

**COMMUNITY BOARD 11 QUEENS**  
**The City of New York**

TO: Community Board 11 Members  
FROM: Joan Garippa and Allan Palzer, Co-Chairs, Little Neck Zoning Committee;  
Gordon Keit, Chair, Public Relations/Consumer Affairs  
RE: Application filed with NYC Department of Consumer Affairs for an Unenclosed  
Sidewalk Café and Revocable Consent by Di Maria's Brick Oven Pizza &  
Kitchen (located in shopping center, 248-25 Northern Blvd.)  
DATE: April 28, 2010

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Little Neck Zoning Committee Members Present: Ed Doster, Joan Garippa Co-Chair, Franklin T. Lloyd, and Allan Palzer, Co-Chair. Public Relations/Consumer Affairs Committee Members Present: Gordon Keit\*, Chair, Stephen Pivawer and Mario Ferazzoli\* (son of shopping center owner). Community Members Present: Bob Nobile, President, Little Neck Pines Assn. who resides 125' from proposed site, Donald Oderwald, and Judy Oderwald. Applicant: Joseph DiMaria, owner and Architect, Raymond J. Irrera. Shopping Center Owner: Mario Ferazzoli, Sr.  
\*also Little Neck Zoning Committee members

On April 20, 2010, the meeting was called to order by Allan Palzer, Co-Chair of the Little Neck Zoning Committee. Meeting purpose was to consider and act on a petition, renewable every 2 years, for a sidewalk café license and revocable consent to use public space, received March 31<sup>st</sup> by the NYC Department of Consumer Affairs (DCA) from AIRAMID LLC dba DiMaria's Brick Oven Pizza & Kitchen. The applicant applied to use 9'1 ½" by 33'6" of public sidewalk on 249<sup>th</sup> St. adjacent to its premises for an unenclosed café with 15 tables and 25 seats. CB11 must submit written recommendation within 45 days of petition submission.

The final permit decision is based on a City Council vote. Its vote is based on a recommendation by the NYC DCA. They determine permit approvals on whether the applicant meets all legal reviews regardless of Community Board recommendations. If applicant makes an agreement to conditions with a Community Board and the local Council Member agrees to it, DCA can enforce these conditions.

**Proposal**

Applicant's architect, Raymond J. Irrera, explained proposal for outdoor unenclosed cafe space to be added to the existing restaurant, beginning at the steps to its front entrance extending down 249<sup>th</sup> Street to its side access door. The sidewalk area to be occupied does not extend into the residential portion of 249<sup>th</sup> St., although the rear 50' of the restaurant extends into the non-commercial area by special use permit. (Note: The shopping center owner owns the residence on 249<sup>th</sup> St. abutting the restaurant, where Mario Ferazzoli said he resided while in high school.) The café area will not extend beyond the point halfway between the restaurant building and

street curbing (total width 18'3") and, in no case, is the proposed eating area to be closer than 8' to any obstruction on the sidewalk (e.g., fire hydrant, guide wire, or tree). This outside area will be open during the warmer seasons until 11pm (Note: present advertised business hours are: Mon-Thurs, 10 am to 10 pm, Fri-Sat 10 am-11pm, Sun 11am-10 pm). Applicant said that inside seats 30 persons. As proposed, the outdoor area will have a retractable awning with lights which will be extended when in use. At 11:00 pm daily, the area will be closed, tables and chairs removed from the sidewalk and placed inside, and the awning retracted. A handrail will be provided for side entrance steps. He showed photographs of existing area and drawings with improvements to implement the proposed sidewalk dining area. (Note: Present restaurant has been open less than 4 months.) Applicant stated he has a beer and wine license and will not apply for a liquor license. Applicant reports no NYC Buildings (DOB) violations for his premises and one NYC Health (DOH) violation. Co-Chair Palzer said he has observed an unenclosed café in Bayside, and one unenclosed seating area in Little Neck (on private property) and another in Douglaston. (Note: Subsequent check with DCA shows no licensed sidewalk cafes in CB11 area.)

After the applicant's presentation, Palzer invited comments from community members present. Following are complaints voiced:

1. Under existing management, trash in the form of napkins, paper plates, and papers on which pizza is served are regularly strewn on the 249<sup>th</sup> St. sidewalk (Mc Donald's debris also mentioned) constituting a nuisance for homeowners. Problems are likely to be worsened by café patrons.
2. Under existing management, restaurant patrons are noisy, a nuisance for neighbors until 11:00 pm and beyond which is likely to worsen if an outdoor café is approved. In addition, patrons park in front of homes, as do library patrons and parishioners of the Hae Eun Presbyterian Church, 43-17 249<sup>th</sup> St. (has 8-10 unmarked car space parking lot off Northern Blvd). Mario Ferazzoli also complained that he finds the shopping center's street level parking spaces filled by cars of parishioners attending early morning services.
3. Neighbors are concerned that no separation is proposed between the outdoor seating and sidewalk designated for pedestrians; café patrons will spill over into sidewalk space designated for pedestrians under the proposed configuration.

A discussion between committee members, petitioner and community members followed. During this, Mr. Ferazzoli, Sr. and Mr. Nobile heatedly exchanged words concerning complaints of trash and noise caused by restaurant patrons in its current configuration. Co-Chair Garippa demanded silence from both. Both were admonished by Mr. Palzer and Mr. Lloyd to be civil, respectful and only speak when recognized by the Chair or they would be ejected from the meeting.

Adequate parking for the additional 25 patrons of the cafe was discussed. While it was pointed out by Mario Ferazzoli that more parking spaces are available in both the shopping center's upper and underground level lots during the evening, several present said that parking would still be inadequate. According to community members, street level lot spaces are not marked; drivers park on the sidewalk from time to time; and some drivers exit the lot driving over the pedestrian ramp. Also, some portion of the underground parking, accessible by driveway ramp (there is an elevator from garage to street level for patron use) that would be used, is physically locked off and occupied by a nearby BMW dealership for car storage. When asked how many spaces were

occupied by BMW car storage, Mario Ferazzoli stated 15 or 12, but he would furnish an exact count on total shopping center spaces provided including those for BMW parking later.

At this meeting, Applicant tentatively proposed the following modifications to his petition which he would confirm later:

1. With respect to item 1 above, applicant stated that metal plates were used for in-restaurant dining, but paper was used for takeout. He agreed that paper plates and cups would not be used in the sidewalk café area; and one trash receptacle would be provided at each end of the proposed cafe space.
2. With respect to outdoor café closing time, applicant stated he would close service to new patrons earlier than the 11 pm closing mentioned and would get back to CB11 on Friday, April 23 with a time. (Note an 8 pm time consideration was suggested by Gordon Keit, CB 11 Consumer Affairs Chair.)
3. With respect to separation of the café sidewalk space, applicant agreed to place a removable barrier between the sidewalk dedicated to pedestrians and the tables and chairs.

**Subsequent Responses on Proposed Modifications and Parking:**

On April 23 an e-mail to CB11 District Manager Seinfeld from owner of Di Maria's Brick Oven Pizza & Kitchen, Joseph Di Maria proposed: (1) hours of operation of outside café to start at 11 am and last seating for customers at 9 pm (Monday thru Sunday). (2) Café will have removable low fencing to physically mark the waiting aisle. (3) There will be no paper plates used outside (ceramic only). All debris and trash will be properly cleaned up immediately as seen and at the end of the night the entire area will be swept and hosed down if necessary.

Mario Ferazzoli e-mailed CB 11 District Manager Seinfeld stating that BMW agency is parking 12 cars in shopping center's underground parking garage and listed number of all parking spaces which conforms to Certificate of Occupancy on DOB records. The Certificate of Occupancy shows 56 required underground parking spaces and 13 street level parking spaces and 1 permitted off street parking space (total spaces, 70). C of O authorizes three (3) eating and drinking places permitting seating of 44, 40, and 42.

**Committee Recommendation:**

1. A motion was made by Mr. Palzer to approve the petition originally submitted to CB11 by applicant, and was seconded by Ed Doster. A vote by telephone poll was taken on April 27<sup>th</sup>. The motion did not pass, approve 0, disapprove 6, Mario Ferazzoli recused himself.
2. Since the first motion was defeated, a motion was made by Mr. Palzer to approve the petition originally submitted to CB11 but modified (see Proposed Modificatons above) April 23<sup>rd</sup> by applicant. The motion was seconded by Ed Doster. A vote by telephone poll was taken on April 27<sup>th</sup>. The motion carried, approve 4, disapprove 2, Mr. Ferazzoli recused himself.