



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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www.ManhattanCB4.org

**JOHN WEIS**  
Chair

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

July 31, 2009

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

**Re: 523 Ninth Avenue d/b/a Hell's Kitchen (39/40)**

Dear Commissioner Boyle:

The applicant came before CB4 to request an alteration to this establishment and to request approval for use of the rooftop for liquor service. Manhattan Community Board 4 recommends denial of this alteration to the full liquor license of 523 Ninth Avenue d/b/a Hell's Kitchen for the following reasons:

- The applicant appeared before CB4 in January and requested alterations to their cellar. At that time, the applicant attested they would not use any outdoor space, particularly the rooftop which was a problem for the neighboring residents when it was illegally used in the past by the same owner.
- An extensive file of complaints and noise problems for the past illegal use of the rooftop exists and it took an extensive amount of city and state agency effort to force the owner/operator to comply.
- We believe there is no current C of O for use of the rooftop.
- To our knowledge this establishment has not obtained a cabaret license but CB4 has received reports of dancing inside this establishment. Attached is an online ad promoting a dance party at subject venue.
- The owner/operator has a history of flouting the laws and agreements with CB4 and the SLA.
- Despite the fact that the applicant agreed to not using outside promoters, we have found ads to the contrary. The ads evidencing the violation to this agreement is attached.

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This establishment is a restaurant and bar with a full kitchen and will play background music and utilize DJ's. The board would also like to note that this establishment was a large problem for the community in past years.

Sincerely,



John Weis  
Chair  
Manhattan  
Community Board 4

[signed 7/31/09]

Lisa Daglian  
Co-Chair  
Business License &  
Permits Committee



Chuck Spence  
Co-Chair  
Business License &  
Permits Committee

cc: Applicant  
Fred Gioffre  
Elected Officials