



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

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

January 09, 2008

Chairman Daniel Boyle
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210

Re: Circus Bar, 615 Ninth Avenue (43/44 Streets)

Dear Commissioner:

At its October 16, 2007 meeting, the Business Licenses and Permits Committee of Manhattan Community Board 4 voted to recommend denial of a renewal of the liquor license for Circus Bar. The community board voted to support this recommendation at the subsequent full board meeting in November. Our previous letter dated 11/14/2007 on this matter recommends denial and the rationale very clearly. The following is an update to our previous letter.

On December 11, 2007, the establishment's new manager appeared before the Committee and asked that it reconsider its recommendation. The new manager stated he could not commit to any changes in method of operation on behalf of the owner. Therefore, the Committee agreed to reconsider only if the establishment's owner appears before the Business License and Permits Committee in person or written communication, agreeing to the following:

- No outdoor/rear yard use, and method of operation be changed to disallow such use completely;
- Building code violations for which applicant is responsible will be corrected
- Assembly permit issue is resolved based on capacity and applicable laws;
- Licensed sound engineers are hired to address internal noise problems affecting the upstairs neighbors and recommendations are implemented;
- French doors/sliding windows will be closed when any amplified music is played, per law, and in the event of no amplified sound, will be closed by 10 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday;
- An alteration application will be filed for French doors/sliding windows, which were installed quickly to address structural issues;
- State certified security personnel will be used;
- The security plan is strengthened to avoid highly intoxicated patrons and plan for proper handling of any such patrons;
- Security plan states owner, manager and/or security personnel will attend block association and community meetings regularly to be aware of and resolve problems.

In discussing the applicant's request to reconsider its recommendation, the Committee noted that the establishment is supported by community residents from a wide variety of incomes and noted that it does have the opportunity to become a good neighbor by following these stipulations and responding to community concerns. However, the Committee and the full CB4 Board continues

to recommend denial of renewal of this license as per our previous letter until resolution of the problem items and stipulations above are agreed upon satisfactorily.

Additionally, members of the community were present at the full board meeting on January 2, 2008 and enquired how this establishment is allowed to operate with a license that has expired. No one from the establishment was present at the full board meeting to respond.

At the full board meeting on January 2, 2008, Manhattan Community Board 4 voted to approve this recommendation.

Sincerely,



Jean-Daniel Noland
Chair
Manhattan Community
Board Four



Lisa Daglian
Co-Chair
Business License & Permits
Committee

Chuck Spence
Co-Chair
Business License & Permits
Committee

cc: Applicant
Fred Gioffre
Elected Officials