

CITY OF NEW YORK MANHATTAN COMMUNITY BOARD FOUR

424 West 33rd Street, Suite 580 New York, NY 10001

tel: 212-736-4536 www.mcb4.nyc

JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE District Manager

October 18, 2023

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

Re: 366 W 23rd Street - Chelsea Charming Deli Inc.

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends <u>denial</u>¹ of the application of **366 W 23rd Street - Chelsea Charming Deli Inc.** for a new Wine, Beer, and Cider License. The applicant appeared before the Business License & Permits Committee on September 12, 2023 and at that time agreed to a number of stipulations to its license proposed by the committee in response to issues raised by the community. Among them was the removal of tables and chairs from the street in front of its store. But in the three weeks since, it has continued to have tables and chairs set up outside, an apparent illegal sidewalk café. The applicant has made no effort to remove them.

Currently, 366 W23rd Street is a retail operation selling wine, beer, and cider to go in closed containers. MCB4 questions the use in the same physical space of a retail license and a license to consume. We would request that the SLA clarify to us the nature of this duality, the simultaneous use, of both licenses and, if possible, what that might entail.

MCB4 believes this applicant would not be a good neighbor and has serious concerns about it adhering to any agreed to stipulations. The license sought in this application would not serve, and would be contrary to, the public interest.

¹MCB4's recommendation is based on a vote taken at its October 4, 2023 full board meeting, with _40_ members voting in favor of the recommendation, _0_ members opposed, __0_ members abstaining and _0_ present but not eligible.

If, however, the SLA disagrees with our perceptions and conclusions and were to approve this application for a wine, beer, and cider license, MCB4 requests that the following stipulations be included in the establishment's method of operation:

- All on premises consumption of wine, beer, and cider cease no later than 11 pm nightly.
- No outdoor seating.
- Any storm enclosure shall extend no further than 18 inches from the building façade.
- No a-frame signs placed on the sidewalk.

Thank you for your attention and cooperation with this application.

Sincerely,

Jeffery LeFrançois Chair Burt Lazarin Co-Chair Business Licenses & Permits

Business Licenses & Permits
Committee

Frank Holozubiec

Co-Chair

Business Licenses & Permits

Committee

Manhattan Community Board 4 (All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

| CORPORATION NAME | | | DOING BUSINESS AS (DBA) | | | | | | | |
|---|-------------------|---|-------------------------|--|--|-------------------------------|-----------------|--------------|--|--|
| Chelsea Charming Deli Inc | | | | | | | | | | |
| STREET ADDRESS | | | CROSS STREETS | | | | ZIP CODE | ZIP CODE | | |
| 366 W 23rd St | | | | Ave | | | NY 10011 | | | |
| OWNER | NAME: | Hareth Almontaser | | | NAME: | YCS Sadik K | (aid - busine | ss owner | | |
| (Attach a list of all the people that will be associated/listed | PHONE: | (917) 889-9999 | ATTORNEY REPRESEN | | PHONE: | (718) 44 | 41-3283 | | | |
| with the license) | EMAIL: | naturevalleymarket23@gmail.com | | | EMAIL: | EMAIL: yemenicorner@gmail.com | | | | |
| | NAME: | Hareth Almontaser | | | NAME: | Ting's | International | Corp | | |
| MANAGER | PHONE: | (917) 889-9999 | LANDLORI |) | PHONE: | HONE: (917) 463-9750 | | | | |
| | EMAIL: | naturevalleymarket23@gmail.com | | | EMAIL: | MAIL: N/A | | | | |
| APPLICATIO | ON TYP | E (Liquor License | _ | | Unencle | osed Sid | lewalk Cafe | ?) | | |
| | Has applicant | owned or managed a similar business? | | | YE | s | No | | | |
| ⊘ New | What is/was the | ne name and address of establishment? | | | | | | | | |
| | What were the | e dates applicant was involved with this former premi | se? | | | | | | | |
| O Corp | What is the lic | ense # and expiration date? | | | | | | | | |
| Change/Class | Is applicant m | naking any alterations or operational changes? | | | YE | s | NO | | | |
| Change/Removal | If alterations of | or operational changes are being made, please descr | ibe/list all chang | es. | | | | | | |
| Altoretics | What is the cu | urrent license # and expiration date? | | | | | | | | |
| Alteration | Please list/de | scribe the nature of all the changes and attach the pl | ans: | | | | | | | |
| METHOD O | F OPER | ATION | | | | | | | | |
| TYPE OF ALCOR | IOL | C Liquor/Wine/Beer & Cider | 0 | Beer & C | ider | | ⊘ Wine/B | leer & Cider | | |
| Restaurant Cabaret C | | | | Night Club O Hotel O Bar/Tavern C Catering Establishment | | | | | | |
| TYPE Adult Entertainment Wi | | | ar 🔘 Da | ince Club | O Sports Bar O Club (Fratemal Organization – Members Only) | | | | | |
| Has applicant/owne you plan to file? | YES | ✓ NO | After th | After the board meeting the application will be sent to | | | | | | |
| 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. | | | ✓ YES | NO | Attac | hed | | | | |
| Is the 200 Foot Rule schools and houses | | ? If yes, please attach a diagram of the that trigger the rule. | ✓YES | NO | Attacl | ned | | | | |
| Has applicant/owne Location of Alcoholi | ✓ YES | NO | | | | | | | | |

| | | | MONDAY | TUESDAY | Y | WI | EDNESDAY | THU | RSDAY | | RIDAY | SA | ГURDAY | su | NDAY |
|---|------------------|-----------------------|-------------------------------|--|----------------|-----|--------------------|--------------|-------------------------|----|-------------------|----|--------------------------------------|-------|------|
| HOURS* | Ор | eration | 24 | 24 24 | | 2 | 4 | | 24 | : | 24 | 2 | 24 | | |
| (Indoor Only) | Kit | tchen | 24 | 24 | | | 24 | 2 | .4 | | 24 | | 24 | 2 | 24 |
| <i>,</i> | Mı | ısic | 24 | 24 | | | 24 | 2 | .4 | | 24 | | 24 | 2 | 4 |
| If you plan to h | ave m | | | ✓ BACKGRO | UND | L | IVE MUSIC | | DJ | | UKE BOX | | | RAOKE | |
| (Circle all that a | ipply) | | | | | | OCCUP | | | | | | | | |
| | | (Certi | acity ficate of ipancy) | Maximum # of Persons Occupying Premises (Including Employees) | Numb of Tab | | Number of Seats | Numbe | er of Servi nly Bars | ce | Number Stand-Up F | | Number of at Stand-U _I | | |
| INSIDE | | | | 30 | 3 | | 8 | | 0 | | 0 | | 0 | | |
| OUTSIDE (Other than sidewalk café) | | | | | | | | | | | | | | | |
| DCA APPROVED UNENCLOS SIDEWALK CAFÉ | | | | | | | | | | | | | | | |
| How many floor | s are | there? Wh | at is the capac | ity for each floor? | | | | 1 | | | | | | | |
| How frequently | will th | e owner(s) | be at the esta | blishment? | | | | | | | | | | | |
| Will there be da | incing | ? | | | | | | YES | ✓NO | No |) | | | | |
| Will applicant h | ave bo | ottle or tabl | e service for b | everage alcohol? | | | | ✓ YES | NO | | | | | | |
| Will applicant b | e host | ing private | ; promotional | or corporate event | ts? | | | YES | ✓NO | | | | | | |
| Will outside pro | moter | s be used | on a regular ba | asis? If yes please | e describ | be. | | YES | ✓NO | | | | | | |
| Will applicant h | ave a | security pla | an? If, yes plea | ase attach. | | | | YES | ✓NO | | | | | | |
| Will security pla | ın be i | mplemente | ed? | | | | | YES | ✓ NO | | | | | | |
| Will State certified security personnel be used? | | | | | | | YES | ✓NO | | | | | | | |
| Will New York Nightlife Association and NYPD Best Practices be followed? | | | | | ✓ YES | NO | | | | | | | | | |
| Does applicant agree to notify MCB4 prior to making changes to its method of operation? | | | | | ✓ YES | NO | | | | | | | | | |
| Will applicant be using delivery bicycles? If yes, how many? | | | | | YES | ✓NO | | | | | | | | | |
| Will delivery bio wear attire clea | ycles rly not | be clearly ing name a | marked with thas described b | e name of the res y NYC Law? | taurant | and | will staff | YES | ✓NO | | | | | | |
| Where will deliv | ery bi | cycles be s | stored during the | ne day when not i | n use? | | | N/A | | | | | | | |

| MULTPLE SPACES/FLOORS CAPACITY BREAKDOWN | | | | | | | | |
|--|--|----------|-------|----------------|---------------|------------------------------|--|------------|
| Space /Floor | Description/Use of Space | Capacity | Hours | # of Tables | # of Seats | # of Service Only Bars | # of Stand-Up Bars/Seats at Bar | Music |
| 1 | Groceries, deli, tables where people can eat and drink | 30 | 24 | 3 | 8 | 0 | 0 | Background |
| | | | | | | | | |
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| LOCATION & ZONING | | | | | | | | |
|---|--------------|-----|----------|--|--|--|--|--|
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | YES | ✓NO | | | | | | |
| Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection? | ✓ YES | NO | Attached | | | | | |
| Is a Public Assembly permit required? | YES | NO | | | | | | |
| Are your plans filed with DOB? | YES | NO | | | | | | |

| Community Notification/Relations | | | | | | | | |
|--|-------------|--------------------|--|----------|-----|-------------------|--|--|
| NOTIFICATION: | # 1 | | All people from "Chelsea Block Associations/Tenant Associations/ Community Groups" | | | | | |
| 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 | # 2 | Landlord was no | andlord was notified in August, 2023 | | | | | |
| | # 3 | | | | | | | |
| each please list both the organization and individual you contacted | # 4 | | | | | | | |
| | # 5 | | | | | | | |
| Please provide dates when applicant met w | ith the gro | oups listed above. | August-September, 2023 | | | | | |
| Who was your contact person at each group | you met | with? | All emails which were in "Chelsea Block Associations/Tenant Associations/Community Groups" | | | | | |
| When did applicant post the notice that was | provided | ? | September 5, 2023 | | | | | |
| Where did applicant post the notice that was provided? | | | | By email | | | | |
| Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided. | | | | ✓YES | NO | +1 (917) 889-9999 | | |
| Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage? | | | | YES | ✓NO | No | | |

| BUILDING DESIGN | | | | | |
|---|---------------------------|----------|---|--------------|-------------------------------|
| State the name and type of business previously located in the space. | | | | | |
| Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business. | YES | NO 🗸 | | | |
| Do you plan any changes to the existing façade? If yes, please describe. | YES | NO ✓ | | | |
| Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo? | ✓ YES | NO | | | |
| Is the entrance ADA Compliant? | ✓ YES | NO | | | |
| Do you plan any changes to the existing façade? If yes, please describe. | YES | NO✓ | | | |
| Will applicant have a vestibule within the establishment? | YES | NO✓ | | | |
| Will applicant use a storm enclosure? | ⁴ YES | 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? | ∠ YES | NO | | | |
| Will applicant comply with the NYC noise code? | ✓YES | NO | | | |
| Will the establishment have any of the following: (circle all that apply) | FREN | CH DOORS | 5 | GARAGE DOORS | 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 🗸 | NO | | | |
| 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 🗸 | NO | | | |
| Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings? | YES | V 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? | ✓ YES | NO | | | |
| Will the kitchen exhaust system extend to the roof? | YES | NO V | | | |
| Will the establishment have an illuminated sign? | YES | NO | | | |
| Will the establishment have a canopy extending over the sidewalk? | YES | NO Y | | | |
| Where will the air conditioner be located? What type is it? | Inside of the premisses | | | | |
| When was the air conditioner installed? | When the store was opened | | | | |

| OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFÉ | | | |
|---|-----|----|--|
| Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy? | 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)? | YES | NO | |
| Are the floorplans for the outdoor space(s) included? | YES | NO | |
| Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days? | YES | NO | |
| Will the service and consumption of alcohol in any outdoor space only be via seated food service? | YES | NO | |
| Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s) or on the sidewalk? | YES | NO | |
| Will there be no amplified music, as per the law? | YES | NO | |
| If amplified sound is played inside the establishment, will windows and doors be closed? | YES | NO | |
| Will applicant agree to post signs outside asking customers to respect the neighbors'? | YES | NO | |
| Will applicant agree to train staff to encourage a peaceful environment? | YES | NO | |
| Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments) | YES | NO | |
| Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors? | YES | NO | |
| If open dining in the parking lane, will applicant agree to leave the sidewalk free of any furniture? | YES | NO | |
| If open dining, will you comply with all NYC DOT guidelines? | YES | NO | |
| If open dining, will the installation be year-round? | YES | NO | |

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

| ADDITIONAL STIPULATIONS: (Office Use Only) | | | | | |
|---|--|--|--|--|--|
| - Any storm enclosure shall extend no further than 18" from building facade | | | | | |
| - There will be no outdoor seating | | | | | |
| - No A-frame signs will be place on sidewalk | | | | | |
| - All on-premises consumptions will cease no later 11pm nightly | | | | | |
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| 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 | | | | | |
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| 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. | | | | | |

| Manhattan Community Board 4 (MCB4) re (MCB4's recommendation is based on a votefull board meeting, with of the recommendation, members oppose abstaining and present but not eligible) | taken at its _ members voting in favor | Denial unless all stipulations agreed to by applicant/owner are part of the method of operation Denial Approval | | | | |
|--|---|--|---|--|--|--|
| CB4 REPRESENTATIVES | | | | | | |
| Nelly Gonzalez CB4 Assistant District Manager | Frank Holozubiec CB4 BLP Committee Co-Chair | Harli | Burt Lazarin CB4 BLP Committee Co-Chair | | | |

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.

SIGN HERE Hareth Almontaser

PRINT NAME OF APPLICANT

SIGNATURE OF APPLICANT

DATE

Chelsea Charming Deli Inc 17 feet Fridges Shelves Coolers Shelves Deli Table Table 3 feet Customer Intrance































