

Russell Squire  
Chair

Will Brightbill  
District Manager



505 Park Avenue, Suite 620  
New York, N.Y. 10022-1106  
(212) 758-4340  
(212) 758-4616 (Fax)  
[www.cb8m.com](http://www.cb8m.com) – Website  
[info@cb8m.com](mailto:info@cb8m.com) – E-Mail

**The City of New York  
Community Board 8 Manhattan**

May 19, 2022

Edward F. Pincar  
Manhattan Borough Commissioner  
Department of Transportation  
59 Maiden Lane, 37th Floor  
New York, NY 10038

**RE: Roadway Dining Permanent Open Restaurant Policies**

Dear Commissioner Pincar,

At the Full Board meeting of Community Board 8 Manhattan held on May 18, 2022, the board **APPROVED** the following resolution by a vote of 39 in favor, 0 opposed, 2 abstentions and 0 not voting for cause:

**WHEREAS;** New York City Department of Transportation has proposed roadway dining be permitted under the Permanent Open Restaurants Program; and

**WHEREAS;** There have been concerns raised regarding the roadway dining program in the emergency Open Restaurants program regarding overbuilt structures, insufficient upkeep, patron safety, safety of heating elements, siting of roadway dining areas and impacts on quality of life;

**WHEREAS;** the Environmental Assessment Statement developed for the related zoning text amendment included many specific policies and rules proposed for the Permanent Open Restaurants Program regarding roadway dining that are reasonable and appropriate;

**THEREFORE, BE IT RESOLVED,** that Community Board 8 urges NYCDOT to establish the following additional proposed Permanent Open Restaurant Rules specific to roadway dining if a roadway dining program is enacted:

- Roadway dining should be limited to no farther than 8 feet from the curb line;
- All roadway seating and any protection must be fully contained within the parking lane and be prohibited from encroaching on any bike lane, vehicle travel lane, or painted buffer;
- A minimum 18-inch wide and 30 to 36-inch high protective barrier, such as planters or objects of similar size and weight, should be required on all three sides of the seating perimeter that are in the roadway in order to separate the seating from the travel lane;
- Any established offset distances from obstructions and infrastructure should be maintained;
- Roadway dining shall be prohibited from No Standing Anytime and No Stopping Anytime zones, as well as bus lanes or stops, taxi stands, or designated car share parking spaces;
- Roadway seating shall only be permitted for months when roadway snow plowing activities are generally not required, and comfort heating equipment shall not be allowed in roadway seating areas, to conform with policies limiting the Permanent Open Restaurants program to operate seasonally and not during the coldest months on the year;

- Roadway seating areas shall only be used to serve restaurant patrons during restaurant hours of operations and not be publicly accessible outside of restaurant hours;
- Restaurants that are permitted to set up roadway seating shall be required to keep the interior of their roadway dining areas clean, and also be responsible for cleaning up to 18 inches along the outside of their roadway dining setouts to prevent the accumulation of litter around the exterior of these areas;
- Restaurants that are permitted to set up roadway seating would also be required to clean along the curbline for 8 feet in either direction from the edges of their roadway dining set out to prevent litter accumulation in areas made inaccessible by DSNY mechanical brooms due to minimum turning radius;
- Roadway seating shall be set up on the roadbed, with platforms not permitted and ADA compliant accessibility to be provided via ramps;
- Roadway seating siting shall be account for the turning radius of buses and associated visibility to protect the safety of diners;
- Roadway seating applications shall be subject to Community Board review just as Sidewalk Cafes are vetted;

Please advise us of any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

*Craig Lader and Charles Warren*

Craig Lader and Charles Warren  
Co-Chairs, Transportation Committee

cc: Honorable Eric Adams, Mayor of the City of New York  
Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Mark Levine, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District