

# Manhattan Community Board 4

## Liquor License/Sidewalk Cafe Stipulations Application

(All Fields Must Be Completed)

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
ERY Retail Pavilion LLC		TBD	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
350 11th Avenue		30th Street	10001
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b> HY Manhattan Tower LLC	<b>ATTORNEY/ REPRESENTAIVE</b>	<b>NAME:</b> Max Bookman, Esq. - Pesetsky and Bookman, P.C.
	<b>PHONE:</b> 646-767-3241		<b>PHONE:</b> 212-513-1988
	<b>EMAIL:</b> alexis.kremen@related.com		<b>EMAIL:</b> max@pb.law
<b>MANAGER</b>	<b>NAME:</b> Cobi Levy	<b>LANDLORD</b>	<b>NAME:</b> Same as applicant
	<b>PHONE:</b> 415-225-5373		<b>PHONE:</b>
	<b>EMAIL:</b> cobia@a2hg.com		<b>EMAIL:</b>
<b>APPLICATION TYPE</b> ( <input checked="" type="checkbox"/> <i>Liquor License</i> <input type="checkbox"/> <i>Unenclosed Sidewalk Cafe</i> )			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
	What is/was the name and address of establishment?	Hudson Yards by Rhubarb LLC and ERY Retail Pavilion LLC - 350 11th Avenue	
	What were the dates applicant was involved with this former premise?	06/2020 to Present	
<input type="radio"/> <b>Corp</b> <b>Change/Class Change/Removal</b>	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> <b>YES</b>	<input checked="" type="radio"/> <b>NO</b>	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> <b>YES</b>	<input checked="" type="radio"/> <b>NO</b>	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	

**OPERATIONAL DETAILS (\*Closing time will be when establishment is vacated of all patrons)**

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	8a-11p	8a-11p	8a-11p	8a-11p	8a-11p	8a-11p	8a-11p
	Kitchen	-----ALL HOURS OF OPERATION-----						
	Music	-----ALL HOURS OF OPERATION-----						
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE	

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
<b>INSIDE</b>							
<b>OUTSIDE</b> <i>(Other than sidewalk café)</i>	TBD	169	27	140	0	1	13
<b>DCA APPROVED UNENCLOSED SIDEWALK CAFÉ</b>							

How many floors are there? What is the capacity for each floor?	1	
How frequently will the owner(s) be at the establishment?	3-5 days per week	
Will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO
Will applicant be hosting private; promotional or corporate events?	<input checked="" type="radio"/> YES	NO Corporate events
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will applicant have a security plan? If, yes please attach.	YES	<input checked="" type="radio"/> NO
Will security plan be implemented?	YES	NO n/a
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	NO
Does applicant agree to notify MCB4 prior to making changes to its method of operation?	<input checked="" type="radio"/> YES	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	NO n/a
Where will delivery bicycles be stored during the day when not in use?	n/a	

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Hudson Yards
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input type="radio"/> YES	<input type="radio"/> NO	n/a
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	n/a

Community Notification/Relations			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	See email attached	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.	12/30/2020		
Who was your contact person at each group you met with?	See email attached.		
When did applicant post the notice that was provided?	12/30/2020		
Where did applicant post the notice that was provided?	Conspicuously around the plaza and on 11th Avenue		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	415-225-5373
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	Currently, Hudson Yards by Rhubarb LLC and ERY Retail Pavilion LLC - seasonal outdoor cafe.		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	See above.
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input type="radio"/> NO	
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the entrance ADA Compliant?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input type="radio"/> NO	
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	<input type="radio"/> NO	n/a
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	<input type="radio"/> NO	n/a
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	n/a		
When was the air conditioner installed?	n/a		

<b>OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck, gazebo or open dining in the parking lane? If yes, which one(s)?	<input checked="" type="radio"/> YES	NO	Pavilion
Are the floorplans for the outdoor space(s) included?	<input checked="" type="radio"/> YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	<input checked="" type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="radio"/> YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s) or on the sidewalk?	<input checked="" type="radio"/> YES	NO	Drinking only at seats; no smoking.
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	n/a
Will applicant agree to post signs outside asking customers to respect the neighbors?	<input checked="" type="radio"/> YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	NO	
If open dining in the parking lane, will applicant agree to leave the sidewalk free of any furniture?	YES	NO	n/a
If open dining, will you comply with all NYC DOT guidelines?	YES	NO	n/a
If open dining, will the installation be year-round?	YES	NO	n/a

**DCA APPROVED UNENCLOSED SIDEWALK CAFÉ**

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input type="radio"/> NO	/
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closest obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	
If open dining is in the parking lane, will applicant agree to remove its sidewalk café?	<input type="radio"/> YES	<input type="radio"/> NO	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

Applicant will adhere to all recommendations of Longman Lindsey acoustical report dated October 15, 2020 (copy attached).

There will be no live music.

The roof and sides of the temporary structure covering the outdoor space will remain open when the weather allows, but, in the event of wind or other weather conditions that would make use of the space impractical, applicant may close the roof and/or lower portions or all of the retractable sides as needed to allow guests to enjoy the space all year round.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.*

**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.*



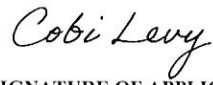
<p>Manhattan Community Board 4 (MCB4) recommends:  <i>(MCB4's recommendation is based on a vote taken at its March 3, 2021 full board meeting, with 37 members voting in favor of the recommendation, 4 members opposed, 0 members abstaining and 0 present but not eligible)</i></p>	<p><input checked="" type="checkbox"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation</p> <p><input type="checkbox"/> Denial    <input type="checkbox"/> Approval</p>
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**CB4 REPRESENTATIVES**

 <p>Nelly Gonzalez  <i>CB4 Assistant District Manager</i></p>	 <p>Frank Holozubiec  <i>CB4 BLP Committee Co-Chair</i></p>	 <p>Burt Lazarin  <i>CB4 BLP Committee Co-Chair</i></p>
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

<p><b>SIGN HERE</b> →</p>	<p>Cobi Levy  <small>PRINT NAME OF APPLICANT</small></p>	 <small>SIGNATURE OF APPLICANT</small>	<p>2/26/2021  <small>DATE</small></p>
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# 500 Foot Survey - ERY Retail Pavilion LLC

## Legend

**LEGEND**

**On-Premise Licenses**

- On Premises Liquor
- ▲ On Premises Wine and Beer
- On Premises Beer

**Off-Premise Licenses**

- Off Premises Liquor
- ▲ Off Premises Wine
- Off Premises Beer

**Wholesale Licenses**

- Wholesale

**Pending Licenses**

- Pending

**All Licenses**

- On Premises Liquor
- ▲ On Premises Wine and Beer
- On Premises Beer
- Off Premises Liquor
- ▲ Off Premises Wine
- Off Premises Beer
- Wholesale
- Pending

**Churches**

- ◆ Churches

**Schools**

- ◆ Schools

**Zones**

- Zones

**Community\_Boards**

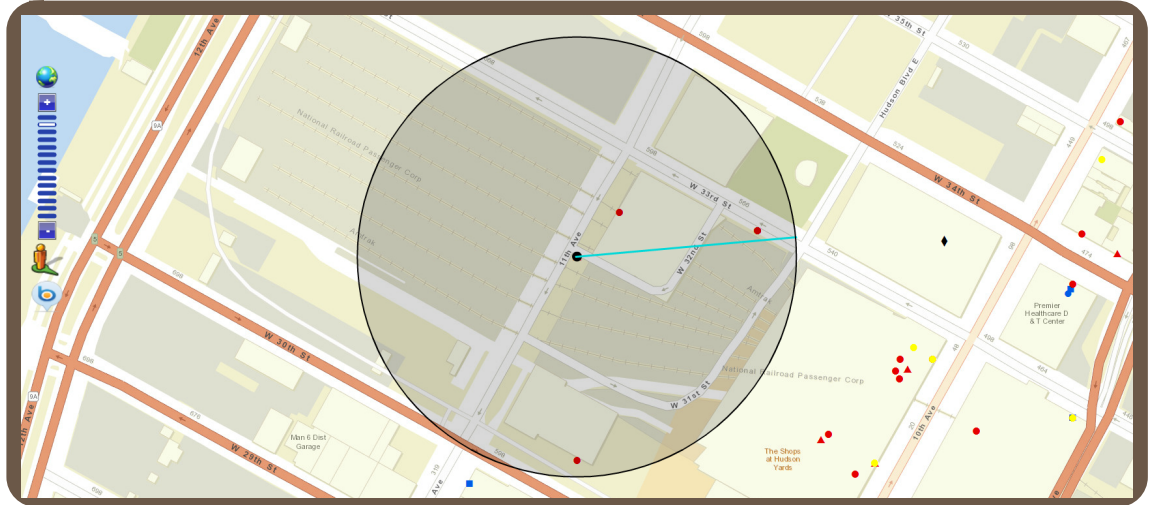
- Community\_Boards

**Police\_Precincts**

- Police\_Precincts

**Countries**

- Countries



## On-Premise Licenses within 500 Feet

1. ERY NORTH TOWER RHC TENANT LLC, EQX HOTEL MGMT LLC  
35 Hudson Yards - 140 ft
2. EQUINOX HUDSON YARDS F&B LLC & BC HUDSON YARDS LLC  
560 W. 33rd Street - 415 ft
3. WS NEW YORK TAVERN LLC & RH WINE MANAGEMENT LLC  
560 W. 33rd Street - 415 ft
4. SHED NYC INC & 545 WEST 30TH STREET F&B MGMT LLC  
545 W. 30th Street - 465 ft

## SUNSET PLAZA MENU

### STALL 1

#### VEGAN DELIGHT

japanese eggplant, whipped purple yam, crunchy chickpeas, sauteed pea shoots, pickled daikon 13

#### COCONUT BLACK RICE

romanesco, kabocha squash, zucchini, miso tahini 12  
add chicken 4 or shrimp 5 to either

#### SHRIMP SESAME SOBA NOODLES

pickled ginger, jicama, carrots, cucumbers, peppers 14

#### CHICKEN+SUPERGRAINS

sauteed pea shoots, avocado, black sesame 14

#### GINGER SHRIMP

mizuna, tatsoi, rocket, cucumber, romanesco, yellow carrots, chickpeas 14

#### ASIAN CHICKEN CAESAR

napa & red cabbage, kale, know better croutons, togarashi cashews 14

#### SPICY TUNA

sushi grade big eye tuna, kale, avocado, watermelon radish 14

### STALL 2

#### IMPOSSIBLE CHEESEBURGER (VEGETARIAN)

The Impossible Burger patty made entirely from plants, American cheese, lettuce, tomatoes, pickles & secret sauce on a toasted egg bun. 13

#### WISCONSIN BURGER

Griddled mushrooms, Zoe's bacon, cheddar cheese, mayo & BBQ sauce on a toasted country roll. 12

#### WESTERN BACON BLUE RING

Beer-battered onion ring, Point Reyes crumbled blue cheese, bacon, pickles, red onion & BBQ sauce on a toasted egg bun. 13

#### TEXAS AVOCADO BURGER

Jack cheese, sliced avocado, salsa, mayo & pickled jalapeño, toasted egg bun. 12

#### BACON CHEESEBURGER

American cheese, Zoe's bacon, lettuce, tomatoes, pickles & secret sauce, toasted egg bun. 13

## FRIES

Fried crisp & lightly salted. 4

## GARLIC FRIES

Tossed in garlic butter & parsley. 4

## SWEET POTATO FRIES

Chili spice-dusted & served with house-made ranch. 4

## ONION RINGS

Thick & beer-battered. Lightly salted. 5

## FRIED BRUSSELS SPROUTS

With lime and charred jalapeño mayo. 7

## **STALL 3**

### MARGHERITA

San Marzano tomatoes, fresh mozzarella, basil, parmigiano reggiano D.O.P., extra virgin olive oil. 10

### DI PARMA D.O.P.

San Marzano tomatoes, mozzarella di bufala D.O.P., arugula, prosciutto di parma D.O.P., shaved parmigiano reggiano D.O.P., extra virgin olive oil. 16

### SAUSAGE PIZZA

San Marzano tomatoes, Italian fennel sausage, fresh mozzarella. 12

### TARTUFO

Mozzarella di Bufala D.O.P., organic cremini mushrooms, Parmigiano Reggiano D.O.P., white truffle oil. 16

### PEPPERONI

San Marzano tomatoes, fresh mozzarella and organic pepperoni. 12

### A DIAVOLO

San Marzano tomatoes, fresh mozzarella, fresh jalapenos, spicy soppressata salami, mike's hot honey, parmigiano reggiano D.O.P. and extra virgin olive oil. 14

#### **STALL 4**

**CARNE ASADA TACO**  
Grilled Steak 5

**ADOBADA TACO**  
Marinated Pork 5

**POLLO ASADO TACO**  
Grilled Chicken 5

**NOPAL TACO**  
Grilled Cactus. 5

**VEGAN SUPER TACO**  
Grilled Mushrooms, Avocado 5

**CAMARONES TACO**  
Grilled Shrimp 5

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

P.O. Box 2622 New York, NY 10108  
tel: 212-736-4536

<https://cbmanhattan.cityofnewyork.us/cb4/>

## PUBLIC NOTICE

Business Licenses and Permits Committee  
will discuss an application submitted by

**ERY Retail Pavilion LLC.**

**350 11<sup>th</sup> Avenue**

Liquor, Wine, Beer & Cider application for a  
Restaurant Establishment with a Disc Jockey and  
Patio/Deck

Tuesday, January 12, 2021

6:30 PM

**Video/Phone Conference Registration:**

<https://zoom.us/webinar/register/WN6SX3vS6HVC2bBstV3A>

**6SX3vS 6HVC2bBstV3A**

To attend this meeting and learn more about this application,  
please email your comments by 2 p.m. Friday, January 8, 2021  
to Assistant District Manager Nelly Gonzalez at  
[negonzalez@cb.nyc.gov](mailto:negonzalez@cb.nyc.gov).

Administrative Code of the City of New York section 24-207  
does not remove until after the above meeting date.

CITY OF NEW YORK No. 4  
MAYTAN COMMUNITY BOARD 108  
Box 2622, New York, NY 10017  
<http://communityboard108.nyc.gov>

**PUBLIC NOTICE**

Business Licenses and Permits Committee  
will discuss an application submitted by

**ERY Retail Pavilion LLC**  
**350 11<sup>th</sup> Avenue**

New Liquor, Wine, Beer & Cider application  
Restaurant Establishment with a Disc Jockey  
Patio/Deck

Tuesday, January 12, 2022  
6:30 PM

Video/Phone Conference Registration  
<https://zoom.us/webinar/register/join?j=6SX3vS6HVCabBst1k4>

If you are unable to attend this meeting and learn more about the application, you may email your comments by 2 p.m. Friday, January 7, 2022. For more information, please email Assistant District Manager at [nadgonzalez@cb.nyc.gov](mailto:nadgonzalez@cb.nyc.gov).

Printed according to the Administrative Code of the City of New York  
119. Please do not remove until after the above meeting.

**Cobi Levy**

Hudson Yards Plaza

✉ Sent - cobl@a2hg.com December 30, 2020 at 4:53 PM

Bcc: kathleentreat123@gmail.com, brianscottweber@gmail.com, pgouris@hyhkalliance.org, cberthet@me.com, Julia Campanelli, wborock@hotmail.com, donna@donnalangman.com, rmarcano@clintonhousing.org, rjbenfatto@hyhkalliance.org, **jrestuccia2@clintonhousing.org** ▾

Hide

Security:  Signed (Cobi Levy)



Dear Neighbors,

Happy holidays. I'm writing to you as a resident of Hudson Yards and a January applicant for a new liquor license. Together with Related, I'm looking to upgrade the Plaza space in front of the Vessel by creating a fun, approachable dining experience for locals and tourists alike. Inspired by the great markets of Barcelona, Paris and London, I want to build a fully outdoor mini food plaza with several affordable dining options. I'll be working with my friends, some the best chefs in New York to create a true New York experience. Our entire operation will be eco friendly, from the Tesla battery powered kitchens to biodegradable packaging. I hope you'll support my application which asks to be open until 11pm - 7days a week. Should you have any questions, please feel free to reach out. Thank you.

Cobi Levy  
ACT2 Hospitality



October 15, 2020

Mr. David Edwards  
VP of Operations  
Rhubarb  
David.edwards@rhubarbgroup.com

Ref: Backyard Café  
LL project #12476

Dear David,

Longman Lindsey has been retained to conduct sound measurements for the Backyard Café on the plaza level of Hudson Yards. A condition of the community board approving the outdoor bar was music from the establishment should not be audible at the surrounding plaza. We conducted an acoustic survey on October 8<sup>th</sup> in order to confirm compliance.

Our survey was conducted by having two engineers simultaneously conduct sound readings at the bar and in the surrounding plaza. We measured at three locations throughout the plaza, please see figure 1 below with marked up measurement locations. Location 1 was at the park bench seating area (north side of plaza). Location 2 was at the south side of the plaza seating area with round metal tables. Location 3 was in the middle area of the plaza which is a transient space with no seating.

The sound system used by the establishment is a portable eight (8) speaker Bluetooth system located immediately to the right of the bar (see attached photos for reference) with music played from an iPhone. Measurements were conducted with music played at existing operating levels; we then had the staff reduce the volume to a point of inaudibility at surrounding measurement locations. The following table summarizes our results:

Location	Backyard Café Bar at 3' From Speaker	Ground Level Plaza Location 1	Ground Level Plaza Location 2	Ground Level Plaza Location 3
No music	--	70 dBA	64 dBA	70 dBA
Original Operating Level	78 dBA	69 dBA	67 dBA	72 dBA
Reduced Operating Level	74 dBA	67 dBA	64 dBA	70 dBA

Salient comments from our survey are as follows:

- Music from the Backyard Café was not audible at any time at location 1. The controlling factors of background noise was the wind in the park and pedestrian / people noise in the park.
- With music played at normal operating conditions, it was faintly audible in the south park (location 2) and in the plaza (location 3) and therefore was lowered.
- To be inline with the community board requirement, music levels shall be no louder than 74 dBA at three (3) feet from the speaker. This correlated with having the iPhone music volume all the way up and the speaker gain set to level 3 with the EQ settings all at midpoint. See attached pictures.

# Longman Lindsey

Based on our survey results and observations we believe the conditions imposed by the Community Board have been satisfied. The above summarizes our comments and recommendations at this time. Should you have any comments or questions, please do not hesitate to contact us.

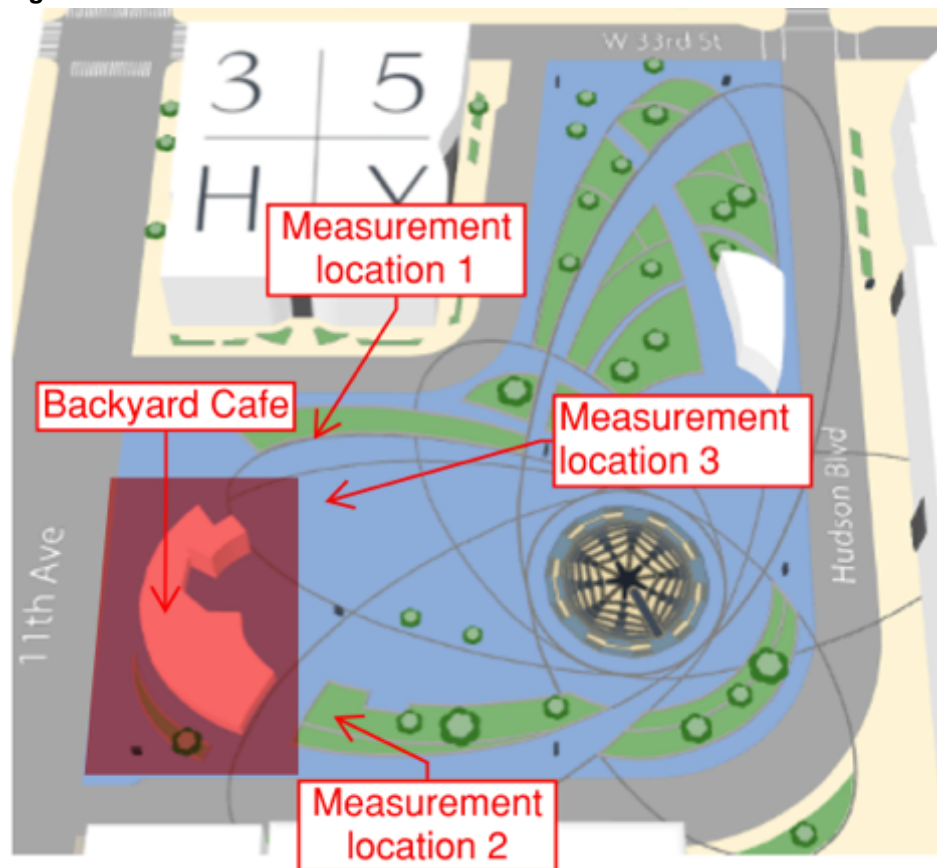
Best regards,



John Marchese  
Associate

Cc: Ken Shook / Longman Lindsey

**Figure 1: Measurement Locations**

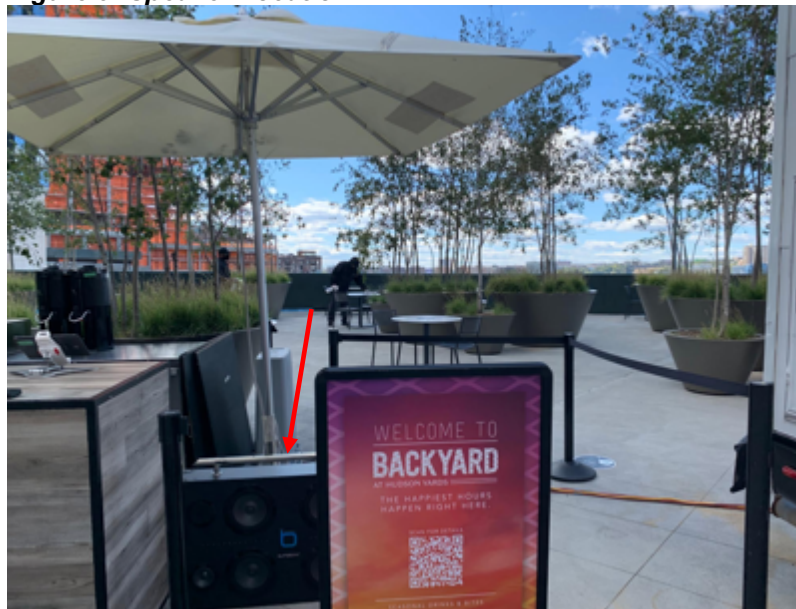


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**Figure 2: Max Sound Levels for "Bumpbox" Sound System**

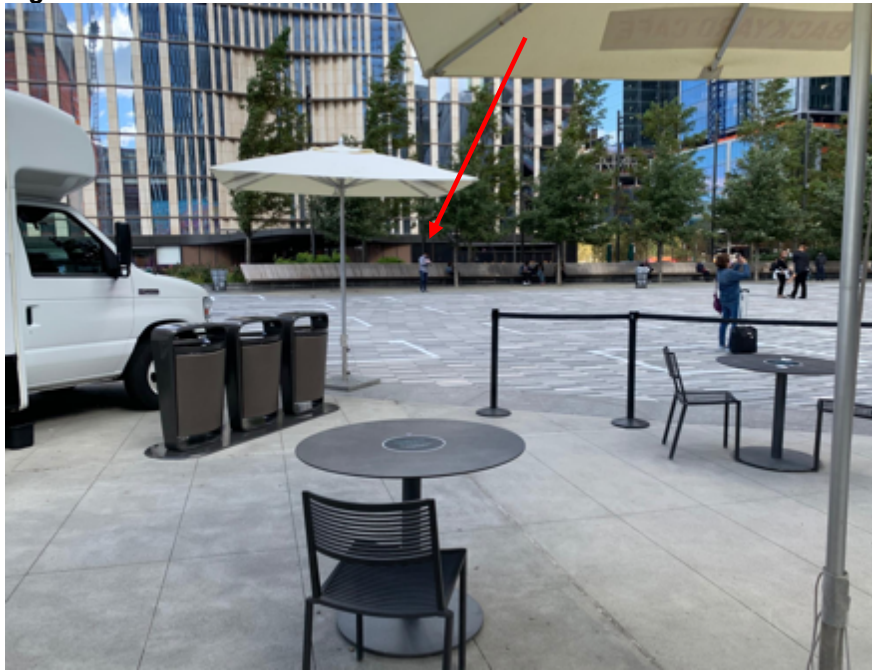


**Figure 3: Speaker Location**

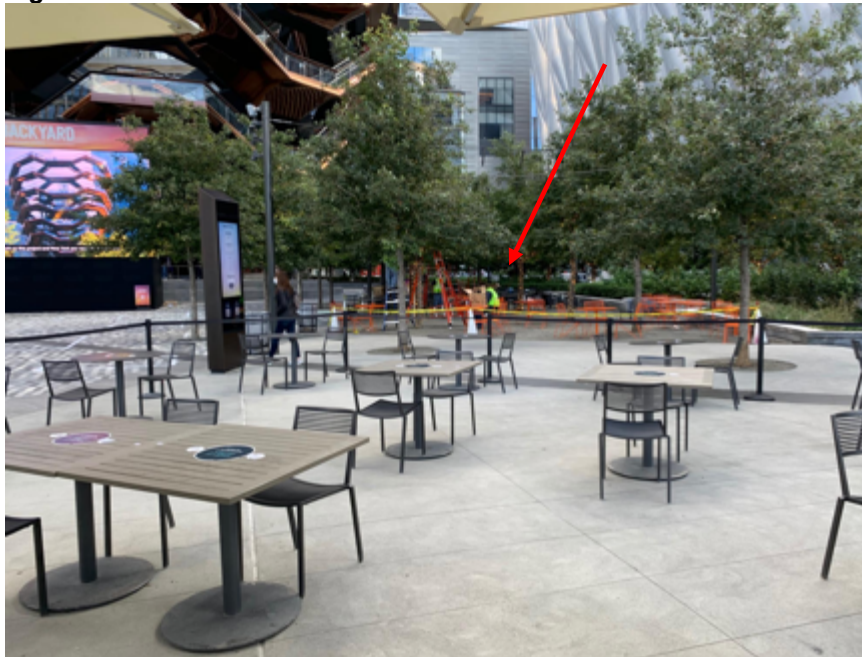


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**Figure 4: Location 1**



**Figure 5: Location 2**



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**Figure 6: Location 3**

