



COMMUNITY BOARD NO. 2, MANHATTAN

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

April 19, 2013

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on April 18, 2013, Community Board #2, Manhattan adopted the following resolution:

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

- Cowgirl Inc., d/b/a Cowgirl and Bark, 519 Hudson St (NW corner W. 10th St), with 11 tables and 22 seats, DCA# 0919917**

Block:631 Lot:46

Year Built:1888(estimated)

Residential Units:90 Total # of Units:96

Landmark Building: Yes

Lot Frontage:106.5' Lot Depth:105.33

Number of Buildings:5; Number of Floors:5

Zoning:C1-6

Historic District: Greenwich Village

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, this café has been operated for several years by this applicant with few known issues, and

Whereas, the committee noted that the café barrier is never moved against the façade when the café is not in use and the applicant committed to resolving the issue,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Cowgirl Inc., d/b/a Cowgirl and Bark, 519 Hudson St (NW corner W. 10th St), with 11 tables and 22 seats, DCA# 0919917**

VOTE: Unanimous, with 41 Board members in favor.

2. Eli-Lilla, Inc. d/b/a Caffe Roma, 385 Broome St (SE corner Mulberry St), with 9 tables & 22 seats, DCA #1388457

Block:471Lot:36

Year Built:1900(estimated)

Residential Units:4Total # of Units:6

Lot Frontage:25.58'Lot Depth:99.17

Number of Buildings:1; Number of Floors:5

Zoning:C6-2G

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 for several years by this applicant with relatively few issues, and

Whereas, the committee noted that the applicant has been cited by DCA on several occasions for a large A-frame sign being used at the corner of the building and Mr. Kelly committed to addressing the issue with the applicant,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Eli-Lilla, Inc. d/b/a Caffe Roma, 385 Broome St (SE corner Mulberry St), with 9 tables & 22 seats, DCA #1388457**

VOTE: Unanimous, with 41 Board members in favor.

3. Da Silvano Corp., d/b/a Da Silvano, 260 6th Ave. (btw W. Houston St & Bleecker St), with 23 tables & 49 seats, DCA #1187717

Block:526Lot:11

Year Built:1900(estimated)

Residential Units:31Total # of Units:32

Lot Frontage:40'Lot Depth:100

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, after many years of issues caused by a plan that was too dense for the space, the plan was redone two years ago with less seats and the café now appears to be operating with relatively few issues,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Da Silvano Corp., d/b/a Da Silvano, 260 6th Ave. (btw W. Houston St & Bleecker St), with 23 tables & 49 seats, DCA #1187717**

VOTE: Unanimous, with 41 Board members in favor.

4. St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA#1394721

Block:471Lot:34

Year Built:1900(estimated)

Residential Units:16Total # of Units:17

Lot Frontage:26.08'Lot Depth:99.75

Number of Buildings:1; Number of Floors:7

Zoning:C6-2G

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, this café has been operated for several years by this applicant with relatively few issues, and

Whereas, the committee noted that the applicant has been cited by DCA in June 2012 for a podium sign being used on the sidewalk and the applicant committed to removing it,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA#1394721**

VOTE: Unanimous, with 41 Board members in favor.

5. GMT New York, LLC d/b/a GMT Tavern, 142 Bleecker St. (SW corner LaGuardia Pl.), with 24 tables & 51 seats, DCA#1382861

Block:525Lot:7504

Year Built:1900(estimated)

Residential Units:0Total # of Units:8

Lot Frontage:25'Lot Depth:125

Number of Buildings:1; Number of Floors:5

Zoning:R7-2 ; Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant was present, and

Whereas, this café has been operated for two years by this applicant with relatively few issues, and Judith Callet, a long-time member of BAMRA, spoke in favor of the renewal stating the applicant has quickly made themselves a valued member of the community, and

Whereas, the applicant was cited by DCA in May 2012 for several issues including a platform under the café, a separation of greater than 30” and an improper service aisle, all of which have been corrected, and

Whereas, the committee noted the plan was originally approved without adequate clearance or the required awning opening for a fire escape drop ladder and the applicant agreed to quickly remedy both situations,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **GMT New York, LLC d/b/a GMT Tavern, 142 Bleecker St. (SW corner LaGuardia Pl.), with 24 tables & 51 seats, DCA#1382861**

VOTE: Unanimous, with 41 Board members in favor.

6. Caliente Cab Rest. Co., Inc. d/b/a Caliente Cab Co., 61 7th Ave. South (SE corner Bleecker St), with 42 tables & 84 seats, DCA#0670525

Block:587Lot:21

Year Built:1925(estimated)

Residential Units:8Total # of Units:9

Landmark Building: Yes
Ext. II

Lot Frontage:47'Lot Depth:72.92

Number of Buildings:1; Number of Floors:2.5

Zoning:C2-6

Historic District: Greenwich Village Historic Dist.

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, this café has been operated for many years by this applicant with relatively few issues, and

Whereas, the committee noted the applicant had an illegal host podium, large food service station with bowls of fruit, etc and another service station with dirty dishes and a POS terminal on the sidewalk, and

Whereas, the applicant was not willing to admit that there were service stations on the sidewalk,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Caliente Cab Rest. Co., Inc. d/b/a Caliente Cab Co., 61 7th Ave. South(SE corner Bleecker St), with 42 tables & 84 seats, DCA#0670525**

CONDITIONAL UPON the applicant removing all illegal podiums, service stations and other objects from the sidewalk

VOTE: Unanimous, with 41 Board members in favor.

Re-apply App. for revocable consent to operate an Unenclosed sidewalk cafe for:

7. Jec II LLC, d/b/a Bagatelle, 1 Little West 12th St. (NE corner 9th Ave), with 26 tables & 62 seats, DCA#11618556

Block:628Lot:1

Year Built:1913

Residential Units:0Total # of Units:3

Landmark Building: Yes

Lot Frontage:77.33'Lot Depth:100

Number of Buildings:3; Number of Floors:6

Zoning:M1-5

Historic District: Gansevoort Market

Whereas, the area was posted, community groups notified and there were several community members present regarding this application, and the applicants were present, and

Whereas, this café is proposed for space on both the 9th Ave and Little W. 12th St side of this building, in space that has previously had a café under a different operator, and

Whereas, the applicant agreed to remove the 2 tables and 4 seats at the corner of the two streets and alter the line of the café barrier to increase the public sidewalk clearance, and

Whereas, several members of the community spoke vociferously in opposition to this application and submitted a petition with more than 120 signatures because of substantial noise issues due to extremely loud music in the interior of the restaurant that spills out to the street and often for blocks around, and

Whereas, the committee was also presented with photos and internet reviews of the restaurant which unequivocally show the applicant is consistently violating NYC law by allowing dancing without a NYC Cabaret License, and

Whereas, the committee received several emails, including one from a nearby restaurant owner, also complaining about the noise issues, and

Whereas, the applicants stated they have spent a substantial amount of money to address the noise issues, but several committee members have seen little abatement in the level of sound, particularly pounding bass, coming from the restaurant, especially late at night and during both Saturday and Sunday brunches,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RE-APPLY application for revocable consent to operate an Unenclosed sidewalk café for **Jec II LLC, d/b/a Bagatelle, 1 Little West 12th St. (NE corner 9th Ave), with 26 tables & 62 seats, DCA#11618556**

FURTHER BE IT RESOLVED that if the café is ultimately approved, **the applicant has agreed to reduce the seating by the 2 tables and 4 seats at the corner of Little W. 12th St and 9th Ave. for a total seating of 24 tables and 58 seats**

VOTE: Unanimous, with 41 Board members in favor.

8. Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130

Block:479Lot:18

Year Built:1900(estimated)

Residential Units:15Total # of Units:16

Lot Frontage:22.58'Lot Depth:125.33

Number of Buildings:1; Number of Floors:6

Zoning:C6-2C6-1

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, this café has been operated for many years by this applicant with relatively few issues but the license was allowed to lapse before renewal paperwork was filed, and

Whereas, the applicant was cited by DCA in August 2012 for having a platform, not maintaining at least 8' clear sidewalk, having an improper service aisle and barriers higher than 30", and

Whereas, the applicant has cured the other conditions, but two large planters, which were the cited barriers that were too high, remain on the sidewalk at all times, and

Whereas, the applicant committed to completely removing the planters and not using them,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RE-APPLY application for revocable consent to operate an Unenclosed sidewalk café for **Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130**

CONDITIONAL UPON the applicant removing the two large planters currently extending onto the sidewalk at each side of the café space

VOTE: Unanimous, with 41 Board members in favor.

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

9. 45 Bond Street LLC, d/b/a Circolo, 45 Bond St. (btw Lafayette St & Bowery), with 8 tables and 16 seats, DCA# 1460096

Block:529 Lot:31	Lot Frontage:25' Lot Depth:89.58
Year Built:1899(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:0 Total # of Units:1	Zoning:M1-5B
Landmark Building: Yes	Historic District: NoHo Historic District
Extension	

Whereas, the area was posted, community groups notified and there were several community members present regarding this application, and the applicants were present, and

Whereas, this café is proposed for a site with an establishment frontage of roughly 18' on a sidewalk of 16'2" width with no sidewalk obstructions, but requiring clearance in the café for a Siamese connection and a fire escape drop ladder, and

Whereas, the current owners of the restaurant ALSO signed an agreement with CB2 and incorporate same the NoHo Bowery Stakeholders Assn. which included a provision that there would not be a sidewalk café and this stipulation is part of the Method of Operation on the restaurant's SLA license, and

Whereas, the applicants claimed they were not aware of the agreement when they purchased the restaurant and feel they are not bound by it, and

Whereas, several members of the community expressed concern that the applicants were disregarding the agreement made with NoHo Bowery Stakeholders and had substantial concerns about increased noise from a café on this primarily residential block, and

Whereas, the committee noted that 2 tables and 4 seats extended to the east beyond the frontage of the restaurant and the applicants agreed to remove that seating, and

Whereas, the committee felt the remaining seating was laid out in an unmanageable way and the applicant agreed to remove an additional 1 table and 2 seats and alter the layout so there is 1 two-top against the façade bordered by the service aisle and then 4 tables arranged as two 4-tops at the outer periphery of the cafe, resulting in total seating of 5 tables and 10 seats, and

Whereas, as the total depth of the café is 8', all tables must be no more than 1'8" wide to allow for this seating configuration,

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 **45 Bond Street LLC, d/b/a Circolo, 45 Bond St. (btw Lafayette St & Bowery), with 8 tables and 16 seats, DCA# 1460096**

CONDITIONAL UPON the applicant reducing the seating by 3 tables and 6 seats as noted in Whereas clauses 7 & 8 and using tables of no more than 1'8" width as noted in Whereas 9 for total seating of 5 tables and 10 seats

VOTE: Passed with 29 Board members in favor and 12 against-(J. Hamilton, K. Bordonaro, H. Campbell, R. Stewart, C. Booth, S. Sweeney, R. Goldberg, T. Cude, E. Young, L. Rakoff, J. Frost, B. Riccobono)

10. Florio's Enterprises, d/b/a Florio's Restaurant, 192 Grand St (btw Mulberry St & Mott St), with 7 tables and 20 seats, DCA# 1460167

Block:471 Lot:57	Lot Frontage:24.75' Lot Depth:100
Year Built:1901(estimated)	Number of Buildings:1; Number of Floors:3.75
Residential Units:3 Total # of Units:4	Zoning:C6-2G
Landmark Building: Yes	Historic District: No

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, this café has been operated for many years by previous applicant with consistent issues related to the previous applicant extending the café to in front of neighboring properties on either side, and

Whereas, the previous applicant was cited several times by DCA for the café 'spread' and ultimately for unlicensed activity after the café license expired, and

Whereas, this applicant is actually a member of the original owner's family who have resumed control of the business and have committed to rectifying the ongoing issues,

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 **Florio's Enterprises, d/b/a Florio's Restaurant, 192 Grand St (btw Mulberry St & Mott St), with 7 tables and 20 seats, DCA# 1460167**

VOTE: Unanimous, with 41 Board members in favor.

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

10. 120 U Rest. LLC d/b/a Tortaria, 94 University Pl (SW corner E 12th St), with 12 tables & 24 seats, DCA# 1412892

Block:569Lot:21	Lot Frontage:40.25' Lot Depth:27.25
Year Built:1900(estimated)	Number of Buildings:1; Number of Floors:4
Residential Units:3 Total # of Units:5	Zoning:C1-7

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

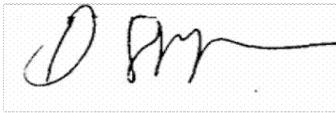
Whereas, this café has been operated for many years by previous applicants with few known issues,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this NEW application for revocable consent to operate an Enclosed sidewalk café for **120 U Rest. LLC d/b/a Tortaria, 94 University Pl (SW corner E 12th St), with 12 tables & 24 seats, DCA# 1412892**

VOTE: Unanimous, with 41 Board members in favor.

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

Sincerely,



David Gruber, Chair
Community Board #2, Manhattan



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

DG/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hannah Friedman, Community Liaison, Man. Boro. Pres. Office
Pauline Yu, Community Assistance Unit