



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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

September 17, 2010

Dennis Rosen
Chairman
New York State Liquor Authority

Re: LG-39 Operating LLC d/b/a Element NY Times Square West Hotel
309-313 West 39th Street (8th/9th Avenues)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new hotel wine and beer license for LG-39 Operating LLC d/b/a Element NY Times Square West Hotel unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- Hours of operation for consumption of alcohol will be no earlier than 3:00 pm and no later than 10:00 pm, 7 days per week.
- There will be no use of any outdoor spaces (rooftop, patio or sidewalk café) for service of alcohol. Guests may buy beer/wine from the lobby store and consume it on the rooftop, located on the 40th floor. There will be no more than 14 seats on the rooftop.
- The operator is not applying for a cabaret license.
- The establishment will not be available for private parties and/or corporate events. No outside promoters will be used. There is no convention or meeting space in this establishment that will be used for consumption of alcohol.
- The manager may host wine and beer 'social hour' for hotel guests only in the lobby lounge area. These 'social hours' will occur during normal hours of operation referenced above.
- Security will be provided by properly licensed, Element Hotel in-house security guards.
- There will only be background music played in the common areas and lounge on the first floor. There will be no music played outdoors.
- There will be no French doors or windows that open to the street front.

- The kitchen will serve prepared foods for lobby lounge consumption from 6:00 am to 9:00 am and 3:00 pm to 10:00 pm.
- There will be no room service sale of alcohol.

A signed copy of the stipulations agreed to by the applicant is enclosed. This application is for a hotel license restricted to wine and beer. There will be no formal restaurant or stand up bar space. The hotel has two lounge areas on the first floor with a total capacity of 100 with 86 seats at 18 tables and one service bar. A signed copy of the stipulations and community agreements is enclosed.

Sincerely,



John Weis
Chair
Manhattan Community
Board 4



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