



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

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

April 3, 2008

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

Re: Dan Doohan or Corp to be formed, 733 Ninth Avenue (49/50th)

Dear Chairman Boyle:

At its April 2, 2008 meeting, Manhattan Community Board 4, voted to recommend denial of a new on-premise liquor license for Dan Doohan or Corp to be formed, 733 Ninth Avenue, unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- The Establishment will close at 2 a.m. Sunday through Wednesday, with food service until 2 a.m. each night the establishment is open;
- A licensed sound engineer will be employed and recommendations for sound abatement shall be followed;
- Any French doors and windows will be closed by 10 p.m. Sunday through Thursday and 11 p.m. Friday to Saturday, and will not be opened prior to 10 a.m. If there is any amplified music playing inside, the doors and windows shall be closed at all times, as required by law;
- The applicant will not apply for a cabaret license now or at any time in the future;
- Licensed security will be on premises to ensure a neighborly environment is maintained;
- Lighting will be installed to illuminate the area, but not so as to disturb neighbors;
- The second floor bar is to be used for service only; and,
- The establishment will be held to capacity of a total of 175, with 150 via seated table service, and 20 seats at the bar.

In addition, the applicant has promised to supply onsite contact information to the community board and interested neighbors, including area block associations, and that they will respond expeditiously to resolve complaints.

The Community Board appreciates that several area block and neighborhood associations are concerned about the increasing concentration of liquor licenses along 9th Avenue between 43rd and 54th Street and requests that the owner maintain active communication with them, as well as the Community Board, about their operation.

In conclusion, the board brings to the SLA's attention that the building is zoned R-8 with a C1-5 overlay, which allows commercial use on the ground floor only. Consequently, zoning may not allow for the second floor to be used as part of a bar/restaurant establishment. Its legality depends on previous use of the second floor, which must be investigated for compliance with Section 52-30 of the Zoning Resolution concerning changes in non-conforming uses. In addition, the building's certificate of occupancy currently allows the second floor to be used for a bakery accommodating 5 people; this must be updated.

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
Assemblymember Richard Gottfried
Senator Thomas Duane
Speaker Christine Quinn