



COMMUNITY BOARD NO. 2, MANHATTAN
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REVISED

March 26, 2009

Jonathan Mintz, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Mintz:

At its Full Board meeting on March 19, 2009, CB#2-Man., adopted the following resolutions:

1. **Service Corp. d/b/a/ Jacques**, 20 Prince St., Block: 493, Lot: 17, Police Precinct: 5. betw Elizabeth & Mott Sts. with 6 tables & 11 seats, **DCA# 1173208**

Whereas, the area was posted, community groups notified by e-mail; there was community testimony and the applicant was present, and,

Whereas, this lot has frontage of 47.5 feet and depth of 129 feet, with one building of six stories, built in 1900 (estimated) with Residential Units of 48 of a total 50 units, in a Land use Area of Mixed Residential and Commercial Buildings; Zoning: C6-2: Commercial, Commercial Overlay: Zoning Map #: 12C, and

Whereas, there was one community member attesting to the spreading of the sidewalk café from the planned area to the sidewalk at some times, and

Whereas, the sidewalk plan submitted with this application is dated 2004, accompanied with a photograph of 2004, which indicate three French door bays where there are currently three French door bays and an additional entrance to a below grade addition, and

Whereas, the current sidewalk plan does not match the current configuration, with two tables placed in front of the below grade entrance, (see Addenda),

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a RENEWAL application for revocable consent to operate an Un-Enclosed sidewalk café for **Service Corp. d/b/a/ Jacques**, 20 Prince St., Block: 493, Lot: 17, Police Precinct: 5. betw Elizabeth & Mott Sts. with 6 tables & 11 seats, **DCA# 1173208**, **CONDITIONAL UPON a fully executed Change Agreement specifying:**

- ♣ **That the applicant, Jacques Quari will revise the sidewalk plan to show the precise placement of tables on the 13' sidewalk, showing a clear service aisle**
- ♣ **And attesting to the clear and regular placement of tables and or barriers to assure that there will be a minimum of 8' pedestrian right of way.**
- ♣ **That the applicant will establish regular communications with an identifiable neighborhood representing entity to assure quality of life concerns are dealt with in a timely manner.**

Vote: Unanimous, with 31 Board members in favor.

2. NYCMF, Inc., 10 Downing St., d/b/a/ New York City Motorcycle Federation, Block: 527, Lot: 27, Police Precinct: 6; betw. Bleecker and Houston Sts., with 4 tables & 8 seats, DCA# 1308505.

Whereas, the area was posted, community groups notified by e-mail; there was subsequent community correspondence and but no testimony and the applicant and representative Michael Kelly, were present, and,

Whereas, this lot has frontage of 157.67 feet and depth of 284.83 feet, with one building of 7 stories, built in 1940 (estimated) with Residential Units of 127 of a total 137 units, in an Land use area of Multi-Family Elevator Buildings, Zoning: R7-2: Residential; with a Commercial Overlay, Zoning Map #: 12A, and

Whereas, there are two other recently granted sidewalk cafes appended to restaurants in this same building, at the north and the south of this location, and

Whereas, this application proposes to append a sidewalk café to a store selling motorcycle merchandise, and

Whereas, the other two sidewalk café's have agreed to reduced hours of café operation in deference to the 127 residential apartments above this location, and

Whereas, the applicant has agreed to a one-hour reduction in sidewalk café hours Sunday through Saturday, and

Whereas, the applicant has also agreed to the installation of a retractable awning, also in accordance with the other two sidewalk café's in this building, to abate sound and disturbance to the residences above this location, and

Whereas, there is a sidewalk grating that is 15'2" from the sidewalk café representing more than sufficient clearance,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **NYCMF, Inc., 10 Downing St., d/b/a/ New York City Motorcycle Federation, Block: 527, Lot: 27, Police Precinct: 6; with 4 tables & 8 seats, DCA# 1308505, CONDITIONAL UPON A DULY EXECUTED Change Order** specifying:

- ♣ to a one-hour reduction in sidewalk café hours Sunday through Saturday
- ♣ the installation of a retractable awning, also in accordance with the other two sidewalk café's in this building

Vote: Unanimous, with 31 Board members in favor.

3. **New Organico Inc.**, 89 7th Ave. South, Block: 591, Lot: 33, Police Precinct: 6, CITY Address: 16 BARROW STREET, 10014. betw Bleecker and Barrow Sts., with 17 tables & 34 seats, **DCA# 1308502.**

Whereas, the area was posted, community groups notified by e-mail; there was no community correspondence but there was testimony on behalf of the owner and the owner was present, and,

Whereas, this lot has frontage of 25 feet and depth of 89 feet, with one building of five stories, built in 1910 (estimated), with 15 residential units of a total 16 units in a Mixed Residential and Commercial Buildings area; Zoning: C4-5: Commercial with a Commercial Overlay; Zoning Map # 12A.

Whereas, the applicant has another restaurant and sidewalk café on MacDougal and Bleecker St., called Ciao, and

Whereas, this applicant sought an On Premise license for this new establishment, New Organica, and was denied a recommendation by CB#2 in January 09 as attached, and

Whereas, there are 7 interior tables but this application plans for a sidewalk presence of 17 tables & 34 seats, and

Whereas, there is a fire escape ladder directly above an area o the sidewalk café, and the applicant agreed to remove one table and two seats from the plan to accommodate the ladder use, and

Whereas, the sidewalk plan provides sufficient separation between the café and a sidewalk grate that is 14'5" from the building line,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **New Organico Inc.**, 89 7th Ave. South, Block: 591, Lot: 33, Police Precinct: 6, CITY Address: 16 BARROW STREET, 10014. WITH A REDUCTION TO **16 tables & 32 seats, DCA# 1308502.** .

Vote: Unanimous, with 31 Board members in favor

4. **ABG Standard Operator, LLC, d/b/a/ The Standard Hotel Biergarten**, 848 Washington St., Block: 645, Lot: 11, Police Precinct: 6, City Address, 856 WASHINGTON STREET, 10014; bet. Little West 12th and 12th St., with 31 tables & 92 seats, **DCA# 1309290.**

Whereas, the area was posted, community groups notified by e-mail; there was no community correspondence and no testimony and the applicant and attorney Robert Bookman were present, and,

Whereas, this lot has frontage of 206.5' feet and depth of 150 feet, with one building of 12 stories, built in 2006 as a hotel in an Land use area of Commercial and Office Buildings; Zoning: M1-5: manufacturing; Commercial; Overlay: Zoning Map #: 08B.

Whereas, the restaurant connected with this sidewalk café has 200 inside seats and lounge on ground floor, and

Whereas, this facility is located on the far west area of the neighborhood known of Gansevoort and is not adjacent to residential buildings, but is integrated with the planned area of The High Line, and

Whereas, the Attorney, Robert Bookman attested to the vetting of this sidewalk café with named community spokespeople at the time of planning the hotel complex in this area, and

Whereas, the applicant agreed to a reduction of 4 tables and 8 seats to make better clearance for the sidewalk grid at the north side of the café which are only 3' distance from the grid, and

Whereas, there was concern for the use of this sidewalk café for smoking in the smoke-free hotel which also has accommodation for a 140 seat roof top restaurant, a 200 seat interior restaurant and 337 hotel rooms, and

Whereas, the applicant agreed to strictly enforce use in the café for no more than 25% or 21 seats designated for smoking in THIS café, and a revised sidewalk café plan that will specify the location,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **ABG Standard Operator, LLC, d/b/a/ The Standard Hotel Biergarten**, 848 Washington St., Block: 645, Lot: 11, Police Precinct: 6, City Address, 856 WASHINGTON STREET, 10014; with **27 tables & 84 seats, DCA# 1309290 CONDITIONAL UPON a duly signed and executed Change Order specifying:**

- ♣ reduction of 4 tables and 8 seats to make better clearance for the sidewalk grid at the north side of the café on the submitted Sidewalk Plan
- ♣ no more than 25% or 21 seats designated for smoking in this café the location of which will also be specified on the revised sidewalk café plan.

Vote: Unanimous, with 31 Board members in favor.

5. SLP Management, Inc., b/b/a/ Slaughtered Lamb, 182 W. 4th St., btw Barrow & Jones Sts., Block: 590, Lot: 73, Police Precinct: 6, with 13 tables & 26 seats, **DCA# 1228083**

Whereas, the area was posted, community groups notified by e-mail; there was community correspondence and the applicant's representative, Steve Wygoda, was present, and,

Whereas, this lot has frontage of **101.17** feet and depth of 44.83 feet, with one building of five stories, built in 1910 (Estimated) with Residential Units of 20 of a total 25 units, in a Land use Area of Mixed Residential and Commercial Buildings; Zoning: R-6 Residential: Commercial, Commercial Overlay: Zoning Map #: 12A, and

Whereas, there was community correspondence (see Addenda) noting the disruption of quality of life and the disrespectful street presence of customers to neighborhood residents, and,

Whereas, the sidewalk measures exactly 12'4" on both the West 4th St and Jones St. sides of this establishment, and

Whereas, there was no Sidewalk Plan on file or attached to this application, but there was a photograph showing the location but no sidewalk café, and

Whereas, upon inspection of this sidewalk café prior to hearing revealed a barrier and a pedestrian clearance of less than 6', and

Whereas, the table and seat placements violates sidewalk café statutes,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a RENEWAL application for revocable consent to operate an Un-Enclosed sidewalk café for **SLP Management, Inc., b/b/a/ Slaughtered Lamb**, 182 W. 4th St., btw Barrow & Jones Sts., Block: 590, Lot: 73, Police Precinct: 6, with 13 tables & 26 seats, **DCA# 1228083**, **CONDITIONAL UPON** a duly executed Change Agreement specifying that:

- ♣ Plans showing legal clearance and table placement will be submitted with this application
- ♣ The applicant will immediately correct the pedestrian right of way violation
- ♣ The applicant will provide signage and instruct employees to inform patrons that their conduct on the public sidewalk should be respectful of the adjacent residents.

Vote: Passed, with 29 Board members in favor and 2 in opposition.

6. **Carmine Restaurant Inc. d/b/a IL Cortile Restaurant, 125 Mulberry St.**, btw Hester & Canal Sts. Block: 206, Lot: 17, Police Precinct: 5, CITY Address: 123 MULBERRY STREET, 10013, New York, NY 10013 with 9 tables & 18 seats, **DCA# 1161434**

Whereas, the area was posted, community groups notified by e-mail; there was no community correspondence and no testimony and the applicant was present, and,

Whereas, this lot has frontage of 42.75 feet and depth of 50.5 feet, with one building of four stories, built in 1910 (estimated) with Residential Units of 6 of a total 7 units, in a Landuse Area of Mixed Residential and Commercial Buildings; Zoning: C6-2G: Commercial, Commercial Overlay: Zoning Map #: 12C, and

Whereas, this sidewalk café has placed planters, pedestal signage and menus on the pedestrian right of way beyond the sidewalk café area, and

Whereas, there is a raised platform which, although they are not allowed, is present on the sidewalk plan approved by DCA,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a RENEWAL application for revocable consent to operate an Un-Enclosed sidewalk café for **Carmine Restaurant Inc. d/b/a IL Cortile Restaurant, 125 Mulberry St.**, btw Hester & Canal Sts. Block: 206, Lot: 17, Police Precinct: 5, CITY Address: 123 MULBERRY STREET, 10013, New York, NY 10013 with 9 tables & 18 seats, **DCA# 1161434**, **CONDITIONAL UPON a signed and duly authorized Change Order specifying:**

- ♣ Removal of the planters, pedestal signage and menus on the pedestrian right of way beyond the sidewalk café area,

Vote: Unanimous, with 31 Board members in favor.

Maneken Corp. d/b/a Petite Abeille, 466 Hudson St., btw Barrow & Grove Sts., Block: 585, Lot: 1, Police Precinct: 6; CITY Address: 464 HUDSON STREET, 10014. with 6 tables & 11 seats, **DCA# 0979768**

Whereas, the area was posted, community groups notified by e-mail; there was community correspondence and the applicant was present, and,

Whereas, this lot has frontage of **146.92** feet and depth of 189.08 feet, with two building of six stories, built in 1900 (estimated) with Residential Units of 133 of a total 137 units, in a Land use Area of Mixed Residential and Commercial Buildings; Zoning: C1-6: Commercial, Commercial Overlay: Zoning Map #: 12A, and

Whereas, upon inspection it was observed that the sidewalk café had 13 seats placed, and

Whereas, there was public testimony that the applicant had sidewalk café service prior to 11 AM on Sundays on a regular basis, a claim that was confirmed by the applicant who was unaware that this was not allowed,

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan recommends APPROVAL of a RENEWAL application for revocable consent to operate an Un-Enclosed sidewalk café for **Maneken Corp. d/b/a Petite Abeille**, 466 Hudson St., btw Barrow & Grove Sts., Block: 585, Lot: 1, Police Precinct: 6; CITY Address: 464 HUDSON STREET, 10014. with 6 tables & 11 seats, **DCA# 0979768, CONDITIONAL UPON a duly authorized Change Agreement stating that:**

- ♣ The sidewalk café will place only 6 tables and 11 seats in the sidewalk café as stated in their application
- ♣ There will be no service prior to Noon on Sundays.

Vote: Unanimous, with 31 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Zella Jones, Chair
Sidewalks & Public Access Committee
Community Board #2, Manhattan

BH/gh

cc: Hon. Jerrold Nadler, Congressman
Hon. Thomas Duane, NY State Senator
Hon. Deborah Glick, Assembly Member
Hon. Scott Stringer, Man. Borough President
Hon. Christine Quinn, Council Speaker
Hon. Alan Jay Gerson, Council Member
Hon. Rosie Mendez, Council Member
Angelica Crane, Community Board Liaison, Man., Borough President
Lolita Jackson, Commissioner, CAU
Peter Janosik, Council, Land Use Division
Michael Ben-Asher, Dept. of Consumer Affairs
Applicants