



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

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

February 5, 2014

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

**Re: Chelsea 7 Corporation  
d/b/a Splosh  
155 8<sup>th</sup> Avenue (16/17)**

Dear Chairman Rosen:

**Manhattan Community Board 4 (MCB4) recommends denial of an On-Premise Liquor License for Chelsea 7 Corporation d/b/a Splosh for multiple reasons. This establishment falls within the 500 foot rule as there are over a dozen OP liquor licenses within 500 feet of this address and granting a license to this applicant would most decidedly *not* serve the public interest. As outlined below, the applicant has already demonstrated consistent and repeated disregard for the law and community interests. There has been extensive and unanimous community opposition to this application, with the community legitimately concerned about the potential for increased noise, crime, and disruption that will accompany a business that combines an all-day/late-night liquor license with a store selling sex-related merchandise.**

The applicant presently operates what it refers to as a "sexy boutique" at this address, selling items such as sex toys, novelties, and accessories. While continuing that business, the applicant seeks to open what it describes as a "white-cloth, full-service" restaurant in the front portion of the ground floor (otherwise occupied by the "sexy boutique") and on the second floor. As the applicant's letter to MCB4 itself acknowledges, "there are numerous restaurants currently operating on this block." The applicant's proposed restaurant thus will add nothing new and not already available in the immediate vicinity of this address.

Far from advancing the public interest, the grant of a liquor license to the applicant would be seriously detrimental to the public interest.

First, the applicant has already demonstrated a willingness to repeatedly act contrary to the law and the interests of the community. In connection with construction work at this address and as reflected on its website, the NYC Department of Buildings (DOB) on November 6, 2013, issued a stop work order (SWO 35029737L) because of construction work without the necessary permits. Most troublingly, construction work continued on the site ***despite the stop work order***, forcing the DOB to

issue repeated building violations from November 2013 into February 2014 and to continue to assess penalties (currently totaling \$15,000) for violation of its orders. Community members reported to MCB4 that construction work was regularly done at night and that construction debris was illegally deposited in front of neighboring buildings, resulting in sanitation department citations to innocent neighbors. Noise complaints about the construction were met with complete indifference. Such consistent disregard of the law and the interests of the community raise serious concerns about how the applicant would operate if granted a liquor license.

Second, the local community believes that a liquor license at this address would be very detrimental to the community and has spoken unanimously in opposition. Over 20 people appeared in opposition at MCB4 meetings. Multiple written statements of opposition were submitted to MCB4, which also received a petition with over 125 signatories in opposition. MCB4 has received nothing in support of this application, and no one (other than the applicant) spoke in favor of it. Community members fear that granting an all-day/late-night liquor license -- 8 a.m. to 4 a.m., seven days a week -- to an establishment that will operate in conjunction with a sex-oriented 24/7 business is a "time bomb" of potential problems. This applicant is located in a residential area -- residential units abut both sides of this address -- and liquor combined with the ongoing sex-oriented business can only caused increased disruption including music and patron noise and additional street noise and congestion. Community members report that there is a prostitution problem in this neighborhood, which they believe can be traced to similar sex-oriented establishments in the area, and fear that granting a liquor license to this applicant will increase the prevalence of prostitution and other crime in the neighborhood.

Third, the applicant has no expertise in running a restaurant or bar. The only business experience the applicant identified to MCB4 was running a second sex-oriented boutique. The applicant submitted nothing indicating that it had thought about such issues as security, crowd control, or venting and other logistics of using the second floor as a restaurant. The applicant's responses to our questions were unsatisfactory and well below the level we expect from well-prepared, conscientious operators.

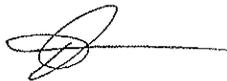
Fourth, there appear to be unanswered questions regarding whether the address' Certificate of Occupancy (C of O) permits the contemplated use. The applicant submitted no C of O, and the only C of O on the DOB's website states that the use of the second floor -- where the applicant seeks to operate this restaurant -- is for "storage and offices," with the number of "persons accommodated" listed as 5 persons.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet  
Chair



Paul Seres  
Co-Chair  
Business License & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee