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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.manhattancb2.org

P: 212-979-2272 F: 212-254-5102 E: info@manhattancb2.org

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May 23, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on May 22, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Sange Restaurant Tio Pepe 168 W 4th St (OP–Restaurant) (Alteration: DONYC–Roadway) (Lic. ID # 0340-23-129951)

- i. **Whereas**, the Applicant will submit an application to the NYS Liquor Authority for an Alteration to the existing On-Premises Liquor License to add roadway seating as part of the Dining Out NYC program to their licensed premises; and
- ii. **Whereas**, the application is for 6 tables and 12 seats in the roadbed adjacent to the curb on West 4th Street; and
- iii. **Whereas**, the instant application also includes the necessity of an FDNY waiver to the 15' emergency lane requirement of NYC DOT's Dining Out NYC rules, these waivers creating serious life safety concerns for the impacted residents, with CB2, Man. having heard from numerous block associations, including two local block associations for this location, that they are adamantly opposed to any roadbed seating which requires an FDNY waiver; and
- iv. **Whereas**, the Applicant was asked if they would agree to closing the roadway café at 10 PM each night; CB2, Man. is requesting all Applicants who had no prior stipulations with CB2 regarding outdoor seating either under the old sidewalk café program or the new DOT Dining Out NYC program to agree to a closing of 10 PM nightly in order for the Applicant to open quickly with the opportunity to return for later hours after the new Outdoor Dining NYC applications have been processed and its impacts on the community can be evaluated, the impacts to surrounding residents of the Dining Out NYC program being untested with multiple applications for outdoor seating in the immediate area coming before CB2, an area where no outdoor dining was previously permitted, the Applicant unwilling to sign a stipulation agreement with closing hours of 10 PM; and
- v. **Whereas**, the two local block associations, the Central Village Block Association and the Carmine Street Block Association both requested that the applicant stop operating their roadway café at 10 PM; and,

vi. **Whereas**, the Applicant was unwilling to agree to any stipulations, including hours of operation for the operation of its exterior café and roadbed for purposes of the service of alcoholic beverages;

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application of the Alteration Application for Municipal Expansion for **Sange Restaurant Tio Pepe 168 W 4th St**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Man. respectfully requests that the following stipulations be attached and incorporated into the existing method of operation of their On-Premises Liquor License in addition to any other existing stipulations, with those supplementary stipulations as follows:

1. Dining Out NYC roadway seating will substantially conform to submitted diagram and have no more than 6 tables and 12 seats adjacent to the curbside on West 4th Street.
2. Hours of operation for the Dining Out NYC roadway seating will be from 12 PM to 10 PM Sundays through Saturdays (7 days a week). No patrons will remain outside after stated closing time and all tables and chairs will be secured.
3. All outdoor patrons will be seated table service only and any waitstaff will serve only from within the Dining Out NYC roadway café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
4. There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
5. There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
6. There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
7. Will follow all rules and regulations of the Dining Out NYC program including clear path requirements.
8. All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Vote: Passed, 33 Board Members in favor.

6 No (A. Brenna, C Dignes, J. Kaye, R.Kessler, P. McDaid, S. Secunda)

3 Abstain (L. Kakoff, E. Sigel, E. Smith)

1 Recusal (R. Sanz)

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees
Community Board #2, Manhattan



Valerie De La Rosa, Chair
Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority