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COMMUNITY BOARD NO. 2, MANHATTAN

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July 25, 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 July 24, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

16 Bedford Corp. dba Aria, 16 Bedford St. 10014 (OP–Restaurant) (Alteration: DONYC–Roadway) (Lic ID #0340-22-114820)

- 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 8 tables and 16 seats in the roadbed adjacent to the curb on Bedford Street, the roadway café being 5' deep x 18' long, the Applicant has agreed to close any roadbed seating at 10 PM and to abide by all rules and regulations of the Dining Out NYC program including that there will be no host stands, bus or service stations on the sidewalk or in the roadbed, all service to outdoor patrons will be seated table service only and any waitstaff will serve only from within the Dining Out NYC roadway café boundaries with no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams; 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 due to waiving of basic safety requirements in certain circumstances, those procedures and guidelines for waiving those basic safety requirements not being made public or allowing for public input, 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 instant application was heard at the same time as two other applications for roadway seating on the same block, all of which have the same primary principals and ownership, each of those applications including the necessity of an FDNY waiver, there is a roadway café application adjacent to this one at 14 Bedford Street (Good Luck Ribbon Corp dba Ariccia, Lic ID #0267-22-11107) and one across the street from the instant application at 21 Bedford Street (230 Bleecker Corp dba Cotenna, Lic ID #0340-22-103480); the FDNY having written an internal memo on July 30, 2024 outlining a

conditions waiver for applicants participating in the Dining Out NYC program who fail to comply with the 15' emergency travel lane as outlined in the Rules of the City of New York (RCNY) for the Dining Out NYC program; as outlined in that memo, "*listed below are criteria considered critical to relevant public and Stakeholders:*

1. *Variances sought for Roadway Café's proposing to reduce the emergency travel lane width to less than 15' (feet):*
 - 1.1. *The FDNY does not encourage the implementation of such variances.*
 - 1.2. *For subject applicants who exhibit a compliance hardship, the applicant shall design a Roadway Cafe with a shortened width of 6.5' (feet) or less from the standard 8' (feet).*
 - 1.3. *The maximum length of a frontage space shall be reduced to 20' (feet) from 40' (feet).*
 - 1.4. *The minimum spacing between cafes within one's frontage shall be maintained at 6' (feet).*
 - 1.5. *The minimum spacing between adjacent café's (neighbors) maintained at 6' feet*
2. *Access and Roadway Markings for all Roadway Café's and Sidewalk Café's:*
 - 2.1. *Adequate access shall be maintained as per NYCDOB regulations for all Fire Department Connections (FDCs) ensuring such are visible from the street and unobstructed. FDCs shall be unobscured, free of obstructions and readily visible as required by Section FC912.2.1 of the Fire Code.*
 - 2.2. *All hydrants must be accessible, unobstructed and visible from the street with adequate clearance in compliance with NYC Administrative Code Section 15-205 and RCNY title 34 chapter 5 (5-11 design requirements)*
 - 2.3. *FDNY units have had trouble accessing areas where two outdoor dining structures are constructed across from one another on narrow roadways/streets. An offset of at least 15' (feet), parallel to the direction of travel, shall be maintained for outdoor dining structures constructed across from one another on narrow streets.*
 - 2.4. *All building address numbers shall be plainly legible and visible from the street fronting the property as required by Section FC505.1*
 - 2.5. *Provide a standardized roadway marking in line with appurtenances such as Fire Department Connections (FDCs) and Fire Hydrants. The FDNY is concerned that the view of these appurtenances will be obstructed by the roadway café structures and their occupants.;"*; and

- v. **Whereas**, the diagrams and information received for the instant application do not illustrate either the adjacent roadway café or the one located across the street from the instant application as that is not information Applicants are required to provide as part of the Dining Out NYC program; CB2, Man. has asked both DOT and FDNY to explain the process for looking at the applications requiring an FDNY waiver in a holistic manner; CB2 having many roadway cafés requiring FDNY waivers and the majority of these waivers are concentrated in groups on the same streets and blocks; CB2 to date has not received a response from either DOT or FDNY as to how these are being reviewed; and
- vi. **Whereas**, specifically in regards to the instant application, there is nothing indicating that the necessary 6' clearance between the two adjacent cafés at 14 Bedford and 16 Bedford (*item 1.5 above*) has been accounted for or that the 15' offset from the roadbed across the street at 21 Bedford (*item 2.3 above*) has been considered; it being unclear how the 15' offset is being accomplished and which Applicant's roadway café is being adjusted to account for the 15' offset as both the roadway café at 16 Bedford and 21 Bedford are located directly in front of their small storefronts and take up the entirety of the storefront width, neither being offset from the other; and
- vii. **Whereas**, CB2, Man. has significant concerns regarding life safety in instances such as this when there are multiple roadway cafés adjacent and across from each other on the same block; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the Alteration Application for Municipal Expansion for **16 Bedford Corp. dba Aria, 16 Bedford St. 10014;** and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Man. respectfully requests that the members of the Authority reach out to both NYC DOT and FDNY for guidance on how the 15' emergency lane waiver is not posing a life safety risk and share that response for comment in advance of any final determination by the Members.

Vote: Unanimous, 37 Board Members in favor.

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



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Community Board 2 Addendum to Existing Liquor License Stipulations:
Alteration to include use of Municipal Property for Dining Out NYC Sidewalk or Roadway Cafe

The original signed and notarized form must be returned to the CB2 office by Thursday June 5, 2025.
If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Roberto Passon as a qualified representative of 16 Bedford Corp. dba Aria
located at: 16 Bedford Street, New York, NY 10014
agrees to the following stipulations:

Currently held Liquor License Class: Lic. ID # 0340-22-114820

[X] On Premise Liquor [] Restaurant Wine [] Tavern Wine [] Other

Alteration to License to add:

[] Dining Out NYC Sidewalk Cafe [X] Dining Out NYC Roadway

Roadway cafe will substantially conform to submitted diagram and have no more than:

- 8 tables and 16 seats on MacDougal Street

[X] Roadway seating has been referred to FDNY for a waiver.

ROSEMARY A MCKENNA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MC6385474
Qualified in Bronx County
My Commission Expires 01/07/2027

Hours of operation for Dining Out NYC sidewalk and roadway seating:*

Sunday: 11 AM to 10 PM Thursday: 11 AM to 10 PM
Monday: 11 AM to 10 PM Friday: 11 AM to 10 PM
Tuesday: 11 AM to 10 PM Saturday: 11 AM to 10 PM
Wednesday: 11 AM to 10 PM

*No patrons will remain outside after stated closing time and all tables and chairs will be secured.

- [X] All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC roadway cafe boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
[X] There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
[X] There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
[X] There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
[X] Will follow all rules and regulations of the Dining Out NYC program including clear path requirements.
[X] All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Claudio Passon Phone Number: 917 587-6799

Signed: Roberto Passon Print Name: ROBERTO PASSON Dated: 06/09/2025
Sworn to this 9th day of June 2025 Rosemary A McKenna Notary Public

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license.