



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

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

July 27, 2015

Ana Reyneso
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway
New York, NY 10004

**Re: 1910 Waterfront LLC
d/b/a The Filmore Room
Sidewalk Café License/Application # 7984-2015-ASWC
146 10th Ave. (19/20)**

Dear Ms. Reyneso:

Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for 1910 Waterfront LLC d/b/a The Filmore Room:

- The applicant has refused to appear before MCB4 prior to the July 27, 2015 deadline for MCB4's recommendations on this application to the Department of Consumer Affairs (DCA). MCB4 and the community thus have had no opportunity to discuss the application and its operations with the applicant. Upon receipt of this sidewalk café application from the DCA, MCB4 sent its standard Sidewalk Café Stipulations Application to the applicant and notified the applicant of the upcoming meeting of MCB4's Business Licenses and Permits (BLP) Committee on July 14, 2015, at which the application would be discussed. On July 13, the day before that meeting, the applicant asked to postpone its appearance to the August meeting of the BLP Committee. MCB4 responded that it ordinarily would agree to such a postponement, but explained the current July 27 deadline for its recommendations and asked the applicant to withdraw and re-file its application so that MCB4 could submit timely recommendations after the applicant's appearance at the August BLP meeting. The applicant, however, both refused to withdraw its application and refused to appear at the July 14 BLP meeting, although it indicated that it still wanted to appear at the August BLP meeting -- after the deadline for MCB4's recommendations.
- Unfortunately, this is simply the latest example of the applicant's refusal to engage in any meaningful discussion with MCB4 or the community. As reflected in the

enclosed June 17, 2015 letter to the NYS Liquor Authority, when applying for its liquor license, the applicant, despite multiple requests from MCB4, refused to submit any information about its planned operations to MCB4 or to meet with MCB4 and the community. Such disregard for the community does not bode well for the applicant's operating a sidewalk café in a manner that takes the community's interests into consideration.

- MCB4 also has concerns about the size and layout of the sidewalk café as reflected in the proposed plans. At 20 tables and 46 chairs, this is quite large café. It is located on avenue corner and immediately below numerous residential windows.
- Although MCB4 urges that this application be denied for the reasons stated above, in the event any permit is granted, MCB4 requests that the café be closed and vacated at the hours that MCB4 requests from all sidewalk café applicants: 11:00 p.m. on Friday and Saturday nights and 10:00 p.m. on all other nights. MCB4 has found that these closing hours are necessary to protect reasonable residential quality of life for community members living above and adjacent to sidewalk cafes.

Sincerely,



Christine Berthet
Chair

[signed 7/27/15]

Burt Lazardin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee



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CHRISTINE BERTHET
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JESSE R. BODINE
District Manager

June 17, 2015

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

Re: 1910 Waterfront LLC
Serial # 1284713
146 10th Avenue

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) requests that the NYS Liquor Authority (SLA) **deny** the above-referenced application. Despite multiple requests from MCB4, the applicant has refused to submit any information to MCB4 about its planned operations and has refused to appear at a public meeting of MCB4's Business Licenses and Permits (BLP) Committee or otherwise meet with MCB4.

On January 20, 2015, the applicant submitted the standard 30-Day Advanced Notice form to MCB4 and requested that any meeting notification or questionnaire be sent to the applicant's attorney. Following its usual practice, on January 26, 2015, MCB4 sent by email to the applicant's attorney MCB4's standard Liquor License Stipulation Application and requested that it and related information be submitted by January 29, 2015, so that the applicant could appear before the BLP Committee at its next meeting on February 10, 2015.

The applicant did not submit any information by January 29 nor did it communicate with MCB4 in any way beyond the submission of the Advanced Notice form. Accordingly, on February 2, 2015, MCB4 sent the enclosed letter to Dennis Rosen, Chairman, of the SLA informing the SLA of those facts and recommending denial of the application.

Several months later, MCB4 read press reports that a chef named Liran Mezan planned to open a new establishment at this location in May. Mr. Mezan had been listed as the "owner" on the Advanced Notice form submitted to MCB4 on January 20. Mr. Mezan was quoted in the *New York Daily News* on April 25, 2015, that the liquor license would be until 4:00 a.m.: "It was transferred from Moran's [the prior establishment at this location] and that's what they had."

Because neither Mr. Mezan nor his representatives had had any contact with MCB4 since the submission of the Advanced Notice form in January, the Chair of MCB4, Christine Berthet, on May 13, 2015 reached out by phone and by email to the applicant's attorney, Joseph Levey, asking that the applicant complete MCB4's standard Liquor License Stipulation Application and appear before MCB4's BLP Committee at its next meeting. Despite agreeing -- in two separate emails dated May 13, 2015, and May 22, 2015 -- to submit the requested information to MCB4, Mr. Levey to date has submitted none of the requested standard information to MCB4, and the applicant has not met with MCB4. Mr. Levey is no longer returning our calls.

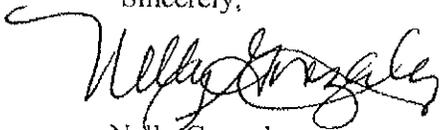
MCB4 has serious concerns about an On-Premise license until 4:00 a.m. in this very residential area. The former operator typically closed at 11:00 p.m. to midnight. MCB4 would like to discuss the method of operation and evaluate possible safeguards to preserve the quality of life for the residential population.

Accordingly, given this failure of cooperation and the accompanying lack of information about the applicant and its planned operations, MCB4 recommends that this application for an On-Premise license be **denied**.

As it has since the start of this process, MCB4 urges the applicant to submit the standard information requested of all applicants and to meet with MCB4 about its method of operation. If those events occur, MCB4 will reconsider its recommendation of denial.

Thank you for your attention to this matter.

Sincerely,



Nelly Gonzalez
Assistant District Manager
Manhattan Community Board 4



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CHRISTINE BERTHET
Chair

JESSE BODINE
District Manager

February 2, 2015

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

**Re: Entity to be formed
146 10th Avenue
On-Premise Liquor License**

Dear Chairman Rosen:

The above applicant did not meet the deadline of January 29, 2015 to submit the requested information about its proposed operations or communicated with the Committee in any way beyond its initial letter of notice. Thus, on Tuesday February 10, 2015 the Committee had no information on which to base a decision.

Because of the 30-day limit imposed on the Board's response period, and because the community has had no opportunity to gather information on this application, or comment on it, the Committee must recommend the denial of this application.

If/when the applicant does resubmit an application for an On-Premise Liquor License; Manhattan Community Board 4 will reconsider this recommendation.

Sincerely,

Nelly Gonzalez
Assistant District Manager
Manhattan Community Board 4

cc: Joseph Levey



HELBRAUN LEVEY & O'DONOGHUE LLP
ATTORNEYS AT LAW

Robert J. Benfatto
District Manager
Manhattan Community Board 4
330 West 42nd Street, Suite 2618
New York, NY 10036

January 19, 2015

**Re: Entity to be formed
146 10th Avenue
New York, NY 10011**

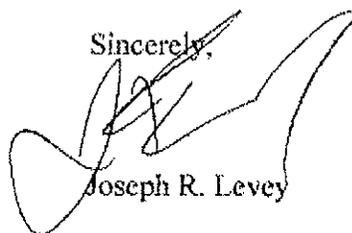
Dear Mr. Benfatto:

I am writing to you on behalf of my client at 146 10th Avenue. They will occupy the space at the above address where they intend to operate a restaurant/bar. Our client's intention is to apply to the New York State Liquor Authority for a transfer of an existing On Premise license for this address.

As you are aware, part of the licensing process requires that the local Community Board be notified to be given an opportunity to comment on the application. Please consider this letter notification of our intent to apply to the New York State Liquor Authority for the above referenced license.

Please forward any meeting notification information and/or questionnaire to our office, at the address indicated in my letterhead above, or to Ashley@helbraunlevey.com. If you need any further information, please contact me at 212-219-1193.

Sincerely,



Joseph R. Levey

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board
 (Page 1 of 2 of Form)

1. Date Notice was Sent: (mm/dd/yyyy)

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application Renewal Alteration Corporate Change
 + Transfer

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board:

Applicant/Licensee Information

4. License Serial Number, if not New Application: Expiration Date, if not New Application:

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: ,NY Zip Code:

9. Business Telephone Number of Applicant/Licensee:

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

**For New applicants, provide description below using all information known to date.
 For Alteration applicants, attach complete description and diagram of proposed alteration(s).
 For Current Licensees, set forth approved Method of Operation only.
 Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One) Beer Only Wine & Beer Only Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all the apply)

Recorded Music Live Music Disc Jockey Juke Box Karaoke Bar Stage Shows
 Patron Dancing (small scale) Cabaret, Night Club (Large Scale Dance Club) Catering Facility
 Capacity of 600 or more patrons Topless Entertainment Restaurant Hotel
 Recreational Facility (Sports Facility/Vessel) Club (e.g. Golf Club/Fraternal Org.) Bed & Breakfast
 Seasonal Establishment

15. Licensed Outdoor Area: ("X" all the apply)

None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
 Sidewalk Cafe Other (specify):

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
 Local Municipality or Community Board**
 (Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on:

17. List the room number(s) the establishment is located in within the building, if appropriate:

18. Is the premises located with 500 feet of three or more on-premises liquor establishments? Yes No

19. Will the license holder or a manger be physically present within the establishment during all hours of operation? Yes No

20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) Yes (If Yes SKIP 21-24) No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name:

22. Building Owner's Street Address:

23. City, Town or Village: State: Zip Code:

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
 Establishment Identified in this Notice**

25. Attorney's Full Name:

26. Attorney's Street Address:

27. City, Town or Village: State: Zip Code:

28. Business Telephone Number of Attorney:

29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name: Title:

Signature: X _____



Janine Pretente <jpretentecb4@gmail.com>

Business License & Permits Committee Meeting, Tuesday, February 10, 2015

Janine Pretente <jpretentecb4@gmail.com>

Mon, Jan 26, 2015 at 12:25 PM

To: ashley@helbraunlevey.com

Cc: "Gonzalez, Nelly" <negonzalez@cb.nyc.gov>

Attached please find information regarding your liquor license application. Please note that all requested information **MUST** be submitted by 11am Thursday, January 29th (**Absolutely No Exceptions**) by email/mail. **Failure to comply by January 29th will result in a request to postpone to the following month's meeting March 10th or a denial recommendation from the committee.** Applicants that have rooftop/rear yards/terrace/patio must call me by 1pm Friday, January 30th to make arrangements for committee members to see the location.

Along with submitting the above information, you are required to reach out to all residential buildings on the block as well as residential buildings behind the premise. You will also need to reach out to the 500 W. 19th Street Block Association, Neil Selkirk at neil@neilselkirk.com prior to the February 10th meeting.

****Please be advised that the BLP Liquor License Stipulation Application **MUST** be signed by the Applicant at the time of the meeting****

--
Janine Pretente
Assistant Office Administrator
Manhattan Community Board 4
330 W. 42nd Street 26th Floor
New York, NY 10036
jpretentecb4@gmail.com

4 attachments

 **BLP Liquor License Stipulation Application and Policies.pdf**
423K

 **BLP Sidewalk Cafe Stipulation Application and Policies.pdf**
701K

 **Entity to be formed - 146 10th Ave - Invite.pdf**
56K

 **Entity to be formed - 146 10th Ave - Notice.doc**
37K