



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**JESSE R. BODINE**  
District Manager

August 14, 2015

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

**Re: 9th Avenue Saloon  
d/b/a Rudy's Bar and Grill  
627 9th Avenue (44/45)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the application for an alteration to the existing On-Premise license to expand the use of the rear yard of Rudy's Bar and Grill from its originally approved operation. The applicant came before the Business License and Permits Committee of MCB4 (BLP) on August 11 and adamantly refused to incorporate any of the stipulations to its operating procedures requested by the community and suggested by members of the committee. It should be emphasized here that this application for an alteration asking for the use of the rear yard with 11 tables and 66 seats closing at 4 am is based on how the applicant is operating at this moment beyond the current scope of its license.

If the SLA were to approve this application to legalize the use of the backyard for 66 seats in the face of community opposition, the committee would want the number of tables to remain at the level accepted in the original license granted in 1992, 8 tables and 28 seats; and would want the rear yard to operate only until 10 pm Sunday through Thursday and until 11 pm Friday and Saturday. These hours are consistent with MCB4's rear yard use guidelines developed after disastrous experiments caused numerous sleepless nights for our hard working families. They balance the business needs and the quality of life in our neighborhoods and have been adopted, when warranted, by the overwhelming majority of licensed establishments in our neighborhoods. Additionally we would not permit the use of amplified sound and would want only dim downward facing lighting. Standing patrons would not be allowed the use of the rear yard, only those seated in the properly allocated available seats.

We stress that Rudy's never previously submitted an application to expand the capacity of its rear yard to MCB4 (and, to the best of our knowledge, to the SLA) – neither at the time of the expansion nor at any time since. Notably, the renewal applications submitted by Rudy's are inconsistent in their disclosure of *any* use of the rear yard. Although Rudy's 2012 application checks the appropriate box indicating that the license extends to outdoor space, neither the 2014 renewal nor the 2010 renewal (the only other renewals in MCB4's files) acknowledges that the license extends to outdoor space. Given this checkered history of regulatory submissions, MCB4

believes that a full consideration of the effects of the rear yard on the surrounding community is warranted.

Because of complaints from residents to MCB4 and a large number of 311 calls, Rudy's recently appeared before the board's Quality of Life Committee (QoL). Rudy's rear yard is located in a block long of communicating yards with about 400 residential bedroom windows all facing the space. The noise travels and reverberates all along this shared space, otherwise designated as the quiet side of the adjacent residences. At the QoL meeting a narrative unfolded of noise levels in excess of 45 decibels late into the night preventing sleep and the use of adjacent residential backyards for personal relaxation. Because of all the activity in Rudy's rear yard, neighbors find it difficult to concentrate on the ordinary tasks of living and working within the confines of their own homes. Residents described a scene of raucous activity that for some was visually intrusive into their apartments (those living at ground level or slightly above) and for others overwhelmingly noisy to the point where they had to retreat to different rooms to gain some semblance of quiet and privacy.

Before the BLP at its meeting on August 11 residents of apartments adjacent to the rear yard as well as homeowners and members of surrounding block associations stated their overwhelming opposition to Rudy's expanded use to late hours. They objected to any potential increase in the noise generated by this expansion. As it is now and described at the QoL meeting, the noise levels prevent many of Rudy's neighbors from enjoying quality living in their homes. The applicant actually did concede in conversation before the committee that it had difficulty maintaining low sound levels in the rear yard.

Rudy's Bar and Grill is a Hell's Kitchen institution and a neighborhood business with deep connections to the community over generations. The board and community would like to support its continued profitable operation. In fact our community board has created a working group to explore ways to assist small businesses to grow and thrive in our community. But a business expansion cannot be based on violating the noise regulations of New York City on a daily basis and preventing hundreds of people from the healthful and private use of their homes and apartments.

Accordingly, MCB4 recommends denial of this alteration to an existing On-Premise license application. This recommendation is subject to ratification by the Board at its September 2, 2015 meeting. It is being sent in advance for your information in order to meet the license alteration process deadline.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet  
Chair

[signed 8/14/15]

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF NOVEMBER 3, 2015  
REFERRED FROM LICENSING BUREAU

2015-02444

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

NEW YORK OP 1027874  
NINTH AVENUE SALOON, INC  
DBA. RUDYS BAR & GRILL  
627 9<sup>TH</sup> AVENUE  
NEW YORK, NY 10036

EXPIRES 11/30/2016

FILED 8/04/2015

(ALTERATION)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 3, 2015 determined

Thomas Purcell, Esq , and Danny Depamphilis, Manager, appeared

Orin Knopp, Richard Epro, Corinne Jones and Kitty Deen appeared in opposition

A short recess was called by Chairman Bradley to conference with Counsel There Members thereafter returned

Alteration application approved subject to (1) Outside area to close Sunday through Wednesday at midnight, Thursday at 1:00 a m , Friday and Saturday at 2:00 a m , (2) occupancy is held to 28 persons outside; (3) doors to backyard area to be closed at all times, (4) may hold no more than 2 events per year with notification provided to the neighbors, and (5) the submission and acceptance of any and all conditions necessary to complete the application

Voting was as follows.

- 1 CHAIRMAN VINCENT G BRADLEY Voted YES
- 2 COMMISSIONER KEVIN KIM Voted YES

Matter to be revisited January 2016 for update on alteration