



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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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: Midwest Tomato Inc. d/b/a Puttanesca
Location: 859 Ninth Avenue
DCA License No.: 0955853
Type: Renewal Application – Unenclosed Sidewalk Café
Tables/Chairs: 11 tables/22 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, the Board staff received several complaints in 2004 that the café had more tables than approved and did not maintain proper clearance from the payphone and mailbox at the café's northern end. Upon receipt of the first complaint, Board staff contacted the restaurant's manager and was told that the café was configured according to the approved plans, and proper clearance would be maintained. After a subsequent complaint the staff requested a DCA inspection, which was performed, and a three-count violation was issued for lack of proper clearance from the payphone, mailbox, and traffic light.

At the committee's request, the restaurant's owner agreed to remove the two tables and four seats at the café's northern border. He will re-file his application with DCA and send a copy of the modified plans to the Board office.

Therefore, the Committee voted to approve the application for renewal of the sidewalk café with the following stipulations.

- 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.

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- The owner will file modified plans with DCA, removing the two tables and four seats from the café's northern edge.
- The café will be run and configured in strict accordance with DCA regulations and the approved plans. If any violations are issued during 2005, the Community Board will recommend revocation of the sidewalk café's permit.

On April 6, 2005 the Full Board approved the application with the above stipulations.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4

Jay Marcus
Chair
Transportation Planning Committee

cc: Elected Officials
Applicant