



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

WALTER MANKOFF
Chair

ANTHONY M. BORELLI
District Manager

April 12, 2005

Beverly Gotay
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway, 8th floor
New York, NY 10004

Re: SIDEWALK CAFÉ APPLICATION

Applicant: 659 Restaurant Inc. d/b/a Mercury Bar
Location: 659 Ninth Avenue
DCA License No.: 1101272
Type: Renewal Application – Unenclosed Sidewalk Café
Tables/Chairs: 4 tables/8 chairs

Dear Ms. Gotay:

At its March 16, 2005 meeting, Manhattan Community Board No. 4's Transportation Planning Committee heard from the above applicant and reviewed plans for an unenclosed sidewalk café.

Although no one appeared in opposition to the application, a complaint was received by the Community Board staff, via email, which stated that the establishment often appeared to use more sidewalk space than permitted. Due to a similar complaint in 2004, a DCA inspection was performed at the Board office's request in June 2004, and found that the café was not in violation of any regulations. The restaurant's owner was present and assured the committee that the café would follow all DCA regulations and would be especially conscious of the café's permitted boundaries.

Therefore, the Committee voted to approve the application for renewal of the sidewalk café with one stipulation.

- The café's outer boundaries will be marked on the sidewalk, as required by DCA's sidewalk café regulations. If markings are not in place when the applicant returns to the Board for its next renewal, this committee will recommend denial of the renewal application.

On April 6, 2005 the Full Board approved the application with the above stipulation. However, due to constraints imposed by our public meeting calendar and the limited time available for review, the Community Board was unable to submit a conforming response to DCA within the 45 day review period. Nevertheless, we hope the above comments will be considered.

Sincerely,

Walter Mankoff
Chair
Manhattan Community Board No. 4
cc: Elected Officials
Applicant

Jay Marcus
Chair
Transportation Planning Committee