



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 28, 2008

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

Re: Sidewalk Café (New)

Applicant: Opa-Europa Inc. d/b/a Uncle Nick's
Location: 749 Ninth Avenue (50th/51st)
DCA License No.: 1289245
Type: New Application – Unenclosed Sidewalk Café
Tables/Seats: 12 tables/29 seats

Dear Ms. Gotay:

An inspection by Quality of Life Committee members determined that the number of tables and seats in the application were greater than the space designated could reasonably accommodate.

Manhattan Community Board 4 recommends denial of the application for a new unenclosed sidewalk café unless the following stipulation is met:

- 8 tables and 16 chairs.

The Board notes that the establishment has been operating without approval since at least 2000 but that since the sidewalk has a naturally raised platform is has not been an issue with neighboring residents.

We continue to request that the outer boundaries of cafes be marked on the sidewalk, as required by Department of Consumer Affairs sidewalk café regulations.

Sincerely,

Jean-Daniel Noland
Chair
Manhattan Community
Board 4

Millie Glaberman
Co-Chair
Quality of Life Committee

Howard Smith
Co-Chair
Quality of Life Committee