



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
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**JEAN-DANIEL NOLAND**  
Chair

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

June 22, 2009

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

**Re: Fondue 26 LLC d/b/a The Orchard – 122 W. 26 St. (6/7 Avenues) – New-OP**

Dear Commissioner:

Manhattan Community Board 4 voted to deny a new liquor license for Fondue 26 LLC d/b/a The Orchard – 122 W. 26 Street, unless the following conditions, agreed to by the applicant, are included in the method of operation:

- No outside promoters will be used;
- Applicant will not apply for a cabaret license;
- No DJ or live music;
- The applicant will follow the recommendations of a certified sound engineer to mitigate potential noise disturbances to the neighboring residents and buildings;
- Applicant will install an interior vestibule to further mitigate sound spillage;
- Kitchen will remain open until one hour before closing;
- New York Nightlife Association best practices guidelines for security personnel will be followed, and plan as submitted to community board (attached) will be followed.

This is a restaurant that will be open seven days a week, Sunday – Wednesday from Noon – 1 a.m, Thursday from Noon – 2 a.m. and Friday and Saturday from Noon – 3 a.m. Total capacity is 250, with 40 tables. They will have background music.

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