

DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

OFFICE OF THE COUNSEL

WRITER'S DIRECT DIAL

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August 6, 2007

Edward Jaworski
Executive Vice President
Madison-Marine-Homecrest Civic Assoc.
1821 East 28 St.
Brooklyn, NY 11229

Re: Spot Zoning

Dear Mr. Jaworski:

I write in response to your recent email to Chair Amanda Burden, in which you request an "official definition" of "spot zoning". The Department of City Planning does not maintain an official definition of spot zoning; rather, the doctrine of "spot zoning" derives from the New York State zoning enabling statutes and related court decisions.

The New York State zoning enabling statutes require that land use regulations be adopted in accordance with a comprehensive plan. In Rodgers v. Village of Tarrytown, the New York State Court of Appeals stated, "spot zoning is the very antithesis of planned zoning."

The Court of Appeals defined spot zoning as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners." If, however, an ordinance is enacted in accordance with a comprehensive plan, it is not spot zoning. This remains true even when a zoning regulation affects a single site, or creates within a larger zone, small districts devoted to a different use.

Sincerely,

Wesley O'Brien

c: Carolyn Grossman

⁵ Rogers v. Village of Tarrytown, 302 N.Y. 115, 124 (1951).

¹ General City Law §28-a(12)(a).

² Rodgers v. Village of Tarrytown, 96 N.E.2d 731 (1951).

³ Id

⁴ See Shepard v. Village of Skaneateles, 300 N.Y. 115, 89 N.E.2d 619.

THE BARRISONS

Attorneys at Law

875 THIRD AVENUE, 8TH FLOOR NEW YORK, NEW YORK 10022 Tel: (212) 750-5560 Fax: (212) 759-5551 EARL BARRISON STEVEN M. BARRISON

MICHAEL A. SANTO*
Of Counsel

*(NY, NJ., & MA.BAR)

April 17, 2015

VIA EMAIL

Hon. Chaim Deutsch

RE: CHERRY HILL

Dear Chaim,

Steve does not know I'm writing this letter. But as a passenger in Steve's car last Wednesday (4/8) listening to you and Steve talk about CHERRY HILL for over an hour, I was so astonished about the position you took with respect to CHERRY HILL, I felt compelled to write to you.

1. YOUR POSITION ON THE CITY COUNCIL

You claim that it would be "political suicide" for you to vote "NO" on CHERRY HILL and offend thousands (?) of voters who put you in office. Do you really believe that those who you think so "passionately" support CHERRY HILL, actually voted for you? They did not. But those of us who have opposed CHERRY HILL from the beginning, did vote for you. Don't we count?

Or do the persons represented by that despicable red-haired woman (I think Raisa is her name) who went to one meeting with a sign saying "Cherry Hill is my Selma", count more than we do? **CHERRY HILL** is a civil rights issue? Her hideous elevation of a food market to an event which affected tens of millions of Americans is despicable. Is this what turns people on?

These are your constituents. Are you proud of representing them?

You seemed more concerned about the votes of people who support CHERRY HILL, than what is right or wrong.

Chaim, as a Council Member, you are supposed to LEAD our community in the right direction, not follow the mob mentality that is driving the very limited, but loud, screaming support CHERRY HILL is getting from elements, it is rumored, which engage in criminal activity at night in the store itself, i.e., prostitution, drugs, liquor, money laundering, etc. - Could CHERRY HILL even survive without this "extra-legal" activity?

2. CHERRY HILL SHOULD BE CLOSED

Chaim, as a human being, I don't want CHERRY HILL's employees to be out of work. But the blame, if it happens, is on CHERRY HILL, who hired these employees on false pretenses, not on those who oppose its illegal operation.

Our local community board has fallen down on the job. It, too, is lending a hand to breaking the law by CHERRY HILL. No one who "testified" for CHERRY HILL at the several hearings was disinterested. Every witness had gotten a pay-off of some kind from CHERRY HILL - whether it be donations, food, sponsorship of a cable TV program, advertising, etc., etc. On the other hand, the people opposing CHERRY HILL were all unpaid, disinterested citizens of our community.

As a person of Russian heritage, I am mortified at what I heard from "Raisa" and other Russians at some of the hearings. She, in particular, was an insult to any American who worked and cared for our civil rights. As a Jew, I was ashamed to hear a Rabbi praise CHERRY HILL because he had received food donations of food for his synagogue.

I don't want to disappoint CHERRY HILL's customers who seem to think its food is so unique, that they can't live without it. But they can get the same food a few short blocks away where stores outside the Special District are operating LEGALLY, without assistance at night from "extra-curricular" activities.

I am adamantly opposed to CHERRY HILL, but I could see that you favor what you consider a compromise.

3. NO COMPROMISE IS APPROPRIATE

But you seem to have totally overlooked or ignored the undeniable fact that CHERRY HILL is illegal NOW, has been operating ILLEGALLY, for almost six (6) years, and in fact opened up for business with numerous "stop-work" orders outstanding, which it simply laughed at for a long time. Maybe you don't care about this illegality, but I believe most honest citizens do.

Before any compromise is considered, **CHERRY HILL** should be punished for breaking the law. A heavy fine should be assessed against **CHERRY HILL** to compensate the City for the cost of bringing law and order back to Sheepshead Bay. Then, certain limitations must be imposed.

The "Compromise" you favor is to limit the store to 15,000 square feet.

This is **not a compromise but a surrender** to **CHERRY HILL**. This is what it has now, which is more than four times the current legal limit, assuming the food market was legal in the first place, which of course, it is not.

Hon. Chaim Deutsch Page - 3 -

Any compromise along these lines would open up the entire Special District to wall-to-wall retail stores, food stores, markets, clothing stores, banks, drug stores, phone stores, etc. Once CHERRY HILL is deemed exempt from complying with the current zoning, it is legally impossible to say no to anyone else. And our Sheepshead Bay becomes the same as any other shopping area, not unique and not distinct. Why not fill in the Bay and erect a gigantic shopping mall in its place. I'm sure some people would think this is a good idea.

4. CONCLUSION

Chaim, think of the seeds that you may be sowing. This is not progress, but a march to anarchy. I do not believe that in this City, in this Country and in the 21st Century, our laws should be treated with such arrogant disrespect, **by anyone**, whether a business, a community board, a Boro President, or by my government official or agency.

Very truly yours,

Earl Barrison

cc: City Planning Commission

Borough President - Eric Adams

Ms. Theresa Scavo - Community Board 15
Bay Improvement Group - Board of Directors

US Senator Charles Schumer POW- Preserve Our Waterfront

Mike Taylor-WeCareNY-Chair

Ida Sanoff-NRPA-Chair

Cliff Brockenstein-PBCA-Chair

Jack Spadaro-VP-BIG

Laura McKenna-Acting Exec Dir.-BIG

Yves Etienne -61pct Council-Pres.

John Douglas - GBCares-Pres.

Ed Jaworski-Madison/Marine/Homecrest Civic Assn.-Pres.

Judy Baron-Manhattan Beach Community Group-Pres.

Steve Barrison - Bay Improvement Group-Pres.



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003 tel **(212) 614-9107** fax (212) 614-9127 email hdc@hdc.org

Statement of the Historic Districts Council City Council Subcommittee on Zoning and Franchises

May 5, 2015

CD15
BOROUGH OF BROOKLYN
F.W.I.L. Lundy Brothers Building, aka Cherry Hill Gourmet
1901 Emmons Avenue, Tax Map Bock 8775, Lot 41

The Historic Districts Council is the advocate for New York City's designated historic districts and neighborhoods meriting preservation.

HDC is opposed to the zoning text amendment proposed for the individual landmark F. W. I. L. Lundy Brothers Building in the Special Sheepshead Bay District and views this amendment as a legalization. The Special District was created in 1973 to strengthen and protect the unique character of this waterfront community, and like all comprehensive plans, this can only be successful if its special provisions are continuously adhered to, enforcing the plan in the long-term.

Regardless, Cherry Hill was aware of the building's location within the Sheepshead Bay Special District and that is why it was supposed to operate as a restaurant with a small market component. It has since been operating as the reverse—an enormous market with a small dining component. The fact that Cherry Hill has survived as a business in this space is irrelevant, as the allowance of this amount of floor space for an illegal use eclipses the opportunity for other legal uses in the Special District. As long as this store remains open, the community and city's hard-won vision for this Special District remains flouted.

HDC finds a text amendment for special zoning for the benefit of one tenant unacceptable. If this use is determined to be retroactively legal, it will undermine the function of the District as a long-term tool to preserve and protect this historic harbor, and will set a dangerous precedent regarding the function of the zoning resolution and the law city-wide.

If approved, the only thing "special" about this Special District will be the special permission granted to owners and/or developers to ignore the law.

POW Preserve Our Waterfront

c/o Bay Improvement Group

30 Dooley St., Brooklyn, N.Y. 11235 (718) 646-9206 NYC Office: (212) 750-5560 NYC Fax: (212) 759-5551 Email: bayimprovementgrp@gmail.com

May 5, 2015

City Council - Land Use Committee 250 Broadway, Committee Room- 16th Floor New York, NY 11211

RE:

City Council - Public Hearing - May 5, 2015 - Land Use Sub-committee 1901 Emmons Avenue Text Amendment to the Sheepshead Bay Special USE District by Cherry Hill Gourmet

Dear Council members,

As President of the largest community coalition in Southern Brooklyn, Bay Improvement Group, **BIG** has been an active leader and advocate for the Sheepshead Bay renaissance over the last 24 years. I have been active with the local civic community since February 1983 devoting countless hours to the **Sheepshead Bay Special Use District** and the community main streets for our local small businesses.

Where does one begin when it comes to following the law, and simple right and wrong? Is it a popularity contest or does our democracy of this country, state and city, and Brooklyn follow the moral and legal code? We believe the answer is simple and clear; the law **must apply to everyone** and we cannot allow total disregard for human rights, zoning laws, building code and other legal conduct to be swept under the rug and adjust the law to make these acts retroactively legal.

The application is plain wrong on its history in so many places that we submitted comments to City Planning which were <u>totally ignored</u>. Let's set the record straight. Lundy owned all of Emmons Ave from Sheepshead Bay Road to Coyle street and that entire estate including 55,000 acres upstate, was bought by Mr Vivi known as "Litas". Litas ended up in jail and as the trustee sold off the lots, Emmons Avenue was built as you see it today.

The Lundy restaurant closed in late August 1979, reopening after all the estate soap opera in December 1995 with a smashing success, until Sept 11th 2001. The owners of the Lundys did so well they invested millions in other operations including the American Café located nearby ground zero. Needless to say they lost everything. This sneaky rushed process during the holidays, when the **proper procedure should be a full variance request before the BSA instead of a zoning text change**, is suspicious but not that surprising, because the applicant could never legally make the five findings required by the BSA variance laws. That alone is why you should reject this application. However, the zoning text amendment in the face of numerous stop DOB work orders, long before the

applicant completed his construction, is a cost and self created hardship as clear as day for someone now using that as an excuse to alter the laws designed to last generations and complement our legal shopping main streets, not compete with them.

I have spent well over thirty years helping my community and many others around the area and the state. Some times you are successful. Sometimes you are not but I have never in all my years seen an application with such chutzpah to lie, mislead, and plain create a total sham before the city and the community as I see here. They claim signatures, how many do you want? How many does the law say we look the other way to the disregard of all those stop work orders("no less than 46") and say, sure, from now on anyone that gets signatures can operate illegally and we will change the law for you. Over twenty years ago we brought 500 people to the community board with 35,000 signatures, 15,000 postcards and 12,000 hand written letters! We were ignored. So this time, we chose to ask you to listen and vote with the will of the long established community organizations representing hundreds of thousands in our Sheepshead Bay and surrounding waterfront Sandy impacted areas. If you can't support the best interests of the community and uphold the laws we fought long and hard for to outlast immigration and economic cycles for a few hundred years along this small, unique special harbor, then you should ask yourself what is long term Special Use Waterfront Planning?

The great and world known landmark building, Lundy's, is still recognized wherever one travels on the globe. To somehow believe with a straight face that all the so called supporters of Cherry Hill, who have zero knowledge of what is going on here, or training in the Special District Use Zoning for Sheepshead Bay would also not love, welcome and be happy with a good restaurant, hopefully seafood/fish style, is laughable. Not only were several major seafood restaurants interested in this space, I personally met with two more during Christmas week alone, that also were interested in this space in the great waterfront landmark Lundy's building. In addition, I personally spent hours in the community the last few months talking directly to customers of Cherry Hill and in and around the Lundy building. Once they were explained the zoning and asked about what if a restaurant were here, of course they all preferred the eatery.

Signing a petition to support Cherry Hill is silly. It isn't about the support, it is about where they are. The law is clear, they knew that and they must follow the law or leave, which the court landlord proceedings will do very soon anyway, which makes this entire proceeding moot and an insult to our community. We can get you ten signatures for every one in favor and probably even get most of those very same people to sign ours, too, when they are told the facts here!

Right now, Cherry Hill is in court being evicted by the landlord for owing almost half a million dollars in rent. Cherry Hill has been in a court action with their prior attorneys Cozen O'Connor with back and forth claims ranging from \$300,000 to 400,000. There are also cases in the **United States District Court over employee human rights and fair pay claims.** There are about half a dozen personal injury law suits just filed in 2014 against Cherry Hill in 2014 alone. The owner of the building is also in court trying to evict the sublessee here too! **Shouldn't our city council follow the paper procedure by recommending a variance, and wait until at the very least the many legal actions play out here?**

How can we alter the zoning text for a use that is completely contrary to the purposes and goals of the intent of ths Special District? The idea is for the waterfront zoning to complement not just the unique character, but not to compete with our main street shopping district and the many fruit and vegetable markets and numerous gourmet markets all operating within one to 3 blocks of the waterfront. This illegal USE directly violates that idea. I have been told directly through the local store owners that since Cherry Hill opened illegally their legal businesses have all dropped off 32-38% in the local areas actually zoned for this type of use.

This precedent above all, a Special Use District designed to last 150-250 years, is disgraceful and a total slap in the face to our laws and their meaning. If this is allowed, there would then be no way to prevent anyone to open whatever they want, wherever they want, be it a Special, Historic or any other regular zoning across our city. We can go tomorrow and knock down a bunch of houses right on Ocean Parkway, or in Brooklyn Heights, or Manhattan Beach and put up a big IHOP with a large parking lot and ignore any stop work orders and just keep going and open up and get many signatures from the pancake lovers on line and then after five years or so just get highly influential lawyers to file for a zoning text change! Why not? Is that the precedent you want to set?

The owner of the Lundy building is on our **BIG** board of Directors and I spoke with him recently and he fully supports us and the goal of a restaurant in this space. He is also in court with the Landlord to evict him. At the same time the Landlord for Cherry Hill is in court to evict Cherry Hill as I mentioned earlier, so in fear he also has said that they don't oppose the change either; they want it both ways. But that very owner did send a letter contradicting the applicant and confirming our position of multiple lawsuits and not taking a position (attached here).

To make matters worse we are discussing and arguing over a **USE** to obtain a certificate of occupancy. Did you know that even the Temporary Certificate of Occupancy has expired and yet we are allowing this to continue? This entire application should be thrown out. The zoning text amendment should be denied for so many reasons I would need at least 20 minutes to go through them all.

Finally, I am also here speaking for the eight local established and respected waterfront organizations collectively known as **POW**, **Preserve Our Waterfront**. Some have sent in statements, some are here, others had conflicting obligations. Also, the ninth local organization the Committee to Preserve Sheepshead Bay support the zoning preservation as well.

One thing is clear: that is, all eight(until less than 2 hours before the CB 15 hearing, now seven) of our organizations representing several hundred thousand people from: Bay Improvement Group-BIG in Sheepshead Bay, Pumb Beach Civic Assoc, Gerritsen Beach Cares, We Care NY, Madison/Marine Civic Assoc, Manhattan Beach Community Group, NYPD 61st Pct Council President asked to be removed because of intense pressure due to the Cherry Hill support of the pct night out and by certain people in this room. Also, part of POW the Natural Resources Protective Association-NRPA, we all strongly oppose this proposed zoning text change in a total unified manner. And if the owner were not in the middle of a lawsuit with his sublessee who is **the landlord here**, he would write his letter supporting us too and not in support of the zoning text change which would be forever. This was repeated to me by his attorney despite his letter of fence sitting.

If nothing else let us not make a mistake on something so important to the future USE along our Special District designed to last a few centuries, not to be altered for one illegal disrespectful operator. Let the owner of the building have his own say after all the law suits are ended. Cherry Hill will be evicted. Why change the law now for any reason which no longer exists after they are gone anyway? This is simply about following the law, not for or against the applicant. This comes down to RIGHT vs. WRONG, LEGAL vs. ILLEGAL.

This text change must not be permitted and you as the council that passed our Special one of a kind Waterfront Sheepshead Bay Special Use District must stand for the basic principles of **not rewarding this arrogant**, **outrageous**, **illegal violation of our laws** and altering the goals, purposes and intent of the long range, planned Special Use zoning. Since this is usually decided by the local sitting council member, but this has devastating citywide precedent setting consequences in this very rare local matter, will you follow the local "Be Proud Foundation" mob rule mentality or say, NO and do something we all can be proud of as Americans and New Yorkers?

If every there was one time to say NO together and rise above the usual local, politics, this is it.

Very truly yours,

Steven M. Barrison President - BIG POW Member

CC: Mike Taylor-We Care NY-Chair
Ida Sanoff-Natural Resources Protective Association-NRPA-Chair
Cliff Brockenstein-Plumb Beach Civic Assn-PBCA-Chair
Jack Spadaro-VP-BIG
Laura McKenna-Acting Exec Dir.-BIG
Yves Etienne -NYPD-61pct Council-Pres.(removed by request under pressure)
John Douglas - Gerritsen Beach Cares-GBCares-Pres.
Ed Jaworski-Madison/Marine/Homecrest Civic Assn.-Pres.
Judy Baron-Manhattan Beach Community Group-MBCG-Pres.
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LAW OFFICES

OF

HAGAN, COURY & ASSOCIATES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION AND PROFESSIONAL LIMITED LIABILITY COMPANY
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SAMUEL L. HAGAN' ***
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PAUL GOLDEN
ARTHUR KATS

*PROFESSIONAL LIMITED LIABILITY COMPANY

- **PROFESSIONAL CORPORATION
- ***ADMITTED TO NEW YORK AND FLORIDA BARS
- ****ADMITTED TO NEW YORK BAR; SOLICITOR, ENGLAND & WALES

CHRISTINA HAGAN OF COUNSEL

February 20, 2015

Via Email [dpick@picklaw.net]
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Via Email [Barrisons@aol.com]
Steven Barrison,Esq.
THE BARRISONS
875 Third Avenue, 8th Floor
New York, N.Y. 10022

Re: Lundy's Zoning Text Amendment

Dear Douglas and Steven:

After discussing this matter and reviewing your respective requests, due to the fact that this issue is inextricably interwoven with multiple pending litigations and other factors, my client can neither oppose or consent to the zoning text amendment request. Neither my client nor our firm will comment on or respond to any requests on this issue. Therefore, please do not make any further requests or communicate with my client regarding this matter. Thank you.

/////

14-69 Pick and Barrison ltr CC Client

POW Preserve Our Waterfront

c/o Bay Improvement Group

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John Douglas - Gerritsen Beach Cares-GBCares-Pres.

Ed Jaworski-Madison/Marine/Homecrest Civic Assn.-Pres.

Judy Baron-Manhattan Beach Community Group-MBCG-Pres.

Steve Barrison - Bay Improvement Group-BIG-Pres.

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OF

HAGAN, COURY & ASSOCIATES

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BROOKLYN, NEW YORK 11232

(718) 788-5052

SAMUEL L. HAGAN' ***
WILLIAM J. COURY**

CHRISTINA HAGAN OF COUNSEL

JONATHAN A, FUCHS""
PAUL GOLDEN
ARTHUR KATS

*PROFESSIONAL LIMITED LIABILITY COMPANY

**PROFESSIONAL CORPORATION

***ADMITTED TO NEW YORK AND FLORIDA BARS

****ADMITTED TO NEW YORK BAR; SOLICITOR, ENGLAND & WALES

February 20, 2015

Via Email [dpick@picklaw.net]
Douglas J. Pick, Esq.
Pick & Zabicki LLP
369 Lexington Avenue, Suite 1200
New York, New York 10017

Via Email [Barrisons@aol.com]
Steven Barrison, Esq.
THE BARRISONS
875 Third Avenue, 8th Floor
New York, N.Y. 10022

Re: Lundy's Zoning Text Amendment

Dear Douglas and Steven:

After discussing this matter and reviewing your respective requests, due to the fact that this issue is inextricably interwoven with multiple pending litigations and other factors, my client can neither oppose or consent to the zoning text amendment request. Neither my client nor our firm will comment on or respond to any requests on this issue. Therefore, please do not make any further requests or communicate with my client regarding this matter. Thank you.

William J. Coury

14-69 Pick and Barrison ltr CC Client



RESCUING FOOD FOR NEW YORK'S HUNGRY

RECOGNIZES

Cherry Hill Market

City Harvest Food Donor 2014

6 East 32nd St 5th Floor New York NY 10016 646.412.0600 for supporting City Harvest's efforts to feed hungry New Yorkers

January 28, 2015

Date

Too Steples

JILLY STEPHENS, EXECUTIVE DIRECTOR

BEFORE



AETER





Cherry IIII Courant C. Market

For Your Coursemedius; Committeetions In Our Sieighborhood, Committeety And Botologia

Gian Precinci Community Councy.

Yves Frenne, President

August 6th, 2014

STANDED CHARGO IN OLD

Lipsky is well-known for helping small businesses oppose plans that would reneur larger business, ale

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More in

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Light we lifted veter day by The Communes to Save New York, a coalition lobbing for Gev. Cuomo's budger. Committee spokesman Bill Cumma-earn said Lipsky who was satisfied three week ago. ing being the suppose

Last week of the level Levi is a lawyer contained in the Brookler continue pribe bleaded anity in federal ones there to broke the AHI

- was mired and to be a covernment into mind.
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61st Precinct Community Council Police Department - Gity of New York

BROOKLYN, NEW YORK





Presented to

Cherry Hill Gournet

In Appreciation of Your Dedication, Loyalty, and Outstanding Service During The 61st Precincs - National Night Out Against Crime.

August 3rd, 2010 (/)

Yves Etieni Président

Georgios Mastrokostas Captain, Commanding Officer

61st Precinct Community Comment Police Department - City of New York





Presented to

Charles Salas Gourne

In Appreciation of Your Dedication, Loyalts, and Outstanding Service During The Olst Precinct - National Night Out **Agains**t Crime.

1/11/1

Yves Eftienhe President August 2nd, 2011

Ceorgios Mastrokostas Deputy Inspector, Commanding Officer



大大文 Commander's Award 大大大

The U.S. Marine Corps Reserve is provid to recognize

CHERRY HILL GOURMET MARKET for outstanding support of the

2012

Marine Toys for Tots Program

Your generous contributions have enabled the Marine Corps to bring the joy of Christmas and send a message of hope to America's less fortunate children.

Steven A. Hummer LiGen, USMC Connignder

Marine Porces Reserve

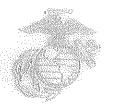
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Professional and Committee and

Cherry Hill Gourmet Market

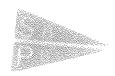
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United States Marine Corps Reserve



TOSE BOOKER

SALUSMA Marine words Reserve Toys for Tois Program



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1693 East 11st Street, Breaklyn, N.Y. 11235 (718) 891-6498

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Parkera (49/2001)

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To Our Friends at Cherry Hill:

On behalf of the board of directors, members, and our community, I would like to thank you for all your support and generous donations to aid in our giving back to the community program this December. It is an establishment such as yours that below make our remanuity unique.

The property of

The Carrenges of an Engine Example on the same examp



Pelanuary 28, 2010

Department of Ast

Gokhan Cicek Manager, Cherry Hill Gowmet 1901 Emmons Avenue Brooklyn, New York 11235

Deer Goldhau.

It is difficult to find the words, which are appropriate to describe my immense gratitude to you, and to Cherry Hill Gournet, for the amazing generosity you exhibited towards the Brooklyn College Art Galleries. Our recent reception for the enhibition of Jean-Fritz Chery's paintings was transformed into a ture, college wide occurrence of study unusual and joyous statute because of your exceptional kindness and concern for the outburst and scademic climaterion of the Brooklyn College community.

This expension featured the modification ender who is partitional and who has a uniquitional ordering permitting days graves because the control of the feature and the factor of the expension o

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On behalf of myself, and this institution, I thank you very, very much for your gift of an edible sponsorship which made so much difference on such an important evening. I look forward to seeing you again, soon, to convey my best wishes to you in person,

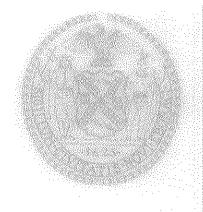
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COUNCIL MENISTR LEWIS A. FIDULIN, ACT DISTRICT



Arbs Hork State Assembly

Citation

Whereas, Cherry Hill Market is being honored upon the occasion of their annual Yad B'Yad Food Distribution and for providing dedicated service to the community of Brooklyn; and

Whereas, a Great State is only as great as those organizations, which give exemplary service to their community, whether through their participation in voluntary programs, through unique endeavors or simply through a commitment for a lifetime mission of their participants.

Villereds, such services provided by Charry Thii Market which is truly the difeblood of the community and the state, so often goes unrecognised and unrewarded; how therefore be it

Resolved, that as a diffy elected Member of the State Assembly of New York, I recognize that in

> Cherry Hill Market Lad B'Lad Food Listribution Initiative

we have an exceptional organization, one which is worthy of the esteem of both the Community and the great State of New York

Dove 2016 2322

In withest othereof, I have here units say my hipsi, and signature.

Treene E. Witastest TV Assemblywomen, 41° Oistilet



Cherry Hill Gourmet Market 1901 Emmons Avenue Brooklyn, NY 11235

Anguet 11, 2014

Deer Mr. Devid Isaav,

We would like to express on Teepest gradule for beiping with the 2014 Police Night Out, we couldn't have done it without the support of volunteers such as yourself! Your trendship is valuable to us, and we have made sure that everyone gets the recognition that they deserve. It makes us incredibly happy to have such a highly motivated team, and to see the enflusiasm that people artifact when it comes to supporting our everyday hences, that work thelessly every day, to help maintain our quality of life. Once again, thank you for everything. We look forward to working together in the future!

Be Fried Foundation



My Thoras

May 23, 2011

Cherry Hill Gourmer 1901 Emmons Avenue Brooklyn, WY 11235

Elmention: Shore Manager

Dear Sin

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Phyllis R. Brodsky, story



By Simon Bellay

What's so terrible about the revival of a quality seafood restaurant at the Lundy Bros. site, and the addition of a gourmet market with quality offerings of deli, cooked and cold foods, bakery items and selate, to be enjoyed in a café atmosphere as well as taken home for dinner? What is so

terrible about having organic foods and a quality bakery where none exist?

What is wrong with trying to resurrect an area in Sheepshead Bay which has been deteriorating for the past 30-plus years?

Ever since the demise of the original Lundy Bros. restaurant in 1977, the landmark building has been vacant for the last three decades except for two short-term falled attempts to open a scafood restaurant on a much smaller scale. It is

clear that just a restaurant in this massive building cannot survive, as the clientele that filled Lundy Bros. no longer exists.

In 1973, with all of the best intentions for the community Sheepshead Bay was designated as a "special district" to promote and strengthen the unique character of the area as a prime location for waterfront and recreational development and to help attract a useful chister of shops, restaurants and related activities.

Unfortunately, whether it was due to the changing

makeup of our diverse community or the changes in the economy, it appears that the "special district" zoning in some instances have been more of a hindrance than a help to the community.

Vacant lets and vacant buildings onto led to an abundance of earbage, rodent intestation and crime further

deteriorating the community.

A July 9, 1495 article in The New York, Times it states. it was clear in ivir. John B. Hikas, Community Board 15 Chairman and Mitchell Corby, Director of the City Planning Department's Brooklyn Office that "We've just got to accept that the discret's goals were

Why can't the few complaining pundits wake up to the welliv of history and the existing simulion and help Cherry Bill resolve the zoning

issue?

What is wrong with

trying to resurrect an

area in Sheepshead

Bay which has been

d**eteriorating** for the

past 30-plus years?

Recently my wife and I speak two hours with David tsacy, president of Cherry Hill Commer discussing his plans and objectives in detail regarding the new Lundy Bros. Restaurant and Cherry Hill Gommet. I have come away with an understanding:

- . The exterior of the building will be completely restored to conform to the Landmark Preservation requirements.
- The original Landy Bres, lettering and awnings will also be restored to its original condition even though the

lettering is not part of the façade and not a requirement of Landmark Preservation.

- The restaurant part of the business will be promoted and marketed to make every effort to revitalize the Lundy Bros. name and restaurant stature,
- The restaurant will be opened approximately 4-5 months later, due to construction timetable.
- · Baskets in the gourmet area will only be allowed to exit the rear of the building into the parking lot. No baskets will be allowed on Emmons or Ocean Avenues.

Isaev has invested an enormous amount of money rebuilding a structure in shambles with the hope of building a successful business and revitalizing an area which is in desperate need of help. The work he has done in the parking lot appears to be a bigger investment that most businesses in the area have made.

Almost everyone I have spoken to that has seen the interior and had a preview of the plans are extremely positive and are eagerly awaiting the Grand Opening of the Cherry Hill Gourmet and Lundy's New 4º Restaurant.

The battle needs to end for the benefit of the community. The issues regarding Landmark Preservation appear to be resolved. With Loehmann's and condos already on Emmons Avenue, I believe, the zoning has changed dramatically from its original intent. It is time to sit down and together move forward with a solution instead of pointing fingers for politics or personal desires.

The community should also immediately address possible solutions for additional parking areas and a multitude of promotions to bolster the viability of our fishing/emising fleet.

Simon Belsky is a candidate for City Council in District 48



Sheepshead Bay treasure turns into Cherry Hill Gourmet Market

by Lorenze to Sheepshead Bay

Angust 01, 2010 5:59 AM By Blaire Porter is Crain's New York Business

True, it's not Lundy's, but the locals like it just fine

At long last, Sheepshead Bay finds that a legend can be replaced

It's been nearly a year since the Cherry Hill Gourmet Market opened at 1901 Emmons Ave. in Brooklyn's Sheepshead Bay, and residents are delighted.



"I never thought we would have a place like this," says Brittany Murphy, standing in the middle of Cherry Hill's well-stocked produce section. "It is convenient and beautiful, and everything they sell is of great quality—at a great price."

In any other part of the city, that some of rave perieve might not be potesticated, but in this base it most pertainly is. The market occupies hallowed ground—14,000 square feet in the waterfront building that for 42 years was home to the neighborhood's most famous name. Lundy Brothers, in its beyday, the seafood restaurant famous for its hearty chowders and bucklebeary pie vegularly packed in as many as 2,600 diners from across the city.

After the death of the last of the original owners in 1976, the two-story, Mediterranean-style building with its red-tile roof stood empty for nearly 20 years until a second Lundy's opened. It folded six years later, and since then, the neighborhood's most famous address has been an increasingly shabby graveyard for a succession of businesses—a surprising number of them failing even before opening day.

Changing demographics

As the years were on and hopes faded for a restaurant that could revive the waterfront's glory days, the neighborhood itself changed profoundly. Once primarily a blue-collar, Catholic area—birthplace to football legend Vince Lombardi and famed columnist James Brady, among others—today it is also home to many middle-class Russians, Pakistanis, Turks and Greeks. Meanwhile, the waterfront tourist trade is long gone.

"Values have changed," says Theresa Scavo, chairman of the Sheepshead Bay Community Board.
"People used to bring their hids out to go fishing, but it has gotten too expensive."

The bottom line is that today's Sheepshead Bay doesn't need a 2,000-seat restaurant as much as a good high-end grocery store like Cherry Hill. What's more, the market has belied revive a local landmark.

"I am very sentimental, and I like to preserve history, but it was painful to look at the building before the market," says Anna Hader, a broker with the neighborhood office of Accord Real Estate Group. "A beautiful business that is right for the clientele is better [than another Lundy's], and it has encouraged others to improve."

New decor

Even from a distance, the market contrasts with the other ground-floor tenants in the building. Tattered awnings hang over a Japanese restaurant and a small café, for example, and both have cracked windowpanes. In contrast, Cherry Hill boasts bright-red awnings and well-polished glass. Inside, it even pays homage to its predecessor with framed pictures of the original Lundy's that hang among clay cherry blossoms made by a local ceramic artist.

Pulling off that transformation took many months of work for owner David Isaev, who points out that he had to overcome a reluctant landlord, a host of local skeptics, and the city's vast bureaucracy, which hit him with no less than 46 stop-work orders.

"I was in war in Israel and saw nothing like this." says the former Israeli army soldier.

In the end, he says, the response from his new neighbors has convinced him the effort was

"Il lawore they were use been!" Win Isser says. "It is obvious; the store is always busy."



Recording State Assaultj

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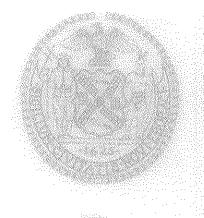
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Date: April 10th 2014

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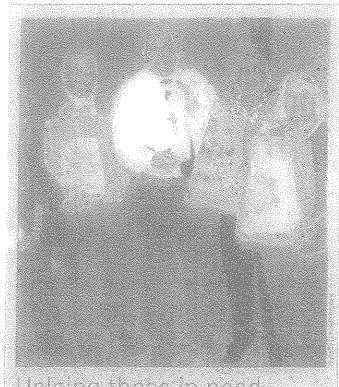
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Your Neighborhood – Your News

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Helping those in need

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My Turn

May 23, 2011

Cherry Hill Gourmet 1901 Emmons Avenue Brooklyn, NY 11235

Attention: Store Manager

Dear Sir.

Once again on behalf of the My Turn Club at Kingsborough Community College. I am writing to thank you for your generous contribution of baked goods to our Cake Sale held on May 10th.

It is so gratifying to imove that we can bount on your participation in this yearly activity, which raises funds for the benefit of students who merit help from acholarship awards we are able to provide.

Very buly yours.

Phyllis R. Brodsky, secly

Sandy-Ravaged Cherry Hill Market Becomes First Business In Lundy's Building To Reopen

5 By Ned Berke on November 26, 2012 **Business**

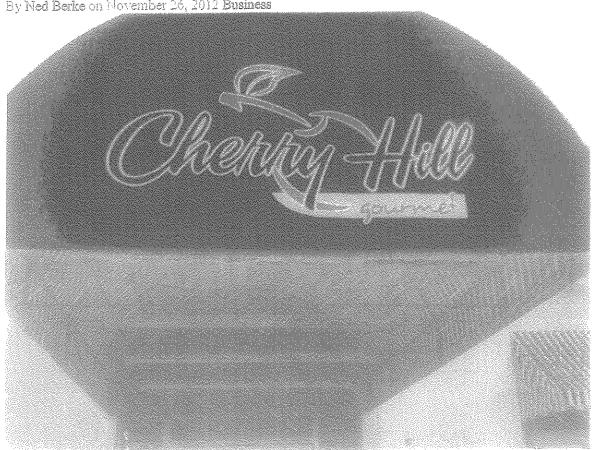


Photo by Ray Johnson

Cherry Hill Gourmet Market opened its doors to the public for the first time last Tuesday, and you can barely tell floodwaters ever entered its storefront in the historic Lundy's building (1901 Emmons Avenue).

The were working night and day, day and night, 24-seven, wiget back on our feet," said owner David Isaac at a grand opening party last week, anended by Assemblymembery Steven Cymbrowitz and Helene Weinstein, Stunctiman I dichael Helson, and Community Board 15 Champerson Theresa Scart.

During the worst of Supersorm Rendy, several feet of water rocked ones the Espit walls and barreled into the pullding — mining the building's interior, alongside tens of Grossands of idlians worth of items and equipment. Cherry Hill provided the video below to Sheepshead Bites, showing the damage after the water receded.

The businessman said he didn't want to wait to see how the neighborhood was coming back, he preferred to lead the resurrection.

"I cannot leave the area like this," Isaev said.

Isaev tapped his partners, friends and family to gather financing to restore the business and restock the shelves until insurance money flows, and became the first ground-level business to reopen in the Lundy's building, a symbol of Sheepshead Bay for generations. Masal Cafe is undergoing a massive renovation and expects to be open soon. Momoyama is also under repair.

Therry Hill provided the video below. There's also a cameo at the 9:45 mark by Randazzo's comer Paul Bandazzo, relling Cherry Hill managers how he escaped his more in the middle of the flooding.

Omia Lifet

"Sure we're open," seld Cick, "of course!"

Cherry Hill Gourmet has a history of bouncing back quickly, respening just three weeks after Superstorm Sandy devastated the neighborhood, while most other food stores in the area took months to come back. As one of the few places in the area to buy quality food in the aftermath, Cherry Hill's fast return endeared the market to a community that was left isolated and underserved for much of the winter following the storm.

Dave P from Bay says:

Leave Cherry Hill alone already. If you keep hassling him, maybe he'll leave, and we'll again have a filthy abandoned building again. Is that what the Bay Improvement Group calls improvement??? Report abuseAug. 3, 2011, 8:32 am

trainman from Gerritsen Beach says:

As Bob from Marine Park says: "whose pocket were lined by David Isaev and his attorney?"

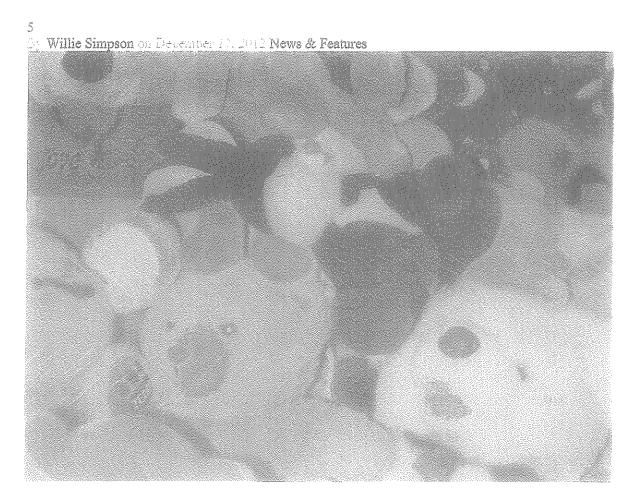
I shop at Mr. Isaev's establishment frequently and find it to be a class A food store and restaurant. It offers a unique variety of products at a reasonable price and I never left there disappointed.

For years the Lundy building has been left to decay both outside and in and with little interest from its community. Along comes a businessman who offers to set up a sorely needed business along with hiring local residents as employees and in return he has been met with countless obstacles and contempt from the community leaders. If Bob from Marine Parit's theory is correct that a bribe needed to be made to open up a business like this. It's no wonder

Skeepshead Bay's dahing village like suncaphere projected 20 years ago by its community leaders, never materialise. Transis to the provers that is, the epshead Lay or situe to tay is a poury placed department store instead of classy bouldones.

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Toys For Tots Month Continues Tonight At Cherry Hill Gournet Market



Course that Barrell of Billion to

The month-long Toys For Tots toy drive rolls on this evening with their latest satellite event. Tonight, the Be Proud Foundation, the 41st Assembly District Democrats Club and the U.S. Marine Corps Reserve are joining forces to give donated toys to underprivileged children in the Russian-speaking community.

Topight's event will be held from 5.00 p.m. to 3.00 p.m. on the second floor of the Cherry Hill. Commer Market, 1901. Engages is sense between Eart 19th Smeet and Coent is sense. You can either dense a new, upwrapped try or make a 130 minimum check or raile to the The Proof. Poundation."

Needy Seniors Receive Kosher Care Packages From Be Proud Foundation Ahead Of Holiday

o By Ned Berke on September 24, 2014 A**rts & Culture**



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I represent: Cherry Mill
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Please complete this card and return to the Sergeant-at-Arms

	Appearance Card
	I intend to appear and speak on Int. No. LUZI Res. No
	☑ in favor ☐ in opposition
Ì	Date: 5-05-15
	Name: Raimma Tagiev
	Address:
	I represent:
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	THE COUNCIL
	THE CITY OF NEW YORK
	Appearance Card
	I intend to appear and speak on Int. No. Lell Res. No.
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	Name CORSE Office / (1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/
	Name: GORSE MESE PRINT) Address: 2960 Wese 85 BK- AU
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	Address: 369 (PX) hell my
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Appearance Card
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Date:
(PLEASE PRINT)
Name: ARAHAM HEVATZ
Address: 1929 8151
I represent: Chang 4/11 Counch
Address: 1901 EMMONS AVE
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No Res. No
Date:
Name: Hothory KElley
Name: Athony Kelley Address: 9322 CRISPIN ST
I represent: Cheany Hill
Address:
THE CATION
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No. 2// Res. No.
in favor in opposition
Pate:
Name:
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represent: There hill
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	Appearance Card	İ	
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Address: SHELDO	N LOBEL PC		
I represent: CHER	RYMILL		<u> </u>
Address:	I EMMONS AVE.	BLOO	KLYN
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	Appearance Card		-
I intend to appear and	speak on Int. No. 4211	Res. I	Vo
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•	Date:	5/5/1	<u> </u>
. Ed . Ja	(PLEASE PRINT) WOFSK! E. 28 St. 112 son-Marine-Hon		
Name: 1821	E. 28 St. 112	29	
I represent: Madi.	con-Marine-Hor	nceres!	-Civic
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		or you	7/ -
Name: CLiFF	(PLEASE PRINT) Bruchenstein		
Address: 9 Well	ner ct Much	1411	11235
I represent:		,	<u> </u>
Address:			
	- ,		

Please complete this card and return to the Sergeant-at-Arms

Appearance Card
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date: 5 5 2015
(PLEASE PRINT) Name: Stoven Barrison
Address: 30 Danley St. BRYN NY
I represent: Preserve (rer Un Erfront + Bus Ingripendent
Address:
THE COUNCIL
THE COUNCIL THE CITY OF NEW YORK
THE CHI OF NEW TORK
Appearance Card
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date:
Name: RABBI SHLOMO COHEN
Address: 13/5 AVE Y
I represent:
Address:
THE COUNCIL
THE COUNCIL THE CITY OF NEW YORK
THE CITT OF NEW TORK
Appearance Card
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date:
Name: ROUS R CHETNINA
Address: 2124 8, 27, Brooklyn
I represent: myself
Address:
Please complete this card and return to the Sergeant-at-Arms
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