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COMMUNITY BOARD NO. 2, MANHATTAN

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October 27, 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 October 23, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Paesano Rest Corp dba Paesano of Mulberry Street 136 Mulberry St 10013 (OP–Restaurant) (Alteration: DONYC–Sidewalk) (Lic. ID # 0340-23-133092)

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 sidewalk café seating to their licensed premises consisting of 2 tables and 4 seats as part of the Dining Out NYC program; and

ii. **Whereas**, the proposed sidewalk café is two feet (2') wide which is less than thirty-six inches (36") and is therefore non-compliant with Dining Out NYC rules *§5-10 Operations and Management Requirements, (h) Accessibility* requiring *"A sidewalk cafe and roadway cafe must be directly accessible to persons with physical disabilities. The design of such cafe shall comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder…"* and with the 2010 ADA Standards for Accessible Design *§403.5.1 Clearances: Clear Width* which states: *"the clear width of walking surfaces shall be 36 inches (915 mm) minimum,"* the sidewalk café being only 24 inches wide and therefore does not meet the minimum clear width of a walking surface required by ADA Standards; if one were to remove the sidewalk café perimeter demarcation to grant wheelchair access into the sidewalk cafe, the perimeter demarcation would not be able to be put back in its proper location due to the wheelchair being wider than the 24" sidewalk café and therefore encroaching into the required pedestrian clear path; and

iii. **Whereas**, this licensee has also applied for roadbed seating at the location, the Dining Out NYC rules stating *"a sidewalk cafe **AND** roadway cafe* (emphasis added)*"* must be directly accessible to persons with physical disabilities, the sidewalk café and roadway café being two separate and distinct applications to the Dining Out NYC program following separate revocable consent review processes with separate revocable consent agreements and separate licensing fees; sidewalk cafes operating year round and roadway cafes operating from April 1 through November 30 and not year round; under the "How to Operate" section of the Dining Out NYC website for roadway cafes it reads: *"**Accessibility**: The roadway cafe must be accessible to persons with disabilities and comply with applicable requirements of the Americans with Disabilities Act (ADA)…"* and under the "How to Operate" section of the Dining Out NYC website for sidewalk cafes it reads: *"**Accessibility**: The dining area must be*

accessible to persons with disabilities and comply with applicable requirements of the Americans with Disabilities Act (ADA)…" both sections independently affirming the need for compliance with ADA in a roadway café and sidewalk café, the proposed sidewalk café of 24 inches (24") not in compliance with ADA guidelines; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the Alteration Application for Municipal Expansion to the sidewalk for **Il Commendatore Restaurant Inc dba Casa Bella 127A Mulberry St 10013;** and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Manhattan 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. Hours of operation for the Dining Out NYC sidewalk will be end no later than 11 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.
2. All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
3. There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
4. There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
5. There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
6. Will follow all rules and regulations of the Dining Out NYC program including clear path and ADA requirements.
7. All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Vote: Unanimous, 33 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

Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority