



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.

BROOKLYN, N.Y. 11201

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MARTY MARKOWITZ
Borough President

JOHN DEW
Chairperson

ROBERT PERRIS
District Manager

**Testimony to the
New York City Council
Subcommittee on Zoning and Franchises
Regarding Moulinas LLC
dba Bar Tabac, 128 Smith Street, Brooklyn
August 15, 2011**

Good morning. My name is Robert Perris and I am the district manager for Brooklyn Community Board 2. I am here today to testify with regard to an application by Moulinas LLC, doing business as Bar Tabac, to continue to maintain and operate an unenclosed sidewalk café at 128 Smith Street in the Borough of Brooklyn; Application no. 20115653 TCK.

Six years ago I testified before the Department of Consumer Affairs (DCA) with regard to Bar Tabac's renewal at that time. Many of the concerns expressed at that time were resolved, most particularly those that were a matter of physical design. The restaurant removed the planter boxes and benches from around the trees on Dean Street. It also relocated the tables against the building façade and dispensed with a railing.

However, the restaurant continues to set up tables contrary to its license, or permits its patrons to do so, or both. Furthermore, some patrons reportedly contribute to sidewalk congestion by having strollers and pets near their tables, a practice the restaurant apparently condones. Bar Tabac also has a bench and foosball table on the Smith Street sidewalk, encumbrances that have not appeared on any lay-out plan provided to the district office of Community Board 2.

Last year Bar Tabac pled guilty to its third violation in two years. Among the charges was failure to maintain a pedestrian path adjacent to the sidewalk café. Although the sidewalk café license could have been suspended or revoked for 30 days, DCA and the applicant negotiated a three-day suspension, August 23-25, 2010.

The three-day suspension prompted considerable conversation on the Boerum Hill neighborhood listserv. Several writers commented on the restaurant's failure to maintain safe pedestrian passage, including one who noted "that Bar Tabac is probably my husband's favorite lunch spot ... and we've both been there many times." Another observed, "I'm surprised that Bar Tabac ever got a license for outside tables in the first place."

Both as a result of the license revocation and independently, Community Board 2 and the 84th Precinct of the New York Police Department have received several noise complaints about Bar Tabac, which often has live music. The complaints have been received from residents both east and west of Smith Street. One complainant reportedly spent \$3,500 to install sound insulating windows. Another wrote last August, "I live 2 blocks away and their music prevents me from sleeping EVEN with the windows closed!!!"

Excessive noise from inside the restaurant may not seem germane to the sidewalk café license under review. However, restaurant staff use of the doors on the Dean Street side of the building permits interior noise to escape.

Brooklyn Community Board 2 is generally supportive of sidewalk cafés, which enliven the streets of the city. However, the community board receives more complaints about Bar Tabac than any other sidewalk café in the district. Further, it has received these complaints over a period of years.

When contacted by the 84th Precinct, my staff or myself, restaurant staff is often dismissive of the concerns being raised. Restaurant management often tries to characterize the noise complaints as coming from a single resident, which is not accurate. When DCA forced the removal of tables and chairs last year, the restaurant manager was audacious enough to post a message to the Boerum Hill listserv asking people to "come sign our petition to get our tables back."

Community Board 2 is grateful to Council Member Stephen Levin for calling this application before the Subcommittee on Zoning and Franchises. The community board supports the stipulations prepared by the council member's office and staff with the Land Use Committee. I request the subcommittee's support for these stipulations, drafted to address the concerns I have described. Specifically, they are:

- Removal of the outdoor waiter station;
- Use of 18-inch, not 24-inch, tables;
- Submission of a new lay-out plan stating the correct number of tables and chairs, showing the correct location of the service aisle, and the change from 24- to 18-inch tables;
- Removal of the bench and foosball table from the Smith Street sidewalk;
- Requirement that the doors on the Dean Street side of the building be self-closing and kept closed; and
- Within 30 days of the renewal of the license, applicant shall meet with representatives of Council Member Levin's office, the 84th Precinct and Community Board 2 to review implementation of the other stipulations and other matters of concern.

Thank you for the opportunity to comment.

Grillade, LLC
28 Seventh Avenue South
New York, NY 10014

DCA# 1385577

August 12, 2011

Council Member Christine C. Quinn
224 West 30th Street, Suite 1206
New York, NY 10001

Dear Council Member Quinn,

This letter serves as our agreement with the Chair, Council Member Mark Weprin, and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following:

We will reduce the size of the sidewalk café from 20 tables and 40 seats to 18 tables and 36 seats, specifically removing 2 tables and 4 chairs from the top middle section of the café. The remaining 4 tables and 8 chairs in this top middle section will be centered between the two adjacent doorways. This will prevent the doors from being blocked during the café's operation hours. These changes will be reflected in revised plans submitted to the New York City Department of Consumer Affairs.

If there are any questions please contact us. Thank you.

Sincerely yours,



Eric Blinderman
Managing Member
(212) 969-3822

Moulinas LLC
DBA: Bar Tabac
128 Smith St
Brooklyn, NY 11201

8/10/11

Honorable Council Member Levin
410 Atlantic Avenue
Brooklyn, NY 11217

Dear Council ~~Speaker Quinn~~, *Levin*

This letter should serve as our agreement with the City Council and Community Board 2 that we will commit to the following:

- Remove the outdoor waiter station
- Use 18 inch tables
- Submit new plans showing the correct location of the waiter aisle and the change from 24 inch to 18 inch tables
- Remove the bench and foosball table
- We will have 14 tables and 28 seats in the café. We will not put out more tables and chairs than is stated on our Sidewalk Café permit.
- We will meet with representatives of Council Member Levin's office, Community Board #2 and the 84th Precinct to discuss the implementation of the stipulations and other matters of concern
- We will ensure that the doors between Bar Tabac and the sidewalk café on the Dean Street side of the building shall be self-closing and kept closed to mitigate noise.

If there are any questions please contact my representative, Michael Kelly, at 914-632-6036

Sincerely,


Georges Forgeois
Managing Member

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. C110243 Res. No. _____

in favor in opposition

Date: 8-15-11

(PLEASE PRINT)

Name: TELL METZGER

Address: 64 FULTON ST

I represent: L+M DEVELOPMENT

Address: 64 FULTON ST 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. W-116/117 Res. No. _____

in favor in opposition

Date: 8-15

(PLEASE PRINT)

Name: CAROL CLARK

Address: _____

I represent: HPD

Address: 100 Gold NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. C110243 Res. No. _____

in favor in opposition

Date: 8-15-11

(PLEASE PRINT)

Name: Thehbia Walters

Address: 100 Gold St

I represent: NYC HPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LV 0443

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: AUGUST 15, 2011

(PLEASE PRINT)

Name: ROBERT PERRIS

Address: 350 JAY STR., 8th FLR

I represent: CBZK

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

44/3

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/15/11

(PLEASE PRINT)

Name: Robert Callahan

Address: 136 WANDERLY Rd Scarsdale ny 10583

I represent: Moulinas LLC

Address: 128 SMITH ST BKlyn ny 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LV. No. 441

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC Blinderman

Address: 28 7th Ave. South

I represent: Grillade, LLC

Address: 28 7th Ave South

◆ Please complete this card and return to the Sergeant-at-Arms ◆