



COMMUNITY BOARD # 4Q

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District Manager

September 8, 2015

PUBLIC HEARING

DATE: TUESDAY, SEPTEMBER 8, 2015

TIME: 7:00 P.M.

PLACE: VFW POST 150
51-11 108 STREET
CORONA, NY

IN THE MATTER OF an application from the Asadero La Fogata Corp. doing business as Asadero La Fogata, for review, pursuant to Section 364-e of the New York City Charter for the grant of a new application of a revocable consent to operate an Enclosed Sidewalk Cafe with 20 tables and 40 seats at 108-40 Corona Avenue on the northeast corner of Martense Avenue and 108 Street.

Chairperson Louis Walker opened the meeting at 7:10 p.m. The subject matter was read into the record.

District Manager Christian Cassagnol took the attendance. A quorum was present

At this point, Chairperson Walker called out if anyone from the public would like to speak on the application. Since there were no speakers, Chairperson Walker called on the Board Members for their questions/comments. No comments from the Board Members.

Since the applicant was present, she was asked to address the Board. Board Member Lucy Schilero inquired since the space was small, how will the tables be set up.

The applicant responded the application states 20 tables, but the establishment will be using less than 20 tables. And each table has two chairs.

Board Member Judy D'Andrea commented this is the third time an application for this location had been presented to the Board.

District Manager Cassagnol reported the business is still owned by the same person listed on previous applications. The applicant present tonight is the Manager of the establishment.

At this point, Consumer Affairs Committee Chair Erica Cruz reported the Committee met on the application, and she and District Manager Cassagnol visited the site. It is a nice family-style restaurant. The whole downstairs is the enclosed sidewalk café. It is a very thick, double paned glass and all enclosed—nothing exposed to the street.

However, the applicant had requested to extend the operating hours 1 hour on weekdays and 1 hour on weekends. The Committee was in favor of the hour time change for weekdays and weekends. Operating hours were 10 a.m. to 10 p.m. on weekdays and 12 Midnight on Friday and Saturday; extended to 11 p.m. and 1:00 a.m. respectively.

According to NYC Department of Consumer Affairs rules, sidewalk cafes may remain open for business until 4 a.m. To review, the café's new business hours will be Sunday through Thursday 10 a.m. to 11:00 p.m.; Friday and Saturday 10:00 a.m. to 1:00 a.m.

District Manager Cassagnol reported although sidewalk cafes may remain open until 4 a.m., this applicant has been following stipulations set by the Board when past applications were presented. Also, in the past she had applied for a full liquor license, but the District Manager had advised her to start with Beer and Wine and build up to a full liquor license, which she did.

Furthermore District Manager Cassagnol reported there were several procedures the applicant had to follow for the enclosed sidewalk café: such as:

1. Notify the Community Board for a Public Hearing, which was done.
2. Posted a notice of the Public Hearing on her premises, which was done.
3. Contact the local newspaper and put the public hearing notice in the newspaper for a full week, which was not done.

It will not affect the Community Board's vote, but it did postpone the Dept. of City Planning's hearing until October 8 because of the omission in the newspaper. Originally, the DCP's hearing was scheduled for September 9.

At this point, community resident Ana Moreta inquired why it was necessary to have 20 tables in a small space, pointing out the second floor is empty which can be used. Furthermore, the sidewalk café occupies half of the sidewalk. She questioned how the 20 tables will be used because it is impossible to have 20 tables and 40 chairs in a small space.

District Manager Cassagnol replied the applicant can have 20 tables but she will use only 13 of those 20 tables. The District Manager added the operating hours designated is only for the sidewalk café. Once the sidewalk café closed, the applicant can use the second floor of the restaurant, which will not be closing at the time stated for the sidewalk café. To summarize, the sidewalk café would close and the second floor used.

Ms. Moreta asked if the establishment would stay open until 3 or 4 a.m. District Manager Cassagnol responded the Board can set stipulations, but was uncertain if they would be met.

Parking was another issue brought up by Ms. Moreta. Also, she spoke about two parties held at the restaurant in the past which ended at 5 a.m. on weekends. The parties were held in the second floor of the restaurant. Currently, however, the establishment has not generated noise.

Although Ms. Moreta wished the applicant well, she did not want to repeat problems in the past such as loud music, fighting, etc. from other businesses in that immediate area. She cited added noise from deliveries to nearby Dunkin donuts which receives supplies at 2:00 a.m.

District Manager Cassagnol brought up the fact that Dunkin Donuts, across the street from the sidewalk café, is a 24 hour operation. He noted the Board would write to Dunkin Donuts to clean up (deliveries come at all hours of the day and night).

Board Member Patricia Terranova asked about the extended operating hours, which was not part of the DCA application, and noted the outside cart at Dunkin' Donuts, which adds to the noise factor.

As reported previously, District Manager Cassagnol replied currently the sidewalk café was operating by hours set by the Board a few years ago, which the applicant continued until now. Now, the applicant was requesting a change in closing hours to weekdays (Sun.-Thurs) close at 11:00 p.m. (instead of 10:00 p.m.); weekends (Friday and Saturday) close at 1:00 a.m., instead of 12:00 Midnight.

Subsequently, District Manager Cassagnol explained the differences between enclosed vs. unenclosed sidewalk cafes. For an unenclosed sidewalk café, if the application is denied by the Board, the structure must be removed.

He pointed out once a structure is permanent to the side of the building, the Board cannot physically deny it. However, the Board can set stipulations to its operation such as cutting back the hours, or placing less tables than requested.

At this point, Ms. Moreta brought up the fact that the sidewalk café is occupying half the sidewalk. How can 20 tables fit in the structure?

Board Member Judy D'Andrea asked if the owner had received the variance before he built the enclosure or did he build the enclosure and asked for the variance afterwards because once it was built there was very little that could be done other than set stipulations.

Ms. Moreta stated she has known the building owner for many years and he is not to be trusted.

Board Member Jim Lisa asked if the tables would be placed inside the enclosure, not on the sidewalk. The reply was yes. The application seeks 20 tables inside the enclosure; however, only 13 tables would be used.

The applicant could place up to 20 tables, but because of the lay out of the restaurant, there is a step, only 13 tables can be used, said District Manager Cassagnol.

Board Member Lisa asked if there were heating and air conditioning units. And will the structure be used in the winter as well as the summer.

The reply was yes.

Ms. Moreta talked about the excessive noise on that corner; existing businesses have truck deliveries, private carters that come all hours to collect garbage, specifically, Dunkin Donuts a 24-hour operation receives donut deliveries at 2 a.m., not to mention loud music, and cars honking. It's a nightmare!

Consumer Affairs Committee Chair Erica Cruz clarified there are no more tables going in than what it already there.

Since there were no other questions or comments, the Board Chairperson closed the Public Hearing at 7:30 p.m. The regularly scheduled meeting of the Board followed.