



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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

November 19, 2010

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

Re: 42nd and 10th Hotel LLC d/b/a Yotel New York
570 Tenth Avenue (41st/42nd)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a full liquor license for 42nd and 10th Hotel LLC dba Yotel New York, unless the following stipulations, agreed to by the applicant, are part of their method of operation; this application only applies to the 4th floor of the hotel, including food service, one Service bar and one Stand up bar located inside, and a Stand up bar and seating on the outdoor terrace. It does not include room service or mini bars. This is a 669 room hotel.


- 1) Hours of operation will be no earlier than 6:00 a.m. and no later than 1:00 a.m., Sunday through Tuesday, and no earlier than 6:00 a.m. and no later than 3:00 a.m. Wednesday through Saturday.
- 2) The doors separating the indoor and outdoor space will be closed at 10:00 pm Sunday through Thursday and at 11:00 pm Friday and Saturday with no patrons in the space after these hours.
- 3) The 4th floor will have a total capacity of no more than 468. Of that, the outdoor terrace will have a capacity of 142.
- 4) There will be one Service bar and one Stand up bar located inside, and a Stand up bar and seating on the outdoor terrace.

- 5) The service and consumption of alcohol on the 4th floor terrace will be only via seated food service. The 4th floor terrace will not allow standing space for patrons to drink or smoke.
- 6) The applicant will follow the security plan as attached.
- 7) The applicant agrees to follow the best practices as outlined by the New York Nightlife Association which was developed in cooperation with the New York City Police Department.
- 8) A certified soundproofing engineer will recommend and implement soundproofing on all indoor and outdoor facilities. The recommendations of the sound engineer include, but are not limited to, decibel restrictors/controls and sound absorbing material. A copy of the full report will be submitted with the application and is attached to this letter.
- 9) To ensure that neighbors are not negatively impacted by sound emanating from the terrace, the applicant's security personnel will monitor the area.
- 10) The applicant intends to have live, background and DJ music in the inside space on the 4th floor; any live music or DJ must use hotel equipment, including a limiter set as recommended in the report filed by the certified acoustician. Only background music will be played in the outside space and will strictly follow the recommendations of the acoustician.
- 11) The applicant is not applying for a cabaret license with this current application.
- 12) The applicant will retain all control and responsibility for operation and security of the establishment. If any outside promoter is used, their role will be limited to marketing.
- 13) 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.
- 14) Applicant will provide 24 hour contact details to CB4 and pertinent community representatives.

15) Applicant will arrange for representatives to attend Precinct Council, Block Association and Community Board meetings to address and resolve any community problems that may arise from this establishment. The hotel and community associations will report progress and/or issues back to CB4 regularly by email, writing or in person.

A signed copy of the stipulations agreed to by the applicant is enclosed on the MCB4 form. Copies of the security plan and sound engineer's report and recommendations are attached as submitted by the applicant.

Sincerely,



John Weis
Chair
Manhattan Community
Board 4

[signed 11/19/10]

Lisa Daglian
Co-Chair
Business License &
Permits Committee -
North



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