



Eric Adams
Mayor

Ydanis Rodriguez
Commissioner

COMMUNITY BOARD FEEDBACK PACKAGE

Please review this application and provide the required feedback.

Manhattan Community Board 4's (MCB4) recommendation is based on a vote at its January 6, 2025 Full Board Meeting with 40 members in favor of the recommendation, 0 member opposed, 0 members abstaining and 0 present but not eligible.

DINING OUT NYC

COMMUNITY BOARD RECOMMENDATION FORM

This form is to be used by community boards during the cafe review process. Any comments from the community board should be recorded on this form and submitted to NYC DOT. For information pertaining to specific cafe design requirements, visit the Dining Out NYC website for program legislation, rules, and Setup Guides.

Business Name: EMPIRE DINER

Cafe Address: 210 10TH AVE, NEW YORK, NY, 10011

Application Number: 20240716010013

Recommendation Response Deadline: 12/28/2024

NYCDOT Internal Use Only

Sidewalk Cafe Setup Feedback:

☐ Community Board chooses to **WAIVE** review

Comments related to the cafe's physical footprint and dimensions: The proposed Site Plan has multiple problematic aspects.

First, the plan does not reflect in any way several obstructions on the sidewalk including the pedestrian ramp at the corner of 10th Avenue/W.22nd Street and, along the 10th Avenue sidewalk, a parking meter (next to the fire hydrant) and a traffic sign (next to the traffic signal pole). Second, the plan itself provides inadequate clearances, such as allowing only 8 feet, rather than the required 10 feet, between the cafe perimeter and the directly-opposite fire hydrant and street light at the north end. Third, and most fundamentally, the plan does not provide for the required 10 foot clear path: there are points (such as around the tree pits) where the clear path according to plan itself is only 8 feet; and the clear path weaves into indentations in the sidewalk cafe rather than proceeding as straight, uninterrupted path.

Comments related to pedestrian flow (i.e., visibility, safety, potential crowding):

This cafe is located on a heavily-trafficked block of 10th Avenue, immediately adjacent to the corner of two major thoroughfares; 10th Avenue and 23rd Street. The location has heavy pedestrian traffic given that it is: across the street from Clement Clarke Moore Park (frequented by children and parents with strollers); in the middle of the Chelsea gallery district; and only 1-1/2 blocks from the extremely popular High Line. There are at least 8 existing sidewalk obstructions immediately opposite or adjacent to the proposed cafe, which already seriously impede pedestrian flow. Community members also have observed that the sidewalk is often crowded with Empire Diner customers waiting for tables.

Comments related to potential conflicts with existing curb use (i.e., planters, bike racks, bus stops):

See answers above

Please check one of the recommendations below, either **approval**, **denial**, or **approval with modifications** relating to the above application:

☐ Community Board recommends **approval**

☒ Community Board recommends **denial**

☐ Community Board recommends **approval w/ modifications**

Recommended modifications (only if approved w/ modifications):

MCB4 recommends Denial, unless the cafe Site Plan were reconfigured to provide for the required 10 foot pedestrian clear path in a straight line for the entire length of the cafe. Although it is difficult to be exact about the modifications needed, it would appear this would require removing the 5 tables/10 seats at the corner of Tenth Avenue/W.22nd Street and reducing the rest of the cafe to a line of tables with four seats each against the wall of the establishment plus the required service aisle.

☐ Applicant acknowledges and agrees to modifications relating to the above referenced application

☐ Applicant acknowledges **BUT** does **NOT** agree with modifications relating to the above referenced application. If this box is checked, please provide NYC DOT with documentation of such agreement for NYC DOT's consideration.

Nelly Gonzalez

Community Board Authorizing Name


Community Board Authorizing Signature

12/27/24
Date

On 12/10/24 the Business Licenses & Permits Committee voted to recommend Denial of this application. This application is subject to ratification by the Full Board on Monday, January 6, 2025.

Restaurant Details

Food Service Establishment Permit (FSEP)

FSEP#: **50059989**

Expiration Date: **02/28/2025**

DOHMH Status: **CURRENT**

Business Legal Name: **210 EMPIRE LLC**

Assumed Name: **EMPIRE DINER**

Business Address: **210 10TH AVE, NEW YORK, NY 10011**

Venue Type: **Restaurant (with bar)**

Last updated from DOHMH: **11/15/2024**

Restaurant Information

Entity Type: **Limited Liability Corporation (LLC)**

Phone: **(212) 335-2277**

Email Address: **hello@pb.law**

Secondary Email Address: **jcorns@cafeteriagroup.com**

DOS Information

DOS ID#: **4893203**

Process Name: **Northwest Registered Agent LLC**

DOS Address: **418 Broadway, Ste N, Albany, New York 12207**

NYS Liquor Authority Information

NYSLA Serial No: **034023137619**

License Type: **On-Premises**

Name of License: **210 Empire LLC**

Title of Representative: **Attorney of Record**

Name of Certificate Holder: **210 Empire LLC**

User Information

Created By: **Max Bookman**

Created On: **7/16/2024 12:56:09 PM**

Modified By: **Max Bookman**

Modified On: **7/16/2024 12:56:09 PM**

Business hours

Sun:

10:00 AM- 12:00 AM

Mon:

9:00 AM- 12:00 AM

Tues:

9:00 AM- 12:00 AM

Wed:

9:00 AM- 12:00 AM

Thurs:

9:00 AM- 12:00 AM

Fri:

9:00 AM- 12:00 AM

Sat:

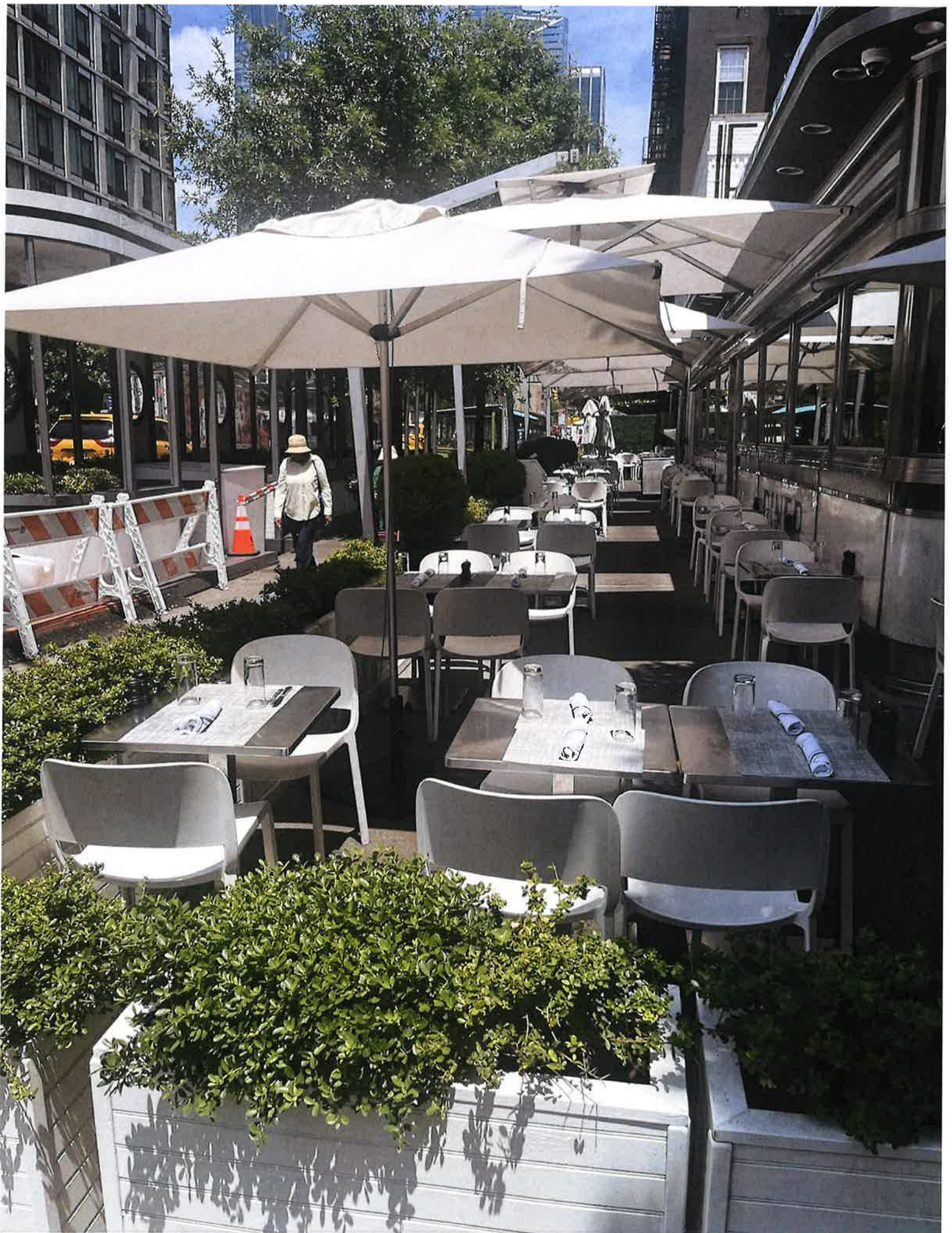
9:00 AM- 12:00 AM











SECTION 1: Site Plan

- This Site Plan form is required to be uploaded in the "Sidewalk Site Plan" field of your online application.
- Refer to the [How to Apply](#) page in the Dining Out NYC website for more information about the application process.

Identify Clear Path Requirements:

Clear path requirement for your sidewalk cafe can be found by identifying your corridor type on the DOT's Pedestrian Demand Map.

- ☐ C1- Global Corridor (12 feet Clear Path)
- ☐ C2- Regional Corridor (10 feet Clear Path)
- ☐ C3- Neighborhood Corridor, Community Connector, or Baseline Street (8 feet Clear Path)

Setup Area Identification :

- ☐ Please check this box if you plan to have outdoor dining located partially within private property. If you are uncertain, please request records from your property owner/manager.
- ☐ Please check this box if all or part of your sidewalk cafe is in a sidewalk widening area, developed pursuant to the NYC Zoning Resolution. If so, indicate the property line in the site plan drawing below.



Sidewalk Cafe Site Plan Form

Applicant Name: **210 Empire LLC**
 Restaurant Name: **Empire Diner**
 FSEP Number: **50059989**

Use the space below to draw or upload your Site Plan representing your cafe perimeters, furniture, and clearances.

 LOCATION DIAGRAM <small>SCALE: 1/8" = 1'-0"</small>	DINING OUT NYC PROPOSED SIDEWALK CAFE	EMPIRE <small>210 TENTH AVENUE, NEW YORK NY 10011</small>	BLOCK: #720 LOT: #1
 PLAN <small>SCALE: 1/8" = 1'-0"</small>			
<small>CAROLINE BORDMAN, CLERK, VOLUME 113 EAST 25TH ST, NEW YORK NY 10010</small>	PROPOSED SIDEWALK CAFE	EMPIRE 210 TENTH AVENUE, NEW YORK NY 10011	SCALE: 1/8" = 1'-0" DATE: 06/28/2024
Length of sidewalk cafe: 80 feet		Width of sidewalk cafe: 8 feet	

Drawing Requirements

Food service establishment frontage shown by:

- Line representing the establishment's space facing the sidewalk
- Length
- Labels

Private Property shown as:

- Dashed line

Street names:

- Labels on each street

Sidewalk shown as:

- Line representing street curb
- Width measured from building line to curb line

Building entrances shown as:

- Label

Cafe perimeter shown as:

- Lines indicating perimeter
- Length and width

Set-up furniture (tables, chairs, etc.) shown as:

- Lines or symbols at approximate location within setup

Elements (in Section 2 of this form) within 15 feet of cafe perimeter, shown as:

- Lines or symbols
- Distance from cafe perimeter
- Labels

Utility coverings (water/gas valves, and pull boxes) shown as:

- Symbols representing the location within the setup

North arrow

SECTION 2: Required Clearances

- Please provide distances from the following objects.
- Only provide a distance if the listed object is within 15 feet of your proposed setup.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding clearances.

Elements with minimum 15 feet clearance from sidewalk cafe:

☐ S01- Subway Stair: Open End _____ feet

Elements with minimum 10 feet clearance from sidewalk cafe:

☐ S02- Subway Elevator Entrance _____ feet ☐ S04- MTA Curb Cut _____ feet

☐ S03- Exhaust Duct _____ feet ☐ S05- FDNY Curb Cut _____ feet

Elements with minimum 8 feet clearance from sidewalk cafe:

☒ S06- Street Tree Bed 10 feet ☐ S13- Newsstand _____ feet

☐ S07- Mailbox _____ feet ☒ S14- Streetlight 8 feet

☐ S08- LinkNYC Kiosk _____ feet ☐ S15- Bus Stop Pole _____ feet

☐ S09- Wayfinding Kiosk _____ feet ☒ S16- Fire Hydrant 10 feet

☐ S10- E-charging Station _____ feet ☐ S17- Bus Stop Shelter _____ feet

☐ S11- Parking Meter _____ feet ☒ S18- Traffic Signal 10 feet

☐ S12- SBS Fare Machine _____ feet

Elements with minimum 5 feet clearance from sidewalk cafe:

☐ S19- CitiBike/Bike Share Station _____ feet ☐ S24- Emergency Exit Hatch _____ feet

☐ S20- Bike Corral _____ feet ☐ S25- Subway Stair: Closed End _____ feet

☐ S21- Micromobility Station _____ feet ☐ S26- Subway Elevator: Non-Entry _____ feet

☐ S22- Primary Building Entrance _____ feet ☐ S27- Siamese Connection _____ feet

☐ S23- Curb Cut _____ feet

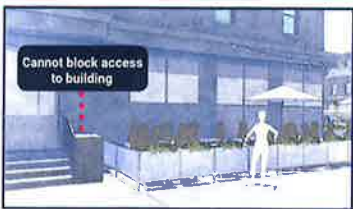
Elements with minimum 3 feet clearance from sidewalk cafe:

☐ S28- Elevated Train Infrastructure _____ feet ☐ S29- Transformer Vault _____ feet

Elements with minimum 1 foot 6 inches clearance from sidewalk cafe elements:

☐ S30- Vent Infrastructure: utility vent poles, vent grates, subway grates _____ inches ☐ S31- Manholes _____ inches

☐ Check this box if none of the objects listed above are within 15 feet of the proposed setup.



SECTION 3: Material Requirements

- Please indicate which of the following materials will be part of your sidewalk cafe by checking the box next to the category. If applicable, please confirm the materials comply with the Dining Out NYC requirements by checking the box next to the associated requirement.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding materials.

Materials Checklist:

Required

☒ Perimeter Demarcation (All of the following must be met)

- ☐ Perimeter demarcation must be clear and visible by using a lightweight and removable self-supporting base wall, railing, planter, fence, or stanchion and rope.
- ☒ Maximum height is 2 feet 6 inches (excluding planting(s)).
- ☒ Not affixed to the sidewalk.

Optional- Only check the material categories you intend to use in your sidewalk cafe

☐ Furnishings (if using, the first two below must be met)

- ☐ Lightweight and easily movable.
- ☐ Not affixed to the sidewalk.
- ☐ Check here if you plan to place tables/chairs on top of a cellar or basement door. If so, please complete the [Cellar or Basement Door Certification](#)

☐ Awnings Physically Attached to the Building (if using, all of the following must be met)

- ☐ Minimum 8 feet height from the ground and does not exceed 10 feet height.
- ☐ Easily removable, comprised of fire-grade and wind resistant materials.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ Complies with the New York City Building Code. Please note that this may require additional permits from DOB, and/or approval from the Landmarks Preservation Commission (LPC) as applicable.

☐ Overhead Coverings/ Umbrellas (if using, all of the following must be met)

- ☐ Minimum 7 feet height from the ground and does not exceed 10 feet height.
- ☐ Easily removable, comprised of fire-grade and wind resistant materials.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ The umbrella/overhead covering has a weighted base and any supports are not affixed to the sidewalk.
- ☐ Any support structures are of sufficient size and strength, made of durable materials, and free of defects.

☐ Lighting and Electrical Connections (if using, all of the following must be met)

- ☐ Any lighting is outdoor rated, properly secured, and lightweight.
- ☐ Connection is directly connected to ground floor restaurant's power source and within the perimeter of the cafe.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ Does not exceed 10 feet in height.
- ☐ Not attached to any City property, including street trees.
- ☐ Electrical work complies with the applicable requirements set forth in DOT's rules and the New York City Electrical Code. Please note that this may require additional permits from DOB or FDNY, and/or approval from the Landmarks Preservation Commission (LPC) as applicable.