



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.ManhattanCB4.org

**WALTER MANKOFF**  
Chair

**ANTHONY M. BORELLI**  
District Manager

April 12, 2005

Beverly Gotay  
Assistant Director of Licensing  
Department of Consumer Affairs  
42 Broadway, 8<sup>th</sup> floor  
New York, NY 10004

Re: SIDEWALK CAFÉ APPLICATION

**Applicant:** Horseshoes NY Inc. d/b/a Dalton's  
**Location:** 611 Ninth Avenue  
**DCA License No.:** 1190049  
**Type:** New Application – Unenclosed Sidewalk Café  
**Tables/Chairs:** 4 tables/8 chairs

Dear Ms. Gotay:

At its March 16, 2005 meeting, Manhattan Community Board No. 4's Transportation Planning Committee heard from the above applicant and reviewed plans for an unenclosed sidewalk café. A representative from the West 44<sup>th</sup> Street Better Block Association appeared in opposition to the application and Board staff received an email from a local resident, also in opposition to the application.

Both parties stated that the establishment places two "A-frame" sandwich boards and a menu stand on the sidewalk daily, which is not permitted by DOT regulations. Both parties also stated that they have made numerous complaints to the restaurant in person. The owner advised that he was unaware that he could not occupy sidewalk space with signage advertising the restaurant, and that he received no complaints regarding the signs.

Although the plans appear to conform to sidewalk café regulations, both the committee and the West 44<sup>th</sup> Street Block Association are concerned that the addition of a sidewalk café would further impede pedestrian movement on this highly congested sidewalk. In addition, the committee believes that Ninth Avenue, south of West 45<sup>th</sup> Street and north of West 41<sup>st</sup> Street, is inappropriate for sidewalk cafes. Due to the presence of the Port Authority Bus Terminal and the ever-growing number of businesses and major redevelopment projects on West 42<sup>nd</sup> Street, pedestrian volumes continue to rise, necessitating maximum use of sidewalk space for pedestrian movement.

As such, the committee voted to recommend denial of the sidewalk café application.

On April 6, 2005 the Full Board voted to support the committee's recommendation.

Sincerely,

Walter Mankoff  
Chair  
Manhattan Community Board No. 4  
cc: Elected Officials  
Applicant

Jay Marcus  
Chair  
Transportation Planning Committee