



COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.manhattancb2.org

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

April 23, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on April 17, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Marlton Hotel Operating LLC dba The Marlton Hotel 5 W 8th St 10011 (OP–Restaurant)
(Alteration: Dining Out NYC–Roadway)

- i. **Whereas**, the Applicant will submit an application to the NYS Liquor Authority for an Alteration to the existing On-Premises Liquor License (Lic. ID #0340-23-134770) to add roadway seating consisting of 36 seats in total as part of the Dining Out NYC program to their licensed premises; and
- ii. **Whereas**, the Applicant has executed and has had notarized a supplementary Stipulations Agreement with CB2, Man. to address the new Dining Out NYC program seating that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the existing method of operation of their On-Premises Liquor License in addition to any other existing stipulations, with those supplementary stipulations as follows:
 1. Dining Out NYC roadway seating will substantially conform to submitted diagram and have no more than 18 tables and 36 seats on Sullivan Street between 5th and 6th Avenues.
 2. Hours of operation for the Dining Out NYC roadway seating will be from 7 AM to 10 PM Sundays through Saturdays (7 days a week). No patrons will remain outside after stated closing time and all tables and chairs will be secured.
 3. All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk café and/or Dining Out NYC roadway café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
 4. There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
 5. There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.

6. There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
 7. Will follow all rules and regulations of the Dining Out NYC program including clear path requirements.
 8. All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.
- iii. **Whereas**, the licensed premises did not have any outdoor seating under the old DCWP sidewalk café program, this location was specifically prohibited through previous zoning regulations from operating any outdoor seating or having any open facades or operable windows, the premises not having any stipulations in place regarding the emergency pandemic era outdoor dining program or the new Dining Out NYC program, the location also being on a block which precludes any other business from having roadway cafes because of overnight no standing regulations, this applicant only allowed to have roadbed dining because they are a hotel with a no standing hotel parking regulation which instead of being used for passenger pick ups and drop offs will now be used for dining with those pickups and drop offs now occurring in the moving traffic lanes and existing bike lane blocking traffic and obstructing the bike lane creating dangerous conditions, the Applicant appeared before the CB2, Man.'s SLA Committee requesting a 12 AM closing Sundays through Saturdays (7 days a week) citing that they are a hotel with guests coming from different time zones and wanting the ability to eat outside later; CB2 is requesting all Applicants who had no prior stipulations with CB2 regarding outdoor seating to agree to a closing of 10 PM nightly initially in order to get the Applicant open quickly with the opportunity to return for later hours after the new Outdoor Dining NYC applications have been processed and its impacts on the community can be evaluated with nothing precluding the Applicant from returning for later hours in the future, the Applicant agreeing after the meeting to that reasonable request and signing stipulations following the CB2's SLA Committee meeting; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for the alteration to the existing On-Premises Liquor License for **Marlton Hotel Operating LLC dba The Marlton Hotel 5 W 8th St 10011**, to add seating under the Dining Out NYC program **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and supplementary stipulations agreed to by the Applicant above are added to the existing NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees



Valerie De La Rosa, Chair
Community Board #2, Manhattan

Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanaugh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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Community Board 2 Addendum to Existing Liquor License Stipulations:
Alteration to include use of Municipal Property for Dining Out NYC Sidewalk or Roadway Cafe

The original signed and notarized form must be returned to the CB2 office by Friday, March 28, 2025.
If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Sean McPherson as a qualified representative of Marlton Hotel Operating, LLC dba The Marlton Hotel
located at: 5 West 8th Street, NY, NY 10011
agrees to the following stipulations:

Currently held Liquor License Class: Lic. ID #0340-23-134770

[X] On Premise Liquor [] Restaurant Wine [] Tavern Wine [] Other

Alteration to License to add:

[] Dining Out NYC Sidewalk Cafe [X] Dining Out NYC Roadway

Roadway cafe will substantially conform to submitted diagram and have no more than:

- 18 tables and 36 seats on West 8th Street

Hours of operation for Dining Out NYC sidewalk and roadway seating:*

Table with 4 columns: Day, Start Time, End Time, Day, Start Time, End Time. Rows for Sunday through Wednesday.

*No patrons will remain outside after stated closing time and all tables and chairs will be secured.

- [X] All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk cafe boundaries and/or Dining Out NYC roadway cafe boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
[X] There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
[X] There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
[X] There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
[X] Will follow all rules and regulations of the Dining Out NYC program including clear path requirements.
[X] All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Yan Terquis Phone Number: 917-579-4489

Signed [Signature] Dated Sean Mac Pherson 4/10/25
Sworn to this 10th day of April 2025 [Signature] Notary Public

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license.

COURTNEY FAITH GARRON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01GA6232301
Qualified in New York County
Commission Expires 12/06/2026