



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

COREY JOHNSON
Chair

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

August 5, 2013

Dennis Rosen
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: XL Dance Bar LLC
d/b/a XL Dance Bar
512 W. 42nd Street (10/11)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of an alteration for an On-Premise Liquor License for XL Dance Bar LLC d/b/a XL Dance Bar – 512 W. 42nd Street (10/11) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a capacity of 650 people, approximately 37 tables with approximately 138 seats with 2-4 people per table, and 3 stand up bars with 10 seats.

- Juan Vasquez – Director of Operations for XL will provide CV and intro to CB
- Eliminated outdoor live or DJ music
- Will keep sidewalk area clear on W. 41st Street

For Hotel

- Line must be inside at all times – for special events, queue to west in front of ConEd and NYPD and in front of hotel and into lobby
- Clean up outside
- Keep music down – comply with sound stipulations
- Security will maintain quiet and peaceful atmosphere in vicinity
- Communicate with neighbors and CB for any special events
- Any outside music will be in atrium

Sincerely,

[signed 7/31/13]

[signed 7/31/13]

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT		DOING BUSINESS AS (DBA)		
XL Dance Bar LLC		XL Dance Bar		
STREET ADDRESS		CROSS STREETS		
512 West 42nd Street, New York, NY 10036		Between 10th Avenue and 11th Avenue		
OWNER	NAME:	Brandon Voss	ATTORNEY	
	PHONE:	(212) 239-2999		
	FAX:			
MANAGER	NAME:		LANDLORD	
	PHONE:			
	FAX:			
		NAME:	Donald M. Bernstein, Victor & Bernstein P.C.	
		PHONE:	(212) 486-6000	
		FAX:	(212) 486-8668	
		NAME:	42nd Street Holdings LLC	
		PHONE:	(212) 541-9840	
		FAX:		
DESCRIPTION OF BUSINESS				
Establishment Type:		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input checked="" type="radio"/> Cabaret <input checked="" type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain): _____		
Method of Operation:		<input type="radio"/> Restaurant <input checked="" type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): _____		
License Type:		<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
APPLICATION TYPE (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	YES	NO
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1248373	
		What is the expiration date on the current license?	December 31, 2013	
Please describe the nature of the alterations and attach the plans Relocation of DJ Booth, existing DJ Booth to be a Coat Check Room, removing high top tables and upgrading and adding banquette seating around perimeter of bar area. See floor plans attached.				

OPERATIONAL ISSUES									
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation				4:00PM - 4:00AM				
	Music				4:00PM - 4:00AM				
	Kitchen				4:00PM - 4:00AM				
OCCUPANCY	INDOOR				BAR			OUTSIDE	
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	650	650	Approx. 37	2-4 ppl. per table (approx. 138 total)	0	3	10	N/A	N/A
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	<input checked="" type="radio"/> 3-4	5+		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	<input checked="" type="radio"/> NO	N/A	We will not be applying for a cabaret, we have one.	
Will applicant have bottle service?					<input checked="" type="radio"/> YES	NO	N/A		
Will you be hosting private parties and promotional events?					<input checked="" type="radio"/> YES	NO	N/A	We do and will not use outside promoters but we occasionally book special or private events.	
Will outside promoters be used?					YES	<input checked="" type="radio"/> NO	N/A		
Will the security plan submitted be implemented?					<input checked="" type="radio"/> YES	NO	N/A	6-15 licensed security personnel, as stipulated with CB4.	
Will State certified security personnel be used?					<input checked="" type="radio"/> YES	NO	N/A		
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO	N/A		
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	<input checked="" type="radio"/> NO	N/A		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	<input checked="" type="radio"/> NO	N/A		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	<input checked="" type="radio"/> N/A		
Will applicant provide contact information to neighbors and respond to complaints that arise?					<input checked="" type="radio"/> YES	NO	N/A		
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					YES	NO	N/A		
If you plan to have music, what type(s)?					<input checked="" type="radio"/> BACKGROUND	<input checked="" type="radio"/> LIVE MUSIC	<input checked="" type="radio"/> DJ		
BUILDING DESIGN									
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					YES	NO	<input checked="" type="radio"/> N/A	There are no open windows. Unless patrons entering/exiting, doors are kept closed.	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?					<input checked="" type="radio"/> YES	NO	N/A		
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					<input checked="" type="radio"/> YES	NO	N/A		

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	NO	N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	NO	N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	YES	NO	N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A

LOCATION & ZONING

Primary Zoning District:	C6-4	Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO	N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	<input checked="" type="radio"/> NO	N/A
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	N/A
Building Type	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____ Premises is within a building used as a hotel.		
Adjacent Buildings	<input checked="" type="radio"/> Residential <input checked="" type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input checked="" type="radio"/> Other, describe: <u>Industrial and Institutional Buildings.</u> See zoning map attached.		
NOTIFICATION: What organizations / community groups have you notified regarding your application? *The applicant will reach out to the following individuals/groups prior to the May 14th meeting.	# 1	Greg Gushde (MiMA)	
	# 2	Marisa Redanty (Manhattan Plaza)	
	# 3	David Solnick (The Orion)	

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

- Juan Vasquez - Director of Operations for XL
→ will provide CV + intro to CB
 - Eliminated outdoor ^{Live or DJ} music. ~~Lawn Parties~~
 - Will keep sidewalk area clear on W. 41 St. exit -
- plus see attachment - signed + agreed 5/14/13

Juan Vasquez

[Signature]
6/11/13

[Signature]
06/11/13

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Dagian
Co-Chair
Business License & Permits
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Manhattan Community Board 4

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DESCRIPTION OF BUSINESS			
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		Has applicant owned or managed a similar business? YES NO	
		What was the name of establishment?	
		What was the address of the establishment?	
		What were the dates the applicant was involved with this former premise?	
		<input checked="" type="radio"/> Transfer Corporate Change (see Additional Information, p. 4)	
		What is the previous license #? 1248373	
		What is the expiration date on the previous license? December 31, 2013	
<input checked="" type="radio"/> Alteration		Are you making any alterations or operational changes? YES NO	
If alterations or operational changes are being made, please attach the plans to this form. See below and attached.		What is the current license #? 1248373	
What is the expiration date on the current license? December 31, 2013		Please describe the nature of the alterations and attach the plans. Relocation of DJ Booth, existing DJ Booth to be a Coat Check Room, removing high top tables and upgrading and adding banquette seating around perimeter of bar area. See floor plans attached.	

OPERATIONAL ISSUES

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	Kitchen			4:00PM - 4:00AM				

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BUILDING DESIGN

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Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A

LOCATION & ZONING

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Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	<input checked="" type="radio"/> NO	N/A
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	N/A

Building Type: Residential Commercial Mixed Use Other describe: _____
 Premises is within a building used as a hotel.

Adjacent Buildings: Residential Commercial Mixed Use Other describe: Industrial and Institutional Buildings. See zoning map attached.

NOTIFICATION: What organizations / community groups have you notified regarding your application? *The applicant has reached out to these individuals regarding the alterations at the premises.	# 1	Greg Gushde (MIMA)
	# 2	Marisa Redanty (Manhattan Plaza)
	# 3	David Solnick (The Orion)

ADDITIONAL INFORMATION: (Applicant Use)

The licensee is currently controlled by 42nd Street Holdings LLC, which in turn is controlled by Mati Weiderpass and Ian Reisner. 42nd Street Holdings LLC is increasing its ownership of the licensee from 60% to 99%. Additionally, three members of the minority member of the licensee are being removed. No new members or principals are being added.

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

FOR HOTEL

- line must be inside at all times
 - for special events, queue to west in front of Con Ed = NYPD. and in front of hotel into lobby.
- clean up outside
- Keep music down - comply with sound stipulations
- security will maintain quiet & peaceful atmosphere in vicinity of club.
- communicate w/ neighbors and CB for any special events.
- any outside music will be in atrium



• Will comply with stipulations and report back. If no improvement CB may recommend denial. Nat Exec for alteration. Corp charge