



NEW YORK STATE SENATOR

Tony Avella

## Avella Opposes Application for Sidewalk Café in Residential Neighborhood

TONY AVELLA March 3, 2014

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(Bayside, Queens) State Senator Tony Avella, who has always fought alongside the community against out of character and inappropriate commercial uses, is opposing a petition filed by a local Pizzeria to establish a Sidewalk Café.

Nonna's Pizzeria, located on 154<sup>th</sup> Street in Whitestone, Queens filed the petition earlier last year with the Department of Consumer Affairs (DCA) but failed to post proper signage notifying the residents of an agency hearing on the petition, as required by law. After learning of the proposed changes, residents voiced stern opposition to the alterations, citing a number of quality of life concerns, including excessive noise and lack of parking.

Unfortunately, despite several postponements, inconsistency in the plans for current use of the site, and stern community opposition, the application was approved by DCA. The petition will now go to the City Council for final review.

“Sadly, it has been my experience that DCA approves every sidewalk café application that comes across its desk, leaving it up to the City Council to catch discrepancies and deny faulty petitions,” said Avella. “In this case, not only did the owner fail to properly notify the community of a significant change to the premises, but met significant opposition for the planned alterations. Despite my notifying DCA of these matters, they went ahead and approved the plans.”

Raising even more concern is a major discrepancy in the liquor license application filed by the Pizzeria owner. As required by the Alcoholic Beverage Control Law, applicants applying for a new on-premises liquor license must provide a 30-day advance notice to the local Community Board that such an application is being submitted to the State Liquor Authority (SLA). However, the renewal application received and approved by the Community Board varied significantly from the application that was then

approved by SLA.

“The application that was approved by SLA indicated a corporate change for the use of wine, beer and liquor on-site,” explained Avella. “But the application received by the Community Board indicated a simple application renewal for wine and beer, which was previously served at this location. Was the owner trying to circumvent the system to avoid further opposition? Too many things just don’t add up.”

Avella added, “The existing restaurant is situated on a small block of 5 mom and pop stores surrounded by one family homes. A sidewalk café at this location is simply wrong. If this application is approved by the City Council abutting residents will suffer significantly increased traffic and noise. I am therefore urging the City Council, and specifically the City Councilman for the area, Paul Vallone, to vote against this application. My hope is that they heed the call of the community in opposing this plan.”