

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY of NEW YORK

HON. MARGARET A. CHAN

At I.A.S Part 52 of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse thereof, 60 Centre Street, New York, N.Y., on the 28th day ~~September~~ August, 2014

STEVEN GREER

Petitioner

For a judgment pursuant to Article 78 of the CPLR

-against-

THE NEW YORK STATE LIQUOR AUTHORITY, DENNIS ROSEN, in his capacity as Chairman of the New York State Liquor Authority; **and Jeanique Greene**, as a Commissioner of the New York State Liquor Authority; **and Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**

Respondents.

Index No.:

100894/14

MS # 001

ORDER TO SHOW CAUSE

NEW YORK COUNTY CLERK'S OFFICE

AUG 27 2014

NOT COMPARED WITH COPY FILE

STATE OF NEW YORK
COUNTY OF NEW YORK ss:

Petitioner having herein moved this Court upon the annexed verified Petition sworn to on August 26, 2014, the exhibits annexed thereto, for a judgment pursuant to Article 78 of the Civil Practice Law and Rules to review the June 5, 2014 determination of Respondents State Liquor Authority of the State of New York (the "SLA"), and **Dennis Rosen and Jeanique Greene** as duly constituted members of the SLA; to annul, vacate and set aside the June 5, 2014 determination of the SLA conditionally approving an on-premises liquor license to Respondent **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House** at the premises located at 22 Battery Place, New York, New York, as affected by an error of law, arbitrary and capricious, an abuse of discretion and not

supported by substantial evidence; to direct that the June 5, 2014 determination of the SLA conditionally approving an on-premises liquor license to **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House** at the premises located at 22 Battery Place, New York, New York be revoked; to award to Petitioners their costs, disbursements and counsel fees pursuant to CPLR 8601; and to grant such other and proper relief that the Court deems just and proper.

Let the Respondents the SLA, Dennis Rosen, **Jeanique Greene** and **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**, show cause at IAS Term, Part 52 of the Supreme Court, in and for the County of New York, 60 Centre Street, Room, 289 New York, New York on the day of September, 10th - at 10:00 AM 2014, or as soon thereafter as counsel can be heard, why an order pursuant to Article 78 of the CPLR should not be made vacating, setting aside, and annulling the SLA's June 5, 2014 determination that an on-premises liquor license for the premises at 22 Battery Place, New York, New York is in the "public interest" under §64(7)(b) of the Alcoholic Beverage Control Law and directing that the approval of the license be revoked.

~~ORDERED, that pending a hearing on this proceeding Respondent New York State Liquor Authority is temporarily restrained from issuing the aforementioned liquor license;~~

~~ORDERED, that during the pendency of this proceeding Respondent New York State Liquor Authority is enjoined and restrained from issuing the aforementioned liquor license;~~

~~ORDERED, that pending a hearing on this proceeding Respondent **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**, is temporarily restrained from commencing~~

~~operation of a liquor licensed retail establishment at 22 Battery Place, New York, New York,~~

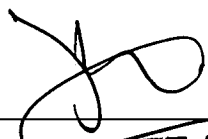
ORDERED, that during the pendency of this proceeding Respondent **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**, is enjoined and restrained from commencing operation of a liquor licensed retail establishment at 22 Battery Place, New York, New York.

SUFFICIENT CAUSE APPEARING THEREFORE, let service by personal service of a copy of the order to show cause and supporting papers on the Respondents, the SLA, Dennis Rosen, **Jeanique Greene** and **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**, ~~or by personal service to their respective attorneys~~, and by personal service on the Attorney General of the State of New York, on or before the ~~21st~~ ^{22nd} day of September, 2014, be deemed good and sufficient service.

or regular mail

or regular mail

Enter:



HON. MARGARET A. CHAN
J.S.C.

FILED

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**COUNTY CLERK'S OFFICE
NEW YORK**

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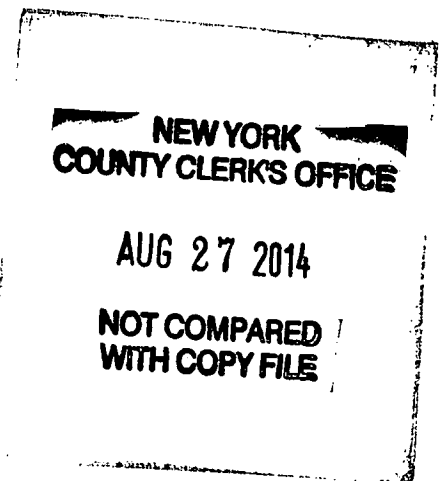
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At I.A.S Part ___ of the Supreme
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AFFIDAVIT OF URGENCY



STATE OF NEW YORK
COUNTY OF NEW YORK ss:

Steven Greer, being duly sworn, deposes and says:

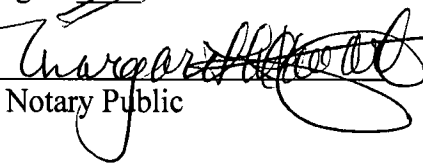
1. Petitioner, Steven Greer, who resides within eyesight and earshot of the proposed premises, seek to vacate, set aside, and annul the approval by the Respondent New York State Liquor Authority (the "SLA") of a liquor license to Respondent **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House** ("Pier A") for the premises located at 22 Battery Place, New York, New York.

2. The SLA conditionally approved the application for this liquor license for "Pier A" on June 5, 2014. (The SLA's determination is annexed as **Exhibit A**).
3. The application was initially opposed by the local Manhattan Community Board 1 (CB1) for several years, up until the final vote when the CB1 made 180-degree U-turn. Opposition had come from the then Chairman of the CB1, Julie Menin, by the current Treasurer for CB1, John Fratta, and by every local elected official for the region at the city and state level, and by hundreds of neighborhood residents. No member of the CB1 or community appeared to testify before the public hearings at the State Liquor Authority offices to support the proposed premises.
4. The resolution passed by the CB1 for "Pier A" was not for the type of liquor license actually granted to respondent by the New York State Liquor Authority (**Exhibit B**).
5. The New York State Liquor Authority issued the conditional approval for the license to Respondent's "Pier A" in violation of the Alcoholic Beverage Control Law ("ABCL").
6. The Legislature enacted ABCL to alleviate the problems caused by the oversaturation of neighborhoods by too many drinking establishments. *SoHo Community Council v. NYS Liquor Authority, U3 Misc.2d 632, 661 N.Y.32d 694.* Bars are well known to create problems of noise and violence due to drunkenness. The respondent (The Poulakakos restaurant group operating Pier A) has caused such problems at other nearby bars they own and operate on Stone and Pearl Streets.

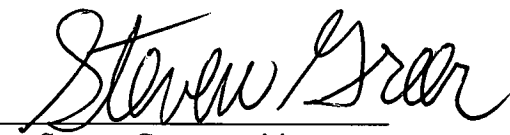
7. The SLA in this matter was subject to a statutory mandate to deny the applicant's application for a license, unless it made an affirmative finding that the granting of the license would be in the public interest. *Waldman v. NYS Liquor Authority*, 281 A.D.2d 286 (2001) 722 N.Y.S.2d 142, *Flatiron Community Association v New York State Liquor Authority*, 6 Misc.3d 267, 784 N.Y.S.2d 823 (2004; *SoHo Community Council v NYS Liquor Authority*, 173 Misc.2d 632, 661 N.Y.S.2d 694. The Authority in this case failed to apply the law to protect the petitioners and their community.
8. Similar arguments to those listed above were successfully used in New York Court in the case of *Ban the Bar Coalition v NYS Liquor Authority*, 12 Misc.3d 1192(A).

WHEREOFE, I respectfully request that this motion be granted, and that I have such other relief as may be just and proper.

Sworn to me on the 26 th day
of August 2014


Notary Public

MARGARET A. SCHWARTZ
Notary Public, State of New York
Reg. No. 04SC6152068
Qualified in New York County
Commission Expires Aug. 23, 2018


Steven Greer, petitioner, *pro se*
200 Rector Place, 35F
New York, NY 10280
(212) 945-7252

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VERIFIED PETITION
PURSUANT to ARTICLE 78
OF THE CPLR

**NEW YORK
COUNTY CLERK'S OFFICE**

AUG 27 2014

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WITH COPY FILE**

STATE OF NEW YORK
COUNTY OF NEW YORK ss:

Venue

1. Venue is set in New York County under CPLR §7804(b) and CPLR in that New York County is the County in which Respondent, New York State Liquor Authority ("SLA"), made the determination complained of in this proceeding, namely, the offices of the Authority at 317 Lenox Avenue, New York, New York 10027.

The Parties

2. Petitioner **Steven Greer** lives in a residential building located in Battery Park City, within eyesight and earshot of the Pier A bar that received the New York State Liquor Authority's (SLA) approval for a liquor license. The quality of life of the Petitioner, and thousands of others in the community living near Pier A, will be directly and adversely affected by the granting of the liquor license herein.
3. Respondent, **the SLA**, is an executive body created by the New York State legislature whose functions include, inter alia, the issuance and revocation of liquor licenses under the Alcoholic Beverage Control Law and the enforcement of the law.
4. Respondent **Dennis Rosen** is Chairman of the SLA.
5. Respondent **Jeanique Greene** is the Commissioner and member of the SLA.
6. Respondent **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House**, is a New York corporation which has applied for a liquor license for the subject premises, based on information and belief.

Background of the Liquor Authority Proceedings

7. Petitioner, Steven Greer, a resident of Battery Park City who lives within eyesight and earshot of the proposed premises, seeks to vacate, set aside, and annul the approval by the SLA of a liquor license to Respondent **Pier A Battery**

Park Associates LLC, d/b/a Pier A Harbor House for the promises located at 22 Battery Place, New York, New York.

8. The SLA conditionally approved the application for this liquor license on June 5, 2014. (see **Exhibit A**).
9. The liquor license application was opposed by the local Manhattan Community Board 1 (CB1) for years as the Pier A was being constructed by the Battery Park City Authority (BPCA) using taxpayer dollars. Only at the last hour before the CB1 voted on a resolution did they do a 180-degree U-turn and vote to support the application.
10. No member of the CB1 showed up in person to support the application during the SLA's 500-foot hearing or subsequent public hearing.
11. Hundreds of neighborhood residents oppose the Pier A liquor license that will allow the facility to operate as a cabaret nightclub with outdoor music and large "beer garden". Several residents appeared in person at the SLA's 500-foot hearing, and then subsequent public hearing in the SLA offices, to oppose the application. Others sent emails in opposition to SLA Commissioner Rosen (**Exhibit N**).
12. No elected official at the state or city level provided any form of written or verbal support for the Pier A nightclub liquor license, nor did any staff member.
13. Petitioner Greer is the only petitioner because he is not a lawyer and is not allowed to represent other people in court. However, he represents the views of the vast majority of the 13,000 residents of Battery Park City.

14. The SLA issued the conditional approval for the liquor license to **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House** in violation of the Alcoholic Beverage Control Law("ABCL").
15. The New York State Legislature enacted ABCL to address problems arising from neighborhoods with an oversaturation of nightclubs and bars. *SoHo Community Council v NYS Liquor Authority, 173 Misc.2d 632, 661 N.Y.S.2d 694*. These problems include noise, traffic congestion, and crime.
16. By statutory mandate, the SLA in the matter was required to deny the Pier A application unless it made an affirmative finding that the granting of the license would be in the public interest (*Waldman v NYS Liquor Authority, 281 A.D.2d 286, 722 N.Y.S.2d 142; Flatiron Community Association v New York State Liquor Authority, 6 Misc.3d 267, 784 N.Y.S.2d 823 (2004); SoHo Community Council v NYS Liquor Authority, 173 Misc.2d 632, 661 N.Y.S.2d 694; Ban the Bar Coalition v NYS Liquor Authority, 12 Misc.3d 1192(A), 824 N.Y.S.2d 752, N.Y. Sup. (2006)*).
17. The SLA in the Pier A application failed to apply the law to protect the Petitioner and other residents of the neighborhood. The SLA herein has committed the same errors of law and has engaged in the same arbitrary and capricious actions that caused the SLA to be overturned in similar cases at least five times in recent years, twice by the Appellate Division in *Waldman, supra* and *Cleveland Place Neighborhood Association v. NYS Liquor Author, 268 A.D.2d 6, 709 N.Y.Sd 12*, and three times by the Supreme Court, New York County, in *SoHo Community Council v NYS Liquor Authority, 173 Misc.2d 632, 661*

N.Y.S.2d 694. Flatiron Community Association, supra, and in SoHo Alliance, supra.

- 18. Four months have not elapsed since the determination of the SLA on June 5th, 2014.

Background of Pier A

19. The historic "Pier A" in Battery Park City is where the restaurant for which the liquor license was approved will open later this year. It is a renovation project with a long and sordid history of failure. Finally, after decades of mismanagement by the New York City Economic Development Corporation (NYCEDC), the State's BPCA assumed control of the project in 2007, after deputy Mayor Doctoroff brokered a deal to rid the city of the headache. A cap of \$30 Million dollars was established for renovation, mostly funded by the NYC EDC. All told, well **more than \$35 Million of taxpayer dollars has been spent to get Pier A to the state that it is now, ready for public use.**
20. Prior to the BPCA assuming control of Pier A, **the New York State Parks department gave a \$3.2 Million grant to the NYC EDC to build a "Visitor Center" at Pier A.** However, the city wound up squandering those funds. An agreement was then made that, if the BPCA would build the visitor center instead, then the city would not have to repay the \$3.2 Million.
21. The Poulakakos restaurant team selected by the BPCA to operate Pier A, and the BPCA helping to construct the interior of Pier A, have made a mockery of this visitor center and the agreement with the State Parks Department that paid for

it. According to their blueprints attached to the liquor application (**Exhibit C**), they intend to merely put some historical pictures on the wall of Pier A and call that a "visitor center". We have learned that they will not even allot actual floor space to this so called "Visitor Center". **This will be a clear violation of the agreement the state made, and therefore is a misappropriation of state funds.**

22. Another planned use for Pier A that had been considered by the BPCA was to make it the permanent location for security screening of passengers boarding the Statue of liberty ferry boats. This process now takes place inside tents in Battery Park. Pier A could still be used for something related to the Statue of Liberty, which would be a more proper use of state taxpayer dollars. It is not too late to change the plans of Pier A as a private restaurant.

23. The current Chairman and CEO of the BPCA, Dennis Mehiel, is aware of the Pier A plans and seems to be comfortable with this bait and switch scam. We have urged the State of New York, federal Justice Department, and federal Homeland Security to all investigate this entire matter (**Federal investigations are indeed underway at the time**). Misappropriation of state funds is a serious matter. Also, Mr. Mehiel's BPCA administration is currently under investigation by Homeland Security and New York's JCOPE (see **Exhibit D**).

24. After the BPCA assumed control of Pier A, when it came time for the BPCA to choose an operator for Pier A, the BPCA did not properly discuss the plans during the open public board meetings. An RFP process was somehow awarded to the Poulakakos family to run Pier A as a "restaurant" rather a public space. The RFP was not properly publicized and RFP regulations were violated.

25. In addition to Pier A, which is state-operated through the BPCA, other waterfront properties on the island of Manhattan that are actually owned by the State of New York have also become loud noise nuisances. The state is generating cash from these properties by allowing music concerts or late night bars to operate without proper licenses or permits. In the Hudson River Park Trust, for examples, Piers 97, 79, and 26 have all been in the news as local communities protested noise emanating from them (**Exhibit E**).
26. Because of the precedent set by the state with its oversight of the noisy examples listed above, there is every reason to believe that the state-owned Pier A property, with its liquor license allowing it to operate a 4:00-AM-closure cabaret nightclub, as well as outdoor music for the large beer garden patio, will be nothing but a cash generating noise nuisance for the state.
27. The SLA was made aware of all of the facts listed in paragraphs 19-26 when Petitioner Greer submitted his "letter of opposition" for the 500-foot hearing on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

The applicant's Community Board questionnaire is inaccurate

28. On February 27th of 2014, the Poulakakos group submitted false statements to the Manhattan Community Board 1 (CB1) in the form of a liquor license "questionnaire" (see **Exhibit F**). They stated that there were no other establishments with liquor licenses within 500-feet of Pier, which was false.

29. In the same questionnaire form to CB1, the Poulakakos team wrote the number "zero" to the answer, "How many residential buildings are there across the street?". In fact, the Ritz-Carlton condo and hotel is less than 200 feet away, in clear view. It seems unlikely that this was an innocent mistake.
30. In the same questionnaire form to CB1, it requires a public notice of the CB1 meeting. There were no announcements or ads placed. There were no meetings with apartment building boards, to our knowledge. This is crucial, because the March 4th CB1 meeting was not attended by many people from the community. Less than three people, if that many, were there for the Pier A matter.
31. In the same questionnaire form to CB1, they misrepresent the capacity as 1,000 people. In fact, it is 1,175 people in the final SLA application.
32. The SLA was made aware of all of the facts listed in paragraphs 28-31 when Petitioner Greer submitted his "letter of opposition" for the 500-foot heating on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

Opposition from the community

33. Peter Poulakakos, his father Harry Poulakakos, and various employees of theirs, have made numerous presentations before the CB1 over the last several years about how they will build and plan to operate Pier A. CB1 members, such as George Calderaro, Tammy Meltzer, Anthony Notaro, and others, have all expressed concerns about the Pier A becoming a loud private restaurant rather than a true public space (video evidence of their opposition can be shown to this Court).

34. CB1's Treasure John Fratta has gone further, calling the assignment of Pier A to the Poulakakos family for a private restaurant and bar, rather than making it an Italian museum, a "slap in the face to the Italian community." (video of Mr. Fratta stating this can be found on <http://youtu.be/oAWINviRYEs>)
(Exhibit G).

35. The former Chairwoman of CB1, Julie Menin, is on record opposing Pier A becoming a private space. On a video interview with BatteryPark.TV on March 22 of 2011, she stated,

"With the Pier, I think this is a historic site, with a visual gateway to the Statue of liberty, and I really think that it has to be a public space. It shouldn't be a space where you have to book a private event in order to be able to see these views. I would really like to see a cultural institution or some other public use in the community..". Ms. Menin is now the head of the city's Consumer Affairs Department, appointed by Mayor de Blasio.

(The video can be seen on YouTube at this address http://youtu.be/j0_tCyEr37k),

36. At no point during the numerous presentations over the years to CB1 did Peter Poulakakos mention that he wanted Pier A to be allowed to serve alcohol until 4:00 AM. Only on the final CB1 presentation on March 4th, 2014 were the actual intentions of the Poulakakos family revealed. His presentations before the CB1 over the last several years have been nothing but a bait and switch scam.

37. Few people in the community knew of these plans to apply for a nightclub liquor license to close at 4:00 AM, or even knew of the meeting at all. The Poulakakos team violated SLA application regulations by not publicizing the meeting properly. Therefore, few members of the community attended the CB1 meeting.

38. The SLA was made aware of all of the facts listed in paragraphs 33-37 when Petitioner Greer submitted his "letter of opposition" for the 500-foot hearing on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

Community Board seemed to be complicit

39. Some powerful state politicians seemed to have pressured or lobbied the CB1 to back off of their opposition to Pier A. The Poulakakos team has hired numerous lobbyists to help their Pier A efforts.

40. The entire CB1 process leading up to the vote on a resolution possibly violated the New York Open Meetings laws because numerous private meetings of the CB1 board took place before the public meeting.

41. In New York Code, Article 7, §103(a) of the Open Meetings Law,
"Open meetings and executive sessions. **Every meeting of a public body shall be open to the general public**, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article."

42. On March 3rd, one day before the crucial CB1 vote, CB1 member Anthony Notaro was speaking in private with other CB1 members, planning their strategy to stack the vote in favor of the Pier A applicants. Subpoenas of cell phone records will prove this, if these allegations are denied under oath. Board members are not allowed to meet in private on matters relating to upcoming meetings.

43. The actual public meetings of the CB1 were nothing but planned Kabuki Theater. The BPC subcommittee of CB1 heard the presentation by the Poulakakos team on March 4th, 2014. Then, the full CB1 voted on March 25th to approve the resolution. The outcome of those meetings was largely influenced by, and predetermined by, the illegal strategy meetings held in private before the open meetings.
44. Moreover, CB1 members that had stated publicly many times that they opposed Pier A plans as a bar and docking station for booze cruises suddenly made a 180-degree U-turn and became supporters on March 4th. Of note, the timing of the Pier A resolution vote was only days before the decision by the Manhattan Borough President to renew CB1 memberships. CB1 members could very easily have been intimidated to vote for the Pier A SLA application if they thought that they might not be renewed as CB1 board members when the April announcement by the Manhattan Borough President was made.
45. Robert Townley, a long-term member of the CB1 who lives in Tribeca, and who had never previously been on the Battery Park City subcommittee of the CB1, suddenly appeared as a new member of the Battery Park City CB1 subcommittee just in time to vote in favor of the Pier A resolution on March 4th, 2014. He is now no longer listed on the CB1 website as being a member of the Battery Park City subcommittee. His brief appearance was clearly a stunt as part of the Kabuki Theater which violated NY Open Meeting laws; since it was orchestrated behind the scenes in private meetings.

46. The SLA was made aware of all of the facts listed in paragraphs 39-45 when Petitioner Greer submitted his "letter of opposition" for the 500-foot hearing on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

The Community Board resolution is invalid

47. Because of the misleading portrayal of the plans for Pier A by the Poulakakos group, the CB1 resolution that was approved (see **Exhibit B**) supports a project that significantly differs from the actual Pier A plans. **Therefore, the CB1 resolution is invalid and should not be construed as community support for the current license that allows 4:00 AM closing of a cabaret bar, with outdoor music and a beer garden.**

48. **The CB1 resolution incorrectly states that there are no other establishments with liquor licenses within 500-feet of Pier A.** This is because Peter Poulakakos proudly stated this before the March 4th CB1 meeting, misleading the board. However, this is factually incorrect. In the SLA application completed by Poulakakos, they list six facilities within 500-feet (**Exhibit H**). They include party boat operators, and three are land-based restaurants. Data on the SLA website actually lists even more than 6 applications within 500-feet.

49. The CB1 resolution makes no mention of Pier A being a dance hall with a cabaret license, yet the Poulakakos team applied for a cabaret license. The resolution was only for a catering and banquet hall. **Therefore, the actual application, which is for a cabaret license, does not match up with the CB1**

resolution, meaning that there really is no resolution to support the application.

50. The CB1 resolution states that the applicant does not intend to apply for a sidewalk cafe license. That is misleading since there are no "sidewalks" around the Pier A. There is just the Hudson River surrounding the Pier A on three sides. However, there is a very large, newly constructed, paved "plaza" to the Northeast of the Pier A building. In the liquor application (**Exhibit H**), the Poulakakos team intendeds to request permission to make this a "beer garden" type of area. Never was there any hint of a "beer garden" or party/catering use of this plaza space mentioned by the Poulakakos team to the CB1.
51. The BPCA is spending more than \$5 Million to build this new Pier A "Plaza". Gwen Dawson of the BPCA has given many exhaustively detailed presentations of the plaza to CB1, but never was there any hint of its use to be for anything other than a pathway for the public to reach the parks to the south, and the Statue of Liberty boat cruises to the south. For the Poulakakos team to quietly try to slip this provision into the application is another "bait and switch" scam.
52. The CB1 resolution states that there are no buildings used exclusively for schools, churches, synagogues, or other places of worship, within 200 feet of Pier A. That too is very misleading. A mere 500-feet straight up the street called Battery Place is the coveted PS 276 school. Parents have to get past waitlists to enter their children in the school. The Jewish Holocaust Museum is less than 300-feet from Pier A. Also, the residential Ritz-Carlton building is less than 200-feet away (**Exhibit I**).

53. The only stipulation or condition in the resolution passed by the CB1 is that the Poulakakos team will have to come back to the board in 6-months to be re-approved (**Exhibit B**). This is a toothless measure. Once the Genie is out of the bottle, it will be very hard for the community to revoke this liquor license.
54. The SLA was made aware of all of the facts listed in paragraphs 47-53 when Petitioner Greer submitted his "letter of opposition" for the 500-foot hearing on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

The SLA application is replete with inaccuracies

55. Upon inspection of the actual SLA liquor application (see **Exhibit H**), it too has concerning inaccuracies. Therefore, this application should have been deemed unacceptable by the SLA.
56. Again, as with the CB1 resolution, the Poulakakos team states that no church or school is within 300-feet. As explained above, there is a school and Jewish Museum less than 500-feet away. We estimate that PS 276 is 528 feet away.
57. The maximum occupancy of 1,175 people, with five different bar areas as long as 60-feet, will make Pier A the largest restaurant and nightclub in the city. To put this in perspective, large nightclubs in Las Vegas, such as Marquee, only have a 1,000 person capacity.
58. On question 7 of the application, "outdoor areas", they check "other", the Poulakakos team describes the "plaza" and "courtyard" as places for serving

alcohol. That is the \$5 Million BPCA-constructed plaza that was never meant to be a beer garden. This is an outrageous request by this restaurant team. Tricks like this have eroded trust with the community.

59. On question 7C of the SLA application, "Is the outdoor area divided by any public or private passageway that the applicant does not have exclusive control?", and they checked "No". That is untrue, In fact, the main thoroughfare for thousands of tourists a day trying to reach the Battery Park Conservancy and Statue of liberty ferry boats will go right through the plaza that they want to make a beer garden.
60. In the "Methods of Operation" section of the SLA application, the Poulakakos team does not check off "cabaret" or "nightclub", yet they clearly intend to soon apply for those. This is another bait and switch scam. They will quietly ease into the community with 4:00 AM closing time, then with little public notice, try to get the extra nightclub and cabaret permissions.
61. The applicants want to have live outdoor music. This is a very quiet residential community with parks. The noise, lasting until 4:00 AM, will be intolerable. BPC residents have complained about a variety of noise issues far less serious than live outdoor music. There are currently no liquor licenses similar to this approved in all of BPC and Tribeca.
62. The SLA was made aware of all of the facts listed in paragraphs 55-61 when Petitioner Greer submitted his "letter of opposition" for the 500-foot hearing on April 24, 2014, and also when Greer spoke before the full SLA board at the public meeting on June 3rd, 2014.

The applicants misled the SLA during the 500-foot hearing

63. During the April 24th 500-foot hearing, the key members of the restaurant team failed to even show up. The Poulakakos father and son owners were no-shows. Instead, they delegated the presentation to their lawyer, Joseph Levey, and their employee, Daniel McDonald.
64. During the presentation by Mr. McDonald, under sworn testimony, he misled and lied to the Administrative Judge Raymond Di Luglio. Regarding the allegations by Petitioner Greer (who was present during the 500-foot hearing) that the applicants wanted permission to operate a "beer garden" on the adjacent plaza, Mr. McDonald told the judge that that was not the case. On page 4 of the SLA report of the 500-foot hearing (**Exhibit J**), the judge writes, "It is noted that the applicant specifically stated at the hearing that there will not be any speakers outside of the building, and that it will not operate a beer garden.".
65. However, during the subsequent June 3rd public hearing, a member of the SLA board panel prudently point out that on the BPCA's own website, it describes Pier A has having a beer garden. To which, Mr. McDonald explained that the beer garden was an homage to the German immigrants who landed at Pier A (Video of this testimony can be viewed at <http://youtu.be/JijknkX8SKQ>).
66. That was an outrageous statement, for many reasons. First, Pier A is not of significant historical value and never served as any sort of Ellis Island landing point. No German immigrants landed at Pier A. Secondly, there is the Jewish Holocaust Museum only 300-feet away from Pier A, which make a German

museum of sorts quite insensitive. But the most important part of Mr. McDonald's testimony is that he admits to the SLA that there will be a beer garden, which proves he lied during the earlier 500-foot hearing.

67. Other misleading comments from Mr. McDonald during the SLA's 500-foot hearing came when he looked outside the window of the hearing room toward a tall building at the "125th Street Clinic", which is 1,200 feet away, and told the judge that it was the same distance as the nearest building to Pier A in Battery Park City. In fact, the Ritz-Carlton residential building is only 120-feet away from Pier A. When Mr. McDonald uttered those words, Greer said, "You are a liar".

68. Mr. McDonald and his lawyer also misled the judge during the 500-foot hearing by portraying the Poulakakos team as one that has run a squeaky clean operation. In fact, the Poulakakos team was recently sued in federal court for not paying their employees minimum wage (a federal class action in the Southern District of New York, *Carlos Flores, et al, v One Hanover LLC, Peter Poulakakos*, Case No. 12 CV 5184). They have also been sued on multiple occasions for contributing to underage drinking and allowing drunken patrons in their bars to violently attack others (*Shane Buggy v Pearlstone Restaurant LLC d/b/a Ulysses*, Case No. 117966/2009, also *Matthew Miller v Pearlstone Restaurant LLC*, Case No. 115273/2009, also *Leonard Troccoli v Peter Poulakakos*, Case No. 115491/2010, and also *Michael D'Avanzo v India House, Ulysses Folk House*, Case No. 103836/2008). All of those lawsuits occurred over

a short period of time, and there are other lawsuits that exist but that we have been unable to locate.

69. The restaurants and bars operated by the Peter Poulakakos team when they first began business last decade are clustered on Stone Street and Pearl Street. That region is in the Financial District that has few residential dwellings compared to the entirely residential Battery Park City, which sits in the middle of 92-acres of peaceful parks.
70. During the 500-foot hearing and public hearing, Mr. McDonald and others repeatedly boasted about their bars on Stone Street, which are open until 4:00 AM, as being exemplary models for how Pier A will operate. Petitioner Greer argues that those bars are sources of constant drunkenness flowing out of them late at night, and it is that sort of crime and vandalism that must not bellowed to metastasize over to Battery Park City.

Public Hearing

71. The SLA conducted a public hearing about the Pier A liquor license on June 3rd, 2014. No residents of Battery Park City or Downtown New York testified on behalf of the applicants. No elected official or staffer testified on behalf of the application. Also, **no member of the Manhattan Community Board 1 bothered to show up to testify and reiterate the support expressed in the resolution it passed.**
72. The testimony by the applicants for their own liquor license was unsurprisingly favorable, focusing on their long history of running bars in the

Financial District. Dan McDonald justified the outdoor beer garden as a "Tribute to the 1880's, when this pier was the landing ground of the place where a lot of Germans came through". As explained previously, this was a totally false statement. No Germans ever landed as fresh immigrants at Pier A. Moreover, only 200 feet away is the Jewish Holocaust Museum, which makes a pseudo-German-memorial a bit insensitive.

73. Mr. McDonald also spoke for the applicants and justified why they needed the 4:00 AM closure time in the license (video of this testimony can be viewed on <http://youtu.be/rVNJnMZ1qTM>). He claimed that the BPCA "tasked" them to stay open 24-hours a day to change what was a derelict portion of the waterway into a "vibrant" extension of the esplanade. Chairman Rosen challenged that, asking, "Are you saying you have been asked (by the BPCA) to serve alcohol until 4:00 AM?", and McDonald admitted that they had not been asked them to serve alcohol until 4:00 AM.

74. Chairman Rosen asked the lawyer for the applicants, Mr. Levey, "Why is it appropriate to be serving alcohol at 3:00 AM in this location?". Mr. Levey replied, "Down at Stone Street where every place is open till 4:00 AM, you commonly go into a place to grab a bite to eat there, to drink, at 3:00 in the morning, and there are no other places around. (Pier A) will be another alternative.". Chairman Rosen then challenged that analogy stating, "Stone Street is really in the heart of the Financial District....essentially those are commercial buildings...". Mr. Levey then handed the Chairman a crudely hand-drawn map (**Exhibit K**) of Pier and the surrounding area trying to mislead the SLA board into

thinking that Battery Park City is also not a residential area. The distances listed on the map were wildly inaccurate, as is the perspective used by the map maker, all meant to mislead the SLA.

75. Chairman Rosen stated, "I am just not sure about the 4:00 AM (closing time).".

76. Regarding the request in the SLA application to allow the 5,000-square-foot "plaza" being built adjacent to Pier A to serve as a beer garden, Mr. McDonald misled the SLA by stating, "The plaza doesn't have, there is no beer garden...we are not conducting business there...we were asked to police it..". Chairman Rosen asked, "So people will not be standing around with drinks in their hand?". McDonald replied, "Not at all.". However, those statements by McDonald for completely false. They will indeed be conducting business on the plaza and serving alcohol as well. The applicants will also be organizing "events" on the plaza that include alcohol.

77. Mr. McDonald then explained that Pier A will serve workers with late shifts who cannot find food elsewhere. He explained that his Stone Street bars routinely serve police officers, nurses, and doctors. However, those statements were absurd and laughable. In fact, there are no shifts at any nearby hospital that end at 3:00 AM. Hospital workers and police change shift closer to 7:00 AM. Only off-duty nurses, etc, would be in a bar at 3:00 AM, getting drunk for pleasure.

78. In summary, the testimony by the applicants provided no justification as to how being open until 4:00 AM will be in the public interest.

79. In opposition, three residents of Battery Park City attended the public hearing to oppose the Pier A liquor license. However, only Petitioner Greer was allowed to speak. Mary Engels and her neighbor, Jaime Boland, both of whom live in Gateway Plaza in Battery Park City, were sitting in the front row of the public hearing, but Commissioner Greene and Chairman Rosen abruptly called a vote on the application before allowing Engels and her neighbor speak. After the vote, Chairman Rosen was heard whispering, "Who were those other two? Should we have let them speak?".

Community Opposition's Case

80. The first formal opposition to the Pier A liquor license was conveyed to the SLA during the April 24th 500-foot hearing. Steven Greer and Todd Golub, both residents of Battery Park City, attended the non-public meeting. Greer provided a 54-page opposition letter. Mr. Golub provide verbal testimony.

81. The report drafted by Administrative Judge Raymond Di Luglio summarizes Mr. Golub's opposition in only one sentence (**Exhibit J**). That summary is misleading. Mr. Golub did not withdraw his opposition. He spoke at length about the concerns he had over Pier A operating until 4:00 AM with a full cabaret liquor license. He explained how Battery Park is a quiet residential neighborhood (Transcripts of this hearing have been requested from the SLA through a FOIL request, **Exhibit L**).

82. Petitioner Greer's testimony at the 500-foot hearing reiterated what he wrote in his 54-page opposition letter (**Exhibit M**). Those same points are also detailed again in this instant matter.

83. Numerous other letters of opposition were emailed to Chairman Rosen by other residents of Battery Park City (**Exhibit N**).

84. In summary, the vast majority of the residents who live in Battery Park City do so because of the peace and quiet of the parks, and the good schools. More families with small children live in Battery Park than any other region of Manhattan. To introduce what will be the largest nightclub and restaurant, by square footage, in the form of Pier A, will be an outrageous destruction of the neighborhood. In addition to the noise and hazards of drunkenness that will plague the area nearby Pier A, the traffic congestion will impact areas farther away. No other liquor license in Battery Park City allows the operators to stay open until 4:00 AM and also have outdoor music, cabaret approval, and a beer garden.

The SLA ignored the law in approving the liquor license

85. The approval of this Pier A liquor license by the SLA is another example if this authority's flagrantly ignoring the law and failing to uphold its legislative mandate of protecting the community from harmful drinking establishments. The SLA acts as if it is above the law.

86. The ABCL provides under §64(7)(b) that no retail license for on-premises consumption shall be granted for any premises “which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section.”. Yet the SLA went ahead and granted the license to **Pier A Battery Park Associates LLC, d/b/a Pier A Harbor House** despite the undisputed existence of at least 6 other licensed establishments within 500 feet of the proposed premises, which is a clear violation of the 500-foot rule (Three within 500 feet is oversaturation under the law).

87. The Authority has the discretionary power to grant an exception to the 500-foot rule, but only if certain prerequisites and conditions are met pursuant to the provisions of ABCL §64(7)(b), which requires that the SLA engage with the CB1, hold a hearing, determine that the granting of the liquor license would be in the public interest, and state and file in its office the reasons for the determination.

88. The SLA did engage with the CB1 and hold a public hearing, but it violated the other condition §64(7)(b) in that it:

89. failed to make findings of public interest in accordance with the criteria set forth in §64(6-a), namely, inter alia, the number, classes and character of licenses in proximity to the location; the effect of the grant of the license on vehicular traffic and parking in proximity to the location; the existing noise level at the location and any increase in noise level that would be generated by the proposed premises; and any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community; and

90. failed to explain in its determination how the opening of this establishment in an area already oversaturated with clubs, bars, lounges and restaurants would serve the public interest. In the 500-foot hearing report written by Judge Di Luglio (**Exhibit J**), he deferred to make any decision as to whether the Pier A application would be in the interest of the public, sending the decision to the Deputy Commissioner of the SLA or a full hearing. During the June 3rd full hearing, SLA Chairman Rosen and Commissioner Greene simply voted to approve the application, but made no explanation of their vote. The letter of conditional approval (**Exhibit A**) also makes no explanation as to how and why the SLA decided that the liquor license was in the best interest of the public.

91. The SLA made no comment, verbally or written, to refute the extensive testimony and evidence provided by Petitioner Greer. The SLA's determination made no findings regarding those factors that relate to adverse community impacts enumerated in ABCL §64(6-a). There is no discussion of the fact that there are least 6 other licensed premises within 500-feet and that the proliferation of drinking places in the area has caused problems for the community. There was no discussion of the fact that there are many residential buildings within that same 500-feet of the proposed premises, plus a school and a Jewish Holocaust Museum. There is no discussion of the fact that this location is now a peaceful community situated amidst landscaped parks. There was no discussion of the fact that the opening of the largest restaurant and nightclub in the city, by square footage, will create massive traffic and parking problems, as well as introduce drunken fighting belligerent bar-hoppers urinating and vomiting in the parks late at night.

92. There is no analysis of any other factors regarding why the Authority believed this establishment is needed in this community and why it is in the public interest to open what will be the largest restaurant and nightclub, by square footage, in Manhattan, that will operate out of the most residential neighborhood in all of Manhattan. The failure of the Authority to articulate public interest reasons consistent with the statute is exactly what caused license approvals to be overturned in *Waldman*, *supra*, *Cleveland Place*, *supra*, *SoHo Community Council*, *supra*, *Flatiron*, *supra*, and *Soho Alliance*, *supra*.

93. The Appellate Division in *Waldman* made clear that the "the Authority was subject to a statutory mandate to deny appellant's application for a license...unless it found that granting the license would be in the public interest..., in which event it "shall state and its office its reasons for so finding." In *Waldman*, the Authority found that the public interest was served because the applicant was going to Operate a bona restaurant with Cuban cuisine, But as *Waldman* held, "This perfunctory recitation fails to comply with the requirement that the Authority state its reasons for concluding that it would be in the public interest. Obviously, something more is needed (citing *Cleveland Place*, *Supra*).".

94. As was exactly the situation in *Flatiron*, *Soho Alliance* and *Ban the Bar*, the Authority here made no evaluation of the merit, or lack of merit of the evidence introduced by petitioners and failed to indicate why it chose to accept, without reservation, all of the assertions made by the applicant with respect to the public interest, and rejected, without explanation, all of the testimony and letters from the Petitioner Greer and others in the community. Here, as in *Waldman*,

Soho Community Council, Flatiron, Band the Bar, and Soho Alliance, the Authority issued perfunctory conclusions without any supporting findings. The determination here, as in *Ban the Bar, Flatiron* and *Soho Alliance*, contained no discussion at all as to the discrepancies between the parties' evidence.

95. Justice Kibbe Payne in *Flatiron* found that the Authority's determination granting the applicant an on-premises liquor license was "arbitrary and capricious, in that the Authority failed to follow its statutory mandate to make a determination that the granting of the license in this situation, where many licensed establishments fall within 500 feet of the premises, would be "in the public interest", under ABCL §64(7)(f).
96. Justice Payne explained that "No effort was made in the determination to define public interest under the circumstances, or to explain why the overwhelming resistance to the proposed club expressed by the neighborhood was over-balanced by the value or utility of a new nightclub. The Authority failed to "state its reasons for concluding that it would be in the public interest to grant this license (*Matter of Waldman v. New York State Liquor Authority, 231 A.D.2d at 286, 722 142*). Consequently, this court finds that the Authority's determination was irrational, and should be annulled." *Flatiron, supra*, at 274.
97. The same errors were committed by the Authority in *SoHo Alliance*, where the SLA used the exact same conclusory language as in the instant matter and when Justice Marilyn Shafer found that, "The fact that the Determination lacks any discussion as to how [the Authority] reconciled the conflicting facts and evidence presented at the 500-Foot Rule Hearing leads this Court to find that the

Authority acted in an arbitrary and capricious manner and that the Determination was not rationally based."

98. The instant matter mirrors the errors committed by the Authority in *Ban the Bar, Waldman, SoHo Community Council, Flatiron and SoHo Alliance*.
99. A crucial error of law was made when the SLA failed to see that Poulakakos Pier-A application was misleading and full of factually incorrect statements, as explained in paragraphs 55-62.
100. A crucial error of law was made when the SLA failed to see that CB1 resolution was misleading and full of factually incorrect statements, as explained in paragraphs 47-54.
101. A crucial error of law was made when the SLA failed to acknowledge that the 500-foot hearing report was inaccurate because the applicants misled the administrative judge, as explained in paragraphs 63-70.
102. The Authority's determination further was arbitrary and capricious in that it failed to make any findings of fact and law regarding the issues raised by nearby residents, including oversaturation of bars in the area and late night noise. At the very least, the community is entitled to, and the statute requires, that the Authority explain why it rejected all of the noise, traffic congestion and oversaturation concerns raised by Petitioner Greer and the other residents of Battery Park City.
103. The basic rule under the statute is that no license shall be granted for any premises that is within 500 feet of three or more other licensed establishments

unless the public interest necessitates an exception to the rule. Nowhere in its decision does the SLA address the threshold question of why this block and this neighborhood needs the largest nightclub and restaurant in Manhattan, complete with outdoor beer garden. The approval of the license by the SLA violated the letter and spirit of the statute and was contrary to the legislative intent. The Authority's approval of the license constituted an error of law, was arbitrary and capricious, was an abuse of discretion, was not based upon substantial evidence, and it violated the SLA's express duty under the ABCL to consider the public interest before granting a license in a 500-foot rule case.

Public Interest as Defined Under the Statute and Case Law

104. Known as the Padavan Law after one of its sponsors, Sen. Frank Padavan, ABCL was amended in 1993 to give to local communities a right to have their views considered on liquor license applications.
105. In his Memorandum accompanying these sections of the law, Assemblyman G. Oliver Koppel stated that the law was "necessary to assure that quality of life impacts are fully incorporated into the responsible state decision-making apparatus." Toward this end, the law specifies factors of concern to the community, such as the saturation by bars, traffic, parking and noise, as a "basis for the denial" of liquor licenses. Assemblyman Koppel stated that the SLA "should assure that appropriate factors are taken into consideration which relate to the business and the impact it has". Clearly, the purpose of the law is to enable the SLA to deny a license in areas that are "totally saturated" with liquor licensed

establishments. See 1993 Legis. Ann. 515. (Memorandum of Assemblyman G. Oliver Koppel).

106. The statute thus imposes an affirmative obligation upon the SLA to assess whether an additional license would be in the "public interest" and to make an exception to the prohibition only if the license is shown to be in the public interest. Indeed, as was held in *Bowery Room Corporation v. New York State Liquor Authority, et al*, 2000 WL 433558 (NY. Sup), the statute and the language of Assemblyman Koppel's memorandum make it clear that the impact upon the community in which an establishment seeks to operate "should be of paramount concern" to the SLA when evaluating a liquor license application under ABCL §64. As pointed out in *Bowery Room*, the legislature included the phrase "public interest of the community" under ABCL §64(6-a)(f).

107. The Governor's Bill Jacket also contains an Assembly Memorandum in Support of the Legislation in which the role of the community board in the decision-making process is deemed essential. Under the heading of Justification, the Memorandum states:

Oversaturation of licensed liquor establishments can adversely impact upon local communities. The municipality or local planning boards possess a unique knowledge and understanding of their communities and can best determine what impact another bar will have on a particular street.

108. The rulings of the courts, the legislative history, and the language of the statute make it clear that there must be an affirmative finding that issuing the

license is in the public interest of the local community. Otherwise, the SLA is barred from issuing the license.

109. In the first judicial interpretation of the 1993 amendments, Justice Sheila Abdus Salaam in 1997 in *SoHo Community Council*. supra, annulled a license granted by the SLA because the SLA's one-sentence rationale of the public interest (the establishment would generate more jobs and tax revenues) did not give any heed to the grounds for community opposition, namely, oversaturation of clubs and bars, noise and traffic congestion. The court found that the SLA's failure to specify reasons consistent with the statutory criteria for determining the public interest was an error of law, arbitrary and capricious and an abuse of discretion.

110. If the SLA's interpretation of "public interest" as being simply an establishment that generates revenue and jobs was correct, Justice Abdus-Salaam warned, then the 500-foot law would become "wholly eviscerated and rendered a dead letter."

111. In the SLA's determination in the instant matter, the SLA's decision is a woefully inadequate response to the legitimate concerns of the neighborhood residents. The judge in the 500-foot hearing refused to touch the "public interest" controversy. Then, the Chairman and Commissioner in the public hearing also made no verbal or written justification as to how the Pier A license was in the public interest. In fact, most of the questioning by the Chairman during the public hearing supported Petitioner Greer's opposition rationale.

112. No previous application for the relief sought herein has been made to any Court or Judge thereof.

113. This application is brought by Order to Show Cause because Pier A is close to being completed and the operators are planning to open it in September. These Petitioner and other residents in opposition to Pier A suffer irreparable harm if the proposed establishment begins operation before this petition is determined by the court.

114. Arguments similar to those in paragraphs 1, 15-18, and 85-113, were successfully used in New York court in *Ban the Bar Coalition v NYS Liquor Authority*, 12 Misc.3d 1192(A).

WHEREFORE, Petitioner respectfully seeks an order:

- (1) annulling, vacating, and setting aside the SLA's June 5th, 2014 determination conditional approval of the liquor license as affected by an error of law, arbitrary and capricious, an abuse of discretion, and not supported by substantial evidence;
- (2) awarding to Petitioner his costs, disbursements and counsel fees pursuant to CPLR 8601; and
- (3) granting such other and proper relief that the Court deems just and proper.

WHEREOF, I respectfully request that this motion be granted, and that I have such other relief as may be just and proper.


VERIFICATION

Steven Greer, being duly sworn, deposes and says that he is a Petitioner herein and resides at 200 Rector Place, New York, New York. Deponent has read the foregoing Petition and knows the contents thereof; and that the same are true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters deponent believes them to be true.

Sworn to me on the 26th day
of August, 2014


Notary Public

MARGARET A. SCHWARTZ
Notary Public, State of New York
Reg. No. 04506152068
Qualified in New York County
Commission Expires Aug. 23, 2018


Steven Greer, pro se

200 Rector Place, 35F
New York, NY 10280
(212) 945 7252



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

DENNIS ROSEN
CHAIRMAN
JEANIQUE GREENE
COMMISSIONER

ALFRED E. SMITH BUILDING
85 SOUTH SWAN STREET, SUITE 904
ALBANY, NY 12243-9002

CONDITIONAL LETTER OF APPROVAL
DATE 06/05/2014

161NEWCR1277555256
SERIAL NUMBER 1277555
POULAKAKOS, PETER



Premise Address
PIER A BATTERY PARK ASSOCIATES LLC

22 BATTERY PLACE
NEW YORK, NY 10280

Your application for a license has been reviewed and can be approved once you have complied with all of the conditions on the attached page.

Once you have submitted all of the required information, the documentation you provide will be reviewed and, if all of the items have been addressed to the satisfaction of the State Liquor Authority, your application can be approved and the license certificate issued.

No license will be issued until, and unless, all of the conditions have been met. YOU MUST BE READY TO OPEN AND BEGIN OPERATIONS UPON THE ISSUANCE OF THE LICENSE CERTIFICATE

The application will be deemed disapproved if you fail to submit all required documentation within six months from the date of this letter. If you cannot comply within the 6 month period, you must seek an extension of time by submitting a request in writing to the Authority.

If you wish to withdraw your application, you must request your withdrawal in writing. The State Liquor Authority will then disapprove your application without prejudice to your refileing at a future date and will process your refund (less the filing fee).

All communications should be sent to the address as indicated in the letterhead above or via email to Condapproval@sla.ny.gov.

Sincerely Yours,

Keri J. O'Brien
Keri J. O'Brien, Deputy Commissioner

NOTE: FAILURE TO COMPLY WITH THE ATTACHED CONDITIONS WITHIN 6 MONTHS FROM 06/05/2014 WILL NECESSITATE THE DISAPPROVAL OF THIS APPLICATION.

NOTE: TEMPORARY RETAIL PERMITS MAY NOT BE EXTENDED ONCE AN APPLICATION HAS BEEN APPROVED BY THE AUTHORITY. IF YOU ARE OPERATING OFF OF A TEMPORARY RETAIL PERMIT, IT IS STRONGLY SUGGESTED THAT YOU COMPLY WITH ALL CONDITIONS OF APPROVAL IMMEDIATELY TO AVOID INTERRUPTION IN THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT YOUR ESTABLISHMENT.

cc: HELBRAUN LEVEY & O'DONOGHUE
110 WILLIAM ST STE 1410
NEW YORK, NY 10038

CONDITIONS OF APPROVAL

The conditional approval is granted upon adherence to any conditions listed below as well as any conditions stipulated to with the municipality or community board.

1. Copy of Certificate of Authority to collect taxes.
2. Submission of your Federal Tax Identification Number.
3. Submit a copy of the Certificate of Occupancy or other such document issued to the applicant by the local Code Enforcement Agency for the premises.
4. Submission of Newspaper Affidavit.
5. Workers' Compensation and Disability Benefits Carrier Name and Policy # or submission of a Certificate of Attestation of Exemption From New York State Workers' Compensation and/or Disability Benefits Insurance Coverage.
6. Photos showing the premise is ready to open and operate.



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

April 4, 2014

Ms. Kerri O'Brien
Deputy Commissioner of Licensing
State Liquor Authority
317 Lenox Avenue
New York, NY 10027

Dear Deputy Commissioner O'Brien:

At our monthly meeting on March 25, 2014, Community Board #1 adopted the attached resolution indicating that we oppose the granting of the following license unless the applicant complies with the stipulations stated in the resolution, which they have agreed to follow. We are sending copies of the stipulations signed by the applicants as well.

- 22 Battery Place, application for a catering/banquet hall liquor license for Battery Park Associates LLC

Sincerely,

Noah Pfefferblit
District Manager

49 Chambers Street, Suite 715, New York, NY 10007-1209
Tel: (212) 442-5050 Fax: (212) 442-5055
man11@cb.nyc.gov
www.nyc.gov/html/mancb1

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	28 In Favor	5 Opposed	0 Abstained	0 Recused

RE: 22 Battery Place, application for a catering/banquet hall liquor license for Battery Park Associates LLC

WHEREAS: The applicant, Pier A Battery Park Associates LLC, is applying for a catering/banquet hall liquor license; and

WHEREAS: The hours of bar service for this establishment will be 7:00 a.m. to 4 a.m. seven days a week; and

WHEREAS: The Committee has agreed to the hours of 7:00 a.m. to 4:00 a.m. at this special and unique location for a 6 month trial period after which the applicant may revisit the Committee and request these hours on a permanent basis if there are no unresolved complaints from neighbors; and

WHEREAS: The total area of the restaurant is 32,000 square feet with a public assembly capacity of 1.175 people; and

WHEREAS: The applicant intends to apply for a cabaret license; and

WHEREAS: The applicant does not intend to apply for a sidewalk café license; and

WHEREAS: The applicant has represented that there are no buildings used exclusively as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are not three or more establishments with on-premises liquor licenses within 500 feet of this establishment, although there are several vessels with liquor licenses that dock close by; and

WHEREAS: The applicant intends to return to the Battery Park City Committee of Community Board 1 with a proposal for water-borne uses that will be associated with this establishment; and

DP

WHEREAS: The Ritz-Carlton New York, Battery Park, located at 2 West Street, includes residential units and is located across Battery Place from Pier A, and other residential buildings are nearby; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 opposes the granting of a liquor license to Pier A Battery Park Associates LLC for 22 Battery Place unless the applicant complies with the limitations and conditions set forth above.

Manhattan Community Board 1 Liquor License Stipulations

1. Paul Lamas, as a qualified representative of Pier A Battery Park Associates LLC located at 22 Battery Place, New York, New York, agree to

DP

the following stipulations for the applicant's Method of Operation:

My hours of operation will be 7AM-4AM Sunday - Thursday and 7AM-4AM Friday - Saturday
(I understand this to mean that all patrons will be cleared from the establishment at the specified hour). * The committee has agreed to the hours of 7AM-4AM at this special & unique location for a 6 month trial period, after which the applicant may revisit the committee & request these hours on a permanent basis if there are no unresolved complaints from neighbors.

I will operate a full-service restaurant, (please describe type of restaurant): _____ with (full food service until _____ hour(s) before closing.

I will install soundproofing (please describe type and locations) _____

I will have: DJs Yes No Live music Yes No Promoted events Yes No
Cover fee events Yes No Scheduled performances Yes No

I will play recorded background music only, consisting of _____

_____ If it can be heard outside, or by neighbors, it is not background music.

I will close all doors and windows by _____ Sun-Thurs and _____ Fri-Sat. I will not have French doors or windows.

I will employ a doorman/security personnel on the following days and hours: _____

I will actively manage crowds congregating on the street at night, to minimize disturbances to residents.

I will not apply to the SLA for an alteration to the method of operation agreed to by this stipulation without first notifying Community Board 1.

I intend to apply for a sidewalk café license. I intend to apply for a cabaret license.

Residents may contact the manager/owner at the following phone number. Any complaints will be addressed immediately and I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: _____ Phone Number: _____

Alternate Contact: _____ Phone Number: _____

I will (additionally): apply for a cabaret liquor license, will return to the Battery Park Committee of Community Board 1 with a proposal for water-borne uses that will be associated with this establishment

I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

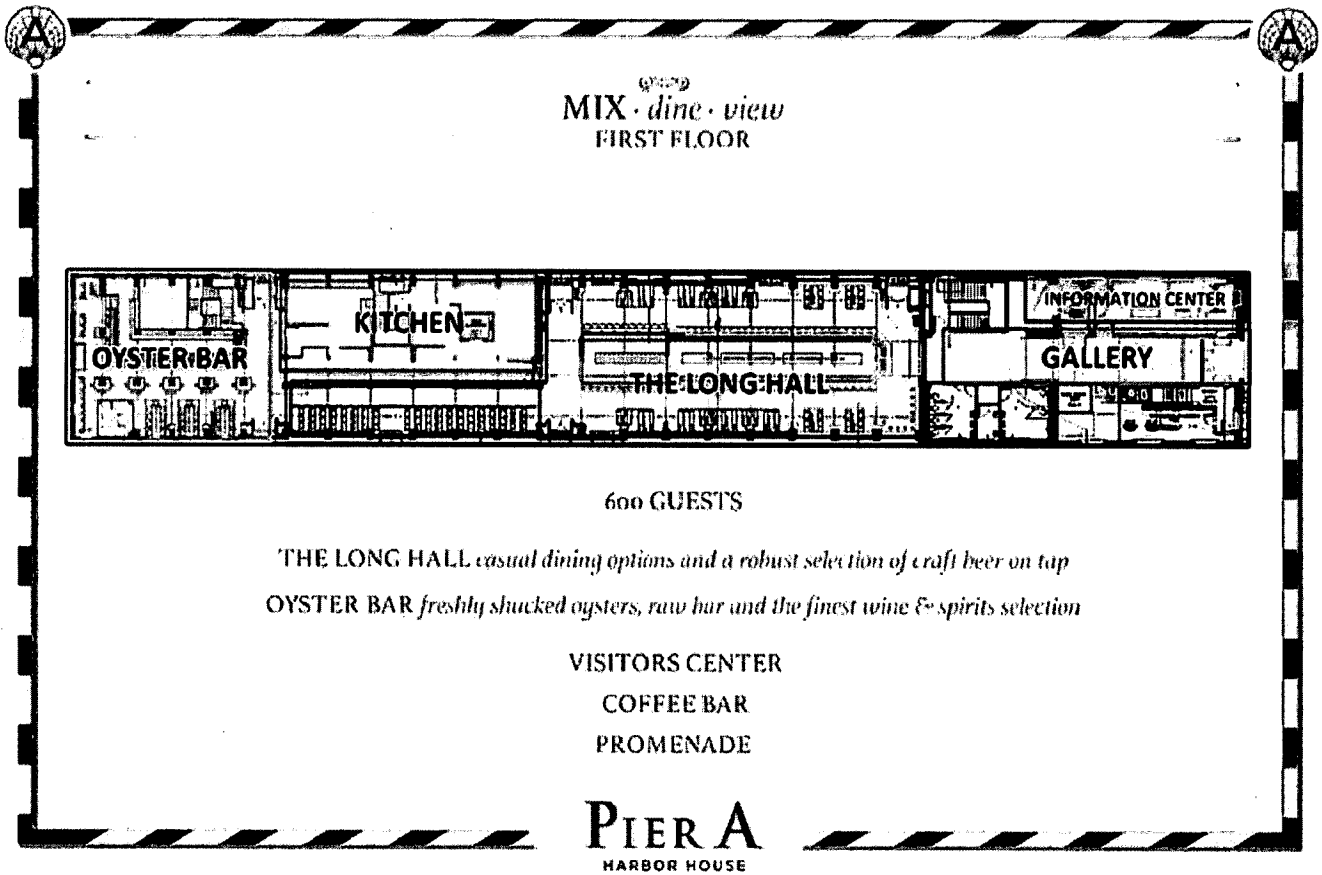
Signed *Paul Lamas*

Dated 4-3-14

Sworn to this 3 day of April 2014 Ally L Colvin

Notary Public
ALLY L. COLVIN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01C0421185
of the County of Manhattan
Commission Expires July 18, 2015

Community Board 1 requests that the SLA add these stipulations to the license of the above-named applicant. Rev. 10/12



Exclusive: Inspector General of Homeland Security investigates BPCA

Update November 10, 2013- BatteryPark.TV

The NY Post called us about the story, below, and ran their own version today, “The head of the Battery Park City Authority admitted he intentionally allowed Hurricane Sandy floodwaters to inundate a historic city pier — a controversial move that could soak taxpayers. Dennis Mehiel, speaking to the authority’s board at an Oct. 22 meeting, admitted workers were ordered to remove sandbags from the doors and windows of Pier A because he didn’t want the barricade to trap seawater inside.

“It just seemed like a fraudulent FEMA claim. None of it made sense to me,” said Dr. Steven Greer, a surgeon and local activist who attended the meeting.”

Since FEMA and Homeland Security would not comment on the ongoing investigation, the editors decided to remove references to that aspect of the story.

November 1, 2013- By Steven E. Greer for BatteryPark.TV

The Inspector General of Homeland Security, which oversees FEMA and fraudulent claims relating to Hurricane Sandy, is now officially investigating The Battery Park City Authority for intentionally allowing Pier A to flood during Hurricane Sandy, one year ago. Recall, at the most recent BPCA board meeting, the BPCA Chairman/CEO Dennis Mehiel proudly commented how he decided to remove sandbags around Pier A and “Let this thing flood”.

Stay tuned for more details. “We inform”.

Exclusive: NY State Civil Rights department investigates the BPCA

May 5, 2014- By Steven E. Greer, MD for BatteryPark.TV

The Battery Park City Authority (BPCA), led by Chairman and CEO Denis Mehiel, has been the target of numerous state and federal investigations in the short time since Mr. Mehiel was appointed by Governor Cuomo in June of 2012. Two of his presidents have been removed from office (Gayle Horwitz and Demitri Boutris), along with two senior staffers, after scandals erupted.

BatteryPark.TV has now exclusively learned that the BPCA is the target of at least two more investigations by the New York State Department of Civil Rights. In a Memorandum sent to the Alphonso David of the NY Civil Rights office by BPCA senior staffer Kirk Swanson (a BPCA employee hired in November of 2012 by Dennis Mehiel for a salary of \$120,000), numerous comments allege laws and regulations are being routinely ignored by the BPCA.

The memo begins by alleging that the CFO of the BPCA, Robert Serpico, has a long history of making sexually inappropriate comments to female staff. It states, "A female paralegal, who is the subject of a recent report filed with Anne Hohenstein of the Governor's Office of Employee Relations....was subjected to an overly-aggressive, personal, and humiliating interrogation regarding her office dress by Brenda McIntyre, the current Vice President of Human Relations....My subordinate approached the then-acting President, Robert Serpico, to apprise him of Ms. McIntyre's conduct and to seek his help and advice and to formally complain about her treatment. Mr. Serpico's response, I was told, was to downplay the event and to further humiliate her through a sexually inappropriate gesture that made an issue of her body shape and apparent attractiveness. I have no reason to doubt my subordinate's side of the story - I personally have heard Mr. Serpico say provocative and inappropriate comments in front of female staff and watched him on two occasions bring up uncomfortable references to "twerking" in senior staff meetings (both incidents occurring in March of this year, as staff lawyers were involved). I found it particularly disturbing that our new President, the acting General Counsel (Seema Singh), and Ms. McIntyre laughed at the twerking references, apparently oblivious to the recklessness of this conduct in light of the pending report to Ms. Hohenstein."

A source close to the BPCA informed BatteryPark.TV that Mr. Serpico has a long history of this type of inappropriate behavior. His personnel file is "Full of reprimands for doing things, such as emailing sexually explicit cartoons to BPCA staff", the source said.

Recall, the former BPCA President, Demitri Boutris, was removed from office last year after other complaints from staff were investigated. Some African-American BPCA staff alleged that he used the word "nigger". Chairman and CEO Mehiel then used taxpayer

dollars to hire a private law firm to “investigate”, much like Governor Christie’s hiring of lawyer Randy Mastro to “investigate” Bridgegate.

The next allegation made by Mr. Swanson in his memo to the New York Civil Rights office deals with the inappropriate allocation of BPCA-funds, circumventing state law that governs such contracts and purchasing. The newly hired BPCA President, Shari Hyman (which itself is a scandal because she is the wife of the head of the main New York ethics investigative body, JCOPE, that has investigated Mr. Mehiel, thereby posing a conflict of interest.), and head of human relations, Brenda McIntyre, allegedly awarded a large contract to rebuild the BPCA website to personal friends, rather than properly shop around for the best service at the best price. Also, legal work contracts were allegedly awarded improperly.

The memo states, “In March of this year, I was informed that BPCA’s Legal Department wanted to submit a contract amendment for additional money to BPCA’s Contract Selection Committee (“CSC”— an internal approval body that I chair as Chief Contracting Officer) for approval. It quickly became clear to me that the original contract was not submitted to the CSC in clear violation of BPCA’s Procurement Guidelines. I informed Legal that I, and the members of the CSC, would need an explanation why this happened. Approximately a month went by before I heard back from Ms. Singh, the acting General Counsel....

What is abundantly clear from the documentation provided is that there was a concerted effort to bypass the approval process (the contract involves legal services relating to the “issuance of the Authority’s auction rate securities and related swap and refinancing transactions”), claim a status for the contract that it did not possess (being “pre-qualified legal counsel”), and most egregiously, have the contract executed while I was away on a two-day vacation (having a subordinate with no signing authority sign in my place). A further troubling point is that our Finance Department processed the contract without CSC approval—again, a clear, and suspicious, violation of process.

At my termination meeting, the attached email was cited by President Hyman as one of the reasons I was being terminated. The reason: the email was “nasty.” Apparently the substance of the email was not an issue.”

The memo goes on to detail another inappropriate business transaction, “On March 28, the CSC of both BPCA and Battery Park City Parks Conservancy (“BPCPC”) approved separate contracts with “Revolver Studios” for website redesign services. The website redesign was described as a “high-priority” project for the new president, and my understanding was that Revolver Studios was a company brought to the staff’s attention by Ms. Hyman herself.

When I was told by the Assistant to the Chairman/CEO, that Revolver Studios would be chosen as a “discretionary procurement” (being below \$50,000 for pending services and not requiring a “formal” competitive process—such as an RFP), I reminded him that we nonetheless had to establish that their cost was competitive to justify the choice (this is usually done through obtaining quotes, preferably three, for said services—this practice

reflects “best practices” and guidance from the New York State Procurement Guidelines and other government sources).

Only one additional quote was obtained for consideration, and under pressure for this “priority” item, the CSC voted its approval.

At a subsequent senior staff meeting, we were informed that work had started with Revolver (namely through “branding” preparation), though it was clear that the contract had not yet been drafted, let alone executed. Under no circumstances, excepting an emergency or other critical considerations, should work on a contract begin before a contract is fully executed by both parties.

After the meeting, I made this point clear to the Assistant to the Chairman/CEO. On the day of my termination, Legal was hurriedly preparing “Letters of Intent” (a mechanism that allows for spending on a project before final contract execution). Again, work had already begun on these two projects, and it is my guess that these Letters of Intent were likely postdated. Clearly, a violation of a basic and fundamental control had taken place. It is my firm conviction that the Governor, the State and City of New York, the Members, the residents and tenants of Battery Park City, the Authority, and its numerous stakeholders are being poorly served. I do not bring these circumstances to your attention lightly—the far easier course of action for me to take would be to walk away.

That, however, is not an option. I believe in the work I did for the Authority, and more importantly, I believe in the other members of the staff, not mentioned above, who will continue to do good work and honor their commitment to the Authority, and who will continue to suffer if change is not made. I ask you to look into these matters, refer them as necessary, and seek appropriate remedies.”.

CB1 finally holds meeting about Pier 26 music concerts

July 17, 2013- BatteryPark.TV

In response to [BatteryPark.TV reporting](#) that the concerts on Pier 26 were organized without CB1 or community input, as leaders of CB1, also on HRPT boards, likely knew full well what was transpiring, the C1 is now going to discuss the noise problem tomorrow.

7/18 Quality of Life Committee – 6:00 PM

Location: Community Board #1 – Office at 49-51 Chambers Street, Room 709

- 1) Construction Projects in Lower Manhattan – Update by Robin Forst, Deputy Executive Director, LMCCC
- 2) Local Law 41 of 2007 – Update by Geri Kelpin, Director of Air and Noise Policy and Enforcement
- 3) Montague Tunnel repairs – Metropolitan Transportation Authority Presentation
- 4) Construction For A Livable City Initiative – Presentation by Andrew Hollweck, Vice President, New York Building Congress
- 5) 22 Thames Street construction project – Update by Rafael Vinoly Architects and Michael Sillerman, Esq., Kramer Levin*
- 6) Events on Pier 26 – Discussion with Hudson River Park Trust and Heritage of Pride**
- 7) Polystyrene Ban – Borough Board Resolution and Presentation

Madelyn Wils pisses off New Jersey

July 28, 2014- BatteryPark.TV

Madelyn Wils and her HRPT first outraged Tribecans with the Pier 26 concerts last year, so they moved them farther north. Now, they are upsetting people in New Jersey. The local CBS station covered the story (see video).

Letter: Ferry boats and helicopters plague us too on the Upper West Side

August 10, 2014- Letter to the Editor, BatteryPark.TV

Dr. Greer,

Thank you for your tireless advocacy of noise abatement which I believe benefits not just Battery Park, but the entire city. Simply put, tens or even hundreds of thousands of people don't need to suffer so that a few tourists can sightsee, or the "hypothetical insomniac kayaker" can feel safe or the city can earn more in its "general fund."

Any who, I live on the far west side (by 42nd) and am facing similar, but less severe, issues including helicopters, ferry horns and worst of all, an awful establishment called Mako which bills itself "NYC's first outdoor nightclub" and hosts parties until 4am on Pier 79 (Not to be confused with Pier 97. In the video above, Pier 97 is also causing complaints).

In just six weeks of operation, I have filed five 311 complaints which have resulted in the police showing up and telling them to lower the volume.

Upon investigating further, I have also found that their liquor license stipulation agreement specified that they would operate as restaurant, and not having dancing or bottle service and close earlier. I have raised this with the Community Board 4 which seemed generally supportive and is calling them to testify at the Business Licenses Committee this Tuesday.

I am reaching out to you to ask for any advice or suggestions you may have in dealing with this matter and in stamping out this severe nuisance to the community. It does appear to be small enough that there aren't ingrained vested interests ala Pier A or La Marina.

Thank you, Michael

Liquor License Application
Community Board One Questionnaire

Type of application (check one): <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input type="checkbox"/> Alteration	Type of proposed establishment (check one): <input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Grocery/deli <input type="checkbox"/> Kiosk <input type="checkbox"/> Bar <input type="checkbox"/> Catering or Banquet Hall <input type="checkbox"/> Nightclub <input type="checkbox"/> Tavern
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Seeking license to sell (check all that apply): <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor
To be sold: <input type="checkbox"/> Off-premise <input checked="" type="checkbox"/> On-premise

Applicant Name:
(d/b/a) Name of establishment: Pier A Battery Park Associates, LLC

If this is a *transfer*, what was the previous applicant name? N/A

...previous establishment name? N/A

Address of establishment: 22 Battery Place
New York, NY

Cross streets of establishment: West Street

Are there any buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment?

Yes No

Are there three or more other establishments with on-premises liquor licenses within 500 feet of this establishment?

Yes No While there are not 3 or more on premises liquor licenses within 500', there are several vessels with liquor licenses that dock close by.

If yes, please attach a list establishments and distances: _____

(Please note the SLA proximity mapping report is for informational purposes only and is not a legal document)

How many residential units are there *within* the property? 0

Approximately how many residential buildings are there *neighboring* or *across the street from* the property? 0

What is the zoning designation of the property in question? C6-4

Liquor License Application
Community Board One Questionnaire

Public Notice

We ask that you demonstrate one or more good-faith efforts at least 5 days prior to your meeting with a CBI committee to notify your neighbors of your intention to open this establishment. These can include the following (please check what you have attached):

- a petition of neighbors in favor of the project (sample attached),
- photographs of a flyer giving public notice of the Community Board meeting and the details of your application (sample attached),
- meeting with a coop board and/or building management,
- advertisements of the Community Board public meeting in local papers,
- any mailings you have sent or distributed to neighbors, and/or
- a photograph of a visible, eye-level notice posted on your property door announcing the date of the Community Board meeting and the details of your application

Size and capacity of establishment:

Total square footage: _____

Public assembly capacity: 1,000

Dining Area

Bar Area

Kitchen Area

Total square footage: _____ Total square footage: _____ Total square footage: _____

of tables: _____ # of tables: _____ # of tables: _____

#seats: _____ #seats: _____ #seats: _____

Number of stand-up bars*: 6 Number of service bars: _____

Describe all bars (length, shape, and location): 2 on ground floor, 2 on second floor, 2 on third floor

Any food counters? Yes No If Yes, please describe: N/A

*A stand-up bar is any bar or counter (whether seating or not) over which a member of the public can order, pay for, and receive an alcoholic beverage.

Further Licensing:

Do you intend to apply for a cabaret license? Yes No
Do you intend to apply for a sidewalk café license? Yes No

Liquor License Application
Community Board One Questionnaire

Hours of Operation:

	<i>Weekdays (Sun-Thurs)</i>	<i>Weekends (Fri. & Sat)</i>
Food Service Hours	7:00 AM - 4:00 AM	7:00 AM - 4:00 AM
Bar Service Hours	7:00 AM - 4:00 AM	7:00 AM - 4:00 AM
Final Closing Hour	4:00 AM	4:00 AM

Music:

Will there be music? Yes No

If yes, what type of music? (Check all that apply)

Live Recorded DJ

What volume of music? (Check all that apply)

Background Other: _____

(If it could be heard outside, or by neighbors, it is not background music)

Will there be non-musical entertainment? Yes No

If yes, what type of non-musical entertainment? N/A

Type of sound equipment: Studio Monitors

Size and number of speakers and amperage: Multiple

Where will the speakers be installed? Throughout building

Will you utilize subwoofers? Yes No

Type of sound proofing to be used: _____

Will the windows be open or closed? Open Closed

If open, what hours? N/A

Will new kitchen exhaust equipment be installed? Yes No

What type of kitchen exhaust system will be used? Top of the line, state of the art

Where will the kitchen exhaust system vent to? roof

Where will the air conditioning system be placed? _____

What is the tonnage of the air conditioning system? over 100

What will the decibel level of the air conditioning system be? _____

Liquor License Application
Community Board One Questionnaire

Indicate if you will engage (check all that apply): Outside promoters
 Independent DJ's
 Security personnel
 None of the above

What type of security and crowd control will you employ?

Licensed and insured independent security firm to be
engaged.

Do you intend to have backyard dining? Yes No
If Yes, what hours will you serve liquor? _____

Do you intend to have rooftop dining? Yes No
If Yes, what hours will you serve liquor? _____

Do you plan to have bicycle delivery personnel? Yes No
If Yes, will you guarantee to inform them of
Department of Transportation bicycle rules? Yes No N/A

Background information:

Corporate name: Pier A Battery Park Associates LLC
Corporate address: 93 Pearl Street, 3rd floor, New York, NY
Phone number: 212-344-0500

Name(s) and address of all principals:

* see attached

Have any of the principals been previously licensed by the SLA? Yes No

If yes indicate name(s) and address of other establishments:

* SLA attached

Name of Principal	Residence
Peter Poulakakos	30 West St., Apt. 8E, New York, NY
Paul Lamas	520 Harbor Place, West New York, NJ
Daniel McDonald	15 South William St. #2A, New York, NY 10004
Michael Jewell	41 River Terrace, #1805, New York, NY 10282
Jeanetta Stega	2400 Johnson Avenue, Riverdale, NY
William Dickey	160 W. 56 th St., #45E, New York, NY 10023
Stephen Benjamin	39 Lloyd Neck Lane, Lloyd Harbor, NY 11743
Drew Spittler	7 Hawthorn Street, Massapequa, NY 11758

Licenses Held by Principals of Pier A Battery Park Associates LLC

Paul Lamas

One Hanover LLC - 1 Hanover Square, New York, NY 10004 - 1174354
Vintry LLC - 57 Stone Street, New York, NY 10004 - 1225388
West Street Wines & Spirits LLC - 230 Murray Street, New York, NY 10282 -
1250440
55 Stone Street LLC - 55 Stone Street, New York, NY 10004 - 1255517
Hip At Murray Street LLC - 102 North End Ave, New York, NY 10282 - 1263019
JMP Ventures LLC - 2 Gold Street, New York, NY, 10004 - 1186271
DRT Group LLC - 30 Water Street, New York, NY 10004 - 1268007
City Ribs I LLC - 8904 Parsons Blvd., Jamaica, NY 11432
Grace 365 Group LLC - 365 3rd Avenue, New York, NY 10016 - 1268610
Bowery Restaurant Group LLC - 146 Bowery, New York, NY 10013 - 1268378

Peter Poulakakos

One Hanover LLC - 1 Hanover Square, New York, NY 10004 - 1174354
West Street Wines & Spirits - 230 Murray Street, New York, NY 10282 - 1250440 -
PJ Associates Inc. - 1 Hanover Square, New York, NY 1174354- 1024482
55 Stone Street LLC - 55 Stone Street, New York, NY 10004 - 1255517
Vintry LLC - 57 Stone Street, New York, NY 10004 - 1225388
Hip at Murray Street LLC - 102 North End Ave, New York, NY 10282 - 1263019
DLP Group LLC - 132 9th Avenue, New York, NY 10011 - 1248720
Pizza on Stone LLC - 54 Stone Street, New York, NY 10004 - 1162852
JMP Ventures LLC - 2 Gold Street, New York, NY, 10004 - 1186271
Pearlstone Restaurant LLC - 91 97 Pearl Street, New York, NY 10004 - 1132328
DRT Group LLC - 30 Water Street, New York, NY 10004 - 1268007
City Ribs I LLC - 8904 Parsons Blvd., Jamaica, NY 11432
Grace 365 Group LLC - 365 3rd Avenue, New York, NY 10016 - 1268610
Bowery Restaurant Group LLC - 146 Bowery, New York, NY 10013 - 1268378

Daniel McDonald

The Silken Thomas Restaurant Inc. - 34 East 4th Street, New York, NY 10012 -
1025176
Celtic Fare Restaurant Inc. - 298 Lafayette Street, New York, NY 10012 - 1106001
Pearlstone Restaurant LLC - 91 97 Pearl Street, New York, NY 10004 - 1132328
One Hanover LLC - 1 Hanover Square, New York, NY 10004 - 1174354
JMP Ventures LLC - 2 Gold Street, New York, NY, 10004 - 1186271
55 Stone Street LLC - 55 Stone Street, New York, NY 10004 - 1255517
DRT Group LLC - 30 Water Street, New York, NY 10004 - 1268007
Grace 365 Group LLC - 365 3rd Avenue, New York, NY 10016 - 1268610

Michael Jewell

The Silken Thomas Restaurant Inc. - 34 East 4th Street, New York, NY 10012 - 1025176

Celtic Fare Restaurant Inc. - 298 Lafayette Street, New York, NY 10012 - 1106001

One Hanover LLC - 1 Hanover Square, New York, NY 10004 - 1174354

JMP Ventures LLC - 2 Gold Street, New York, NY, 10004 - 1186271

55 Stone Street LLC - 55 Stone Street, New York, NY 10004 - 1255517

DRT Group LLC - 30 Water Street, New York, NY 10004 - 1268007

Grace 365 Group LLC - 365 3rd Avenue, New York, NY 10016 - 1268610

Stephen Benjamin

City Ribs I LLC - 8904 Parsons Blvd., Jamaica, NY 11432

Drew Spitler

City Ribs I LLC - 8904 Parsons Blvd., Jamaica, NY 11432

William Dickey

City Ribs I LLC - 8904 Parsons Blvd., Jamaica, NY 11432

Liquor License Application
Community Board One Questionnaire

Name(s) and phone number(s) of manager(s) to call in case there are problems:

Phone: MAGGIE O'MALLEY 212-344-0500 Cell: TO BE PROVIDED

Previous or existing corporate name(s) and d/b/a: N/A

Who will manage the establishment? MAGGIE O'MALLEY

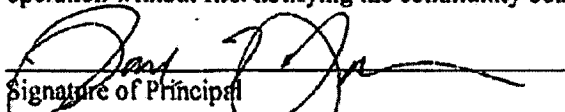
Previous related experience of the manager: ELWAY'S STEAKHOUSE
RITZ CARLTON GROUP

Have you signed a lease for the space? Yes No

Finally, please submit the following additional items:

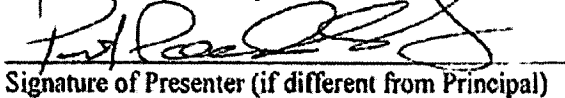
- The latest copy of your menu
- Your floor plan
- Certificate of Occupancy

I will not apply to the SLA for an alteration to the method of operation or the hours of operation without first notifying the community board: Check Box


Signature of Principal

2/27/14
Date

PAUL T. CAMAS
Printed Name of Principal


Signature of Presenter (if different from Principal)

2/27/14
Date

PETER POULAKAKOS
Printed Name of Presenter (if different from Principal)

* We recommend that you attend the community board meeting at which the full board will vote on your liquor license application.

Pier A plans are “A slap in the face to Italian Americans”

March 29, 2011- BatteryPark.TV

John Fratta, CB1 Chairman of the Seaport/Civic Center Committee explain why the CB1 opposes the current BPCA plans to turn over the Pier A to a private restaurant group led by the Poulakakos family. He is leading a drive to convert the Pier A into an Italian American heritage museum to compliment nearby Jewish and Irish museums. Mr. Fratta calls the current plans, “A slap in the face to Italian Americans”.

Neither the BPCA nor the Poulakakos family accepted our offer to be interviewed.

APPLICATION RECEIPT

SERIAL NUMBER: 1277555
04/08/2014 08:36 AM

PIER A BATTERY PARK ASSOCIATES LLC
22 BATTERY PL
NEW YORK, NY 10280

Thank you for submitting your application to the New York State Liquor Authority. We will be processing your application.

If you have any questions, please reference your application or any documents with the following seven digit serial number: 1277555

The following fees were received with your application:

Serial#	Description	Amount
1277555	RETAIL LICENSE	4,552.00
1277556	ADDITIONAL BAR	4,372.00
1277557	ADDITIONAL BAR	4,372.00
1277558	ADDITIONAL BAR	4,372.00
1277559	ADDITIONAL BAR	4,372.00
Total		22,040.00

Sincerely yours,

Kerri J. O'Brien, Deputy Commissioner
Licensing.Information@sla.ny.gov

RECEIPT NUMBER: 971178614
ORI #: NY922217Z

If fingerprints are required, please wait 48 business hours after your application receipt date before contacting Identogo by Morpho Trust USA Solutions to schedule your appointment. After the 48 hours, appointments must be scheduled within 2 weeks by going online to www.identogo.com or by calling (877) 472-6915.

Fingerprint Request Forms are available on our website at: <http://www.sla.ny.gov/forms-quick-find#retail>

If fingerprints are not taken within two (2) weeks from the date of this receipt, your application may be disapproved.

Fingerprints required for: **STEGA, JEANETTA**

NOTE: If you are applying for an On Premises Liquor License or a Liquor Store License, you must visibly post notice of your intent to file an application on the front of your establishment. This notice can be found on our website at www.sla.ny.gov/forms-quick-find#retail.

cc: HELBRAUN LEVEY & O'DONOGHUE
110 WILLIAM ST STE 1410
NEW YORK NY 10038

17

opla-rev 11/13/2013

OFFICE USE ONLY

51

Original Amended Date

500 FOOT LAW STATEMENT **500 FOOT**

**Applicants for on premises liquor licenses must complete this section
(Not required for on premises beer or wine application)**

If the location is subject to the 500 Foot Law, and no other exception applies, the license cannot be issued unless the State Liquor Authority makes an affirmative finding that it is in the public interest to issue the license.

The provisions of Section 64, 64-a, 64-b, 64-c and 64-d of the ABC Law require the Authority to consult with the municipality or community board prior to granting a license for **ANY ON PREMISES LIQUOR ESTABLISHMENTS** where such premises is located within a 500 foot radius of three or more on-premises liquor establishments. The Authority is further required to conduct a public hearing, upon notice to the applicant and the municipality or the community board.

The Proposed Premises: Check the appropriate box below:

IS NOT WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS HOLDING ON PREMISES LIQUOR LICENSES.

IS WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS SELLING LIQUOR FOR ON PREMISES CONSUMPTION (IF SO, YOU MUST COMPLETE THE WRITTEN STATEMENT BELOW AND SUBMIT THE NAMES AND ADDRESSES OF THE ESTABLISHMENTS WITHIN THE 500' RADIUS, UNLESS THE PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993)

NOT APPLICABLE - PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993

NOT APPLICABLE - POPULATION OF CITY, TOWN OR VILLAGE IS UNDER 20,000

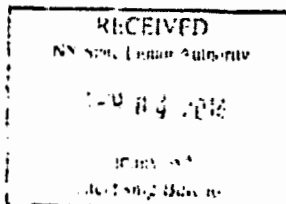
IMPORTANT:

YOU MUST PROVIDE THE NAMES OF ALL ON PREMISES LIQUOR ESTABLISHMENTS LOCATED WITHIN A 500 FOOT RADIUS OF THE PROPOSED PREMISES

For assistance use the "GIS Maps - LAMP" (Liquor Authority Mapping Project) system, which is available on our website.

If premises is within a 500 foot radius of three or more establishments holding on premises liquor licenses and has not been continuously licensed since November 1, 1993 and the population is over 20,000 you must, **ATTACH A WRITTEN STATEMENT EXPLAINING IN DETAIL WHY YOU BELIEVE ISSUANCE OF THE LICENSE WOULD BE IN THE PUBLIC INTEREST.**

FAILURE TO SUBMIT THIS INFORMATION MAY RESULT IN DISAPPROVAL OF THE LICENSE APPLICATION.



OP Establishments within 500' of 22 Battery Place

Name	Address	Approx. Distance
STATE CRUISES LLC	CASTLE CLINTON @ BATTERY PARK	110 ft
GIGINO AT WAGNER PARK LLC	20 BATTERY PLACE	135 ft
RITZ CARLTON HOTEL COMPANY LLC	2 WEST STREET	180 ft
STATE CRUISES LLC	CASTLE CLINTON @ BATTERY PARK	190 ft
STATE CRUISES LLC	CASTLE CLINTON @ BATTERY PARK	260 ft
FOREMOST GLATT KOSHER CATERERS	36 BATTERY PLACE	420 ft

500' Rule Statement

Issuing Pier A Battery Park Associates LLC an On Premises liquor license would serve the public convenience and advantage for a number of reasons. First and foremost, the principals on this application are experienced operators, with multiple successful establishments in this neighborhood. Second, the building the establishment is housed was empty & unused for a number of years, and is now being restored to conserve its historical architecture and serve as a destination for locals and tourists alike. Lastly, the success of this business means more jobs, and more city & state tax revenue.

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date

**STATEMENT OF AREA PLAN
200 Foot Law**

THIS QUESTION MUST BE ANSWERED BY ALL APPLICANTS REGARDLESS OF LICENSE TYPE

1. List the name, address and distance from the premises to ANY SCHOOL, CHURCH or PLACE OF WORSHIP WITHIN 300 FEET
2. Is the premises within 200 feet of ANY SCHOOL, CHURCH or PLACE OF WORSHIP? YES
(Exclusive use as a church or place of worship will be determined by this agency)
(Please respond "YES" if ANY school, church or place of worship is within 200 feet) NO
3. Submit a BLOCK PLOT DIAGRAM (aerial view of the building, with nearby businesses/residences labeled) showing the location of any school, church or place of worship (8.5" x 11")

Indicate the distance in feet from the entrance of the proposed premises to the closest entrance of any school, church or place of worship.

Attach additional sheets if necessary.

ATTACH A STATEMENT INDICATING HOW THESE MEASUREMENTS WERE TAKEN

1. Name of church/school:	N/A
Address:	
Distance:	
2. Name of church/school:	
Address:	
Distance:	
3. Name of church/school:	
Address:	
Distance:	

For assistance use the GIS Maps - LAMP* (Liquor Authority Mapping Project) system which is available on our website.

If applying for a full liquor license (beer, wine and liquor) and the premises is within 200 feet of a school, church or place of worship, the application may be denied.

If any discrepancy in the measurements is brought to the attention of the Authority during the examination of the application, it may be necessary for the applicant to supply a certified survey showing the actual measurement from the premises to the closest school, church or place of worship.

~~500 FOOT~~

ESTABLISHMENT QUESTIONNAIRE

In this section you must describe the premises to be licensed. Answer ALL questions completely. Please do not answer "see attached" to any question. Any incomplete answer may delay or prevent the processing of the application.

Helpful Hint: Drawing your diagram and reviewing your photographs may assist you in completing this section. See sample diagrams at the end of this application.

1. Zoning

1a. State what the area is zoned for: Mixed
(ie. Residential, Business Mixed)

1b. If applying for an on premises license does the premises have a **VALID CERTIFICATE OF OCCUPANCY** and **ALL** appropriate permits? YES NO

2. Premises

2a. Describe the type of building in which the premises will be located. Freestanding

2b. Has the building/premises been known by any other address? YES NO

If YES, please specify: 245-331 South End Ave, Pier A; Brooklyn Bridge Pier A

2c. Is there currently or has there ever been an active license to traffic in alcoholic beverages at this location? YES NO Do Not Know

Name of Licensee: N/A License Serial Number: N/A

2d. Are there any disciplinary actions pending against the applicant, current licensee, or prior licensee? YES NO Do Not Know

Any pending disciplinary action may delay a determination on this application or result in the disapproval.

2e. If the location has never been licensed, what was prior use? Vacant

2f. Is any other floor or area of the building currently licensed? YES NO

b. Name of licensee N/A License Serial Number:

continued on next page

Original

Amended

Date

3. Premises (Interior):

3a. List the number of floors of the establishment to be licensed including the basement, if any:

3b. Where is the alcohol stored?

3c. Is there interior access to any other floor(s) or area(s) that will not be part of the premises to be licensed? YES NO
Show the means of access on the interior diagram(s).

3d. Are the premises to be licensed divided in any way, by a public or private passageway, etc., over which the applicant does not have exclusive possession and control? Example: hallway, stairwells, common areas, etc. YES NO

If YES, describe:

3e. How many public bathrooms? If less than two(2) public bathrooms you must request a waiver of the two(2) bathroom rule in writing. Show bathrooms on diagram

3f. List the Maximum Occupancy of the premises

3g. Number of tables: 3h. Number of seats at tables? 3i. Number of seats at bar or counter?

4. BARS:

4a. How many bars* for customers are located on the premises? (*A bar is where customers may order, purchase, or receive alcoholic beverages.)

4b. How many service bars**? (Service bar is for wait staff use exclusively.)

4c. Describe each bar in the fields below:

Bar 1	Bar 2	Bar 3	Bar 4
Bar Type: <input type="text" value="Customer Bar"/>	Bar Type: <input type="text" value="Customer Bar"/>	Bar Type: <input type="text" value="Customer Bar"/>	Bar Type: <input type="text" value="Customer Bar"/>
Length: <input type="text" value="60'"/>	Length: <input type="text" value="36'"/>	Length: <input type="text" value="23.5'"/>	Length: <input type="text" value="17'"/>
Shape: <input type="text" value="Horseshoe (U Shape)"/>	Shape: <input type="text" value="L Shaped"/>	Shape: <input type="text" value="Square/Rectangu"/>	Shape: <input type="text" value="Irregular"/>

Attach additional sheets if needed if there are more than 4 bars.

* please see next page for continuation

Pier A Battery Park Associates, LLC

Page 12, question 4(c), con't:

	Bar 5	Bar 6
Bar Type	Customer Bar	Service Bar
Length	28.5'	13.5'
Shape	Straight/Rectangular	Straight/Rectangular

5. KITCHEN

5a. Does premises have a kitchen? YES NO

If NO, does premises have a food preparation area? YES NO

Show Kitchen or Food Preparation Area on the Interior Diagram.

NOTE: FOOD MUST BE AVAILABLE FOR SALE DURING ALL HOURS OF OPERATION; SUMIT A MENU

5b. Is a chef/cook employed at the premises? YES NO

If YES, list hours of day chef/cook will devote to the premises: All hours of operation

6. HOTEL or BED & BREAKFAST

6a. How many floors? N/A

6b. How many rooms? N/A

6c. For Hotels Only: Is there a restaurant in the building(s) housing the proposed hotel? YES NO

7. OUTDOOR AREAS

7a. Are there any outside areas used for the sale or consumption of alcoholic beverages? YES NO

7b. Check all types that apply: There must be access from the interior of the premises to be licensed to any outdoor area(s) that you wish to license. Show access on diagram.

- Sidewalk Cafe
- Deck
- Patio
- Porch
- Gazebo
- Rooftop
- Yard
- Balcony
- Pavilion
- Tent
- Other

Outdoor Seating area Surrounding Building; Front Yard/Courtyard/Plaza area

7c. Is the outdoor area(s) divided by any public or private passageway or area that the applicant does not have exclusive control? If Yes, how is it divided? YES NO

N/A

7d. How is the outdoor area(s) contained? Check all that apply and show enclosure on diagram.

- Fencing
- Wall
- Shrubbery
- Roofing
- Stanchions
- Other

7e. Is a permit required by locality for outside area(s)? YES NO

If yes, submit a copy of the permit.

Original Amended Date

~~500 FOO~~

METHOD OF OPERATION

This form satisfies Section 110 of the ABC Law requiring that a statement be submitted indicating the type of establishment operated at the premises.

The information provided in this section will be the method of operation you are approved for and will be binding. Should you wish to deviate from this method of operation in any way, you must first apply for and receive permission from the Authority.

1a. Select the type(s) of alcohol you intend to serve at the premises:

- Beer Only
- Beer & Wine Only
- Beer, Wine & Liquor

1b. Select the type(s) of establishment you are applying for from the list below (based upon your intended method of operation):

- Restaurant
- Catering Establishment
- Club (Not For Profit, Fraternal Organization - Members Only)
- Bar/Tavern
- Arena / Ball Park / Stadium
- Sports Bar
- Country Club / Golf Course
- Cabaret
- Night Club / Dance Club
- Adult Entertainment
- Bed & Breakfast
- Hotel
- Other (Explain)

2. Will any other business of any kind be conducted in said premises? YES NO

If YES, provide details on a separate sheet.

3. Will premises have music? YES NO

3a. If yes: LIVE RECORDED DJ JUKE BOX KARAOKE

4. Will the premises permit dancing? YES NO

4a. If YES, and are located in NYC, do you have a Cabaret permit issued by the City of New York?

YES NO PENDING

If Yes, submit a copy of the permit. If Pending, a copy must be submitted prior to issuance of the license.

4b. If dancing is permitted, who will be permitted to dance?

Patrons Employees for entertainment Both

4c. If YES, will there be exotic dancing including, but not limited to, topless entertainment, pole dancing and/or lap dancing?

YES NO

5. Will there be topless entertainment?

YES NO

continued on next page

N/A

Original Amended Date

6. Will the business employ a manager? YES NO

6a. If NO, will principal(s) manage? YES NO

7. How many employees? (Excluding principals and security personnel.)

220

7a. If answer is "0" provide explanation.

N/A

NYS Law requires businesses to carry workers' compensation and disability insurance.

(see instructions)

If applied for and pending, please indicate.

Workers Compensation Carrier Name and Policy Number: Pending

Disability Insurance Carrier Name and Policy Number: Pending

Security personnel you hire may be required to be registered in accordance with NYS Security Guard Registration. Please contact the NYS Department of State to obtain information.

8. Will there be security personnel? YES NO 7a. If YES, how many? Varying, Per event

8b. If Yes, are they registered in accordance with New York State Security Guard Registration? YES NO

If NO explain: (ie, Not Required)

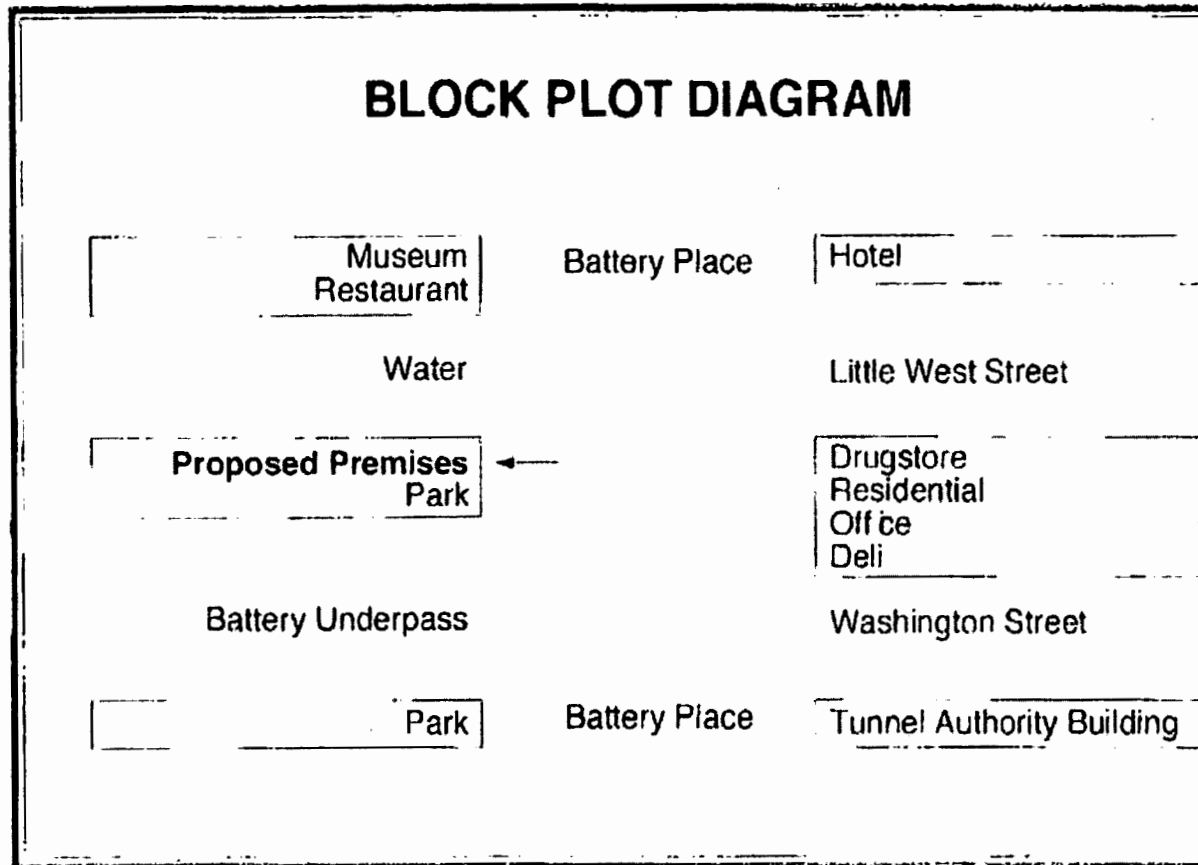
9. Provide a detailed plan of supervision for the premises to be licensed. Attach additional sheets if necessary

Establishment will be supervised and managed at all times by a principal, manager, or both. All staff members will be TIPS- and/or A:AP-trained, and will be trained on responsibility and awareness practices.

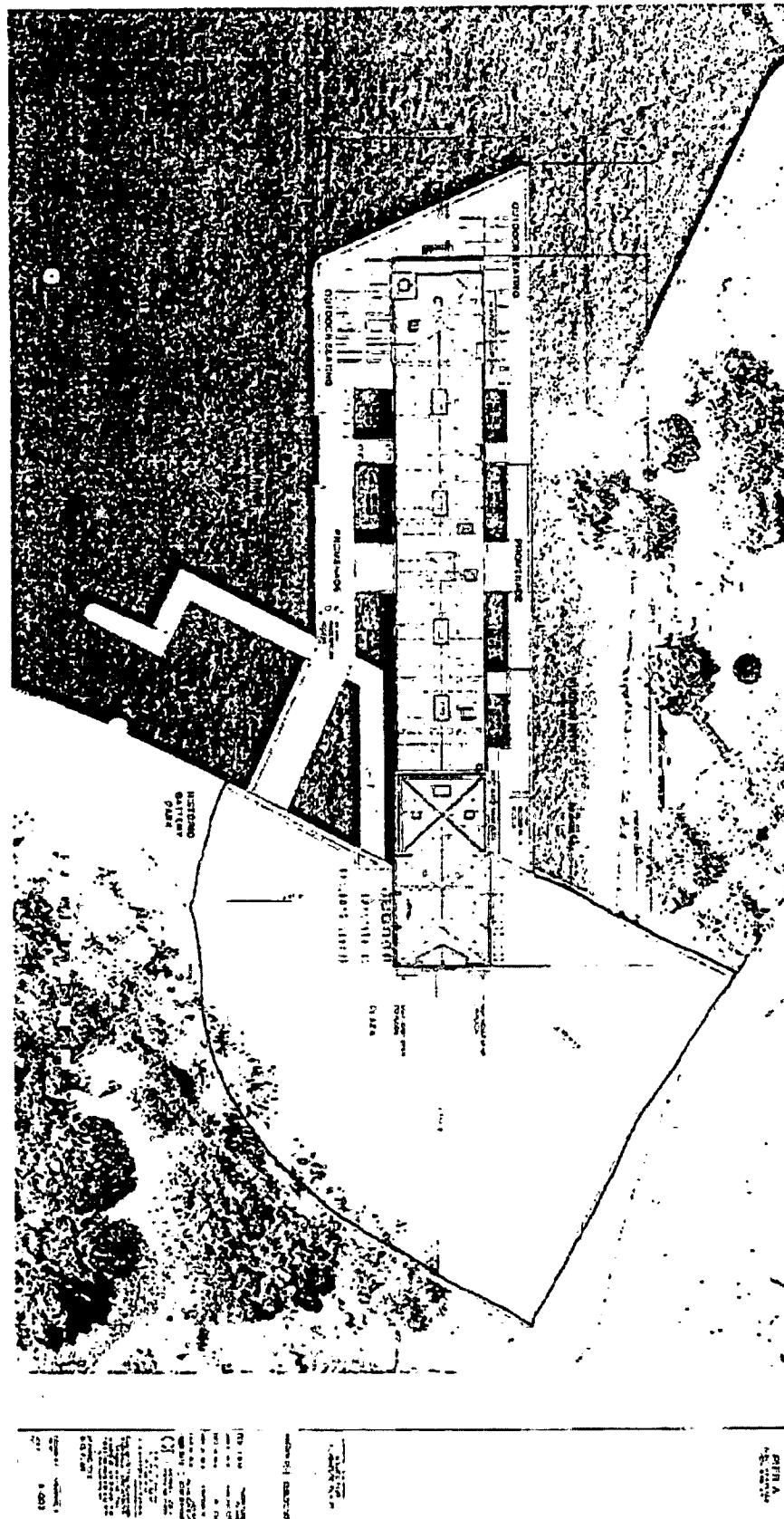
ALCOHOLIC BEVERAGES MAY ONLY BE CONSUMED, SOLD OR GIVEN AWAY DURING THE HOURS APPROVED BY THE COUNTY WHERE THE PREMISES IS LOCATED UNLESS FURTHER RESTRICTED BY THE AUTHORITY

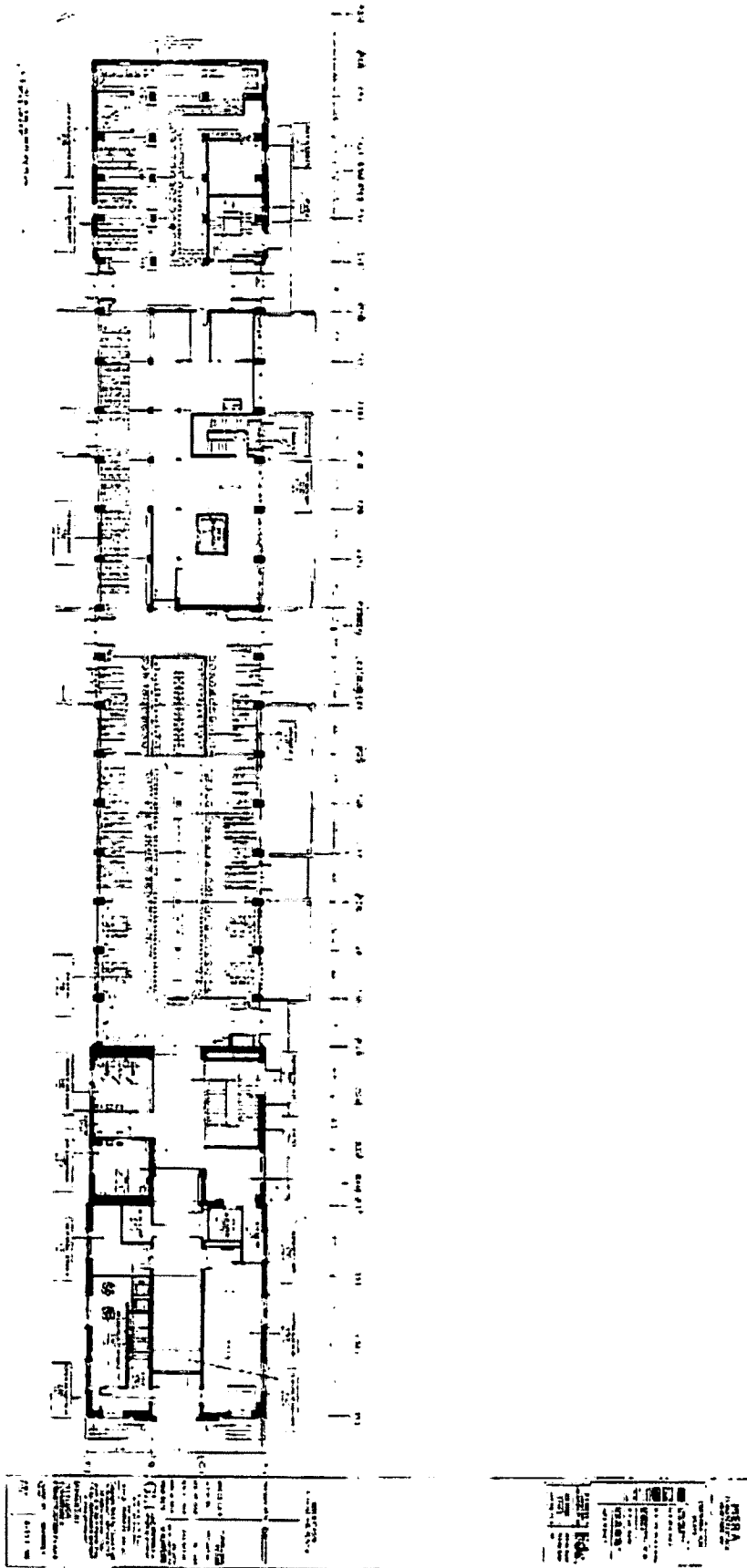
PIER A

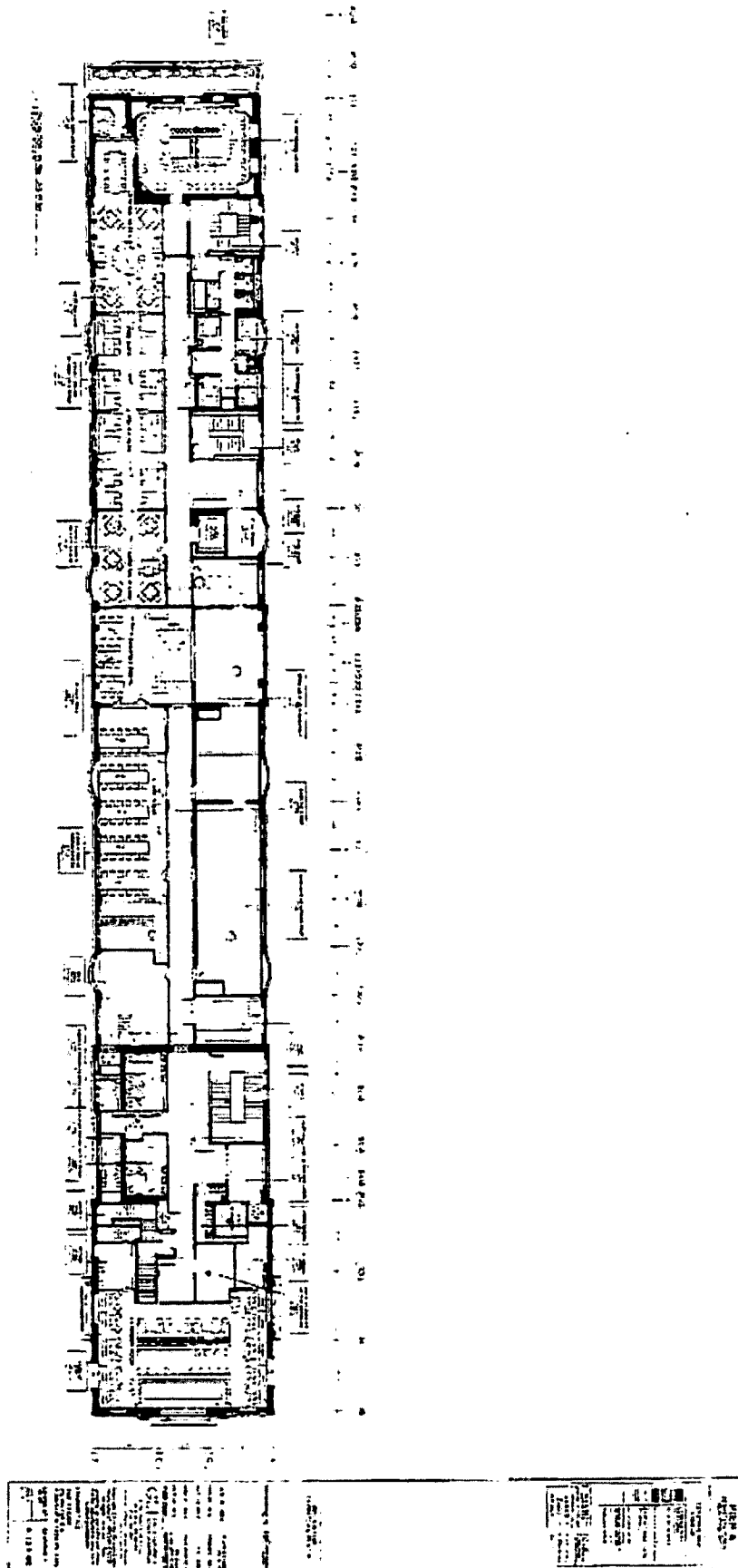
BLOCK PLOT DIAGRAM

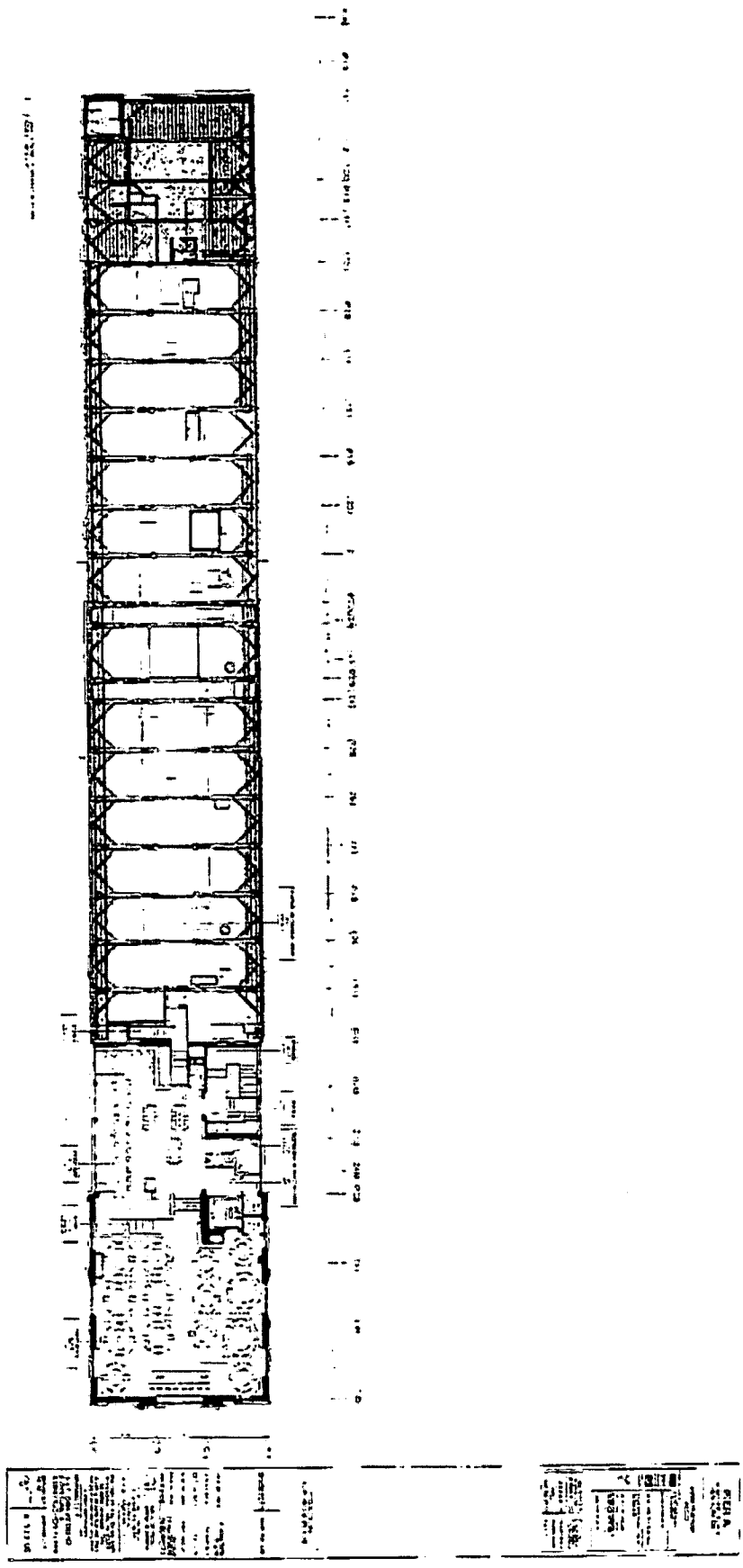


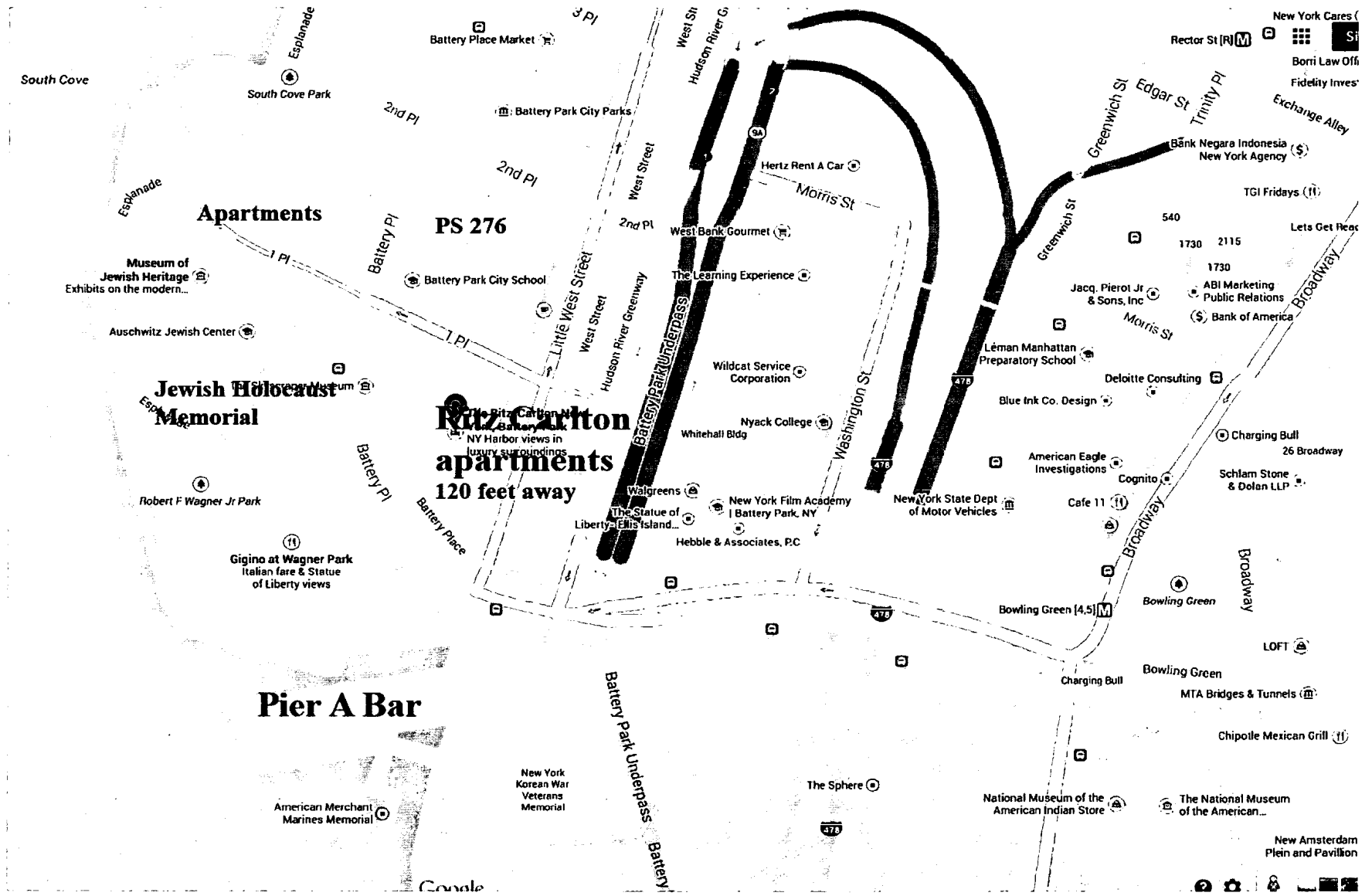
February 27, 2014

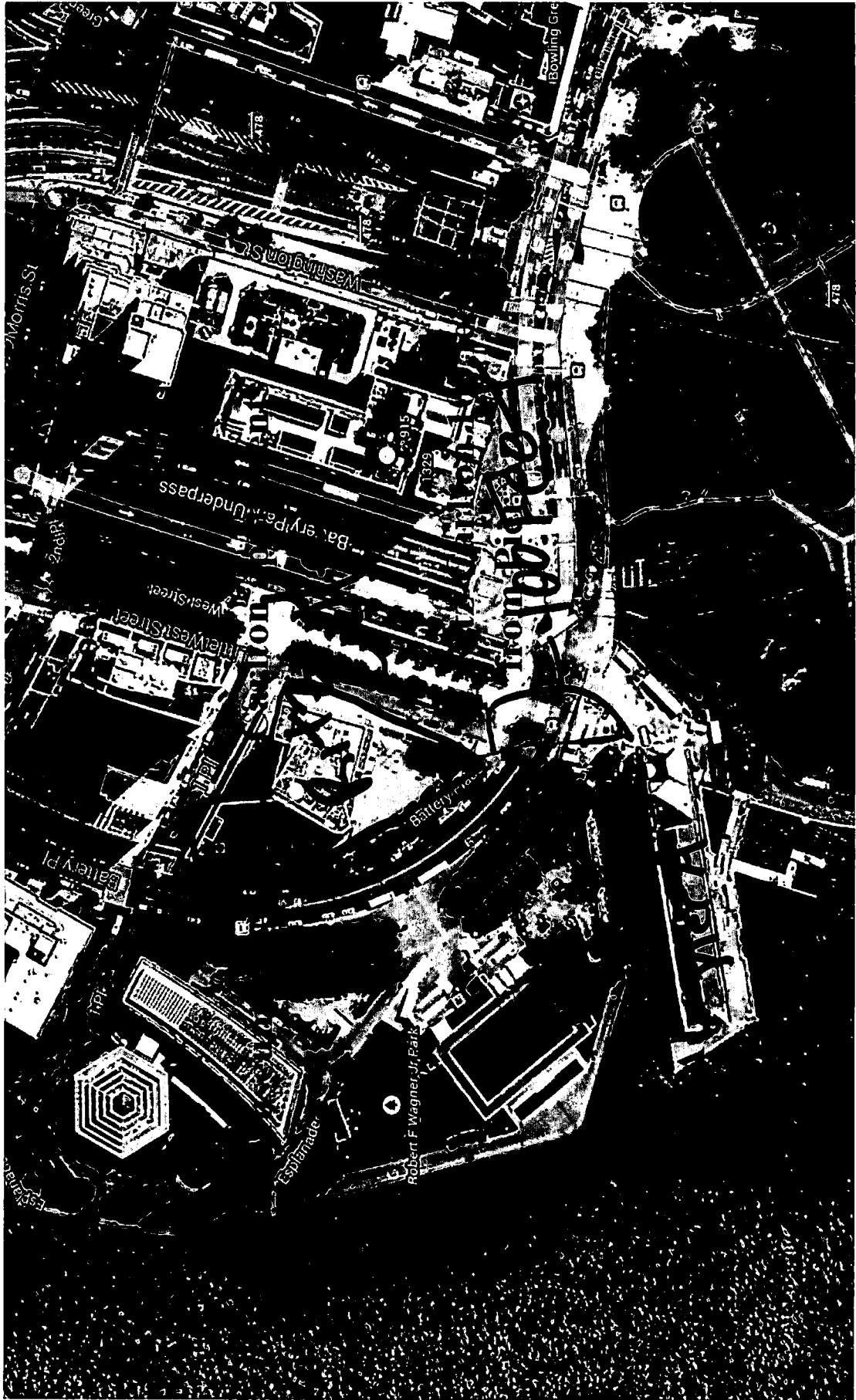












actual distances

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NEW YORK STATE LIQUOR AUTHORITY
500 FOOT HEARING REPORT

Serial No.: New CR 1277555
Applicant: Pier A Battery Park Associates, LLC
Trade Name:
Address: 22 Battery Place, New York, NY 10280
Comm. Board / Municipality: Manhattan Community Board No. 1
Hearing Date: April 24, 2014
Calendar No.: 2013-180

Appearances:

For the Applicant: Mr. Joseph Levey, Esq., Mr. Daniel McDonald and Ms. Maegan O'Malley appeared on behalf of the Applicant. All were sworn. Ms. Ally Colvin was present but did not participate. She was not sworn.

For the Community Board / Municipality: No one appeared on behalf of Manhattan Community Board No. 1 **[IT IS NOTED THAT THE COMMUNITY BOARD APPROVED THE ISSUANCE OF THIS LICENSE SUBJECT TO CERTAIN CONDITIONS AGREED TO BY THE APPLICANT. (AUTHORITY EXHIBIT NO. 2)**

Opposition: Dr. Steven Greer, MD and Mr. Todd Golub appeared in opposition to the issuance of this license. Both were sworn.

NOTE: DR. GREER'S OPPOSITION IS SET OUT IN METICULOUS DETAIL IN A WELL WRITTEN AND RESEARCHED MEMORANDUM TO CHAIRMAN ROSEN. (OPPOSITION EXHIBIT NUMBER 1)

SYNOPSIS:

THE AREA SURROUNDING PIER A AT BATTERY PARK HAS BEEN "DEAD" FOR A NUMBER OF YEARS. AUTHORITIES IN THE FEDERAL, STATE AND CITY GOVERNMENTS JOINED IN AN EFFORT TO REVITALIZE THE AREA. (SEE, EXHIBIT A, OPPOSITION EXHIBIT NO. 1)

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PIER A IS ON THE NATIONAL REGISTER OF HISTORIC PLACES AND IS A NEW YORK CITY LANDMARK. MR. LEVEY STATED THAT PIER A IS OF HISTORICAL SIGNIFICANCE BEING "THE LAST STANDING ORIGINAL PIER IN NEW YORK CITY." PART OF THE REVITALIZATION WAS TO CREATE A VISITORS' CENTER, MUSEUM, AND EATING AND CATERING ESTABLISHMENTS. WITH REGARD TO THE CURRENT APPLICATION, PRINCIPALS OF THE APPLICANT WERE INVITED TO SUBMIT A "REQUEST FOR PROPOSAL," WHICH EVENTUALLY RESULTED IN THE APPLICATION AT ISSUE.

Preliminary Statement

The above-referenced matter is an application for a license to sell liquor, wine and beer at retail for consumption on premises (an "on-premises" license). Generally, an application for an on-premises license will be approved by the State Liquor Authority unless there is good cause to deny the application.¹ However, for premises located within 500 feet of three other establishments operating with on-premises licenses, the Authority may only issue an on-premises license if the Authority makes an affirmative finding that granting such license would be in the public interest.² As part of that determination, the Authority must consult with the municipality in which the establishment is located and conduct a hearing.³

To determine whether granting the license would be in the public interest, the Authority may consider the following factors: the number of licenses near the location; whether the necessary permits have been obtained; the effect that granting the license would have on vehicular traffic and parking near the location; the existing level of noise at the location and any increase in noise that would be generated by the premises; and the history of liquor violations and reported criminal activity at the premises.⁴ The Authority may also consider any other relevant facts to determine whether the public interest of the community would be served by granting the license.

¹ See, e.g., Alcoholic Beverage Control Law § 64(1).

² See Alcoholic Beverage Control Law §§ 64(7)(b) and (f), 64-a(7)(a)(ii) and (d), 64-b(5)(a)(ii) and (c), 64-c(11)(a)(ii) and (c), and 64-d(8)(b) and (e).

³ In the City of New York, the municipality is represented by the local Community Board with jurisdiction over the area where the establishment is located.

⁴ Alcoholic Beverage Control Law § 64(6-a)

NEW YORK STATE LIQUOR AUTHORITY
500 FOOT HEARING REPORT

A Hearing was conducted for the above-referenced matter on April 24, 2014, at the offices of the Authority, 317 Lenox Avenue, New York, NY 10017. Notice of the Hearing was sent to the applicant and the municipality. In addition, the Authority's website includes a calendar of all 500 Foot Hearings. The Hearing was open to the public.

Proposed Licensed Premises and Arguments in Support of Application

Submitted as part of the hearing record are copies of the 500 Foot Law Statement, Statement of Area Plan, Method of Operation and Establishment Questionnaire forms included in the application. A public interest statement is included in the application. (Authority Exhibit No. 1)

Messrs. Levey and McDonald stated that the issuance of this license is in the public interest, in part, because principals of the Applicant were specifically invited by government authorities to submit a proposal for a visitors' center / museum / eating / catering establishment / public place at Pier A. This resulted in numerous meetings with government officials and the Community Board; eventually culminating in the application for this license. Mr. Levey stated that principals of the Applicant were approached for their proposal because of their substantial successful experience in licensed eating and drinking establishments. (These individuals and the establishments they are licensed in are set out in detail in Exhibit D of Opposition Exhibit No. 1)

The premises will have 3 floors. The first floor will provide casual dining opportunities for the public. The 2nd floor will consist of a number of white tablecloth dining rooms with different NYC historical motifs—police department, fire department, etc. The 3rd floor will consist of a catering facility for private events only. The total capacity of the facility is 1,175. Throughout the facility there will be a total of 115 tables with 697 seats for patrons. There will be a total of 5 bars with 161 seats. There will be live and recorded music and a DJ. Dancing will not be permitted. [IT IS NOTED THAT THE APPLICANT SPECIFICALLY STATED AT THE HEARING THAT THERE WILL NOT BE ANY SPEAKERS OUTSIDE OF THE

NEW YORK STATE LIQUOR AUTHORITY
500 FOOT HEARING REPORT

BUILDING, AND THAT IT WILL NOT OPERATE A BEER GARDEN. HOWEVER, THERE IS NO STIPULATION WITH THE COMMUNITY BOARD TO THIS EFFECT. THE APPLICANT ALSO INFORMED THE COMMUNITY BOARD THAT IT PLANS TO APPLY FOR A (NYC) CABARET PERMIT IN THE FUTURE.] There will be outdoor service surrounding the building and in the front yard / court yard / plaza area. The Applicant also intends to serve alcohol from 7:00 AM to 4:00 AM daily, for 6 months, at which time it will seek approval from the Community Board for these hours on a permanent basis.

IT IS NOTED THAT THIS APPLICATION IS FOR A NY STATE CABARET LICENSE PURSUANT TO ALCOHOLIC BEVERAGE CONTROL LAW, SECTION 64-d. MR. LEVEY STATED THAT THE APPLICANT DOES NOT INTEND TO OPERATE A NIGHTCLUB AND DANCING WILL NOT BE PERMITTED. HE STATED THE REASON FOR APPLYING FOR A NY STATE CABARET LICENSE IS BASED ON THE MAXIMUM OCCUPANCY OF THE PREMISES, WHICH IS IN EXCESS OF 600. NOTWITHSTANDING THIS, HOWEVER, THE APPLICANT INTENDS TO EVENTUALLY APPLY FOR A NY CITY CABARET PERMIT.

Position of the Community Board

The Community Board did not appear at this hearing although it was properly notified. **The Community Board resolved to oppose the issuance of this license unless the Applicant agrees to comply with certain conditions. The Applicant has agreed. (Authority Exhibit No. 2)**

Argument in Opposition to the Application

Mr. Golub withdrew his opposition based on the Applicant's assurances that the outdoor plaza will not be used as a beer garden, and that there will be no music outdoors.

Dr. Greer stated that he attended numerous public meetings / hearings regarding this application, including the Community Board hearing that culminated in the March 25, 2014 Community Board resolution. (Authority Exhibit No. 2) Dr. Greer stated that although he was at that meeting the Community Board would not let him speak. He stated, however, that he submitted a copy of the memorandum,

NEW YORK STATE LIQUOR AUTHORITY
500 FOOT HEARING REPORT

which is Opposition Exhibit No. 1, to the Community Board for their consideration.

Dr. Greer is vehemently opposed to the issuance of this license and has expressed his opposition in a well-researched, written, detailed memorandum to Chairman Rosen. (Opposition Exhibit No. 1) Dr. Greer's opposition is based, in part, on fears, contrary to the Applicant's assertions, that:

the Applicant will eventually operate "...the largest nightclub in all of Manhattan;"

the Applicant will use the outdoor plaza as a beer garden;

the proposed operating hours will be a detriment to the quality of life for the residents of the area, including traffic issues.

The remaining concerns of Dr. Greer, including his allegations regarding impropriety in the regulatory process in this matter, are set out in detail in his memorandum.

Recommendation

As noted above, the application cannot be approved unless the Authority finds that issuing the license would be in the public interest.

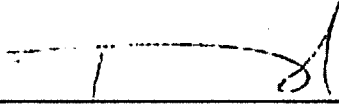
The applicant has agreed to abide by a number of conditions proposed by the Community Board to address the municipality's concerns regarding the issuance of this license. Those conditions would become part of the approved method of operation if this license is issued, and the applicant would be subject to disciplinary action or possible non-renewal of the license if it failed to comply with the approved method of operation. I have considered the arguments made in opposition to the application. IT IS NOTED IN THIS REGARD THAT THE FOLLOWING ASSERTIONS OF THE APPLICANT ARE NOT INCLUDED IN THE CONDITIONS SET BY THE COMMUNITY BOARD:

NEW YORK STATE LIQUOR AUTHORITY
500 FOOT HEARING REPORT

- . THERE WILL BE NO MUSIC, INCLUDING SPEAKERS,
OUTDOORS;
- . THERE WILL BE NO DANCING;
- . THERE WILL BE NO "BEER GARDEN" OUTDOORS

Based on the record before me, I recommend that the application be referred to the Deputy Commissioner of Licensing for a determination as to whether the issuance of this license would be in the public interest or whether to refer this application to the full SLA Board for that determination.

Dated: April 30, 2014.



Raymond Di Luglio
Administrative Law Judge

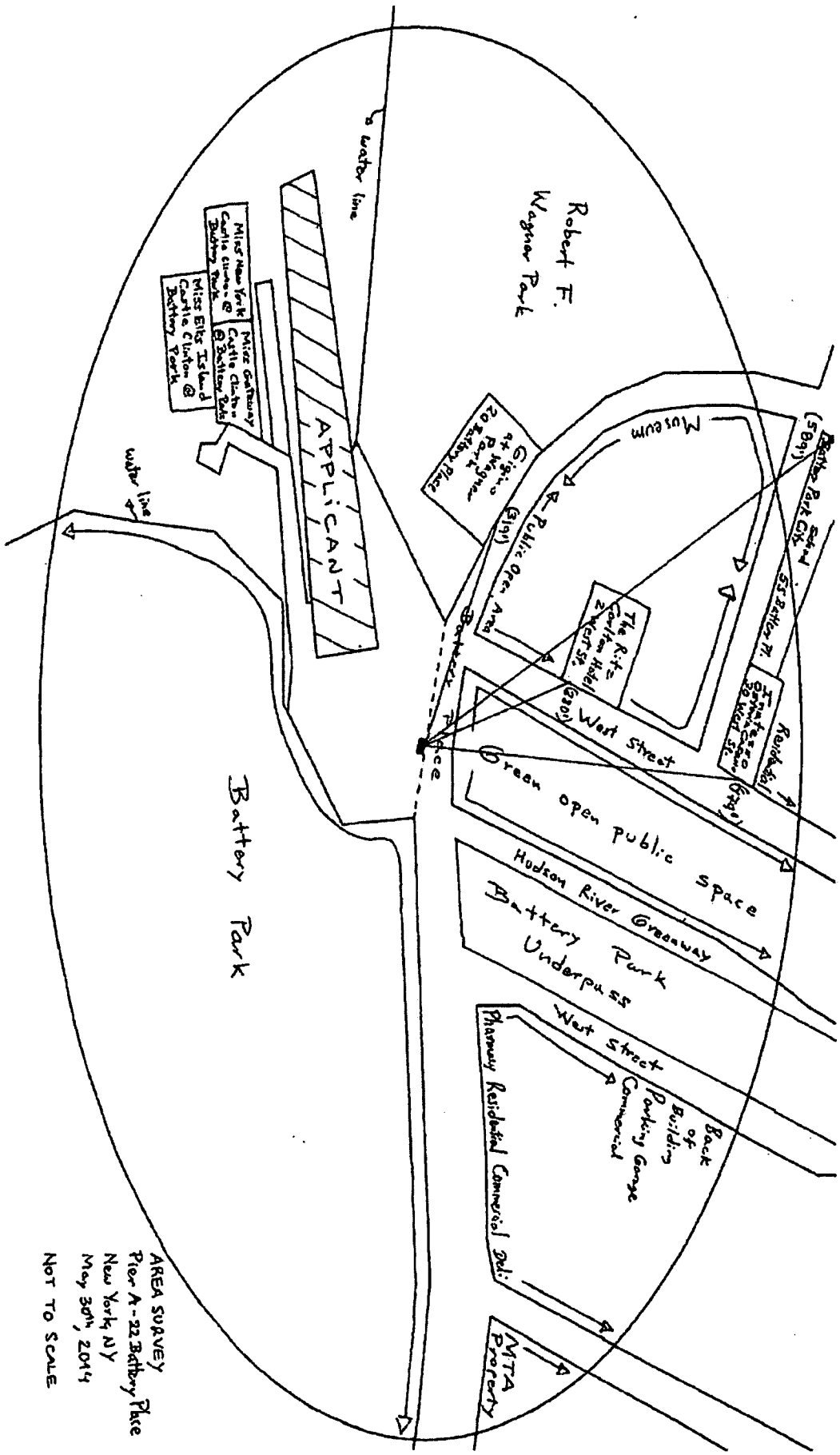
EXHIBITS:

Applicant Exhibit No. 1—Questionnaire

Authority Exhibit No. 1—Application Documents

Authority Exhibit No. 2—Community Board's Resolution

Opposition Exhibit No. 1—Dr. Greer's Memorandum to Chairman Rosen



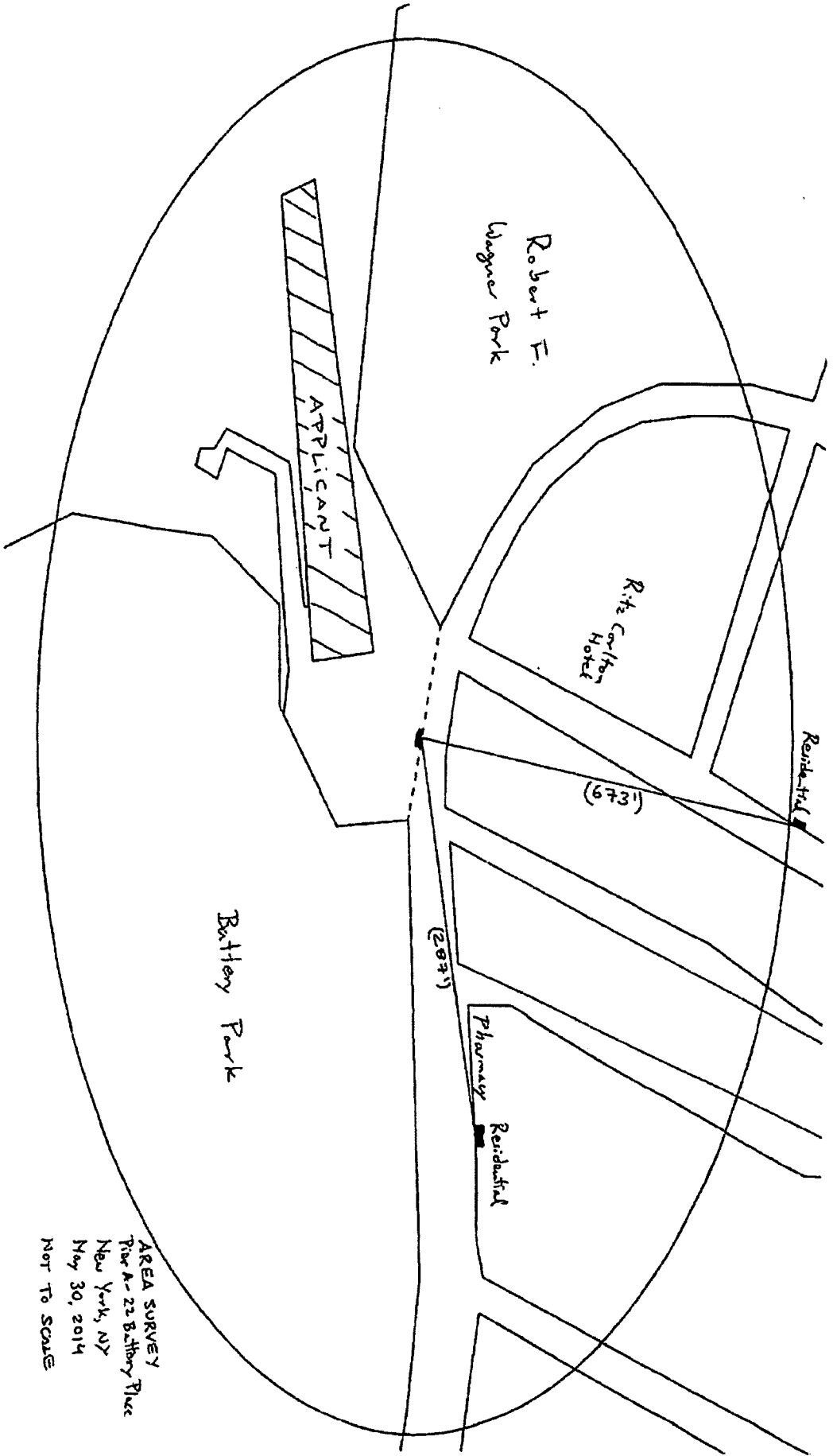
AREA SURVEY
 Prior A-22 Battery Place
 New York, NY
 May 30th, 2014
 NOT TO SCALE

Re: Pier A - 22 Battery Place

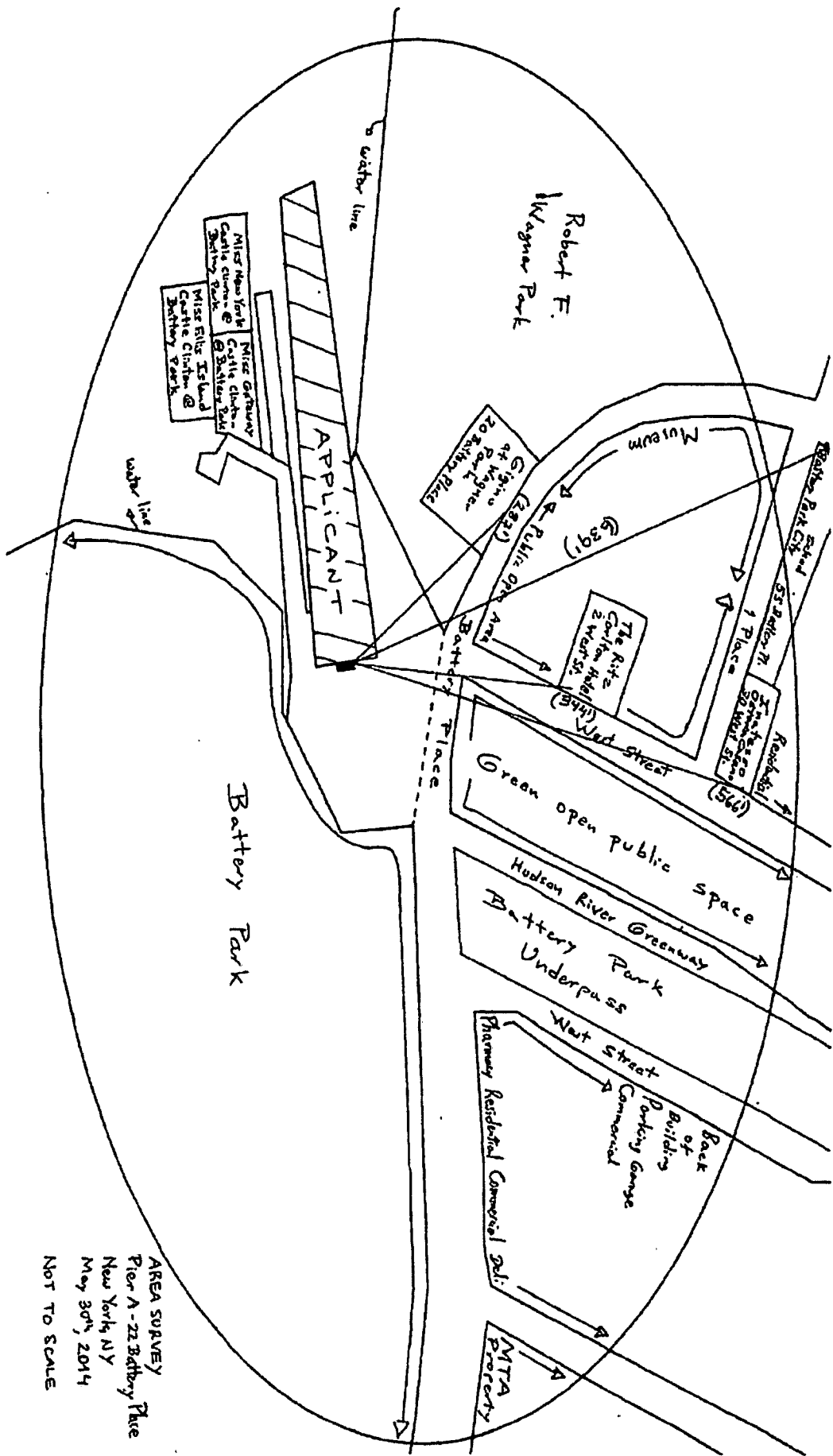
1. Gigino at Wagner Park - 20 Battery Place - (319')
2. The Ritz Carlton Hotel - 2 West Street - (280')
3. Miss New York - Castle Clinton @ Battery Park - Not present
4. Miss Gateway - Castle Clinton @ Battery Park - Not present
5. Miss Ellis Island - Castle Clinton @ Battery Park - Not present
6. Inatesso Osteria Casano - 30 West Street - (479')

Schools & Churches

1. Battery Park City School - 55 Battery Place - (589')
2. Church of Our Lady of the Rosary - 7 State Street - (21,191')



AREA SURVEY
 Pier A-22 Battery Place
 New York, NY
 May 30, 2014
 NOT TO SCALE



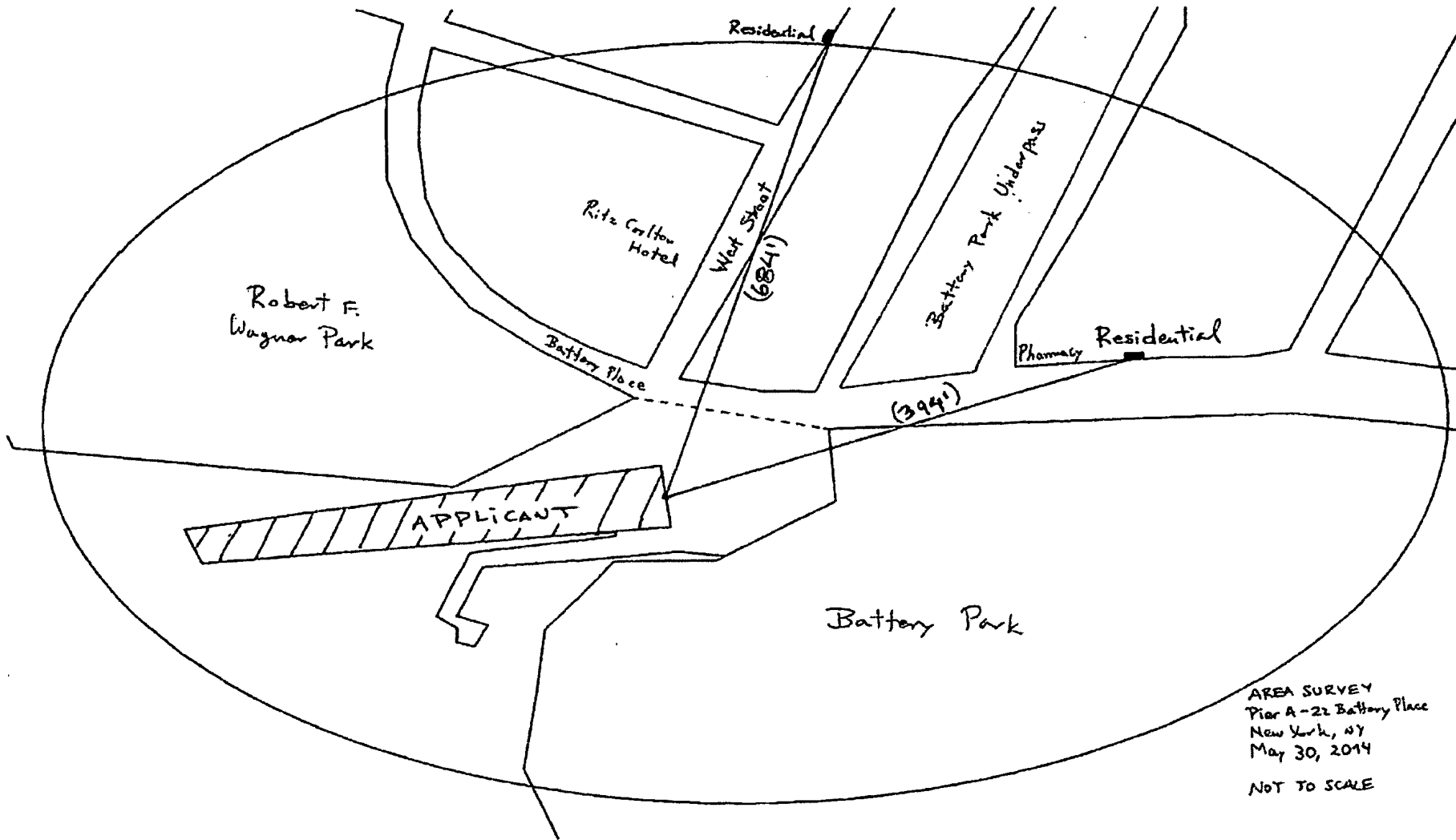
AREA SURVEY
 Pier A-22 Battery Place
 New York NY
 May 30th, 2014
 NOT TO SCALE

Re: Pier A - 22 Battery Place

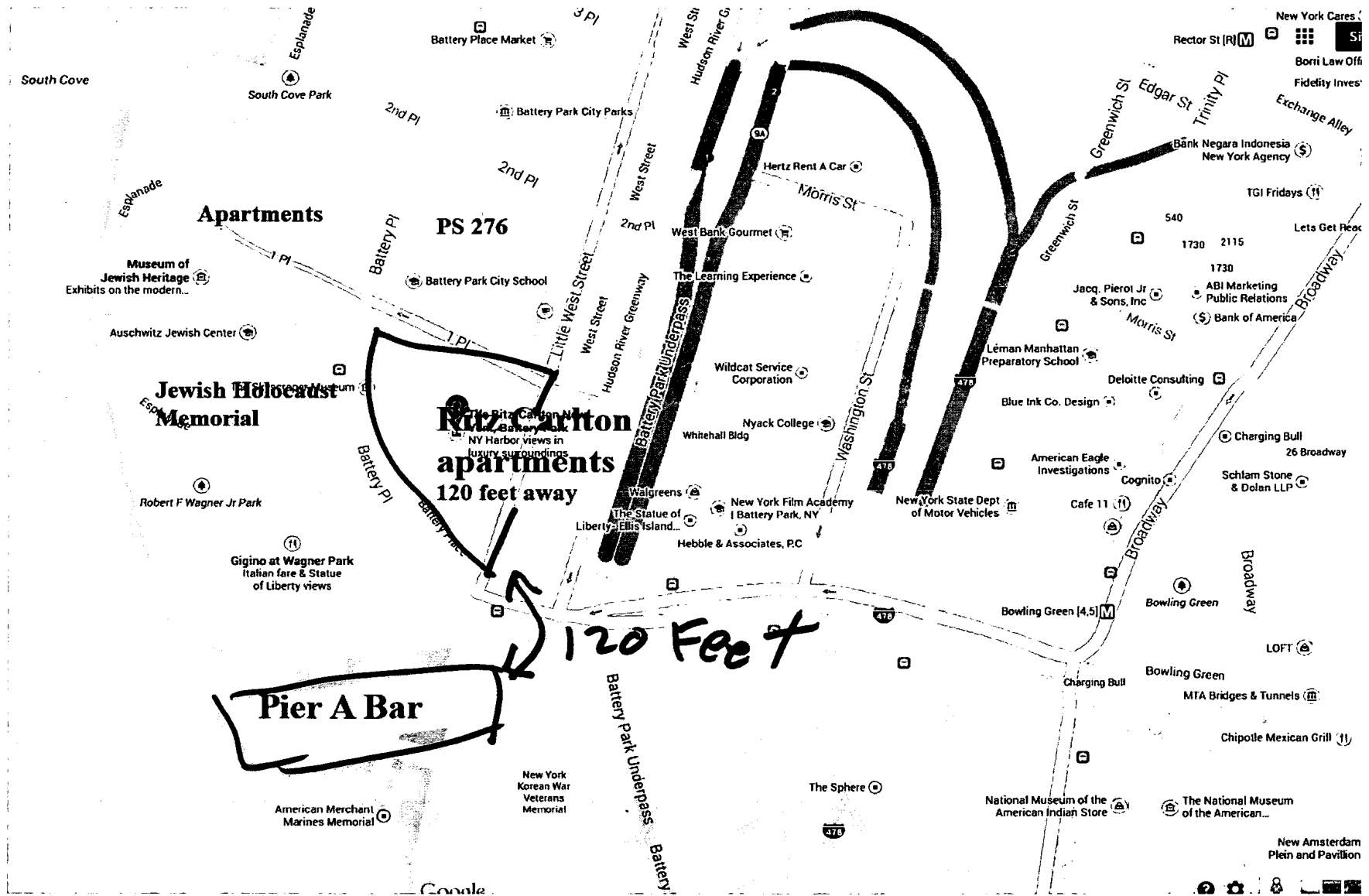
1. Gigino at Wagner Park - 20 Battery Place - (287')
2. The Ritz Carlton Hotel - 2 West Street - (344')
3. Miss New York - Castle Clinton @ Battery Park - Not present
4. Miss Gateway - Castle Clinton @ Battery Park - Not present
5. Miss Ellis Island - Castle Clinton @ Battery Park - Not present

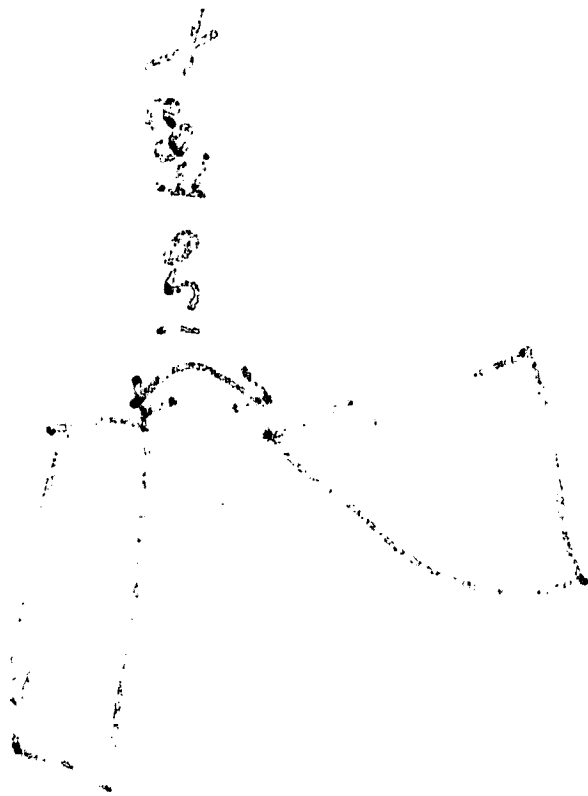
Schools & Churches

1. Battery Park City School - 55 Battery Place - (634')
2. Church of Our Lady of the Rosary - 7 State Street - (21,217')

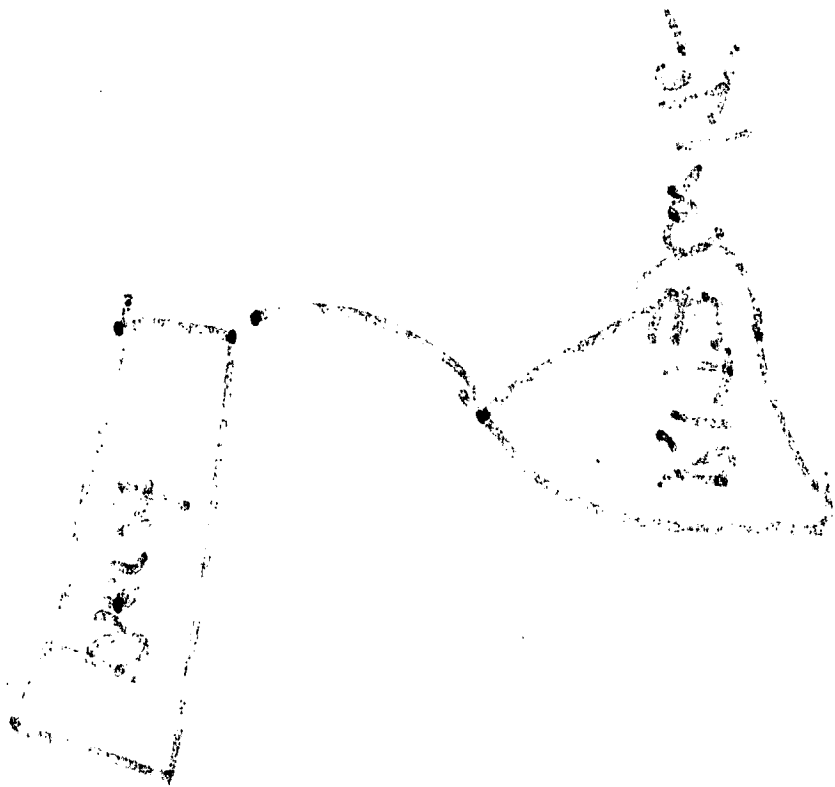


AREA SURVEY
Pier A-21 Battery Place
New York, NY
May 30, 2014
NOT TO SCALE









Placeholder, awaiting transcripts

**Residents opposed to 4:00 AM cabaret liquor license
for the Pier A bar in Battery Park City**

to: Dennis Rosen

Commissioner of The New York State Liquor Authority
317 Lenox Avenue
New York, NY 10027
(518) 474-3114
dennis.rosen@sla.ny.gov

from: Steven E. Greer, MD

Resident of Battery Park City
Founder and CEO of BatteryPark.TV
200 Rector Place, 35F
New York, NY 10280
steve@batterypark.tv
(212) 945-7252

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

1. I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating the to quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks.
2. The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be **the largest nightclub in all of Manhattan, with a seating capacity of 1,175**, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 Am to 4:00 AM (which is 22-hours-a-day) .
3. Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.
4. If the SLA grants this application, it will be setting a dangerous precedent.

5. The historic Pier A renovation has a long and sordid history of failure. Finally, after decades of mismanagement by the New York City Economic Development Corporation (NYCEDC), the State's BPCA assumed control of the project. All told, well **more than \$35 Million of taxpayer dollars has been spent to get Pier A to the state that it is now, ready for public use. I emphasize "public use"** because that has been the mission all this time.
6. Prior to the BPCA assuming control of Pier A, the New York State Parks department gave a **\$3.2 Million grant to the NYCEDC to build a "Visitor Center" at Pier A (see Exhibit A)**. The city wound up squandering those funds. An agreement was then made, that if the BPCA would build the visitor center instead, then the city would not have to repay the \$3.2 Million (see **Exhibit B**).
7. The Poulakakos team is making a sham of this visitor center. You can see in their blueprints attached to the liquor application that they intent to merely put some historical pictures on the wall of Pier A and call this a "visitor center". We have learned that they will not even allot actual floor space to this so called "Visitor Center". **This will be a clear violation of the agreement the state made, and therefore a misappropriation of state funds.**
8. Another planned use for Pier A considered by the BPCA was to make it the permanent location for security screening of passengers boarding the Statue of liberty ferry boats. This process now takes place inside tents in Battery Park. Pier A could still be used for something related to the Statue of Liberty, which would be a more proper use of state taxpayer dollars.
9. The Chairman and CEO of the BPCA, Dennis Mehiel, is aware of the Pier A plans and seems to be comfortable with this bait and switch scam. We urge the State of New York to investigate this entire matter. Misappropriation of state funds could be about to take place. Mr. Mehiel is currently under investigation by Homeland Security and New York's JCOPE (see **Exhibit C**). We have alerted Governor Cuomo's staffer Howard Glaser and others.
10. After the BPCA assumed control of Pier A, when it came time for the BPCA to choose an operator for Pier A, the BPCA did not properly discuss the plans during the open public meeting. An RFP process was somehow awarded to the Poulakakos family.
11. As a result, the Poulakakos family was given a tremendous gift by the community. They are now rewarding that community by trying to deceive the Community Board 1 with bait and switch tactics that resulted in an invalid CB1 vote on a resolution that is virtually irrelevant to the actual liquor license application.

The CB1 Questionnaire is inaccurate

12. On February 27th of 2014, the Poulakakos group submitted false statements to the CB1 in the form of a liquor license "questionnaire" (see **Exhibit D**). They stated that there were no other establishments with liquor licenses within 500-feet of Pier, which was false.
13. In the same questionnaire form to CB1, the Poulakakos team wrote the number "zero" to the answer, "How many residential buildings are there across the street?". In fact, the Ritz-Carlton condo and hotel is less than 200 feet away, in clear view. It seems unlikely that this was an innocent mistake.
14. In the same questionnaire form to CB1, it requires a public notice of the CB1 meeting. There were no announcements or ads placed. There were no meetings with apartment building boards, to our knowledge. This is crucial, because the March 4th CB1 meeting was not attended by many people from the community. Less than three people, if that many, were there for the Pier A matter.
15. In the same questionnaire form to CB1, they misrepresent the capacity as 1,000 people. In fact, it is 1,175 people in the final SLA application.

Opposition from the community

16. Peter Poulakakos, his father Harry, and his various employees, have made numerous presentations before the CB1 over the last two years. CB1 members, such as George Calderaro, Tammy Meltzer, Anthony Notaro, and others, have all expressed concerns about the Pier A becoming a loud private restaurant rather than a true public space. CB1 member John Fratta has gone further, calling the assignment of Pier A to the Poulakakos family for a private restaurant and bar, rather than making it an Italian museum, a "slap in the face to the Italian community."
17. At no point during the numerous presentations over the years did Peter Poulakakos mention that he wanted Pier A to be allowed to serve alcohol until 4:00 AM. Only on the final presentation on March 4th, 2014, were the actual intentions of the Poulakakos family revealed. Few people in the community knew of these plans, therefore, few people attended the CB1 meetings. As described above, this was because the meeting was not publicized well by Poulakakos or the CB1.

Community Board seemed to be complicit

18. **This entire CB1 process violated the New York Open Meetings laws.** The actual public meetings of the CB1 were nothing but planned Kabuki Theater orchestrated by illegal private meetings of the CB1. The BPC subcommittee of CB1 heard the

presentation by the Poulakakos team on March 4th, 2014. Then, the full CB1 voted on March 25th to approve the resolution. The outcome of those meetings was largely influenced by, and predetermined by, the illegal powwows held in private before the open meetings.

19. Moreover, CB1 members that had stated publicly many times that they opposed Pier A plans as a bar and docking station for booze cruises suddenly made a 180-degree turn and became supporters on March 4th. Of note, the timing of the Pier A resolution vote was days before the decision by the Manhattan Borough President to renew CB1 memberships. CB1 members could very easily have been intimidated to vote for the Pier A SLA application if they thought that they might not be renewed as CB1 board members when the April announcement by the Manhattan Borough President was made.

The Community Board resolution is invalid

20. Because of the misleading portrayal of the plans for Pier A by the Poulakakos group, the CB1 resolution (see **Exhibit E**) supports a project that significantly differs from the actual Pier A plans. Therefore, the resolution is invalid and should not be construed as community support.
21. The CB1 resolution makes no mention of Pier A being a dance hall with a cabaret license, yet the Poulakakos team intends to apply for a cabaret license. The resolution is only for a catering and banquet hall. Therefore, any future applications for a cabaret license should be denied entirely.
22. The CB1 resolution states that the applicant does not intend to apply for a sidewalk cafe license. That is misleading since there are no "sidewalks" around the pier that just into the Hudson River, surrounded by water on three sides. There is, however a very large newly constructed paved "plaza" to the Northeast of the building. In the liquor application, the Poulakakos team intendeds to request permission to make this a "beer garden" type area. Never was there any hint of a "beer garden" or party/catering use of this plaza space.
23. The BPCA is spending more than \$5 Million to build this new Pier A "Plaza". Gwen Dawson of the BPCA has given many exhaustively detailed presentations of the plaza to CB1, never with any hint of its use for other than as a pathway for the public to reach the parks to the south, and the Statue of Liberty cruises. For the Poulakakos team to quietly try to slip this provision into the application is a "bait and switch" scam.
24. The CB1 resolution states that there are no buildings used exclusively for schools, churches, synagogues, or other places of worship, within 200 feet of Pier A. That too is very misleading. A mere 500-feet straight up Battery Place street is the coveted PS 276 school. The Jewish Museum is less than 300-feet from Pier A. Also, the residential Ritz-Carlton building is less than 200-feet away.

25. The CB1 resolution incorrectly states that there are no other establishments with liquor licenses within 500-feet of Pier A. This is because Peter Poulakakos proudly stated this before the March 4th CB1 meeting. However, this is factually incorrect. In the SLA application completed by Poulakakos, they list six facilities within 500-feet. There are party boat operators, and three are land based restaurants. I have actually counted more than that using SLA website data.
26. The only stipulation in the resolution by the CB1 board is that the Poulakakos team will have to come back to the board in 6-months to be re-approved. This is a toothless measure. Once the Genie is out of the bottle, it will be very hard for the community to revoke this liquor license.

The SLA application is replete with inaccuracies

27. Upon inspection of the actual SLA liquor application (see **Exhibit F**), it too has concerning requests and inaccuracies.
28. Again, as with the CB1 resolution, the Poulakakos team states that no church or school is within 300-feet. As explained above, there is a school and Jewish Museum less than 500-feet away. We estimate that PS 276 is 528 feet away.
29. The maximum occupancy of 1,175 people, with five different bar areas as long as 60-feet, will make Pier the largest restaurant and nightclub in the city. To put this in perspective, large nightclubs in Las Vegas, such as Marquee, only have a 1,000 person capacity.
30. On question 7, "outdoor areas", they check "other", the Poulakakos team describes the "plaza" and "courtyard" as places for serving alcohol. That is the \$5 Million BPCA-constructed plaza that was never meant to be a beer garden. This is an outrageous request by this restaurant team. Tricks like this have eroded trust with the community.
31. On question 7C, "Is the outdoor area divided by any public or private passageway that the applicant does not have exclusive control?", they checked "No". That is untrue, In fact, the main thoroughfare for thousands of tourists a day trying to reach the Battery Park Conservancy and Statue of liberty ferry boats will go right through the plaza that they want to make a beer garden.
32. In the "Methods of Operation" section, the Poulakakos team does not check off "cabaret" or "nightclub", yet they clearly intend to soon apply for those. This is another "bait and switch" scam. They will ease into the community with 4:00 AM closing time, then with little public notice, try to get the extra nightclub and cabaret permissions.
33. The applicants want to have live outdoor music. This is a very quiet residential community with parks. The noise, until 4:00 AM , will be intolerable. BPC residents have

complained about a variety of noise issues far less serious than live outdoor music. There are currently no liquor licenses similar to this approved in all of BPC and Tribeca.

Summary

34. Pier A is a Landmark Historic building that was renovated with more than \$35 Million of taxpayer dollars. The plans for decades have always been to make Pier-A a public space with a "Visitors' Center". The State of New York gave a \$4 Million grant with the express written agreement with the Battery Park City Authority to build a proper visitors' center. **The current plans constitute misappropriation of state funds because a proper visitors' center has not been constructed.**
35. Now, the community has learned, by reading SLA applications and CB1 documents, that the operators of the Pier A facility plan to make it the largest restaurant and nightclub in the city, complete with a beer garden and outdoor live music. The operators hoped to not even have a SLA 500-foot meeting, and to have this outrageous 4:00 AM, 22-hours-a-day, 7-days-a-week, liquor license granted with no one knowing about it.
36. No liquor license remotely like this has ever been granted for an establishment in Battery Park City or Tribeca, to our knowledge. Schools, museums, and thousands of residential apartments are all less than 1,000-feet away from Pier A.
37. For the SLA to grant this application, it would set a dangerous precedent.

Relief and Actions

- 1- I speak for many in the community who were interviewed on April 23rd by CBS 2 local TV and beg of this SLA Board to reject this entire liquor applications and send it all back to the Community Board 1 for a proper vote. The current CB1 resolution is invalid.
- 2- If the SLA declines to take that action, then we beg that it at least restricts to closing hours to 11:00 PM, and opening times to 10:00 AM, with no live outdoor music.
- 3- The \$5 Million BPCA-constructed "Plaza" adjacent to Pier A should not be allowed to serve alcohol and become a beer garden.
- 4- No future applications for nightclub cabaret liquor licenses should be considered.

From: Barbara Ireland [<mailto:BarbaraIreland@luckymail.com>]

Sent: Wednesday, April 23, 2014 9:24 PM

To: dennis.rosen@sla.ny.gov

Cc: jbodine@manhattanbp.nyc.gov; YKitasei@council.nyc.gov; AVarghese@council.nyc.gov; EUGENE.SCHATZ@nypd.org; bp@manhattanbp.org; Michael.Smith@sla.ny.gov; emccabe@ebmccabellc.com; chin@council.nyc.gov

Subject: STOP Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

TO: Dennis Rosen

Commissioner of The New York State Liquor Authority

317 Lenox Avenue New York, NY 10027

(518) 474-3114

dennis.rosen@sla.ny.gov

FROM: Barbara Ireland

19 year Resident/Owner 300 Rector Place, 4C New York, NY 10280

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating the quiet residential community of Battery Park City (BPC) and Battery Park and Wagner Park surrounding parks under the BPC Parks Conservancy since it is going to be a 21 hr. a day nightclub and party boat center **in a historical landmark building**.

The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be the largest nightclub in all of Manhattan, with a seating capacity of 1,175, which does not include an outdoor beer garden. "The plaza" is supposed to be public space. They want this establishment to be open to serve liquor virtually from 7:00 Am to 4:00 AM, 21-hours seven days a week.

Other restaurants nearby have a license that end at 11am to 12 midnight - Gigino at Robert F. Wagner, Jr. Park, Ritz Carlton, Inatteso Pizzabar Casano.

BPC has the lowest crime in the city and it has become the destination of choice for young families, primarily because of the low crime and multiple schools: PS 276, John V. Lindsay Wildcat Academy Charter School (M707), Richard R. Green High School of Teaching 09 - 12, SE, Urban Assembly School of Business for Young Women 09 - 12, SE, Lower Manhattan Community Middle School (M896) 06-08, SE and daycare centers Battery Park Nursery, Preschool of the Americas, Bright

Horizons, BPC Montessori, NY Kids Club that use Wagner Park (and the surrounding BPC parks) on a daily basis..

This will affect The Skyscraper Museum and Museum of Jewish Heritage school trips and transportation and traffic.

This nightclub and party boat center will change the area and our low home values.

See what other residents say:

<http://newyork.cbslocal.com/2014/04/23/residents-fear-beer-garden-will-bring-ruckus-to-battery-park-city/>

BPC/Fidi has thousands of families living nearby. You may not realize the number of residence we have 500 ft. way in the immediate area:

- 1 West Street 494 Apartments
- 10 West Street 113 Condo Apartments plus the hotel
- 20 West Street 280 Apartments
- 21 West Street 324 Apartment
- 30 West Street 234 Condo Apartments
- 50 Battery Place 208 Apartments
- 70 Battery Place 209 Apartments
- 70 Little West Street 247 Condo Apartment
- 2 South End 164 Apartment
- 21 South End 182 Apartment

Please look at what Greenhouse did to SoHo. Such an application should never have considered. Your support is needed to decline this application.

Begin forwarded message:

From: Marya Triandafellos <mtriandafellos@gmail.com>
Date: June 2, 2014 at 8:18:40 PM EDT
To: "dennis.rosen@sla.ny.gov" <dennis.rosen@sla.ny.gov>
Subject: Pier A License

Dennis Rosen
Commissioner of The New York State Liquor Authority
317 Lenox Avenue
New York, NY 10027
(518) 474-3114
dennis.rosen@sla.ny.gov

Marya Triandafellos
Resident of Battery Park City
70 Battery Place,
New York, NY 10280

RE: Liquor license application by Pier A Battery Park Associates LLC,
Serial #1277555

June 2, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks.

The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want this establishment to serve liquor seven days a week for 21 hours a day, from 7:00 AM to 4:00 AM.

Although the applicants state their facility will not be a nightclub, that is not the point. The point is that no matter what they call their facility, the behavior of the customer will be impacted by allowing the consumption of alcohol till 4 am. This is not a neighborhood for all night drinking, which results in loud patrons, fights and other unwanted behavior. I spent 3 years living 2 blocks from a location in the village serving liquor till 4 am and it really is a problem. I eventually moved because of it.

The applicants also site their "successful" conversion of Stone Street as a reason to grant this license. I beg to differ. Stone St is more of a business district and I would not want the loud drinking patrons of Stone St in my neighborhood either.

If the SLA grants this application, it will be setting a dangerous precedent.

Please either refute this license or have the facility close at 11am and no outdoor liquor.

Sincerely,
Marya Triandafellos

Flasz, Joseph (SLA)

Subject: FW Pier A liquor license

From: Betty Kay [mailto:drbettykay@yahoo.com]
Sent: Wednesday, April 23, 2014 2:53 PM
To: Rosen, Dennis (SLA)
Subject: Pier A liquor license

Dear Mr. Dennis Rosen,

I am strongly opposed to the late night liquor license being sought for Pier A in the Battery Park City neighborhood. This quiet neighborhood already has multiple businesses that have liquor licenses in close proximity to Pier A so there is no great need for more, especially not such a large one. The area immediately surrounding Pier A contains PS 276 School (only 500-feet away), the Holocaust museum and multiple residential buildings; not a location where loud music and departing drunks would go unnoticed.

If they are granted the liquor license that they request, Pier A will become the largest nightclub in the city, with occupancy of 1,175 (larger than club Marquee in Las Vegas). In Las Vegas residential buildings do not surround club Marquee. The proposed outdoor music will clearly be out of place and disruptive in what otherwise is a mostly residential area. To make thing worse, this beer garden with outdoor music to 4 AM will use the \$5 Million BPCA-funded outdoor "plaza" and will allow "booze cruise" party boats to dock and launch from Pier A. This is not the purpose intended with the residents of BPC paid to restore this historic site.

I respectfully ask you to **strongly oppose** the granting of a late night liquor license for Pier A. ***The voters in BPC will not forget the decision made*** and those who support the granting of a liquor license at the expense of the safety and rights of the immediate residents. We are the taxpayers who renovated Pier A so it could be a historically significant place for all to enjoy not just the customers of a large ill-placed private nightclub.

Respectfully,
Neil and Betty Kay
2 River Terrace, 18E
New York, NY 10282

Flasz, Joseph (SLA)

Subject: FW.

From: Christine [mailto:ctramo6504@aol.com]
Sent: Wednesday, April 23, 2014 5:16 PM
To: Rosen, Dennis (SLA); Smith, Michael (SLA)
Subject:

To The New York State Liquor Authority
Re Cabaret Liquor License Application Number 1277555 - Battery Park City Pier A

I am an 8-year resident of Battery Park City and write to oppose the application of Pier A Battery Park Associates LLC, Serial Number 1277555 for the issuance of a cabaret liquor license, and associated licenses for additional bars, under New York ABC Law Section 64-d. The application seeks a license or the service of alcohol at a location in Battery Park City commonly known as Pier A, from the hours of 7:00am through 4:00am.

Issuance of the License Would Violate the 500 Foot Rule

Because there appear to be at least three existing licensed and operating premises within 500 feet of the proposed liquor-serving establishment at Pier A, no cabaret license is permitted to be issued to Pier A, without exception. See New York ABC Law Section 64-d (8)(d) (the "500 Foot Rule"). The cabaret license sought by Pier A should, therefore, be summarily denied.

Issuance of the License Would Not Promote the Public Interest

Although consideration of the public interest is not warranted because the requested license should be denied under Section 64-d(8)(d), if the Authority were to determine that the 500 Foot Rule did not apply, it would have to consider whether the license would promote the public interest. The public interest would not be served by the issuance of a cabaret license to Pier A permitting it to serve alcohol for 21 hours a day.

In considering the public interest, under New York ABC Law Section 64-d (7), the Authority must consider all of the following factors in determining whether public convenience and advantage and the public interest will be promoted by the granting of a license pursuant to this section:

- (a) the number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof,
- (b) evidence that applicants have secured all necessary licenses and permits from the state and all other governing bodies,
- (c) the effect that the granting of the license will have on vehicular traffic and parking in the proximity of the location,
- (d) the existing noise level at the location and any increase in noise level that would be generated by the proposed premises,
- (e) the history of liquor violations and reported criminal activity at the proposed premises, and
- (f) any other factors specified by law or regulation that are relevant to determine the public convenience or advantage and necessary to find that the granting of such license shall be in the public interest.

Battery Park City is a quiet residential neighborhood. The area in which Pier A is located is surrounded by several residential towers and buildings, as well as elementary school PS 276. The operation of an establishment that serves liquor 21 hours a day will undoubtedly have a negative effect on the neighborhood.

The increase in noise levels in the neighborhood during hours of the day and night when no other establishment in the area is serving alcohol is unreasonable and will not serve the public interest. Nor does the operation of a cabaret bar in the vicinity of a school during school hours promote the public interest. Although local restaurants such as Inatesso and Gigino also serve alcohol during school hours, their capacity does not approach the proposed capacity of Pier A, a multi-level establishment that is seeking licenses for not one, but five bars.

The noise of music and intoxicated patrons emanating from the facility, and the noise of intoxicated patrons spilling into the streets at all hours of the night will not promote the public interest. The increased traffic as the volume of taxis and livery cabs increase to ferry intoxicated patrons out of the area will similarly not promote the public interest. To the contrary, such factors will have a negative effect on the quality of life of residents.

In sum, the requested liquor license should be summarily denied because issuance of the license will violate the 500 Foot Rule. Moreover, even if the 500 Foot Rule did not apply, issuance of the requested license will not promote the public interest and should, therefore, be denied on that basis.

Very truly yours,
Christine Tramontano

Flasz, Joseph (SLA)

Subject: FW: Opposition to Pier A Liquor License

From: Marya Triandafellos [mailto:mtriandafellos@gmail.com]
Sent: Thursday, April 24, 2014 8:07 AM
To: Rosen, Dennis (SLA)
Subject: Opposition to Pier A Liquor License

to: Dennis Rosen

Commissioner of The New York State Liquor Authority

317 Lenox Avenue

New York, NY 10027

(518) 474-3114

dennis.rosen@sla.ny.gov

from: Marya Triandafellos

Resident of Battery Park City

70 Battery Place

New York, NY 10280

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555) The impact of this establishment will be devastating the to quiet residential community of Battery Park City (BPC) and it's surrounding BPC Parks Conservancy parks.

The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be the largest nightclub in all of Manhattan, with a seating capacity of 1,175, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 Am to 4.00 AM, 21-hours.

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area

If the SLA grants this application, it will be setting a dangerous precedent.

In addition, it is clear that there have been deceptive practice and possibly illegal activity in regard to this agreement. My understanding of the use of the structure, was to retain some of the original historic value of the structure.

I do not believe this facility should be used as a nightclub, catering hall or related structure and should be denied a liquor license, unless to be used for a "normal" restaurant closing by 11am. And absolutely no docking of tour boats.

Thank you for your consideration.

Marya Triandafellos

to: Dennis Rosen
Commissioner of The New York State Liquor Authority
317 Lenox Avenue
New York, NY 10027
(518) 474-3114
dennis.rosen@sla.ny.gov

from: Rebecca & Chris Matchett
Resident of Battery Park City
30 West Street
New York, NY 10004
RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks.

We have learned that the restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be **the largest nightclub in all of Manhattan, with a seating capacity of 1,175**, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 AM to 4:00 AM, 21-hours.

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.

If the SLA grants this application, it will be setting a dangerous precedent.

We understand the need for a liquor license in order to run a successful business but ask that it be under the same restrictions that other area businesses follow such at the Ritz Carlton Hotel and Inatteso restaurant.

Many thank,

Rebecca & Chris Matchett

Flasz, Joseph (SLA)

From: O'Brien, Kerri (SLA)
Sent: Thursday, April 24, 2014 2:59 PM
Cc: Flasz, Joseph (SLA)
Subject: FW: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555
Attachments: PastedGraphic-3.tiff

For scanning pls

Kerri J. O'Brien
Deputy Commissioner
New York State Liquor Authority
80 South Swan Street, Suite 900
Albany, New York 12210
Email: Kerri.O'Brien@sla.ny.gov
Telephone: 518 474 3114

From: Rosen, Dennis (SLA)
Sent: Thursday, April 24, 2014 2:30 PM
To: O'Brien, Kerri (SLA)
Subject: Fw: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

From: George J. Nassef Jr. <gjnassef@yahoo.com>
Sent: Thursday, April 24, 2014 2:08:30 PM
To: Rosen, Dennis (SLA)
Cc: Brooke Landau Landau
Subject: RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

from Mr & Mrs George Nassef

Condo unit owners in Battery Park City at 30 West St. Adjacent to the reference applicant's property
New York, NY 10004

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

We are writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks.

The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be the largest nightclub in all of Manhattan, with a seating capacity of 1,175, which does not include an outdoor

beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 AM to 4:00 AM 21-hours.

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.

If the SLA grants this application, it will be setting a dangerous precedent.

When we purchased in BPC, we were told that the developer would be opening nice restaurants and the limited choices for nice places to eat in BPC would be solved. This is not what we envisioned.

We recommend that an indoor-only liquor license be granted ONLY if this is a family restaurant which fits in with the family-oriented development of BPC and the FiDi area. Certainly NO outside music, boats or booze cruises, or beer swilling tourists walking around a beer garden.

George & Brooke Nassef
New York, NY



Flasz, Joseph (SLA)

From: O'Brien, Kerr (SLA)
Sent: Thursday, April 24, 2014 4:07 PM
To: Flasz, Joseph (SLA)
Subject: FW: Pier A night club

Importance: High

for scanning pls

Kerr J. O'Brien
Deputy Commissioner
New York State Liquor Authority
90 South Swan Street, Suite 900
Albany, New York 12210
Email: Kerr.O'Brien@sla.ny.gov
Telephone: 518 474 3114

From: Rosen, Dennis (SLA)
Sent: Thursday, April 24, 2014 4:04 PM
To: O'Brien, Kerr (SLA)
Subject: FW: Pier A night club
Importance: High

Dennis Rosen
Chairman
NYS Liquor Authority
80 South Swan Street, Suite 900
Albany, NY 12210

(518) 473-6559
Dennis.Rosen@sla.ny.gov

From: Esther Malamud [<mailto:eamalamud@gmail.com>]
Sent: Thursday, April 24, 2014 2:52 PM
To: Rosen, Dennis (SLA)
Subject: Pier A night club
Importance: High

Mr. Rosen,

There is no way a nightclub should be operating in a residential neighborhood overflowing with young children I live directly across the street from Pier A and whenever there is any type of concert going on outside during the summer, the noise is deafening and easily reaches up to my apartment on the 28th floor I was always told that an upscale restaurant was to be part of Pier A Not a beer garden or worse night club!!

This is unbelievable. and should not be approved. I would like to know how it got this far!!

My husband and I were one of the first families to move to Battery Park after 9/11 to try to help revive it with our two young children. People live here because it is safe for their children.

I want to know what you are going to do about this.

Awaiting your reply.

Sincerely,
Esther Malamud
Ritz Carlton Battery Park

Flasz, Joseph (SLA)

Subject: FW: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

From: Rosen, Dennis (SLA)
Sent: Friday, April 25, 2014 6:47 AM
To: O'Brien, Kerri (SLA)
Subject: FW: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

Dennis Rosen
Chairman
NYS Liquor Authority
80 South Swan Street, Suite 900
Albany, NY 12210

(518) 473-6559
Dennis.Rosen@sla.ny.gov

From: Trang Carola [<mailto:trangcarola@gmail.com>]
Sent: Thursday, April 24, 2014 9:21 PM
To: Rosen, Dennis (SLA)
Subject: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

to: Dennis Rosen
Commissioner of The New York State Liquor Authority

317 Lenox Avenue
New York, NY 10027

(518) 474-3114

dennis.rosen@sla.ny.gov

from: Trang Carola
Resident of Battery Park City

21 West Street, Apt 8n
New York, NY 10006

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April 24, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks. The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be **the largest nightclub in all of Manhattan, with a seating capacity of 1,175**, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 AM to 4:00 AM, 21-hours.

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.

Please do not grant the requested liquor license - if the SLA grants this application, it will be setting a dangerous precedent.

Best

Tiang Carola

127555

Flasz, Joseph (SLA)

Subject: FW Neighbor concerned about Pier A plan

Dear Mr. Rosen,

As a resident and *property owner* in Battery Park City, I was incensed to read just this week that the Community Board 1 Battery Park City Committee had issued a unanimous resolution endorsing the liquor license for Pier A with absolutely no restrictions. Thus giving Pier A the ability to serve alcohol from 7 AM - 4 AM (21 hours a day) 7 days a week.

The CBI Resolution absolutely does not reflect the wishes of the community and if passed this will negatively affect Battery Park City with an increase in crime, pollution, noise and traffic that a 21 hour a day open bar/music venue would create

Therefore, we are asking the SLA to impose the following stipulations, upfront, something that should have been done by CBI

- Reduce hours of operation (close at 11 PM Sunday through Thursday; close at , close at 1 AM Friday and Saturday)
- No outdoor music permitted.
- No alcohol to be served in the beer garden/public space which is directly in front and around the Pier A entrance
- Provide a detailed plan to the community addressing how they are going to deal with traffic problems in an already dangerous traffic area?

We request that the State Liquor Authority Reevaluate the Pier A liquor license based on validity (or lack thereof) of the CBI Resolution, which misrepresented key facts

- Misrepresentation - Cbi resolution stated no other establishments within 500 ft
- "The plaza" area in front of the Pier A entrance is supposed to be public space, per an agreement with the BPCA. Pier A should not be allowed to serve liquor there
- CBI approved a resolution for Catering/restaurant license not cabaret According to SLA website, Pier A Group applied for (5) cabaret licenses They also stated they intend to apply for a cabaret license.
- Majority of the resolution template was left blank, leaving the most important questions all unanswered How can that be considered a valid resolution?

- If this is truly for a restaurant/catering hall for wedding and parties they do not need a 4 AM closing 7 days a week? The reduced hours, we had mentioned above would be more than significant to ensure Pier A's success.

We request that the State Liquor Authority change the hours of operation as those outlined in the Community Board 1 resolution are not appropriate given the residential and family neighborhood and would negatively affect the families and residents in Battery Park City.

- Serving liquor with outdoor live and DJ music from (7 AM - 4 AM) 21 hours a day, 7 days a week is not appropriate for a residential neighborhood. In fact, it is not appropriate for any neighborhood.
- Southern Battery Park City is almost exclusively residential a community filled with families and children who frequent the park on a daily basis
- Significant number of schools and daycare centers in the immediate area There is PS 276 a local K-8 very close by as well as (6) schools and daycare centers that use Wagner Park (and the surrounding BPC parks) on a daily basis Battery Park Nursery, Preschool of the Americas, Bright Horizons, BPC Montessori, NY Kids Club, PS 276, PS 89, Stuyvesant High School just to name a few

Traffic Problems, Crime & Pollution

- Southern Battery Park City has very little by way of public transportation, so most people going to Pier A Harbor House will be arriving via taxi, black car, or tourist bus. This will cause a dramatic increase in traffic 21 hours a day
- Tourist buses are already parked illegally in front of that site This problem will be exacerbated by multiple tourist buses coming down for the cruises, parties and concerts taking place on at Pier A.
- There is already a significant traffic problem right in front of ps 276 which resulted in the crossing guard being hit on 2 separate occasions, while escorting school children across Battery Place Pier A operating 21 hours a day will increase an already very dangerous situation

Thank you for considering my request.

Sincerely,

Robert Griffin (resident and owner)

30 West Street

New York, NY 10004

Flasz, Joseph (SLA)

Subject: FW DENY Liquor license application by Pier A Battery Park Associates LLC, Serial # 1277555

From: Brien [mailto:bwassner@gmail.com]
Sent: Saturday, April 26, 2014 1:33 AM
To: Rosen, Dennis (SLA)
Subject: DENY Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

from: (your name)
Resident of Battery Park City

70 little west street

New York, NY 10004

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555) The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and it's surrounding BPC Parks Conservancy parks .

The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be **the largest nightclub in all of Manhattan, with a seating capacity of 1,175**, which does not include an outdoor beer garden They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 Am to 4.00 AM, 21-hours

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.

If the SLA grants this application, it will be setting a dangerous precedent and destroying the neighborhood

I am offended that this could even be a consideration in one of the most family oriented areas in the city. With a kindergarten and middle school less than a block away and mostly residential buildings surrounding the pier I would be nervous for the safety of my family

I am against anything being open in a club our lounge structure It would be terrible for the children and the neighborhood I would go so far as to say no liquor license at all if that was even a consideration This would damage the entire purpose of battery park city

Sincerely, extremely concerned resident and father of small children

Brien Wassner

Flasz, Joseph (SLA)

From: Rosen, Dennis (SLA)
Sent: Saturday, April 26, 2014 7:43 PM
To: O'Brien, Kerri (SLA)
Subject: Fw: Pier A - Battery Park

From: Mary Moringiello <mary_verba@gmail.com>
Sent: Saturday, April 26, 2014 7:17:41 PM
To: Rosen, Dennis (SLA)
Subject: Pier A - Battery Park

from: Mary and Gerard Moringiello
Resident of Battery Park City

70 Little West Street,

New York, NY 10004

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April 26 2014

Dear Commissioner Rosen,

I am writing to ask that the New York State Liquor Authority (SLA) vote to deny a catering/restaurant, or cabaret liquor license to Pier A Battery Park Associates LLC (Serial #1277555). The impact of this establishment will be devastating to the quiet residential community of Battery Park City (BPC) and its surrounding BPC Parks Conservancy parks. The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be **the largest nightclub in all of Manhattan, with a seating capacity of 1,175**, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 AM to 4:00 AM, 21-hours.

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destination of choice for young families, primarily because of the multiple schools (PS 89, PS 276, and Stuyvesant High School) and nice parks in the area.

If the SLA grants this application, it will be setting a dangerous precedent.

As history shows, all of these large clubs are breeding grounds for crime, drugs and murder, which will render Pier A dormant for another 25 years. We strongly oppose these liquor applications.

Thank you.

Sincerely,

Mary and Gerard Moringiello

to: Dennis Rosen

Commissioner of The New York State Liquor Authority

317 Lenox Avenue

New York, NY 10027

(516) 474-3114

dennis.rosen@sla.ny.gov

RECEIVED
NYS Liquor Authority

MAY 05 2014

Albany, NY
Chairman's Office

Resident of Battery Park City

30 West St , Apt 12F

New York, NY 10004

RE: Liquor license application by Pier A Battery Park Associates LLC, Serial #1277555

April, 24, 2014

Dear Commissioner Rosen,

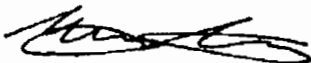
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The restaurant group applying for this liquor license, led by the Poulakakos family and the Dermot Company, want to open what will be the largest nightclub in all of Manhattan, with a seating capacity of 1,176, which does not include an outdoor beer garden. They want this establishment to be open to serve liquor virtually 24 hours a day, seven days a week, or from 7:00 Am to 4:00 AM, 21-hours.

Such an application would never be considered in nearby Tribeca or BPC where there are tens of thousands of families living. Baby strollers clog the sidewalks in BPC because it has become the destination of choice for young families, primarily because of the multiple schools (PS 88, PS 276, and Stuyvesant High School) and nice parks in the area.

If the SLA grants this application, it will be setting a dangerous precedent.

Yours sincerely



Marina Anthony

to: Dennis Rosen

Commissioner of The New York State Liquor Authority

317 Lenox Avenue

New York, NY 10027

(518) 474-9114

dennis.rosen@sla.ny.gov

RECEIVED
NYS Liquor Authority

MAY 06 2014

Albany, NY
Chairman's Office

Resident of Battery Park City

30 West St, Apt 12F

New York, NY 10004

RE: Liquor license application by Pier A Battery Park Associates LLC. Serial #1277555

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If the SLA grants this application, it will be setting a dangerous precedent.

Yours sincerely

Scott Wharton

SCOTT WHARTON

Flasz, Joseph (SLA)

Subject: FW: Pier A
Attachments: PierA.docx

From: Elizabeth McCarthy [mailto:elizabethmccarthy@yahoo.com]
Sent: Tuesday, May 13, 2014 12:10 PM
To: Rosen, Dennis (SLA)
Subject: Pier A

Mr. Rosen,

Please find attached a letter regarding the application for Pier A in lower Manhattan. I am thrilled that something is being done with that pier after all these years, but very disturbed by certain aspects of the process and the application itself. I do not feel there has been sufficient information given to home owners in this area. The hours of operation, noise, traffic, and precise usage are all troubling, and the application does not address most of these issues.

I appreciate your attention to this matter.
Elizabeth McCarthy

May 13, 2014

Mr. Dennis Rosen
Commissioner, New York State Liquor Authority
317 Lenox Avenue
New York, NY 10027
Sent VIA EMAIL
Dennis.rosen@sla.ny.gov

Dear Mr. Rosen,

As a resident and *property owner* in Battery Park City, I was surprised to learn that the Community Board 1 Battery Park City Committee had issued a unanimous resolution endorsing the liquor license for Pier A with absolutely no restrictions. Thus giving Pier A the ability to serve alcohol from 7 AM – 4 AM (21 hours a day) 7 days a week. Since I can see Pier A from my window and hear every booze cruise that goes by on the river, I assure you that this area is not, "in the middle of nowhere," as one official suggested.

The CB1 Resolution absolutely does not reflect the wishes of the community and if passed this will negatively affect Battery Park City with an increase in crime, pollution, noise and traffic that a 21 hour a day open bar/music venue would create.

Therefore, we are asking the SLA to impose the following stipulations, upfront, something that should have been done by CB1.

- Reduce hours of operation (close at 11 PM Sunday through Thursday; close at , close at 1 AM Friday and Saturday)
- Provide a detailed plan to the community addressing how they are going to deal with traffic problems in an already dangerous traffic area?
- Provide details about noise mitigation, which were omitted from the application.

We request that the State Liquor Authority Reevaluate the Pier A liquor license based on validity (or lack thereof) of the CB1 Resolution, which misrepresented key facts.

- Misrepresentation - Cb1 resolution stated no other establishments within 500 ft.
- "The plaza" area in front of the Pier A entrance is supposed to be public space, per an agreement with the BPCA. Pier A should not be allowed to serve liquor there.
- CB1 approved a resolution for Catering/restaurant license not cabaret. According to SLA website, Pier A Group applied for (5) cabaret licenses. They also stated they intend to apply for a cabaret license.

- Majority of the resolution template was left blank; leaving the most important questions all unanswered. How can that be considered a valid resolution?
- If this is truly for a restaurant/catering hall for wedding and parties they do not need a 4 AM closing 7 days a week? The reduced hours, we had mentioned above would be more than significant to ensure Pier A's success.

We request that the State Liquor Authority change the hours of operation as those outlined in the Community Board 1 resolution are not appropriate given the residential and family neighborhood and would negatively affect the families and residents in Battery Park City.

- Serving liquor with outdoor live and DJ music from (7 AM – 4 AM) 21 hours a day, 7 days a week is not appropriate for a residential neighborhood. In fact, it is not appropriate for any neighborhood.
- Southern Battery Park City is almost exclusively residential – a community filled with families and children who frequent the park on a daily basis.
- Significant number of schools and daycare centers in the immediate area. There is PS 276 a local K-8 very close by as well as (6) schools and daycare centers that use Wagner Park (and the surrounding BPC parks) on a daily basis. Battery Park Nursery, Preschool of the Americas, Bright Horizons, BPC Montessori, NY Kids Club, PS 276, PS 89, Stuyvesant High School just to name a few.

Traffic Problems, Crime & Pollution

- Southern Battery Park City has very little by way of public transportation, so most people going to Pier A Harbor House will be arriving via taxi, black car, or tourist bus. This will cause a dramatic increase in traffic 21 hours a day.
- Tourist buses are already parked illegally in front of that site. This problem will be exacerbated by multiple tourist buses coming down for the cruises, parties and concerts taking place on at Pier A.
- There is already a significant traffic problem right in front of ps 276 which resulted in the crossing guard being hit on 2 separate occasions, while escorting school children across Battery Place. Pier A operating 21 hours a day will increase an already very dangerous situation.

Thank you for considering my request.

Sincerely,

Elizabeth McCarthy
 200 Rector Place, 20E
 New York, NY 10280
 elizabethmccarthy@yahoo.com

*****NOTICE OF ENTRY*****

Sir/Madam:

Please take notice that the within is a (certified) true copy of a _____ duly entered in the office of the clerk of the within named court on the _____ day of August, 2014

Dated: _____ Yours, etc.
Attorney for: Steven Greer, pro se Petitioner /
200 Rector Place, 35F Respondent
New York, New York 10280 Office and Post
Office Address

To: _____
Attorney(s) for _____

*****NOTICE OF SETTLEMENT*****

Sir/Madam:

Please take notice that an _____ of which the within is a true copy will be presented for settlement to the Hon. _____, one of the Justices of the within named court at _____, on _____ at _____ AM/PM

Dated: _____ Yours, etc

Petitioner _____

To: _____
Attorney(s) for _____

INDEX NUMBER _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Steven Greer

- against -

The NY State Liquor Authority

Dennis Rosen, Jeanique

Pier A Battery Park Assn

To the best of my knowledge and belief, the within is a true copy of the original as formed after an inquiry reasonable in the circumstances and the presentation of these papers and documents are not frivolous as defined in subsection 301.1 of the Rules of the Chief Administrative Officer of the County of New York.

Sign Name: Steven Greer

Print Name: STEVEN GREER

Address: 200 Rector Place
New York, NY 10280

Telephone: (212) 945-XXXX

Service of a copy of the within is hereby acknowledged.

Dated: _____
Attorney for _____