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## COMMUNITY BOARD NO. 2, MANHATTAN

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

July 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 July 19, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- 1. ITM Garden, Inc., d/b/a Revel, 10 Little West 12<sup>th</sup> St. (btw 9 Ave & Washington St), with 13 tables & 28 seats, DCA# 1214291**

Block:644 Lot:51

Year Built:1899(estimated)

Residential Units:2 Total # of Units:5

Landmark Building: Yes

Lot Frontage:21' Lot Depth:77.42

Number of Buildings:2; Number of Floors:3

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 was not present, and

**Whereas**, the CB2 office received one email complaining about continuing noise issues from this establishment, and

**Whereas**, appearance before CB2's committee is a required step in the sidewalk café renewal process and this applicant has not done so nor notified the CB2 office of any issues in doing so,

**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 **ITM Garden, Inc., d/b/a Revel, 10 Little West 12<sup>th</sup> St. (btw 9 Ave & Washington St), with 13 tables & 28 seats, DCA# 1214291**

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

- 2. Culinary Concepts Hospitality Group, LLC, d/b/a Spice Market, 29-35 9<sup>th</sup> Ave. (NW corner W 13 St), with 13 tables & 28 seats, DCA# 1187891**

Block:646 Lot:47	Lot Frontage:103.25' Lot Depth:100
Year Built:1910(estimated)	Number of Buildings:1; Number of Floors:6
Residential Units:0 Total # of Units:2	Zoning:M1-5
Landmark Building: Yes	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 was present, and

**Whereas**, this café has been operated for several years by this applicant with no known 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 **Culinary Concepts Hospitality Group, LLC, d/b/a Spice Market, 29-35 9<sup>th</sup> Ave. (NW corner W 13 St), with 13 tables & 28 seats, DCA# 1187891**

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

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

- 3. Dessyn Bakery Corp. d/b/a Millefeuille Bakery Café, 552 LaGuardia Pl. (SW corner W 3 St), with 5 tables & 10 seats, DCA# 1431733**

Block:537 Lot:7501	Lot Frontage:50' Lot Depth:100
Year Built:1982	Number of Buildings:1; Number of Floors:11
Residential Units:9 Total # of Units:17	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, Olivier Dessyn, was present, and

**Whereas**, the café is proposed for a sidewalk of approximately 18' width with no applicable obstructions, and the applicant's business occupies a space within the building of approximately 14' frontage, and

**Whereas**, the applicant is a retail bakery with no kitchen, has no SLA license, and closes no later than 7:00 pm 7 days a week, and

**Whereas**, there will be no waiter service in the sidewalk café, but the applicant assured the committee that staff would clear the tables and keep the café area clean,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Dessyn Bakery Corp. d/b/a Millefeuille Bakery Café, 552 LaGuardia Pl. (SW corner W 3 St), with 5 tables & 10 seats, DCA# 1431733**

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

**4. 132 Mulberry, Inc. d/b/a Umberto's Clam House, 132 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA# 1432938**

Block:237 Lot:7501

Year Built:1915

Residential Units:0 Total # of Units:11

Lot Frontage:124.75' Lot Depth:101.33

Number of Buildings:1; Number of Floors:6

Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Robert Ianniello, Jr., and his representative, Michael Kelly, were present, and

**Whereas**, this applicant operated this restaurant and a sidewalk café for many years in another location just up the block, but moved here recently due to increased rent in the original space, and

**Whereas**, the café is proposed for a sidewalk of approximately 12' width with no applicable obstructions, and the applicant's business occupies a space within the building of approximately 15' frontage, and

**Whereas**, there was some concern about the layout of what is essentially 2 six-seat tables, but Mr. Kelly assured the committee the tables would not be separated and service would not occur from the public sidewalk, which in this design begins immediately beyond the end of the tables, and

**Whereas**, two members of the community spoke in support of this applicant as a long-time member of the Little Italy business community and were highly supportive of the cafe

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **132 Mulberry, Inc. d/b/a Umberto's Clam House, 132 Mulberry St. (btw Hester St & Grand St), with 6 tables & 12 seats, DCA# 1432938**

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

**5. Eater Eats Crow, LLC, d/b/a Sel Et Gras, 131 7th Ave. South (NE corner W 10 St), with 15 tables & 45 seats, DCA# 1432786**

Block:611 Lot:34

Year Built:1905(estimated)

Residential Units:1 Total # of Units:2

Landmark Building: Yes

Lot Frontage:25' Lot Depth:43.58

Number of Buildings:1; Number of Floors:2

Zoning:C2-6

Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were several community members present regarding this application, and the applicant, Vanessa Repice, and her representative, Steve Wygoda, were present, and

**Whereas**, the café is proposed for a sidewalk of approximately 20' width, with a subway grate 11' from the property line, a raised tree pit border 14'8" from the property line, and the applicant's business occupies a space within the building of approximately 42' frontage, and

**Whereas**, the café layout is dependent on the modification of the tree pit border to be flush with the sidewalk and this must be done, subject to DCA rules, before this design can be approved, and

**Whereas**, if the tree pit border remains raised, the café depth must be reduced to no more than 6'8", which would reduce the seating by one row of 2-seat tables, and

**Whereas**, the establishment is a restaurant/wine bar, with approximately 25 inside seats, and

**Whereas**, there were several members of the community present, all against granting of a license for the café due to a mistaken understanding the operator was the applicant's personal partner, who operates a restaurant in the East Village which CB3 recently denied for an SLA renewal, and

**Whereas**, several community members also stated there have already been problems with trash from the restaurant being put out on W 10<sup>th</sup> St as early as noon, and restaurant staff using neighboring stoops on W 10<sup>th</sup> St to take smoke breaks, and

**Whereas**, the committee reminded the applicant that trash must not be put out at the curb before 1 hour prior to closing time and recommended the applicant instruct staff to smoke only near the street on 7<sup>th</sup> Ave S, and

**Whereas**, as is CB2's policy, the committee requested no 4-seat tables be used along the outer edge of the café and the applicant agreed to do so, in part by reducing the seating to **14 tables and 42 seats** by having two simple rows on either side of a full-length service aisle, one side (against the façade) having 4-seat tables and the other side (at the outer perimeter) having 2-seat tables,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Eater Eats Crow, LLC, d/b/a Sel Et Gras, 131 7th Ave. South (NE corner W 10 St), with 15 tables & 45 seats, DCA# 1432786**

**UNLESS**

- **the seating is reduced to 14 tables and 42 seats with no 4-seat tables at the outside edge of the café**
- **DCA approves of the applicant modifying the stone tree pit border so it is flush and ensures this has been done before the café is approved and sent to the City Council**

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

**6. Daily Bread, Inc. d/b/a Deb's Catering, 200 Varick St. (btw King St & W Houston St), with 8 tables & 16 seats, DCA# 1431295**

Block:520 Lot:1  
Year Built:1926  
Residential Units:0 Total # of Units:41

Lot Frontage:200.42' Lot Depth:265  
Number of Buildings:1; Number of Floors:12  
Zoning:M1-6R6

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Susan Jennings, was present, and

**Whereas**, the café is proposed for a sidewalk of approximately 19' 9" width, with a subway grate 16' from the property line, and the applicant's business occupies a space within the building of approximately 18' frontage, and

**Whereas**, the applicant sells prepared foods (sandwiches, salads, etc) and does catering, has no SLA license, and closes at 5:00 pm during the week and is not open on weekends, and

**Whereas**, there will be no waiter service in the sidewalk café, but the applicant assured the committee that staff would clear the tables and keep the café area clean,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Daily Bread, Inc. d/b/a Deb's Catering, 200 Varick St. (btw King St & W Houston St), with 8 tables & 16 seats, DCA# 1431295**

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

**7. Travertine, LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. (NE corner Elizabeth St), with 23 tables & 47 seats, DCA# 1434421**

Block:478 Lot:12

Year Built:1900(estimated)

Residential Units:15 Total # of Units:17

Lot Frontage:20' Lot Depth:99

Number of Buildings:1; Number of Floors:6

Zoning:C6-1

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Danae Cappelletto, was not present and is apparently in the final stages of selling the business and no longer has any involvement in it, and

**Whereas**, the apparent primary purchaser of the business, Artan Gjoni, and his representative, Steve Wygoda, were present, and

**Whereas**, the committee was having substantial problems getting a coherent explanation of the current ownership of the business, including the status of the Certificate of Occupancy and SLA License, and

**Whereas**, the committee finds it extremely disturbing that the café application was submitted by an operator who apparently no longer owns the business, while the new owner presented himself as the applicant, even though there is no information on this person on the application, and

**Whereas**, given the confused issues involved in ownership the committee requests DCA investigate having this application cancelled or withdrawn and a proper application made by the new operator once the legal ownership can be reasonably established, and

**Whereas, IF DCA moves this application forward** there was substantial concern voiced by several community members about the past operation of this establishment, outstanding fines for building and license issues, the overall size of the café and questioned the safety of seating patrons on the sidewalk of Kenmare St where traffic coming off the Williamsburg Bridge is so pervasive, and

**Whereas, IF DCA moves this application forward**, the applicant has agreed to reduce the seating to 20 tables and 40 seats by removing the third seat from two tables and removing entirely one single-seat table and further will place all double tables (effectively 4-seat tables) placed against the façade and only 2-seat tables at the outer edge of the café as is the policy of CB2-Manhattan,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Travertine, LLC, d/b/a Ken & Cooks Restaurant, 19 Kenmare St. (NE corner Elizabeth St), with 23 tables & 47 seats, DCA# 1434421**

**AND requests this application be withdrawn and a new application be filed by the new owner once all ownership issues have been resolved**

**FURTHER BE IT RESOLVED, IF the Dept. of Consumer Affairs allows this application to move forward**, Community Board 2 Manhattan also recommends **DENIAL** of this application

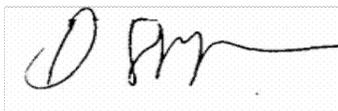
**UNLESS**

- **DCA satisfactorily resolves the ownership issues of this establishment relative to the applicant of record**
- **The applicant is able to provides valid and current Certificate of Occupancy in order to show that the interior of the premise that services the sidewalk café, is operating in compliance with NYC laws and regulations**
- **That ALL outstanding fines and payments owed the City of New York are paid in full**
- **The seating is reduced to 20 tables & 40 seats as described in Whereas 7**

**VOTE: Unanimous, with 38 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. 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
  - Hannah Friedman, Community Liaison, Man. Boro. Pres. Office
  - Pauline Yu, Community Assistance Unit

