

NEW YORK

# Manhattan lawsuit aims to shut down outdoor dining options in NYC

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A Manhattan lawsuit calls for the city and state to scrap the outdoor dining option launched when the pandemic hit in 2020, arguing the al fresco operations now leave a bad taste in their mouths.

The eight-page Supreme Court filing cited “increased and excessive noise, traffic congestion, garbage and uncontrolled rodent populations (and) the blocking of sidewalks and roadways” since the Temporary Outdoor Restaurant program began in June 2020.

“Now some restaurant owners are using the sheds for storage, not for outdoor dining ... some are filled with garbage,” said Brooklyn Community Board 4 Chair Robert Camacho in an affidavit with Friday’s suit. “Some are filled with garbage. Some have kids in there getting high.”



Outdoor dining structures are the subject of a Manhattan lawsuit. (Liam Quigley)

In addition, the lawsuit alleged, the outdoor dining option created problems for traffic on city streets and sidewalks, along with a dearth of parking spaces for customers that leads to a reduction in business.

“TOR also continues to appropriate substantial share of public sidewalks and streets for private use and profit,” the suit alleges.

Lower East Side restaurant owner Vincent Sgarlato supports the continuation of outdoor dining in the city — to a point. Some of the outdoor operations near his eatery turned into “putrid structures” over time, and cleanliness in general has become a pandemic problem in the area, he said.



The outdoor seating area of the Empire Diner, one of the winners of the Alfresco NYC Awards that recognize the city’s best outdoor dining spaces and open streets. (Luiz C. Ribeiro/for New York Daily News)

“It’s a beautiful thing for the rats,” he said Saturday. “As a New Yorker, you get hardened to it. But when I walk home, I walk in the middle of the street.”

Lower East Side clothing store owner David Owens, 78, said the city and state have to do something to improve the outdoor sheds or scrap the plan entirely.

“Either removal or reformation, or some sort of standards,” said Owens as he swept trash from the bike lane outside his business. “If they removed them, I wouldn’t miss them.”

Emails to the Gov. Hochul’s office and City Hall about the lawsuit were not returned Saturday.

The outdoor dining areas are wildly disparate in condition, with some inviting and well-maintained and others emitting the stench of human and animal waste.

Tanya Bonner, chair of the Task Force on Noise for Washington Heights and Inwood, said hundreds of local residents were concerned about the future of outdoor dining before blasting the city for its lack of enforcement.

“The city agency for enforcement ... has consistently refused to engage with community residents about their concerns around enforcement of open restaurant rules and regulations,” she said.

And Brooklyn resident Angela Bilotti filed an affidavit detailing how the quality of life in her Williamsburg neighborhood was devastated by outdoor dining, with loud music blaring and an infestation of vermin.

“The sheds filling the streets have become nesting grounds for rats,” said Bilotti, a 28-year resident. “Where I used to be able to smell the trees as I walk my dog, it now smells like decay and urine. Riding my bike means dodging rat roadkill.

“In my time here, I have never lived with so much filth, stench and vermin.”