

October 2, 2003

Commissioner Edward Kelly  
New York State Liquor Authority  
84 Holland Avenue, 2<sup>nd</sup> floor, A-Wing  
Albany, NY 12208

**Re: Il Pero, 317 West 46<sup>th</sup> Street**

Dear Commissioner Kelly,

At its August 12, 2003, meeting the Business Licenses & Permits Committee of Manhattan Community Board 4 heard the application of Il Pero, 317 West 46<sup>th</sup> Street, for an on-premises liquor license.

Please note that this building lies within the Special Clinton District, where regulations require special permission from the City Planning Commission for alterations resulting in decreased residential floor area. Such an alteration also requires a Certificate of No Harassment from the Housing and Preservation Department. The owner of the building has informed us that what was once a residential space in this building, and the premises under consideration here, was previously used as a restaurant and therefore may be reused as a restaurant under grandfathering rules.

Our Board has inquired into this matter with the Department of Buildings, and we await their assurance that the permits issued at this venue are indeed appropriate. (See our 9/12/03 letter to Commissioner Osorio attached.)

Providing the Department of Buildings gives a favorable answer, the Committee voted to recommend approval of this license contingent on the applicant's agreement to the following stipulations:

1. The kitchen ventilation, fan, and air-conditioning systems shall be correctly placed and installed so as to minimize smells, vibration, and noise.
2. Construction work on the premises shall occur between 7 A.M. and 5 P.M. on weekdays only.

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Manhattan Community Board No. 4 approved this recommendation, with the above stipulations and contingent on the assurance from the Department of Buildings that all the applicant's permits are in order, at its October 1, 2003, meeting.

Thank you for your consideration.

Sincerely,



Walter Mankoff  
Chair  
Manhattan Community Board No. 4



Cheryl Kupper  
Co-Chair  
Business License & Permits Committee

Kevin Kossi  
Co-Chair  
Business Licenses & Permits Committee

cc: Applicant  
Local Elected Officials