



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

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T2013-6143 A Local Law to amend the administrative code of the city of New York, in relation to the review and approval of petitions for revocable consents to operate sidewalk cafes.

Susan Stetzer, District Manager, for Community Board 3, M

Community Board 3 opposes the amendment to the timeline for community boards to review sidewalk café applications from 45 days to 30 days. As all are aware, community boards have monthly cycles of meetings and must comply with the Open Meetings Law. My board is typical: we have a full board meeting the 4th week of the month, and committee meetings for the first 3 weeks. Open Meeting Law requires one week notice before the first meeting—so the schedule is distributed at the end of the previous month. Community Boards were created to provide a structure for community participation in local planning decisions—so it is important to have clear description of agenda items. Community participation is the only way to ensure that a method of operation is appropriate for a specific location. A 30-day schedule would eliminate community board hearings.

We support streamlining procedures and lowering expenses for small businesses—but it is not necessary to do so at the expense of larger community. This amendment would remove the community and community board from the process—and it is surprising that the Council would consider this.

Community Board 3 has never attended a DCA hearing, so eliminating this hearing would not impact us. We attend Council hearings only on the rare occasion that there is a problem that cannot be resolved. Waiving this hearing when there is support from the community board would not have a negative impact. It might even be an incentive for applicants to come to agreement with the community boards.

I would like to make two further suggestions: one to streamline the procedure and one to memorialize agreements. DCA does not check plans for zoning or other compliance before transmitting to the community board. Identifying problems at an earlier stage would be beneficial to all: the applicant would save time and money.

When I became District Manager in 2004, DCA wrote agreements with community boards into the contract. Now, modifications of plans are shown in revised plans. But modifications of hours are no longer acknowledged by DCA. This has led to unnecessary confusion and problems. Since this was done previously, it would be easy for DCA to revert back to previous practice.