



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 14, 2010

Director Amanda M. Burden
Department of City Planning
22 Reade Street
New York, New York 10007

Michael Ben-Asher
Legal Department
Department of Consumer Affairs
42 Broadway
New York, New York 10004

Re: ULURP #N 100362 ECM
DCA # 1350374
New York Fast Gourmet Premier, LLC
DBA: New York Burger Co.
470 West 23rd Street, Borough of Manhattan

Dear Director Burden and Mr. Ben-Asher:

At the recommendation of its Chelsea Preservation and Planning Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP application number N 100362 ECM, reluctantly recommends approval of the application by New York Burger Co. for an enclosed sidewalk café with 25 tables and 54 seats to be operated at 470 West 23rd Street, the southeast corner of the intersection of West 23rd Street and Tenth Avenue.

This location has proved to be problematic for restaurant operators for more than twenty five years. Even with the benefit of an enclosed sidewalk café, a succession of restaurants has failed, at times leaving an abandoned, decaying structure on this prominent West Chelsea corner for years. Although we are fundamentally opposed to enclosed sidewalk cafes, and to this one in particular, our hope is that this operation will be successful should the application be approved; a well-run restaurant would be preferable to the decrepit structure we are accustomed to having on our sidewalk. We would have welcomed the opportunity to question the applicant about his presumed ability to succeed where so many others have failed, but he elected not to appear before the committee.

We are fundamentally opposed to enclosed sidewalk cafes for three reasons:

- i. They are permanent structures that appropriate public property for private use without providing a public benefit;
- ii. Unlike unenclosed sidewalk cafes which can add to community ambiance and create more vibrant streetscapes, enclosed sidewalk cafes isolate diners from sidewalk activity and the community; and
- iii. Since they are permanent structures, they are difficult to remove should that be warranted.

In addition to these general concerns, we are specifically opposed to the current application because it leaves an unacceptably narrow 7'6" clear sidewalk on a heavily trafficked corner. The sidewalks of West Chelsea have become increasingly crowded as the area has developed over the last few years, spurred by the flourishing West Chelsea art district, Chelsea Piers, Chelsea Waterside Park, the new Hudson River Park and the High Line. It is not uncommon on a sunny weekend afternoon to encounter a lengthy queue waiting to pass through the bottleneck on Tenth Avenue created by this sidewalk café structure. The completion of Segment II of the High Line next spring will bring an access stair diagonally across the intersection, further increasing congestion.

We have long sought the removal of this intrusive structure and would like to note that 470 West 23rd Street was grudgingly included in the Chelsea Historic District Extension with the then newly-built sidewalk café structure in place. This regrettable decision makes removal of this unfortunately sited structure even more difficult.

Despite our opposition to enclosed sidewalk cafes in general, and to this one in particular, since the structure already exists we are faced with the choice between an operating restaurant and an abandoned structure. Until we succeed in having the structure removed, we are forced to choose the restaurant option and reluctantly recommend approval of the application.

Sincerely,



John Weis, Chair



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning

cc: NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn's Office –Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
MBP Scott Stringer
MBPO – Brian Cook, Deborah Morris
Applicant –