

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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www.nyc.gov/mcb4

COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

October 11, 2013

Dennis Rosen
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

**Re: 300 West 22 Realty LLC
d/b/a The Gem Hotel
300 W. 22nd Street**

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a Hotel Wine and Beer License for 300 West 22 Realty LLC d/b/a The Gem Hotel – 300 West 22nd Street unless the following stipulations, agreed to by the applicant, are part of the method of operation.

The establishment has a capacity of 471 people including 52 on roof, 1 stand up bar with no seats, and 5 tables with 41 seats outdoors within building property line.

This establishment is located across from a church on a very quiet residential block. A number of residential windows, one of them less than 10 feet away, face the proposed rooftop space. If any location calls out for noise abatement measures and a guarantee of a certain amount of quiet enjoyment for nearby residents, this one does.

Our primary concern here is with the rooftop - an amenity to many restaurant owners and their patrons, but potentially a severe nuisance to the quality of life of surrounding residents. The Board has found repeatedly that rooftop use is inevitably disruptive to the surrounding residents because continuous noise and ambient smoke entering the homes of nearby residents is almost an inevitable irritant of rooftop use. Therefore, the Board rarely recommends approval of rooftop use and almost never recommends approval in residential areas. And if it does, Board policy requires roof tops must be a minimum of ten stories above abutting residences.

This license application, however, is for a wine and beer license, a license which is routinely granted unless there are outstanding problems with the applicant. So any agreement the Board has reached with the applicant will not be incorporated in the method of operation if we deny. We deeply resent this position we find ourselves in.

In reviewing this application, the Board has tried to balance the competing needs between the applicant and the residents by laying down ground rules. In our experience, optimal co-existence of bars and residents must include agreement to the hours and methods of the operation and responsible business owners and managers are the key to maintaining a beneficial and respectful environment.

After a number of committee meetings and a meeting between the applicant and the community the applicant has agreed to the following stipulations:

- Rooftop will be closed by 9:00 p.m. Sunday - Thursday and 10:00 p.m. on Fridays and Saturdays;
- Applicant plans to have background and live music but no amplified music, no more than 4 musicians, and no percussion instruments;
- Applicant will use State certified security personnel;
- Applicant will provide contact information to neighbors and respond in a timely manner to complaints;
- Applicant will inform the Community Board office of job openings and provide a hyperlink to the job's webpage;
- The service and consumption of alcohol on the rooftop will be primarily via seated service;
- Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents;
- Applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbors' privacy and peace;
- Staff will also encourage a peaceful environment among outdoor diners;
- Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors; and,
- Applicant will not use outside promoters.

A signed copy of the questionnaire and stipulations are enclosed (see Attachment A).

While the applicant has agreed to the stipulations above, he is willing to agree to two further stipulations that the community feels are essential to maintain the quality of life of neighboring residents. We request the assistance of the SLA to obtain further stipulations from the applicant and include them in their method of operation:

1. Hire a reputable sound engineer to perform a sound study, including measurement from the windows overlooking the space, and share the results with the community board and implement all the recommendations from the study, and
2. Limit the number of "events" to no more than one a month.

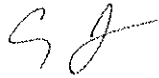
These two additional stipulations will help ensure a more harmonious co-existence of this venue and its neighbors.

One final issue is that residents of the community have stated that the rooftop has been used in the past for events and liquor has been served (see Attachment B). The Board has been told that a prior manager

over saw events (although the present manager can be seen in pictures of these events). The applicant has responded that a catering company handled the liquor. We ask that the SLA enquire in to the prior use so that we can be sure nothing is remiss with this application.

We appreciate your help on this matter and look forward to hearing of the outcome.

Sincerely,



Corey Johnson
Chair



Paul Seres
Co-Chair
Business License & Permits
Committee



Lisa Daglian
Co-Chair
Business License & Permits
Committee

cc: NYC Council Speaker Christine Quinn
NYS Senator Brad Hoylman
NYS Assemblyman Richard Gottfried
Manhattan Borough President Scott Stringer
Donald Bernstein, applicant representative
Gem Hotel
300 West Block Association
Council of Chelsea Block Associations

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT 300 West 22 Realty LLC		DOING BUSINESS AS (DBA) The Gem Hotel	
STREET ADDRESS 300 West 22nd Street		CROSS STREETS Between 8th and 9th Avenues	
OWNER	NAME: 300 West 22 Realty LLC	ATTORNEY	NAME: Donald Bernstein / Alexander Victor, Victor & Bernstein, P.C.
	PHONE: (212) 675-7100		PHONE: (212) 486-6000
	FAX:		FAX: (212) 486-8668
MANAGER	NAME: Gemini Property Management, LLC; Sean Ames (GM)	LANDLORD	NAME: c/o Icon Realty
	PHONE: (212) 675-1911		PHONE: (212) 675-7100
	FAX:		FAX:

DESCRIPTION OF BUSINESS

Establishment Type:
 Bar/Tavern Bed & Breakfast Eating Place Beer Cabaret Night Club Hotel Restaurant
 Catering Establishment Club (Fraternal Organization - Members Only)
 Other (Explain): _____

Method of Operation:
 Restaurant Dance Club Sports Bar Adult Entertainment Wine Bar Pizzeria Cafe
 Other (Explain): Hotel

License Type:
 On-Premise Wine Beer Wine & Beer

APPLICATION TYPE (check one)	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES**	<input type="radio"/> NO
		What is/was the name of establishment?	See rider attached.	
		What is/was the address of the establishment?	See rider attached.	
		What were the dates the applicant was involved with this former premise?		
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
Please describe the nature of the alterations and attach the plans				

OPERATIONAL ISSUES

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	Operation	Hotel: 24/7 (the rooftop will close by 9pm Sunday through Thursday, and 10pm on Friday and Saturday)						
	Music	No amplified music on rooftop; music inside will be background levels only						
	Kitchen	The restaurant within the hotel is Foragers Table, open from 10am - 9pm.						

OCCUPANCY	INDOOR				BAR			OUTSIDE	
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	471 (incl. 52 on roof)	471	0	0	0	1	0	41	5

How many floors are there? What is the capacity for each floor? (please respond in space provided)	1-2	3-4	<input checked="" type="radio"/> 5+	5 story hotel, including roof
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will applicant have bottle service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will you be hosting private parties and promotional events?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will outside promoters be used?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will the security plan submitted be implemented?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will State certified security personnel be used?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	Premises is a hotel.
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will applicant provide contact information to neighbors and respond to complaints that arise?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	

If you plan to have music, what type(s)? **BACKGROUND** **LIVE MUSIC** DJ *Following Our final steps*

BUILDING DESIGN

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	There are no openings to the street and the rooftop will be vacated and closed by 9pm Sun.-Thurs., 10pm Fri. and Sat.
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A	

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only ^{primarily} via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where reasonable provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

LOCATION & ZONING

Primary Zoning District:	C1-6A (Commercial / Office Building)	Overlay (If Applicable):	None
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Are your plans filed with DOB?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings	<input checked="" type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		



NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Dalton Management (building manager of adjacent residential building)
	# 2	Chelsea Chamber of Commerce
	# 3	300 West 23, 22, and 21st Block Associations
*Prior to the CB meeting, the Applicant will also notify Eleanor Horowitz and Zazel Loven, as instructed by Janine Pretente.		

ADDITIONAL STIPULATIONS: (Office Use Only)

- No amplified music, 4 musicians, no percussion instruments


Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input checked="" type="radio"/> Denial unless all agreed to by applicant is part of the method of operation <input type="radio"/> Denial
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CB4 REPRESENTATIVES

 Nelly Gonzalez <i>CB4 Community Associate</i>	Lisa Daglian <i>CB4 BLP Committee Co-Chair</i>	 Paul Seres <i>CB4 BLP Committee Co-Chair</i>
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APPLICANT AGREEMENT WITH THE COMMUNITY

Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

SIGN HERE →	 SIGNATURE OF APPLICANT	8/20/13 DATE
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----- Original Message -----

From:

To:

Sent: Friday, October 04, 2013 3:53 PM

Subject: Rental of Gem space on IMBOOKIN marketing 65 people roof/penthouse

<https://www.imbookin.com/packages/687-space-rental>

[The GEM Hotel Chelsea \(Browse Venue\):](#)

Rooftop

NO IMAGE YET

Space Privacy: Private

Space Description: The Rooftop at The GEM Hotel Chelsea is perfectly situated on the 6th floor of the hotel. The 6th Floor of the hotel includes the Penthouse with a full terrace, and an open rooftop with fabulous views of the Empire State Building and the Manhattan skyline. The hotel is unable to provide food and beverage service but we are happy to offer catering options. The rooftop must be rented along with the penthouse for all events.

Venue Description: Welcome to The GEM Hotel Chelsea

Stylish Chelsea has become the world headquarters for high-profile art galleries. Charming brownstone and tree-lined streets make strolling a pleasure by day. And old warehouse buildings pulsate after dark as the city's hottest nightclubs. In the midst of it all you'll find The GEM Hotel Chelsea, an ideal choice when seeking exceptional New York hotels, hospitable service in an unpretentious, accessible and sustainable manner.

Enjoy stunning accommodations at our Chelsea New York City hotel, friendly service, and accessibility to all the top picks in dining, shopping, entertainment and more. When considering Chelsea boutique hotels choose The GEM Hotel.

Space Capacity: 45 seated, 65 standing

Space Amenities: External Catering Allowed, External Liquor Allowed, External Music Allowed, Handicap Accessible, Outdoor Space (Roof/Deck/Garden/Patio), View (Water View, City View, Nature View)

Venue Types: Hotels, Outdoor, Terraces/Roofs/Gardens

Cancellation Policy Firm: 50% booking deposit, full refund 14 days prior, less cancellation fees

Other Spaces at this Venue:

House Rules & Insurance

Booker Required to Purchase Liability Insurance (View House Rules for details)

Planner should obtain Additional Liability Insurance

Space Rental

[The GEM Hotel Chelsea, Rooftop](#)

This package includes rental of the space with no additional spend required.. Additional Fees - Service Fee: 0.0%, Cleaning Fee: \$0

Age Groups: 21+

Includes 3 Hour Space Rental. Max Guests 65

From:

Subject: and from their facebook page and the after party

Date: October 3, 2013 10:42:51 PM EDT

To:

<https://www.facebook.com/photo.php?fbid=10151731213145148&set=a.10151731212250148.1073741825.59572595147&type=1&theater>

<http://queerandsober.org/registration/>

The After Party

The Rooftop at The Gem Hotel

10pm – 12:30am

Take in the New York skyline and make some new friends on the rooftop of our host hotel in Chelsea. Drinks and Ice Cream will be served.

*\$10 cover at the door for non-registrants. No online ticketing.

All are welcome.

Fwd: SOS GEM ALERT Full bar service

Corey Johnson [cojo63@aol.com]

Sent: Thursday, October 03, 2013 10:42 PM

To: Benfatto, Robert; [redacted]

Begin forwarded message:

From: [redacted]
Subject: Fw: SOS GEM ALERT Full bar service
Date: October 3, 2013 10:26:03 PM EDT
To: [redacted]

The attorney for the Gem said to me that they had already had events before and no one complained. I said if you have had 50 people with music serving drinks on the roof without a beer and wine permit isn't that illegal?

He said no they brought their on drinks with them

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“Keep Calm and Stache On“ – Gem Hotels’ Annual Summer Party Rocks at their Chelsea Rooftop Event Venue!

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Gem Hotel Rooftop Party Venue in Chelsea

<http://www.flatironhotnews.com/2013/06/27/keep-calm-and-stache-on-gem-hotels-annual-summer-party-rocks-at-their-chelsea-rooftop-event-venue/>

by Sade Jones, Tod Shapiro, and the Flatiron Hot! News Editorial Staff

NYC Seminar and Conference Center’s business partner, The Gem Hotels, hosted their annual summer event last Thursday at the Gem Hotel Chelsea on 22nd Street and 8th Avenue. The Gem Hotel brand is a premier collection of boutique hotels in Manhattan. The hotel has three locations, Gem Soho, Gem Chelsea and the Wyndham Garden Chelsea West. The Gem Hotel was awarded Best Boutique Hotel in NYC by CitySearch NYC and ranked as one of the Top Ten Boutique Hotels in NYC by *The Guardian UK*. This year’s theme was “party like a gentleman”. The mustaches were contoured, the food was sizzling and the drinks were chilled and waiting for the attendees on the Gem Hotel

Chelsea rooftop. The coordinator, Valerie Cruz, and the Gem Hotel staff warmly greeted all the attendees at the door with a mustache nametag and a raffle ticket.



Business owners and employees from the Flatiron District joined together for this event, including staff from the NYC Seminar and Conference Center, Yodle, Chelsea Piers, the Center for Jewish History and many others. **There was a full bar** and a variety of hors d'oeuvres including an assortment of meatballs, fruit, veggies, salad, crackers, cheese and delicious mustache-shaped cookies. There were plenty of mustache decorations as well as a mustache-themed photo booth and a "guess who" mustache game. Prizes included a one-night stay at the Gem Hotel, a complimentary brunch at The Foragers, and even tickets to a baseball game. Not only were the weather and festivities amazing but the décor, the amenities and the atmosphere were as well.



The NYCSCC's [Flatiron Hot! News Blog](#) editorial staff, and its hardy interns, were in attendance at the party. All agreed that **the open bar**, delicious finger foods, to say nothing of the panoramic views of the nearby Chelsea skyline made the evening. **Most certainly, the Gem Hotel Chelsea is an ideal venue for any corporate groups looking to party the night away!**

Fwd: and then there is

Corey Johnson [cojo63@aol.com]

Sent: Thursday, October 03, 2013 11:09 PM

To: [redacted]; [redacted]; [redacted]; Benfatto, Robert

Begin forwarded message:

From: [redacted] <[redacted]@gmail.com>
Subject: and then there is
Date: October 3, 2013 10:33:32 PM EDT
To: [redacted] <[redacted]@gmail.com> "Zazel loven" <[redacted]@yahoo.com> "Phyllis Waisman" <[redacted]@gmail.com> "David Czyzyk" <[redacted]@mattatnbo.org> "Laura Morrison" <[redacted]@bradhoyleman.com> "Brad Hoyleman" <[redacted]@gmail.com> "Christine Berthel" <[redacted]@me.com> "Lesley Doyer" <[redacted]@richard.com> Corey Johnson <cojo63@aol.com>

<http://www.localbozo.com/2013/07/the-gvccc-rooftop-mixer-networks-summer-fun-at-the-gem-hotel/>

Blog: GVCCC Rooftop Mixer at The Gem Hotel (2/13)



Community. It's the glue that holds us all together. And in a city where everyone seems to be moving at the

Community. It's the glue that holds us all together. And in a city where everyone seems to be moving at the speed of light and sound it's important to take a step back and appreciate those who

are tying neighborhoods together. The Greenwich Village Chelsea Chamber of Commerce or GVCCC for short, has been working tirelessly to provide dynamic civic and leadership to the businesses who make up this historic neighborhood.

~~On Thursday evening, the GVCCC took to the rooftop of Chelsea's Gem Hotel for a member and guest attended mixer to~~ open up a platform for networking and to kick back on one of those rare cool summer nights. Shortly after 6pm we hit the Gem Hotel's beautiful roof deck, which features breathtaking panoramic views of the neighborhood and of the Empire State Building. Right from the word go, the friendly staff of the GVCCC welcomed us giving us the lay of the land for the evening. As the guests began to arrive we made **our way to the open bar** for crisp cans of beer and ice cold white wine. With a drink in hand we decided to sink our teeth into the taco bar courtesy of neighborhood newcomer [Tres Carnes](#). Heaping platters of pork and beef tacos were on hand and ready to be devoured. If that wasn't enough there was a seemingly endless selection of toppings that included fresh guacamole, corn, pico de gallo and pickled onions just to name a few. Needless to say we tried a few mouthwatering tacos with a combination of these delicious ingredients.

After getting plenty to eat and a few drinks later, the roof deck filled up quickly leading to some fantastic networking opportunities. Guests of the mixer represented a virtual cornucopia of businesses on every side of the spectrum. We spent some time chatting with tax lawyers, various consultants and webmasters but one of our stand out chats was with the owners of the up and coming glass blowing business named, "[Karen Curtis](#)." Founded by the wife and husband team of Karen Curtis and Aaron Niemczyk, the business creates stunning hand-crafted jewelry, home accents, chandeliers and art glass. Our conversation with them revealed how dedicated they are to the craft and a perfect example about how fruitful these types of mixers are for discovering new exciting businesses.

Do yourself a favor, even if you live nowhere close to Chelsea or the West Village check out all the outstanding work the [Greenwich Village Chelsea Chamber of Commerce](#) is doing to advance our community on a daily basis. There are plenty of events upcoming to wet your whistle and your palate.