

October 8th, 2004

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

Re: Naga Dragon LLC, 147 West 15th Street

Dear Commissioner Kelly,

At its September 14th, 2004 meeting, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 voted to recommend denial of an on-premises liquor license for Naga Dragon LLC located at 147 West 15th Street.

There are serious questions as to whether or not is it legal for a restaurant to operate at this location. There is a church within 200 feet of the establishment and the area is zoned for residential use. Although the presence of a previous licensee, Holdimat Restauration NY LLC, d/b/a Man Ray, at this location may allow for grandfathering, there are serious allegations that Man Ray operated without a Certificate of Occupancy, and in fact provided a forged Certificate of Occupancy to the State Liquor Authority. If these allegations are true, the liquor license and commercial use of the space are not properly grandfathered and the license must be denied.

In addition to the legality concerns, many community residents appeared at the committee and full Board meetings to oppose this application. Man Ray did not run its establishment with respect for its residential neighbors and the resulting noise and chaos severely harmed local quality of life. Carlos Almada, who is the primary investor in Naga Dragon LLC, was also involved with Man Ray.

If the State Liquor Authority nevertheless grants this license, we note that the applicant has agreed to incorporate the following stipulations into its method of operation on its New York State Liquor Authority Application:

1. Naga Dragon LLC shall hire a professional acoustic abatement company with at least five years experience in the field of acoustic abatement to design acoustic abatement for the establishment with the goal of preventing noise and vibration that could disturb the nearby residences and businesses (present and future).
2. Naga Dragon LLC shall follow the recommendations of the acoustic abatement company and

incorporate their designs into the construction documents of the renovation.

3. Naga Dragon LLC shall keep outside doors and windows closed at all times of operation, (doors other than when patrons are entering and exiting).
4. Naga Dragon LLC shall place stanchions on the sidewalk to contain any patrons waiting on line or congregating to smoke on the sidewalk outside the establishment.
5. Naga Dragon LLC shall provide a doorman at all times of operation.
6. Naga Dragon LLC shall change the existing air conditioning system vent so as to prevent it from blowing into the backyard of a neighbor, as it currently does.
7. Naga Dragon LLC shall schedule garbage pick-ups during regular waking hours, 9 AM to 11 PM weekdays and Noon to 11 PM on weekends.
8. Naga Dragon LLC shall not apply for a sidewalk café permit.
9. Naga Dragon LLC shall not apply for a cabaret license.
10. Naga Dragon LLC shall store their garbage inside until it is time for the pick-up.
11. Naga Dragon LLC shall receive provisions during normal waking hours 9 AM to 11 PM weekdays and Noon to 11 PM on weekends.
12. Naga Dragon LLC shall provide telephone contact numbers for decision capable persons for use by local residents to call if there are any problems.
13. Naga Dragon LLC shall provide security personnel to help control any traffic congestion caused by this establishment.

At its full board meeting on October 6th, 2004, Manhattan Community Board No. 4 voted to approve this recommendation.

Sincerely yours,



Walter Mankoff
Chair
Manhattan Community Board No. 4

Kevin Kossi
Chair
Business Licenses & Permits Committee

cc: Applicant
Fred Gioffre
Dept. of Buildings
Local Elected Officials