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COMMUNITY BOARD NO. 2, MANHATTAN

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

October 19, 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 October 18, 2012, Community Board #2, Manhattan adopted the following resolution:

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

- Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw W 12 St & W 13 St), with 4 tables & 12 seats, DCA# 0919619**

Block:576 Lot:9

Year Built:1920(estimated)

Residential Units:0 Total # of Units:2

Lot Frontage:20' Lot Depth:100

Number of Buildings:1; Number of Floors:1

Zoning:C6-2

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 several years by this applicant with few 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 **Zestful Management Corp. d/b/a Bar 6, 502 Ave. of the Americas (btw W 12 St & W 13 St), with 4 tables & 12 seats, DCA# 0919619**

VOTE: Unanimous, with 42 Board members in favor.

2. C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8th Ave. (btw W 12 St & Jane St), with 5 tables & 10 seats, DCA# 1277859

Block:625 Lot:52

Year Built:1920(estimated)

Residential Units:4 Total # of Units:6

Landmark Building: Yes

Lot Frontage:55.08' Lot Depth:37

Number of Buildings:2; Number of Floors:3

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, but the applicant was not correctly notified by the CB2 office to appear,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan makes no recommendation at this time and will hear this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **C &O Coffee Shop Inc. d/b/a La Bonbonniere Restaurant, 28 8th Ave. (btw W 12 St & Jane St), with 5 tables & 10 seats, DCA# 1277859** and will place this item on its November agenda

3. 172 Bleecker St. Rest., Inc. d/b/a Café Español, 190 Sullivan St. (btw W. Houston St & Bleecker St), with 4 tables & 8 seats, DCA# 1080119

Block:526 Lot:64

Year Built:1900(estimated)

Residential Units:19 Total # of Units:21

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, and

Whereas, the committee noted to the applicant signage (a menu board) that was being placed on the public sidewalk near the curb must be removed and he committed 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 **172 Bleecker St. Rest., Inc. 190 Sullivan St. (btw W. Houston St & Bleecker St), with 4 tables & 8 seats, DCA# 1080119**

CONDITIONAL UPON the applicant removing any signage from the public sidewalk

VOTE: Unanimous, with 42 Board members in favor.

4. FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers and Fries, 496 LaGuardia Pl. (btw W Houston St & Bleecker St), with 3 tables & 6 seats, DCA# 1279546

Block:525 Lot:7502

Year Built:1910

Residential Units:11 Total # of Units:14

Lot Frontage:50' Lot Depth:75

Number of Buildings:2; Number of Floors:4

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 was present, and

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

Whereas, the committee was told by the applicant that they have an SLA Beer and Wine license, but provide only counter service with no wait service to the sidewalk café in violation of DCA rules,

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 **FGNY 496 LaGuardia, LLC d/b/a Five Guys Burgers and Fries, 496 LaGuardia Pl. (btw W Houston St & Bleecker St), with 3 tables & 6 seats, DCA# 1279546**

VOTE: Unanimous, with 42 Board members in favor.

5. 172 Bleecker St. Rest. Inc. d/b/a Café Español, 172 Bleecker St. (btw Macdougall St & Sullivan St), with 3 tables & 6 seats, DCA# 0920629

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|--|---|
| Block:526 Lot:64 | Lot Frontage:46.75' Lot Depth:98 |
| Year Built:1900(estimated) | Number of Buildings:2; Number of Floors:6 |
| Residential Units:19 Total # of Units:21 | 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, and

Whereas, the committee noted to the applicant that a café railing along the west edge of the café was blocking the service aisle and the applicant committed to moving the railing to the front edge of the café where it will not impeded the approved service aisle,

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 **172 Bleecker St. Rest. Inc. d/b/a Café Español, 172 Bleecker St. (btw Macdougall St & Sullivan St), with 3 tables & 6 seats, DCA# 0920629**

CONDITIONAL UPON the applicant moving the café railing as noted in Whereas 3

VOTE: Unanimous, with 42 Board members in favor.

6. Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St. (SE corner W 3 St), with 9 tables & 18 seats, DCA# 1279573

| | |
|--|---|
| Block:537 Lot:13 | Lot Frontage:75' Lot Depth:60 |
| Year Built:1900(estimated) | Number of Buildings:1; Number of Floors:6 |
| Residential Units:35 Total # of Units:39 | 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, this café has been operated for several years by this applicant with previous issues with seating setup, but those appear to have been consistently addressed during this renewal cycle, and

Whereas, the committee noted to Mr. Kelly that signage in the café area currently consisted of 3 signs including a large menu sign that sits in the service aisle and he committed to have this corrected,

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 **Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St. (SE corner W 3 St), with 9 tables & 18 seats, DCA# 1279**

CONDITIONAL UPON the applicant reducing signage, particularly removing the large menu display from the food service aisle

VOTE: Unanimous, with 42 Board members in favor.

7. The Otheroom, Inc. d/b/a The Otheroom, 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 110366

| | |
|--|---|
| Block:633 Lot:34 | Lot Frontage:21.5' Lot Depth:40.17 |
| Year Built:1900(estimated) | Number of Buildings:1; Number of Floors:4 |
| Residential Units:3 Total # of Units:4 | Zoning:C1-6A |
| 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’s bookkeeper was present, and

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

Whereas, the committee reminded the applicant to ensure there is full wait service of alcohol to the sidewalk cafe,

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 **The Otheroom, Inc. d/b/a The Otheroom, 143 Perry St. (btw Washington St & Greenwich St), with 2 tables & 6 seats, DCA# 110366**

VOTE: Unanimous, with 42 Board members in favor.

8. 400 West 14th Inc. d/b/a Gaslight 400 W. 14th St. (SW corner 9th Ave), with 24 tables & 48 seats, DCA# 1346493

| | |
|---|---|
| Block:646 Lot:43 | Lot Frontage:50' Lot Depth:103.25 |
| Year Built:1910(estimated) | Number of Buildings:2; Number of Floors:5 |
| Residential Units:7 Total # of Units:10 | 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’s representative, Steve Wygoda, was present, and

Whereas, the committee received 3 emails from the community supporting this renewal, and

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

Whereas, the committee pointed out to Mr. Wygoda the café extended approximately 2 feet further out on the sidewalk than approved, primarily through the use of a velvet rope between the façade and café railing at each end of the café, which also creates an unnecessary 5 foot wide service aisle in the café, and he committed to ensuring the issue is corrected,

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 **400 West 14th Inc. d/b/a Gaslight 400 W. 14th St. (SW corner 9th Ave), with 24 tables & 48 seats, DCA# 1346493**

CONDITIONAL UPON the applicant reducing the depth of the café as noted in Whereas 4

VOTE: Passed, with 41 Board members in favor, and 1 recusal-(Collins).

9. Olio Restaurants, Inc. d/b/a Olio, 3 Greenwich Ave. (btw Christopher St & 6th Ave), with 28 tables & 58 seats, DCA# 1344146

Block:593 Lot:13

Year Built:1960(estimated)

Residential Units:0 Total # of Units:8

Landmark Building: Yes

Lot Frontage:85' Lot Depth:90

Number of Buildings:1; Number of Floors:1

Zoning:C4-5 R6

Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant and his representative, Steve Wygoda, were present, and

Whereas, this café has been operated for 2 years by this applicant with numerous ongoing issues, and

Whereas, the committee noted the following list of issues related to the sidewalk café operation, many of which have yet to be corrected by the applicant:

- the applicant was cited by DCA in Oct 2010, shortly after receiving his license, for using too many seats
- the cafe consistently takes up more than half of the sidewalk with the café typically occupying 14.5' of sidewalk with only 12' of sidewalk remaining
- the seating layout is substantially altered from what is approved
- the interior of the sidewalk cafe is filled with plants, which is not allowed
- the café border plants are substantially more than what's shown on the approved plan
- there are multiple signs – typically 3 – with a-frame signs on either side of the café entrance
- in part due to the plants blocking what passes for a service aisle, the staff regularly uses the sidewalk outside the cafe
- the cafe is never removed from the sidewalk
- until instructed to cease by his expeditor, the applicant was operating the café 24 hours and extending the café to sidewalk in front of adjacent business once it was closed, and

Whereas, despite the committee’s insistence that all these requirements are detailed in the contract the applicant signed with the city, the applicant continued to insist that he simply “didn’t know” what they were and hence he shouldn’t be punished for violating them, and

Whereas, the committee received several complaints about a substantial increase in rat activity since Olio opened, particularly in the alley behind the restaurant, and based on an inspection it appears that trash from Olio is being greatly mismanaged. The committee is concerned the applicant cannot, or will not, properly manage trash by an operation that includes the current amount of seating in a sidewalk café,

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 **Olio Restaurants, Inc. d/b/a Olio, 3 Greenwich Ave. (btw Christopher St & 6th Ave), with 28 tables & 58 seats, DCA# 1344146**

AND FURTHER BE IT RESOLVED, that if despite this recommendation the renewal is approved, CB2 Manhattan strongly requests the following changes be incorporated:

- the applicant reduces the café seating to 21 tables and 48 seats
- all of the issues listed in Whereas 3 have been consistently and satisfactorily addressed prior to the application’s submission to the City Council
- the applicant signs a binding agreement with the office of Council Speaker Christine Quinn to continue to operate the café as dictated under DCA Sidewalk Café Rules

VOTE: Unanimous, 42 Board members in favor.

10. Babu Foods, Inc. d/b/a Hudson Diner, 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 37 seats, DCA# 1157473

| | |
|--|---|
| Block:585 Lot:1 | Lot Frontage:146.92' Lot Depth:189.08 |
| Year Built:1900(estimated) | Number of Buildings:2; Number of Floors:6 |
| Residential Units:133 Total # of Units:137 | Zoning:C1-6 R6 |
| 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’s representative, Steve Wygoda, was present, and

Whereas, this café has been operated for several years by this applicant with few 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 **Babu Foods, Inc. d/b/a Hudson Diner, 468 Hudson St. (btw Barrow St & Grove St), with 17 tables & 37 seats, DCA# 115747**

VOTE: Unanimous, with 42 Board members in favor.

11. Mestizo Inc. d/b/a Good, 89 Greenwich Ave. (btw Bank St & W 12 St), with 7 tables & 16 seats, DCA# 1160579

| | |
|--|---|
| Block:615 Lot:36 | Lot Frontage:89.33' Lot Depth:149.5 |
| Year Built:1930(estimated) | Number of Buildings:2; Number of Floors:6 |
| Residential Units:77 Total # of Units:81 | Zoning:C1-6 R6 |
| 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's representative, Steve Wygoda, was present, and

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

Whereas, the committee pointed out the illegal use of a service cart at the west end of the café, and Mr. Wygoda committed to having the cart removed from the café, and

Whereas, the committee also noted that although it had not recently seen it occurring, in the past the operator had opened the café before noon on Sunday, and Mr. Wygoda committed to reminding the applicant of those allowed hours,

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 **Mestizo Inc. d/b/a Good, 89 Greenwich Ave. (btw Bank St & W 12 St), with 7 tables & 16 seats, DCA# 1160579**

CONDITIONAL UPON the applicant ceasing use of a service cart in the cafe

VOTE: Unanimous, with 42 Board members in favor.

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

12. 161 Mulberry Restaurant, LLC d/b/a Italian Food Center (NW corner Grand St), with 20 tables & 44 seats, DCA# 1443292

| | |
|--|---|
| Block:471 Lot:22 | Lot Frontage:25.25' Lot Depth:100.25 |
| Year Built:1900(estimated) | Number of Buildings:1; Number of Floors:6 |
| Residential Units:5 Total # of Units: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, Jonathan Chapski, and his representative, Michael Kelly, were present, and

Whereas, the café is proposed for a sidewalk of approximately 12' 8" width and 79' of frontage on Mulberry St and a sidewalk of 17' 6" width and 16' 2" of frontage on Grand St with two separate gaps in seating on Mulberry St to allow required clearance for a Siamese connection and a fire escape drop ladder, and

Whereas, the applicant stated the establishment is a casual service restaurant with an SLA full On Premise license, and plans to operate 8:00 am – 1:00 am Sun-Wed and 8:00 am – 2:00 am Thur-Sat, and

Whereas, the committee reminded the applicant that establishments with an SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, and

Whereas, the plan presented showed three-seat tables at each end of the seating on Mulberry St, but given the difficulties the committee has continually seen in these additional seats being managed properly, particularly on a narrow sidewalk like Mulberry St, the applicant agreed to remove the third seat from the tables at each end of the café reducing the total seat count to 20 tables and 42 seats, and

Whereas, the application was filed before the construction shed was removed, at which point a Siamese connection was discovered near the center of the Mulberry St seating and the plan was altered to remove 1 table and 2 seats to allow the required clearance, reducing the café again to 19 tables and 40 seats,

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 **161 Mulberry Restaurant, LLC d/b/a 161 Mulberry St. (NW corner Grand St), with 20 tables & 44 seats, DCA# 1443292**

CONDITIONAL UPON the café seating being reduced to 19 tables and 40 seats as noted in Whereas clauses 5 & 6

VOTE: Unanimous, with 42 Board members in favor.

13. 14 Bar, LLC, d/b/a The Double Seven, 63 Gansevoort St. (btw Washington St & 9th Ave), with 15 tables & 30 seats, DCA# 1444224

Block:644 Lot:43

Year Built:1908

Residential Units:0 Total # of Units:4

Landmark Building:Yes

Lot Frontage:104' Lot Depth:158

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 community members present regarding this application, and the applicant, Jeffrey Jah, and his representative, Michael Kelly, were present, and

Whereas, the café is proposed for a sidewalk of approximately 18' 6" width over 31' of frontage with no adjacent obstructions and adequate clearance to a street light at the west edge of the property, and

Whereas, the applicant stated the establishment is a lounge with an SLA full On Premise license which currently has no food service, but if the sidewalk café is approved, will serve a minimal menu of ‘small bites’, and plans to operate the sidewalk café from 4pm to 11pm with the interior lounge also adding hours beginning at 4pm and remaining open until 4:00 am, and

Whereas, the committee reminded the applicant that establishments with an SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, and

Whereas, the committee noted the application was made on the part of two other partners who hold 85% of the ownership but who Mr. Jah categorically stated had no operational role in the establishment, and

Whereas, the applicant agreed that if the café is approved, the presented layout would be altered so all tables of more than 2 seats would be against the property line, and

Whereas, numerous members of the community spoke at the hearing or emailed the CB2 office to express their adamant opposition to this application based on the existing noise from this establishment and their belief that the addition of a sidewalk café with minimal food service would serve only to exacerbate already trying nightlife issues in the Meatpacking District, and

Whereas, there was no visible support from the community for this application, and

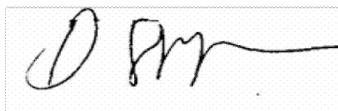
Whereas, the committee strongly – and unanimously – agrees with the community that this café would essentially be a bar on the sidewalk with little more than bar snacks used as an excuse for ‘food’ service,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan strongly recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **14 Bar, LLC, d/b/a The Double Seven, 63 Gansevoort St. (btw Washington St & 9th Ave), with 15 tables & 30 seats, DCA# 1444224**

VOTE: Unanimous, with 42 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