



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

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

June 9, 2009

Woody Pascal  
Chief Executive Officer  
New York State Liquor Authority  
84 Holland Avenue, 2nd floor, A-Wing  
Albany, NY 12208

**Re: Lux Bar & Lounge LLC d/b/a Bar-Tini, 642 Tenth Avenue**

Dear Mr. Pascal:

Manhattan Community Board 4 is writing to you regarding the May 14, 2009 letter addressed to us and copied to you from attorney Donald Bernstein re Lux Bar & Lounge LLC d/b/a Bar-Tini, 642 Tenth Avenue.

This letter lists a series of charges leading up to the comment in point 6 “[t]his inquisition-style meeting ended in a demand that my client forego the small outdoor yard . . . [m]y client was coerced into the decision to do so.”

We agree that community board meetings can be contentious and unwieldy affairs and community participation at the beginning (and the unwanted catcalls from the audience section throughout) can dwell on all sorts of issues never previously discussed at a committee meeting. However, decisions are made by the full board and the decision here was to recommend granting the applicant an on-premises liquor license provided he abided by certain stipulations (one being no patron use of the rear yard).

CB4 has a rear yard policy (see attached) in which we tend to disapprove such use when there is legitimate and significant neighboring community opposition. Such was the case here.

In conclusion, Mr. Bernstein mentions in the footnote to page 3 that we had an “executive session prior to the public May 6, 2009 meeting”. This is untrue. The applicant was heard during the April 14<sup>th</sup> Business, Licenses and Permits Committee meeting and at the May 6<sup>th</sup> Full Board meeting only.

Please feel free to call our District Manager, Robert J. Benfatto, with any questions.

Sincerely,

Jean-Daniel Noland  
Chair  
Manhattan Community Board 4