



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

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

April 11, 2014

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

Re: BKUK 2 Corp. d/b/a Limon Jungle
803 Ninth Avenue (53rd/54th Streets)
License # 1195004

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a transfer of and an alteration to the On-Premise Liquor License for BKUK 2 Corp. d/b/a Limon Jungle because the rear yard alcohol service and extended operating hours sought in this application would not serve, and would be contrary to, the public interest.

This establishment falls within the 500 foot rule as there are **20 (twenty)** OP liquor licenses within 500 feet of this address, including Mexican restaurants similar to this applicant. In our experience, extending the license to this establishment's rear yard (where the applicant seeks to have 15 tables and 30 seats) would seriously disturb the hundreds of community residents whose windows (often bedroom windows) face the large courtyard of which the applicant's rear yard is one part. Similarly, the extended hours sought in the application present a serious risk of increased vehicular and pedestrian traffic and gatherings outside to smoke, generating excessive street noise in the early morning hours and causing significant disruption to surrounding residents.

Despite the community's legitimate and serious concerns about the applicant's use of its rear yard -- expressed most recently to the applicant at a meeting of MCB4's Business Licenses and Permits (BLP) Committee earlier this week -- we have been informed that the applicant was seating customers in its rear yard last night, April 10. The applicant's complete disregard of the community's concerns and the alteration application process is unfortunately representative of the problems the community has had with this establishment, as outlined below.

The applicant presented this transfer/alteration application to MCB4's BLP Committee at both its February 11, 2014 and April 8, 2014 meetings, and, at each meeting, multiple community

residents -- several speaking on behalf of the condominium boards of entire buildings -- spoke against the application, citing the concerns outlined above. No one (other than the applicant) spoke in favor of the application. Community members whose windows faced the courtyard containing the applicant's rear yard explained that noise travels readily through the courtyard and that any kind of eating and drinking in the applicant's rear yard would be heard in their apartments (as well as hundreds of other apartments) and would seriously compromise their quality of live. These residents noted that typically it is the bedrooms of their apartments -- often occupied by small children -- that face the courtyard and would bear the brunt of the noise from the applicant's rear yard.

MCB4 and the community are particularly concerned about this application because the establishment has repeatedly failed to abide by its stipulations with MCB4 (and thus the terms of its liquor license) and to behave as a responsible member of the community. One of the principals on the current license for this establishment, serial number 1195004 -- Mr. Besim Kukaj -- is the same individual listed as the manager on the present transfer/alteration application and is the individual who appeared on behalf of the present applicant at the MCB4 meetings . The current liquor license for this establishment allows it to operate until midnight daily. At the MCB4 meetings, however, community members reported that this establishment regularly stays open until 2:00 and 3:00 a.m. When this fact was called to the applicant's attention at the February 11, 2014 MCB4 meeting, the applicant responded that he was unaware of the stipulated closing time, but would abide by it going forward. At our April 8, 2014 meeting, community members reported that post-midnight operations continued well after the February meeting and that it was only in the past few weeks -- *i.e.*, in the period immediately preceding the applicant's most recent appearance before MCB4 -- that the establishment began closing at the required time of midnight. Community members also reported that the establishment ignored the fact that its noisy, intoxicated patrons congregate out in front late at night and failed to properly dispose of its trash, contributing to a rodent problem in this area.

Given that the establishment's present operation has proven significantly detrimental to its neighbors, MCB4 and the community believe that granting the alteration application -- to permit the applicant to serve alcohol even later into the early morning hours and in its rear yard surrounded by multiple residential buildings -- would multiply the problems that the community has had with this establishment and would be contrary to the public interest and the well-being of local residents. MCB4 accordingly urges denial of the present application.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet
Chair



Paul Seres
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee