



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
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**JEAN-DANIEL NOLAND**  
Chair

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

February 26, 2009

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

**Re: Sidewalk Café (New)**

**Applicant: BM Café d/b/a Hummus Kitchen**  
**Location: 885 Tenth Avenue**  
**DCA License No.: 1306307**  
**Type: New Application – Unenclosed Sidewalk Café**  
**Tables/Seats: Tables: 5 Seats: 10**

Dear Ms. Gotay:

Manhattan Community Board 4 recommends denial of the application for an unenclosed sidewalk café submitted by the above applicant unless the following stipulations are met:

- The applicant will only place four tables (18 X 18) with a total of eight seats
- The applicant will remove the storm window
- The applicant will have at a maximum two (2) bikes for delivery and they will be stored in a bike rack that has a clearance of eight feet between the rack and the street.

We point out (see enclosed picture) that at present there are bikes strewn around the establishment and a sandwich board is illegal placed on the sidewalk. We expect this sandwich board to be removed immediately and permanently and we expect the bikes to be in a bike rack.

In addition, as can be seen from the picture there is a street metal hatch in front of the establishment. We understand that under the rules and regulations a table and chairs may be placed over the hatch provided the hatch is secured. We very seriously question the wisdom of this rule and ask that you revisit it. It strikes us as a tragedy waiting to happen.

The application site was reviewed by the Executive Committee with an appearance before the Committee by a spokesperson for the applicant.

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,

A handwritten signature in black ink, appearing to read 'Jd', with a long horizontal stroke extending to the left.

Jean-Daniel Noland, Chair  
Manhattan Community Board 4