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COMMUNITY BOARD No. 2, MANHATTAN

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

January 20, 2012

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on January 19, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- 1. ABG Standard Operator, LLC d/b/a The Standard Grill, 848 Washington St. (btw Little W 12 St & W 13 St), with 26 tables & 84 seats, DCA# 1309290**

Block:645; Lot:11

Year Built:2006

Floors:19

Residential Units:0; Total # of Units:1

Lot Frontage:206.5'; Lot Depth:200

Number of Buildings:1; Number of

Zoning:M1-5

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 for two years with no substantial issues, and

Whereas, the committee noted there are planters, benches and small tables with cigarette butt 'pots' left on the sidewalk when the café is not in operation, and Mr. Kelly committed to speaking to the applicant to ensure these remain as close to the façade as possible,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **ABG Standard Operator, LLC d/b/a The Standard Grill**,

848 Washington St. (btw Little W 12 St & W 13 St), with 26 tables & 84 seats, DCA# 1309290

VOTE: Unanimous, with 39 Board members in favor.

2. Smithfield Associates, LLC d/b/a Pastis, 9-19 Ninth Ave. (NW corner Little W 12 St), with 42 tables & 108 seats, DCA# 1186742

Block:645; Lot:49

Year Built:1920

Floors:2

Residential Units:0; Total # of Units:3

Landmark Building: Yes

Lot Frontage:129'; Lot Depth:125

Number of Buildings:1; Number of

Zoning:M1-5

Historic District: Gansevoort Market

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 many years, and

Whereas, there was a discrepancy in seat count with the existing print and the previous renewal showing 104 seats while the applicant's original handwritten renewal paperwork was visibly changed to 108 seats, a change Mr. Kelly could not explain but committed to resolving with DCA, and

Whereas, the committee noted there is roughly twice as much Little W 12 St seating shown on the print than is typically set up and Mr. Kelly confirmed the applicant uses this only on rare occasions, and at the committee's request committed to ensuring that seating is not being 'repurposed' on the 9th Ave side of the café, and

Whereas, there is also a sidewalk grate within the 9th Ave side of the café which is not shown on the print and could impact the café design and Mr. Kelly committed to providing the purpose of the grating, and

Whereas, despite previous warnings this café is often opened for business on Sunday well before noon and the committee has noted the café heavily committed, with patrons finishing meals, as early as 10:45 am, and

Whereas, the committee also notes that the sidewalk is not cleared by moving the planters/railings and furniture up against the building outside allowed café hours,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Smithfield Associates, LLC d/b/a Pastis, 9-19 Ninth Ave. (NW corner Little W 12 St), with 42 tables & 108 seats, DCA# 1186742**

UNLESS the applicant signs a binding agreement with the City Council addressing the following:

- **The sidewalk café will not be opened on Sunday before noon**
- **The sidewalk café railings, planters and furniture will be moved against the façade each night at those times when the café is not in operation**

- **The discrepancy between the seating count on the print and application is resolved**
- **The legality of the sidewalk grate within the 9th Ave side of the café is established**

VOTE: Unanimous, with 39 Board members in favor.

3. Il Buco Corp., 47 Bond St. (btw Lafayette St & Bowery), with 2 tables & 12 seats, DCA# 1109238

Block:529; Lot:7506	Lot Frontage:25'; Lot Depth:84.67
Year Built:1900	Number of Buildings:1; Number of
Floors:5	
Residential Units:4; Total # of Units:5	Zoning:M1-5B
Landmark Building: Yes	Historic District: NoHo Historic District
Extension	

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

Whereas, this café has been operated for many years with no recent substantial issues,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Il Buco Corp., 47 Bond St. (btw Lafayette St & Bowery), with 2 tables & 12 seats, DCA# 1109238**

VOTE: Unanimous, with 39 Board members in favor.

4. Spunto, Inc., 65 Carmine St. (btw 7 Ave S & Bedford St), with 14 tables & 28 seats, DCA# 1325458

Block:582; Lot:42	Lot Frontage:25'; Lot Depth:78.67
Year Built:1910(estimated)	Number of Buildings:1; Number of
Floors:5	
Residential Units:14; Total # of Units:15	Zoning: C2-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was not present, and

Whereas, while the café is not currently set up for the winter, the committee noted the applicant appears to be using picnic tables in the café which have not been approved nor shown on their approved plan, and

Whereas, applicants are required to appear before the Community Board once every two years as part of their café renewal process, and the applicant neither appeared nor requested this application be laid over,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an

Unenclosed sidewalk café for **Spunto, Inc., 65 Carmine St. (btw 7 Ave S & Bedford St), with 14 tables & 28 seats, DCA# 1325458**

UNLESS the applicant appears before the committee as required in the renewal process

VOTE: Unanimous, with 39 Board members in favor.

5. New Organico, Inc., 89 7th Ave. South (btw Barrow St & Grove St), with 14 tables & 30 seats, DCA# 1308502

Block:591; Lot:33	Lot Frontage:25'; Lot Depth:89
Year Built:1910(estimated)	Number of Buildings:1; Number of
Floors:5	
Residential Units:14; Total # of Units:16	Zoning: C4-5
Landmark Building: Yes	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 by this applicant for many years with no substantial issues, and

Whereas, the committee noted on a recent inspection when the restaurant was closed that there were planters, benches and two chairs left on the sidewalk extending about 6 ft from the facade, and the applicant committed to making sure these are pushed as close to the façade as possible,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **New Organico, Inc., 89 7th Ave. South (btw Barrow St & Grove St), with 14 tables & 30 seats, DCA# 1308502**

VOTE: Unanimous, with 39 Board members in favor.

6. Il Commendatore Restaurant, Inc. d/b/a Casa Bella, 127 Mulberry St. (SW corner Hester St), with 11 tables & 21 seats, DCA# 1189682

Block:206; Lot:16	Lot Frontage:50.08'; Lot Depth:57.25
Year Built:1910(estimated)	Number of Buildings:1; Number of
Floors:6	
Residential Units:20; Total # of Units:22	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 is approved to be sited entirely on an existing – and grandfathered – platform which has been in place for many years and is bordered by a low wall separating the raised area from the rest of the sidewalk, and

Whereas, no seating is approved for the public sidewalk on the street side of the platform/wall nor around the corner on Hester St, and

Whereas, this café has been operated by this applicant for many years with consistent issues, and

Whereas, two members of the community contacted the CB2 office to register their strong objection to the renewal of this sidewalk café due to the applicant’s consistent over seating of the café, and each provided photos from different dates of illegal seating by the establishment on Hester St., and

Whereas, the committee and CB2 staff have witnessed and photographed on numerous occasions illegal seating both on the street side of the wall on Mulberry St and on Hester St. in addition to over seating on the platform itself, and

Whereas, the applicant has been cited by DCA for over seating at least three times in the last few years, most recently in June 2011, and

Whereas, while the committee is extremely reluctant to recommend an outright denial on any café application, this applicant appears to have no intention of operating within the parameters of their license, despite multiple citations from DCA and attempts by the Community Board to encourage compliance,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Il Commendatore Restaurant, Inc. d/b/a Casa Bella, 127 Mulberry St. (SW corner Hester St), with 11 tables & 21 seats, DCA# 1189682**

VOTE: Unanimous, with 39 Board members in favor.

7. 110 Varick St. Corp. d/b/a Amelia’s Restaurant Coffee Shop, 110 Varick St. (NE corner Broome St), with 12 tables & 24 seats, DCA# 1312498

Block:491; Lot:1	Lot Frontage:48.17'; Lot Depth:65.25
Year Built:1925(estimated)	Number of Buildings:1; Number of
Floors:6	
Residential Units:20; Total # of Units:25	Zoning:M1-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, Steve Wygoda, was present, and

Whereas, this café has been operated by this applicant for many years with no substantial issues,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **110 Varick St. Corp. d/b/a Amelia’s Restaurant Coffee Shop, 110 Varick St. (NE corner Broome St), with 12 tables & 24 seats, DCA# 1312498**

VOTE: Unanimous, with 39 Board members in favor.

8. Cornelia Street Café, Inc. d/b/a Cornelia Street Café, 29 Cornelia St. (btw Bleecker St & W 4 St), with 6 tables & 14 seats, DCA# 0786740

Block:590; Lot:45

Year Built:1910(estimated)

Floors:6

Residential Units:28; Total # of Units:30

Landmark Building: Yes

Historic Dist. Ext. II

Lot Frontage:42.17'; Lot Depth:97.5

Number of Buildings:1; Number of

Zoning:R6

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 by this applicant for many years with few substantial issues, and

Whereas, the committee received one letter from a resident on the block complaining of the café seating sometimes being expanded and crowds of waiting patrons blocking the sidewalk, and

Whereas, the committee also noted the prominent use of a sandwich board sign and the applicant committed to improve control of both seating numbers and the sign location, and

Whereas, the committee has also noted the crowding on this narrow sidewalk, and asked the applicant to instruct the restaurant's staff to better maintain access to the public sidewalk by requesting waiting patrons to stand near the building façade on either side of the café and the applicant agreed to do so,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Cornelia Street Café, Inc. d/b/a Cornelia Street Café, 29 Cornelia St. (btw Bleecker St & W 4 St), with 6 tables & 14 seats, DCA# 0786740**

CONDITIONAL UPON the applicant satisfactorily addressing the sidewalk crowding as noted in Whereas clauses 4 & 5 above

VOTE: Unanimous, with 39 Board members in favor.

9. 10 Downing, LLC, d/b/a 10 Downing, 10 Downing St. aka 263 6 Ave. SW corner 6 Ave), with 28 tables & 59 seats, DCA# 1260889

Block:527; Lot:27

Year Built:1940(estimated)

Floors:7

Residential Units:127; Total # of Units:137

Landmark Building: Yes

Historic Dist. Ext. II

Lot Frontage:157.67'; Lot Depth:284.83

Number of Buildings:1; Number of

Zoning:R7-2R6; Commercial Overlay:C15

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's representative, Michael Kelly, was present, and

Whereas, this café has been operated by this applicant for many years with no substantial issues, and

Whereas, the committee noted this renewal is for the number of tables and chairs approved under a modification request heard by CB2 in May 2011 wherein the original 18 tables and 36 seats were approved to be increased to the current 28 tables and 59 seats,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **10 Downing, LLC, d/b/a 10 Downing, 10 Downing St. aka 263 6 Ave. SW corner 6 Ave), with 28 tables & 59 seats, DCA# 1260889**

VOTE: Unanimous, with 39 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



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

JH/gh

- c:
- Hon. Jerrold L. Nadler, Congressman
 - Hon. Thomas Duane, 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
 - Jessica Silver, Man. Boro. President's Office
 - Pauline Yu, Community Assistance Unit
 - Peter Janosik, Council, Land Use Division