

SUBCOMMITTEE ON ZONING AND FRANCHISES

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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February 24, 2025  
Start: 11:06 a.m.  
Recess: 12:29 p.m.

HELD AT: 250 Broadway - Committee Room, 16th  
Floor

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
David M. Carr  
Francisco P. Moya  
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Adrienne Adams, Speaker  
Christopher Marte

A P P E A R A N C E S

Richard Lobel, Sheldon Lobel PC

Kevin Williams

Bishop Tyrone Butler, Full Gospel Mission Church  
of God in Christ

Dan Ruzeu, architect

Max Bookman, Pesetsky and Bookman PC

John Neidich, Golden Age Hospitality

Craig Atlas, Le Dive

Sandy Lay, Neighbors on Canal

Bruce Tory, self

Emma Culbert, President of Seward Park Around  
Canal Street Block Association

Tommy Mendes, owner of Bar Belly

Lucinda Constable, self

Kat Maldon, self

Jason Casella, self

Michael Lermont, self

Kahiem Rivera, general manager at Le Dive

2 SERGEANT-AT-ARMS: Check, check. This is a  
3 microphone check for the Subcommittee on Zoning and  
4 Franchises located in the 16th Floor Hearing Room  
5 recorded on February 24, 2025, by Pat Kurzyna. Check,  
6 check.

7 SERGEANT-AT-ARMS: Good morning. Welcome  
8 to the New York City Council hearing on the  
9 Subcommittee on Zoning and Franchises.

10 At this time, please silence all  
11 electronics and do not approach the dais. I repeat,  
12 please do not approach the dais.

13 If you wish to testify, make sure you  
14 fill out a slip at the back of the room with the  
15 Sergeant-at-Arms. If you wish to testify online, you  
16 may do so at [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). That  
17 is [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

18 At this time, any further questions or  
19 concerns, please contact the Sergeant.

20 Chair, you may begin.

21 CHAIRPERSON RILEY: [GAVEL] Good morning,  
22 everyone, and welcome to a meeting of the  
23 Subcommittee on Zoning and Franchises. I'm Council  
24 Member Kevin Riley, Chair of the Subcommittee. Today,  
25 I'm joined by Speaker Adams. Remotely, we're joined

2 by Council Member Moya, Abreu, and in person, we're  
3 joined by Council Members Schulman, Carr, and Marte.

4 Today, we are scheduled to hold two  
5 public hearings. The first public hearing concerns a  
6 proposal to develop a mixed-use residential building  
7 in South Jamaica, Queens. The second hearing concerns  
8 a sidewalk cafe application along Canal Street in the  
9 Lower East Side of Manhattan.

10 I will now go over the hearing  
11 procedures. This meeting is being held in hybrid  
12 format. Members of the public who wish to testify may  
13 testify in person or through Zoom. Members of the  
14 public wishing to testify remotely may register by  
15 visiting the New York City Council's website at  
16 [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to sign up, and for those  
17 of you in here in person, please see one of the  
18 Sergeant-at-Arms prepare and submit a speaker's card.

19 Members of the public may also view a  
20 live stream broadcast of this meeting on the  
21 Council's website. When you are called to testify  
22 before the Subcommittee, if you are joining us  
23 remotely, you will remain muted until recognized by  
24 myself to speak. When you are recognized, your  
25 microphone will be unmuted. We will limit public

2 testimony to two minutes per witness. If you have  
3 additional testimony you would like the Subcommittee  
4 to consider, or if you have written testimony you  
5 would like to submit instead of appearing in person,  
6 please email it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).  
7 Written testimony may be submitted up to three days  
8 after the hearing is closed. Please indicate the LU  
9 number and the project name in the subject line of  
10 your email.

11 We request that witnesses joining us  
12 remotely remain in the meeting until excused by  
13 myself as Council Members may have questions.

14 Lastly, for everyone attending today's  
15 meeting, this is a government proceeding and decorum  
16 must be observed at all times. Members of the public  
17 are asked not to speak during the meeting unless you  
18 are testifying.

19 The witness table is reserved for people  
20 who are called to testify and no video recording or  
21 photography is allowed from the witness table.  
22 Further, members of the public may not present audio  
23 or video recording as testimony but may submit  
24 transcript of such recording to the Sergeant-at-Arms  
25 for inclusion in the hearing's record.

2 I will now open public hearing on LUs 239  
3 and 240 relating to the 123-12 Sutphin Boulevard  
4 rezoning proposal in Speaker Adams' District. The  
5 proposal seeks a rezoning to develop a mixed-use  
6 residential and community facility building in South  
7 Jamaica, Queens with approximately 125 apartments.  
8 The apartments will be above a house of worship on  
9 the ground floor and cellar be owned and operated by  
10 the applicant. This new development will have 55  
11 surface parking spaces at the rear of the building.  
12 The proposal also involves the mapping of Mandatory  
13 Inclusionary Housing and the result approximately 31  
14 of the apartments will be permanently affordable.

15 For anyone wishing to testify on these  
16 items remotely, if you have not already done so, you  
17 must register online by visiting the council's  
18 website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For anyone with  
19 us in person, please see one of the Sergeant-at-Arms  
20 to submit a speaker's card. If you would prefer to  
21 submit written testimony, you can always do so by  
22 emailing it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

23 I would now like to recognize Speaker  
24 Adams for her opening remarks.

2 SPEAKER ADAMS: Thank you very much, Chair  
3 Riley, and good morning, everyone. We are having a  
4 hearing today on the land use application at 123-12  
5 Sutphin Boulevard to facilitate the development of a  
6 mixed-use community facility and residential building  
7 with permanently affordable homes. This rezoning  
8 proposal is not only in my District, it is also very  
9 close to my District office and not far from my own  
10 home. This project is located in my neighborhood, so  
11 our community is keen on ensuring that it fits and  
12 contributes to the surrounding area in Southeast  
13 Queens. As I have said throughout my time as Speaker,  
14 our city is in a housing crisis that is squeezing out  
15 working and middle-class families who are on the  
16 brink, so it's important that we advance solutions  
17 that meet our residents' housing needs. At the same  
18 time, we must also maintain respect for neighborhood  
19 character so that our communities can retain what  
20 makes them special and unique. Striking that balance  
21 is important in any project. I want to thank the  
22 applicants, SBR Equities, and Full Gospel Mission  
23 Church of God in Christ for being here today. Pastor  
24 Rausch (phonetic) and Bishop Butler, I sincerely  
25 appreciate the work and engagement your church and

2 the developer have done already, and I expect that we  
3 will continue this conversation moving forward on  
4 this proposal. I do acknowledge that this proposal  
5 has undergone some design revisions to address  
6 concerns raised by Community Board 12 as well as many  
7 of our neighbors. I look forward to further progress  
8 today, and I look forward to hearing your testimony.  
9 Thank you very much.

10 CHAIRPERSON RILEY: Thank you, Speaker  
11 Adams.

12 I will now call on the applicant panel  
13 for this proposal, which consists of Richard Lobel  
14 and Kevin Williams.

15 Counsel, can you please administer the  
16 affirmation?

17 COMMITTEE COUNSEL VIDAL: Please raise  
18 your right hand and state your name for the record.

19 RICHARD LOBEL: Richard Lobel.

20 KEVIN WILLIAMS: Kevin Williams.

21 COMMITTEE COUNSEL VIDAL: Do you swear to  
22 tell the truth and nothing but the truth in your  
23 testimony today in response to Council Member  
24 questions?

25 RICHARD LOBEL: I do.



2 KEVIN WILLIAMS: I do.

3 COMMITTEE COUNSEL VIDAL: Thank you.

4 CHAIRPERSON RILEY: Thank you. And for the  
5 viewer in public, if you need an accessible version  
6 of this presentation, please send an email request to  
7 landusetestimony@council.nyc.gov.

8 And now the applicant team may begin.  
9 I'll just ask you gentlemen to please reinstate your  
10 name and organization for the record. You may begin.

11 RICHARD LOBEL: Thank you. Richard Lobel  
12 of Sheldon Lobel PC.

13 Speaker Adams, Chair Riley, Council  
14 Members, good morning. We're thrilled to be here  
15 today representing both Sam Rabbani from SBR as well  
16 as Bishop Butler and Mr. Matthews from Full Gospel  
17 Mission Church. We're also joined by Dan Rousseau  
18 online, project architect, as well as Kevin.

19 And so this is the 123-12 Suffolk  
20 Boulevard rezoning. The rezoning, next slide, would  
21 change existing zoning districts from R3A and R3A/C1-  
22 3 to R6A and R6A/C1-3. And so what this will do will  
23 be to really correct a wrong in terms of the church  
24 and the site, which for close to 30 years now has  
25 housed a one-story dilapidated structure. What this

rezoning will allow would be to facilitate the development of a new mixed-use community facility building as we will detail in the plans and materials. We also, at the same time as the rezoning, would be asking for a text amendment, of course, so that the site would be inclusive of Mandatory Inclusionary Housing.

The next slide are the numbers behind the proposed development. We would note that there have been many conversations with community members, including several meetings with Community Board 12 and local stakeholders, many of whom have submitted materials and consent letters in favor. And so the original proposal was for an eight-story plus cellar building. The proposal now is for a full five-story building with a deeply setback six-story merely for accessory recreational use, primarily glass-enclosed structure on the sixth story, which would allow for health and wellness classes and fitness classes. The building itself reduced from over 87,000 square feet to 81,000 square feet, allowing for a 10,000-square-foot cellar and ground-floor community facility for the church, as well as 77,000 square feet of residential use above. The building would reach a

1 total height of 67 feet. This is as opposed to 82  
2 feet as originally proposed. There would additionally  
3 be bike and vehicular parking spaces. The units  
4 generated would be 120 units versus the original 125  
5 with 30 affordable units. I think it's worth noting  
6 that the developers and the church worked very hard  
7 with the community and with Speaker Adams and  
8 received really good input in terms of what was  
9 really appropriate for the site. And I would also add  
10 that given the recent changes pursuant to City of  
11 Yes, we're able to reduce the height of the building  
12 without a major disruption in the program or in the  
13 number of units so this is really a victory for  
14 everybody.

16 The next slide is the zoning map, which,  
17 although challenging to read, you can kind of see  
18 there's R6 both to the north and south of the site.  
19 We'll detail on the area map how well this fits in.

20 The next slide is the tax map, which  
21 shows highlighted in red the church property, as well  
22 as the next slide to the north, the property across  
23 123rd. And so these would be the properties that  
24 would be rezoned pursuant to this proposal. There is  
25 existing R6 to the north and south of the site.

1 I think the next slide really tells the  
2 story well. It's the area map, which shows that this  
3 proposed R6A district bridges the gap on Sutphin  
4 between the existing R6 to the north and south,  
5 allowing for contextual development. There are four-  
6 story residential buildings to the north. There are  
7 eight-story residential buildings to the south. This  
8 building at five stories, in terms of the primary  
9 bulk of the building, will fit well within the  
10 character. We also have a park immediately to the  
11 southeast, which would allow for the benefit of  
12 residents of the proposed building.

14 The next slide and the next several  
15 slides are photos of the surrounding area. In the  
16 upper right corner, if only you could see the... there  
17 it is. You can see that one-story concrete structure.  
18 This was erected in 1995 and has sat there for the  
19 entirety of this time, really demonstrating that  
20 there was no productive development at the site so  
21 we're really excited about the opportunity to move  
22 forward and to produce something that would allow for  
23 housing and affordability as well as for updated  
24 community facility space for the church, which  
25 currently is housed in a small building across 123rd.

2           The next slide continues with pictures,  
3 and then beyond that, there is the project plans,  
4 architectural plans under the current proposal. I'm  
5 going to briefly go through those. Dan Ruzeu is our  
6 architect, is on the phone, and is happy to answer  
7 any specific questions as they arrive. But you can  
8 see the current rendering of the building.

9           Next slide. Next slide. So, this merely  
10 shows the context of the building within the  
11 surrounding area. Again, a five-story building in  
12 terms of the full stories.

13           And then if you want to keep going, you  
14 can see the next slide shows this recessed, you know,  
15 rather lovely space on the roof, which would allow  
16 for outdoor recreation space for all of the  
17 building's residents.

18           The next slide is a site plan, which kind  
19 of shows the layout of the area in terms of this site  
20 and the existing density.

21           And then the remaining slides are, if you  
22 want to page forward, parking, which would be on the  
23 ground floor, including the blue space devoted to the  
24 church, that's 10,000 square feet of usable space,  
25 with residential units above.

2           And if you just want to go through that,  
3 you can see the rough layouts of the residential  
4 units set back from the rear to allow for additional  
5 space in the rear yard.

6           The next several slides are proposed  
7 renderings of the building, inclusive of mural space  
8 to allow for artistic expression on what would  
9 otherwise be a blank wall. This is something that our  
10 project architect is proud of and has done on other  
11 developments. So, without taking any further time, if  
12 we're going to just forward through the remaining  
13 slides, you can see the building again, the  
14 renderings of the building, inclusive of a setback on  
15 the northeast corner to allow for additional space in  
16 the area so that the building won't mass too greatly  
17 in that area.

18           If you want to just forward through the  
19 remaining renderings, just again demonstrating the  
20 proposed bulk of the site and the context of the  
21 surrounding area, I think if you just want to forward  
22 to the last page, which says 123-12 Sutphin Boulevard  
23 on the top, we would now be happy to answer any  
24 questions.

2 CHAIRPERSON RILEY: Thank you, Richard. I  
3 just have a few questions, then I'm going to turn  
4 over to Speaker Adams. Where is the church operating  
5 right now and are there any future plans for the  
6 existing church building after it relocates to the  
7 new building?

8 RICHARD LOBEL: So, Chair, the church  
9 currently operates in a small two-story building  
10 across 123rd Avenue, and its rather small space  
11 allows for, you know, small church gatherings but  
12 doesn't really allow for utilization of the space in  
13 terms of the church's program and the outreach they  
14 do. So, the church, as proposed, would move into this  
15 space, which now amounts to roughly 10,000 square  
16 feet, which is several times the size of the current  
17 building in which it's located. Their current  
18 property, which they own, would also be rezoned under  
19 the proposal, which would, you know, at this time be  
20 as-of-right under the R6A, but there aren't any  
21 current development plans for that. They just would  
22 own that space as well.

23 CHAIRPERSON RILEY: What current programs  
24 does the church have right now?

2 RICHARD LOBEL: You know, I think I  
3 probably would maybe ask Bishop Butler if he'd like  
4 to address that. I'm happy to answer any questions in  
5 the short term, but perhaps if the Bishop wants to.

6 CHAIRPERSON RILEY: Sergeant, can we get  
7 the Bishop a speaker's card?

8 And while we wait for the Bishop, you  
9 said the architect is online?

10 RICHARD LOBEL: He is.

11 CHAIRPERSON RILEY: What's his name again?

12 RICHARD LOBEL: Dan Ruzeu.

13 CHAIRPERSON RILEY: Dan, can you hear me?

14 DAN RUZEU: Yes, sir.

15 CHAIRPERSON RILEY: All right, we're going  
16 to swear you in right now, Dan.

17 DAN RUZEU: Yes, sir. Thank you, Bishop.

18 COMMITTEE COUNSEL VIDAL: Good morning.  
19 Could you please raise your right hand and Mr. Ruzeu,  
20 could you also please raise your right hand if you  
21 can turn on your camera? Thank you. Could you please  
22 say both of your names for the record?

23 DAN RUZEU: Dan Ruzeo.

24 BISHOP TYRONE BUTLER: Tyrone Butler.



2 COMMITTEE COUNSEL VIDAL: Do you swear to  
3 tell the truth and nothing but the truth in your  
4 testimony today in response to Council Member  
5 questions?

6 BISHOP TYRONE BUTLER: I do.

7 DAN RUZEU: Yes, sir.

8 CHAIRPERSON RILEY: Thank you. Bishop,  
9 what type of programs do you have operating out of  
10 the church?

11 BISHOP TYRONE BUTLER: So, for example, we  
12 do community impact programs like Thanksgiving, the  
13 last community feeding we did, which we fed hot meals  
14 to everyone in the community who desired it. We  
15 literally had to it outside. It wasn't comfortable.  
16 Of course, it wasn't convenient, but we fed hot meals  
17 to everyone in the community. In the summer, we also  
18 have our programs where we go outdoors, give away  
19 bags, items, as well as food for the families in the  
20 community. We just also launched a brotherhood  
21 program to attempt to get more young men to come into  
22 some of our contact with our church programs. So,  
23 we're constantly looking for other ways to impact  
24 particularly families in the community, particularly  
25 young people, young men and young women to get them

2 into a more positive aspect of life. So, between our  
3 youth programs, our feeding programs, we're always  
4 trying to do something to show our touch and our sort  
5 of concern for the community, not just our worship  
6 services.

7 CHAIRPERSON RILEY: Thank you, Bishop.

8 Will the new church location be used mainly for  
9 worship services, obviously not because Bishop just  
10 mentioned other services, or do you plan to use it  
11 for other services that the Bishop did not speak  
12 about today?

13 RICHARD LOBEL: So, the current proposal  
14 includes flexible space, and the discussion that  
15 we've had internally was the opportunity to allow for  
16 community groups, non-profits and such to schedule  
17 time with the church in order to use that space so  
18 it's an important part of the current proposal and  
19 would be allowed to be used by members of the  
20 community in large.

21 CHAIRPERSON RILEY: Why are you proposing  
22 the R6A district? Did you not explore other zoning  
23 districts?

24 RICHARD LOBEL: You know, we did explore  
25 other districts. The R6A was originally proposed

2 because of the existing R6 to the north and south of  
3 the site and the density in the immediate area.  
4 There's Baisley Gardens, which is to the south of the  
5 site at eight stories. After further discussion with  
6 many community stakeholders, as well as with the  
7 Speaker, the discussion was around whether or not  
8 we'd be able to fulfill the program with a shorter  
9 building. But as it turns out, the opportunity to  
10 allow for the full utilization by the church,  
11 inclusive of this 10,000 square feet, as well as to  
12 create a meaningful number of units, we decided to  
13 maintain an R6A, which further allows us to provide  
14 over 30 units in terms of affordability. So, through  
15 City of Yes, we're able to fill out more of the  
16 footprint of the building, and so this really allows  
17 for both the church and the residential program to  
18 exist.

19 CHAIRPERSON RILEY: If this proposal is  
20 not approved, are there any other plans for this  
21 property?

22 RICHARD LOBEL: You know, Chair, sadly,  
23 when we've talked about this internally as an  
24 applicant team, when you look at that one-story  
25 concrete, it's not even really a structure, it's like

2 a shell. That happened because there was a prior  
3 developer who, over 30 years ago, really for want of  
4 a better term, took advantage of the church and  
5 proposed a partnership where they would build  
6 something. And so that property has sat with this  
7 dilapidated structure for over 30 years. I think one  
8 thing that we've all been united on in terms of our  
9 community conversations has been the opportunity to  
10 really right that wrong. So, we don't really know  
11 what would happen to the property in the absence of  
12 this rezoning. We do know that the church has done a  
13 lot of work in terms of outreach and came to their  
14 community meetings with, I think, over 50 consent  
15 letters of people in the immediate area who were in  
16 favor of what they're currently proposing.

17 CHAIRPERSON RILEY: Thank you, Richard.  
18 I'm going to yield my time to the Speaker to ask her  
19 questions.

20 SPEAKER ADAMS: Thank you very much, Mr.  
21 Chair. Welcome once again. It's good to see you all  
22 here today.

23 You know, as was mentioned, this property  
24 has sat, you know, on Sutphin Boulevard for a very  
25 long time. It's been an eyesore. It's been a blight.

2 And just for my Colleagues on the Committee, this  
3 property pretty much is a pretty large vacant lot on  
4 a corner, but it abuts an elementary school. So, when  
5 you're looking at the rendering, if you can put the  
6 rendering back up, I just want to make sure that my  
7 Colleagues are clear. The rendering where the mural  
8 is, the mural literally abuts an elementary school  
9 with a fence there. So, PS 23, their playground is  
10 literally right here on this side of what would be  
11 this building. So, the community has been talking  
12 about this space for a very long time. I just want my  
13 Colleagues also to get an idea, the Chair touched on  
14 it a little bit as far as why this property has been,  
15 you know, just sitting there for so long. And myself,  
16 just like I always say, we're our own constituents.  
17 You know, as my own constituent, I'm sitting there,  
18 you know, all these years, why is this happening,  
19 what's going on, you know, we've seen this before  
20 COVID, now through COVID, after COVID, and it's just  
21 sitting there, nothing's happening except overgrowth  
22 and some stones. So, can you just, you know, explain  
23 to my Colleagues what happened, you know, what the  
24 process was as far as the plans for this property and

2 how it has evolved into today getting to this  
3 Committee?

4 RICHARD LOBEL: Should I start?

5 BISHOP TYRONE BUTLER: I mean, I can. To  
6 be honest and transparent, this church, I only took  
7 over the pastorate two years ago. I do know some of  
8 the history of it. The problem is for churches, as  
9 you can imagine, the lack of resource and  
10 partnership. It's very difficult for churches to  
11 obtain the resource to do development. These kinds of  
12 partnerships that are becoming available now with  
13 developers and churches are actually a great benefit  
14 to us because it will allow us to extend. So, all  
15 those years, the property was owned. The prior  
16 Bishop, you know, became, of course, elderly, wasn't  
17 as active. Eventually, I believe he was in a nursing  
18 home so it wasn't a lot that he was doing at that  
19 point. The other persons in the church continued to  
20 try to do their best to reach out to the community.  
21 But without the partnership and resource, it was  
22 unfortunately unable to be developed. It just was  
23 unfortunate. And he already addressed what happened  
24 with the original plan, which the Bishop at the time,  
25 who was Bishop Jerome Norman, did desire to build a

2 church on that property. But the issue happened with  
3 that development.

4 SPEAKER ADAMS: How many members? What's  
5 your membership like at the church?

6 BISHOP TYRONE BUTLER: Currently, it's  
7 right around 30 members. It's not a large church, but  
8 they're faithful, faithful to the ministry, faithful  
9 to all the programs that we've been able to implement  
10 over the last two years.

11 SPEAKER ADAMS: I'm saying that because  
12 knowing my community and my community board very  
13 well, I know that they would more than likely rather  
14 have just the church there in that space instead of  
15 looking at something else next to the school that  
16 will possibly bring, you know, a lot more folks in  
17 that we're going to have to, you know, make provision  
18 for. So, why isn't it possible just to do the church  
19 in that space, just for the record?

20 BISHOP TYRONE BUTLER: Well, again, for  
21 the record, to get resource to build a church from  
22 the ground up for churches, particularly smaller  
23 churches, is almost, I won't say impossible, but it's  
24 nigh to impossible so these type of partnerships that  
25 have become available in the last several years where

2 developers are willing to partner with churches are  
3 really essential for churches to expand their  
4 footprint and really do what they need to do, because  
5 outside of that, the resource to build a building,  
6 the building we have is a very small space, and even  
7 the resource to renovate that space to accommodate  
8 the programs we're doing is impossible. It's not  
9 feasible. It's not available.

10 SPEAKER ADAMS: Yeah. I wanted to get that  
11 on the record. I understand. So that said, with what  
12 you have available right now on that space, is it  
13 possible to do some type of additional community  
14 programming? Southeast Queens is always looking for a  
15 community center, some kind of intergenerational  
16 place where our old can grow with the young and vice  
17 versa. Is there any way, or are there any thoughts  
18 around doing something like that in this space with  
19 the church?

20 BISHOP TYRONE BUTLER: Talking about the  
21 new space or the existing?

22 SPEAKER ADAMS: The new space.

23 BISHOP TYRONE BUTLER: Yes. We certainly  
24 are open to community partnership. That was one of  
25 the discussions we had, that we want to be able to



2 make the space available for community groups, other  
3 CBOs, community-based organizations, the school, if  
4 possible, for any programs that they would have.

5 That's certainly our desire, because again, we desire  
6 to expand our outreach and touch all parts of the  
7 community that we can.

8 SPEAKER ADAMS: Yeah, and I would agree  
9 with you, given that this space has been around so  
10 long, there are feelings about this space, but  
11 certainly our district wants this to be beautiful. We  
12 want this to enhance the community. And again, a  
13 certain thing about those of us in Queens and the  
14 characteristic of our neighborhoods goes along, so we  
15 would want this to fit in as well. And looking at the  
16 rooftop space itself, that's an unusual thing to do  
17 in District 28. It's unusual to do. And when I looked  
18 at it the first time, all I could think is, what if  
19 we turn this into, because it looks like a private  
20 space to me, just for the residents, and that's  
21 something that we don't want to do, is isolate the  
22 community. We want to bring the community into a  
23 space like this. So, your feelings on maybe making  
24 this a green space, some kind of a garden, community  
25 garden even, something that the community could enjoy

2 together collaboratively. What are your thoughts on  
3 that?

4 RICHARD LOBEL: I think it's a great idea.  
5 I mean, we'd have to talk internally. I guess there's  
6 liability and other issues with regards to that. The  
7 idea here was to have space where community, where at  
8 least the residents of the building would be able to  
9 engage in wellness classes. You can imagine going up  
10 there and taking yoga classes and such. It seems like  
11 a really beautiful space. So, I think it's something  
12 that we can talk to Sam about and see whether or not  
13 we're able to solve those issues. But having said  
14 that, it is somewhat unique space in that regard, and  
15 we think it's going to be a great asset.

16 SPEAKER ADAMS: I'm thinking also with  
17 PS223 right next door, what a great thing to do with  
18 the children.

19 RICHARD LOBEL: Sure.

20 SPEAKER ADAMS: You know, to invite the  
21 children over, make it inviting, and something, quite  
22 frankly, that I think the community would welcome  
23 even more. When we start to incorporate everything  
24 that we have that's great about our community with  
25

2 something new, I think that's a really good place to  
3 start. My two cents, as they say.

4 So, how did the developer arrive at the  
5 number of units for this property?

6 RICHARD LOBEL: So, the original number of  
7 units was 125, and so I don't know, Dan, if you're  
8 available, can you talk a little bit in terms of the  
9 size and layout of the units?

10 DAN RUZEU: Sure. So the original building  
11 program looked at an eight-story building that  
12 covered less of the property than the current  
13 development or proposed development does. COY  
14 released us to actually have a lot of flexibility in  
15 terms of the way we look at laying out a building on  
16 the property. It allows for what's basically a larger  
17 bulk but shorter building, so we were able to  
18 preserve most of the units while actually increasing  
19 the bedroom count on every single unit. That was one  
20 of the comments we received during public review  
21 meeting with the community. Everybody wanted to see  
22 larger units and less studios or one bedroom. So, we  
23 really pushed on increasing the amount of two-  
24 bedrooms and one-bedrooms and reducing the amount of  
25 studios that are being provided. So to that end, COY

2 really gave us the flexibility to be able to do that  
3 and, while laying out the building, we tried to  
4 squeeze, again, as much as possible within the bulk  
5 while reducing the height, and that's really how we  
6 backed into the 120 units while still providing for  
7 sufficient space for the church to be able to provide  
8 its both sanctuary functions and its community  
9 functions.

10 SPEAKER ADAMS: Okay. And as far as your  
11 AMIs are concerned, your market rate, what does that  
12 look like?

13 RICHARD LOBEL: Yeah. So, the current  
14 proposal is set at Option One. So, it would be 25  
15 percent at 60 percent AMI with a full 10 percent of  
16 the building at 40 percent AMI as is required by the  
17 resolution.

18 SPEAKER ADAMS: Okay. And if the project  
19 were to be approved, what is going to be done to  
20 ensure that District 28 and Community Board 12  
21 residents are made aware of the available apartments?

22 RICHARD LOBEL: So, a few things. We had  
23 talked with Sam about hiring a local administering  
24 agent so that in addition to their opportunity to  
25 market the affordable units, they could also make

2 efforts to market to the local community. So, Sam is  
3 a local developer. He is happy to engage with a  
4 Queens administering agent in order to try to really  
5 get the word out, advertise in local media, and to  
6 conduct educational seminars to allow for utilization  
7 by Community Board 12 and local residents.

8           SPEAKER ADAMS: That's one of the biggest  
9 complaints, you know, throughout, not just my  
10 District, but throughout Southeast Queens is that we  
11 have beautiful developments coming up all over the  
12 place, particularly in the downtown Jamaica core, and  
13 initially we hear these apartments going up and the  
14 community is left out where, you know, there's always  
15 been some stipulation, even as my days as Board  
16 Chair, that the community will always have priority,  
17 and apparently that's not been the case over the  
18 years so, whatever I'm doing in my District, I want  
19 to make sure that the community board, the  
20 surrounding residents, do have priority in these  
21 spaces that are going up and not being pushed out of,  
22 you know, some wonderful places that are coming up in  
23 the community, and that is going to be my ask. I'm  
24 going to be looking at that very carefully. And,  
25 yeah.

2 RICHARD LOBEL: Message received.

3 SPEAKER ADAMS: Okay.

4 RICHARD LOBEL: Thank you.

5 SPEAKER ADAMS: That's it for my  
6 questions. Thank you very much.

7 CHAIRPERSON RILEY: Thank you, Madam  
8 Speaker.

9 Are there any other Colleagues that have  
10 questions for this panel?

11 There being no questions, this panel is  
12 excused.

13 Counsel, are there any members of the  
14 public who wish to testify on this project?

15 COMMITTEE COUNSEL VIDAL: There is no one  
16 online or in person, but let's just verify that if  
17 you are here in person wishing to testify regarding  
18 this application, please see the Sergeant-at-Arms.  
19 Okay.

20 CHAIRPERSON RILEY: There being no other  
21 members of the public who wish to testify on LUs 239  
22 and 240 relating to the 123-12 Sutphin Boulevard  
23 rezoning proposal, the public hearing is now closed  
24 and the items are laid over.

2 I will now open the public hearing on LU  
3 241 concerning the application by Le Dive for a  
4 sidewalk cafe in Council Member Marte's District. The  
5 proposal seeks to place nine tables with a seating  
6 capacity for 18 along the sidewalk in front of the  
7 wine bar, which is located along Canal Street on the  
8 Lower East Side by Seward Park.

9 For anyone wishing to testify on this  
10 item remotely, if you have not already done so, you  
11 may do that by registering online by visiting the  
12 Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

13 For anyone with us in person, please see  
14 one of the Sergeant-at-Arms to submit a speaker's  
15 card. If you would prefer to submit written  
16 testimony, you can always do so by emailing it to  
17 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

18 I would now like to give the floor to  
19 Council Member Marte to give remarks on this project.

20 COUNCIL MEMBER MARTE: Thank you, Council  
21 Member and Chair Riley.

22 Good morning. We are here to call up Le  
23 Dive's sidewalk cafe application. In my past three  
24 years as Council Member, I've never called up an  
25 application before, but Le Dive has demonstrated a

2 continuous disregard for sidewalk cafe regulation and  
3 at this time cannot be trusted to be a good steward  
4 of this program and must be held accountable. Since  
5 last summer, my office has been working with  
6 residents and small business along the Canal Open  
7 Street to address quality-of-life issues. These  
8 trendy restaurants are havens for influencers and  
9 pop-ups and draw crowds much larger than they can  
10 responsibly accommodate. We successfully worked with  
11 many of Le Dive's neighbors who have responded to 3-  
12 1-1 complaints and outreach from residential  
13 neighbors to close their sidewalk cafes at the  
14 appropriate time or the proper time and comply with  
15 regulations. But Le Dive operates like the rule  
16 doesn't apply to them and their patrons. This  
17 business has consistently violated rules of the  
18 Temporary Outdoor Dining Program. Per 3-1-1 records,  
19 37 Canal Street, where Le Dive is located, has  
20 received 75 complaints against the restaurant alone,  
21 the vast majority of which were about disruption on  
22 the sidewalk. Loud noise and music, crowds and  
23 smoking, outdoor seating fully blocking the sidewalk,  
24 and operating outside service past permitted hours.  
25 The Lower East Side and Chinatown are no stranger to



2 mixed-use communities. Many of our streets are lined  
3 with bars and restaurants with elderly immigrant  
4 neighbors living in rent-stabilized apartments above  
5 them. But this harmonious community cannot exist if  
6 bad actors are allowed to break the rule. Our elders  
7 have a right and a legal right to be able to use the  
8 sidewalk, a legal right to have their windows open  
9 without cigarette smoke wafting in, a legal right to  
10 not be physically forced out of public space left to  
11 push wheelchairs and walkers in the middle of Ludlow  
12 Street after sunset. Le Dive doesn't just bar elderly  
13 people from this otherwise highly trafficked corner.  
14 I've heard dozens of neighbors, including cool young  
15 people that probably would otherwise would love to go  
16 to Le Dive about how this one bar drags down the  
17 quality of life for the entire open street. These are  
18 not just violations, but a result of a business  
19 systematically ignoring the well-being of its  
20 neighbors with no consequences. We hope that Le Dive  
21 can be a better partner in the future. When they were  
22 notified about this called up, they sprung to  
23 respond, unlike their reactions to nearly the 75 3-1-  
24 1 complaints from their neighbors. This shows that  
25 they're capable of being a communicative neighbor and

2 we're happy to reconsider their application next  
3 year. I also want to assure the business owners and  
4 patrons the removal of the sidewalk cafe won't hurt  
5 the business or your ability to have a good time,  
6 provided that the rules are followed. Le Dive will  
7 still be eligible for 70-plus outdoor dining seats on  
8 the open street. They will still have access to the  
9 Open Street program and the Roadside program, which  
10 makes up the majority of their outdoor dining  
11 opportunities. This sidewalk cafe will have  
12 relatively little impact on the business, as I said,  
13 which will still be allowed to have its entertainment  
14 program on the open street and on the roadside cafe.  
15 But it's an essential tool that we must use that is  
16 important that these rules and regulations are  
17 followed, because if not, this becomes a pattern. And  
18 many businesses will see that if one business can do  
19 it, why can't they? And so today is making sure that  
20 we are allowed to have successful open streets, we  
21 are allowed to have successful sidewalk cafes, but  
22 the only way we can do that is by making sure that  
23 the bad actors are held accountable.

24 Thank you for your time, Chair, and for  
25 the opportunity to speak.

2 CHAIRPERSON RILEY: Thank you, Council  
3 Member Marte, for your remarks.

4 I will now call the applicant panel for  
5 this proposal, which consists of Max Bookman, John  
6 Neidich, and Craig Atlas.

7 Counsel, can you please administer the  
8 affirmation?

9 COMMITTEE COUNSEL VIDAL: Could you please  
10 raise your right hand and state your name for the  
11 record?

12 MAX BOOKMAN: Max Bookman.

13 JOHN NEIDICH: John Neidich.

14 CRAIG ATLAS: Craig Atlas.

15 COMMITTEE COUNSEL VIDAL: Do you swear to  
16 tell the truth and nothing but the truth in your  
17 testimony today in response to Council Member  
18 questions?

19 MAX BOOKMAN: I affirm.

20 CRAIG ATLAS: I do.

21 JOHN NEIDICH: I do.

22 COMMITTEE COUNSEL VIDAL: Thank you.

23 CHAIRPERSON RILEY: Thank you. John, sorry  
24 for mispronouncing your last name.

25 JOHN NEIDICH: All good.

2 CHAIRPERSON RILEY: Thank you. For the  
3 viewing public, if you need an accessible version of  
4 this presentation, please send an email request to  
5 landusetestimony@council.nyc.gov.

6 And now the applicant team may begin. I  
7 just ask that you please restate your name and  
8 organization for the record. You may begin.

9 MAX BOOKMAN: Yes, thank you. Thank you,  
10 Chair. Thank you, Council Member Marte. My name is  
11 Max Bookman. I'm an attorney. My law firm is Pesetsky  
12 and Bookman PC, and I'm the counsel for the  
13 applicant. With me is John Neidich and Craig Atlas.  
14 John is one of the owners and founding partners of  
15 Golden Age Hospitality, which owns Le Dive, and Craig  
16 is one of the partners as well as the managing  
17 operating partner for the restaurant and eating and  
18 drinking establishment. Thank you again for the  
19 opportunity to present testimony to the Council  
20 today.

21 I just want to give a little bit of  
22 background, first about the team that's here today,  
23 as well as what the proposal is, and then respond to  
24 some of the concerns that Council Member Marte has  
25 raised. I've personally been representing businesses

2 before, used to be the Department of Consumer Affairs  
3 and now the Department of Transportation in Sidewalk  
4 Cafe and other commercial uses of the public sidewalk  
5 for the last 10 years of my legal career. My firm has  
6 been doing it for the last 39 years. I've personally  
7 been involved with several hundred Sidewalk Cafe  
8 applications over that period of time. We're no  
9 stranger to the process and how it works, as well as  
10 how these City Council call-ups work, which of course  
11 were suspended for five years during the pandemic,  
12 but were a feature of the program both before COVID  
13 as well as in the new DOT program. John is, as you  
14 heard me say, is a founding partner of Golden Age  
15 Hospitality. He is a New York homegrown success  
16 story. He's lived and worked in this industry his  
17 entire career. He is a fixture of this industry. He  
18 is completely devoted to the restaurants and the bars  
19 that he opens. He's raising a family here. He  
20 currently owns about a half dozen bars and  
21 restaurants in the city, and he's a very involved  
22 owner of his businesses. And as you heard me say,  
23 Craig is very involved in the day-to-day operations  
24 of the business.

2           Le Dive is a Parisian-style eating and  
3 drinking establishment. It opened in 2021, and it,  
4 you know, I've heard a description of it today  
5 potentially as trendy. You know, it has a lot of  
6 support in the community, and I think that's one  
7 thing that we want to emphasize. Of course, all our  
8 communities in New York are diverse, have a lot of  
9 different voices, and some of the voices that we've  
10 submitted in testimony today, many of the voices that  
11 we've submitted through emails that have been  
12 submitted to Committee Council and potentially  
13 testifying today, if they've stayed around, are  
14 voices that support Le Dive and believe that they are  
15 good operators and support this application for a  
16 sidewalk cafe. In the materials that we've submitted,  
17 we've given a few indications of not only just the  
18 emails and support, but the types of community  
19 engagement that Le Dive is regularly involved in  
20 doing. They've been involved with family-driven  
21 community events. We gave photographs and  
22 descriptions of a Halloween event that they were part  
23 of that involved families and face painting, a  
24 Christmas tree lighting. They've donated over 200,000  
25 dollars to charitable causes that have a direct

1 impact in the community. Nobody required them to do  
2 that. That was not pursuant to any stipulation.

3 That's just part of who they are. They have roots in

4 the community, and they consider themselves part of

5 the community, and many others in the community feel

6 the same way. There's a long history of eating and

7 drinking establishments at this location going back

8 before Le Dive. As far as we could tell, going back

9 to 2007, which was 18 years ago, throughout that

10 time, there's been an eating and drinking

11 establishment at this location, and potentially

12 earlier. We just can't see past 2007. All of them

13 have had some version of a sidewalk cafe on Ludlow

14 Street, which is what the application is before you

15 today. Le Dive is on the corner of Canal and Ludlow,

16 and this sidewalk cafe is on Ludlow Street, and

17 they've all had a version of a sidewalk cafe. Our

18 proposal to DOT and before the Council is nine tables

19 and 18 chairs on Ludlow. That layout was approved by

20 DOT, examined and approved by DOT, and importantly,

21 it was approved by Community Board 3 with

22 stipulations. I just want to reiterate that because

23 I've been involved in call-ups before, and this is

24 the first call-up that I've been involved in where we  
25

2 actually have an approval with stipulations from the  
3 Community Board, which of course is another voice in  
4 a community with lots of voices, but it's an  
5 important voice that is often looked to as a source  
6 of guidance, as a useful tool for raising issues, and  
7 we have stipulations with Community Board 3 in  
8 support of this application.

9           We understand that the application has  
10 been called up because of concerns about our  
11 operation. We just heard, Council Member, your  
12 remarks, and we'd like to have a chance to address  
13 those in a few different ways. First is, you know,  
14 this call-up did come as a surprise to us. Within the  
15 four corners of this application, you know, not only  
16 were we approved by the Community Board, but at no  
17 point in the process with the Community Board were  
18 any of these concerns raised with us. We were not  
19 made aware by the Community Board that anybody  
20 opposed our application. No one had reached out to us  
21 from the broader community looking to tell us that  
22 they were opposed to our application, and I've been  
23 involved in a lot of Community Board applications  
24 over my time. One of the other things we do is liquor  
25 licenses. I'm routinely in front of this Community



2 Board on a monthly basis. This is a sophisticated  
3 Community Board that has a sophisticated group of  
4 residents that it represents. They know how to bring  
5 to our attention when there is opposition to an  
6 application, and we got none of that here, so it was  
7 surprising to us to hear that this matter had been  
8 called up. Up until just now, as we sit down here at  
9 the dais, we've only had, you know, vague ideas..

10 CHAIRPERSON RILEY: Sorry, Mr. Bookman, I  
11 don't want to cut you off, but we only have ten  
12 minutes for you to present, and you're at five  
13 already.

14 MAX BOOKMAN: Thank you.

15 CHAIRPERSON RILEY: All right, so I didn't  
16 know if you were going into these slides as well,  
17 too.

18 MAX BOOKMAN: They're there, but I wasn't  
19 going to tick through them like the..

20 CHAIRPERSON RILEY: All right. Thank you.

21 MAX BOOKMAN: Last presentation, but I  
22 appreciate that. Thank you. I'm about halfway through  
23 my remarks.

24 We've only had vague ideas until we've  
25 sat down here at the dais from very limited

2 information regarding what specific opposition there  
3 is to our application, and we've also only had vague  
4 ideas, and we still only do, as to who exactly it is  
5 who's putting forth this opposition, whether it's  
6 various sort of disparate community members, which is  
7 sometimes the case, or whether it's an organized  
8 group of residents, which is also sometimes the case.  
9 Because of that, we've had no opportunity to sit down  
10 face-to-face with any of them, whoever they are, to  
11 speak and directly hear from them about their issues  
12 concerning this application. We're grateful for the  
13 opportunity to appear before you today, Council  
14 Member, and for the engagement we've had with your  
15 office over the past week, which is basically the  
16 chance that we've had to be involved here. But, of  
17 course, we've had no opportunity to sit down face-to-  
18 face with you to discuss these concerns, but we are  
19 here to listen. We have the top two people at this  
20 restaurant here. They want to hear specifically what  
21 the issues are. If there are members of the community  
22 here today in opposition, we want to hear from them.  
23 They're experienced operators. They understand how  
24 this process works. They've gotten liquor licenses  
25 before. They've gotten sidewalk cafe licenses before.

1 They understand that compromise is key, and if there  
2 are specific areas that we can compromise on, we want  
3 to know. We're here to listen about any aspect of our  
4 operation, not just what's contained on the Ludlow  
5 Street proposal, but at the same time, we want to be  
6 clear about what this application does cover and what  
7 it doesn't cover. As you heard me say, this is a DOT  
8 application for nine tables on the sidewalk on Ludlow  
9 Street. This is not about any other approval program  
10 that the City has. This is not about the Canal Street  
11 Open Street, which I know and the Council Member  
12 knows as well, has generated a great deal of passion  
13 from many different viewpoints. That's not what this  
14 application is here today. We understand from the  
15 very limited info that we have that there's been some  
16 3-1-1 complaints, but I know that every member of  
17 this Committee and every member of this City Council  
18 cares a great deal about due process, due process for  
19 small businesses, and due process generally. There  
20 have been zero adjudicated violations from any agency  
21 concerning this business. We understand that there's  
22 been 3-1-1 complaints. We've just heard that, but  
23 there have been no adjudicated violations, and that's  
24 not something that we hide behind. That's just a  
25

1 point to say that, again, we are surprised to hear  
2 the intensity with which the issues are, because we  
3 really haven't been given adequate notice of them.  
4 Usually, when you get a summons, it gets adjudicated.  
5 You know that there's a real issue, and although  
6 there are a great many in this community who support  
7 our application, of course, the City Council's call-  
8 up is not a popularity contest. The question here  
9 before the Council is whether we meet the legal  
10 requirements for a sidewalk cafe. We would have  
11 thought it wise for DOT to have been here today, so  
12 you could ask questions to them about the application  
13 and whether it meets the legal requirements for a  
14 sidewalk cafe, but at the end of the day, no matter  
15 what it is that you hear from other members of the  
16 community, we just want to be clear. This call-up,  
17 this hearing today, is not the end of the story, and  
18 I know that you, Council Member, have spoken to that  
19 as well in your remarks. A City Council call-up is a  
20 way to get the parties into a room to talk, to  
21 discuss, and to see if compromise can be reached.  
22 Council Member Marte, you're an important leader in  
23 this community, and we ask you that you be a  
24 facilitator of that conversation. My office has  
25

2 worked with your office in the past, very recently on  
3 another sidewalk cafe application where we were able  
4 to successfully reach a deal that the community board  
5 wasn't completely happy with, and we weren't, but it  
6 was a compromise, and that's what compromise is all  
7 about. We hope that we can have the chance to do that  
8 here for this season, and the way it's done is  
9 through stipulations. Stipulations, my last point,  
10 stipulations are what create accountability.  
11 Stipulations are incorporated into the DOT license.  
12 They are verifiable. If my client violates  
13 stipulations that we've agreed to with your office,  
14 which get incorporated into the DOT license, there  
15 are consequences. DOT can take a license away. We  
16 think that's the right approach here, and we thank  
17 you once again for your time, for your engagement on  
18 this. We look forward to continuing to work with you  
19 and your office, and we really do hope that we can  
20 reach a compromise that works for all. Thank you.

21 CHAIRPERSON RILEY: Thank you, Mr.

22 Bookman. I have a few questions, and I'm going to  
23 turn it over to Council Member Marte.

24

25

2 I believe you answered a couple of these,  
3 but I just want to ask them for the record. How long  
4 have you been operating at this location?

5 MAX BOOKMAN: 2021, right?

6 JOHN NEIDICH: Yeah, May.

7 MAX BOOKMAN: May of '21 is when they  
8 opened.

9 CHAIRPERSON RILEY: May of 2021?

10 MAX BOOKMAN: Yes, sir.

11 CHAIRPERSON RILEY: How long has this  
12 location had a sidewalk cafe?

13 MAX BOOKMAN: So, they opened during COVID  
14 under the temporary DOT Open Restaurants Program.

15 JOHN NEIDICH: Sorry. It's '22.

16 MAX BOOKMAN: 22? Okay, pardon me. It was  
17 '22 is the correct answer.

18 CHAIRPERSON RILEY: That's fine.

19 MAX BOOKMAN: So, they have been operating  
20 their sidewalk cafe since right about when they  
21 opened under the DOT Open Restaurants Program. We  
22 don't, again, in the last week that we've been  
23 involved, since we heard of the call-up, we don't  
24 have perfect information concerning the prior  
25 sidewalk cafes at this location, but just through

2 conversations in the community, as well as Google  
3 Street View, which has a time travel function.

4 CHAIRPERSON RILEY: That's what I was just  
5 looking at.

6 MAX BOOKMAN: We could see that if you go  
7 all the way back to 2007, which is when Google  
8 started doing this, there was a restaurant called Les  
9 Enfants Terribles that had a sidewalk cafe there, and  
10 if you go forward, you could see at various other  
11 times there were as well.

12 CHAIRPERSON RILEY: Have you also applied  
13 for an open roadway cafe for your establishment?

14 MAX BOOKMAN: Yes, sir.

15 CHAIRPERSON RILEY: For how many tables  
16 and seats?

17 MAX BOOKMAN: The roadway cafe is for 1,  
18 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 tables with 24  
19 seats.

20 CHAIRPERSON RILEY: Okay. Can you please  
21 discuss how the Community Board responded to your  
22 application and what modifications, well, you  
23 responded to how they responded to your application,  
24 but can you, for the record, can you state what  
25 modifications the Community Board presented?

2 MAX BOOKMAN: Sure. So, we were presented  
3 with a stipulation from Manhattan Community Board 3.  
4 They asked us to agree to things that are more  
5 limiting than what the program laws and regulations  
6 allow. For example, the Community Board wanted us to  
7 close all outdoor seating by 10 p.m. The law allows  
8 for midnight. We agreed to 10 p.m. They asked for a  
9 phone number for Craig that could be conspicuously  
10 posted at all times so that anybody from the  
11 community had concerns, they would be able to  
12 directly contact him. That is enshrined in the  
13 stipulation. We have a copy of the stipulation form  
14 here, and just on that point, I just would like just  
15 to say, because I know Council Member Marte raised  
16 it, you know, it was important for us to make an  
17 agreement with the Community Board because, A, we  
18 know how important the community engagement is, but  
19 also, you know, we knew that not having a sidewalk  
20 cafe actually would have a significant amount of  
21 consequence for the business. We've done calculations  
22 here, and three to four employees are employed  
23 through the sidewalk cafe alone. Three to four  
24 employees are subject to losing their jobs without  
25 the cafe. So, it's not completely a sort of academic



2 exercise. There are real economic consequences for  
3 not having the sidewalk cafe, and that's why we've  
4 taken this process seriously. That's why we've made  
5 the agreements with the Community Board that we have,  
6 and we're happy to agree to more restrictions. Again,  
7 we're just here to listen and to hear what those  
8 issues are so that we can craft a stipulation if  
9 possible.

10 CHAIRPERSON RILEY: Thank you. Council  
11 Member Marte.

12 COUNCIL MEMBER MARTE: Thank you, Chair  
13 Riley. I have a few questions.

14 MAX BOOKMAN: Yes, sir.

15 COUNCIL MEMBER MARTE: From your  
16 experience at Le Dive, you know, we all understand  
17 it's a popular restaurant. Did you ever feel like you  
18 weren't following ADA-compliant rules?

19 MAX BOOKMAN: Well, we know that they've  
20 not gotten any violations or any adjudications for  
21 violating the ADA. I heard your testimony just now...-  
22 pardon me, your remarks just now, Council Member,  
23 about concerns about sidewalk blockage. That's  
24 something that I'm going to investigate and look  
25 into. But of course, the plan that we've proposed and

2 that, again, we're happy to further modify if needed,  
3 would create adequate space as far as the ADA is  
4 concerned.

5 COUNCIL MEMBER MARTE: You know, I don't  
6 know how you keep records of complaints or how you  
7 address them. My office alone has received dozens of  
8 complaints, not only through petitions but direct  
9 emails to our office from local non-profits, from  
10 other businesses and residents in the area, and so  
11 for me, it's also a surprise that you haven't  
12 received any complaints. Have you spoken to your  
13 staff or managers at the location to see if they've  
14 gotten... residents that have walked in to file some of  
15 these complaints directly?

16 MAX BOOKMAN: So, Council Member, I'm  
17 going to say a word on that, but then I am going to  
18 turn it over to my clients because they're under oath  
19 as well, and I want you to hear it under oath  
20 directly from them on this point. In the week that  
21 I've been involved since the call-up investigating  
22 this, they have been emphatic with me that they have  
23 not received complaints from individuals in the  
24 community concerning the operation of their outdoor  
25 space. There was one particular resident, the only

1 exception to that is one particular resident, who  
2 they could speak to more directly about, but there  
3 has not been, beyond that, complaints that we're  
4 aware of, nor are we aware of communications from any  
5 elected officials or the Community Board directly to  
6 us concerning our operation. But with that said, let  
7 me turn it over to my clients to add to it.

9           JOHN NEIDICH: Thanks, Max. Yeah, as Max  
10 said, we've been doing this for 12 years, and we've  
11 had a number of instances with places that we've run  
12 when there have been neighbors who have had  
13 complaints around operation. There was an instance  
14 around sidewalk operations during the pandemic at one  
15 of our venues in the West Village, and the person  
16 came to us, left their number, our email was given,  
17 they reached out, and we started a conversation in  
18 which we compromised, complied, took off. I mean, it  
19 was the pandemic, so it was a different situation,  
20 but we basically took down half of our sidewalk so  
21 that we could comply with creating passageway for  
22 that. In this instance, there have not been any... no  
23 one has gone and created an outreach that facilitates  
24 a conversation where someone sends an email to us or  
25 gives a phone number or calls us directly, which is

2 normally how we're done. Our managers are also  
3 instructed to give out numbers or our contact  
4 information. On our Community Board stipulations that  
5 were from the very beginning that we were on, our  
6 numbers are on them, so there are avenues that we... I  
7 know the Community Board knows how to get in touch  
8 with us because we've been in touch with the  
9 Community Board over... we were in touch with the Block  
10 Association when we first got our license, who hasn't  
11 been involved in this process. So, sorry, that was a  
12 long answer to say that there hasn't been any formal  
13 outreach which we have either ignored or pushed to  
14 the side or anything like that.

15           MAX BOOKMAN: And if I could just add one  
16 more point to that, Council Member, which is, you  
17 know, again, I've been involved with a lot of  
18 Community Board applications, liquor licenses. It's a  
19 common feature or bug of the system, I suppose, where  
20 you appear, whether it's a hearing like this or at  
21 Community Board, and there's sort of a disagreement  
22 about who reached out to who and when and was it  
23 sufficient, and sometimes different parties could  
24 just have different views of the same facts. I mean,  
25 I think the important point, the point that I just

2 really want to emphasize is we are here now. There's  
3 an opportunity now. I mean, we've been emphatic,  
4 you've heard about what our view is in terms of  
5 outreach to us, but, you know, even if you don't want  
6 to take that view, we are here now. This is not the  
7 end of the story. This is a hearing today to hear it  
8 out, and we would greatly appreciate an opportunity  
9 to sit down, facilitated by your office, with Members  
10 of your office, with whoever it is that has reached  
11 out to your office to see if we can't address  
12 something now.

13 COUNCIL MEMBER MARTE: Okay. Two more  
14 questions. You know, residents and actually the Block  
15 Association have demonstrated proof of complete  
16 blockage of the sidewalk, amplified music coming from  
17 business late into the night, alcohol service  
18 happening past the permitted hours in the open  
19 street, which has a curfew of 10 p.m., and wait lines  
20 into the restaurant, which are a violation of the  
21 stipulations from Community Board 3, and a lot of  
22 these have been recorded as 3-1-1 complaints. What  
23 process do you have in place to address these 3-1-1  
24 complaints, and have you gotten them resolved?

2 MAX BOOKMAN: I'll be happy to address  
3 that, and then if you have anything else you want to  
4 add, feel free, but you don't have to. So, you know,  
5 one of the, you know, issues with the 3-1-1 system  
6 is, you know, if there is no summons or violation  
7 that comes from that, it's very difficult for us as  
8 the business owner to be put on notice. We think the  
9 Community Board is aware of that as well, which is  
10 why their stipulation process sort of doesn't really  
11 rely on 3-1-1, but instead relies on direct  
12 communication between the business and the  
13 individuals in the community who are having a  
14 complaint through the posting of phone numbers and  
15 other means of access, because that is a better  
16 system, as you've heard John speak to, than the 3-1-1  
17 system. So, you know, through the system that the  
18 Community Board has suggested that we use, which is  
19 through direct communication, you've heard us say  
20 that we've really not had the types of complaints  
21 that we're hearing about. Again, we're not here to  
22 say that people are lying. We're not here to say that  
23 people don't have issues. We're just here to say  
24 that, you know, we've not had a chance to sit down  
25 with those people to actually talk it out, and it is

2 important, again, on the point of due process, which  
3 I know is something that you stand for as, you know,  
4 as very important, you know, again, not saying  
5 anybody is lying, but, you know, it is important that  
6 if there are violations, and Community Boards say  
7 this all the time, that they be brought to the  
8 appropriate agency so there could be an adjudication,  
9 so we could get the facts out on the record, see if  
10 someone, you know, have a chance to confront and  
11 speak with who's making the accusation, and it's  
12 critical here that we don't have any adjudicated  
13 violations, and as you've heard me say, we'd love a  
14 chance to speak with whoever it is who has been  
15 having complaints through 3-1-1 or otherwise.

16 COUNCIL MEMBER MARTE: Okay.

17 CHAIRPERSON RILEY: Thank you so much,  
18 Council Member Marte.

19 I just want to state, we do have members  
20 that are testifying online, so if you want to stay  
21 and possibly hear some of these community members,  
22 that would be important.

23 I do want to state, it's not a question,  
24 but it's a statement, usually as Council Members, and  
25 you possibly haven't heard these complaints, but as

2 Members that represent communities, we hear each and  
3 every single voice in our community, so it is  
4 possible that Council Member Marte has been receiving  
5 complaints about this establishment and just wanted  
6 to do the call-up just so he could rectify those  
7 complaints, but we do appreciate your willingness to  
8 come here and actually help to address these concerns  
9 that the community members are having, so just wanted  
10 to state that for the record, and Council Member  
11 Marte, thank you so much for adhering to your  
12 community. We really appreciate it.

13 MAX BOOKMAN: Thank you, Chair. If I may,  
14 it's all about collaboration...

15 CHAIRPERSON RILEY: Of course.

16 MAX BOOKMAN: Seeing if we could reach  
17 compromise. That's what leadership is all about. As  
18 Council Members, you all know that, and we're happy  
19 to do our part. Thank you.

20 JOHN NEIDICH: Can I just say one thing?

21 CHAIRPERSON RILEY: Of course. Go ahead.

22 JOHN NEIDICH: Just to answer your  
23 question. We did, over the summer, not as a part of  
24 this program, but as a part of the Open Streets,  
25 where the strips were, there was a different



2 situation, and when we came, we were the last ones  
3 who came in, and we basically just followed what  
4 everybody else in the Open Streets was doing in terms  
5 of the serving time. As soon as it became clear of  
6 when that was supposed to be done serving, we  
7 immediately, on the open streets, this is not the  
8 sidewalk, the sidewalk we were never serving past the  
9 hours, but we immediately reeled it back and brought  
10 everything, including with all of our neighbors, into  
11 accordance with the Open Streets to have, there's a  
12 fine line between having the tables completely  
13 cleared out and not serving after that, and we made a  
14 ton of efforts six months ago to address the concerns  
15 from the neighborhood group that I believe was in  
16 contact with your office so we did address those  
17 concerns.

18 CHAIRPERSON RILEY: Thank you. Applicant  
19 team, you're excused. Thank you so much.

20 Counsel, are there any members of the  
21 public who wish to testify on this item?

22 CHAIRPERSON RILEY: Yes, we have about 12  
23 members of the public who signed up online to  
24 testify.

2 CHAIRPERSON RILEY: Thank you. For the  
3 members of the public here to testify, please note  
4 that the witnesses will generally be called in panels  
5 of four. If you are a member of the public signed up  
6 to testify on the proposal, please stand by when you  
7 hear your name being called and prepare to speak when  
8 I say you may begin. Please also note that once all  
9 panelists in your group have completed their  
10 testimony, if remotely, you will be removed from the  
11 meeting as a group. The next group of speakers will  
12 be introduced. Once removed, participants may  
13 continue to view the live stream broadcast of this  
14 hearing on the Council's website.

15 Members of the public will be given two  
16 minutes to speak. Please do not begin until the  
17 Sergeant-at-Arms has started the clock.

18 I will begin with the first panel, which  
19 consists of Sandy Lay, Bruce Tory, Emma Culbert, and  
20 Tommy Mendes. We'll begin first with Sandy Lay.

21 Sandy, if you can hear me, please unmute.

22 SANDY LAY: Hi. Sandy Lay here.

23 CHAIRPERSON RILEY: Yes, we can hear you.  
24 You may begin.

1                   SANDY LAY: Great. Well, first of all,  
2  
3                   thank you, Council, for your time today. My name is  
4                   Sandy Lay, and I'm here from Neighbors on Canal. I  
5                   live in Chinatown on Canal Street, half a block away  
6                   from Le Dive. Le Dive has been an absolute nightmare  
7                   for the neighborhood. They are by far the worst  
8                   operator on the block. Their crowds are massive,  
9                   unruly, disrespectful. They are so disrespectful and  
10                  large that they employed private security on the  
11                  public open street seven days a week last summer.  
12                  They are in constant violation of their SLA  
13                  stipulations. They have DJs in the basement. They  
14                  have wait lines outside on Ludlow Street. They blast  
15                  amplified music with their façade open audible from  
16                  two blocks away. They consistently block sidewalk  
17                  access by adding tables. A two-top suddenly becomes a  
18                  four-top, suddenly becomes an eight-top. They  
19                  encourage smoking by placing ashtrays on outdoor  
20                  tables. I have a child. It's gotten so bad on Canal  
21                  Street that I've been rejected by babysitters who say  
22                  they want to avoid the area. They can't get picked up  
23                  in front of the house. They tell me it's dangerous  
24                  stepping outside at night and that it's like walking  
25                  into a music festival. I want to be very clear here

2 that Le Dive does not serve the community. It is not  
3 a neighborhood joint or a mom-and-pop restaurant. It  
4 is an outpost of a corporate nightlife empire called  
5 Golden Age. They offer 16-dollar cocktails even  
6 though 26 percent of our neighbors here in Chinatown  
7 live below the poverty line. So, today we are  
8 speaking about a grand total of 18 sidewalk seats.  
9 Last year, Le Dive operated 90 outdoor seats. So even  
10 if these 18 seats are rejected, under Dine Out NYC  
11 and Open Streets, Le Dive will still be able to  
12 operate 70-plus seats outdoors. 18 seats is no great  
13 loss to a hospitality giant like Golden Age, but it  
14 is a step in the right direction in restoring quality  
15 of life to residents and neighboring businesses. And  
16 in regards to neighbors not contacting them directly,  
17 I am authorized to read a written statement from Anne  
18 Wenninger at 35 Canal Street who wrote in her written  
19 testimony to the Land Use Committee, "when we and our  
20 downstairs neighbors have asked them to reduce their  
21 music sound, they laugh in our (TIMER CHIME) faces  
22 and say no.

23 SERGEANT-AT-ARMS: Time expired.

24 SANDY LAY: So please, please do the right  
25 thing and curb LE Dive's extravagant outdoor dining

2 allowances and restore balance to our neighborhood.

3 Thank you.

4 CHAIRPERSON RILEY: Thank you. Next we'll  
5 hear from Bruce Tory.

6 SERGEANT-AT-ARMS: Time starts now.

7 CHAIRPERSON RILEY: Bruce, if you can hear  
8 me, please unmute and you may begin.

9 BRUCE TORY: Good morning.

10 CHAIRPERSON RILEY: Okay, we hear you,  
11 Bruce. Go ahead.

12 BRUCE TORY: Yeah, thank you. Sorry about  
13 that. Thank you for your time this morning. I don't  
14 think I'm able to add anything more coherent and  
15 succinct than Sandy, but I would just maybe call out,  
16 I find it quite striking to compare and contrast the  
17 subject of the previous hearing, a mixed-use building  
18 of clear benefit to a neighborhood over a church with  
19 this application, which frankly provides zero benefit  
20 to the neighborhood and in fact is a net negative to  
21 our quality of life and safety so thank you for your  
22 time. I agree with Sandy. We need to do something to  
23 roll this back and here's a first step. Thank you for  
24 your time this morning.

25

2 CHAIRPERSON RILEY: Thank you. Next, we'll  
3 hear from Emma Culbert.

4 SERGEANT-AT-ARMS: Time starts now.

5 EMMA CULBERT: Good morning. Can you hear  
6 me?

7 CHAIRPERSON RILEY: Yes, we can.

8 EMMA CULBERT: Good morning. My name is  
9 Emma Culbert. I'm a 20-plus year resident of the  
10 Lower East Side and also President of a long-standing  
11 block association called SPaCE. I'm raising my family  
12 200 feet from Le Dive. Our block association met with  
13 John Neidich in July 2021, and we came to an  
14 agreement regarding hours and impressed upon him the  
15 vibe of our neighborhood. Since Le Dive opened almost  
16 three years ago, they've preyed upon the community  
17 with zero concern for their neighbors. Le Dive  
18 regularly flout stipulations dictated by their New  
19 York State liquor license as well as dine-out  
20 stipulations. They also have been in gross violation  
21 of the American Disability Acts, and finally they  
22 constantly have patrons standing in and amongst their  
23 outdoor tables smoking tobacco, cannabis, vaping at  
24 the tables, thus violating the Smoke-Free Air Act.  
25 They've created a huge quality-of-life issue for

2 residents who live in my community, namely the  
3 massive increase of volume of noise, smoke,  
4 pedestrian congestion, public intoxication and trash.

5 I'm not going to go into so much about the numbers of  
6 seats as Sandy went through that, but considering the  
7 gross lack of enforcements of legally agreed upon  
8 stipulations, the Smoke-Free Air Act and open  
9 container law, we implore you to rein in the  
10 situation which the DOT has created and Le Dive has  
11 exploited. Without these 18 seats, they would still  
12 have a massive outdoor footprint by 30 seats more  
13 than any other restaurant in the neighborhood. I want  
14 to address a couple of comments that the lawyer said,  
15 and that is the 75-plus 3-1-1 complaints is a  
16 communication to Le Dive that there is an issue, as  
17 well as that many of the people directly affected in  
18 this neighborhood are Chinese immigrants who speak  
19 solely Chinese so I don't know who he thinks is going  
20 to come up and speak with him. They are also capable  
21 of searching 3-1-1 complaints. You can do it. I can  
22 do it. Anyone can do it. So therefore, John and his  
23 team have not done their due diligence. (TIMER CHIME)

24 SERGEANT-AT-ARMS: Time expired.

2 EMMA CULBERT: Further, John should not be  
3 required to have a sit down to review his  
4 stipulations as he's required by law, and that also  
5 that there's no adjudicated violations because the  
6 DOT and NYPD are grossly understaffed and have not  
7 been on top of managing bad actors. If John and his  
8 lawyer prefer that we go after the SLA license, we  
9 can do that. And finally, three or four employees for  
10 18 seats. That's simply just not the case. Thank you.

11 CHAIRPERSON RILEY: Thank you. One last  
12 time. Tommy Mendes. Tommy, if you're here, please  
13 unmute. You may begin.

14 SERGEANT-AT-ARMS: Time starts now.

15 TOMMY MENDES: Hello. I'm the owner of Bar  
16 Belly, which is located on Orchard Canal, and we've  
17 been there for 12 years. I will not say anything  
18 about the business. It is the open street situation.  
19 And for us in particular, it's the traffic. We're on  
20 Orchard Street, and all the traffic has to come up  
21 Orchard Street, which is extremely narrow. And, you  
22 know, four years ago, we had our roof, our outdoor  
23 barrier hit by a truck where the roof collapsed.  
24 Thank God it was during the day. We were not open. It  
25 is so narrow. And on the weekends, Fridays and



2 Saturdays in particular, (INAUDIBLE) Orchard delivery  
3 drivers. It is just a matter of time before someone  
4 is injured really very seriously there. Nobody really  
5 knows where they're at, including the people that are  
6 now down over here that have no idea what (INAUDIBLE)  
7 Square is or what they're doing or where they're  
8 going, and it is like an outdoor festival. The  
9 situation really is, when you think about it, is they  
10 turn to Division to come to Orchard only to drive two  
11 blocks to Grand, where they're forced to turn to the  
12 right or to the left. And instead of having a  
13 barrier, if they were, onto Allen Street, which is  
14 two lanes. For the life of me, I cannot understand  
15 how they've let this happen. I mean, I've sent many  
16 videos to the Council, to Community Board, just the  
17 traffic, the cars that are backed up, cars that do  
18 back up and the Fire Department that just can't get  
19 through there. I mean, it is so critical. And it's  
20 incredible because we're talking about Orchard  
21 Street. We're not talking about a small (TIMER CHIME)  
22 street to close here.

23 SERGEANT-AT-ARMS: Time expired.

24 TOMMY MENDES: A major thoroughfare. So,  
25 again, I'm not sitting here saying it's just the open

2 street on Canal, which I just find incredible. And  
3 we, along with other people, they have their issues.  
4 Mine is the traffic that is forced from Division  
5 right up Orchard Street for two blocks and then it  
6 stops because Orchard is then closed, and it's just a  
7 very, very, it's just a matter of time before someone  
8 really is injured there. Thank you.

9 CHAIRPERSON RILEY: Thank you. Council  
10 Member Marte, do you have any questions for this  
11 panel?

12 COUNCIL MEMBER MARTE: Yes. I'll just ask  
13 one question. Emma, are you still on?

14 EMMA CULBERT: I am.

15 COUNCIL MEMBER MARTE: Can you talk about  
16 the role that SPaCE has historically with restaurants  
17 and bars on Canal Street?

18 EMMA CULBERT: Yeah, I mean, so we are a  
19 slightly larger block association, although I live  
20 directly on Canal Street in that immediate area. We  
21 have been a block association since 2006, and we have  
22 both welcomed and thwarted many restaurants and bars  
23 in our neighborhood. Almost everybody in our  
24 neighborhood has a stipulations agreement signed by  
25 us. Many block associations just try to shoot down

2 every, you know, anybody who's seeking a liquor  
3 license. That is not at all how we've operated, and  
4 we actually signed a liquor license, or rather a  
5 stipulations agreement with John and Le Dive in 2021.  
6 Although I have to say that I did not have a warm and  
7 fuzzy feeling at that moment that things were going  
8 to go well, and it has absolutely proven to go as  
9 negatively as I anticipated.

10 COUNCIL MEMBER MARTE: No further  
11 questions.

12 CHAIRPERSON RILEY: Thank you. There being  
13 no questions, this panel is excused.

14 The next panel I'll be calling up  
15 consists of Lucinda Constable, Rachel Wilkerson,  
16 Samantha Barron, and Katharina Maldon.

17 We'll begin first with Lucinda Constable.  
18 Lucinda, if you can hear me, please unmute and you  
19 may begin.

20 SERGEANT-AT-ARMS: Time starts now.

21 LUCINDA CONSTABLE: Hi, I live... can you  
22 hear me? Sorry.

23 CHAIRPERSON RILEY: Yes, we can hear you.

24 LUCINDA CONSTABLE: I live on Canal Street  
25 on this exact block. I've been there for seven years,

2 and I enjoy this street as much as anyone else. And I  
3 have to say that there were problems at first, but  
4 everything was addressed that I'd heard of. I have  
5 several other friends that live on this block  
6 upstairs with small children, and every concern that  
7 had been like raised with the team at Le Dive had  
8 been taken into account. Like the sidewalk used to be  
9 crowded and now the lines are completely formed  
10 inside, and there has not been any issues last  
11 summer. So, I'm really hoping it can stay open  
12 because we have love using this as a community  
13 resource and, you know, I'm a young person and we all  
14 enjoy it. That's all.

15 CHAIRPERSON RILEY: Thank you so much.

16 Next, we'll hear from Samantha Barron.

17 SERGEANT-AT-ARMS: Time starts now.

18 CHAIRPERSON RILEY: I believe Ms. Barron  
19 dropped off so we'll be going to Rachel Wilkerson.

20 SERGEANT-AT-ARMS: Time starts now.

21 CHAIRPERSON RILEY: I believe Rachel  
22 Wilkerson dropped off. Okay, we'll go to Katharina  
23 Maldon. Katharina, if you can hear me, please unmute  
24 and you may begin.

2 KATHARINA MALDON: Hi. Good morning. Thank  
3 you for your time this morning. I just wanted to add  
4 that we are regulars at Le Dive. We go there a lot in  
5 the summer, and I have a lot of friends who live and  
6 work in the area, and I think it's absurd to assert  
7 that a restaurant and outside cafe is not a resource  
8 to the neighborhood or doesn't add anything to a  
9 neighborhood because New York City thrives on  
10 restaurants and entertainment, and I just think that  
11 Le Dive has been overwhelmingly positive. We spend a  
12 lot of time there. We sit outside a lot. I personally  
13 have pushed a stroller down the sidewalk with no  
14 problems. The staff is very attentive to managing the  
15 crowds, to managing the line, moving people out of  
16 the way. There's somewhat limited impact people can  
17 have on moving the public around when they stand on  
18 public sidewalks. But everything I've seen from Le  
19 Dive is that they do what they can to manage the  
20 impact and be good neighbors to other businesses and  
21 the residents in the neighborhood. And I think those  
22 sidewalk tables are like, they're always pushed up  
23 against the wall. There's only two chairs. I've never  
24 seen them turn those two tops into four tops on the  
25 sidewalk specifically. So, I personally have not seen

2 those issues. And to me, it seems like Le Dive has  
3 always been a respectful neighbor.

4 CHAIRPERSON RILEY: Thank you. Council  
5 Member Marte, do you have any questions for this  
6 panel?

7 All right, thank you. There being no  
8 questions, this panel is excused.

9 The next panel I'm going to call up, just  
10 give me one second so I can get it. The next panel  
11 will consist of Jason Casella, Michael Lermont, and  
12 Kahiem Rivera. We'll begin first with Jason Casella.

13 SERGEANT-AT-ARMS: Time starts now.

14 CHAIRPERSON RILEY: Jason, if you can hear  
15 me, please unmute and you may begin.

16 JASON CASELLA: Sorry, I was muted.

17 CHAIRPERSON RILEY: No problem.

18 JASON CASELLA: Yeah, so thanks for the  
19 time. I just want to say that I've lived in Lower  
20 East Side for 19 years. I'm raising two kids here.  
21 They're 12 and 14 years old. And I think Le Dive has  
22 a great benefit to the neighborhood, both socially  
23 and economically. I find it to be a safe, pleasant  
24 space. It's a gathering space where people are  
25 outside. It's mostly people eating dinner. It's not

1 people drinking. It's not like the bars in Hell  
2 Square where people are drunk and loud. It's a calm,  
3 welcoming, quiet area for the most part that centers  
4 a community. I have friends in other neighborhoods  
5 and friends from other cities who were jealous, to be  
6 honest, of (INAUDIBLE) Square and kind of the  
7 community it has there so I think it'd be a  
8 disservice to the neighborhoods for them to lose  
9 their tables. That's it.

11 CHAIRPERSON RILEY: Thank you. Next, we'll  
12 hear from Michael Lermont.

13 SERGEANT-AT-ARMS: Time starts now.

14 MICHAEL LERMONT: Lermont. Yeah. Thanks so  
15 much. Yeah, thanks for your time. Yeah, so I'm a 25-  
16 year resident of the Lower East Side. I don't live  
17 directly above Le Dive. I live on Clinton Street so I  
18 don't want to diminish the concerns of some of my  
19 neighbors, but I do want to say I'm a big supporter  
20 of open streets. And I just think the Open Streets  
21 program, particularly there on Jackson Street as well  
22 as Canal, have just added so much to our community  
23 and just created really positive street life for this  
24 neighborhood. As far as the tables on Ludlow Street,  
25 that stretch of Ludlow is kind of dark and kind of

2 blighted next to the theater that's basically just  
3 sitting there so I feel like tables there are a great  
4 addition to an otherwise pretty dark area in our  
5 neighborhood so I'm here to support. I think that  
6 area and the Open Streets program in general is just  
7 very, very good, and outdoor dining is an amazing  
8 addition to the community, obviously not to diminish  
9 any of the concerns of my neighbors over some people  
10 who may behave badly. Anyway, thanks so much.

11 CHAIRPERSON RILEY: Thank you. And lastly,  
12 we'll hear from Kahiem Rivera.

13 SERGEANT-AT-ARMS: Time starts now.

14 KAHIEM RIVERA: Hi. Thank you. I am the  
15 general manager at Le Dive. I started in October. I'm  
16 a third generation New Yorker. My mother and  
17 grandmother both grew up here. I'm super sensitive to  
18 neighborhoods changing and gentrification. My mom has  
19 been priced out of most of the neighborhoods that she  
20 used to rent from. Since I started in October, my  
21 employers have always told me prioritize the  
22 neighbors. I give my information out to anyone that  
23 comes by and says they're a neighbor as a guest or  
24 just that I'm introduced to. It's really been a  
25 priority to listen to feedback and adjust



2 accordingly. At least since I've been there. I don't  
3 know. I definitely wouldn't work for people who were  
4 aloof to the needs of people who actually live there.  
5 It's been super important to adjust. I try my best to  
6 go up to tables when they're smoking and tell them,  
7 you know, you can't do that here. Go around the  
8 corner. People think they can, so it's hard to catch  
9 it immediately, but we do. Relative to other places  
10 that are putting out the quality of food that we are  
11 putting out, it's a pretty cheap place. Inflation is  
12 real, but as a native New Yorker, I feel like this  
13 place is accessible. I was a guest before I was a  
14 manager, and I loved it. And the staff really cares.  
15 And losing those seats is real. It is jobs, and it  
16 makes a huge difference. And the thing is, it doesn't  
17 lessen the demand or the traffic. So not being able  
18 to seat these people will create more crowds, you  
19 know what I mean? We actually want to accommodate  
20 people, and we want to get them down at a seat and  
21 get food into their belly. We don't want to have a  
22 sidewalk party. We don't want to have lines. (TIMER  
23 CHIME)

24 SERGEANT-AT-ARMS: Time expired.

2 KAHIEM RIVERA: You know, we want to be  
3 able to operate. That's all.

4 CHAIRPERSON RILEY: Thank you so much. Are  
5 there any questions for this panel, Council Member  
6 Marte?

7 COUNCIL MEMBER MARTE: I'll ask one  
8 question to Mr. Rivera. When you do have crowds, what  
9 is your process to deal with it, specifically on the  
10 sidewalk?

11 KAHIEM RIVERA: So, you know, on the  
12 weekends, this happens in the afternoon, you know,  
13 people will queue up to try to get a spot, and what  
14 we do is we run a wait list, and we say, hey, you  
15 know, you can't wait here, but we'll shoot you a text  
16 as soon as we have something available, and you try  
17 to move through it as quickly as you can. At night,  
18 you know, it's a high-trafficked area on Canal  
19 Street. People will try to line up, and I walk up and  
20 down the line, and I say, hey, we're at capacity  
21 right now, please go grab a drink somewhere else, you  
22 can try again in a little while, but we can't have a  
23 line. We have neighbors upstairs. And that is an  
24 every night thing that I do. And again, there's only  
25 so much we can do to fight natural foot traffic on

2 Canal Street when there are so many businesses. But  
3 we are doing that.

4 CHAIRPERSON RILEY: Thank you, Council  
5 Member Marte.

6 There being no questions for this panel,  
7 this panel is excused.

8 We'll just stand at ease for 30 seconds.  
9 If you are online and want to testify on this  
10 sidewalk cafe proposal, please use the raise hand  
11 function.

12 All right. There being no other members  
13 of the public who wish to testify on LU-241 related  
14 to the application by Le Dive for a sidewalk cafe  
15 application, this public hearing is now closed and  
16 the item is laid over.

17 That concludes today's business. I would  
18 like to thank the members of the public, my  
19 Colleagues, Subcommittee Counsel, Land Use, and other  
20 Council Staff, and especially the Sergeant-at-Arms  
21 for participating in today's meeting. This meeting is  
22 hereby adjourned. Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 26, 2025