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COMMUNITY BOARD NO. 2, MANHATTAN

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July 2, 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 June 20, 2013, Community Board #2, Manhattan adopted the following resolutions:

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

1. Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. South (SW corner Grove St), with 19 tables & 44 seats DCA# 1202961

Block:591 Lot:10

Year Built:1910(estimated)

Residential Units:6 Total # of Units:8

Lot Frontage:86.5' Lot Depth:117.92

Number of Buildings:1; Number of Floors:3

Zoning:C4-5

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 a couple known issues, and

Whereas, the applicant was cited by DCA on 8/25/12 for not providing 9' clearance to the corner and for having extra chairs and tables, but has committed to ensuring the required clearances are maintained, and

Whereas, the applicant has been using an a-frame sign outside the café, but has committed to removing the sign or placing it flush against the café barrier as required,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. South (SW corner Grove St), with 19 tables & 44 seats DCA# 1202961**

CONDITIONAL UPON the conditions noted in Whereas 3 & 4 being consistently resolved

Vote: Unanimous, with 44 Board members in favor.

2. Buona Notte, Inc., 120 Mulberry Street (btw Canal St & Hester St), with 6 tables and 12 seats, DCA # 1135217

Block:205 Lot:11

Year Built:1910(estimated)

Residential Units:8 Total # of Units:9

Lot Frontage:25' Lot Depth:100.33

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 few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Buona Notte, Inc., 120 Mulberry Street (btw Canal St & Hester St), with 6 tables and 12 seats, DCA # 1135217**

Vote: Unanimous, with 44 Board members in favor.

3. BMT Operations, LLC d/b/a Betel, 49 Grove St. (btw Blecker St & 7th Ave S), with 9 tables & 16 seats, DCA# 1347560

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:C1-6C4-5

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

Whereas, this café has been operated for two years by this applicant, primarily through another partner, with consistent issues with the operation, and

Whereas, the applicant's restaurant was shuttered for two days in May 2013 by DCA for continuing issues with the sidewalk café, and

Whereas, the applicant stated that the original managing partner is no longer involved with day-to-day management and they are in negotiation to terminate that partner's involvement, and

Whereas, as the committee initially expected when the café was approved, the amount of seating is not practical and has actually never been used (at least properly) by the restaurant, and

Whereas, Ms. Piechowski agreed to provide a new plan to DCA reducing the seating to 7 tables & 14 seats, which is a more appropriate amount of seating for the 38' of available space, and

Whereas, the committee noted the use of several planters that are not on the approved plans, two of which are approximately 4' high with 8' high stands of bamboo, and these must be removed completely from the sidewalk ,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **BMT Operations, LLC d/b/a Betel, 49 Grove St. (btw Bleecker St & 7th Ave S), with 9 tables & 16 seats, DCA# 1347560**

UNLESS the applicant:

- **provides DCA with a new print showing the seating reduced to 7 tables & 14 seats**
- **removes all planters, signage and any other items not shown on the approved plans**

Vote: Unanimous, with 44 Board members in favor.

4. Village Cantina Corp. d/b/a Bamboleo, 170 Bleecker St. (SW corner Sullivan St), with 2 tables & 4 seats, DCA #1313487

Block:526 Lot:64

Year Built:1900(estimated)

Residential Units:23 Total # of Units:25

Lot Frontage:46.75' Lot Depth:98

Number of Buildings:2; 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 was present, and

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Village Cantina Corp. d/b/a Bamboleo, 170 Bleecker St. (SW corner Sullivan St), with 2 tables & 4 seats, DCA #1313487**

Vote: Unanimous, with 44 Board members in favor.

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

5. Oliver King Enterprises, Inc. d/b/a Empire Szechuan Village, 173 7th Ave. South (NE corner Perry St), with 11 tables & 22 seats DCA# 1007220

Block:613 Lot:62

Year Built:1915(estimated)

Residential Units:0 Total # of Units:1

Lot Frontage:70.25' Lot Depth:45.58

Number of Buildings:2; Number of Floors:2

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 present, and

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Oliver King Enterprises, Inc. d/b/a Empire Szechuan Village, 173 7th Ave. South (NE corner Perry St), with 11 tables & 22 seats DCA# 1007220**

Vote: Unanimous, with 44 Board members in favor.

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

6. City Winery New York, LLC, City Winery, 155 Varick St. (SW corner Vandam St), with 11 tables & 22 seats, DCA# 1464516

Block:579 Lot:68	Lot Frontage:142.33' Lot Depth:86.83
Year Built:1910(estimated)	Number of Buildings:1; Number of Floors:2
Residential Units:0 Total # of Units:2	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 General Manager, David Richter, and architect, Chris Warnick, were present, and

Whereas, this café is proposed for a site with a sidewalk width of 20'0" which has no legal obstructions further limiting the size of the cafe, with a café depth of 8'9" and length of approximately 42', and

Whereas, all service to the café will take place via an existing ramp from the restaurant entrance near the south end of the café, and no service will take place from an emergency exit, which is just north of the café,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **City Winery New York, LLC, City Winery, 155 Varick St. (SW corner Vandam St), with 11 tables & 22 seats, DCA# 1464516**

Vote: Unanimous, with 44 Board members in favor.

7. Whitehall NYC, LLC d/b/a Whitehall Bar + Kitchen, 19 Greenwich Ave. (btw Christopher St & W. 10th St), with 4 tables & 8 seats, DCA# 1464847

Block:610 Lot:54	Lot Frontage:25' Lot Depth:86
Year Built:1920(estimated)	Number of Buildings:1; Number of Floors:5
Residential Units:12 Total # of Units:13	Zoning:C1-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, but neither the applicant nor a representative was present, and

Whereas, this café is proposed for a site with a sidewalk width of 18'0" that has no legal obstructions further limiting the depth of the cafe, with a café depth of 6'0" and length of 10'9 1/2", as the length is constrained by the required 3' clearance from a Siamese connection at the west end of the façade, and

Whereas, appearance before the Community Board is a critical part of the sidewalk café process, particularly in consideration of a new café license,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Whitehall NYC, LLC d/b/a Whitehall Bar + Kitchen, 19 Greenwich Ave. (btw Christopher St & W. 10th St), with 4 tables & 8 seats, DCA# 1464847**

Vote: Unanimous, with 44 Board members in favor.

8. G Chew, LLC, d/b/a Ciccio, 190 6th Avenue, with 6 tables & 12 seats, DCA# 1464338

Block:504 Lot:11

Year Built:1900(estimated)

Residential Units:53 Total # of Units:59

Lot Frontage:75' Lot Depth:100

Number of Buildings:3; Number of Floors:6

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, but neither the applicant nor a representative was present, and

Whereas, this café is proposed for a site with a sidewalk width of 14'10" as established by obstructions consisting of a tree-pit railing and a park bench, with a total café depth of 6'10", and

Whereas, one tenant in the building appeared in opposition to the café to state there were already issues with noise and cigarette smoke from the restaurant, even without a sidewalk café, and

Whereas, 2/3 of the seating is dependent on a service aisle that crosses directly in front of the front steps to the residential entrance, and

Whereas, the remainder of the seating is sited with the backs of two of the four seats directly next to the entrance steps down to the restaurant entrance which has no railing creating an unsafe, and almost definitely illegal, situation, and

Whereas, appearance before the Community Board is a critical part of the sidewalk café process, particularly in consideration of a new café license,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **G Chew, LLC, d/b/a Ciccio, 190 6th Avenue, with 6 tables & 12 seats, DCA# 1464338**

Vote: Unanimous, with 44 Board members in favor.

9. Jack's Coffee IV, 10 Downing Street, with 6 tables & 12 seats, DCA # 1466246

Block:527 Lot:27

Year Built:1940(estimated)

Residential Units:115 Total # of Units:125

Lot Frontage:157.67' Lot Depth:284.83

Number of Buildings:1; Number of Floors:7

Zoning:R7-2R6; 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, Jack Mazzola, was present, and

Whereas, this café is proposed for a site with a sidewalk width of 16'0" as established by an obstruction consisting of a tree-pit railing, with a café depth of 8' at the south end and 10' at the north, and

Whereas, the proposed seating includes 2 tables & 4 seats to the left of the entry door that are beyond the restaurant's frontage, and the applicant has committed to provide DCA with an updated print removing that seating, and

Whereas, the outer edge of the café cannot step out the additional 2' at the northern end of the café as this would use more than half of the 16' distance from the façade to the tree pit fence, and

Whereas, the committee suggested to the applicant that even with the reduction in depth to 8', further seating could be accommodated in the remaining area, but no decision was reached and the applicant will look at that option in drawing the modified plan submitted to DCA,

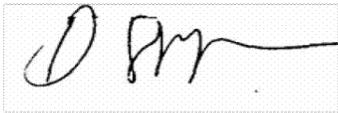
THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Jack's Coffee IV, 10 Downing Street, with 6 tables & 12 seats, DCA # 1466246**

UNLESS the seating proposed for beyond the business frontage is removed as noted in Whereas 3, which unless the applicant adds seating in the remaining area, would reduce the seating to 4 tables & 8 seats

Vote: Unanimous, with 44 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/fa

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