



**JOHN WEIS**  
Chair

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

April 15, 2010

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

**Re: 440 Ninth Avenue Entertainment**  
*440 Ninth Avenue (35<sup>th</sup> Street)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new full liquor license for 440 Ninth Avenue Entertainment, unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- 1) Hours of operation will be no earlier than 12:00 noon and no later than 2:00 a.m. Sunday through Tuesday and no earlier than 12:00 noon and no later than 4:00 a.m. on Wednesday through Saturday.
- 2) The establishment will have a capacity of no more than 150 with no more than 20 tables and 120 seats and two bars (one service bar and one patron bar).
- 3) Only soft background music will be played and all doors and windows will be kept closed when music is being played.
- 4) The applicant is not applying for a cabaret license with this current application.
- 5) There will be no use of any outdoor spaces (rooftop, patio or sidewalk café) at this time for the sale or consumption of alcoholic beverages.
- 6) There will be absolutely no use of delivery bikes as the establishment does not plan to have delivery.
- 7) The applicant agrees to never use outside promoters.
- 8) There will be no French doors and/or windows that open to the street front.
- 9) Applicant will never install a storm vestibule enclosure since the entrance has an internal vestibule.
- 10) Kitchen exhaust will exit through an existing scrubber that has been constructed in a manner to not disturb neighboring residents or offices. Additionally it will be compliant with NY DOB code.

A signed copy of the stipulations and community agreements is enclosed. This application is for a new restaurant.

Sincerely,



John Weis  
Chair  
Manhattan Community  
Board 4



John Owens  
Co-Chair  
Business License & Permits  
Committee - North



Chuck Spence  
Co-Chair  
Business License & Permits  
Committee - North