

1120 FIFTH AVENUE  
NEW YORK, N.Y. 10128  
President

Ms Cindy Lord  
1120 Fifth Avenue  
New York, N.Y. 10128

August 12, 2009

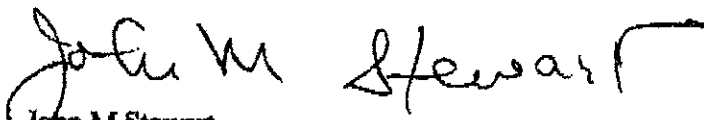
Cindy,

I share your concern about the plans for reconstruction of the buildings behind us on 94<sup>th</sup> Street. The sketches of the expansion do not seem appropriate for our neighborhood. Not only will the proposed rebuilding diminish views for our shareholders, they will be a significant inconvenience to all in the neighborhood.

If past reconstructions are any guide, the area reserved for construction vehicles will be expanded when the police are not looking, noise and dust standards will be ignored, and the work crews will not respond to requests to reduce noise, dust or to observe parking regulations.

I, and our Board, support your efforts, and will help whenever we can be useful.

Cordially, with concern



John M Stewart  
President, 1120 Fifth Avenue

My name is Barbara Walder and I live in the second floor, rear apartment at 1 East 93<sup>rd</sup> Street.

I want to thank you for this hearing today, and thank the Council members and their staffs who talked with us and toured the site. It is much more than the other agencies in this flawed review process have done.

But, the neighbors—at 1,3 and 5 East 93<sup>rd</sup>, and 1120 and 1125 Fifth—came to this very late, just as cb8 was voting, and if a few of us hadn't spotted an inconspicuous flier briefly fixed to a lamp post, we wouldn't have heard anything about this development plan until the jackhammers started.

With little time to understand the process and become part of it, it's not surprising that a group of amateur neighbors haven't made much headway against the professional "team" of one of the richest developers in New York.

Before I show you pictures of the site taken by my talented neighbor, Arthur King, I want to point out what many of us think is an essential issue:

If you could overlay a sketch of the building now at 4 E 94<sup>th</sup> street with an outline conforming to the current zoning laws, it would be clear how grossly overbuilt this 1960's building already is.

We understand that, somehow, the dimensions of this community institution are being grandfathered into what the developer insists will be a personal residence.

We don't understand why the developer would be considered for special permits in a building that already violates existing zoning laws. It would be devastating to the light and air of so many people—possibly 16 apartments in 1120 alone—and compounds the '60's mistake.

It's not fair; it's not logical; and it's not in compliance with the laws. And, what Landmarks so prizes in the plan for the building front, would be done routinely by any developer in these choice blocks.

We live in the neighborhood and love it. The developer is just passing through, trying to squeeze as many square feet and as much money out of the property as he can. That's fine, except he's doing it at our expense.

We don't want our quality of life diminished; we don't ~~want~~<sup>want</sup> the zoning regulations chipped away; we don't want to endure years of construction and end up with something worse than what was there before.

As a writer, I hope to inform the public about this review process and suggest ways to reform it. Right now, City Council can deny the special permits and uphold the laws that protect New York. I hope you do. Thank you very much. August 18, 2009

Re: 4-8 East 94<sup>th</sup> Street, New York, NY 10128

As residents of 1 East 93<sup>rd</sup> Street #1A we have to live with an extremely oppressive environment at the back of our apartment, located on the first floor.

This is due to the building facing us at the back, Numbers 4-6-8 East 94<sup>th</sup> Street. It was built 15' high and terminates approximately 32" away from our bedroom window, negating the flow of air and cutting out most of our natural light.

From a mental and physical health aspect, this is intolerable. As an architectural statement it is both clumsy and ugly. As for the safety aspect there are cracks running down the side of the building, meaning it is structurally unsound.

The plans do not provide any information regarding the disposition of this wall or a new one. Any new wall must be far enough away from the back of our building and window and also low enough to make it more environmentally-friendly, allowing the flow of natural light and air, giving whomever lives in the back of the building a better quality of life.

Arthur and Sarah King  
1 East 93<sup>rd</sup> Street # 1A  
New York 10128

48 E 94 St  
C 090003 ZSM

J G FRITZINGER, JR.  
1120 Fifth Avenue  
New York NY 10128  
jfritzinger@dbllp.com  
(212) 259-6600

June 15, 2009

Amanda M. Burden, Chairman  
Members of the New York City Planning Commission  
22 Reade Street  
New York, N.Y. 10007

Dear Chairman Burden, Ladies and Gentlemen:

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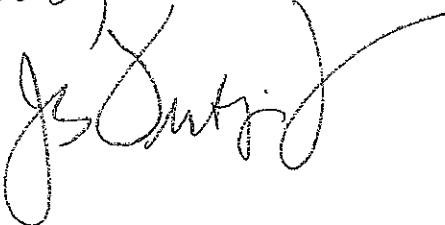
I am the owner of Apartment 4C at 1120 Fifth Avenue. The window of my main bedroom faces east and looks just past the Southern end of 4 East 94<sup>th</sup> Street.

A five foot extension of that building to the south would have a disastrous effect on the light that comes into that room and the views from it. In effect it would turn what is now an airy view of the vegetation growing behind the various buildings on East 93rd and 94<sup>th</sup> Street, with glorious morning light flooding into the room, into something more like an air shaft. The increased bulk of the buildings further East would likewise be an unwelcome loss of light. Two other rooms in my apartment face the same direction and would be adversely affected by the proposed project.

It must be that the purpose of height and bulk restrictions is to allow the existing amenity of a neighborhood to be preserved, and not chipped away at little by little. I cannot conceive that any critical purpose can be served by a further five foot incursion into the space behind 4 East 94<sup>th</sup>. When such a change is not permitted by the zoning rules that are meant to preserve the historic character and grace of the Carnegie Hill area, I urge you not to allow it to be overridden by a developer who could have perfectly well designed a structure that was in compliance with the applicable rules.

The loss of the residents' ability to rely on an evenhanded enforcement of the rules and regulations that are intended to maintain the character of this historic district and neighborhood would eventually lead to a downgrade of the desirability of the whole area and ultimately to a decline in real estate values.

For all the reasons given above, I urge the Commission to deny the requested variances.

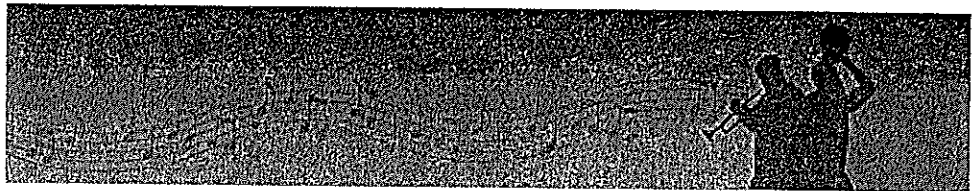
Sincerely,  




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108  
\$59 million

## Mack Daddy! Investor Selling Mansion for \$59 M., a Tidy Markup

By Max Abelson  
July 22, 2008 | 7:08 p.m

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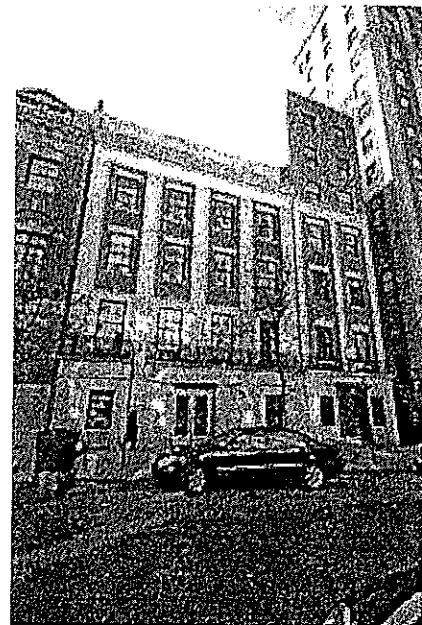
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Twelve months and 26 days ago, according to city records, the nonprofit adoption agency Spence-Chapin sold its 24,463-square-foot headquarters at 4-8 East 94th Street, built from three 19th-century row houses, to Richard Mack, a managing partner of his father's multibillion real estate investment group, Apollo Real Estate Advisors. He paid \$23 million.



Property Shark

+Enlarge

But real estate executives are wilier than nonprofit adoption agencies. After receiving a permit from the Landmarks Preservation Commission in December to essentially replace an un-pretty three-story addition, built above a

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Now 6 story  
addition  
↑

third of the house, with a full 60-foot penthouse, among other upgrades, Mr. Mack put the property back on the market this week.

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He's asking \$59 million, according to Carrie Chiang's listing.

Though that's \$36 million more than he paid last year, Mr. Mack, who didn't return calls to his office, has spent only \$65,000 on the house, according to estimates on city construction applications. Most of that money went to gutting the house, which means the interior renovation, not to mention everything approved by the commission—building that new penthouse,

renovating the facade so that the mansion's odd-fitting third section matches up, building a two-story addition in the backyard—will be up to the buyer.

But the place is massive basically two and a half times the threshold for a townhouse to be considered a mansion. "Mine is the cheapest!" Ms. Chiang said, comparing it to the year's other giant townhouse listings, an East 68th Street mansion listed for \$64 million by Paula Del Nunzio, and a slightly bigger East 71st Street townhouse listed for \$75 million by Serena Boardman.

"That's, what, a 40-footer?" she said about Ms. Boardman's (it's 45 feet wide).

"Paula's is only a 36-footer." Reached at her office, Ms. Del Nunzio said: "The 90s are not as valuable as the 60s and 70s. The 90s cannot be compared to the 60s and 70s as a location. That's a proven fact, it's not an opinion."

mabelson@observer.com

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# The Discussion



valueb

Submitted by eveisk (not verified) on Thu, 05/21/2009 - 23:34.

6/3/09

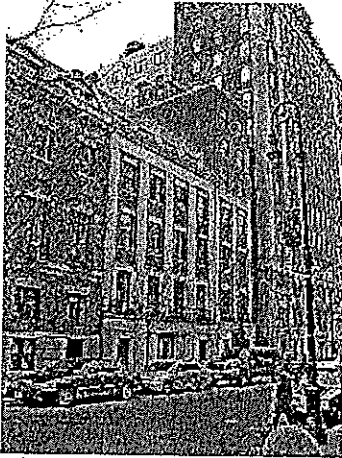


4-8 East 94th Street

CLOSE

web id: 1327866

Cross St: 94th & Fifth



Those desiring a palatial residence know that with New York townhouses, width and location are everything. In this case, neither can be equaled. Former home of Spence-Chapin, the building designed by A.B. Ogden & Son in 1890 was originally three of four rowhouses. No. 8 was owned by Swiss entrepreneur, Max D. Neuburger. In 1936, Nos. 6-8 were combined into a five-story, 40-ft. wide house with a neo-classical façade for George Perkins. In 1955, Spence-Chapin acquired the Perkins' home and commissioned the firm Kahan & Jacobs to convert it into office use. Between 1963-1965, it also acquired 22-ft wide No. 4, which was renovated to a seven story office building by architect George Hickey. The façade underwent several transformations. Both facades feature red brick with a limestone base. Second floor wrought iron continues throughout. The pilasters of Nos. 6-8 are enriched with Greek fret motifs. The slightly recessed entrance is flanked by Doric columns. The piano nobile has tall windows with austere surrounds while stone lintels with Greek frets are on third and fourth. The stone-trimmed attic is set back behind a stone cornice with anthemion cresting. Currently, most of the demolition work has been completed in preparation for the building's metamorphosis. Built of solid concrete and steel structure, the building is awaiting a discerning purchaser who desires the ultimate New York mansion. It is also ideal for a school, private club, diplomatic residence or institution.

contact information



Carrie Chiang  
 P: (212) 836-1088  
 CCC@corcoran.com



Loy Carlos  
 P: (212) 745-9486  
 ABC@corcoran.com

essentials

cross st: 94th & Fifth  
 units: 1  
 floors: 7  
 property type: other  
 doorman: no  
 approx. sqft: 24,463

42 million

financials

price: \$42,000,000  
 taxes: \$248,783 (annual)

All information furnished regarding property for sale, rental or financing is from sources deemed reliable, but no warranty or representation is made as to the accuracy thereof and same is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale, lease or financing or withdrawal without notice. All dimensions are approximate. For exact dimensions, you must hire your own architect or engineer.

6/3/09



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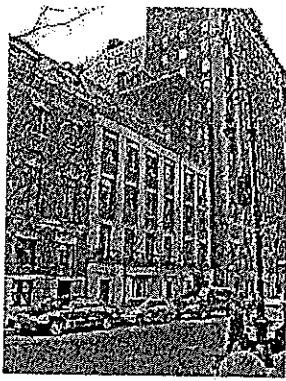
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4-8 East 94th Street  
Carnegie Hill/Upper East Side, New York, NY 10128

Web ID: 1327866  
Posted: 178 days ago

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PHOTOS

\$42,000,000  
24,483 Sq. Ft.  
Other  
Floors: 7  
Built: 1890

Monthly Taxes: \$20,732

Building Information  
Spence-Chapin

Cross Street  
94th and Fifth

Amenities  
Elevator  
Garden/Patio  
Metro Area



Carrie Chiang  
(212)836-1088  
E-Mail Agent



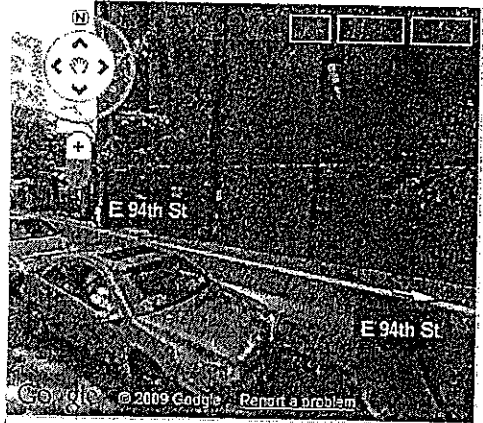
Loy Carlos  
(212)745-9486  
E-Mail Agent



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Get directions to 4-8 East 94th Street:

Starting Address By Car Go

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"Those desiring a palatial residence know that with New York townhouses, width and location are everything. In this case, neither can be equalled. Former home of Spence-Chapin, the building designed by A.B. Ogden and Son in 1890 was originally three of four rowhouses. No. 8 was owned by Swiss entrepreneur, Max D. Neuburger. In 1936, Nos. 6-8 were combined into a five-story, 40-ft. wide house with a neo-classical facade for George Perkins. In 1955, Spence-Chapin acquired the Perkins' home and commissioned the firm Kahan and Jacobs to convert it into office use. Between 1963-1965, it also acquired 22-ft wide No. 4, which was renovated to a seven story office building by architect George Hickey. The facade underwent several transformations. Both facades feature red brick with a limestone base. Second floor wrought iron continues throughout. The pilasters of Nos. 6-8 are enriched with Greek fret motifs. The slightly recessed entrance is flanked by Doric columns. The piano nobile has tall windows with austere surrounds while stone lintels with Greek frets are on third and fourth. The stone-trimmed attic is set back behind a stone cornice with anthemion cresting. Currently, most of the demolition work has been completed in preparation for the building's metamorphosis. Built of solid concrete and steel structure, the building is awaiting a discerning purchaser who desires the ultimate New York mansion. It is also ideal for a school, private club, diplomatic residence or institution."

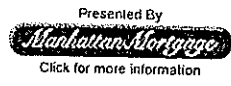
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Nearby Neighborhoods for Carnegie Hill, New York, NY

- Upper East Side, New York, NY 0.83 miles away
- Upper West Side (72nd - 96th Street), New York, NY 0.94 miles away
- Upper West Side, New York, NY 1.16 miles away
- East Harlem, New York, NY 1.22 miles away
- Manhattan Valley, New York, NY 1.27 miles away
- Roosevelt Island, New York, NY 1.57 miles away

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And only two of the 10, **the Mark's** \$60 million penthouse and the art collector Aby Rosen's \$75 million mansion at **22 East 71st Street**, haven't had price cuts. They're both suspended in their own worlds of tremendous splendor: "If it sells this year, it will sell this year; if not, it will sell next year," Mr. Rosen has said.

**The Sloane Mansion** on East 68th Street, which had been the most expensive townhouse on the market until Mr. Rosen's townhouse came along, was pulled from the market last week. Listing broker Paula Del Nunzio, whose tag came down from \$64 million to \$54 million, said the house's owners wanted to consider their options. At least one brokerage database showed Tuesday that mega-agent Dolly Lenz had apparently gotten the listing (at the same price), but a spokesperson for the house's owners said there is no current exclusive. Ms. Lenz didn't return messages.

But it would be odd if the townhouse's \$54 million tag didn't come down. In January, the tag for the 14-room penthouse at **1020 Fifth Avenue** was lowered from \$46.5 million to \$39 million, even though it had come on the market two years ago for \$50 million. The same month, broker Carrie Chiang cut the price of art dealer Guy Wildenstein's multi-unit sprawl at **the Plaza** from \$46.5 million to \$42.4 million.

Those units are now only available separately. "How many people are buying 8,000-square-foot apartments, all cash, and are willing to undertake the work?" Loy Carlos, an associate of Ms. Chiang's, explained this week. A small unit is in contract to sell for somewhere between \$4.4 million and \$4.9 million, he said, which would be hundreds of thousands of dollars less than it cost. And Mr. Wildenstein's biggest unit, formerly the Plaza's Frank Lloyd Wright Suite, is asking over \$3.5 million less than the \$21,533,297 he paid for it.

But at least it's still on the market. Last year, Ms. Chiang listed the real estate heir Richard Mack's 24,463-square-foot mansion at **4-8 East 94th Street** for \$59 million, which came down to \$42 million in March. Records show that the house was taken off the market in June, though Mr. Carlos said Monday it would only be temporary.

That house's original asking price was modest compared to the \$90 million (or \$15,332 per square foot) that a biomedical venture capitalist was asking last year



for the **15 Central Park West** duplex that he had bought for only \$30 million. In April, *The Observer* reported that the apartment had been rented out for \$75,000 per month, which means it would take 100 years for the owner to get the price he once wanted.

That condo was an unofficial listing, like the philanthropist Courtney Sale Ross' duplex at **740 Park Avenue**, a sprawl built from a 14-room and an 18-room apartment. Edward Lee Cave, the monogram-shirted broker who had let it be known last year that the co-op was quietly asking at least \$60 million, said Monday that it isn't being shown. "I must tell you, I have not had someone for it," Mr. Cave explained. "There hasn't been any activity over the last few months."

*mabelson@observer.com*

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# The Discussion



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Claire S. Lord

1120 Fifth Avenue  
New York, N.Y. 10128-0144

July 8—09

To: Daniel R. Garodnick      Councilman

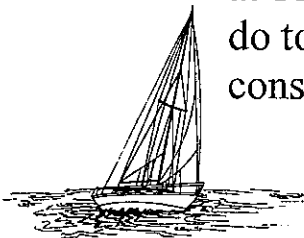
Dear Mr. Garodnick:

Thank you for the time you gave our small group of alarmed citizens from the 93<sup>rd</sup> and 94<sup>th</sup> Street area. I am Claire (Cindy Lord) and was sitting to your left. I hope that you can help us to a degree that is feasible in terms of how city planning okays building plans which are way out of shape for other citizens in any community.

Mr. Mack's plan to extend out the back at number 4 on 94<sup>th</sup> St. is so excessive and thoughtless for all the rest of us that I do not understand how city govt. has been willing to agree to it to this point. The answer is that no one, in any of the committees, took the time to see the garden and look at the back of buildings 4-6-8 on 94<sup>th</sup> St. Extension of the Spence Chapin building at its back will result in an "air shaft" for those of us who have enjoyed the garden and the community we share here in Manhattan.

I hope that you will get to see, first hand, what I above describe. Please visit my apartment or another in 1120 5<sup>th</sup>. One look on your part at these buildings will show you the issue. Mr. Segun, your helpful assistant, can just give me a call. I understand that developers have to make their work viable financially, but it is plainly mean spirited on Mr. Mack's part to end light and air for so many of us. Many of our apt. rooms on the back of my building will be cut off from garden view and light diminished by this developer's gargantuan plan for himself.

kindest regards to you and the appreciation of all of us here at 1120 Fifth.. Please contact me if there is anything I can do to help in the struggle to lessen the much too big ideas for construction which Mr. Mack demands.



Claire (Cindy) Lord

To whom it may concern

Re: "4-8 East 94<sup>th</sup> Street", NYC 10128

City Planning number: C 090003 ZSM

We have been residents in the rear ground floor apartment of 1 East 93<sup>rd</sup> Street for five years. We are opposed to the special permits and development plan for 4-8 E 94<sup>th</sup> Street

The property in question towers over us to the north and the proposed 5' rearward extension of #4 and the sixth floor addition to #6-8 would cut off even more light. We are appalled at the advancing bulk and height of these already massive buildings.

The 94<sup>th</sup> Street facade plans dominate the proposal. The plans for the rear of the project are not developed or revealed, nor is its' impact on neighbors to the south. The existing, so-called, one story extension terminates 32" from our bedroom window as an intrusive red brick wall rising 15' high, blocking out our light and air.

  
Arthur O King

  
Sarah Barton-King

6-16-09

In re: the matter of  
ULURP Application # C090003 ZSM  
4-8 East 94th Street (Manhattan) by RJM/EM 4 East  
94<sup>th</sup> Street LLP

Dear Commissioner Burden and Fellow City Planning  
Commissioners:

My name is Lynn Jawitz, long term owner/occupier of  
5 East 93<sup>rd</sup> St., the rear abutting property to 4-8  
East 94<sup>th</sup> Street. Due to the limited amount of time I  
was allowed to speak before you at last week's  
meeting, my final notes and thoughts are  
enumerated below. To summarize:

O The application for this variance is for the sole  
purpose of executing a complete vanity project  
whereby the applicant seeks to enlist the city in his  
endeavor NOT for the purpose of increasing the  
square footage of his project, but to take the  
stipulated, more than adequate square footage that  
he has in the building presently, legally "waste" it,  
and shift it around at his discretion, at the  
considerable financial, emotional, and lifestyle (i.e.  
light and air) expense of the rear yard neighbors.  
The applicant is asking the city to amend the law just  
for him, to our irreparable damage.

O The applicant comes to the application with  
"unclean hands" having intentionally and publicly lied  
to, and misrepresented the fact that the home was  
for personal use and not on the real estate market to  
both CB 8 and your own City Planning Commission.

This disreputable behavior should not be rewarded with the variances requested so that he can "make a quick buck" by lying to the city at the expense of honest neighbors who have come to plead their case in earnest, and in good faith.

O The approval of this application will negatively, dramatically, and permanently darken, close in, and negatively affect the value of my home as well as that of my neighbors. No compensation can recompense this action.

I ask you to consider that Landmarks approval clearly and admittedly did NOT take into consideration the impact of the rear building changes on the 93<sup>rd</sup> Street neighbors before giving its approval to the variance.

I beseech the commission to carefully review the comments of Barbara Walder, my neighbor at 1 East 93<sup>rd</sup> Street, who has spend hours researching this application.

I urge you to listen to the recommendations of Manhattan Borough President Scott Stringer's office, who (paraphrasing) said that the concerns of the impacted neighbors should be heard and addressed.

I beg you to insist that this applicant make his vanity project adapt to current housing guidelines designed to protect the community and reject this application.

Thank you for listening and taking seriously the truly negative impact that this building project will permanently inflict on my home, and those of so many of my neighbors.

Lynn Jawitz  
5 East 93<sup>rd</sup> St  
NYC, NY 10-128  
212|876.1063

A handwritten signature in black ink, appearing to read "Lynn Jawitz". The signature is written in a cursive style with a large, looping initial "L".



June 16, 2009

From: Barbara Walder, 1 East 93<sup>rd</sup> St./2A 10128, Manhattan.  
Opposed to "4-8 East 94<sup>th</sup> St." # C 090003 ZSM

To: City Planning Commission Chair Burden, and  
Fellow Commissioners:

The only way you will understand the 4-8 East 94<sup>th</sup> St. redevelopment plan and its effect on the neighbors, is to see the site yourself.

Relying on incomplete and inaccurate information by your planner, Melissa (who has not been inside the 4-8 property, much less to its north or south), you all seemed convinced at the end of the June 15<sup>th</sup> review session, especially Commission Chair Burden, that you understood the site and the plan, and that the neighbors' concerns were groundless. It was clear that on July 1, you would vote to approve the plan and its special permits.

We may not be a sexy site like Coney Island, but we don't deserve such smugness and short shrift. How can you come to any conclusions if no one in City Planning has examined the full site, or understood the plan?

During the June 15<sup>th</sup> meeting, I was at first astounded and angry and then, suddenly, just felt ridiculous, a fool in a farce, as I and my neighbors have so often felt during the two months we been aware of this approval process.

It was clear that our testimony to you on June 3<sup>rd</sup> was only of momentary importance; all trace of us had vanished by June 15<sup>th</sup>, our time and effort wasted.

Stand in Joan Jacobson's eighth-floor apartment at 1125 fifth; Cindy Lord's third floor apartment in the "C" line at 1120 Fifth; my apartment at 1 E. 93<sup>rd</sup> and the town houses of Joel Archer, at 3 E 93<sup>rd</sup> and Lynn Jawitz, at 5 E 93<sup>rd</sup>. Stand on the north side of 94<sup>th</sup> between Madison and Fifth, and look at the streetscape on the south side.

We think you will see what we see: With or without a garden, extending the back of 4 E 94<sup>th</sup> five feet, and adding another floor and mechanicals to 6-8, would reduce air and light and quality of life for 1125 fifth, the "B" and "C" lines in 1120, and for 1,3 and 5 on the north side of 93<sup>rd</sup> Street.

Many in the neighborhood have lived here for decades, and no one knows more, or cares more about the neighborhood, than we do.

Certainly not the developer, Richard Mack. Despite forceful statements made by him, (or his lawyer, at your June 3<sup>rd</sup> meeting) that Mack, and a business partner will be owner/occupiers of 4-8 East 94<sup>th</sup>, the site has been for sale, for a year.

It was offered for \$59 million in '08 (he paid \$23 million the year before) and for \$42 million the day of the meeting. Included with this statement and downloaded from the web June 3<sup>rd</sup> is: an '08, New York Observer article detailing Mack's financial history and sale plans for the site, and the property's current websites on Corocan.com and the New York Times online real estate listings. Google the property's address, and you'll find much more about the sale offer.

And, while the developer's application (and his lawyer, on June 3<sup>rd</sup>), emphasize that a private home will be much quieter than the adoption agency it replaces (an agency which never made a sound in the decades it was immediately behind my apartment), the Corcoran site suggests that while the 4-8 site could be "the ultimate New York mansion" for the "discerning purchaser", it is "also ideal for a school, private club, diplomatic residence or institution."

Richard Mack and his architect didn't design the best plan for the site, just the best for their pocketbook. With his special permits for bulk and height modification, he is trying to squeeze every square foot he can out of the property, to get the highest price he can. Clearly, he believes the false owner/occupier status has been crucial to the approvals he's received.

We're not against making money, just not at the expense of our air and light. We are also against the special permits because of the precedent it would set for negating the regulations protecting this historic district. We don't want to endure lengthy, complicated construction, and end up with something worse for neighborhood, instead of something better.

Deny the special permits and, instead, make Richard Mack design a plan within the district's regulations. Make him match the new, 4 E 94<sup>th</sup> with the current height and bulk of 6-8 E. 94<sup>th</sup> (and 10-12 and adjacent buildings), as was the case when the both were built in the 1890's.

Also, make Richard Mack explain to you, in person, the contradictions between the Corcoran website and his assertion he's an owner/occupier. He and his lawyer told a number of lies, face-to-face, to me and my neighbor, Joel Archer, after the cb8 meeting in April. I hope that it would matter, if they did that to you.

Most important, please make sure you understand the plan and its implications for the neighbors surrounding the site. 1120 wasn't even mentioned in the review session; the north side of 93<sup>rd</sup> Street, completely dismissed, and ultimately, 1125 as well.

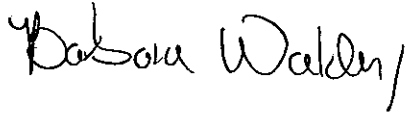
There was misunderstanding about the super's house (very much occupied), at 1125; misunderstanding of the current back extension of 4 E 94<sup>th</sup> St.; misunderstanding of the

geography to the south and north of the site, and misunderstanding how the proposed, five-foot back, top-to-bottom 4 E extension, and added floor to 6-8, would affect us.

Also, the missing details of the plan, which would be so important to the neighbors, including, apparently, a new back wall for 4 E, haven't even been considered by City Planning, details not important to Mack or his "team" because Mack won't be living there.

Please, see the site in person, so we get a fair hearing. We, and the neighborhood, will live with the effects of your vote for many years to come.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Walder". The signature is written in black ink and is positioned below the word "Sincerely,".

Barbara Walder

/



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 East 4th Street - New York, NY 10003  
Phone: (212) 533-5300 - Fax: (212) 533-3659  
www.cb3manhattan.org - info@cb3manhattan.org

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

August 18, 2009  
Subcommittee on Zoning and Franchises  
Sidewalk Café NYLA Café dba Spitzer's Corner  
101 Rivington (aka 126 Ludlow)

I am testifying for Community Board 3, Manhattan. My name is Susan Stetzer and I am the District Manager. I appreciate the opportunity to testify here today.

Community Board 3 has two categories of objections to this sidewalk café.

The first is in regard to the location. The corner of Ludlow and Rivington is one of the most overcrowded and noisy nightlife areas in the city. It is also a very old section of the city with very narrow streets and has traditionally been mixed residential and commercial. However, until the past several years, the commercial was daytime retail. The current commercial use is a destination nightlife area that produces tensions between the nightlife businesses and residents. The overwhelming nightlife industry in this mixed use area lacks the infrastructure to support it.

The area is so overcrowded that the street are congested and backed up. In November, 2006 at the request of the Seventh Precinct, The Community Board voted: *Because the area on Ludlow St between E Houston and Delancey St and on Orchard St between Stanton and E Houston St are oversaturated with nightlife businesses and their attendant vehicular and pedestrian traffic and noise, CB3 approves the 7th Precinct proposal for a pilot program to change the signage on the west side of Ludlow St between E Houston and Delancey St and on the west side of Orchard St between Stanton and E Houston St to "No Standing 11pm-6am Friday and Saturday."* This resolution is attached.

In addition to the crowded streets, the sidewalks are so overcrowded that pedestrians spill out into the streets. We cannot afford to lose any sidewalk space on Ludlow. On the occasion of the first application for this sidewalk café in 2007, the Commanding Officer of the Seventh Precinct, Captain Dwyer, wrote a letter to this committee saying that he does not favor the addition of any venue or extension of existing venues that would cause additional noise, congestion, or disorder. I now have a letter from the current Commanding Officer, Captain Barry, updated this month. The letter is attached. However the Captain incorrectly copied the old land use number on her letter.

The second issue regards the manner of operation of the establishment. This business has received penalties for serving underage customers on 6/25, 7/31, and 12/2 2008 and 1/17/2009. The liquor license applications for this establishment are to operate a restaurant. However, I have a notarized letter from a resident stating that she has been denied admittance to this establishment because she and her husband and children wished to eat at the establishment, and she was told the policy is that no children are admitted after 8 pm week nights and 7 pm on weekends. I have since been told that this was a condition of operation by the police after the nuisance abatement for selling underage. This means this is not a restaurant serving the families. Although it has a full service restaurant, it is a noisy bar that that has not proven responsible in complying with the regulations. Families would not be able to use this sidewalk café in the evenings because of the nuisance abatement restrictions.

This establishment applied for a sidewalk café in 2007. Although the Community Board requested denial,

Council member Gerson negotiated a revised application. This agreement is enclosed dated September 14, 2007. I also have this in writing from Peter Janosik dated July 14, 2007, included here. After one year, the applicant reneged on this agreement as stated in attached letter from Councilmember Gerson dated August 6, 2008. Later, the sidewalk license was voluntarily surrendered to DCA because of inconsistencies in the plan which otherwise would have resulted in a revocation of the license. The current plans had to be revised after being submitted to the Community Board for compliance. The Community Board does not believe this business has demonstrated compliance to license regulations necessary to for the privilege of receiving a license, nor has the owner shown good faith in negotiating agreements.

Community Board 3 requests that City Council vote to deny this sidewalk café.

Attached:

1. Letter from State Liquor Authority regarding 4 violations for serving underage and letter of penalty.
2. Letter of August 6, 2008, from Councilmember Gerson regarding original agreement that was discarded by applicant after one year.
3. Letter of September 14, 2007 from applicant's architect stating points of revision. There is no provision for review after one year.
4. Fax of July 14, 2007 from Peter Janosik with same revision
5. Letter of July 4, 2007 from former Seventh Precinct Commanding Officer to the SLA describing the location.
6. Letter from 2007 from former Seventh Precinct Commanding Officer to this committee asking that this sidewalk café license not be granted.
7. Letter from this month from current Seventh Precinct Commanding Officer to this committee asking that this sidewalk café license not be granted.
8. Resolution of May 2009 from Community Board 3 requesting that this license not be granted.
9. Community Board 3 resolution of November 2006 removing lane of parking on weekend nights to try to improve street congestion
10. Notarized statement from resident that her family has been denied admittance twice because children are not allowed after 8 pm week nights and 7 pm weekends.
11. Letters from residents asking that this license not be granted.
12. 311 complaints

STATE OF NEW YORK  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900  
Albany, NY 12210-8002

317 Lenox Avenue  
New York, NY 10027

535 Washington Street, Suite 303  
Buffalo, NY 14203

\*\*\*\*\*

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

1193062, NEW YORK OP 1193062

761-2009/Case No. 55164

NYLA CAFE LLC

126 LUDLOW ST AKA 101 RVNGTON  
NEW YORK, NY 10002

PLEASE TAKE NOTICE, that pursuant to Section 118 of the Alcoholic Beverage Control Law you are required to answer by mail as provided below, or in person, at the office of the Division of Alcoholic Beverage Control, Harlem Center, 317 Lenox Avenue, 4th Floor, (between 125th & 126th Streets), New York, New York 10027, on **04/08/2009**, at 11:00 AM, in connection with proceedings to cancel or revoke the above-referenced license, and to plead to the following charge(s):

1. That on 6/25/08, in violation of subdivision 1 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a person or persons actually under the age of twenty-one years.
2. That on 7/31/08, in violation of subdivision 1 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a person or persons actually under the age of twenty-one years.
3. That on 12/2/08, in violation of subdivision 1 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a person or persons actually under the age of twenty-one years.
4. That on 1/17/09, in violation of subdivision 1 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a person or persons actually under the age of twenty-one years.

PLEASE TAKE NOTICE THAT YOUR FAILURE TO PLEAD WILL BE DEEMED A "NO CONTEST" PLEA AND NO FURTHER HEARING WILL BE HELD.

PLEASE TAKE FURTHER NOTICE that you may be represented by counsel. If you need a translator, you must bring one with you at your own expense.


PLEASE TAKE FURTHER NOTICE that you may plead to the charge(s) by mail instead of by personal appearance provided that a letter signed by you or your attorney, setting forth your plea of "Not Guilty" or "No Contest" is received by the Office of Counsel of the Division of Alcoholic Beverage Control at the above New York City address on or before the pleading date specified above.

PLEASE TAKE FURTHER NOTICE that the maximum penalty may be a revocation and forfeiture of the Bond filed by you, and or a civil penalty. In addition, if the Authority revokes the license, the Authority may proscribe the issuance of a license at the premises for a period of two years from the date of revocation of the license.


PLEASE TAKE FURTHER NOTICE: If you plead not guilty to the charge(s), a hearing will thereafter be scheduled at which you may appear with counsel, produce witnesses, and introduce evidence in your behalf.

PURSUANT TO SECTION 301 of the State Administrative Procedure Act, interpreter services shall be made available to deaf persons, at no charge, by the Authority.

Licensee's name and residence address

LEDDY, MARK  


Licensee's Landlord

ZELIKS MANAGEMENT CORP  


Date: 03/05/2009

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Robert F. Buckley, Associate Attorney  
Office of Counsel

by: PHILIP PICKUS  
317 Lenox Avenue

New York, New York 10027

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD DISPOSITION  
MEETING OF 07/09/2009

07/20/2009

NYLA CAFE LLC

126 LUDLOW ST AKA 101 RVNGTON  
NEW YORK NY 10002

Re: 1193062, NEW YORK OP 1193062  
DO # 4705-2008/Case # 53037, 54219  
AGENDA ITEM NO. 2009-02989 & 2009-02990

Dear Licensee:

The Members of the Authority at their regular meeting on 07/09/2009 determined as follows with regard to the above captioned matter:

Terrence Flynn, Jr., Esq. appeared

CNC ACCEPTED

Penalty is the following:

Civil Penalty: \$6000.00

Penalty Due by: 08/14/2009

If the above penalty is not complied with by 08/14/2009 the following will be imposed:

Cancellation

**NOTE:** A civil penalty must be paid in full, no installments, by **CERTIFIED CHECK, OFFICIAL BANK CHECK OR MONEY ORDER** payable to the *State Liquor Authority*. Mail payments to the **New York State Liquor Authority, Revenue Collections Unit (CP), 80 South Swan Street, Suite 900, Albany, New York 12210-8002**, by the above due date. To insure proper credit, please list your license serial number and name on the check.

JACQUELINE HELD  
NEW YORK STATE LIQUOR AUTHORITY  
SECRETARY'S OFFICE  
80 South Swan Street, Suite 900  
Albany, NY 12210  
[518] 402-4394  
secretarys\_office@abc.state.ny.us

cc: file  
TERRENCE R. FLYNN, JR.  
FLYNN & FLYNN, P.L.L.C.  
114-12 BEACH CHANNEL DRIVE SUITE 9  
ROCKAWAY PARK NY 11694

ALAN JAY GERSON  
COUNCIL MEMBER, 1<sup>ST</sup> DISTRICT  
MANHATTAN

DISTRICT OFFICE  
49-51 CHAMBERS STREET, SUITE 429  
NEW YORK, NY 10007  
(212) 788-7722  
FAX (212) 788-7727

CITY HALL OFFICE  
250 BROADWAY, ROOM 1845  
NEW YORK, NY 10007  
(212) 788-7259

gerson@council.nyc.ny.us



THE COUNCIL  
OF  
THE CITY OF NEW YORK

CHAIR  
LOWER MANHATTAN RE-DEVELOPMENT

COMMITTEES

ECONOMIC DEVELOPMENT

FINANCE

FIRE & CRIMINAL JUSTICE SERVICES

PARKS & RECREATION

WATERFRONTS

YOUTH SERVICES

August 6, 2008

Mr. Andrew Eiler  
Director of Legislative Affairs  
Department of Consumer Affairs  
42 Broadway  
New York, New York 10004

Re: NYLA Café LLC, d/b/a Spitzer's Corner  
License #1254854

Dear Mr. Eiler,

I am writing to voice my concern regarding the sidewalk café application for the above mentioned applicant which will come before the City Council and then to the Department of Consumer Affairs. This establishment first came before Community Board 3 Manhattan in May of 2007. At that time the Board voted against this application and the Rivington Block Association echoed Community Board 3's (CB3) opposition as did the Commanding Officer of the Seventh Precinct.

In an effort to reach a good faith agreement with the applicant, my office convened a meeting with the representatives of NYLA. The result of this meeting was an agreement on hours of operation and the number of tables that would be requested by the applicant (please see attached agreement). This negotiation was successful and an agreement was reached. One year later, the owners are trying to renege on the agreement and to basically quadruple the number of tables going from 5 currently to a requested 19. In June of this year, the applicant came to CB3 with their application. NYLA's representative attempted to misrepresent the work done by my office and with his participation, and accused both my representative and the District Manager, Ms. Susan Stetzer, of trying to mislead the SLA Committee and CB 3 by extension.

I urge the Department of Consumer Affairs to make the applicant adhere to the agreement in place. This section of Rivington and Ludlow is extremely overcrowded on weekend nights and there is already spillover from the sidewalk into the streets. Expanding commercial use into the small sidewalk area that is already overcrowded can create hazardous situation on both the sidewalks and streets. The Police Department has already instituted no parking on one side of the street on weekend nights in an effort to keep the traffic moving and allow access for emergency vehicles. Before this lane of parking was removed, the Seventh Precinct had to close off the streets on occasion. In addition to the agreement reached, please find a number of documents that detail the process and work that has gone into this



applicant and their business. If you have any questions or need further information please contact Matt Viggiano, my Director of Land Use Policy and Community Affairs.

Very truly yours,



Alan J. Gerson  
1<sup>st</sup> Council District

Cc: Susan Stetzer, District Manager Community Board 3 Manhattan  
Peter Janosik, Senior Project Manager NYC Council Land Use Division

**SWA** One Ninety East, Main Street, Hurdington, New York 11743 • Tel: 631-424-8480 • Fax: 631-547-4193 • E-Mail: info@SWAarchitecturepllc.com

September 14, 2007

#8

Mr. Peter L. Janosik  
Project Manager  
City Council – City of New York  
Land Use Division  
250 Broadway  
Room 1620  
New York, NY 10007

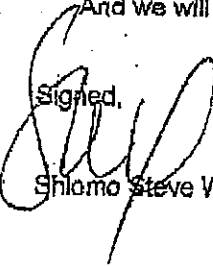
To Mr. Janosik,

We are the architects for NYLA Café, LLC (dba NYLA Café) located at 101 Rivington St - New York, NY 10002 with DCA Application #1254854. In response to community concern, we agree to the following revisions to the layout for the tables for their Sidewalk Café application:

1. On Ludlow St, we will only have 5 tables and 10 seats.
2. The hours of operation for the café shall be until 9:00 pm Sunday through Thursday and 10:00 pm Friday and Saturday evenings.

And we will continue to cooperate with you if you require anything further.

Signed,

  
Shlomo Steve Wygoda, RA

SSW/jr  
Cc: NYLA

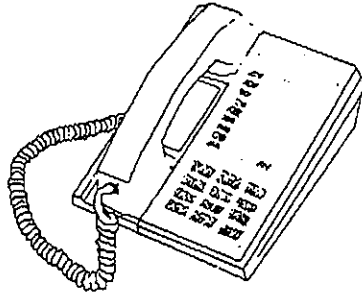




THE COUNCIL  
THE CITY OF NEW YORK  
LAND USE DIVISION  
250 BROADWAY ROOM 1602  
NEW YORK, NEW YORK 10007

GAIL BENJAMIN  
DIRECTOR

TEL: 212-788-7302  
FAX: 212-788-7337



*Michael  
Ben Asher  
487-  
4215*

### FAX TRANSMITTAL

(212) 788-7337

TO:

*CARLOS  
~~JOSE~~ ROZA*

FROM:

Peter Janosik

DATE:

*9/14/07*

No. of Pages: (Excluding Cover Sheet) \_\_\_\_\_

Comments: *RE: NYCA 101 RIVINGTON*

*STREET. 5 TABLES = 10 CHAIRS ON LUDLOW  
ST. ONLY, CLOSE CAFE 9PM SUN TO THURS.  
10PM FRI = SAT.*

*If you do not receive the number of pages mentioned above, please call 212-788-7331.*

Transmitting to Fax No.: 212-533-3659

The  
City  
of  
New York



POLICE DEPARTMENT

July 4, 2007

Hon. Fred J. Gioffre  
Deputy Commissioner  
SLA Licensing Division  
317 Lenox Avenue, 4<sup>th</sup> Floor  
New York, New York 10027

# 8

Dear Deputy Commissioner Gioffre:

I have been informed by Community Board 3 that a liquor license has been requested for NYLA Café at 126 Ludlow aka 101 Rivington Street.

I share the Board's concerns in this matter and concur with their conclusion that the area where this license is requested is "over saturated with many licensed establishments which cause quality of life problems for the residents living on the block," and I would add the community in general. The vast majority of my 311 calls for noise, which are in the 100's come from this area, particularly on Friday and Saturday nights when the area is flooded with people into the early hours of the morning. The noise level is too often unacceptable—and is regularly caused by no single offender—but by the cacophony of sound of the 100's, if not 1000's of individuals on the street. Additional problems that we encounter are individuals urinating in the streets after leaving licensed premises and other disorderly conduct related to drinking.

In summary, I receive constant complaints about Ludlow and the neighboring streets and do not believe that the addition of another licensed establishment will in anyway help abate these conditions. It will, rather, add to them. I recommend no addition licenses be issued in this area.

Sincerely,

Frank J. Dwyer  
Captain



POLICE DEPARTMENT

Mr. Tony Avella  
Zoning & Franchises (Subcommittee)  
New York City Council  
City Hall, New York

Re ULURP, NYLA Café, LLC Manhattan  
LU 0514 2007

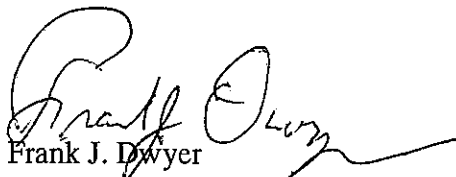
Dear Sir:

It has been brought to my attention that there is a petition before you to establish a side walks café in the area of Ludlow and Rivington Street in the 7<sup>th</sup> Precinct.

This is one of the precincts most congested areas and one that is most prone to very loud noise and large crowds particularly on weekends.

The area is also where I receive my largest number of 311 complaints for noise.

In light of the many negatives that already contribute to disorder in that immediate area, I do not favor the addition of any venue or extension of existing venues that would further cause additional noise congestion or disorder.

  
Frank J. Dwyer  
Captain  
7<sup>th</sup> Precinct



POLICE DEPARTMENT  
Commanding Officer  
7<sup>th</sup> Precinct  
19 1/2 Pitt Street  
New York, NY 10002

Mr. Tony Avella  
Zoning & Franchises (Subcommittee)  
New York City Council  
City Hall, New York

Re ULURP, NYLA Café, LLC Manhattan  
LU 0514 2007

Dear Sir:

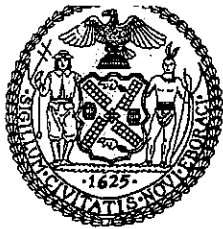
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This is one of the precincts most congested areas and one that is most prone to very loud noise and large crowds particularly on weekends.

The area is also where I receive my largest number of 311 complaints for noise.

In light of the many negatives that already contribute to disorder in that immediate area, I do not favor the addition of any venue or extension of existing venues that would further cause additional noise congestion or disorder.

Nancy Barry  
Captain  
7<sup>th</sup> Precinct



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 EAST 4TH STREET - NEW YORK, NY 10003  
PHONE: (212) 533-5300 - FAX: (212) 533-3659  
WWW.CB3MANHATTAN.ORG - INFO@CB3MANHATTAN.ORG

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

June 2, 2009

Hon. Jonathan Mintz, Commissioner  
NYC Department of Consumer Affairs (DCA)  
42 Broadway  
New York, New York 10004

Re: NYLA Café LLC  
d/b/a Spitzer's Corner  
101 Rivington Street  
New York, NY 10002  
DCA License Number: 1315170

Dear Commissioner Mintz:

At its May 2009 monthly meeting, Community Board #3 passed the following resolution:

WHEREAS, NYLA, doing business as Spitzer's Corner, located at 101 Rivington Street, on the southeast corner of Ludlow Street and Rivington Street, has been required to surrender its sidewalk café permit to the Department of Consumer Affairs and has now applied for a new sidewalk café permit for nine (9) tables with eighteen (18) seats, to be located on Rivington Street; and

WHEREAS, Community Board #3 has long held that the increase in nighttime venues has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic in specific areas within this district and said complaints have evolved over time from complaints that were once only about specific rowdy businesses to complaints that are now about noise and congestion resulting from the sheer volume of eating and drinking establishments; and

WHEREAS, said conditions continue to be prevalent in and around Ludlow Street between Houston Street and Delancey Street which currently has twenty-one (21) eating and drinking establishments and Rivington Street between Norfolk Street and Orchard Street which currently has eleven (11) eating and drinking licenses; and

NYLA Café LLC

June 2, 2009

Page 2

WHEREAS, the Seventh Precinct and Community Board #3 have asked the New York City Department of Transportation to permanently change signage on the west side of Ludlow Street between Houston Street and Delancey Street to "NO STANDING FROM 11:00 P.M. TO 6:00 A.M. FRIDAYS AND SATURDAYS" because the street and sidewalks have been so overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and preventing police and other emergency vehicles from traveling down this street because of vehicles stopped in the street and pedestrians walking in the street to avoid already overcrowded sidewalks (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation permanently eliminating residential parking on the west side of Ludlow Street between Houston Street and Delancey Street in response to the overwhelming street and sidewalk congestion and the unsafe conditions; and

WHEREAS, residents from buildings on Ludlow Street, both adjacent to and across the street from this location, previously appeared before Community Board #3 at the time that this applicant originally applied for a sidewalk café permit and when it subsequently applied for a modification of said permit to complain of existing noise and impassable sidewalks and streets because of too many people and cars, including the previous and now renewed testimony of one walker-bound tenant from the adjacent building, 124 Ludlow Street, that the sidewalks are currently too congested and dangerous for her to safely maneuver due to congestion from the patrons of existing businesses and allowing this sidewalk café to operate has exacerbated these conditions; and

WHEREAS, the applicant had previously conceded that there is street and sidewalk congestion from eating and drinking establishments on both sides of Ludlow Street on the blocks north and south of his establishment and immediately opposite his establishment, as well as on Rivington Street; and

WHEREAS, one resident of the apartment building at 126 Ludlow Street in which this business is located, has now appeared to testify that patrons from this business routinely block his apartment entrance in the evenings; and

WHEREAS, the architectural plans for this café depict a service aisle that is in front of 126 Ludlow Street, the residential apartment building in which this business is located, which would further block the entryway for residential tenants; and



WHEREAS, the Seventh Precinct and Community Board #3 have asked the New York City Department of Transportation to permanently change signage on the west side of Ludlow Street between Houston Street and Delancey Street to "NO STANDING FROM 11:00 P.M. TO 6:00 A.M. FRIDAYS AND SATURDAYS" because the street and sidewalks have been so overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and preventing police and other emergency vehicles from traveling down this street because of vehicles stopped in the street and pedestrians walking in the street to avoid already overcrowded sidewalks (Community Board #3 motion of November 2006 attached hereto); and

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WHEREAS, residents from buildings on Ludlow Street, both adjacent to and across the street from this location, previously appeared before Community Board #3 at the time that this applicant originally applied for a sidewalk café permit and when it subsequently applied for a modification of said permit to complain of existing noise and impassable sidewalks and streets because of too many people and cars, including the previous and now renewed testimony of one walker-bound tenant from the adjacent building, 124 Ludlow Street, that the sidewalks are currently too congested and dangerous for her to safely maneuver due to congestion from the patrons of existing businesses and allowing this sidewalk café to operate has exacerbated these conditions; and

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WHEREAS, the architectural plans for this café depict a service aisle that is in front of 126 Ludlow Street, the residential apartment building in which this business is located, which would further block the entryway for residential tenants; and

NYLA Café LLC

June 2, 2009

Page 3

WHEREAS, this applicant had previously entered into an agreement with the City Council and Councilmember Allan Gerson to operate a sidewalk café consisting of five (5) tables with ten (10) seats and closing at 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays and the present application is contrary to the terms of the agreement with the City Council and Councilmember Gerson; and


WHEREAS, the previous commanding officer of the 7<sup>th</sup> Precinct was opposed to a sidewalk café on this corner because it would result in more congested street traffic and increasingly dangerous conditions on a corner which is already dangerous; and

WHEREAS, the applicant currently has pending a nuisance abatement action against it as a result of summonses for four (4) sales of alcohol to minors within the past one (1) year, and a permit extending its business to the sidewalk should not be issued because of the conduct that resulted in this action; now

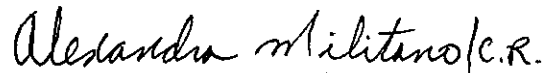
THEREFORE, BE IT RESOLVED that Community Board #3 urges the Department of Consumer Affairs to deny the application for the sidewalk café permit for NYLA, located at 101 Rivington Street, for nine (9) tables with eighteen (18) seats.

If you have any questions, please do not hesitate to call.

Sincerely,

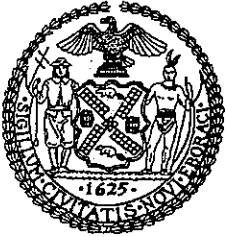


Dominic Pisciotta, Chair  
Community Board #3



Alexandra Militano, Chair  
SLA & DCA Licensing Committee

cc: Michael Ben-Asher, Legal Department/DCA  
Rossana Wygoda, SWA Architecture, PLLC, Applicant's Representative  
Manhattan Borough President Scott Stringer  
Council Member Alan Gerson  
Peter Janosik, Land Use Division, City Council



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 EAST 4TH STREET - NEW YORK, N.Y. 10003  
PHONE: (212) 533-5300 - FAX: (212) 533-3659  
WWW.CB3MANHATTAN.ORG - INFO@CB3MANHATTAN.ORG

David McWater, Board Chair

Susan Stetzer, District Manager

December 1, 2006

Hon. Iris Weinshall, Commissioner  
NYC Department of Transportation (DOT)  
40 Worth Street  
New York, New York 10013

Dear Commissioner Weinshall:

At its November 2006 monthly meeting, Community Board #3 passed the following motion:

Because the area on Ludlow Street between East Houston and Delancey Streets and on Orchard Street between Stanton and East Houston Streets are oversaturated with nightlife businesses and their attendant vehicular and pedestrian traffic and noise, Community Board 3 (CB3) approves the 7<sup>th</sup> Precinct proposal for a pilot program to change the signage on the west side of Ludlow Street between East Houston and Delancey Streets and on the west side of Orchard Street between Stanton and East Houston Streets to "No Standing 11PM-6AM Friday and Saturday."

CB3 requests that DOT expedite this signage so the pilot program can begin before the holidays. At the end of 3 months, CB3 could evaluate whether to extend the pilot program for another 3 months during the warm spring weather.

If you have any questions, please do not hesitate to call.

Sincerely,

David McWater, Chair  
Community Board #3

David Crane, Chair  
Transportation Committee

cc: Margaret Forgione, Manhattan Borough Commissioner/DOT  
Mary Cooley, MBPO  
Alan Gerson, Council Member  
Frank Dwyer, Commanding Officer/7<sup>th</sup> Precinct

soap

BOX

speakers who speak out

13 August 2009

To: NYC City Council

From: Amy Richards  
106 Suffolk Street, #2A  
New York, NY 10002

Dear Council Members,


As a long-time resident of the Lower East Side, I am writing to express my concern that Spitzer's Corner, a supposedly neighborhood establishment, isn't in the best interest of the community. On a few occasions I have eaten at Spitzer's Corner with my family, often having an early dinner and sitting in the back. However, two recent experiences clearly indicate to me that this "restaurant's" primary function is as a bar. Given the plethora of bars that already populate our neighborhood and as a consequence bring a disproportionate amount of litter, drugs, pedestrian traffic, and noise pollution to our neighborhood, I strongly oppose any additional establishments whose primary purpose is to encourage alcohol consumption.

On two recent occasions, one Sunday, June 21<sup>st</sup> and again on Friday June 26<sup>th</sup>, I attempted to eat at Spitzer's with my children and was denied admittance because "children aren't allowed after 7 pm." My husband and I challenged the rule - noting that they should have a policy that either allows or denies children from eating in the establishment, but creating an arbitrary cut off (7pm on weekends, 8 pm on weekdays) was a clear indication to us that this business had no interest in serving neighbors nor was it primarily functioning as a restaurant.

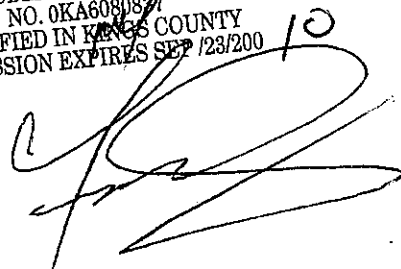
I know that I am not alone in my concern and I hope that the City Council takes these concerns seriously. I firmly believe that Spitzer's Corner is doing a disservice to this neighborhood and I believe that the neighborhood's priorities should take precedent.

Thank you for your consideration and certainly let me know if you have any further questions.

Sincerely,

  
Amy Richards, 917.375.5519

FADI KARNABY  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 0KA608087  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES SEP 12/23/200

8/12/2009 

**RIVINGTON STREET AND NEIGHBORS BLOCK ASSOCIATION**

129 Rivington Street #6B, New York, NY 10002; 212-253-9603. Email: [rivingtonblock@yahoo.com](mailto:rivingtonblock@yahoo.com)

August 14, 2009

Susan Stezter, District Manager  
Community Board #3  
59 E 4th St  
New York, NY 10003-8963

Dear Mrs. Stezter:

I am writing on behalf of our community based Block Association and in regards to a specific merchant and location of merchant's establishment, Spitzer's Corner (located on the corner of Ludlow Street and Rivington Street).

Our community based association has received a huge number of complaints regarding the noise deriving out of this establishment and of the immediate safety concerns it poses to our community residents and motor vehicles.

Several of our association members have made numerous visits to this establishment and have made several observations. Some of the following observations have been made:

- A) Patrons hanging over the French Windows (opened on a daily basis) with open containers of alcohol;
- B) With the French Windows opened, the noise deriving from this establishment draw immediate attention to pedestrians which causes a distraction in their walking ability and increases the risk of motorists accidents because of the distractions.;
- C) The noise derived from this establishment also causes distraction on motorists and also increases the chances of motor vehicle accidents since the driver's look away for their front mirror to look inside this establishment whose noise level is to inviting;
- D) The amount of pedestrians hanging out, in this already crowded and very small corner block, increases the chances of a pedestrian being injured by a motorists since the street are extremely narrow; and
- E) The amount of foot traffic at this particular corner is too much for any particular street corner to handle.

Based on the complaints generated for our community residents, our community

**association has unamously voted against any additional licenses, including café licenses as this would create an immediate increase on motor vehicle accidents and pedestrians injuries, hence lowering the quality of life standards.**

**Your assistance is greatly appreciated.**

**Yours truly,**

**Elvin Nunez**

**Elvin Nuñez, M.P.A., President  
Rivington Street and Neighbors Block Association  
C/O 157 Suffolk Street # 6B  
New York, NY 10002  
212-253-9603  
Email: [rivingtonblock@yahoo.com](mailto:rivingtonblock@yahoo.com)**

**Cc. Councilmember, Alan Gerson  
Assemblyman, Sheldon Silver**

Susan Stetzer

8

**From:** Andrew Murphy [amurphy10002@yahoo.com]  
**Sent:** Sunday, June 15, 2008 11:41 PM  
**To:** sstetzer@cb3manhattan.org; dstarkes@cb3manhattan.org; echan@cb3manhattan.org  
**Cc:** boardchair@cb3manhattan.org; amurphy10002@yahoo.com  
**Subject:** NYLA Cafe (Spitzers)

Hello, I am writing because I am unable to attend the SLA & Economic Development Meeting on Monday night, but wanted to voice my and my neighbors' serious opposition regarding NYLA Cafe's (Spitzer's) application for more sidewalk tables.

I am a resident on the block and have found the congestion becoming nearly unbearable on the sidewalks, particularly the Rivington and Ludlow corners. I have and some of my neighbors have almost been hit many times by cars and bikes on the street because I had to step into the street due to congestion on the sidewalks. Permitting Spitzers to get additional sidewalk cafe tables would make me think the CB3 is only seeking to help the businesses in the neighborhood and not the residents or the lives who have to live here every day. We have already lost a quiet neighborhood with the noisy bars and traffic congestion on the streets -- this corner is notorious for this -- but now all we have left are our sidewalks and we don't want them taken away as well.

In addition, I would like to point out that the owners of this establishment have not been very good neighbors noise-wise and are also the one of the larger contributors for the sidewalk crowding from their other establishments.

PLEASE HELP us CB3 and help our neighborhood -- an open sidewalk is not too much to ask for!

p.s. On another note, a recommendation: why is only the 'NYLA Cafe' and not the 'doing business as' name on the CB3 agenda?

Its not fair because there are others in my neighborhood who would be more vocal about this if it said 'dba Spitzer's Corner' --- all these owners try to think they're slick (and it seems to work) by using alternate and misleading names like NYLA Cafe.

**Susan Stetzer**

---

**From:** claudette rivera [crivera124@gmail.com]  
**Sent:** Thursday, August 06, 2009 9:58 PM  
**To:** Susan Stetzer  
**Cc:** Frances Ayers; Andrew Murphy; Rivington Block; tammy.to@council.nyc.ny.us  
**Subject:** Re: Spitzers Corner at 101 Rivington Street

8/8/09

Ms Stetzer,

I am writing to object to Spitzers Corner receiving a license for outdoor tables. I am a handicapped woman who uses a walker, and would have added difficulty walking down the block, if there were outdoor tables. In addition, Ludlow Street, between Delancy and Rivington is already congested. Outdoor tables would only add to this chaos.

Sincerely,

Claudette Rivera  
124 Ludlow Street  
New York, NY 10002  
212-979-7196



**Susan Stetzer**

---

**From:** Frances Ayers [f.ayersmsw@gmail.com]  
**Sent:** Thursday, August 06, 2009 7:14 PM  
**To:** Susan Stetzer  
**Subject:** Re: Spitzers Corner at 101 Rivington Street

August 13th, 2009

Frances Ayers  
124 Ludlow Street  
New York, NY 10002  
212-979-7196

Ms Stetzer,

I will not be able to attend the meeting regarding Spitzers Corner. My objection to their being granted a license for outdoor tables, still remains. We have had to live with a lot of noise coming from both Motor City as well as the noise that is generated from crowds of people at Spitzers Corner. In addition, tables outside would add to the already crowded noisy block.

Sincerely Yours,  
Frances Ayers, MSW

August 13, 2009

Susan Stetzer  
District Manager  
Community Board 3  
59 East 4th Street  
New York, NY 10003

Dear Ms. Stetzer,

We are concerned about Spitzer's petition to open a sidewalk café. As local business owners, we understand the importance for a business to thrive, develop, and succeed. The success as well as the failure of a business has a direct effect on neighboring businesses, and the community as a whole. We would very much like to be in support of Spitzer's Corner petition for a sidewalk café license, but regrettably, we feel Spitzer's sidewalk expansion will only exacerbate the existing problems we face as business owners.

Since the proliferation of bars and clubs in the last 5 years on Rivington, Ludlow and Essex Street, we have had to constantly clean urine, vomit, and trash— empty food containers, cups, bottles, cigarette butts, drug paraphernalia, and condoms etc., from our places of business. And for those of us who are open past 7:00pm, our customers, delivery people and employees have to contend with congested sidewalks and obstructed doorways. The congestion and obstruction is a direct result of the large concentration of people gathered on the sidewalk in front of or in the vicinity of the various bars and clubs on Rivington, Ludlow and Essex Street. Spitzer's Corner, specifically, is one of the most overcrowded areas on Rivington and Ludlow Street.

There is also a noticeable increase in noise levels past 7:00pm, resulting from the large number of people gathered outside on the sidewalk. Spitzer's Corner, in particular, with its open floor-to-ceiling windows contributes to the noise pollution along Rivington and Ludlow Street. The oversized open windows allow the noise from inside the "gastropub" to filter outside, which then mixes with the noise coming from the large crowds gathered on the sidewalk and hanging in front of the open windows.

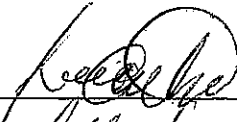
We do not have an issue with the revelry and entertainment provided by Spitzer's Corner and the other bars/club, as long as they and their clientele act responsibly and follow city noise and quality of life ordinances. We do, however, have an issue with the widespread abuses associated with public intoxication that is taking place in our particular area. The escalation of public intoxication abuses affecting our community can undoubtedly be linked to the dense concentration of bars/clubs and the high volume of people frequenting them. These abuses are not just a nuisance but have also become a liability to our businesses. They affect our customer's over-all experience and determine whether or not they will be repeat customers. There is also the extra cost associated with cleaning up urine, vomit and trash on a weekly basis from our places of business.

Granting Spitzer's Corner a sidewalk café license will only add to the growing problems we face. The sidewalk café will cause more pedestrian congestion and noise pollution; and by expanding the drinking area of Spitzer's Corner there will undoubtedly be an increase in public intoxication and its abuses—public urination, vomiting, excessive littering, etc.

We hope the City Council members, especially our District 1 representatives, will take into consideration our concerns and reservations when determining Spitzer's Corner petition for a sidewalk café license. Thank you.

Sincerely,  
*Signature's Attached*

Signatures:

Name Print Luis Collado Sign   
Address 113 Puzoson El Castillo de Jaquea Test.

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

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Address \_\_\_\_\_

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

August 16<sup>th</sup>, 2009

Susan Stetzer  
District Manager  
Community Board 3  
59 East 4th Street  
New York, NY 10003

Dear Ms. Stetzer,

I am a tenant residing at 104 Rivington Street, New York, NY 10002. I have lived in this neighborhood for 8 years, and witnessed my neighbors, my family and my quality of life decline and our neighborhood become less safe as a direct result of the saturation of bars and clubs along Rivington, Ludlow and Essex Street. Spitzer's Corner (101 Rivington Street) request for a sidewalk café license has me deeply concerned. Spitzer's Corner misleadingly portrays itself as a restaurant, but from Monday – Sunday between the hours of 7:00pm until 3:00am/4:00am, it becomes more like a "bar" attracting a very young, boisterous crowd whose revelry often results in public intoxication and the abuses that come with it.

For those of us who live next to or in the vicinity of Spitzer's Corner, we are forced to navigate through large crowds of people, often inebriated, blocking sidewalks and standing in doorways in order to gain access to our apartment buildings. The sidewalk congestion is so bad on the corner of Rivington and Ludlow where Spitzer's is located, that people are literally spilling into the street, further slowing down the bumper-to-bumper cars and taxis which honk incessantly as they try to cross Rivington or Ludlow Street.

Spitzer's Corner is not only responsible for a lot of the sidewalk congestion but also for a lot of the noise pollution on Rivington and Ludlow Street. The open oversized windows encourage people to congregate en masse on the sidewalk and along the open windows. There isn't a distinction between the loud noises coming from inside Spitzer's with those coming from the outside; instead it's a continuation of constant noise which grows increasingly more loud and intolerable as the night progresses. I have also on several occasions witnessed people who are standing along the outside of the open windows drinking. The long tables inside are flush with the bottom opening of the windows, making it easy for those standing outside to grab a drink from the table and then place it back.

Furthermore, the people carousing inside and outside of Spitzer's Corner contribute to the increase in lewd behavior, public urination, vomiting, people passing out, and littering, etc. happening in the neighborhood. I been subjected to inappropriate and aggressive comments, awaken people passed out drunk in front of my building and regularly I have to clean the urine and vomit from my doorway and sidewalk area, as well as sweep up cigarette butts, drug paraphernalia, take-out food containers, etc. These occurrences are not only an annoyance but have become a liability as well. I have to pay for additional cleaning supplies to deal with the vomit and urine, had to pay for second set of windows to be installed to help with noise filtering into the apartment, and my landlord has received citations from Sanitation for upswept / dirty sidewalk, even though we weren't the one's res,

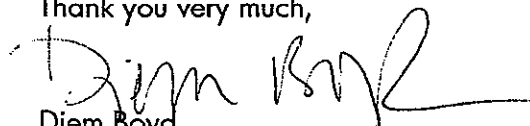
I have called 311 to report the abuses, and talked directly with the Spitzer's owner, Rob Shamlian and manager, David Moon. My complaints and concerns were completely disregarded by both of them. In fact, when I voiced my grievances to Rob Shamlian he was not sympathetic, contrite, or willing to help in any capacity. His steadfast position was that he was merely a "small business" owner trying to make a living like everyone else, that his businesses (3 bars within a block of each other) help the community by generating revenue for the city, and that he is in compliance with all of the city's ordinances therefore my complaints and concerns have no merit.

Furthermore, when I was co-chairing the scholarship fundraising committee for My Little Village Preschool, I went to Spitzer's Corner to see if they were willing to donate a Sunday Brunch for 4. I spoke with the manager David Moon at length and gave him our mission statement, which explained our philosophy about giving back to the community through the creation of scholarship fund. He asked me to return in a few days after he discussed it with the owner. When I returned he said he would donate the brunch, in return I would have to get 25 people from the neighborhood to sign Spitzer's petition for a sidewalk café license. I refused, and told him his request was egregious, and then explained my issues with Spitzer's, elaborating on the noise pollution and sidewalk congestion caused by Spitzer's Corner. His response was Spitzer's closes its windows at 10pm on weekdays and 11pm on weekends, and that they can't be responsible for the people who gather outside on the sidewalk. I told him that Spitzer's windows are not always closed by 10pm or 11pm in fact they often stay open well past 12am; and that the crowd gathered on the sidewalk outside Spitzer's is absolutely his responsibility, and he should make an effort to discourage people from congregating along the sidewalk.

If Spitzer's Corner is granted a sidewalk café license, I strongly feel that there will be further deterioration in the quality of life for the residents of this community, and an increase in public intoxication and the abuses associated with it. Spitzer's sidewalk café would not remedy the widespread abuses perpetuated by public intoxication, noise pollution and/or pedestrian congestion, but instead intensify them. It is not that I don't want Spitzer's to succeed as a business, but unfortunately, its plan for expansion affects the greater good of the community. I understand that it is vital to the development of our community to have flourishing businesses, but businesses must also be respectful of its residents, uphold the quality of life ordinances, follow the law, and contribute to the greater good of the community. Spitzer's indifference to community concerns and over-all apathy about quality of life issues doesn't lend itself to a creating a harmonious relationship with the community as a whole. Moreover, it undermines the efforts made by the businesses and residents who have helped bring about positive changes to a community once plagued by high rate of crime, drugs and neglect.

I hope City Council members will consider my complaints and deny Spitzer's Corner a sidewalk café license.

Thank you very much,

  
Diem Boyd

August 15th, 2009

Susan Stetzer  
District Manager  
Community Board 3  
59 East 4th Street  
New York, NY 10003

Dear Ms. Stetzer,

We are writing to complain about Spitzer's Corner located at 101 Rivington Street, NYC, NY 10003. Since it opened, it has served more as a bar than a restaurant, attracting large crowds of people whose revelry often leads to public intoxication. Spitzer's Corner along with the proliferation of bars/clubs along Rivinton, Essex, and Ludlow Street in the last 5 years has been one of the reasons our neighborhood is unlivable from Wednesday nights at 7:00pm until Sunday morning at 6:00am.

For those of us living in the immediate and surrounding areas of Spitzer's Corner, it has become increasingly more difficult to navigate our neighborhood, enter our apartment buildings unobstructed, and to live with the exceedingly loud noises coming from inside and outside Spitzer's Corner. The large crowds of people, often heavily intoxicated and at times aggressive, congregated on the sidewalk in front of Spitzer's Corner, as well as spilling into the nearby street has made it extremely challenging for those of us living here and for our friends/ family visiting to pass through the crowds—especially when pushing baby strollers, laundry carts, carrying groceries, etc.

On more than one occasion, we have asked management of Spitzer's Corner to please have their customers stop blocking the sidewalk and doorways of our apartment buildings, keep the noise level down, as well as complained about the urination, vomit, cigarette butts and trash on the sidewalk in front of and around Spitzer's Corner, as well as our apartment buildings. We have had absolutely no assistance from Spitzer's owner, management or staff in regards to our complaints and concerns.

We have also called 311 and registered noise and quality of life complaints caused by Spitzer's Corner and the other bars/clubs, and have spoken directly to Spitzer's customers who repeatedly crowd the sidewalk and street. We have often been met with drunken and aggressive hostility, or complete disregard when he have asked Spitzer's customers to stop blocking sidewalk access and doorways, to be quiet, and to stop publically urinating, vomiting and throwing cigarette butts/ trash in front of our buildings and on the sidewalk.

Listed below is a detailed list of our grievances:

1. Large crowds of people blocking sidewalk access and doorways to our apartment buildings
2. Public drunkenness and lewd behavior
3. Noise pollution – Spitzer's windows open from floor to ceiling and are kept open well past midnight. The noise coming from the customers inside of Spitzer's coupled with noise from customers outside prevents us from sleeping or enjoying quiet time in our apartments
4. Public Urination

5. Vomiting
6. Cigarette butts, drug paraphernalia and trash littering the sidewalk
7. Cars and taxis honking at all hours of the night and into the early morning, due to traffic congestion caused by people spilling in to the street in front of Spitzer's Corner

We are asking that our complaints and our opposition to Spitzer's petition for a sidewalk café license be brought to the attention of city officials, specifically District 1 Councilman Alan Gerson.. We strongly feel that if Spitzer's Corner is granted a sidewalk café license it will be a detriment to our community, resulting in further decrease in quality of life for all of us living next to or nearby Spitzer's Corner. There will be a substantial and significant increase in sidewalk and traffic congestion, public intoxication, noise pollution, urination, vomiting, littering, and lewd behavior.

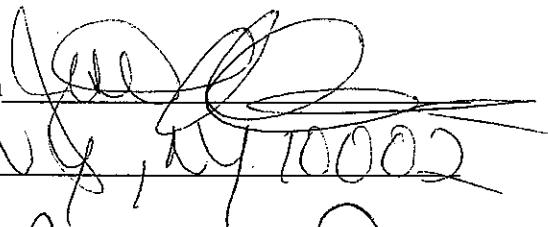
Finally, many of us have lived here when the neighborhood was not considered desirable or trendy. We took the risk and moved in. We helped improve our community by establishing homes, raising our families and becoming involved with our community through i.e. public school system, supporting local small businesses, community gardens etc., but since the city allowed the proliferation of bars on Rivington, Ludlow and Essex Street many of us in the community feel we have been marginalized and our complaints have fallen on deaf ears.

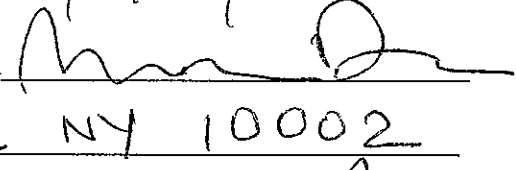
We sincerely hope our concerns and reservations about Spitzer's Corner plan for a sidewalk café will be brought to the attention of our district leaders and city officials, so that they can take into account the hardships we face living in an area highly populated with bars/clubs. By allowing Spitzer's to expand its bar/restaurant to include a sidewalk café, would only further exasperate the quality of life issues and abuses we face on a weekly basis.

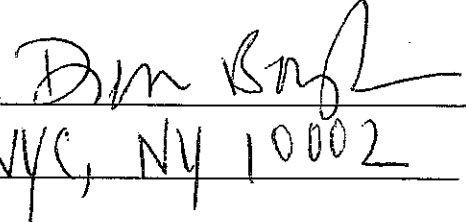
Thank you very much for taking the time to read our letter, and bringing it to the attention of our District 1 leaders.

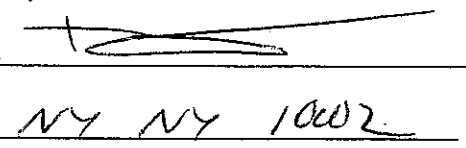
Sincerely,  
*Signatures Attached*

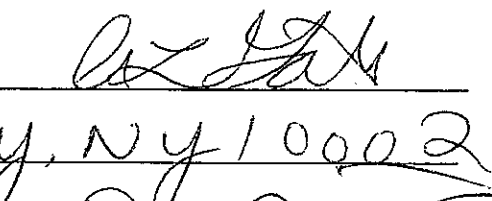
Signatures:

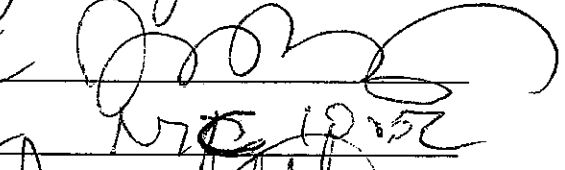
Name Print Jessica McMenamin Sign   
Address 104 Rivington St. #1 NYC, NY 10002

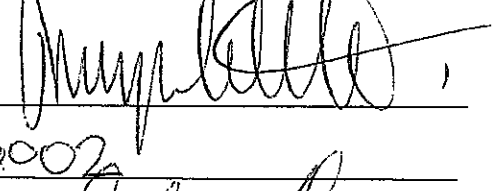
Name Print LILIANA DOMINGUEZ Sign   
Address 157 LUDLOW NYC NY 10002

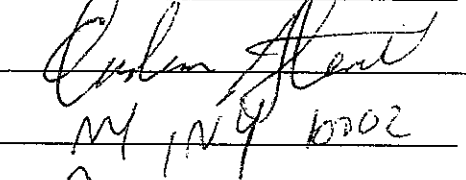
Name Print Diem Boyd Sign   
Address 104 Rivington St. NYC, NY 10002

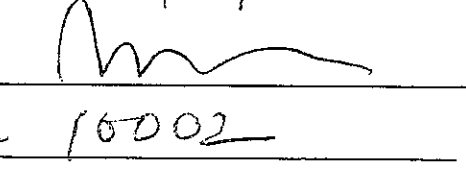
Name Print DAREN BRYANT Sign   
Address 103 ESSEX ST #2R NY NY 10002

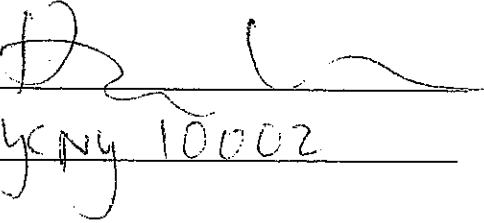
Name Print Andrea Gatti Sign   
Address 103. Essex St #2R NY, NY 10002

Name Print JASON MENDENHALL Sign   
Address 104 Rivington St NYC 10002

Name Print Margaret Sign   
Address 473 EDR DR. APT K1407 10002

Name Print ANDREW ATWELL Sign   
Address 104 Rivington St NY, NY 10002

Name Print MAY AU Sign   
Address 473 EDR DR. NYC 10002

Name Print HAE KOON CHOI Sign   
Address 64 ESSEX ST #22B NYC NY 10002



Name Print Amy Guntner Sign Amy Guntner

Address 104 Rivington St NYC 10022

Name Print David Perez Sign David Perez

Address 319 Grand Street N.Y. N.Y. (10010)

Name Print Camille Alston Sign Camille Alston

Address 104 Emigton St. Apt. 3

Name Print Anicée Gaddis Sign AGW

Address 124 Ludlow St. Apt 2-A NY NY 10002

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

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Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

Name Print \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

Following are NYPD commercial noise complaints for:

101 Rivington Street

Agency	Created Date	HH:MM 24 Hour Format	Complaint Type	Descriptor 1	Resolution Action
NYPD	11/9/2007	1:24	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	11/10/2007	2:53	Noise - Commercial	Loud Music/Party	10-90X - Unfounded
NYPD	11/10/2007	1:48	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected

126 Ludlow Street

Agency	Created Date	HH:MM 24 Hour Format	Complaint Type	Descriptor 1	Resolution Action
NYPD	3/27/2008	4:30	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	4/22/2008	1:54	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	5/31/2008	0:32	Noise - Commercial	Loud Talking	10-90X - Unfounded
NYPD	6/2/2008	21:45	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/3/2008	21:32	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/4/2008	21:50	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/6/2008	0:39	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/6/2008	23:54	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/12/2008	22:55	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	6/25/2008	21:36	Noise - Commercial	Loud Music/Party	10-90X - Unfounded
NYPD	6/26/2008	21:34	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	8/27/2008	20:39	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	11/24/2008	1:36	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected
NYPD	4/16/2009	0:48	Noise - Commercial	Loud Music/Party	10-91 - Non-Crime Corrected

L.O. 1178

**ULURP No. 090003ZSM**  
**Ross Moskowitz, Esq.**  
**Stroock & Stroock & Lavan LLP**  
**Counsel To Owner of 4-8 East 94<sup>th</sup> Street, Manhattan**

August 18, 2009

Good morning, Chairperson Avella and members of the Subcommittee on Zoning and Franchises. My name is Ross Moskowitz and I am a member of the law firm Stroock & Stroock & Lavan, counsel to the owner of 4-8 East 94<sup>th</sup> Street, which is located on the south side of East 94<sup>th</sup> Street, one lot east of Fifth Avenue. As you may be aware, development of this property is complicated by a multitude of factors. The project site is split-zoned, located primarily in a R8B, Limited Height-1A District and partially within a R10 zoning district. It is also within the Special Park Improvement District and the Carnegie Hill Historic District.

I am here before you today regarding the owner's application for a Special Permit pursuant to Section 74-711 of the New York City Zoning Resolution, which allows modifications of bulk requirements for structures in a landmarks district if the applicant is able to demonstrate that certain conditions are met.

As you are aware, the Application has received, thus far, (i) a Certificate of Appropriateness from the LPC on December 17, 2007; (ii) a report from the LPC on March 10, 2008, which was required under the Special Permit; (iii) unanimous approval from Community Board 8 on April 16, 2009; (iv) conditional approval from the Manhattan Borough President's Office on May 20, 2009; and (v) unanimous approval from the City Planning Commission on July 1, 2009.

The owner proposes restoration and rehabilitation of two properties, 4 East 94<sup>th</sup> Street and 6-8 East 94<sup>th</sup> Street, which in the past (since the 1960's) have operated as a community facility, the Spence-Chapin Adoption Agency, and return them to residential use. Our proposal includes:

1. Removal of non-contributing floors 5, 6 and 7 above 4 East 94<sup>th</sup> Street and replacing them with new 5<sup>th</sup> and 6<sup>th</sup> floors;
2. A new 6<sup>th</sup> floor above 6-8 East 94<sup>th</sup> Street; and

3. Removal of a 1st floor rear yard addition behind 4 East 94th Street and moving the rear façade 5 feet back towards the real property line, thereby allowing for a new complying 30 foot rear yard.

In order to make these improvements, we are seeking the following waivers:

1. 6-foot 8.5-inch waiver above the maximum height of 60 feet, which is necessary only because we made a conscious effort to beautify the buildings by removing portions of the buildings that are out of character with the neighborhood;
2. 10-foot 1.25-inch front wall setback waiver above 50 feet; and
3. 10-foot rear wall setback waiver above 60 feet; this waiver applies to only that portion of the project site that is within the R8B, Limited Height-1A District, which is approximately 78 square feet in size (this waiver would not be necessary if 4 East 94th Street was entirely within the R10 district and not bisected by a zoning district boundary).

As evidenced by prior approvals, we believe that our application is a poster child for the type of applications intended by Section 74-711 and believe our proposal complies with all of the conditions of such Special Permit. The LPC determined that the proposed improvement contributes to a preservation purpose and relates harmoniously to the Carnegie Hill Historic District. The LPC also stated that the proposed modification of bulk is a benefit to the surrounding area as such bulk modifications will not detract, but rather enhance the architectural and historical character in the vicinity.

Additionally, our requested bulk modifications meet the required findings for the Special Permit. Our proposal will create additional open space in the vicinity as our proposal will yield a new 30-foot rear yard that is free of structures through removal of a 12-foot 6-inch tall ( 19 feet to the top of the fence) rear yard addition; after removal, a 5-foot 7-inch fence will be placed along the southern property line. This new rear yard will be a significant improvement in terms of light and air to the owners along East 93rd Street and Fifth Avenue. Additionally, our proposal will reduce the overall height of the existing buildings at the project site. Given that our project site abuts a 14-story residential building to the west, which is eight (8) stories taller and approximately 59 feet wider than our proposed building, our proposal will not have significant impacts to the neighborhood in terms of scale and access to light and air. Specifically, the overall height of the buildings would be reduced by **13 feet 7 inches** (as measured from the top of the existing mechanicals to the top of the proposed mechanicals) or **7 feet 3.5**

inches (as measured from the top of the roof of the existing building to the top of the roof of the proposed building), opening up those windows on the eastern wall of 1125 Fifth Avenue that currently face the westerly wall of our building (windows on 8th and 9th floor of 1125 Fifth Avenue). Again, as demonstrated through prior approvals, our proposal will not have any significant impacts to the neighborhood; rather, the resulting building will only enhance the neighborhood in terms of scale, design, light and air.

We also recognized that, like any other construction projects, there may be some construction impacts to the neighbors as a result of our proposal. As such, we will comply with the Department of Building's Technical Policy and Procedure Notice #10/88 to prevent unnecessary negative impacts on the surrounding historic district and have committed to working with the Community Board 8, local residents and stakeholders to address construction management issues and potential construction impacts on the surrounding area.

These are just the highlights, and representatives from our project team, which includes BKSK Architects will go into further detail about the objectives and process that led to the proposal being presented this evening.

Thank you for your time and consideration. Harry Kendall, lead architect for the project will now discuss the architectural components of the project and walk you through the specifications of the waivers being requested.

**JOAN L. JACOBSON 1125 FIFTH AVENUE NEW YORK, NY 10128**

August 19, 2009

To: The Honorable Members of the City Council

Re: 4-8 East 94th Street  
Request for special permits

I am the owner of the 8th Floor Apartment of 1125 Fifth Avenue and represent the other 14 owners in this cooperative building, which is adjacent to 4 East 94th Street. Our bedrooms face #4 and are separated from it by only a few feet.

We would like to make known our apprehensions about the damaging effect that these special permits would have on our homes and the surrounding neighborhood. They have been requested by a developer who professes that it will be his residence but who has already put it on the market for resale. If allowed to go ahead with his plans, grim walls would block the sunlight and air that now come into our bedrooms and kitchens and the massive bulk of the building would intrude upon the core of our block. The access to air and light that make for the healthful environment of this community would be destroyed.

We respectfully request that the special permits be denied and that 4 East 94th Street be left as it is or restored to what it was before the earlier reconstruction began.

If, however, the special permits are to be granted, we suggest some modifications that would to a degree alleviate the offense to this community's way of life. I shall append them in an attachment to this statement:

1. All building mechanical systems should be located in the basement, entirely within the footprint of the building, rather than on the roof of #4. In that way, the sound is to be contained and the as will be the noxious fumes and heat that would otherwise be spewed into our windows and all through the air above.
2. The new full rear facade extension be limited to a total of one foot from the pre-existing rear brick vertical wall, measured from the brick wall only, ignoring the protruding bay and/or bow windows.
3. A minimum of a 15 foot permanent roof setback at the base of what is proposed to be a 6th floor (now a building at #4). The open area is to remain unbuilt. #6-8 should have a rear roof with metal railing.
4. A precise explanation to be given about the ultimate disposition of the rear "built full" extension wall which abuts the properties at 1,3 and 3&1/2 East 93rd Street and what, if anything, is proposed to replace it.

Thank you for your consideration.

**JOAN L. JACOBSON 1125 FIFTH AVENUE NEW YORK, NY 10128  
BOROUGH OF MANHATTAN**

June 12, 2009

To: The City Planning Commission  
Re: 4-8 East 94th Street  
City Planning Number C090003 ZSM

I am the owner of the 8th Floor apartment at 1125 Fifth Avenue where I have lived happily since 1972 with my husband, Dr. Julius H, Jacobson, a vascular surgeon on the faculty of Mount Sinai Medical Center. Our bedroom windows are separated by only a few feet from the west wall of 4 East 94th Street but the ups and downs of the rooftop of that building as now constructed allow us abundant sunshine all morning. This is true for almost all of the apartments in this building, not only in the bedrooms but the kitchens as well.

Whether or not the plans projected by the owner will result in height higher or lower is a matter that has been argued and I shall not dwell upon that; there is no question that the special permits requested by the developer who now owns 4-8 East 94th Street would, if granted, allow a five foot extension of the setbacks of the two buildings and result in bulk that would defy all the zoning and planning attempts to protect the light, air and peaceful environment of this historic, landmarked neighborhood.

The construction itself is cause for concern. It involves the demolition of three floors of 4 East 94th Street and then rebuilding for unified design. It will surely take three years and the entire neighborhood will be subjected to noise, dirt, dust and debris. I don't know how this will conform to the regulations (or hopes) for this Central Park District.

Last week I asked our superintendent to show me through the "alley" between 4-8 East 94th Street and our building and the area surrounding his house, a small building that stands at the end of the alley with pretty flowers around it. When he told me that he had stopped planting flowers, I realized that it is he who will be affected most adversely by the changes projected; he will be virtually in the dark always. His primary concern, however, is about safety during the construction. A protective "bridge" will be necessary while the work takes place and it will have to be erected in a way that will cut off all light that comes down to him, putting him into a virtual cavern and, more frightening, will block off several feet of the steps that lead from our fire escape to the ground. (We have only one interior staircase in the building and I can easily imagine being trapped.)



Last week I asked our superintendent to show me through the "alley" between 4-8 East 94th Street and our building and the area surrounding his house, a small building that stands at the end of the alley with pretty flowers around it. When he told me that he had stopped planting flowers, I realized that it is he who will be affected most adversely by the changes projected; he will be virtually in the dark always. His primary concern, however, is about safety during the construction. A protective "bridge" will be necessary while the work takes place and it will have to be erected in a way that will cut off all light that comes down to him, putting him

into a virtual cavern and, more frightening, will block off several feet of the steps that lead from our fire escape to the ground. (We have only one interior staircase in the building and I can easily imagine being trapped.)

And then I thought further and realized that even without the "bridge" our safety would always be threatened if the developer's plans prevail. Our fire escape would lead us to a small crowded area that would always be dark.

I sincerely thank you for your courtesy and attention when I addressed you on June third.

If I did not answer your questions sufficiently, I can be reached at 212-289-1418 and I shall readily respond.

Respectfully,

Joan L. Jacobson



August 18, 2009

Chairman Tony Avella  
New York City Council  
Subcommittee on Zoning and Franchises  
250 Broadway  
New York, NY 10007

**RE: Spitzer's Corner Sidewalk Cafe Permit**

Good morning Chairman Avella and fellow members of the Subcommittee on Zoning and Franchises. I am Roberto Ragone, the Executive Director of the Lower East Side Business Improvement District Association (LES BID) and I am pleased to submit testimony in support of Robert Shamlian, the owner of Spitzer's Corner's, effort to establish, maintain and operate an unenclosed sidewalk cafe at 101 Rivington Street in Manhattan.

Spitzer's Corner is one of the finer and most popular establishments on the Lower East Side. While there is a bar area that serves alcoholic beverages, many customers come to the establishment for an enjoyable dining experience. The operation offers a moderately-priced menu for residents and visitors along with a brunch menu, all personally designed by a 3-star Michelin-rated chef. In addition, the establishment carries local LES products as well as delicacies unavailable anywhere else in the City.

Mr. Shamlian lives in the community with his wife and two children. On numerous occasions, he has been provided generous financial support to community-based philanthropic projects and events that help beautify and promote the neighborhood. One way in which Mr. Shamlian has demonstrated that commitment is through his assistance with sustaining the NYC Clean Streets Program within the LES. The LES BID had been accepted into the Clean Streets Program (through the Department of Small Business Services) in which the LES BID provides the same litter and graffiti removal services in selected corridors of the Lower East Side outside its boundaries. The Program helps improve the quality of life and small business activity in a larger portion of the L.E.S. and concretely showcases the benefits of a business improvement district. For the program to endure, it must show grassroots financial support from merchants and property owners in the Clean Streets corridors. There are four establishments owned by Mr. Shamlian in the Clean Streets area and they have each contributed to maintaining the program.

Furthermore, Mr. Shamlian once hosted a meeting at Spitzer's Corner regarding the Clean Streets Program, during which the LES BID made a Power Point presentation to further educate merchants and property owners in the respective corridors about the benefits of the program and the reasons to support it.

Mr. Shamlian was a strong financial supporter of the 2009 Lower East Side Art Crawl, an event that took place this past April in which hundreds of art lovers toured many of the excellent art galleries throughout the Lower East Side and the East Village. He was also a prime supporter of *Pride Goes East*, an initiative the LES BID sponsored in June of this year that celebrated the fortieth anniversary of National Gay Pride month on the Lower East Side and the East Village.

At the BID, we are aware of concerns regarding the additional noise that can result from the existence from a sidewalk cafe in the Lower East Side. However, we consider Spitzer's Corner to be not only a successful business, but one whose owner Mr. Shamlian has demonstrated that he is a responsible and committed member of the community.

It is my pleasure to have provided this statement to the Subcommittee on Zoning and Franchises to speak strongly in support of Robert Shamlian's effort to establish, maintain and operate an unenclosed sidewalk at 101 Rivington Street. Thank you for your consideration.

**JOAN L. JACOBSON 1125 FIFTH AVENUE NEW YORK, NY 10128  
BOROUGH OF MANHATTAN**

June 12, 2009

Re: 4-8 East 94th Street  
City Planning Number C090003 ZSM

To: The City Planning Commission  
Amanda M. Burden FAICP, Chair  
Honorable Commissioners

I am the owner of the 8th Floor apartment at 1125 Fifth Avenue where I have lived happily since 1972 with my husband, Dr. Julius H. Jacobson, a vascular surgeon on the faculty of Mount Sinai Medical Center. Our bedroom windows are separated by only a few feet from the west wall of 4 East 94th Street but the ups and downs of the rooftop of that building as now constructed allow us abundant sunshine all morning. This is true for almost all of the apartments in this building, not only in the bedrooms but the kitchens as well. We shall certainly lose it if the plan proposed by the developer who is now the owner prevails

Whether or not the plans projected by the owner will result in height higher or lower is a matter that has been argued and I shall not dwell upon that; there is no question that the special permits requested by the developer who now owns 4-8 East 94th Street would, if granted, allow a five foot extension of the setbacks of the two buildings and result in bulk that would defy all the zoning and planning attempts to protect the light, air and peaceful environment of this historic, landmarked neighborhood.

The construction itself is cause for concern. It involves the demolition of three floors of 4 East 94th Street and then rebuilding for unified design. It will surely take three years and the entire neighborhood will be subjected to noise, dirt, dust and debris. We shall not be able to open our windows while this goes on; air conditioning always? Con Ed will be pleased. I don't know how this will conform to the regulations (or hopes) for this Central Park District.

The drawings and diagrams that the developer-owner provided do not show

the spatial relationships among the buildings concerned. I do not imply that this is deliberately deceptive but they do not go beyond the facades. I wish that you could see the sites. Last week I asked our superintendent to show me through the "alley" between 4-8 East 94th Street and our building and the area surrounding his house, a small building that stands at the end of the alley with pretty flowers around it. When he told me that he had stopped planting flowers, I realized that it is he who will be affected most adversely by the changes projected; he will be virtually in the dark always. His primary concern, however, is about safety during the construction. A protective "bridge" will be necessary while the work takes place and it will have to be erected in a way that will cut off all light that comes down to him, putting him into a virtual cavern and, more frightening, will block off several feet of the steps that lead from our fire escape to the ground. (We have only one interior staircase in the building and I can easily imagine being trapped.)

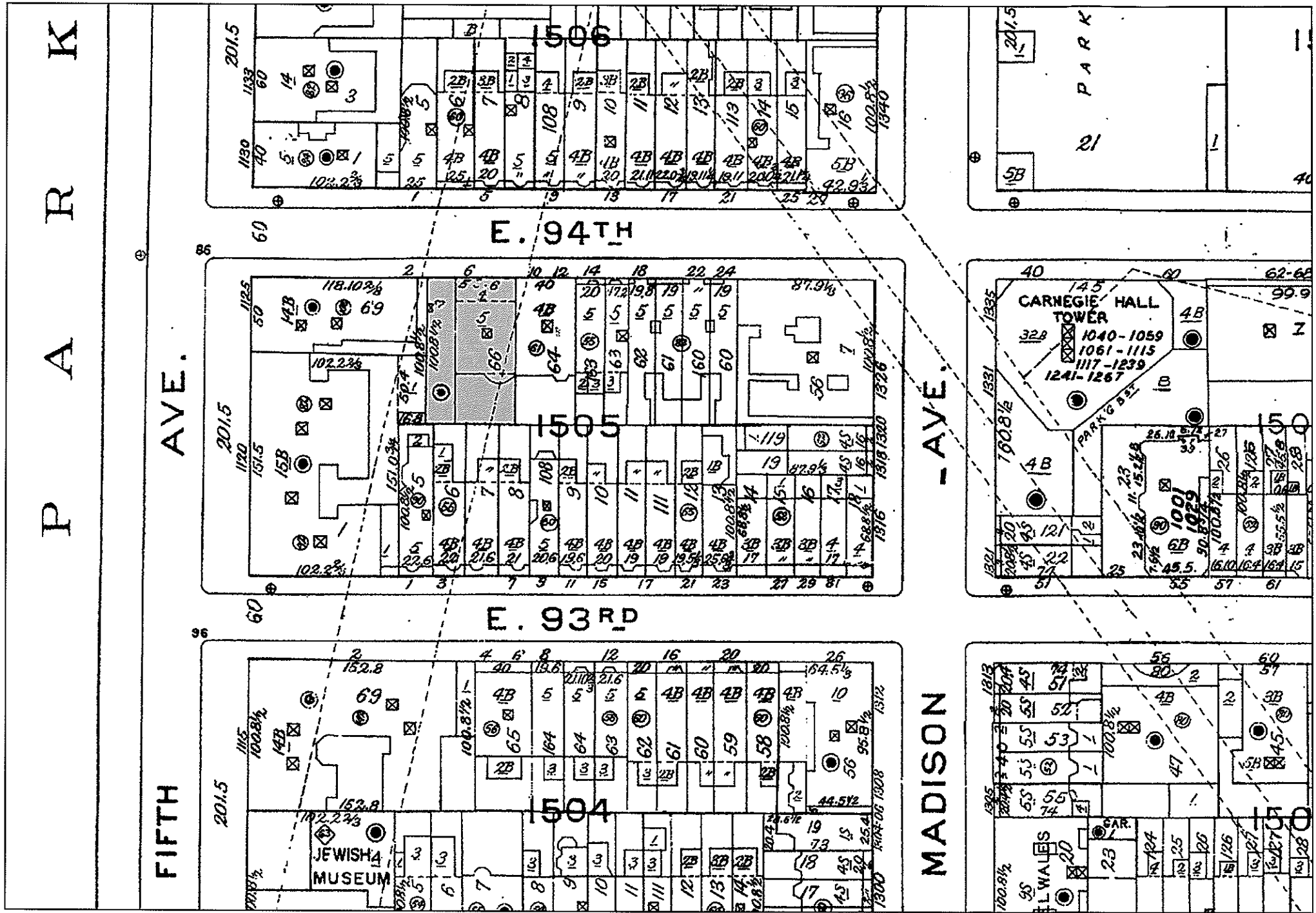
And then I thought further and realized that even without the "bridge" our safety would always be threatened if the developer's plans prevail. Our fire escape would lead us to a small crowded area that would always be dark.

I sincerely thank you for your courtesy and attention when I addressed you on June third. If I did not answer your questions sufficiently, I can be reached at 212-289-1418 and I shall readily respond.

Respectfully,



Joan L. Jacobson



1a

SANBORN MAP

4-8 EAST 94th STREET  
NEW YORK, NEW YORK

L.P.C. AMENDMENT 1.30.08  
L.P.C. REVISION 09.27.07  
L.P.C. HEARING 09.11.07  
L.P.C. FILING 08.31.07





1 EAST 94TH STREET - EXISTING EAST PERSPECTIVE  
A-501



2 EAST 94TH STREET - PROPOSED EAST PERSPECTIVE  
A-501

CPC REVIEW	06/03/09
BOARD REVIEW	03/09/09
CPC FILING - REV-1	10/24/08
ISSUE/REVISION	DATE

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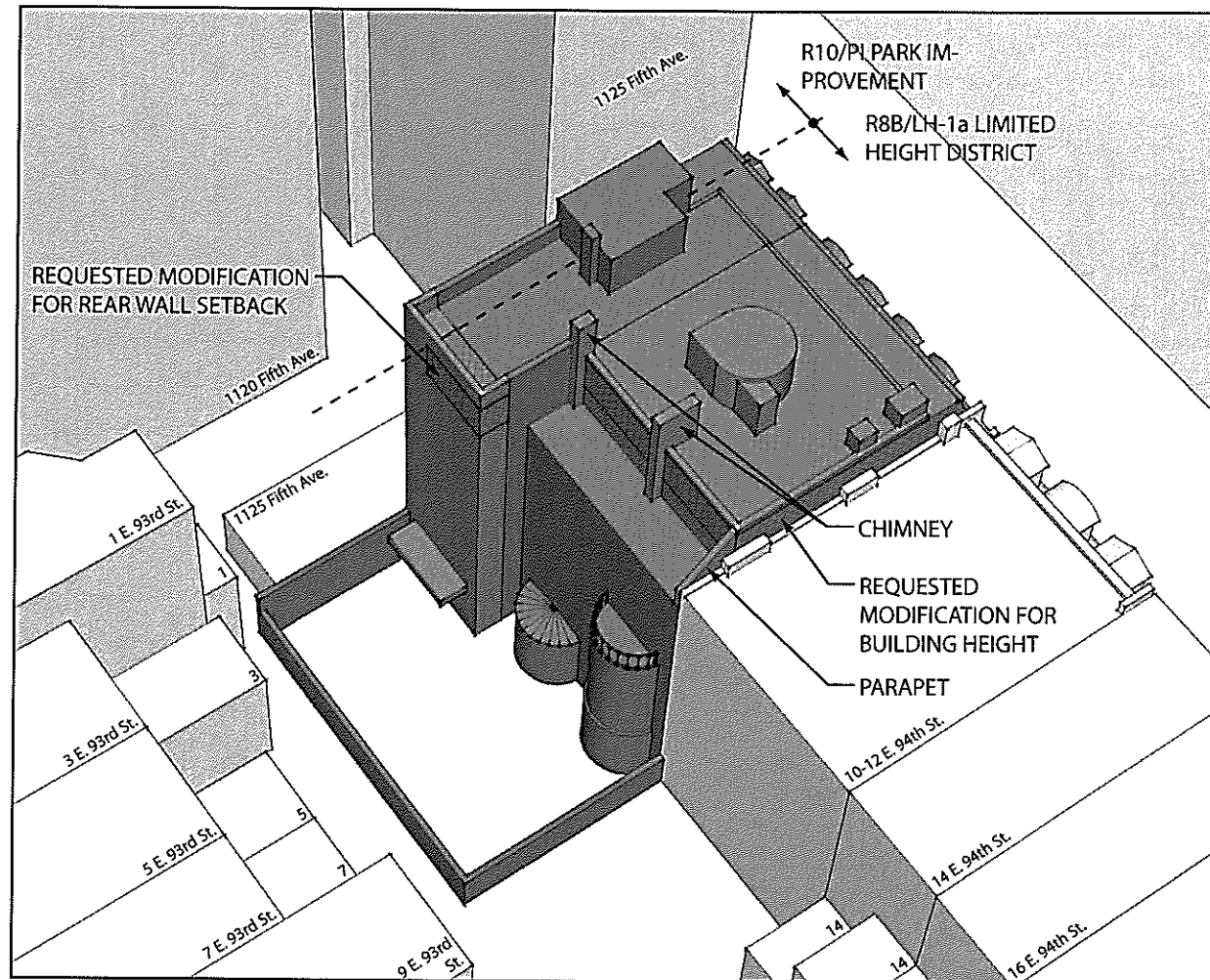
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**BKSK** ARCHITECTS, LLP  
 28 WEST 75 STREET  
 NEW YORK, NY 10010  
 PH 212.807.9600  
 FX 212.807.6405

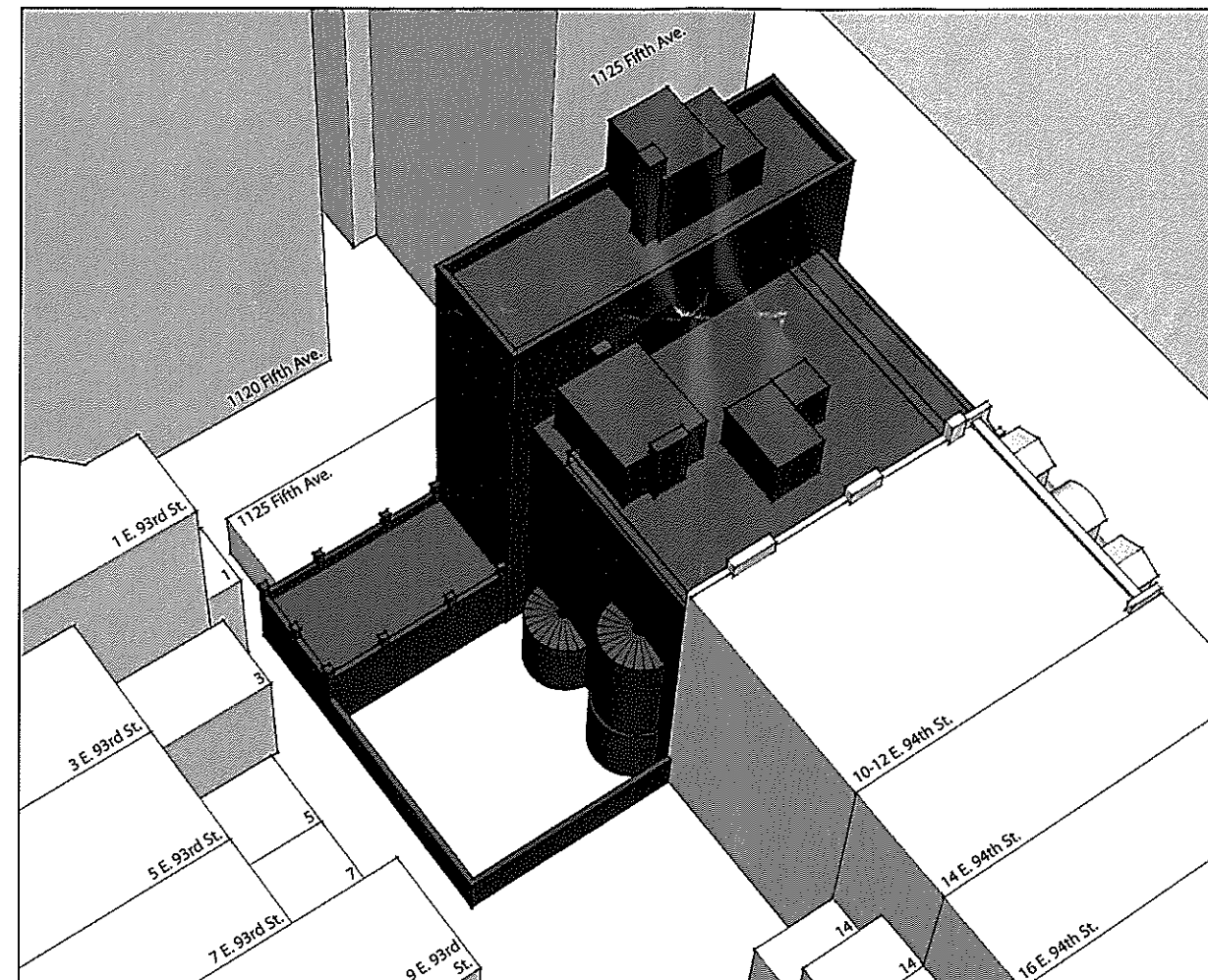
PROJECT NAME:  
 4 - 8 EAST 94TH STREET  
 NEW YORK, NY

DRAWING TITLE:  
 EAST PERSPECTIVES

DRAWING NUMBER:  
 DATE: 10/24/08  
 SCALE:  
 PROJECT NO. 0625  
**A-501**



**2** PROPOSED CONSTRUCTION W/ WAIVERS  
A-502



**1** PRE-CONSTRUCTION CONDITION  
A-502

	AREA (SQUARE FEET) OF PROPOSED 4 E. 94th STREET REAR EXTENSION		
	ZONING DISTRICT IN WHICH CONSTRUCTION OCCURS:		TOTAL AREA OF REAR EXTENSION
	R10/PI PARK IMPROVEMENT ZONE	R8B/LH-1a LIMITED HEIGHT DISTRICT	
First Floor	32.46	74.93	107.39
Second Floor	32.46	74.93	107.39
Third Floor	32.46	74.93	107.39
Fourth Floor	32.46	74.93	107.39
Fifth Floor	32.46	74.93	107.39
Sixth Floor	32.46	74.93	107.39
TOTALS:	194.76 SF	449.58 SF	644.34 SF

AREA OF REQUESTED MODIFICATION FOR REAR WALL SETBACK

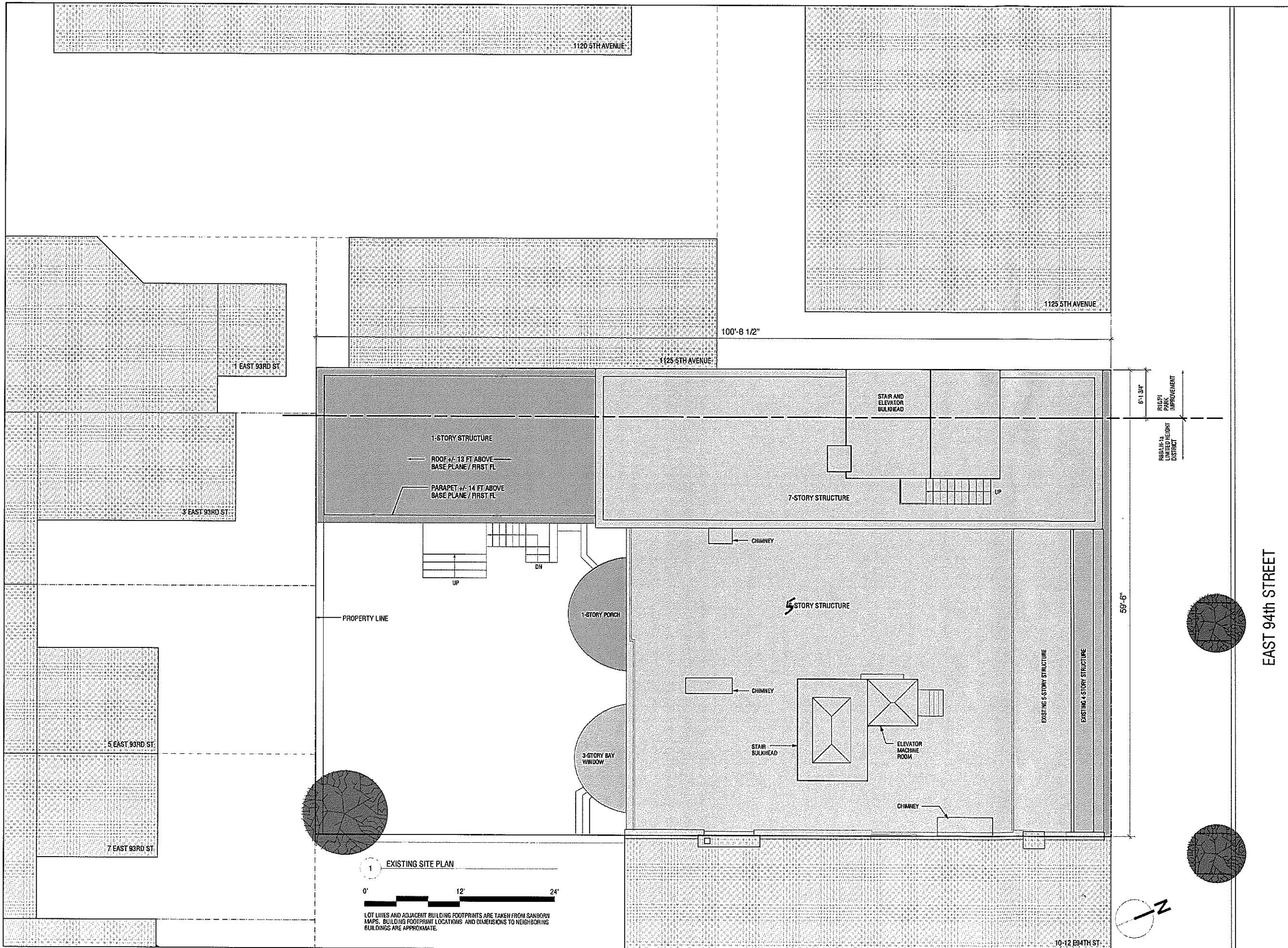
CPC REVIEW 06/12/09  
ISSUE/REVISION DATE

**RKSK** ARCHITECTS, LLP  
28 WEST 25 STREET  
NEW YORK, NY 10001  
PH 212.807.6400  
FX 212.807.6405

PROJECT NAME:  
**4 - 8 EAST 94TH STREET  
NEW YORK, NY**

DRAWING TITLE:  
**MASSING DIAGRAMS**

DRAWING NUMBER:  
DATE:  
SCALE: NO SCALE  
PROJECT NO.: 0625  
**A-502**



ISSUE / REVISION	DATE
NOTES + DIMENSIONS	06/12/09
CPC REVIEW	06/03/09
BOARD REVIEW	03/09/09
CPC FILING - REV-1	10/24/08

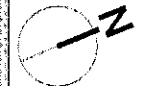
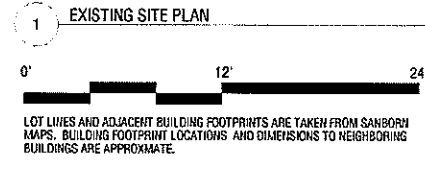
**BKSK**  
ARCHITECTS, LLP

28 WEST 25 STREET  
NEW YORK, NY 10010  
PH 212.807.1600  
FX 212.807.6405

PROJECT NAME:  
**4 - 8 EAST 94TH STREET  
NEW YORK, NY**

DRAWING TITLE:  
**EXISTING SITE PLAN**

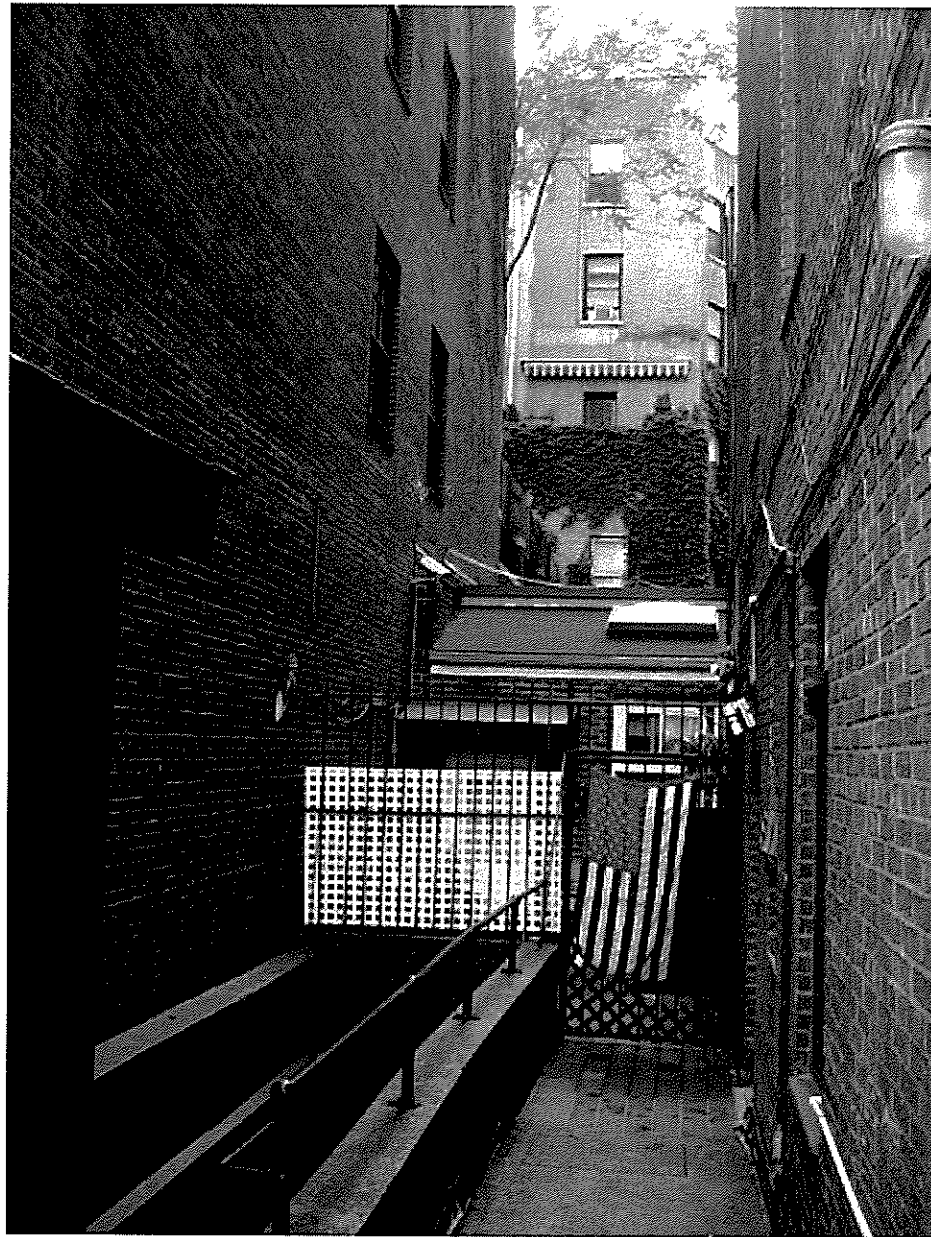
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DATE:	2-11-08
SCALE:	3/16"=1'-0"
PROJECT NO.:	0625











1125 ALLEY LOOKING SOUTH FROM 94TH ST



REAR YARD EXTENSION OF 4 E94TH ST FROM ABOVE

CPC REVIEW 6/12/09  
 ISSUE/REVISION DATE

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**BKSK** ARCHITECTS, LLP  
 28 WEST 25 STREET  
 NEW YORK, NY 10011  
 PH 212.807.9400  
 FX 212.807.6405

PROJECT NAME:  
 4 - 8 EAST 94TH STREET  
 NEW YORK, NY

DRAWING TITLE:  
 PHOTOGRAPHS

DRAWING NUMBER:  
 DATE:  
 SCALE: NO SCALE  
 PROJECT NO. 0623

**A-503**

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

LU1175

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/2009

(PLEASE PRINT)

Name: JOAN LY JACOBSON

Address: 1125 FIFTH AVE NEW YORK NY 10128

I represent: RESIDENTS OWNERS

Address: 1125 FIFTH AVE NEW YORK NY 10128

**THE COUNCIL  
THE CITY OF NEW YORK LU1178**

Appearance Card

4-8E94

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 18 Aug 09

(PLEASE PRINT)

Name: Arthur King

Address: 1E93RD ST #1A

I represent: Residents

Address:

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jim Laney

Address: 515 Broadway

I represent: CO. Restaurant

Address: 230 N W 11th Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

Pre-Cond

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 8/18/09

(PLEASE PRINT)  
Name: PURNIMA KAPUR

Address: DCP Brooklyn Office

I represent: NYC DCP

Address: 16 Court St. Brooklyn NY 11241

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

Pre Con.

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 8.18.09

(PLEASE PRINT)  
Name: NNENNA LYNCH

Address: CITY HALL

I represent: MAYOR'S OFFICE

Address: CITY HALL

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

Queens Island

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 8/18/09

(PLEASE PRINT)  
Name: LYNN KELLY

Address: 110 William St.

I represent: NYCEDC

Address: 110 William St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

Pre Con

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

Name: Gail Benjamin (PLEASE PRINT)

Address: 250 Bklyn

I represent: Land Use Division

Address: \_\_\_\_\_

**THE COUNCIL LU 1178  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

Name: Chaire S. Lord (PLEASE PRINT)

Address: 1120 5th Ave

I represent: Myself and B, C Lines 1120

Address: 1120 5th Ave

**THE COUNCIL AE 94<sup>th</sup> St.  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

Name: Harry C. Kendall (PLEASE PRINT)

Address: 28 West 25<sup>th</sup> Street, NY, NY 10010

I represent: 4. East 94<sup>th</sup> Street, NYC

Address: 4. East 94<sup>th</sup> St., NYC.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

4. EAST  
99th ST

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

(PLEASE PRINT)

Name: BOSS MOSKOWITZ

Address: Strock, 180 MAIDEN LANE, NYC

I represent: 4.8 EAST 99th Street LLC

Address: 4.8 EAST 99th Street, NYC

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: John England

Address: 187 Baltic St Brooklyn

I represent: owner / BKSK Architects

Address: 28 W 25th St

THE COUNCIL  
THE CITY OF NEW YORK

LC 1178

Appearance Card

I intend to appear and speak on Int. No. 1 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8-18-09

(PLEASE PRINT)

Name: LYNN LAWITZ

Address: 5 East 93rd St NYC

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

LU. 10. 1178

Appearance Card

4-86944

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: August 18, 2009

(PLEASE PRINT)

Name: Barbara Waldor

Address: 1 E. 93rd St / 2A NY, NY 10128

I represent: opposition

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1183 Res. No. \_\_\_\_\_

in favor  in opposition

Date: August 18, 2009

(PLEASE PRINT)

Name: David Suarez

Address: 41-20 55th Street, #4 Woodside, NY 11377

I represent: Lower East Side Business Improvement District

Address: 54 Orchard Street New York, NY 10002

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

1183

I intend to appear and speak on Int. No. 1183 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: STEVE WYGODA

Address: 190 E. Main St.

I represent: NYLA SW Cafe

Address: 101 Livingston St. NY.

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1183 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

(PLEASE PRINT)

Name: Rita Lee

Address: 79-51 2nd Avenue St. NYC

I represent: Council Member Al Green

Address: 79-51 2nd Avenue St. NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

LV 1178

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 18 AUGUST 2009

(PLEASE PRINT)

Name: SARAH BALTON-KING

Address: 1 EAST 93RD STREET #1A NY 10128

I represent: RESIDENTS

Address: 1 EAST 93RD STREET NY 10128 NY

**NYLA Cafe THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

L. U. 1183

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 8/18/09

(PLEASE PRINT)

Name: SASAN STETZER

Address: \_\_\_\_\_

I represent: CB3

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms