



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

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BUSINESS LICNESE & PERMITS COMMITTEE

Item # 20 (RATIFICATION)

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July 12, 2012

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Dennis Rosen

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Chairman

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New York State Liquor Authority

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80 S. Swan Street, 9th Floor

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Albany, New York 12210

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Re: Elsayed 4 LLC d/b/a Horus Too – 416 W 46th Street - License # 1221792

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Dear Chairman Rosen:

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Manhattan Community Board 4 (MCB4) recommends denial of a renewal of a restaurant wine license for Elsayed 4 LLC d/b/a Horus Too – 416 W 46th Street - License # 1221792.

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When they first came to us in March 2009 (see attached letter) they stated they would have no backyard use; no hookah use; no sidewalk use; that signs would be posted requesting quiet; French Doors would be closed at 10 p.m. Sunday through Thursday and at 11 p.m. on Friday and Saturdays and at any time amplified music is played; contact information would be supplied to residents, the community board and block associations; and complaints would be addressed quickly. Each and every one of these stipulations have been violated since day one and all though they openly agreed to these stipulations at a public Business License & Permits Committee meeting (February 10, 2009), they continue to assert that since they signed nothing they never agreed to any of the stipulations. In fact they are the reason why today all applicants must sign stipulations.

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To make matters worse they have been a perpetually disruptive neighbor to the residents and businesses around. At numerous Business License & Permits Committee meetings as well as Midtown North Precinct Council meetings host of residents and businesses (414 Hotel – 414 W 46th St.) have come to complain about the smell of smoke and the use of tobacco, congregation in the backyard and the use of the closed down business establishment next door (Best Burgers & Shakes 416 W 46th Street). There have been instances of underage drinking (on September 15, 2011) and a MARCH was done by The Mayor's Office of Special Enforcement on June 15, 2012 which resulted in a series of violations (see attached).

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We have invited the owners to numerous committee meetings and they have not attended any. On June 22, 2012 we received a letter from what appears to be a second attorney (see attached) defending the establishment and asking to appear before the BLP committee. Numerous calls and

1 letters to the attorney inviting them to the July 10, 2012 meeting went unanswered until 4:30 pm
2 that day when we called one last time to confirm attendance and we were told by an employee of
3 the attorney that the attorney and owners would not be attending. As a result we were never given
4 the opportunity to work with them to resolve these outstanding issues as was promised in the
5 March 2009 stipulations.

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7 Given all this, we have no choice but to strongly recommend the license not be renewed. It is
8 inconceivable to us that a license can be renewed with an establishment that has openly violated
9 its agreements, committed illegal activity, and not worked with the community and the community
10 board to address any of these legitimate concerns. We certainly cannot support such egregious
11 and continuous behavior with our district.

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13 Sincerely,



14 Corey Johnson
Chair

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16 cc: Michael Jones Esq., Deputy Chief Executive Officer NYS Liquor Authority
17 NYS Senator Thomas K. Duane
18 NYS Assemblyman Richard Gottfried
19 NYC Council Speaker Christine Quinn
20 Lamis Jamal Deeks Esq., Attorney
21 Elsayed Mohamed, Owner
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