



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

August 5, 2013

Dennis Rosen
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.; Y FOUR by RSR, LLC; and CGM Yotel NYC LLC d/b/a Yotel New York 570 10th Avenue (41/42)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial for an alteration of an On-Premise Liquor License for 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.; Y FOUR by RSR, LLC; and CGM Yotel NYC LLC d/b/a Yotel New York – 570 10th Avenue (41/42) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a capacity of 316 indoors and 142 outdoors, with 84 tables with 378 seats, 3 stand up bars with 41 seats and 25 tables outside with 130 seats within building property line.

- Will notify all pertinent parties regarding upcoming events on a regular basis.
- Will close door during events when music is played inside.

A signed copy of the questionnaire and stipulations are enclosed.

Sincerely,

Corey Johnson
Chair

[signed 7/31/13]
Paul Seres
Co-Chair
Business License & Permits
Committee

[signed 7/31/13]
Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.; Y FOUR by RSR, LLC; and, CGM Yotel NYC LLC		DOING BUSINESS AS (DBA) Yotel New York		
STREET ADDRESS 570 Tenth Avenue, New York, New York		CROSS STREETS Between 41st and 42nd Street		
OWNER	NAME: 42nd and 10th Hotel, LLC	ATTORNEY	NAME: Donald M. Bernstein, Victor & Bernstein, P.C.	
	PHONE: (646) 449-7700		PHONE: (212) 486-6000	
	FAX:		FAX: (212) 486-8668	
Contact MANAGER	NAME: Michael Teplin	LANDLORD	NAME: 42nd and 10th Hotel, LLC	
	PHONE: (646) 449-7700		PHONE: (646) 449-7700	
	FAX:		FAX:	
DESCRIPTION OF BUSINESS				
Establishment Type:	<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input checked="" type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain): _____			
Method of Operation:	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input checked="" type="radio"/> Other (Explain): <u>Hotel</u>			
License Type:	<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
APPLICATION TYPE <i>(check one)</i>	<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	YES	NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1259111, 1259112 & 1259113	
		What is the expiration date on the current license?	January 31, 2014	
<i>Please describe the nature of the alterations and attach the plans</i>				
See the Additional Notes on Page 4.				

OPERATIONAL ISSUES

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
HOURS	Operation	Hotel: 24 Hours, daily Rest.: 7AM - 4AM, daily (restaurant may open later or close earlier)							
	Music	DJ/music controlled by governor: Saturday: 11AM - 6PM and 10PM - 1AM/3AM (outside/inside); and Sunday: 11AM - 6PM Background: During all other hours							
	Kitchen	7AM - 11PM	7AM - 11PM	7AM - 11PM	7AM - 11PM	7AM - 12AM	7AM - 12AM	7AM - 11PM	
OCCUPANCY **	INDOOR			BAR			OUTSIDE		
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	316 (indoors) 142 (outdoors)	316 (indoors) 142 (outdoors)	84	378	0	3	41	130	25
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	5+	Hotel occupies 23 floors and has 669 guest rooms.	
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	NO	N/A		
Will applicant have bottle service?					YES	NO	N/A		
Will you be hosting private parties and promotional events?					YES	NO	N/A	On occasion portions of the premises may be booked for private events.	
Will outside promoters be used?					YES	NO	N/A		
Will the security plan submitted be implemented?					YES	NO	N/A	The licensee already employees security.	
Will State certified security personnel be used?					YES	NO	N/A		
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A	The premises is a hotel.	
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	N/A		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	N/A		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	N/A		
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A		
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					YES	NO	N/A		
If you plan to have music, what type(s)?				BACKGROUND	LIVE MUSIC	DJ	The DJ will be indoors only.		
BUILDING DESIGN									
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					YES	NO	N/A	The licensee is licensed to have its outdoor area close at 12:30AM on Sun. - Wed. at 1:30AM on Thurs. - Sat.	
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	N/A	The licensee has already hired a sound engineer prior to issuance of its license.	
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					YES	NO	N/A		

ADDITIONAL INFORMATION: (Applicant Use)

The "U" shaped bar in the restaurant is being converted into an "L" shaped bar that will extend to the wall. The eight (8) cabins around the perimeter of the restaurant and the lounge and table seating in the dining room are being converted into a combination of communal seating tables, dining tables, lounge seating, and four (4) cabin areas.

See floor plans attached.

ADDITIONAL NOTES: (Office Use Only)

- Will Notify all pertinent Parties Re upcoming events on a regular basis
- Will Close Door Dining areas when music is played inside
-

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Yotel - CB4 Stipulations:

- 1) The hotel will operate as a 24 hour a day business but the indoor 4th floor restaurant and lounge areas will operate no earlier than 6:00 am and no later than 4:00 am, every day of the week. The 4th floor terrace (outdoor area) of the premises will operate no later than 12:30 am Sunday through Wednesday, and no earlier than 6:00 am and no later than 1:30 am Thursday through Saturday.
- 2) The sliding partitions separating the indoor and outdoor space will be kept closed no later than 10:00 pm Sunday through Thursday and no later than 11:00 pm Friday and Saturday. Those sliding partitions will also be closed during any private events in the indoor portion of the 4th floor where there is amplified music.
- 3) The fourth floor will have a total capacity of no more than 468, or as the premises' Place of Assembly Permit may allow.
- 4) There will be one stand up bar located entirely inside, a second stand up bar that will be partially inside and partially outside and a third stand up bar and seating on the outdoor terrace.
- 5) The service and consumption of alcohol on the fourth floor terrace will be primarily via seated food service and stand up bar service.
- 6) The licensee will follow the security plan as previously provided.
- 7) The licensee has engaged Acoustilog Inc. to conduct a reassessment of the premises' operation and physical layout and to make recommendations for potential additional sound attenuating measures, if any, that could be implemented at the premises.
- 8) To ensure that neighbors are not negatively impacted by sound emanating from the terrace, the licensee's security personnel will monitor the area.
- 9) The licensee intends to have live, background and DJ music in the inside space on the fourth floor; and live music or DJ music must use hotel equipment, including use of a limiter. Only music at background levels will be played in the outside space in compliance with the limitations as set forth in the report to be prepared by Acoustilog Inc. There will be no live music or DJ located on outdoor portions of the fourth floor.
- 10) The licensee is not applying for a cabaret license with this current application.
- 11) The licensee will retain all control and responsibility for operation and security of the establishment. If any outside promoter is used, their role will be limited to marketing.

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- 12) Kitchen exhaust will be compliant with NY DOB code and will not unreasonably disturb residents.
- 13) Licensee will provide 24 hour contact details to CB4 and pertinent community representatives. Licensee will also use reasonable efforts to notify the Community Board and residents of planned upcoming large private events out of the ordinary course.
- 14) Licensee will arrange for representatives to attend Precinct Council Block Association and Community Board meetings, if requested, to address and resolve any community problems that may arise from this establishment. The hotel and community associations will report progress and/or issues back to CB4 regularly by email, writing or in person.

Agreed to:

42nd & 10th HOTEL LLC

By: _____

