



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**JOHN WEIS**

Chair

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

District Manager

April 21, 2010

Dennis Rosen

Chairman

New York State Liquor Authority

80 S. Swan Street, 9<sup>th</sup> Floor

Albany, New York 12210

**Re: 3M 783 Corp. d/b/a Smith's Bar**  
*701 Eighth Avenue (44<sup>th</sup> / 45<sup>th</sup> Streets)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a transfer of a full liquor license for 3M 783 Corp. d/b/a Smith's Bar, 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 7:00 a.m. and no later than 4:00 a.m., 7 days per week.
- 2) The establishment will have a capacity of no more than 155 with no more than 36 tables and 120 seats and only two bars with no seats.
- 3) Only soft background music and the occasional live 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.
- 7) There will be no French doors or windows that open to the street front.
- 8) Applicant agreed to not install a storm vestibule enclosure that will project more than 18 inches as per DOB code. Storm enclosures can only be used between November 15<sup>th</sup> and April 15<sup>th</sup>.
- 9) Kitchen exhaust will exit through ventilation above the highest floor of surrounding buildings and be 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 an existing 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