



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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

July 22, 2010

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

Re: 440 Ninth Avenue Entertainment
440 Ninth Avenue (35th 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 am Sunday through Tuesday and no earlier than 12:00 noon and no later than 4:00 am on Wednesday through Saturday.
- 2) The establishment will have a capacity of no more than 287 consisting of no more than 20 tables and 120 seats and two bars. The 287 capacity includes no more than 187 (1st floor), 49 (mezzanine), and 51 (cellar).
- 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