estimated) Number of Buildings:1; Number of Floors:6  
Residential Units:93 Total # of Units:102 Zoning:C6-2

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and one of the applicants, Jacobo Giustiniani and his representative, Kevin McGrath, were present, and

**Whereas**, this small sidewalk café is proposed for a sidewalk of 15'1" which is further constrained by a street light to approximately 4'6" in depth, and

**Whereas**, this café space is covered by an awning that does not have an opening for a fire escape drop ladder and Mr. Giustiniani committed to having an opening added to the awning, and

**Whereas**, Mr. Giustiniani was asked if this restaurant was owned by the owners of the Sant Ambroeus at 259 W 4<sup>th</sup> St which has been operating an illegal sidewalk café as well as illegally serving alcohol on a public sidewalk for many years, and he stated he was not a partner in the W 4<sup>th</sup> St restaurant, and

**Whereas**, Mr. Giustiniani failed to explain that, according to the DCA application, he holds a minority stake in this restaurant and the majority ownership is in fact held by the majority owners of the W 4<sup>th</sup> St restaurant, and

**Whereas**, it is apparent to the committee that the majority owners have no intention of following the sidewalk café law on W 4<sup>th</sup> St and in our opinion can't be trusted to do so on Lafayette St,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this NEW application for revocable consent to operate a **SMALL** sidewalk café for **265 Lafayette Ristorante LLC d/b/a Sant Ambroeus, 263 Lafayette St. (SE corner Prince St), with 7 tables and 14 chairs, (3331-2014-ASWC) [small sidewalk café]**

**UNLESS the majority partners shared by this restaurant and the Sant Ambroeus at 259 W. 4<sup>th</sup> St immediately and permanently cease operation of their illegal sidewalk café at the 259 W 4<sup>th</sup> St premises**

**VOTE: Unanimous, with 38 Board members in favor.**

**4. Tango House, Inc. d/b/a Malbec, 428 Lafayette St. (btw W 4<sup>th</sup> St & Astor Pl), with 8 tables and 16 chairs (3741-2014-ASWC)**

Block:545 Lot:40

Lot Frontage:27' Lot Depth:137

Year Built:1900(estimated)

Number of Buildings:1; Number of Floors:5

Residential Units:8 Total # of Units:10

Zoning:M1-5B

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's General Manager, Felicitas Pino and architect, James Cornejo, were present, and

**Whereas**, this café is proposed for a sidewalk of 22'2" which has no obstructions further constraining the depth of the cafe, and

**Whereas**, this café is proposed for an area that encompasses entries to two premises, the restaurant Malbec, which is up several steps from the sidewalk and Tango, a dance show room which is down several steps from the sidewalk, both of which have the same ownership and operate under a single SLA license, and

**Whereas**, while the café is proposed as being used for the restaurant, the entrance to the lower level show club, which has a legal occupancy of 150, is within the confines of the café seating, which is not normally approved by DCA due to potential issues with rapid egress in an emergency situation, and

**Whereas**, Mr. Cornejo stated that the owners hoped patrons for the show club would sit in the café prior to shows, and the committee is concerned about how this will add to congestion on the sidewalk, and

**Whereas**, the committee questioned why DCA apparently required the applicant to include 3' clearance for a Siamese connection that was in addition to the immediately adjacent 3' service aisle when it is the committee's understanding that the clearance is required from furniture (ie, blockages), and

**Whereas**, we also question why DCA did not request removal, both from the sidewalk and the blue print, of 2 large planters that are currently within the proposed café space,

**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 **Tango House, Inc. d/b/a Malbec, 428 Lafayette St. (btw W 4<sup>th</sup> St & Astor Pl), with 8 tables and 16 chairs (3741-2014-ASWC)**

**CONDITIONAL UPON the issues involved with the planters and the lack of a direct entrance to the lower-level dance club are resolved by either DCA or the City Council**

**VOTE: Unanimous, with 38 Board members in favor.**

**5. Fiftyone Merchants LLC d/b/a Via Carota, 51 Grove St. (btw Bleecker St & 7 Ave S), with 8 tables and 16 chairs (3970-2014-ASWC)**

Block:591 Lot:40

Year Built:1900(estimated)

Residential Units:46 Total # of Units:56

Lot Frontage:73.33' Lot Depth:117.75

Number of Buildings:1; Number of Floors:6

Zoning:C1-6 C4-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Jody Williams and her representative, Michael Kelly, were present, and

**Whereas**, this café is proposed for a sidewalk of 13' which is not constrained by any obstructions, and

**Whereas**, a café using this same basic plan was operated by a previous establishment for four years with consistent issues with mis-seating patrons, and the committee was concerned that the proposed seating is too much for the available space, and

**Whereas**, the plan is also in part dependent on "Parisian" seating (with the seats partially behind the tables) and the committee has also seen issues with this type usage before, and in this case means the 20" tables must be kept within 4" of the façade in order to maintain the 3' service aisle and 8' pedestrian path, and

**Whereas**, the committee requested the applicant reduce the seating by 1 table and 2 seats, but she refused, and the committee decided to see how the café is run during the first year of operation,

**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 **Fiftyone Merchants LLC d/b/a Via Carota, 51 Grove St. (btw Bleecker St & 7 Ave S), with 8 tables and 16 chairs (3970-2014-ASWC)**

**VOTE: Unanimous, with 38 Board members in favor.**

**FYI Renewals:**

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

- Paesano Rest. Corp. d/b/a Paesano of Mulberry Street, 136 Mulberry St., with 3 tables and 6 chairs, (1240086-DCA)
- Moz Restaurant, Inc. d/b/a Meme, 581 Hudson St., with 8 tables and 16 chairs, (1347167-DCA)
- GAT 53 Corp. d/b/a Da Andrea, 35 West 13th St., with 8 tables and 16 chairs (1307585-DCA)
- Groove Enterprises, Inc. d/b/a Groove, 125 Macdougall St., with 5 tables and 10 chairs (1305277-DCA)

- Lafayette Street Partners II LLC d/b/a Lafayette, 380 Lafayette St., with 23 tables and 84 chairs (1458496-DCA)
- Bar Giacosa Corp d/b/a Bar Pitti, 268 6<sup>th</sup> Ave (btw W Houston St & Bleecker St), with 21 tables and 49 chairs (1097155-DCA)
- 103 GW12 LLC d/b/a Monument Lane, 103 Greenwich Ave. with 7 tables and 14 chairs (1420085-DCA)
- Mendared LLC d/b/a Le Souk Harem, 510 LaGuardia Pl (btw W Houston St & Bleecker St), with 17 tables and 34 chairs (1354717-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 38 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/jrm

- 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

