

CITY OF NEW YORK MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS Chair

JESSE R. BODINE District Manager

June 16, 2023

Lily Fan Chair New York State Liquor Authority 80 S. Swan Street, Suite 900 Albany, New York 12210

Re: Susi Villa TPlayground, Inc. d/b/a pending 134 Ninth Avenue (18/19 Streets) Serial# 1343253

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends <u>denial</u>¹ of the application of Susi Villa TPlayground, Inc. for an On Premises full Liquor/Wine/Beer and Cider License. Given the serious concerns about the method of operation of this establishment and the intense alcohol saturation on the blocks where the applicant intends to open, the granting of the On Premises license sought in this application would not serve, and would be contrary to, the public interest.

The proposed establishment falls within the 500-foot rule as there are seven active On Premises licenses within 500 feet of this address. An additional 15 On Premises licenses are within 501 – 750 feet (per the SLA LAMP site.). Thus, these blocks are already heavily populated with licensed premises. Although the space at 134 Ninth Avenue had previously been licensed, the elimination in the area of one On Premises license would reduce the serious risk of increased noise and disturbance from patrons, vehicular traffic, and pedestrian circulation. It might even lessen any existing disruptions to residents who live nearby.

Particularly troubling to MCB4's Business Licenses and Permits (BLP) Committee and nearby residents is the fact that the applicant for this self-described neighborhood and safe space was, and apparently still is, associated with a club in Hell's Kitchen called Fairytale Lounge, 500

¹ Due to NYSLA deadline for comment this letter is being sent immediately and will be ratified at the next regularly scheduled Full Board meeting on Wednesday, July 26th.

West 48th Street, NY NY, license no. 1248424. Instagram posts from both @susivillany and @fairytailnyc (see attached) promote Susi Villa Trans parties at Fairytale on Tuesdays through Saturdays. Fairytale has been a problematic establishment with respect to multiple issues including compliance with their license terms and stipulations, reported behavior issues on the premises, and consistent community complaints. In connection with the present application, community members have submitted to MCB4 on-line reviews of Susi Villa events at Fairytale referring to lap dances and opportunities for other encounters. (See attached.)

MCB4 recognizes that Fairytale is a separate venue, but the events there operate under the current applicant's corporate name. Also, until recently, the planned d/b/a of the premises at issue here was also "Susi Villa." The applicant does not dispute her involvement in the Susi Villa events at Fairytale, but states that she disapproves of the nature of the events there, has no control of the operations there and whether they are operating within the terms of the Fairytale liquor license, and is seeking to open the present venue to distance herself from the Fairytale operations and open a Trans-friendly safe space.

Although that goal is laudable, the applicant's conduct in recent years raises questions about whether the method of operation at the proposed premises would differ from that at Fairytale. The applicant first presented this application to the BLP Committee on July 13, 2021. At that time, the committee and numerous local residents made clear that a major obstacle was the concern that the Susi Villa operations at Fairytale would be carried over to the new location – which led to a recommendation of denial from MCB4 (see attached letter to the SLA dated August 13, 2021). Despite hearing these concerns almost two years ago, the applicant has apparently continued the Susi Villa parties at Fairytale to the present, showing no intention to distance the applicant from the method of operation there. In fact, the applicant stated that she would continue to use her current mailing list to promote this proposed new location, indicating that its clientele could remain the same with similar expectations as to the nature of the establishment.

At minimum, MCB4 urges the SLA to carefully investigate the connection between Fairytale and the proposed application and ensure that no one with an ownership interest or a managerial role at Fairytale is involved in the new operation, as well as clarifying the exact nature of the current applicant's relationship with Fairytale.

At the June 13, 2023 meeting of BLP Committee at which this application was most recently considered, over 15 community members spoke in opposition to this application and over 100 community members submitted written opposition – citing the above concerns, the already high concentration of licenses along this stretch of Ninth Avenue, and the continuing noise and congestion that is generated by existing On Premises licenses adjoining these overwhelmingly residential blocks. Petitions both in support and in opposition to this application were submitted. Three community members spoke in support of the application, stressing the need for a Transfriendly safe space in the neighborhood.

It also appears that, despite the two-year period since the applicant's initial appearance before the BLP Committee, the applicant performed no meaningful community outreach other than some emailing and gathering petition signatures. For example, the president of the Fulton Houses

Tenants Association, a NYCHA project with hundreds of apartments located just across the street from this location, stated that no one had contacted them regarding this venue.

At the BLP meeting, the applicant offered multiple stipulations seeking to address the BLP Committee's and the community's concerns. The committee is appreciative of those efforts and worked in good faith during a lengthy meeting, reaching apparent agreement with the applicant on multiple aspects of the applicant's method of operation. The parties were unable to reach agreement on closing times, however. Given that fact and in the face of the extensive opposition and concerns from nearby residents, the committee ultimately concluded that they lacked assurance about the nature and suitability of the proposed venue's method of operation and its effect on this licensed-saturated residential area.

For all the reasons above, MCB4 urges denial of the present application.

If the SLA disagrees with our conclusions and were to approve this application for an On Premises license, MCB4 requests that the following stipulations be included in the establishment's method of operation:

- Proposed establishment will not be named or d/b/a "Susi Villa" nor will it hold or support events of the nature of those promoted or occurring under the name "Susi Villa" at prior locations. SLA will confirm that no one connected with the proposed establishment has or had any ownership or managerial role at Fairytale.
- Sunday through Wednesday closing at midnight; Thursday through Saturday closing at 1 am.
- Background music and juke box only. No live music or live performances (including lip-synching). No DJ. No karaoke.
- No dancing, including no lap dancing.
- Applicant will obtain an acoustical report from a licensed acoustical engineer and implement all recommendations of the report.
- Applicant will provide nightly security to ensure a safe, quiet environment inside and outside the premises.

Thank you for your attention and cooperation with this application.

Sincerely,

Jeffery LeFrançois Chair

Azh Hohali

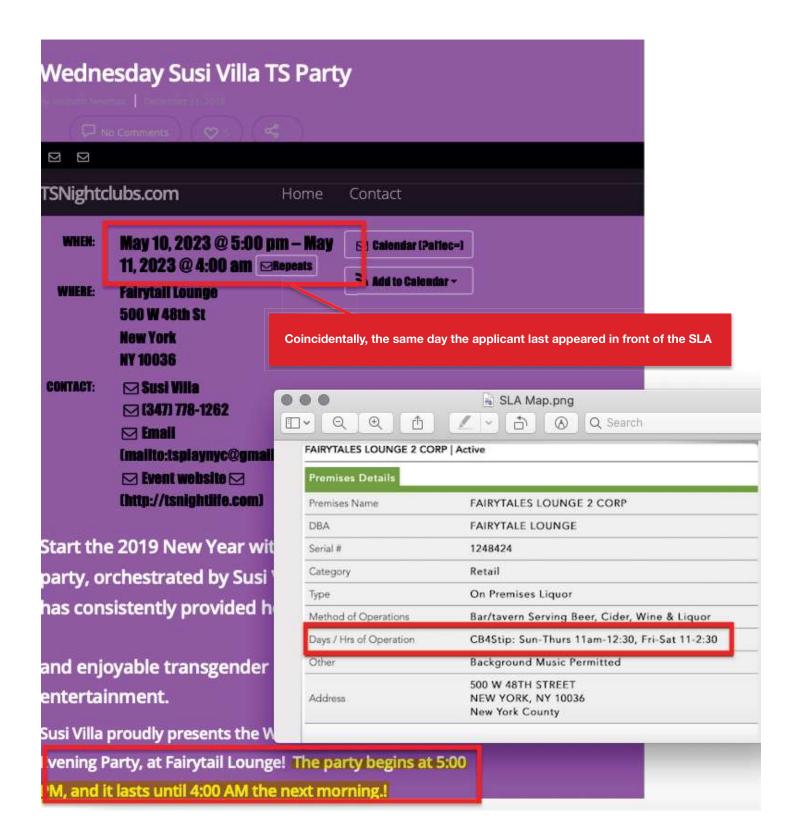
Burt Lazarin Co-Chair Business Licenses & Permits Committee

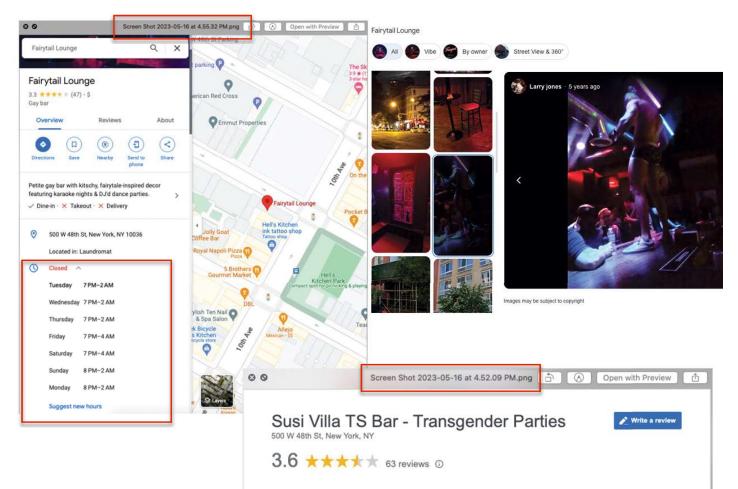
Frank Holozubiec Co-Chair Business Licenses & Permits Committee

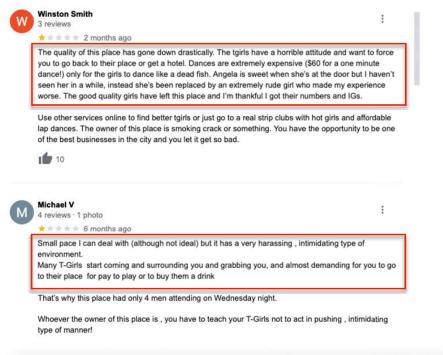




Applicant's marketing materials promote events lasting until 4:00AM. Venue is licensed for operating hours until 12:30AM Monday-Thursday.









LOWELL D. KERN Chair

JESSE R. BODINE District Manager

August 13, 2021

Vincent G. Bradley Chairman New York State Liquor Authority 80 S. Swan Street, Suite 900 Albany, New York 12210

Re: Susi Villa TPlayground Corp. d/b/a Susi Villa 134 Ninth Avenue (18th/19th Streets)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends by a vote of _35_ in favor, _0_ opposed, _0_abstaining, and _0_ present not eligible, **denial** of the Susi Villa TPlayground Corporation's application for an On Premise full Liquor/Wine/Beer and Cider License. Given the intense alcohol saturation of the block where the applicant intends to open and serious concerns about the operation of this establishment, the granting of the On Premise license sought in this application would not serve, and would be contrary to, the public interest.

At the July 13, 2021 meeting of MCB4's Business Licenses and Permits Committee at which this application was considered, multiple community members spoke and/or made written submissions in opposition to this application. They cited the already high concentration of licenses along Ninth Avenue, the continuing noise and congestion that is generated by existing On Premise licenses adjoining these overwhelmingly residential blocks, and their fear that this location was taking on the regional recreational aspects of the Meat Packing District to its south. No one (other than the applicant) spoke or made written submissions in support of this application

The proposed establishment falls within the 500 foot rule as there are seven active On Premise licenses within 500 feet of this address. An additional 18 On Premise licenses are within 500 - 750 feet. Clearly, these blocks are already heavily populated with licensed premises. Though the space at 134 Ninth Avenue had previously been licensed, the elimination in the area of one On Premise license would reduce the serious risk of increased

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424 W 33rd Street, Suite 580 New York, NY 10001 tel: 212-736-4536 <u>https://cbmanhattan.cityofnewyork.us/cb4/</u> noise and disturbance from patrons, vehicular traffic, and pedestrian circulation. It might even lessen any existing disruptions to residents who live nearby.

Particularly troubling to many members of the BLP is the fact that one of the operators of this self-described "comfortable neighborhood lounge" was previously associated with a club in Hell's Kitchen that supported what can be described at best as a raucous atmosphere. This was its hallmark and attraction. The name of the promotions this person produced at this club is the same name chosen to identify the proposed Ninth Avenue establishment. When questioned about this, the individual assumed innocence. The moniker, the committee was told, was chosen solely because it's her corporate name. Although MCB4 recognizes that the Hell's Kitchen club and this proposed Chelsea "lounge" are separate establishments, it is hard to believe that the identical name is not accidental and was chosen deliberately to attract those who might be looking for a similar experience in Chelsea.

MCB4 accordingly urges denial of the present application.

If the SLA disagrees with our conclusions and were to approve this application for an On Premise license, MCB4 would want the following stipulations, agreed to by the applicant, included in the establishment's methods of operation:

- Sunday through Wednesday closing at midnight; Thursday through Saturday closing at 1 am.
- Background music and juke box only. No live music or live performances, no DJ, no karaoke.
- No dancing.
- Proposed establishment will not be named or d/b/a "Susi Villa" nor will it hold or support events of the nature of those promoted under the name "Susi Villa" at prior locations.
- Applicant will obtain an acoustical report from a licensed acoustical engineer and implement all recommendations of the report.

Thank you for your attention and cooperation with this application.

Sincerely,

Lowell D. Kern Chair

Burt Lazarin Co-Chair Business Licenses & Permits Committee

Frank Holozubiec Co-Chair Business Licenses & Permits Committee