

April 4, 2003

Beverly Gotay  
Assistant Director, Licensing Center  
Department of Consumer Affairs  
42 Broadway  
New York, NY 10004

**Re: Cabaret license application, recommendation of denial  
Mumbai Inc., d/b/a Mumbai, 250 West 26<sup>th</sup> Street**

Dear Ms. Gotay;

On March 18, 2003, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 heard the principals of Mumbai Inc., d/b/a Mumbai, present their case for a cabaret license and answer the complaints of a crowd of neighbors whose lives have been greatly disturbed by the operation of this venue as an all-night dance club. The Committee also received a petition, signed by thirty nearby residents, demanding that the club take immediate steps either to cease disrupting the neighborhood or to cease doing business. The problems caused by the operation of this club began as soon as it opened in January, and have been on-going since.

The Committee finds this situation with Mumbai not only distressing but intolerable. In trying to weigh approval of its liquor license carefully, we asked the applicants to appear before us for three straight months to answer our questions and objections. In the end, they agreed to a number of conditions in exchange for our approval.

Had we known then what we know now, we would not have approved this application.

1. The principals of Mumbai substantially misrepresented the nature of their business to the Committee. **They presented** a venue which would provide an exposure to Indian popular culture. Indian singers, dancers, and musicians were to perform at scheduled showtimes for an audience of young and mature adults, largely Indian, but including all groups. **They opened** an all-night dance club, catering to anyone reachable by Internet, radio, or flyer, especially college-age kids, who want to blow it out on weekends.

2. The principals of Mumbai knew that they could not have performance or patron dancing and live music acts until they got their cabaret license. Yet they have had live music and dancing on the premises since they opened, in effect operating an **illegal cabaret**, even though the CB4 office had repeatedly warned them not to do this. This coming weekend, Mumbai has a “reggae night” scheduled, with live music and dancing.

But you already know this, since your Consumer Affairs inspector wrote Mumbai up for operating an illegal cabaret the night of March 15, a fact the applicants neglected to tell the Committee when we met with them on March 18.

3. To get their liquor license, the principals of Mumbai stipulated that they would attend CB4s Quality of Life Committee meetings for six months following their opening and respond “quickly and effectively” to any complaints arising from their operation. They also stipulated that they would not use outside promoters in the operations of their club.

After Mumbai opened in January, many complaints arose at the February and March Quality of Life meetings. The adjacent building, which the applicant had said was **commercial**, turned out to be largely **residential**, as did the rest of the street. These complaints dealt with **noise** until after 4 A.M. from within the premises (music and bass vibrations) and outside the premises (patron and traffic noise on the nearby streets).

--**Sound-proofing** of the premises is **inadequate**, as residents on the other side of the party wall and those near of the premises have testified in detail. Attempts at mitigation have been ineffective and dilatory, not quick and effective.

--Measures to insure **orderly patron behavior on the street** during hours of operation and after closing, which the applicant agreed to prior to the approval of the liquor license, were **not in place**. Outside the premises, yelling, screaming, and fighting are commonplace, as residents on the block have repeatedly complained. Neighbors are routinely awakened, landlords have lost tenants, and sellers cannot market their apartments because of these conditions.

This problem was documented when the 10<sup>th</sup> Precinct cited Mumbai as a **disorderly premises** in March after a large fight among patrons broke out on the street during a “college night” dance at the club.

--The applicants have failed to **manage cars, taxis, and limos** arriving and leaving the club as they agreed to do. Neighbors have had to live through honking horns, slamming doors, loud talking, and all the other noise associated with traffic queuing, double-parking, and getting a cab or picking up a car.

--It appears to us that Mumbai is using **outside promoters**, in violation of their stipulation. Announcements of events at Mumbai under other imprimaturs appear every week on various websites and on flyers that flood the neighborhood.

**In our view, the owners of Mumbai misrepresented their operation and then operated illegally, failed to meet the conditions set for them in conversations prior to the granting of their liquor license, and responded reluctantly if at all to the problems caused by their operation.**

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The Committee had given the applicant 30 days to resolve their problems with their neighbors to their neighbors' satisfaction. Because you will make your decision prior to our recommendation, however, we ask that you consider the case as presented here. **We do not believe that Mumbai has as yet established its reliability or credibility, and we respectfully ask that at this time you deny its application for a cabaret license.**

Thank you for your attention and your help in this matter.

Sincerely,



Simone Sindin

Chair

Manhattan Community Board No. 4



Cheryl Kupper

Co-Chair

Business Licenses & Permits Committee

Kevin Kossi

Co-Chair

Business Licenses & Permits Committee

This letter was passed by Executive Poll of Manhattan Community Board No. 4 and originally sent on March 24, 2003. It was ratified by the Full Board at its April 2, 2003 meeting.

cc: State Liquor Authority  
Local elected officials  
Applicant