



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
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: Sky Bar Times Square Inc.- 330 West 40<sup>th</sup> Street (8/9) New OP of a rooftop restaurant/bar with some outdoor space**

Dear Commissioner Boyle:

Manhattan Community Board 4 recommends denial of a new full liquor license for Sky Bar Times Square Inc unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- A certified soundproofing engineer (Acoustilog) has been used to recommend and implement soundproofing in the establishment. There will be no amplified sound in the outdoor space of the rooftop. The recommendations of the sound engineer include, but are not limited to, decibel restrictors/controls and sound absorbing material. A copy of the full report was submitted with the application and is attached to this letter.
- Total capacity is 480 with 240 on the 33<sup>rd</sup> floor (indoors) and 240 on the 34<sup>th</sup> floor (partially outdoor space). The outdoor space will be limited to 80 patrons.
- Hours of operation are 4 pm to 4 am 7 days per week.
- The applicant will not be applying for a cabaret license.
- The applicant will not use outside promoters for any events.
- Indoor amplified sound will be via DJ and background music only, no live performers.
- Outdoor space will only allow seated food and beverage service by wait staff. No outdoor rooftop space will be used by patrons to stand and drink or smoke. There will be no bars on the outdoor patio (service or stand up). Wait staff will serve drinks from the indoor service bar.
- Hotel security (Marriott) will be used to control the patrons of this establishment. No outdoor sidewalk space will be used for queuing of patrons waiting to enter the establishment.
- The operator/management will work with CB4 to address traffic issues related to the Skybar and the hotels including, but not limited to, traffic and queuing of cars and a loading/taxi stand.

This establishment is a restaurant and bar that is atop two adjacent hotels but access will only be through the Marriott hotel for all of the 480 patrons. Fire egress will be via both hotels.

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