

April 4, 2003

Hon. Edward Kelly  
Commissioner  
NYSLA  
84 Holland Avenue, 2<sup>nd</sup> Floor, A Wing  
Albany, New York 12208

**Re: Portici Restaurant Inc. d/b/a 44 Southwest, 621 Ninth Avenue (at 44<sup>th</sup> Street)**

Dear Commissioner Kelly;

At its monthly meeting on March 18, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 heard the representative of Portici Restaurant Inc. describe the alterations to his premises, already in process, and put his case for an alteration to his liquor license. We also saw the plans for the expansion of this restaurant as filed with the Department of Buildings.

We have received a letter from the local block association supporting this application. Five residents of the building which houses 44 Southwest also appeared at our meeting to express complaints about the previous operations of the restaurant and the current renovations, as well as their fears that the expanded operation will exacerbate the problems they have had in the past.

After a full hearing, the Committee voted to recommend approval of Portici's alteration, provided the applicant agreed to the following stipulations which should be attached to its liquor license.

1. The applicant agreed to remove the dropped ceiling which has already been installed, inspect the existing plaster ceiling above the drop, and replace/repair/replaster any existing breaks or holes in the plaster. After proper repairs, the dropped ceiling may be reinstalled.
2. The applicant agreed to add an additional layer of R11 soundproofing material to that already installed in the dropped ceiling so that the new ceiling throughout the premises will have a sound-proofing rating of R17 or greater.
3. The applicant agreed to remove and replace the old kitchen vent system, which currently exhausts onto the street at the first floor, so that the duct work travels to the top of the building and exhausts at the required height above the roofline.

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4. The applicant agreed to examine the existing chases in the building to determine if and why odors and fumes from the kitchen are detectable in apartments above and to remedy any such conditions for which he is responsible.
5. The applicant agreed to provide the CB4 office with plans and specifications for additional soundproofing and new ductwork for our review and confirmation.
6. The applicant agreed to attend the Quality of Life Committee meetings for three months after opening the altered premises, and on an as-needed basis thereafter, and to respond in a prompt and effective fashion to any new or old reasonable complaints that stem from his operations.

Thank you for your consideration.

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 at Manhattan Community Board No. 4's April 2 Full Board meeting.

cc: Elected Officials  
Applicant