

December 20, 2011

Hon. Dennis Rosen
Chair
New York State Liquor Authority
317 Lenox Avenue
New York, NY 10027

**Re: 2728 Broadway
Papasito Midtown Corp., Inc. d/b/a Papasito Mexican Grill and Agave Bar
Eusebio Chavez, President and Applicant
Pending Serial #1259523**

Dear Chair Rosen:

On behalf of Community Board 7/Manhattan (“CB7”), I enclose our resolution disapproving the applicant's request for an on-premises liquor license.

CB7 does not take this action lightly. As the introduction to the resolution makes clear, the members of our committee work tirelessly to seek agreements that balance the interests of small businesses and the concerns of neighbors and the community. Despite repeated efforts, no such agreement could be forged in this instance.

The facts relating to this application are unique. The record reveals that there are serious issues as to whether the applicant has ever had an appropriate license to serve alcohol on premises, and has other troubling open violations, yet it has been operating continuously since August 2011. The nature and intensity of complaints from neighbors and the community about noise both from music inside the premises and from patrons departing in the wee hours of the morning continue unabated, as do issues with odors and exhaust, notwithstanding certain modifications to its facilities undertaken by the applicant. Perhaps most troubling is the applicant’s refusal to address or assume responsibility for controlling or peacefully dispersing the crowds it attracts.

This is *not* a “not-in-my-back-yard” situation. Our Board, the neighbors and the community have embraced many restaurants in the immediate vicinity of the premises, including at least eight with on-premises liquor licenses within 500 feet of the applicant. Each of these establishments is able to operate responsibly and, presumably, profitably without the enormous on-going disruptions that attend the applicant’s method of operation.

CB7 respectfully requests that the State Liquor Authority recognize these unusual circumstances, and deny the instant application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark N. Diller", with a horizontal line extending to the right.

Mark N. Diller
Chair, Community Board 7

Cc: Hon. Melissa Mark-Viverito, New York City Council, 8th District
Hon. Scott M. Stringer, Manhattan Borough President
Hon. Daniel J. O'Donnell, New York State Assembly, 69th District
Hon. Bill Perkins, New York State Senate, 30th District
Hon. Adriano Espaillat, New York State Senate, 31st District
Ms. Sandra Williams, New York State Liquor Authority
Ms. Rebecca Godlewicz, Office of the Manhattan Borough President
Mr. Eusebio Chavez, President, Papisito Midtown Corp, Inc.