



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

Jesse R. Bodine
District Manager

July 29, 2015

Tyler Morse
Chief Executive Officer
MCR Development LLC
152 West 57th Street, 46th Floor
New York, NY 10019

Re: Venue: The Refectory
Liquor License No: 1268270

Dear Mr. Morse,

Manhattan Community Board 4 (MCB4) writes to confirm that The Highline Hotel, located at 180 Tenth Avenue, is currently not operating in compliance with the Noise Laws of the City of New York, and possibly with the current stipulations of your Liquor License.

While we have received documentation of the original Liquor License showing that amplified “live” music is allowed in The Refectory venue, it is unfortunate that none of the renewal applications filed with the State Liquor Authority (SLA) that MCB4 reviewed since 2007 mentioned that live music would be performed. It is also disconcerting that the stipulations of your 2013 alteration application agreed to with MCB4 and the SLA specifically spelled out “background music only”, calling into question which stipulations are actually enforceable. We note for the record that the Highline Hotel worked closely with MCB4 over the years to remediate quality of life issues that have arisen due to their operation of the Refectory. MCB4 appreciates your efforts in undertaking rigorous sound testing that was conducted in the homes of nearby residences, which resulted in the remediation of illegal sound levels that were emitted by way of recorded music. However it is disheartening that the issue of live music is still not resolved after two years of nuisance issues reported by your neighbors.

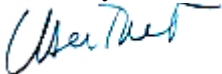
MCB4 requests that you fully comply with the Noise Code of New York and you immediately cease all “live” music in The Refectory until this matter is permanently resolved. An additional sound test of “live” music should be conducted to demonstrate that any sound, be it “live” or “recorded” emanating from The Refectory venue, is compliant with all New York City noise codes and ordinances.

It has also come to our attention that the current Temporary Certificate of Occupancy for the Refectory shows occupancy of 74 persons while your events accommodate up to 200 guests, staff and musicians. We are concerned that this historic structure with wooden floors and stairs does not meet the proper fire guidelines for larger crowds. Please provide us with the Assembly Permit and the final COO for the capacity currently used.

In addition, we continue to request that – as a gesture of neighborly courtesy, you provide fifteen (15) day written notice via email to MCB4 and nearby community members (the list will be provided by our office) of all upcoming events that utilize any type of amplified music in The Refectory.

Thank you for your time and immediate attention to these important matters. We look forward to your response within the next 30 days on what measures have been/will be taken to address these issues, a timeline for resolution and a confirmation that no live music events will take place until it is proven resolved. Please contact us at your earliest convenience if you have any comments or questions regarding this issue. We look forward to hearing from you at your absolute earliest convenience.

Sincerely,



Christine Berthet
Chair
Manhattan Community Board 4



David Pincus
Co-Chair
Quality of Life
Committee



Tina DiFelicianantonio
Co-Chair
Quality of Life
Committee

cc.: Reverend Dunkle, Theological Seminary
Michael Jones, Deputy Chief Executive Officer, New York SLA
Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly
Humberto Galarza, Manhattan Coordinator – Community Affairs , NYC DEP
Council of Chelsea Block Associations