



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

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Website: [www.cb1brooklyn.org](http://www.cb1brooklyn.org)

HON. MARTY MARKOWITZ  
BROOKLYN BOROUGH PRESIDENT



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HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA  
COUNCILMEMBER, 34th CD

January 10, 2012

## Land Use, ULURP and Landmarks (subcommittee) Committee Report

TO: Chairman Christopher H. Olechowski  
CB #1 Board Members

FROM: Ms. Heather Roslund, Committee Chair

The Committee met on Wednesday, December 14th, 2011, at 6:30PM at the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211. In attendance: Ms. Roslund, Mr. Bondo, Ms. Teague. Absent: Ms. Chabrowski, Ms. Barros, Mr. Dennis, Mr. Katz, Mr. Leon, Mr. Perlstein, Mr. Solano, Mr. Turner, Rabbi Weber, Mr. Weiser. Also in attendance was the applicant and his representative and community residents.

### 1. DEPARTMENT OF CONSUMER AFFAIRS ENCLOSED SIDEWALK CAFE APPLICATION A new application for an enclosed sidewalk cafe by JHU JHU CORP., dba Khim's Cafe, 324 Graham Avenue, Brooklyn, NY 11211. 22 tables and 44 seats.

The applicant, Mr. Khim, owns the building and is converting the ground floor space from a store to a cafe. Mr. Khim stated that he will provide American style food, serve beer but no liquor and will not have any live music. He intends to erect an enclosed sidewalk cafe along Devoe Street.

The property is located in an R6A zoning district with a C2-4 Commercial overlay which allows this use as-of-right.

Work Permits for construction were issued by the NYC DOB on 04/28/2011 for an application that was Professionally Certified with work described as "Replace Exterior Wall, Underpinning And Installation Of Concrete Slab Floor. Replace 1st Floor Flooring and Ceiling Joist. Make Opening At Existing Store Front. No Change of Use, Occupancy Or Egress Filed Under This Application" and on 09/06/11 for an application with work described as "Installation of partition wall and plumbing fixtures to include cooking equipment. Install HVAC units (10) tons and kitchen exhaust hood with fan. Amend C/O from dwelling unit and store to store at 1st floor." The applicant confirmed this work is in conjunction with the conversion of the space.

In addition there is an open DOB Application from 1993 to install a new 4'-0" awning along existing exterior wall. The applicant noted this application will be taken over by the new architect and integrated

into the new DOB Application with the entire project being closed out together. This structure currently exists, is clearly visible and is constructed of wood. We asked Mr. Khim if he was incorporating the existing awning structure into the new sidewalk cafe enclosure and he indicated he intends to do so.

We reviewed the drawing with respect to both the NYC Zoning Resolution requirements and the NYC Department of Consumer Affairs (DCA) Sidewalk cafe Design and Regulations Guide.

#### NYC Zoning Resolution

According to the NYC Zoning resolution an enclosed sidewalk cafe is defined as a sidewalk cafe that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal.

The NYC Zoning resolution stipulates clear path requirements, clearances at intersections, clearances from large obstructions, minimum distances between enclosed sidewalk cafes, transparency of exterior walls, height of ceiling, elevation of the floor above the sidewalk, operable windows and allowable fixed elements, all of which the applicant complies with.

We found, however, the applicant does not comply with the following requirements:

Section 14-121; Structural requirements for enclosed sidewalk cafes.

(a) Ceiling – The ceiling shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by DOB.

as the applicant stated that the enclosure would incorporate the existing wood structure, which is not incombustible, the committee requests fire rating details be added to the drawings.

(d) Designated Boundaries – No portion of enclosed sidewalk cafes, such as doors, windows, walls or any objects placed within an enclosed sidewalk cafe, shall swing or project beyond the designated exterior perimeter. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

as the drawing do show a door swinging out, a note indicating this door shall only be used in the case of emergencies needs to be added to the drawings as well as a description of the hardware specified for the door.

(f) Refuse Storage Area – No structure or enclosure to accommodate the storage of garbage may be erected or placed on the public right-of-way.

Although the applicant complies here, there was a great deal of concern regarding the intended method for dealing with refuse from the cafe as this has been a re-occurring problem in the past. Mr. Khim indicated there would be no storage of refuse on the sidewalk, either in an enclosure or in a dumpster. He will store refuse in the cellar and would only place it on the sidewalk at the time of collection.

Section 14-122 Access for persons with physical disabilities.

An enclosed sidewalk cafe or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the enclosed sidewalk cafe shall be accessible to persons with disabilities from the interior of the restaurant.

The drawings show steps leading from the restaurant into the cafe, rendering it non-accessible. The applicant must correct this.

We further reviewed the sections pertaining to signage, musical instruments and sound reproduction devices, all of which are not allowed. The applicant assured us he does not intend to have any of these.

While the Zoning Resolution requires that at least 50% of the walls, up to a height of 7'-0" shall consist of operable transparent windows, it is the policy of this board per the regulations established by the Public Safety Committee, that such windows must be closed each night at 10pm to help curtail noise transmission. The applicant agreed to the stipulation and the committee requests this be put in writing and included as part of the resubmitted application.

NYC Department of Consumer Affairs (DCA) Sidewalk Cafe Design and Regulations Guide

The applicant complies with all requirements with the exception of operating hours. The cafe will remain open 24 hours a day and the application states that the hours of the sidewalk cafe are also 24 hours. DCA rules limit the hours of operation for enclosed cafes to no more than 20 hours each day between 8am and 4am. The applicant must revise his application.

Revocable Consent Application

We reviewed the revocable consent application, which is signed by the applicant. It states that the City may revoke its consent of the application at any time for failure to comply with any terms and conditions of the consent or any agreements between the business and the City of New York or for any violation of any of the rules and regulations enforced by DCA. The owner agrees to promptly remove any property placed on the sidewalk space or reimburse the City of New York for the cost of moving the business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

The committee is not convinced that the enclosure, as it appears to be constructed, is "promptly removable" as the agreement requires and reminded the applicant that it is his responsibility to do so should the city revoke its consent.

We then heard from several residents who were in attendance with concerns about the general state of both the building and the construction. They stated that garbage is often piled up on the sidewalk blocking it, that the sidewalk is in disrepair constituting a tripping hazard, that often nasty liquids ooze from beneath the construction fence, that during last year's snowstorms the sidewalks were not shoveled, etc. In general, the residents' opinions were that the applicant is a bad neighbor who does not maintain his property. Mr. Khim committed to being more responsible in the future, but the committee strongly urges the DCA to take these concerns regarding a general and ongoing failure to maintain the site into consideration.

Therefore, the committee voted to **DISSAPPROVE** the application and requires a resubmission of the application to include the above mentioned omissions summarized as follows:

- Fire rating details
- Fire exit door compliance
- ADA compliance
- a commitment to close the windows at 10 pm.
- limitation of hours to no more than 20 per day

**The vote was 3 in favor, 0 against, 0 abstentions.**

Please note that subsequent to the meeting, the construction fence collapsed onto the sidewalk, damaging a parked car, and as of 12/22/11, a Full Stop Work Order was issued by DOB, citing "No Approved Plans On Site. Failure To Safeguard/Structural Issues - Columns Stability, Floor Joists Stability"

Reference # N 120038 ECK

CITY PLANNING COMMISSION  
DEPARTMENT OF CITY PLANNING  
22 READE STREET  
NEW YORK, NY 10007-1216  
Room # 3N & 2E Calendar Office  
COMMUNITY/BOROUGH BOARD RECOMMENDATION

**INSTRUCTIONS**

1. Return this completed form (within 45 days) to Ms. Sacha Frederick, Department of Consumer Affairs, License Issuance, @ 42 Broadway, 5<sup>th</sup> Floor, New York, NY 10004, and a copy to Ms. Gail Benjamin, Director of Land Use, The City Council @ 250 Broadway / 16<sup>th</sup> Floor, New York, NY 10007.
2. Send one copy of this completed form to the applicant, one copy to the Borough President, one copy to Land Use Review, Room 2E @ the above City Planning address, and one copy to the Borough Board when necessary.

**DOCKET DESCRIPTION AND STATEMENT OF PROPOSAL TO BE HEARD**

IN THE MATTER OF an application from the Jhu Jhu Corp., doing business as, Khim's Cafe, for review, pursuant to Section 366-a(c) of the New York City Charter, of the grant of a revocable consent to construct an enclosed sidewalk cafe with \*22 tables and \*44 seats at 324 Graham Avenue on the southeast corner of Devoe Street, in the Borough of Brooklyn.

COMMUNITY BOARD # 1

BOROUGH Brooklyn

BOROUGH BOARD OF

LOCATION, DATE AND TIME OF PUBLIC HEARING 12/6/2011 6:30PM  
211 Ainslie St., Bklyn, NY

LOCATION, DATE AND TIME OF VOTE ADOPTING RECOMMENDATION  
211 Ainslie St., Bklyn, NY 1/10/2012 6:30PM

**RECOMMENDATION (ATTACH ADDITIONAL SHEETS IF NECESSARY)**

See attached report.

~~Disapproval.~~

The vote was unanimous as follows:  
40 "YES"; 0 "NO"; 0 "ABSTENTIONS";  
0 "RECUSALS".

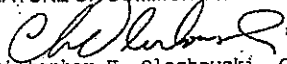
VOTING IN FAVOR 40 VOTING AGAINST 0 ABSTAINING 0

TOTAL MEMBERSHIP OF BOARD 47

IF A ROLL CALL WAS TAKEN ATTACH NAMES OF MEMBERS VOTING IN EACH CATEGORY. N/A

SIGNATURE OF COMMUNITY/BOROUGH BOARD OFFICER

DATE

  
Christopher H. Olechowski, Chairman

1/11/2012

ATTACHMENT A:

- 324 Graham Avenue – Photos of fence fallen down





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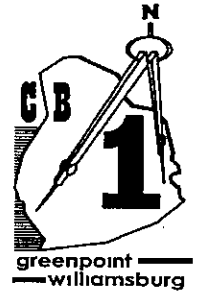
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## TESTIMONY

### City Council Land Use Committee Subcommittee on Zoning & Franchises March 20, 2012

#### L.U. No. 567 KHIM'S CAFE

Good Morning Chairman Weprin and Honorable Council Members. My name is Marie Bueno Wallin. I serve as the Assistant District Manager for Brooklyn Community Board No. 1. I am here to present testimony on behalf of the board regarding the application for Khim's Café (L.U. No. 567).

Brooklyn Community Board No. 1 received an application for review for a proposed enclosed sidewalk café to be located at 324 Graham Avenue at the corner of Devoe Street. The application stated that the enclosed sidewalk cafe would have 22 tables and 44 seats. A public hearing was scheduled on the item for December 6, 2011, at 6:30PM at the Swinging 60's Senior Citizen Center, 211 Ainslie Street, Brooklyn, NY 11211. The application was filed under the name JHU JHU Corp. d/b/a Khim's Café.

The public hearing was attended by both the applicant (who is also the property owner) and his representative. They provided a presentation to the members of Community Board No. 1 and the public who were in attendance. Brooklyn Community Board No. 1's members raised questions about the operations of the establishment. From the presentation it was learned that the applicant planned to be open 24 hours. It was noted by the board members that there are specific times that an enclosed café could be open and that the proposed cafe would have to close according to these regulations. The applicant was unaware of the regulations. The board members raised concern about the applicant's plan to have a 24 hour operation and late night noise that it could bring to the surrounding residential blocks. They also expressed concern about a need for additional parking.

Several persons from the area spoke in opposition to the proposed use. These residents expressed complaints about prior establishments at the location (fruit & deli operations). They stated that the location was poorly kept for years and that the property harbored rats. They also noted poor operations at the site which is under construction. The area residents spoke on their concerns about safety issues, noise, and the lack of seasonal maintenance (snow and ice removal) at the location.

The matter was scheduled for review by CB #1's Land Use, ULURP & Landmarks (subcommittee) Committee on December 14, 2011 at the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211. At the committee meeting the applicant and his representative related that they would be seeking a beer/wine license (which would be a separate application to the NYSLA). The enclosed sidewalk café would be along the Devoe Street side.

The committee reviewed the plans and found that that the applicant did not comply with some of the sections in the NYC Zoning Regulation requirements. According to the NYC Zoning resolution an enclosed sidewalk café is defined as a sidewalk café that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal. The NYC Zoning resolutions stipulates clear path requirements, clearances at intersections, clearances from large obstacles, minimum distances between enclosed sidewalk cafes, transparency of exterior walls, height of ceiling, elevation of the floor above the sidewalk, operable windows and allowable fixed elements, all of which the applicant must comply with.

We found, however, the applicant does not comply with the following requirements:

Section 14-121; Structural requirements for enclosed sidewalk cafes.

(a) Ceiling – The ceiling shall be incombustible material, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by DOB.

as the applicant stated that the enclosure would incorporate the existing wood structure, which is not incombustible, the committee requests fire rating details be added to the drawings.

(d) Designated Boundaries – No portion of enclosed sidewalk cafes, such as doors, windows, walls or any objects placed within an enclosed sidewalk café, shall swing or project beyond the designated exterior perimeter. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

as the drawings do show a door swinging out, a note indicating this door shall only be used in the case of emergencies needs to be added to the drawings as well as a description of the hardware specified for the door.

(f) Refuse Storage Area – No structure or enclosure to accommodate the storage of garbage may be erected or placed on the public right of way.

Although the applicant complies here, there was a great deal of concern regarding the intended method for dealing with refuse from the café as this has been a reoccurring problem in the past. The applicant indicated there would be no storage of refuse on the sidewalk, either in an enclosure or in a dumpster. He will store refuse in the cellar and would only place it on the sidewalk at the time of collection.

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The drawings show steps leading from the restaurant into the café, rendering it non-accessible. The applicant must correct this.

We further reviewed the sections pertaining to signage, musical instruments and sound reproduction devices, all of which are not allowed. The applicant assured us he does not intend to have any of these.

While the Zoning Resolution requires that at least 50% of the walls, up to a height of 7'-0" shall consist of operable transparent windows, it is the policy of our community board (per the regulations established by the Public Safety Committee) that such windows must be closed each night at 10PM to help curtail noise transmission. The applicant agreed to the stipulation and the committee requests this be put in writing and included as part of the resubmitted application.

The committee was not convinced that the structure for the enclosure, as it appears to be constructed, meets the criteria for a revocable consent (which states that it could be promptly removed). The committee also heard from residents attending the meeting who complained about the general state of both the building and construction and lack of maintenance. Petitions were received from over 50 residents opposing the application.

The committee voted to not approve the application as it was submitted because of the following:

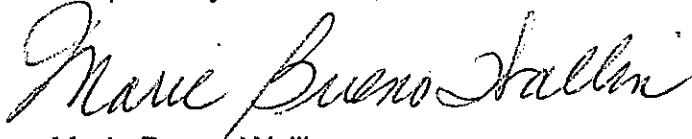
- Fire rating details
- Fire exit door compliance
- ADA compliance
- A commitment needed to close the windows at 10PM
- Limitation of hours to no more than 20 per day (per DCA regulations)



Subsequent to the committee's meeting, the construction fence collapsed onto the sidewalk, damaging a parked car. As of December 22, 2011, a Full Stop Work Order was issued by the Department of Buildings, citing "No Approved Plans On Site - Failure to Safeguard/structural Issues - Columns Stability, Floor Joists Stability".

At the regular board meeting of Brooklyn Community Board No. 1 held on January 10, 2012 the members reviewed the committee's report stating disapproval of the application and unanimously voted to support the recommendation to not approve the application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marie Bueno Wallin".

Marie Bueno Wallin  
Assistant District Manager

# SPUNTO

Thin Crust Pizza

65 Carmine Street  
New York, NY 10014  
P:212 242-1200 F:212 242-1204

Council Member Christine c. Quinn  
224 West 30<sup>th</sup> Street, Suite 1206  
New York, NY 10001

Dear Council Member Quinn:

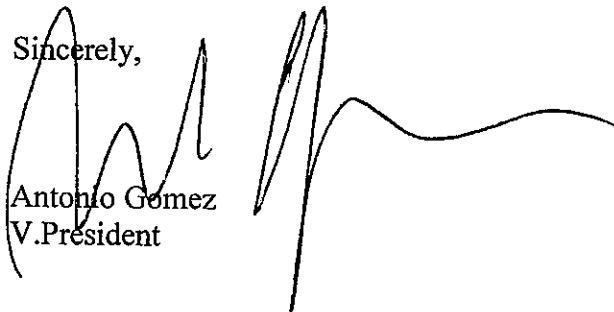
This letter serves as our agreement with the Chair, Council Member Mark Weprin, and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following:

1. We will ensure that we have a representative from our restaurant at any future meeting of Manhattan Community Board Two at which an application pertaining to our restaurant will be heard.
2. We will set up the café according to plans approved by the New York City Department of Consumer Affairs (DCA).
3. We will remove the 14 picnic tables that are currently in use in the sidewalk café as they have not been indicated on the DCA-approved plans.


If there are any questions, please do not hesitate to contact this office at 212 807-7800.

Sincerely,

Antonio Gomez  
V. President

A handwritten signature in black ink, appearing to read 'Antonio Gomez', written over the typed name and title.


(E) designations Text Amendment



A revision to Zoning Resolution  
Section 11-15 (Environmental Requirements)

Approved by CPC on 2/29/2011  
NYC Department of City Planning

### What are (E) designations?



- ❑ An (E) designation provides notice to a property owner and the Department of Buildings (DOB) that special environmental requirements exist for a tax lot.
- ❑ State and local environmental laws (**SEQRA** and **CEQR**) require that all sites projected to be developed as a result of a rezoning be evaluated for potential significant adverse environmental impacts.
- ❑ (E) designations are assigned to tax lots by the lead agency for the CEQR environmental review of a rezoning that may introduce new non-industrial uses, in order to apply environmental requirements related to potential **hazardous materials, air quality** or noise impacts.
- ❑ (E)s are a mechanism to ensure that specific environmental conditions on projected development sites will be addressed prior to or during development.

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## (E) Program

- ❑ The (E) Program uses both (E) designations and Environmental Restrictive Declarations to apply environmental requirements to tax lots.
- ❑ Coordinated among multiple city agencies:
  - ❑ Established by City Planning (DCP) in ZR Section 11-15 (Environmental Requirements).
  - ❑ Administered by the Office of Environmental Remediation (OER).
  - ❑ Enforced by the Department of Buildings (DOB).
- ❑ The (E) Program is not a comprehensive environmental protection program intended to address hazardous conditions throughout the city. It is limited to addressing conditions only on projected development sites that are part of certain types of rezonings and are likely to have hazardous environmental conditions. These environmental requirements are applied mainly for the purpose of meeting CEQR review requirements.

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## (E) designations Text Amendment

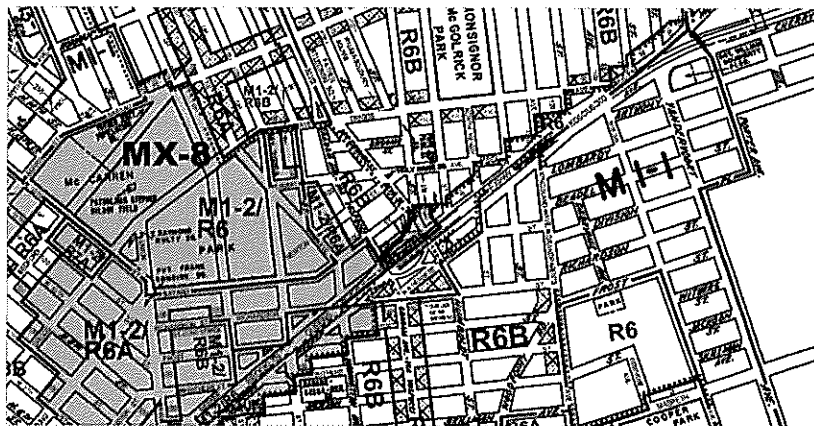
- ❑ This **(E) designations Text Amendment** is one of several recent updates to the (E) Program by city agencies.
- ❑ Purpose of this amendment:
  - ❑ To **streamline** the administration of the (E) Program.
  - ❑ To **enhance** existing enforcement mechanisms.
  - ❑ To **update and clarify** (E) Program-related provisions in the zoning text.
- ❑ Improved efficiency and transparency in the administration of the (E) Program will benefit property owners, land use practitioners and city agencies.
- ❑ The scope and degree of environmental protections associated with the (E) Program would remain unchanged.

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## When are (E) designations used?



- Example: When a manufacturing district is proposed to be rezoned to a district that would permit **residential** and **community facility uses**, and there are development sites that may have environmental issues.



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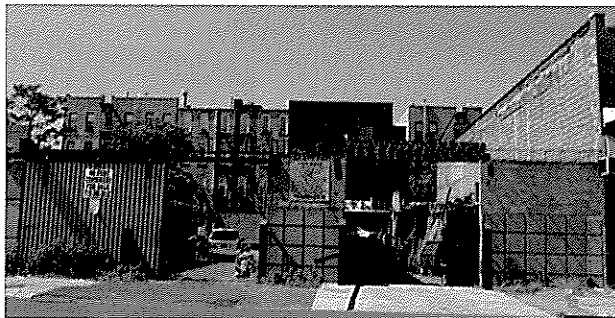
NYC Department of City Planning

## Identification of Potential Impacts



### HAZARDOUS MATERIALS

- Development site historically used for automotive repair



- To address the potential for petroleum contamination from surface spills, leaking tanks or leaking hydraulic lifts, a hazardous materials (E) designation would require testing and remediation, if necessary.

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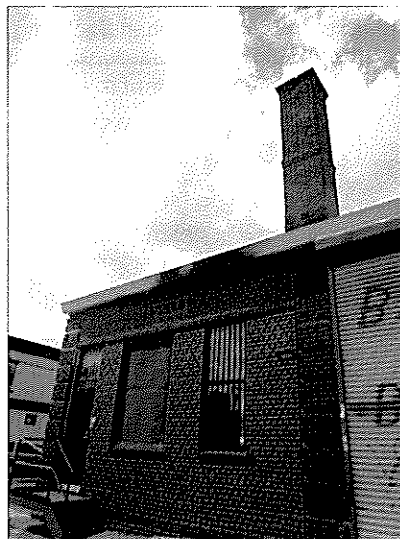
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## Identification of Potential Impacts



### AIR QUALITY

- ❑ Development site located near an existing emissions source or the site will itself become an emissions source
- ❑ To account for emissions sources, an (E) designation for air quality could include specifications for non-operable windows and other restrictions related to ventilation of a building, or restrictions on boiler fuel type and stack location.



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## Identification of Potential Impacts



### NOISE

- ❑ Development site adjacent to an elevated railway or heavily trafficked roadway
- ❑ The presence of a source of noise can result in an noise (E) designation, which would include specifications for noise-attenuating walls and windows to maintain adequate interior noise levels for residents and occupants.



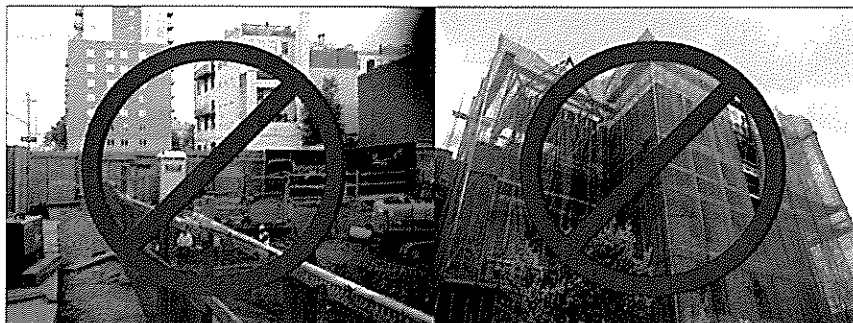
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## Applicability of Requirements



With the (E) designation in place and the property owner notified, **no building permits may be issued** by DOB for most construction activity until the potential environmental conditions are to be addressed to the satisfaction of OER.




## Satisfying (E) Requirements

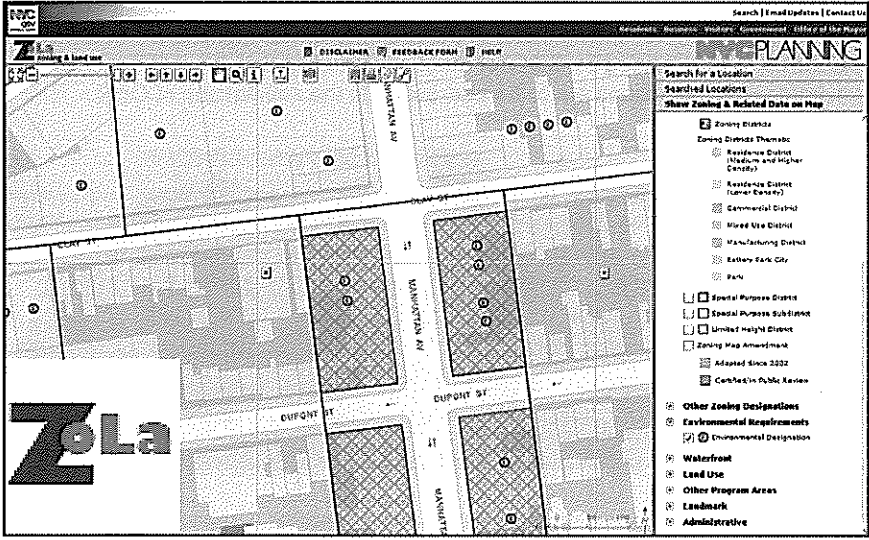


- Upon receipt of the OER Notice of Satisfaction, DCP administratively updates Zoning Resolution Appendix C to indicate the completion of environmental requirements for the tax lot(s).

| CITY ENVIRONMENTAL QUALITY REVIEW (CEQR)<br>ENVIRONMENTAL DESIGNATIONS |  |   |           |                 |                      |
|--|--|---|-----------|-----------------|----------------------|
| E-No.  | CEQR No.   | Description   | Tax Block | Tax Lot(s)      | Lot Remediation Date |
| Effective Date   | ULURP No.  |   |           |                 |                      |
| Satisfaction Date  | Zoning Map No.   |   |           |                 |                      |
| E-139<br>3/23/2005   | 05DCP023K<br>050113 28K,<br>050114 28F,<br>050114 28K(A)<br>22a, 22b | Air Quality - HVAC fuel limited to natural gas        | 2746      | 39, 40, 41, 42  |                      |
|  |  |   | 6063      | 13, 17          |                      |
|  |  | Underground Gasoline Storage Tanks* Testing Protocol. | 6065      | 39, 39          |                      |
|  |  |   | 6065      | 28, 39          |                      |
|  |  |   | 6066      | 19, 31, 32, 35  | {12/15/2013}         |
|  |  | Air Quality - HVAC fuel limited to natural gas        | 6082      | 6, 13           |                      |
|  |  | Underground Gasoline Storage Tanks* Testing Protocol. | 6082      | 6, 13, 14, 33   |                      |
|  |  | Air Quality - HVAC fuel limited to natural gas        | 6096      | 1               |                      |
|  |  | Window Wall Attenuation & Alternate Ventilation       | 6106      | 34              |                      |
|  |  | Underground Gasoline Storage Tanks* Testing Protocol. | 6107      | 1               |                      |
|  |  | Air Quality - HVAC fuel limited to natural gas        | 6116      | 35, 39          |                      |
|  |  | Window Wall Attenuation & Alternate Ventilation       | 6126      | 35, 39<br>7, 12 |                      |

## Finding (E) designations






The screenshot shows the NYC Planning ZOLA web application. The map displays various zoning districts, with several areas marked with a circled 'E', indicating Environmental Designation. The legend on the right side of the map includes the following categories and items:

- Zoning Districts
- Zoning Districts Thematic
  - Residence District (Medium and Higher Density)
  - Residence District (Lower Density)
  - Commercial District
  - Mixed Use District
  - Manufacturing District
  - Lathrop Park City
  - Park
- Special Purpose Districts
  - Special Purpose Sub-District
  - Unincorporated District
  - Zoning Map Amendment
  - Adopted Since 2002
  - Conflicts in Public Review
- Other Zoning Designations
  - Environmental Requirements
  - Environmental Designation
- Waterfront
- Land Use
- Other Program Areas
- Landmark
- Administrative

## Issue and Proposed Change



- ZR Section 11-15 and many Special District chapters contain duplicative regulations and outdated language.

Proposed change:  
The amendment would remove duplicative provisions and obsolete language, and clarify existing regulations.

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## Issue and Proposed Change



2. ZR Section 11-15 is unclear regarding DOB's jurisdiction over air and noise (E) designations and all Environmental Restrictive Declarations.

Proposed change:

The amendment would modify Section 11-15 to clarify that DOB has the jurisdiction to enforce air and noise (E) designations citywide, as well as all existing Environmental Restrictive Declarations.

## Issue and Proposed Change



3. Existing regulations do not allow the environmental requirements associated with an (E) designation to be modified, once adopted.

Proposed change:

The amendment would give OER the authority, at the request of a property owner, and with the consent of the lead agency, to modify the environmental requirements of an existing (E) designation, provided that the modified requirements are equally protective. Such a modification could be necessary due to new information or changes in technology.

## Issue and Proposed Change



4. Existing regulations do not ensure the ongoing monitoring of environmental control technologies post-occupancy, such as a vapor barrier installed beneath a building foundation.

Proposed change:

The amendment would enable the City to enforce the ongoing monitoring of environmental control technologies, as needed.

## Issue and Proposed Change



5. Current (E) Program Rules only allow the placement of (E)s on non-applicant controlled properties. For applicant-controlled properties, the practice has been to use Environmental Restrictive Declarations (RDs) to ensure further testing and remediation. Having these two different mechanisms within the (E) Program that achieve the same result is unnecessary. Environmental RDs are cumbersome to prepare and administer and difficult for both the City and the public to track.

Proposed change:

Concurrent with this text change, OER is amending its Rules to allow the city to assign hazardous materials (E) designations to applicant-controlled properties. This will consolidate the two processes for applying environmental requirements.

## Issue and Proposed Change



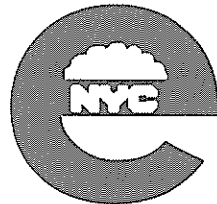
6. (E) Program limits the use of (E) designations to zoning map amendments. (E)s cannot be used in connection with other types of zoning actions that typically involve applicant-controlled properties such as special permits and authorizations.

Proposed change:

(E) Program will be revised to include all actions under the Zoning Resolution, including special permits and authorizations.

## Summary of Benefits

- Improved efficiency and transparency in the administration of the (E) Program.
- A streamlined and more predictable land use and environmental review process, benefitting land use practitioners, property owners, the public and city agencies.



## Public Review

- ❑ Letters were received from 27 of the 59 Community Boards.
- ❑ 26 of those Community Boards passed resolutions in support of the amendment, and 5 issued comments or conditions with their approval.

## Public Review

### **Manhattan CB-05:**

- ❑ Retroactively apply E's where in the past Restrictive Declarations were placed to ensure Appendix C is all-inclusive.
- ❑ Consider the creation of a designation similar to the E designation for school seats, sanitation open space and traffic.
- ❑ Look at these issues more proactively and do not wait for a CEQR review.

### **Brooklyn BB & CB-06:**

- ❑ Make OER fully-accountable to Community Boards as are other agencies, pursuant to the City Charter.

### **Brooklyn CB-10 and Queens CB-03:**

- ❑ Give Community Boards the opportunity to comment on and be notified in the event of a modification of environmental requirements.

## Modifications

**The City Planning Commission made no significant modifications to the text in response to public comments.**

**Administrative clarifications:**

- Wording and re-organization.

**Technical clarifications:**

- Replaced the term “ongoing monitoring” with “ongoing site management” at the request of OER.
- Clarified language in the provision related to the applicability of environmental requirements after a lot is merged or subdivided.



DISTRICT OFFICE  
 217 HAVEMEYER ST., 2<sup>ND</sup> FLOOR  
 BROOKLYN, NY 11211  
 (718) 963-3141  
 FAX: (718) 963-4527

CITY HALL OFFICE  
 250 BROADWAY, ROOM 1740  
 NEW YORK, NY 10007  
 (212) 788-7095  
 FAX (212) 788-7296

THE COUNCIL  
 OF  
 THE CITY OF NEW YORK

DIANA REYNA  
 COUNCIL MEMBER, 34<sup>TH</sup> DISTRICT  
 BROOKLYN/QUEENS

CHAIR  
 SMALL BUSINESS

COMMITTEES  
 LAND USE  
 ECONOMIC DEVELOPMENT  
 FINANCE  
 COMMUNITY DEVELOPMENT

SUBCOMMITTEE  
 ZONING AND FRANCHISES

March 15, 2012

Dear Colleague,

I would like to respectfully request a motion to disapprove Jhu Jhu Corp., d/b/a Khim's Café Sidewalk Café application. The application will be before the Zoning and Franchises Subcommittee on Tuesday, March 20<sup>th</sup>. Khim's Café has received numerous violations from the Department of Buildings, including two stop work orders. There have been several indications that the community considers this business a bad neighbor, including a petition with over 50 community member's signatures and a community board vote disapproving the sidewalk café application.

Khim's café has been found in violation of various structural requirements, including constructing the café with combustible materials, not complying with ADA requirements, and creating an inappropriate fire exit door. In addition, the owner, Mr. Kim, has refused to close the windows at 10pm or limit the hours of operation to 20 hours a day. The owner made an attempt at resolving these issues only after the community has voiced its disapproval of his sidewalk café application.

Khim's café's questionable and negligible business practices and their lack of attention to community concerns puts this café in an unusual position. As Small Business Chair I encourage supporting our small businesses and advocate for helping them at any opportunity. However, this business is a reflection of the dishonest nature of an owner who puts his business above all else, threatening the health and safety of neighbors and patrons. A sidewalk café is a privilege extended by the City to businesses. I believe this privilege should be earned not handed blindly to every business, good or bad.

Once again I urge my colleagues to vote down Khim's Café's sidewalk application. If you have any questions or concerns please contact Peter Pottier at (718)-963-3141 or by email PPottier@council.nyc.gov.

Sincerely,

Diana Reyna  
 34<sup>th</sup> Council District  
 Brooklyn / Queens



**Department of  
Consumer Affairs**

March 19, 2012

Jonathan Mintz  
Commissioner

Sasha Frederick  
sfrederick@dca.nyc.gov

42 Broadway  
5th Floor, Room 15  
New York, NY 10004

+1 212 487 4102 tel  
+1 212 487 4212 fax

[nyc.gov/consumers](http://nyc.gov/consumers)

The Honorable Christine C. Quinn  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

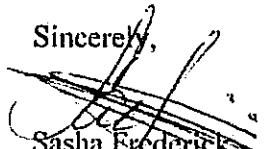
Re: **Il Commendatore Restaurant Inc**  
**d/b/a : Casa Bella Restaurant**  
**127 Mulberry Steet**  
**New York, NY 10013**

Dear Speaker Quinn:

The Department of Consumer Affairs is withdrawing their recommendation of approval for Il Commadore Restaurant Inc, an unenclosed sidewalk café at 127 Mulberry Street, in the Borough of Manhattan. The Department will review the application further and, if appropriate, will resend a recommendation at a later date.

Please feel free to call me if you should have any questions. My telephone number is (212) 487-4102. Thank you for your attention to this matter.

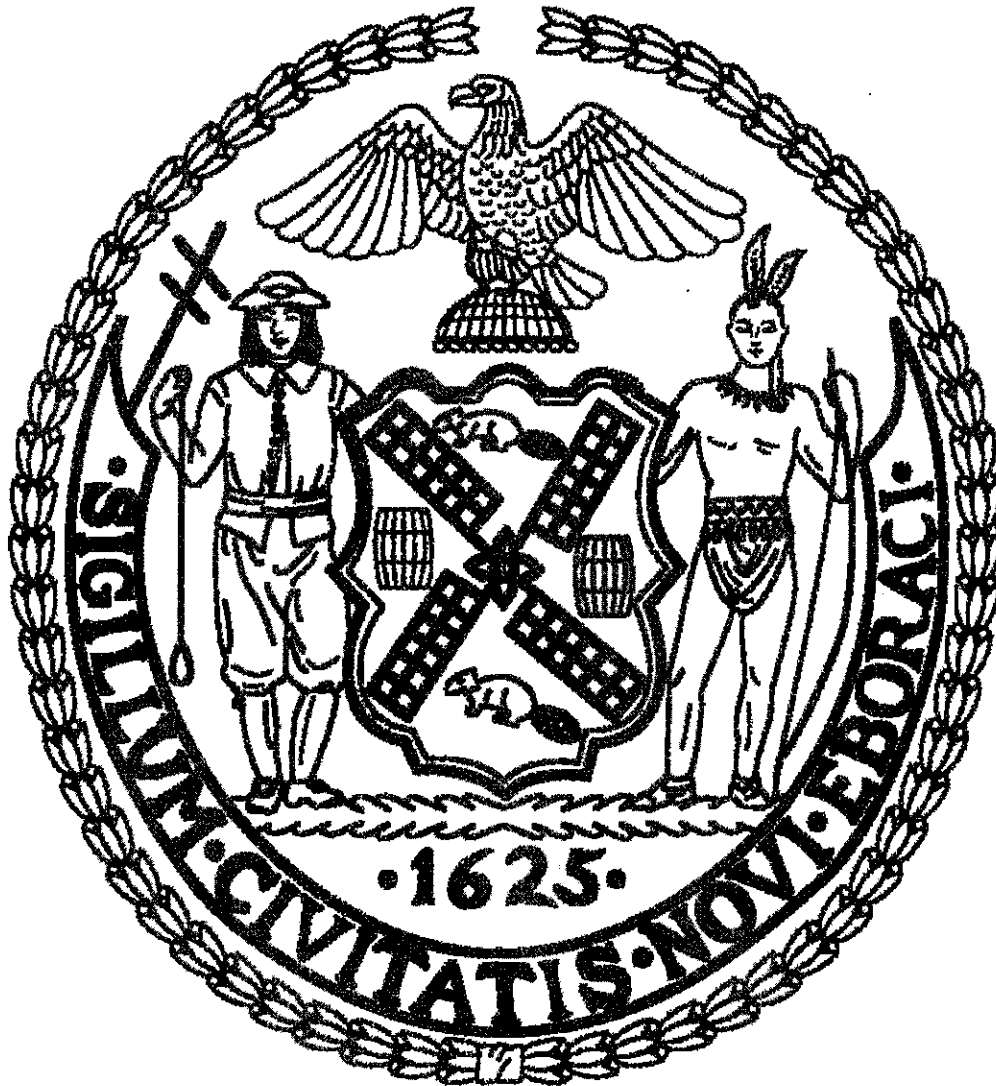
Sincerely,



Sasha Frederick  
Sidewalk Café Unit

**Zoning & Franchises Subcommittee  
Land Use Committee**

**Jhu Jhu Corp., d/b/a Khim's Café  
324 Graham Avenue  
Brooklyn, NY 11211  
Council Member Diana Reyna, District 34**







## **Table of Contents**

1. Dear Colleague Letter
2. Community Board 1 Letter Addressing Issues
3. DOB Stop Work Order
4. Photos
5. Petition Letter and Signatures





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THE COUNCIL  
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Sincerely,

Diana Reyna  
 34<sup>th</sup> Council District  
 Brooklyn / Queens





# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.cb1brooklyn.org](http://www.cb1brooklyn.org)

HON. MARTY MARKOWITZ  
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER  
FIRST VICE-CHAIRMAN

HEATHER ROSLUND  
SECOND VICE-CHAIRPERSON

DEL TEAGUE  
THIRD VICE-CHAIRPERSON

KAREN LEADER  
FINANCIAL SECRETARY

ISRAEL ROSARIO  
RECORDING SECRETARY

PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

CHRISTOPHER H. OLECHOWSKI  
CHAIRMAN

GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA  
COUNCILMEMBER, 34th CD

January 10, 2012

## Land Use, ULURP and Landmarks (subcommittee) Committee Report

TO: Chairman Christopher H. Olechowski  
CB #1 Board Members

FROM: Ms. Heather Roslund, Committee Chair

The Committee met on Wednesday, December 14th, 2011, at 6:30PM at the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211. In attendance: Ms. Roslund, Mr. Bondo, Ms. Teague. Absent: Ms. Chabrowski, Ms. Barros, Mr. Dennis, Mr. Katz, Mr. Leon, Mr. Perstein, Mr. Solano, Mr. Tuner, Rabbi Weber, Mr. Weiser. Also in attendance was the applicant and his representative and community residents.

1. DEPARTMENT OF CONSUMER AFFAIRS ENCLOSED SIDEWALK CAFE APPLICATION  
A new application for an enclosed sidewalk cafe by JHU JHU CORP., dba Khim's Cafe, 324 Graham Avenue, Brooklyn, NY 11211. 22 tables and 44 seats.

The applicant, Mr. Khim, owns the building and is converting the ground floor space from a store to a cafe. Mr. Khim stated that he will provide American style food, serve beer but no liquor and will not have any live music. He intends to erect an enclosed sidewalk cafe along Devoe Street.

The property is located in an R6A zoning district with a C2-4 Commercial overlay which allows this use as-of-right.

Work Permits for construction were issued by the NYC DOB on 04/28/2011 for an application that was Professionally Certified with work described as "Replace Exterior Wall, Underpinning And Installation Of Concrete Slab Floor. Replace 1st Floor Flooring and Ceiling Joist. Make Opening At Existing Store Front. No Change of Use, Occupancy Or Egress Filed Under This Application" and on 09/06/11 for an application with work described as "Installation of partition wall and plumbing fixtures to include cooking equipment. Install HVAC units (10) tons and kitchen exhaust hood with fan. Amend C/O from dwelling unit and store to store at 1st floor." The applicant confirmed this work is in conjunction with the conversion of the space.

In addition there is an open DOB Application from 1993 to install a new 4'-0" awning along existing exterior wall. The applicant noted this application will be taken over by the new architect and integrated

into the new DOB Application with the entire project being closed out together. This structure currently exists, is clearly visible and is constructed of wood. We asked Mr. Khim if he was incorporating the existing awning structure into the new sidewalk cafe enclosure and he indicated he intends to do so.

We reviewed the drawing with respect to both the NYC Zoning Resolution requirements and the NYC Department of Consumer Affairs (DCA) Sidewalk cafe Design and Regulations Guide.

#### NYC Zoning Resolution

According to the NYC Zoning resolution an enclosed sidewalk cafe is defined as a sidewalk cafe that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal.

The NYC Zoning resolution stipulates clear path requirements, clearances at intersections, clearances from large obstructions, minimum distances between enclosed sidewalk cafes, transparency of exterior walls, height of ceiling, elevation of the floor above the sidewalk, operable windows and allowable fixed elements, all of which the applicant complies with.

We found, however, the applicant does not comply with the following requirements:

Section 14-121; Structural requirements for enclosed sidewalk cafes.

(a) Ceiling -- The ceiling shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by DOB.

as the applicant stated that the enclosure would incorporate the existing wood structure, which is not incombustible, the committee requests fire rating details be added to the drawings.

(d) Designated Boundaries -- No portion of enclosed sidewalk cafes, such as doors, windows, walls or any objects placed within an enclosed sidewalk cafe, shall swing or project beyond the designated exterior perimeter. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

as the drawing do show a door swinging out, a note indicating this door shall only be used in the case of emergencies needs to be added to the drawings as well as a description of the hardware specified for the door.

(f) Refuse Storage Area -- No structure or enclosure to accommodate the storage of garbage may be erected or placed on the public right-of-way.

Although the applicant complies here, there was a great deal of concern regarding the intended method for dealing with refuse from the cafe as this has been a re-occurring problem in the past. Mr. Khim indicated there would be no storage of refuse on the sidewalk, either in an enclosure or in a dumpster. He will store refuse in the cellar and would only place it on the sidewalk at the time of collection.

Section 14-122 Access for persons with physical disabilities.

An enclosed sidewalk cafe or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the enclosed sidewalk cafe shall be accessible to persons with disabilities from the interior of the restaurant.

The drawings show steps leading from the restaurant into the cafe, rendering it non-accessible. The applicant must correct this.

We further reviewed the sections pertaining to signage, musical instruments and sound reproduction devices, all of which are not allowed. The applicant assured us he does not intend to have any of these.

While the Zoning Resolution requires that at least 50% of the walls, up to a height of 7'-0" shall consist of operable transparent windows, it is the policy of this board per the regulations established by the Public Safety Committee, that such windows must be closed each night at 10pm to help curtail noise transmission. The applicant agreed to the stipulation and the committee requests this be put in writing and included as part of the resubmitted application.

NYC Department of Consumer Affairs (DCA) Sidewalk Cafe Design and Regulations Guide

The applicant complies with all requirements with the exception of operating hours. The cafe will remain open 24 hours a day and the application states that the hours of the sidewalk cafe are also 24 hours. DCA rules limit the hours of operation for enclosed cafes to no more than 20 hours each day between 8am and 4am. The applicant must revise his application.

Revocable Consent Application

We reviewed the revocable consent application, which is signed by the applicant. It states that the City may revoke its consent of the application at any time for failure to comply with any terms and conditions of the consent or any agreements between the business and the City of New York or for any violation of any of the rules and regulations enforced by DCA. The owner agrees to promptly remove any property placed on the sidewalk space or reimburse the City of New York for the cost of moving the business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

The committee is not convinced that the enclosure, as it appears to be constructed, is "promptly removable" as the agreement requires and reminded the applicant that it is his responsibility to do so should the city revoke its consent.

We then heard from several residents who were in attendance with concerns about the general state of both the building and the construction. They stated that garbage is often piled up on the sidewalk blocking it, that the sidewalk is in disrepair constituting a tripping hazard, that often nasty liquids ooze from beneath the construction fence, that during last year's snowstorms the sidewalks were not shoveled, etc. In general, the residents' opinions were that the applicant is a bad neighbor who does not maintain his property. Mr. Khim committed to being more responsible in the future, but the committee strongly urges the DCA to take these concerns regarding a general and ongoing failure to maintain the site into consideration.

Therefore, the committee voted to **DISSAPPROVE** the application and requires a resubmission of the application to include the above mentioned omissions summarized as follows:

- Fire rating details
- Fire exit door compliance
- ADA compliance
- a commitment to close the windows at 10 pm.
- limitation of hours to no more than 20 per day

**The vote was 3 in favor, 0 against, 0 abstentions.**

Please note that subsequent to the meeting, the construction fence collapsed onto the sidewalk, damaging a parked car, and as of 12/22/11, a Full Stop Work Order was issued by DOB, citing "No Approved Plans On Site. Failure To Safeguard/Structural Issues - Columns Stability, Floor Joists Stability"





[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings

NYC Department of Buildings

Property Profile Overview

|                         |                             |                         |
|-------------------------|-----------------------------|-------------------------|
| 324 GRAHAM AVENUE       | BROOKLYN 11211              | BIN# 3069072            |
| GRAHAM AVENUE 324 - 324 |                             | <b>Tax Block</b> : 2771 |
| DEVOE STREET NO NUMBER  | <b>Census Tract</b> : 495   | <b>Tax Lot</b> : 8      |
|                         | <b>Community</b> : 301      | <b>Condo</b> : NO       |
|                         | <b>Board</b>                |                         |
|                         | <b>Buildings on Lot</b> : 1 | <b>Vacant</b> : NO      |

[View DCP Addresses...](#)    [Browse Block](#)

[View Zoning Documents](#)

[View Challenge Results](#)

[View Certificates of  
Occupancy](#)

PARTIAL STOP WORK ORDER EXISTS ON THIS PROPERTY

|                                      |                              |                            |     |
|--------------------------------------|------------------------------|----------------------------|-----|
| <b>Cross Street(s):</b>              | AINSLIE STREET, DEVOE STREET |                            |     |
| <b>DOB Special Place Name:</b>       |                              |                            |     |
| <b>DOB Building Remarks:</b>         |                              |                            |     |
| <b>Landmark Status:</b>              |                              | <b>Special Status:</b>     | N/A |
| <b>Local Law:</b>                    | NO                           | <b>Loft Law:</b>           | NO  |
| <b>SRO Restricted:</b>               | NO                           | <b>TA Restricted:</b>      | NO  |
| <b>UB Restricted:</b>                | NO                           |                            |     |
| <b>Little 'E' Restricted:</b>        | N/A                          | <b>Grandfathered Sign:</b> | NO  |
| <b>Legal Adult Use:</b>              | NO                           | <b>City Owned:</b>         | NO  |
| <b>Additional BINs for Building:</b> | NONE                         |                            |     |

**Special District:** UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

**Department of Finance Building Classification:** K4-STORE BUILDING

**Please Note:** The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

NYC Department of Buildings  
ECB Violation Details

Premises: 324 GRAHAM AVENUE  
BROOKLYN

Filed At: 324 GRAHAM AVENUE , BROOKLYN , NY  
11211

BIN: 3069072 Block: 2771 Lot: 8

Community Board: 301

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34942671L

Severity: CLASS - 3

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: PENDING

Penalty Balance Due: \$0.00

---

Respondent Information

Name: ANNA SUNG BOON CHOI  
Mailing Address: 324 GRAHAM AVENUE , BK , NY 11211

---

Violation Details

Violation Date: 02/21/2012 Violation Type: CONSTRUCTION  
Served Date: 02/21/2012 Inspection Unit: BROOKLYN CONSTRUCTION

| Infraction Codes | Section of Law | Standard Description                              |
|------------------|----------------|---|
| <u>304</u>       | 28-302.1       | FAILURE TO MAINTAIN BLDG WALL(S) OR APPURTENANCES |

Specific Violation Condition(s) and Remedy:

FAILURE TO MAINTAIN BUILDING WALLS OR APPURTENANCES. NOTE: AC AT 2ND FL WINDOW BLOCKING ACCESS TO FIRE ESCAPE. REMEDY: MAINTAIN BUILDING EXTERIOR - REMOVE AC.

Issuing Inspector ID: 2455

**DOB Violation Number:**  
022112C01JK02

Issued as Aggravated Level: NO

---

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:



**NYC Department of Buildings**

**ECB Violation Details**

Premises: 324 GRAHAM AVENUE  
BROOKLYN

Filed At: 324 GRAHAM AVENUE , BROOKLYN , NY  
11211

BIN: 3069072 Block: 2771 Lot: 8

Community Board: 301

**ECB Violation Summary**

**VIOLATION RESOLVED**

ECB Violation Number: 34925217R

Severity: CLASS - 1

Certification Status: N/A - DISMISSED

Hearing Status: DISMISSED

Penalty Balance Due: \$0.00

---

**Respondent Information**

Name: TRISTATE CONSTR MASON  
Mailing Address: 2922 BRIGHTON 12 STREET , BK , NY 11235

---

**Violation Details**

Violation Date: 12/20/2011 Violation Type: CONSTRUCTION  
Served Date: 12/20/2011 Inspection Unit: EMERGENCY RESPONSE TEAM (ERT)

| Infraction Codes | Section of Law       | Standard Description  |
|------------------|----------------------|---|
| <u>109</u>       | BC 3301.2,27-1009(A) | FAIL TO SAFEGUARD PERS/PROPERTY AFFECTED BY CONSTRUCTION OP |

**Specific Violation Condition(s) and Remedy:**

FAILURE TO SAFEGUARD ALL PERSONS AND PROPERTY AFFECTED BY CONSTRUCTION BY CONSTRUCTION OPERATORS. NOTE: ON 1ST FLR STEEL COLUMNS IN MIDDLE OF BLDG SUPPORTING 2ND FLR ARE RESTING ON BRICK BASE THAT HAVE BRICKS

Issuing Inspector ID: 2387 **DOB Violation Number:** 122011ER01RJ02  
Issued as Aggravated Level: NO

---

**Dept. of Buildings Compliance Information**

Certification Status: N/A - DISMISSED  
Compliance On:



**NYC Department of Buildings**

**ECB Violation Details**

Premises: 324 GRAHAM AVENUE  
BROOKLYN

Filed At: 324 GRAHAM AVENUE , BROOKLYN , NY  
11211

BIN: 3069072 Block: 2771 Lot: 8

Community Board: 301

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34930091R

Severity: CLASS - 1

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: DEFAULT

Penalty Balance Due: \$12,000.00

---

**Respondent Information**

Name: ANNA SUNG BOON CHOI

Mailing Address: 324 GRAHAM AVENUE , BKN , NY 11211

---

**Violation Details**

Violation Date: 10/21/2011

Violation Type: CONSTRUCTION

Served Date: 10/21/2011

Inspection Unit: BROOKLYN CONSTRUCTION

| Infraction Codes | Section of Law       | Standard Description  |
|------------------|----------------------|---|
| <u>109</u>       | BC 3301.2,27-1009(A) | FAIL TO SAFEGUARD PERS/PROPERTY AFFECTED BY CONSTRUCTION OP |

**Specific Violation Condition(s) and Remedy:**

FAILURE TO SAFEGUARD ALL PERSONS & PROPERTY AFFECTED BY CONST OPERATIONS.NOTED:CONST FENCE DOES NOT PROVIDE ADEQUATE PROTECTION TO PUBLIC IN THAT FENCE EXTENDS APPROX 5' FROM BLDG WOOD TRUSSES ERECTED @ 1ST FL EXT

Issuing Inspector ID: 0702

**DOB Violation Number:**  
102111C01RL03

Issued as Aggravated Level: NO

---

**Dept. of Buildings Compliance Information**

Certification Status: NO COMPLIANCE RECORDED

Compliance On:



NYC Department of Buildings

ECB Violation Details

Premises: 324 GRAHAM AVENUE  
BROOKLYN

Filed At: 324 GRAHAM AVENUE , BROOKLYN , NY  
11211

BIN: 3069072 Block: 2771 Lot: 8

Community Board: 301

ECB Violation Summary

VIOLATION RESOLVED

ECB Violation Number: 34116542K

Severity: NON-HAZARDOUS

Certification Status: CERTIFICATE ACCEPTED

Hearing Status: STIPULATION/IN-VIO

Penalty Balance Due: \$0.00

---

Respondent Information

Name: BOONCHOI SUNG

Mailing Address: , ,

---

Violation Details

Violation Date: 10/20/1994 Violation Type: CONSTRUCTION

Served Date: 10/20/1994 Inspection Unit:

| Infraction Codes | Section of Law | Standard Description  |
|------------------|----------------|-----------------------|
| B04              | 27-147         | WORK WITHOUT A PERMIT |

Specific Violation Condition(s) and Remedy:

WORK WITHOUT A PERMIT IN THAT HAVING DEMOLISHED THE REAR WALL OF THE FFIRST FLOOR FRUITH AND VEG. STORE TO EXPAND INTO APT#1 2)NORTH BEARING WALL DEMOLISHED INSTALLED NEW I-BEAM TO ADD APPROX.3' EXTENSION.3)APP

Issuing Inspector ID: 0602

**DOB Violation Number:**  
102094C01W01

Issued as Aggravated Level: NO

---

Dept. of Buildings Compliance Information

Certification Status: CERTIFICATE ACCEPTED

Compliance On: 01/30/1995

**Stipulated Compliance Due Date:** 02/21/1995

---

ECB Hearing Information

Scheduled Hearing Date: 12/05/1994

Hearing Status: STIPULATION/IN-VIO

Hearing Time: 8:30





NYC Department of Buildings  
Overview for Complaint #:3403922 = RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211  
Re: WINDOW AC UNIT OBSTRUCTS FIRE ESCAPE

**Category Code:**      73      FAILURE TO MAINTAIN

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority:** C

---

**Received:**      02/21/2012 11:25      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      X X X

**Last Inspection:** 02/21/2012 - - BY BADGE # 2455

**Disposition:** 02/24/2012 - A8 - ECB VIOLATION SERVED

**Comments:** FAILURE TO MAINTAIN AC BLOCKY ACCESS TO FIRE ESCAPE

**DOB Violation #:** 022112C01JK02

**ECB Violation #s:** 34942671L



**NYC Department of Buildings**

Overview for Complaint #:3403864 = RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: FIRE ESCAPE WAS PARTIALLY REMOVED ON DEVOE ST SIDE OF THE BUILDING SINCE LAST YEAR

**Category Code:** 37 EGRESS - LOCKED/BLOCKED/IMPROPER/NO SECONDARY MEANS

**DOB District:** N/A

**Special District:**

**Assigned To:** BROOKLYN BOROUGH OFFICE

**Priority: A**

**Received:** 02/20/2012 10:26      **Block:** 2771    **Lot:** 8      **Community Board:** 301

**Owner:** ANNA SUNG BOON CHOI

**Last Inspection:** 02/21/2012 - - BY BADGE # 2455

**Disposition:** 02/21/2012 - L3 - STOP WORK ORDER PARTIALLY RESCINDED

**Comments:** CAN REMOVE CONST FENCE OBSTRUCTION OF FIRE ESCAPE ONLY.  
NO O THER CONST UNDER PERMIT ALLOWED

**Previous Violations:** ECB: 34942670J - DOB: 022112C01JK01

**Complaint Disposition History**

| Disposition Date | Disposition Code | Disposition  | Inspection By | Date       |
|------------------|------------------|--|---------------|------------|
| 02/21/2012       | A3               | FULL STOP WORK ORDER SERVED<br>FIRE ESCAPE IS NOT REMOVED, HOWEVER FIRE ESCAPE IS OBSTUCTED /ENCLOSED AT GROUND BY CONST FENCE ASSOC WITH 320311220 WORK | 2455          | 02/21/2012 |
| 02/21/2012       | L3               | STOP WORK ORDER PARTIALLY RESCINDED<br>CAN REMOVE CONST FENCE OBSTRUCTION OF FIRE ESCAPE ONLY. NO O THER CONST UNDER PERMIT ALLOWED                      | 2455          | 02/21/2012 |



**NYC Department of Buildings**

Overview for Complaint #:3403863 = RESOLVED

Complaint at: 324 GRAHAM AVENUE BIN: 3069072 Borough: BROOKLYN ZIP: 11211

Re: CONSTRUCTION IN PROGRESS ON WASHINGTON HOLIDAY & D A PARTIALLY RESCIND WAS GIVEN TO REMOVE AWNING BUT CONSTRUCTION IS IN PROGRESS DESPITE STOP WORK ORDER FOR THE CONSTRUCTION

Category Code: 86 WORK CONTRARY TO STOP WORK ORDER

DOB District: N/A

Special District:

Assigned To: BROOKLYN BOROUGH OFFICE

Priority: A

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Received: 02/20/2012 10:22 Block: 2771 Lot: 8 Community Board: 301

Owner: ANNA SUNG BOON CHOI

**Last Inspection:** 02/21/2012 - - BY BADGE # 2270

**Disposition:** 02/21/2012 - II - COMPLAINT UNSUBSTANTIATED BASED ON DEPARTMENT RECORDS

**Comments:** PARTIAL RESCIND IS ISSUED TO (1) REMOVE WOOD AWING/SHED AND (2) CAN PERFORM WORK UNDER PERMIT# 320299949



**NYC Department of Buildings**

Overview for Complaint #:3403267 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211  
Re: THE AWNING WAS TAKEN DOWN & BOARDS ARE GOING ACROSS THE AREA AND SUPPORTING A WALL

**Category Code:**      30    BUILDING SHAKING/VIBRATING/STRUCT STABILITY AFFECTED

**DOB District:**      N/A

**Special District:**

**Assigned To:**      EMERGENCY RESPONSE TEAM

**Priority:** A

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**Received:**    02/11/2012 13:33      **Block:** 2771    **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 02/21/2012 - - BY BADGE # 2283

**Disposition:** 02/21/2012 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT TIME OF INSPECTION

**Comments:** BLDG NOT SHAKING FA ADE REPAIR WORK AS PER APPL  
MEN INSTALLING EGRESS PASSAGEWAY AS PER PARTIAL SWO





**NYC Department of Buildings**

Overview for Complaint #:3402591 = ACTIVE

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: BSMT SERV SW AREA DEFECTIVE WIRING THROUGHOUT OPEN BOXES

**Category Code:**      59      ELECTRICAL WIRING - DEFECTIVE/EXPOSED, IN PROGRESS

**DOB District:**      N/A

**Special District:**

**Assigned To:**      ELECTRICAL DIVISION

**Priority: B**

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**Received:**      02/03/2012      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA CHOI BOON SUNG

**Last Inspection:**    --- NONE --

**Disposition:**      -



**NYC Department of Buildings**

Overview for Complaint #:3400749 = RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: THERE IS A HOLE IN THE ROOF OF THE GARAGE AND THIS IS ALLOWED WATER TO FLOOD THE NEIGHBORING PROPERTY AND THE SIDEWALK, PLEASE COME AS SOON AS POSSIBLE WHILE IT IS RAINING

**Category Code:**      85      FAILURE TO RETAIN WATER / IMPROPER DRAINAGE (LL103/89)

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority:** C

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**Received:**      01/12/2012 08:30

**Block:** 2771      **Lot:** 8

**Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 01/17/2012 - - BY BADGE # 0686

**Disposition:** 01/17/2012 - H1 - PLEASE SEE COMPLAINT NUMBER 3397720

**Comments:** SITE INSPECTED



**NYC Department of Buildings**

Overview for Complaint #:3400011 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: CALLER STS THERE IS SWO FOR SITE GIVEN AND THE OWNER HAS BEGAN WORKING  
AGAIN AFTER TEARING DOWN SWO NOTICE.....XB01-05-12M1335-01

**Category Code:**      86      WORK CONTRARY TO STOP WORK ORDER

**DOB District:**      N/A

**Special District:**

**Assigned To:**      EMERGENCY RESPONSE TEAM

**Priority:** A

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**Received:**      01/05/2012 06:53      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 01/05/2012 - - BY BADGE # 2448

**Disposition:** 01/05/2012 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

**Comments:** STOP WORK RESCIND ORDER ISSUED ON 1/4/12 BY W GARCIA  
#2431 FOR JOB # 320299949 ISSUED 4/28/11 EXP. 1/23/12



**NYC Department of Buildings**

Overview for Complaint #:3399555 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: WORK CONTRARY TO SWO ISSUED 12/20/11 FOR FAILURE TO SAFEGUARD STRUCTURAL  
ISSUES AND NO PLANS

**Category Code:**      86      WORK CONTRARY TO STOP WORK ORDER

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority:** A

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**Received:**      12/29/2011 11:00      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 12/29/2011 - - BY BADGE # 0702

**Disposition:** 12/29/2011 - H1 - PLEASE SEE COMPLAINT NUMBER 3399554

**Comments:** SEE REFERENCED COMPLAINT#





**NYC Department of Buildings**

Overview for Complaint #:3399554 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: CALLER STATES THAT CONTARY TO A STOP WORK ORDER THEY CONTINUE TO WORK

**Category Code:**      86      WORK CONTRARY TO STOP WORK ORDER

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority: A**

---

**Received:**      12/29/2011 10:51      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 12/29/2011 - - BY BADGE # 0702

**Disposition:** 12/29/2011 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

**Comments:** NO ACTIVE WORK OBSERVED AT LOCATION AT TIME OF THIS  
INSPECTI ON



**NYC Department of Buildings**

Overview for Complaint #:3399554 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: CALLER STATES THAT CONTARY TO A STOP WORK ORDER THEY CONTINUE TO WORK

**Category Code:**      86      WORK CONTRARY TO STOP WORK ORDER

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority: A**

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**Received:**      12/29/2011 10:51      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 12/29/2011 - - BY BADGE # 0702

**Disposition:** 12/29/2011 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

**Comments:** NO ACTIVE WORK OBSERVED AT LOCATION AT TIME OF THIS  
INSPECTI ON



**NYC Department of Buildings**

Overview for Complaint #:3399193 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: A SWO WAS POSTED ON THE FRONT AND BACK OF THE STORE. THESE SWO HAVE BEEN  
TAKEN DOWN

**Category Code:**      86      WORK CONTRARY TO STOP WORK ORDER

**DOB District:**      N/A

**Special District:**

**Assigned To:**      EMERGENCY RESPONSE TEAM

**Priority:** A

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**Received:**      12/22/2011 16:22      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 12/22/2011 - - BY BADGE # 0235

**Disposition:** 12/23/2011 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

**Comments:** NO WORK IN PROGRESS AT THIS TIME. SITE IS LOCKED UP  
PERMITS POSTED. STOP ORDER RESCIND POSTED FROM



**NYC Department of Buildings**

Overview for Complaint #:3398958 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE BIN: 3069072 Borough: BROOKLYN ZIP: 11211  
Re: FDNY REPORTED ONGOING CONSTRUCTION, COMPROMISING STRUCTURE

**Category Code:** 30 BUILDING SHAKING/VIBRATING/STRUCT STABILITY AFFECTED

**DOB District:** N/A

**Special District:**

**Assigned To:** EMERGENCY RESPONSE TEAM

**Priority:** A

**Received from FDNY**

**Received:** 12/20/2011 **Block:** 2771 **Lot:** 8 **Community Board:** 301  
**Owner:** ANNA SUNG BOON CHOI

**Last Inspection:** 03/16/2012 - - BY BADGE # 0612

**Disposition:** 03/16/2012 - L2 - STOP WORK ORDER FULLY RESCINDED

**Comments:** FULL RESCIND OF STOP WORK ORDER ISSUED . TO DO WORK  
UNDER AP PL # 320311220 & 340624494

**Previous Violations:**

ECB: 34925216P - 34925217R DOB: 122011ER01RJ01/02

**Complaint Disposition History**

| Disposition Date | Disposition Code | Disposition  | Inspection By | Date       |
|------------------|------------------|--|---------------|------------|
| 12/22/2011       | A8               | ECB VIOLATION SERVED<br>NO APPROVED PLANS ON SITE SWO FAILURE TO SAFEGUARD STRUCTURAL ISSUES COLUMNS STABILITY FLOOR JOISTS STABILITY                | 2387          | 12/20/2011 |
| 12/22/2011       | A3               | FULL STOP WORK ORDER SERVED<br>NO APPROVED PLANS ON SITE SWO FAILURE TO SAFEGUARD STRUCTURAL ISSUES COLUMNS STABILITY FLOOR JOISTS STABILITY         | 2387          | 12/20/2011 |
| 01/06/2012       | L1               | PARTIAL STOP WORK ORDER<br>PARTIAL RESCIND ONLY TO PROPERLY INSTALL ADEQUATE SHORING AT CELLAR AND CLEAN SITE OF ALL EXCESSIVE DEBRIS, NO OTHER WORK | 2431          | 01/04/2012 |
| 02/07/2012       | L1               | PARTIAL STOP WORK ORDER<br>PARTIAL RESCIND ONLY TO DO WORK UNDER ALT 2 #320299942 ONLY ALSO TO REMOVE WOOD FRAMED SHED ROOF, NO OTHER WORK ALLOWED   | 0612          | 02/07/2012 |





NYC Department of Buildings

Overview for Complaint #:3397720 = RESOLVED

Complaint at: 324 GRAHAM AVENUE BIN: 3069072 Borough: BROOKLYN ZIP: 11211

Re: OPEN ROOF CONST CAUSING WATER DRAINAGE ONTO NEIGHBORINGPROPERTY;  
COMMERCIAL CORNER PROPERTY WITH GARAGE ADJ TO NEIGHBORINGPROPERTY

Category Code: 06 CONSTRUCTION - CHANGE GRADE / CHANGE WATERCOURSE

DOB District: N/A

Special District:

Assigned To: BROOKLYN BOROUGH OFFICE

Priority: B

Received: 12/07/2011 09:53

Block: 2771 Lot: 8

Community Board: 301

Owner: ANNA SUNG BOON CHOI

Last Inspection: 12/19/2011 - - BY BADGE # 0702

Disposition: 12/19/2011 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

Comments: NO DRAINAGE ISSUES/DEFECTS OBSERVED AT TIME OF THIS  
INSPECTI ON



**NYC Department of Buildings**

Overview for Complaint #:3393617 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211

Re: CLR IS REPORTING UNSAFE CONSTRUCTION OCCURRING AT THE ABV LOCATION. PLS INVESTIGATE THE MATTER ASAP

**Category Code:** 91 SITE CONDITIONS ENDANGERING WORKERS

**DOB District:** N/A

**Special District:**

**Assigned To:** BROOKLYN-BOROUGH OFFICE

**Priority:** A

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**Received:** 10/21/2011 08:52      **Block:** 2771      **Lot:** 8      **Community Board:** 301

**Owner:** ANNA SUNG BOON CHOI

**Last Inspection:** 11/17/2011 - - BY BADGE # 2349

**Disposition:** 11/17/2011 - L2 - STOP WORK ORDER FULLY RESCINDED

**Comments:** FENCE CONSTRUCTED PROPERLY ,FENCE NOT BOWING. NO UNSAFE CONDITION NOTED

**Previous Violations:** ECB: 34930091R - DOB: 102111C01RL03

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Complaint Disposition History

| Disposition Date | Disposition Code | Disposition  | Inspection By | Date       |
|------------------|------------------|--|---------------|------------|
| 10/21/2011       | A3               | FULL STOP WORK ORDER SERVED<br>FAILURE TO SAFEGUARD , FENCE NO CONSTRUCTED PROPERLY ,FENCE BOWING , WEATHERED,AND LEANING INWARD | 0702          | 10/21/2011 |
| 11/17/2011       | L2               | STOP WORK ORDER FULLY RESCINDED<br>FENCE CONSTRUCTED PROPERLY ,FENCE NOT BOWING. NO UNSAFE CONDITION NOTED                       | 2349          | 11/17/2011 |



**NYC Department of Buildings**

Overview for Complaint #:3388557 = RESOLVED

Complaint at: 324 GRAHAM AVENUE BIN: 3069072 Borough: BROOKLYN ZIP: 11211

Re: CALLER STATES THAT AT SOUTH EAST CORNER AT LOCATION THERE IS WOODEN PLY WOOD FENCE THAT HAS BLOWN OVER TWICE ALREADY. THE FENCE IS SAGGING-IT WAS PUSHED BACK UP-THIS IS A CONSTRUCTION SITE

Category Code: 15 FENCE - NONE/INADEQUATE/ILLEGAL

DOB District: N/A

**NYC Department of Buildings**

Overview for Complaint #:3381076 = RESOLVED

Complaint at: 324 GRAHAM AVENUE BIN: 3069072 Borough: BROOKLYN ZIP: 11211

Re: AT 1FL OF ABOVE ADDRESS ILLEGAL CONSTRUCTION WORK BEING REPORTED

Category Code: 05 PERMIT - NONE (BUILDING/ PA/ DEMO ETC.)

DOB District: N/A

Special District:

Assigned To: BROOKLYN BOROUGH OFFICE

Priority: B

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Received: 06/16/2011 11:26 Block: 2771 Lot: 8 Community Board: 301

Owner: ANNA SUNG BOON CHOI

**Last Inspection:** 06/20/2011 - - BY BADGE # 0686

**Disposition:** 06/23/2011 - I1 - COMPLAINT UNSUBSTANTIATED BASED ON DEPARTMENT RECORDS

**Comments:** PERMIT 320299949 SITE INSPECTED 6/10/11



**NYC Department of Buildings**

Overview for Complaint #:3380410 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211  
Re: THE SCAFFOLDING HAS FALLEN & IT IS ON THE SDWKK

**Category Code:**      23    SIDEWALK SHED/SUPPORTED  
                                 SCAFFOLD/INADEQUATE/DEFECTIVE/NONE/NO PMT/NO CERT

**DOB District:**      N/A

**Special District:**

**Assigned To:**      SCAFFOLD UNIT

**Priority: B**

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**Received:**    06/09/2011 22:13      **Block:** 2771    **Lot:** 8      **Community Board:** 301  
**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 06/10/2011 - - BY BADGE # 2341

**Disposition:** 06/10/2011 - I2 - NO VIOLATION WARRANTED FOR COMPLAINT AT  
TIME OF INSPECTION

**Comments:** CONSTR. FENCE, APPROX 60FT. FELL ONTO SIDEWALK DUE TO HIGH  
WINDS OVERNIGHT, GC ONSITE MAKING REPAIRS. ALL PERMITS IN  
PLACE





**NYC Department of Buildings**

Overview for Complaint #:3037438 =  
RESOLVED

Complaint at: 324 GRAHAM AVENUE      BIN: 3069072      Borough: BROOKLYN      ZIP: 11211  
Re: RENOVATION WORK 1ST FLOOR AND BASEMENT WITHOUT PERMIT

**Category Code:**      05    PERMIT - NONE (BUILDING/ PA/ DEMO ETC.)

**DOB District:**      N/A

**Special District:**

**Assigned To:**      BROOKLYN BOROUGH OFFICE

**Priority:** B

**Received from** FDNY

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**Received:**    09/30/1994 12:04      **Block:** 2771    **Lot:** 8      **Community Board:** 301  
**Owner:**      ANNA SUNG BOON CHOI

**Last Inspection:** 10/20/1994 - - BY BADGE # 0602

**Disposition:** 11/10/1994 - A1 - BUILDINGS VIOLATION(S) SERVED

**Comments:** EXPANDING THE FIRST FLOOR, FRUIT STORE INTO APT#1  
THROUGH THE REAR WALL. NORTH SIDE AND REAR FIRST FLOOR  
EXTENTION

**DOB Violation #:** 102094C01W01







12/18/11

Hon. Diana Reyna  
217 Havemeyer St  
Brooklyn, New York 11211

Dear Ms. Reyna:

Our names are John & Dorothy Colasanti we have lived at 186 Devoe Street since April 1980. my house has been in my husband's family since right after World War 11. We are proud of our neighborhood and I'm very active in my church Divine Mercy. I would like to bring to your attention a situation we are having with a business at 324 Graham Ave. Originally this was a vegetable store, and now the owner a Mr. Kim wants to turn it into a sidewalk café. I have no problem with anybody opening a business but Mr. Kim has never been a caring or descent business owner. When his wife opened in the 1980's, we always had a problem with the garbage disposal, and as a result we had a major rat problem. You could see the rat's running in and out of her store. We mad complaints about her to the sanitation department and building dept. on numerous occasions. Last winter when we had all that snow that no one shoveled, and we had to walk in the street to get to Graham ave. until spring. I don't trust this person because time and time again he has shown no regard or respect for anyone who lives here. Last week the wall he had put up for the construction site fell down ( for the third time) on a neighbor's car. His reaction to me was no problem.

I'm so fearful of this man and the danger he can bring to my block. Enclosed please find copies of the 50 petitions signed by myself and our neighbors. Also there are pictures of the mess he calls a construction site. Lastly I would like to thank Mr. Gerald Esposito, District Manager of Community Board 1 and his staff for being so helpful and supportive. My phone number is 718-599-0870 any help or advise you could give us would be appreciated. Thank you in advance for taking the time to read our letter.

Sincerely  
John & Dorothy Colasanti  
E-mail ; [jcolasa935@aol.com](mailto:jcolasa935@aol.com)

P.S. We realize we cannot stop Mr. Kim from opening his café. However we would like every city agency to be aware of Mr. Kim's total disregard for sanitary rules and his questionable ideas on building codes.

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Seri Lawrence

SIGNATURE: *Seri Lawrence*


11 DEC 16 11:17 P

ADDRESS: 186 Devoe Street

DATE: 12/14/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Cary Waldman

SIGNATURE: 

ADDRESS: 196 Devoe St, #1

DATE: 12-11-2011



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Helene Leskin

SIGNATURE: Helene Leskin

ADDRESS: 196 Devoe St, #1

DATE: 12-11-2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Harold Feinberg

SIGNATURE: Harold Feinberg

ADDRESS: 188 Devoe ST  
Brooklyn, NY 11211

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Theresa Feinberg

SIGNATURE: T Feinberg

ADDRESS: 188 Devoe Street  
Brooklyn, NY 11211  
718-384-7368

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Anthony Salvati

SIGNATURE: Anthony Salvati

ADDRESS: 182 Devoe ST.

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: LISA SALVATI

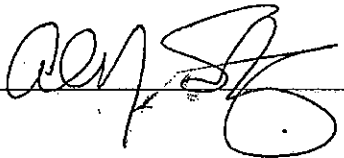
SIGNATURE: Lisa Salvati

ADDRESS: 182 Devoe ST.

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Alfred Schatz

SIGNATURE: 

ADDRESS: 178 Devoe St Brooklyn, NY 11211

DATE: 12/13/12

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Lois A. Gallagher

SIGNATURE: *Lois A. Gallagher*

ADDRESS: 178 Dene St. BROOKLYN NY 11211

DATE: 12.13.11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Tony DiStasio

SIGNATURE: Tony DiStasio

ADDRESS: 167 DEVOE ST, BKLYN N.Y. 11211

DATE: 12/12/11



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: CHRISTINE DiStasio

SIGNATURE: Christine DiStasio

ADDRESS: 167 DEVOE ST BRUKLYN N.Y. 11211

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: CAROL GOGLIANO

SIGNATURE: Carol Cogliano

ADDRESS: 190 Duane St

DATE: 12/13/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Angelina Memoli

SIGNATURE: Angelina Memoli

ADDRESS: 190 Devoe St

DATE: 12/10/2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Rose Ann Succi

SIGNATURE: Rose Ann Succi

ADDRESS: 177 Grove St

DATE: 12/13/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: MARIE MASCIA

SIGNATURE: Marie Mascia

ADDRESS: 177 Devore St

DATE: Dec 10, 2011

Proposal for KHIMS CAFÉ at 324 Graham ave. The corner of Graham and Devoe st.

1. Will be open 24/7
2. "Enclosed" sidewalk café.(windows that will open in nice weather) on the Devoe st. side.
3. 22 tables/ seating for 44 people outside. Seating for additional 35 people inside.
4. They will be serving just beer till 2am. For now.
5. Menu is for deli style food.

I don't have to tell you how much additional pedestrian and truck(deliveries, sanitation pickups) traffic there will be. Noise levels from air conditioner units, refrigeration compressors and people will go up, litter will increase. Double parked delivery trucks will create additional hazardous conditions for pedestrians, traffic, and emergency vehicles. So will the RAT population multiply.

If you agree with this petition, please sign the enclosed form and either give it to me or leave it in my mail box at 186 DEVOE st. I will bring it to the next CB1 committee meeting on Wed., DEC. 14 at 6:30pm.

THANK YOU  
JOHN COLASANTI

Thank you John for organizing this. If the way that they have conducted the renovations is any example of what we can expect, their lack of concern for their neighbors has been established without any doubt.

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: MARIE R APRILE

SIGNATURE: Marie R Aprile

ADDRESS: 182 Grove St Brooklyn NY 11211

DATE: Dec. 14. 2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: STEVEN M. HOROWITZ

SIGNATURE: Steven M. Horowitz

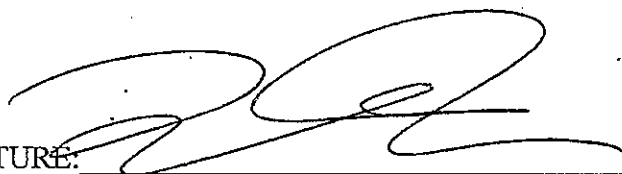
ADDRESS: 182 DEVOE ST.

DATE: 12-14-2011



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: PIRE FORTUNATO

SIGNATURE: 

11 DEC 14 7:35

ADDRESS: 184 DEVOE ST  
BROOKLYN, NY 11211

DATE: 12/13/2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Penny Overbaugh


SIGNATURE: Penny Overbaugh

ADDRESS: 184 Devoc St., Brooklyn N.Y. 11211

DATE: 12.13.11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: KY XUAN LY

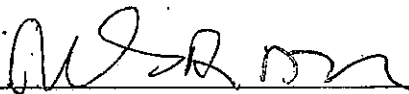
SIGNATURE: 

ADDRESS: 180 DEVOE ST

DATE: 12 / 9 / 11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: ICH TRAN

SIGNATURE: 

ADDRESS: 180 DEVOZ ST.

DATE: 12-10-11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Michele Lombardi

SIGNATURE: M. Lombardi

ADDRESS: 175 Devoe St., BKlyn 11211

DATE: 12/12/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Lena Lombardi

SIGNATURE: Lena Lombardi

ADDRESS: 175 Devoe Street.

DATE: 12 / 11 / 11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Stephanie Lombardi

SIGNATURE: Stephanie Lombardi

ADDRESS: 175 Devoe Street  
BROOKLYN, NY 11211

DATE: 12/9/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Rika Marubashi

SIGNATURE: Rika Marubashi

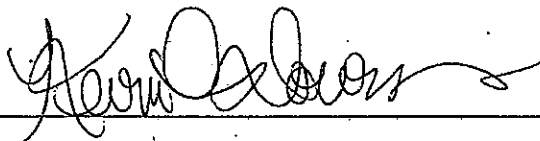
ADDRESS: 194 Deane St, 3rd Fl Brooklyn, N.Y. 11211

DATE: 12/9/11



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Kevin C. Downs

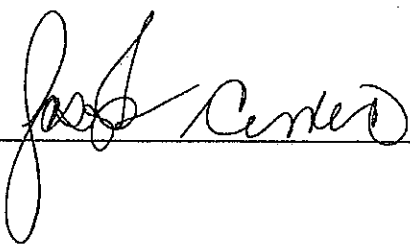
SIGNATURE: 

ADDRESS: 194 Devoe St

DATE: 12 / 10 / 2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: JOSEPH CIMINO

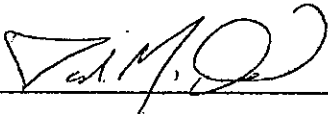
SIGNATURE: 

ADDRESS: 375 Graham Ave

DATE: 12/14/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: DAVID M. OWENS

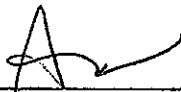
SIGNATURE: 

ADDRESS: 173 DeVoe St. Brooklyn, NY 1124

DATE: 12 / 10 / 2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Amy Sperber

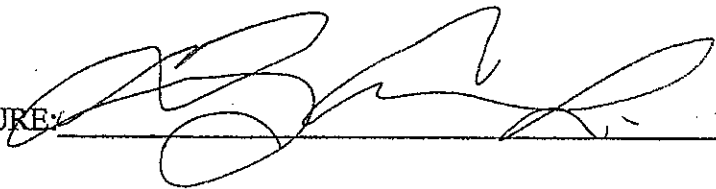
SIGNATURE:  \_\_\_\_\_

ADDRESS: 173 Devoe St Brooklyn NY 11211

DATE: 12 | 10 | 2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: GREGORY CAMLIN

SIGNATURE: 

ADDRESS: 173 DEVOE ST, BROOKLYN, NY, 11211

DATE: 12/11/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Heather Sperber

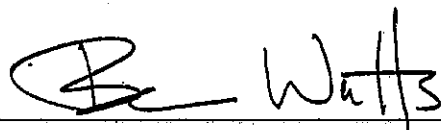
SIGNATURE: Heather Sperber

ADDRESS: 173 Dove St Brooklyn  
NY 1124

DATE: 12/11/2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Belinda Watts

SIGNATURE:  Watts

ADDRESS: 200 Devoe St.

DATE: 12/11/11

There are already 2 bars within  
500 ft of this corner, enough for any  
neighborhood + 2 diners, 2 coffee shops &  
2 restaurants.

And given the history of the trash & rat population  
on the corner when the owner operated this as a  
deli, and the shoddy construction, we can have  
no confidence that this is a benefit to the neighborhood

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: MARCUS MARGALL

SIGNATURE: MARCUS MARGALL

ADDRESS: 200 DEVOE ST.

DATE: Dec 11 / 2011



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Jennifer Millan

SIGNATURE: Jennifer Millan

ADDRESS: 179 Devoe St.

DATE: 12/10/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Patricia Millan

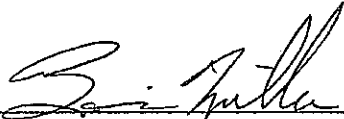
SIGNATURE: Patricia Millan

ADDRESS: 179 Devoe Street

DATE: 12/10/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Brian Miller

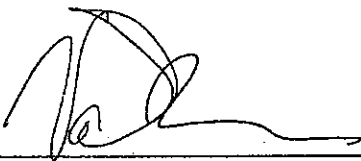
SIGNATURE: 

ADDRESS: 179 Devoe St. Brooklyn NY 11211

DATE: 12/10/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Valerie Millan

SIGNATURE:  \_\_\_\_\_

ADDRESS: 179 Devoe St.

DATE: 12/11/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: ANNA FUSCO

SIGNATURE: Anna Fusco

ADDRESS: 167 DEVOE ST.

DATE: 12/10/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: JOSEPH FUSCO

SIGNATURE: Joseph Fusco

ADDRESS: 167 DEVOE ST

DATE: 12-10-11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: CAROLLA LA TRACE

SIGNATURE: Carrolla La Trace

ADDRESS: 196 Dene St.

DATE: 12/9/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: JOSEPH LATRACE

SIGNATURE: Joseph Latrace

ADDRESS: 196 DEVOE ST

DATE: 12-9-11



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: JOSEPH LaTRACE

SIGNATURE: Joseph LaTrace

ADDRESS: 196 DEVOE ST.

DATE: 12-9-11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Erik Longabardi

SIGNATURE: Erik Longabardi

ADDRESS: 191 Avenue Street, Apt. 3F  
Brooklyn, N.Y.  
11211

DATE: 12/9/2011

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Julie Soltz

SIGNATURE: Julie Soltz

ADDRESS: 191 Devoe Street #3F

DATE: \_\_\_\_\_

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Lesley Day

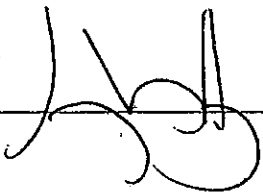
SIGNATURE: Lesley Day

ADDRESS: 184 Devoe Street

DATE: 12-8-11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Jay Van Hoy

SIGNATURE: 

ADDRESS: 184 Deane Street, 2, Brooklyn NY 11211

DATE: 12/8/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: Marcello G D'Elia

SIGNATURE: Marcello D'Elia

ADDRESS: 322 Graham Ave

DATE: 12/8/11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: ROBERT MATTEA

SIGNATURE: Robert Mattea

ADDRESS: 730 Metropolitan Ave

DATE: 12.8.11

I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: JOHN GLASANTI

SIGNATURE: John Glasanti

ADDRESS: 186 DEVOE ST.

DATE: DEC 12, 2011



I, oppose the granting of the permit for the opening of KHIMS  
CAFÉ at 324 Graham ave.

PRINT NAME: DOROTHY A. COLASANTI

SIGNATURE: Dorothy A. Colasanti

ADDRESS: 186 DEVOE ST.

DATE: 12/11/2011

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/29/12

(PLEASE PRINT)

Name: Susan O'Hanlon

Address: 140 7th Ave South

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20

(PLEASE PRINT)

Name: DAN COLE

Address: \_\_\_\_\_

I represent: OFFICE OF ENVIRONMENTAL REMEDIATION

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20

(PLEASE PRINT)

Name: DAN WALSH

Address: GERY

I represent: OFFICE OF ENVIRONMENTAL REMEDIATION

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20

(PLEASE PRINT)

Name: MARK MCINTYRE

Address: \_\_\_\_\_

I represent: OER - OFFICE OF ENVIRONMENTAL REMEDIATION

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 4567 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/29/12

(PLEASE PRINT)

Name: DOROTHY A. COLASANT

Address: 186 DEVON ST

I represent: DEVON ST

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 44-567 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20/2012

(PLEASE PRINT)

Name: JOHN COLASANT

Address: 186 DEVON ST

I represent: DEVON ST

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20/12

(PLEASE PRINT)

Name: BETH LEBOWITZ

Address: \_\_\_\_\_

I represent: CITY PLANNING

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20/12

(PLEASE PRINT)

Name: Alison McCabe

Address: \_\_\_\_\_

I represent: NYC Dept. of City Planning

Address: 22 Pease St. NY NY 10007

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 4561 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20/12

(PLEASE PRINT)

Name: MARIE BUENO WALLIN-ADM

Address: \_\_\_\_\_

I represent: BROOKLYN COMMUNITY BOARD #1

Address: 435 GRAHAM AVE  
Bklyn NY 11211

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 581 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/20/12

(PLEASE PRINT)

Name: DAVID AIGNER

Address: \_\_\_\_\_

I represent: CITY PLANNING

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 567 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 20 MARCH 2012

(PLEASE PRINT)

Name: FRITZ JOHNSON, ARCHITECT

Address: 37 JAMES ST, NYC 10038

I represent: DORIC CONSULTANTS

Address: 16 WEST 32<sup>ND</sup> ST 10001

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3-20-12

(PLEASE PRINT)

Name: ANTONIO GOMEZ

Address: 65 CARMINE ST.

I represent: SPUNTO INC.

Address: 65 CARMINE ST

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