



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

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

July 28, 2008

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

**Re: 527 9th Avenue LLC. d/b/a Capriblue – 527 Ninth Avenue (39th/40th)**

Dear Commissioner Boyle:

Manhattan Community Board 4 voted to recommend denial of a full liquor license for 527 9th Avenue LLC. d/b/a Capriblue – 527 Ninth Avenue (39th/40th) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment, and the conditions stated in the last paragraph of this letter are satisfied:

- The applicant will have French doors that will be closed Sunday-Thursday by 10 pm and Friday and Saturday by 11 pm and, as per law, whenever amplified sound is played inside.
- Recommendations by a licensed sound engineer will be followed to ensure no sound leaks from the interior or the skylighted areas.
- Restaurant exhaust is discharged above the roof of the building fronting on Ninth Avenue

This establishment is a new Italian restaurant to be located in a space that has never previously been a restaurant. It will be in the cellar and on the ground floor of a building with occupied residential units on the 3 floors above. It will have two floors with a full kitchen that will be open 7 days a week from 12 noon to 12:30 a.m. It will have a total capacity of 175 with 20 in the bar area, 130 in the dining area and 20 in the waiting area. They have a full kitchen and will have background music. They have an enclosed patio and French Doors.

Conditions to Issuance of Liquor License. The building's current Certificate of Occupancy allows use of the cellar only for storage and gas meters and the first floor for a store. In addition, the building is a multiple dwelling in the anti-harassment of the Special Hudson Yards [Zoning] District; alteration of the building requires compliance with Section 93-90(b) of the New York City Zoning Resolution, which may require issuance by the Department of Housing Preservation and development of a certification of no harassment before a building permit is obtained for the necessary alterations. No

liquor license should be issued for this location until the Certificate of Occupancy has been amended to allow the applicant's proposed use of the premises, and the alterations have complied with ZR Section 93-90(b).

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