



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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John Weis
Chair

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

September 11, 2009

Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210

Re: Subgem Chelsea LLC – 300 W. 22 Street

Dear Commissioner Rosen:

Manhattan Community Board 4 recommends denial of a new liquor license for Subgem Chelsea LLC unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- License includes rooms, ground floor and cellar restaurants, service and rooftop.
- Rooftop restaurant operation will close completely, with space cleared of staff and customers, by 9 pm Sunday through Thursday, and 10 pm Friday and Saturday.
- Rooftop use will only be via seated food service with a service bar only with no patrons standing outside to drink or smoke. Use of bamboo plates and plastic glassware on the patio would also help to reduce noise levels.
- A no smoking section on the rooftop will be placed nearest adjacent windows of adjacent buildings.
- There will be no amplified sound on the rooftop.
- Total rooftop capacity will be 52 maximum.
- No outside promoters will be used in any of the restaurants or lounges.
- Applicant will not apply for a cabaret license.
- A DJ is permitted on cellar and ground floor restaurants only and sound will not be connected to rooftop.
- The applicant will follow the recommendations of a certified sound engineer to mitigate potential noise disturbances to the neighboring residents and buildings, including placing speakers on the floor of the establishment. Those recommendations could also include, but not be limited to softening the reverberating noise with sound absorbing tiles, use of a sound limiting canopy, cover or enclosure, furnishing the rooftop with plants and other noise absorbing decorations.
- Applicant will return to CB4 prior to making any changes.

- Kitchen exhaust systems will be designed to be compliant with NYC building codes and will be constructed in such a way they will not disturb neighboring tenants.
- There are no French doors or windows that open to the street.
- 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. The applicant would regularly attend local block and resident association meetings to address any problems that arise. Additionally, we expect the applicant to comply with recommendations that arise in future discussions with the community and CB4 to mitigate any noise problems.

Subgem Chelsea LLC is a new hotel with a restaurant in the cellar with capacity of 56, a ground floor restaurant with capacity of 33 and aforementioned rooftop restaurant, with total capacity of 52. This license will include hotel rooms and service areas in addition to restaurants for public use. Restaurants – ground floor and cellar only – will be open from 8 am – 4 am.

This establishment is very close to residential buildings, both adjacent and across the street. The community board has a strong sensitivity to permitting rooftop use in this proximity however as a result of previous determinations by the SLA that have overridden community opposition to outdoor use, Community Board 4 wants to be certain that these stipulations are included in the method of operation to provide for the most peaceful environment possible.

Sincerely,



John Weiss
Chair
Manhattan Community
Board 4

[Signed 09/11/09]

Lisa Daglian
Co-Chair
Business License & Permits
Committee



Chuck Spence
Co-Chair
Business License & Permits
Committee

cc: Applicant
Fred Gioffre
Elected Officials