



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: 953 Associates LLC d/b/a Eatery
Location: 798 Ninth Avenue
DCA License No.: 1087174
Type: Renewal Application – Unenclosed Sidewalk Café
Tables/Chairs: 13 tables/26 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 complaints in 2004 that tables and chairs were left outside after the café ceased daily operations. The owner claimed that he was unaware he was not permitted to leave café furniture outside overnight. Board staff did speak with management of the restaurant several times in 2004 and advised that café furniture must be taken off the sidewalk or placed flush against the property line after the café has ceased daily operation. At the meeting the owner responded that he would have the tables and chairs brought in nightly.

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.

Sincerely,

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

Jay Marcus
Chair
Transportation Planning Committee