

1 **Quality of Life Committee**

Item# 01

2
3 February 3, 2016

4
5 Mickey Spillane
6 Richard Winkelman
7 Scott Sternick
8 Vodka Bottoms Up
9 315 West 46th Street
10 New York, New York _____

11
12 Dear Mssrs. Mickey Spillane, Richard Winkelman and Scott Sternick,

13
14 Manhattan Community Board 4 (“MCB4”) writes to acknowledge that Mickey Spillane,
15 Richard Winkelman and Scott Sternick (“Management”) appeared before the January
16 11th, 2016 Quality of Life Committee (“QOL”) meeting to respond to numerous
17 complaints from residents living adjacent to Vodka Bottoms Up (“Vodka”), located at
18 315 West 46th Street.

19
20 We appreciate Management’s willingness to take immediate action to rectify constituent
21 complaints, which primarily relate to:

- 22
- 23 • misuse of amplified music
 - 24 • illegal dancing
 - 25 • overcrowding
 - 26 • sidewalk congestion
 - 27 • obstruction of adjoining building entrances
- 28

29 Of significant concern is the use of social media, specifically Facebook, to promote
30 Vodka as an establishment offering a “club and party-like atmosphere” featuring a great
31 sound system and dancing. Their Facebook page features hundreds of photos depicting a
32 club-like atmosphere with dozens of crowded dance floor shots.

33
34 During the QOL meeting, Management expressed a willingness to create a positive
35 working relationship with residents. Unfortunately, the Committee must acknowledge
36 that, to-date, your attempts to establish productive communications with residents have
37 been inadequate. We, therefore, urge you to make a best effort to develop an effective
38 means of civil discourse to resolve the many continuing problems created by the
39 operation of your establishment.

40
41 **EXISTING STIPULATIONS**

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43 **Occupancy and Use:**

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45 It is MCB4’s understanding that Vodka has a public assembly permit from the
46 Department of Buildings (“DOB”) for 149 people (including employees.) The New York

1 State Liquor Authority (“SLA”) has confirmed that the establishment is licensed to serve
2 alcohol to XXX people at a time. The difference in these numbers does not permit
3 Vodka disregard the above SLA stipulation.

4
5 **Description and Operation of Business:**

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7 The Method of Operation and License Type, to which Management agreed, is for a
8 restaurant, and should be operated as such.

9
10 While Vodka is permitted to have “Background Music”, which is defined as music/sound
11 limited to decible levels whereby conversation can be easily held without patrons raising
12 their voices. This also means that amplified music cannot be heard outside of the
13 establishment at any time, including when doors are opened and closed as customers
14 enter and leave.

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16 **PROPOSED REMEDIATIONS**

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18 **Communication:**

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20 It was agreed that Management would address the lack of effective communication
21 between Vodka and the neighboring residents. One immediate method was the
22 assignment of Richard Winkelman as Vodka’s “point person” to address constituents’
23 concerns. It was agreed that his cellphone, (917) 806-9569, would be circulated to
24 residents.

25
26 **Noise:**

27 Management has indicated on its application to the Business Permit and License
28 Committee in XXXX that a sound remediation plan was provided by Acoustilog, Inc.
29 We urge its immediate and full implementation, and encourage you to ensure that noise
30 level readings are measured, by a certified sound engineer, in adjoining residences during
31 Vodka’s hours of operation.

32
33 Management also proposed the installation of soundboards in 315 West 46th Street’s
34 common hallways, which are estimated to be completed within 2-4 weeks of the date of
35 this letter. (Update: During the writing of this letter, Management’s attorney has
36 informed MCB4’s District Manager, Jesse Bodine, that they have, “received permission
37 from the landlord of their building to soundproof the inner and outer wall in the hallways
38 and is working with a sound engineer.”)

39
40 If given permission by the adjoining building owners, Management will consider
41 installing insulated windows in the adjoining buildings if it is not cost prohibitive.

42
43 **Seating and Security:**

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1 As you know, Vodka does not have a Cabaret License. Therefore, dancing is strictly
2 prohibited AT ALL TIMES. As such, you must adhere to the floor plan as reflected in
3 MCB4's stipulations, and, your SLA license.

4
5 MCB4 awaits a copy of Vodka's permanent seating plan, as well as a draft of a security
6 plan that will address the list of complaints listed on page one of this letter.

7
8 In conclusion, Vodka's liquor license was issued by the SLA on the condition that ALL
9 stipulations be adhered to, including those outlined in your liquor license AND those
10 negotiated with MCB4 prior to the issuance of the license.

11
12 MCB4 kindly requests Management's written confirmation within ten (10) days of
13 receipt of this letter that Vodka will comply with ALL stipulations and points of
14 remediation. Please forward your letter to Mr. Bodine at MCB4's district office.

15
16 The members of MCB4's Quality of Life Committee look forward to your attendance at
17 February's meeting to discuss the results of your efforts.

18
19 Sincerely,

20
21
22 QOL,

23
24 Local residents,
25 Block Association
26 Local electeds,etc.
27

DRAFT