

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
MRT 58 Restaurant LLC			
STREET ADDRESS		CROSS STREETS	ZIP CODE
538 W. 58th Street		10th & 11th Avenue	10019
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Samir Gandhi	ATTORNEY/ REPRESENTATIVE	NAME: Stacy L. Weiss
	PHONE: 215-715-4611		PHONE: 212-521-0828
	EMAIL: sgandhi@gandhilaw.com		EMAIL: slweissattorney@aol.com
MANAGER	NAME: Samir Gandhi	LANDLORD	NAME: RNMB West 58 LLC
	PHONE: 215-715-4611		PHONE: 516-773-9300
	EMAIL: sgandhi@gandhilaw.com		EMAIL: bwrynn@mcsamhotel.com
APPLICATION TYPE (Check One)			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?	See attachment	
	What were the dates applicant was involved with this former premise?	All are active/ See attachment	
<input type="checkbox"/> Transfer	What is the prior license # and expiration date?	N/A	
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
	If alterations or operational changes are being made, please describe/list all changes. N/A		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?	N/A	
	Please list/describe the nature of all the changes and attach the plans: N/A		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liquor/Wine/Beer	<input type="checkbox"/> Beer	<input type="checkbox"/> Wine & Beer
ESTABLISHMENT TYPE	<input type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input checked="" type="checkbox"/> Hotel <input type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment		
	<input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input type="checkbox"/> Sports Bar <input type="checkbox"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	See Attachment
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	All Active/ See Attachment
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

MRT 58 Restaurant LLC

Other Businesses owned by Applicant Samir Gandhi:

Name:	Address:	Status:
SC Delancey LLC	148 Delancey St., New York, NY 10002	Active
Hi Delancey Restaurant LLC & Eatdrinkinnovate LLC	148-150 Delancey St., NY, NY 10002	Active
Hi 290 Restaurant LLC & Eat Drink Innovate 1 LLC	290 Wild Ave, Staten Island, NY 10314	Active
IMDN Holdings LLC AND EDJD Properties Inc	585 8 th Ave, New York, NY 10018	Active

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	12pm-2am	12pm-2am	12pm-2am	12pm-2am	12pm-2am	12pm-2am	12pm-2am	12pm-2am
	Kitchen	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Music								
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input checked="" type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	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 Stand-Up Bar		
INSIDE	26	26	3	19	1	0	0		
OUTSIDE <i>(Other than sidewalk café)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A	N/A				
How many floors are there? What is the capacity for each floor?					18 Floor hotel - bar is only on lobby floor				
How frequently will the owner(s) be at the establishment?					Frequently at least 5 days a week				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Will applicant have bottle or table service for beverage alcohol?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will you be hosting private; promotional or corporate events?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Will you have a security plan? If, yes please attach.					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Hotel Security		
Will security plan be implemented?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will State certified security personnel be used?					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will applicant be using delivery bicycles? If yes, how many?					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is a Public Assembly permit required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Are your plans filed with DOB? Plans for the hotel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Community Notification/Relations	
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1 West 43rd Street Block Association: Eduardo Zeiger
	# 2 Manhattan Plaza Tenants Association: Douglas Leland
	# 3 West 44 Street Better Block Association: Linda Ashley
	# 4 West 44th Street (b. 9th/10th) Block Association: Renee & Gordon Stanley
	# 5 West 44th Street (b. 9th/10th) Block Association: Rudy Papiri
Please provide dates when applicant met with the groups listed above.	TBD
Who was your contact person at each group you met with?	TBD
When did applicant post the notice that was provided?	March 18, 2016
Where did applicant post the notice that was provided?	On the gate (see attached pictures)
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 215-715-4611
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

see attachment

MRT 58 Restaurant LLC

Continuation of Block Association List:

West 45th Street Block Association: Tim Tanner

West 45th Street Block Association: (between 9th/11th Aves: Chad Widawsky

West 46th Street Block Association: Allison Tupper

West 46th Street Block Association: Steven Panto

BUILDING DESIGN			
State the name and type of business previously located in the space.	New Construction		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	New Build
Will applicant have a vestibule within the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant use a storm enclosure?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have any of the following: (circle all that apply) N/A	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
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 type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will the kitchen exhaust system extend to the roof?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will the establishment have an illuminated sign?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will the establishment have a canopy extending over the sidewalk?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Where will the air conditioner be located? What type is it?	Central A/C		
When was the air conditioner installed?	2016		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
Will there be no amplified music, as per the law?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Will applicant be applying for a sidewalk café now or in the future?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will applicant mark the perimeter of the café on the sidewalk?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Will applicant use umbrellas?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="checkbox"/>	<input type="checkbox"/>	N/A

ADDITIONAL STIPULATIONS: (Office Use Only)

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

ADDITIONAL STIPULATIONS: (Office Use Only), *Continued*

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

Manhattan Community Board 4 (MCB4) recommends:	<input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval
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CB4 REPRESENTATIVES

Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i>	Burt Lazarin <i>CB4 BLP Committee Co-Chair</i>
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APPLICANT AGREEMENT WITH THE COMMUNITY

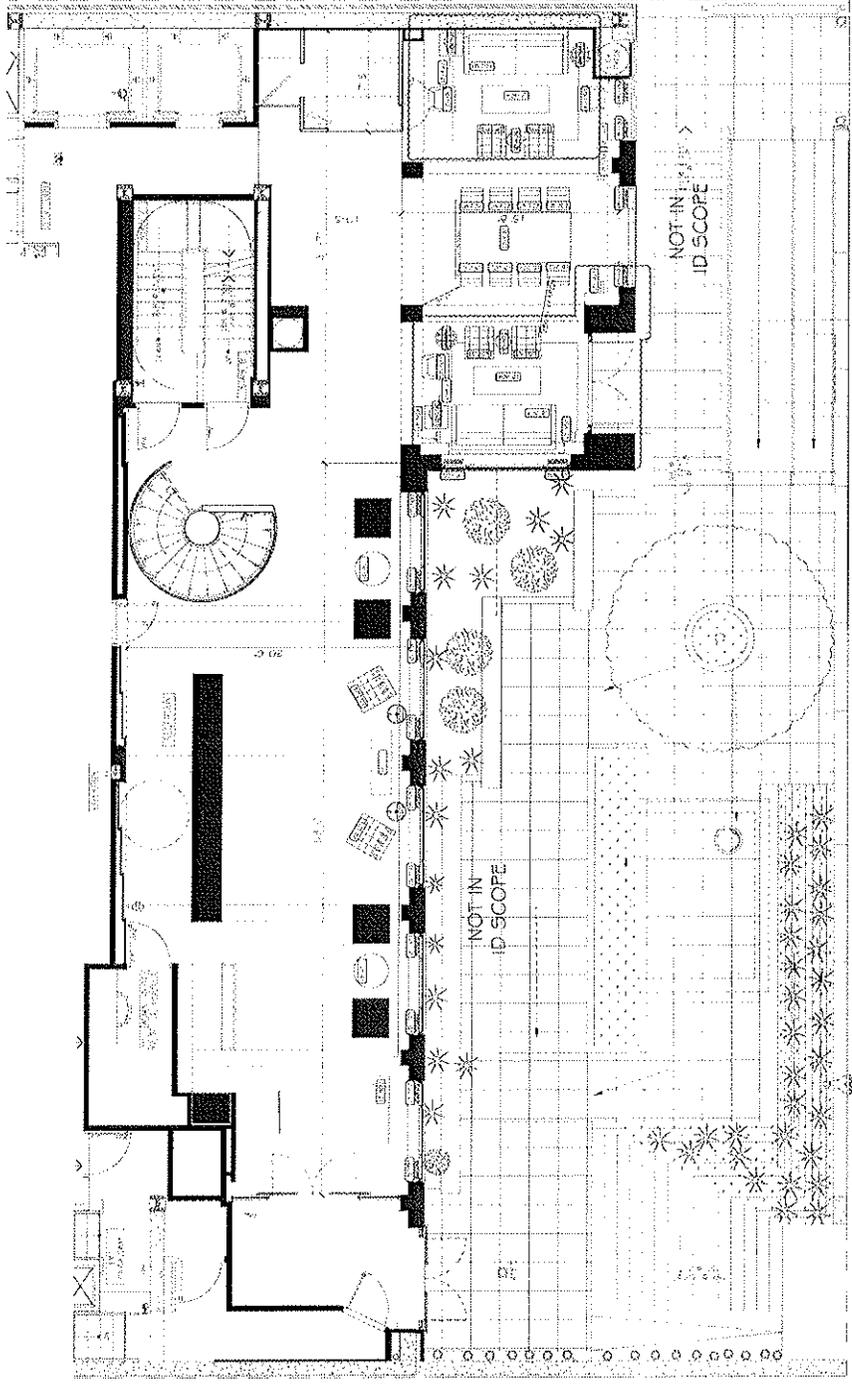
Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

SIGN HERE →	Stacy L. Weiss, Esq. PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	3/24/2016 DATE
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Attorney for the Applicant



3/12/16



Lobby Bar Menu

Fairfield Inn and Suites by Marriott Central Park

Items:

Jalapeno Cheese Straws

Tri Colori Chips and Salsa

Colossal Shrimp Cocktail

Smoked Trout Crostini with Radish Dill Cream

Mini Crab Cakes with Lemon Mayonnaise

Margareta Flatbread Pizza

Crispy Jalapeno Flatbread Pizza

Blue Cheese bacon Dip

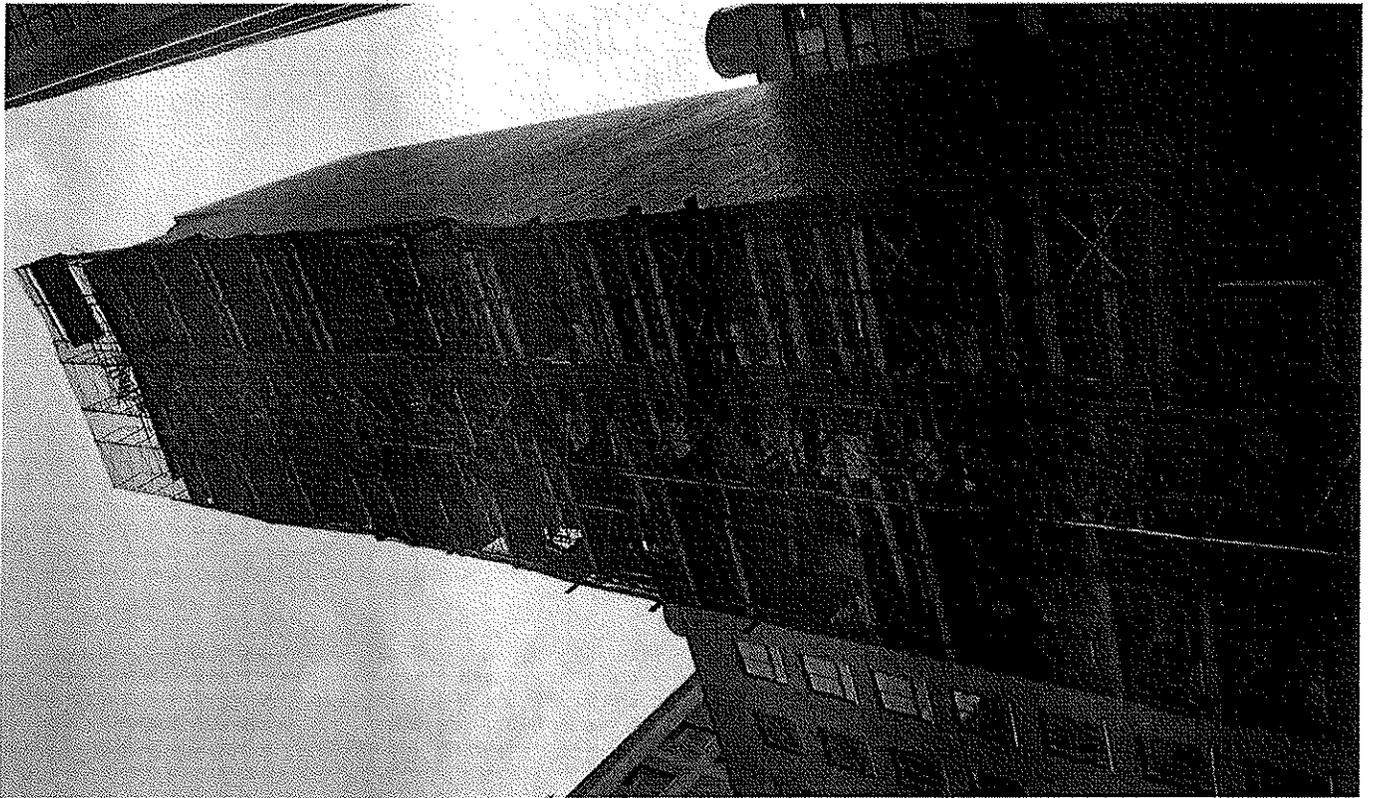
Warm Cranberry Walnut Bree and Chips

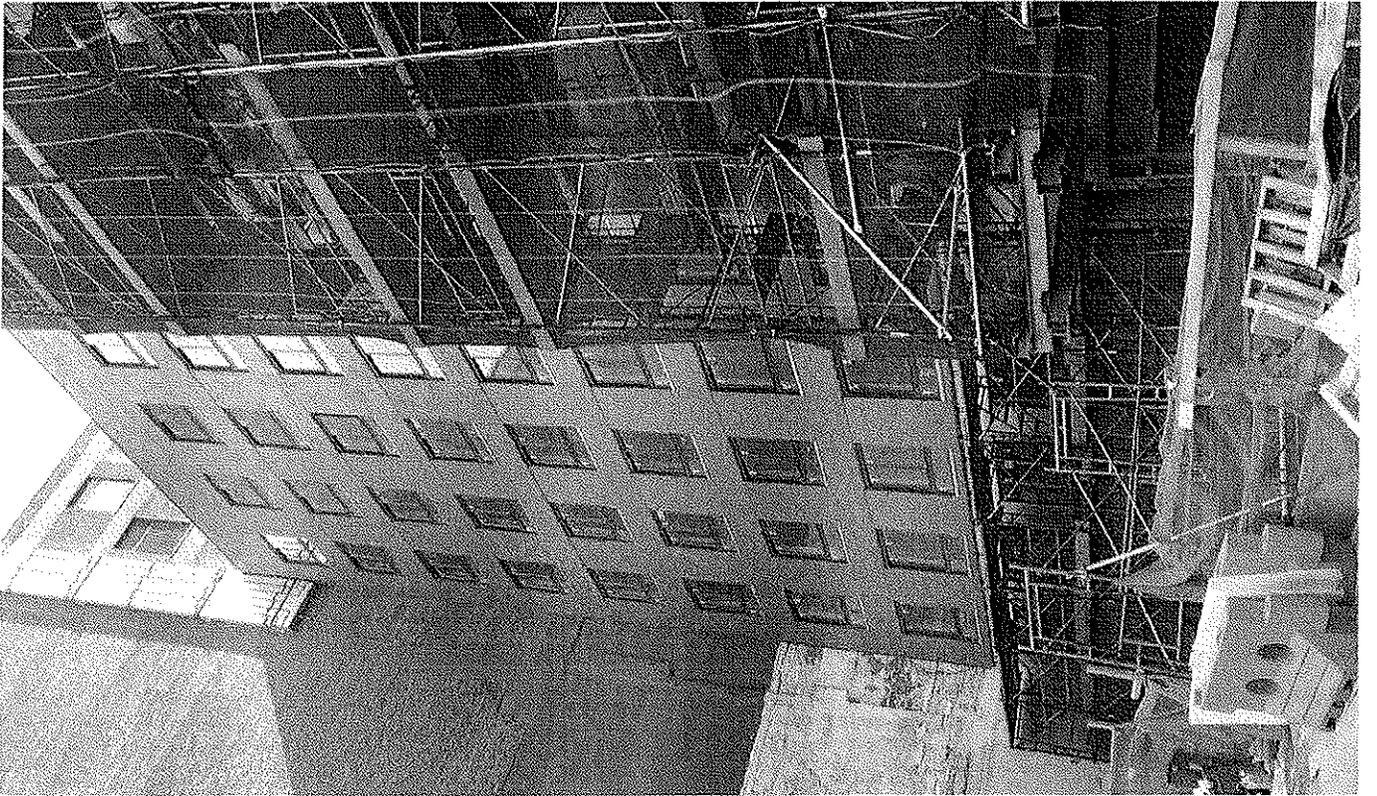
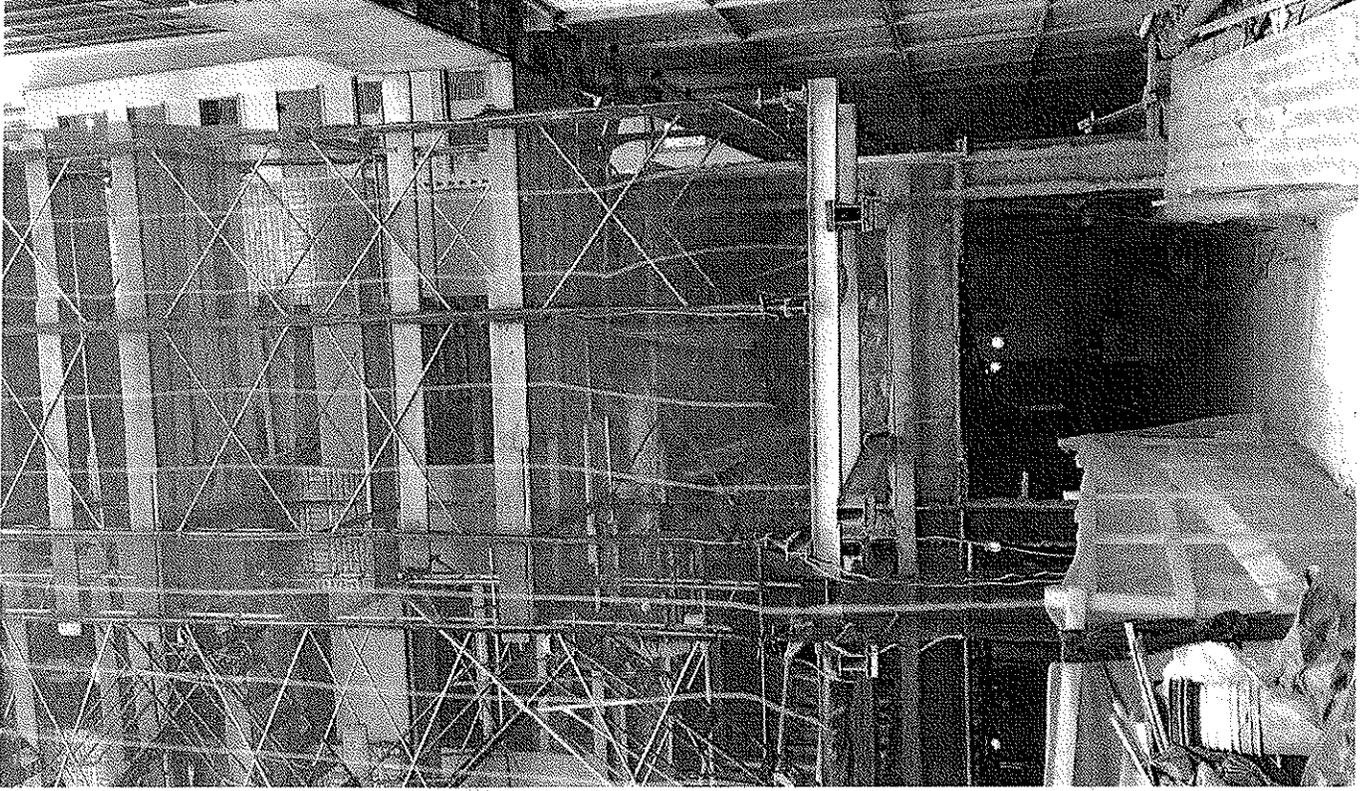
Lump Crab Morany Dip

Deviled Potatoes Skins

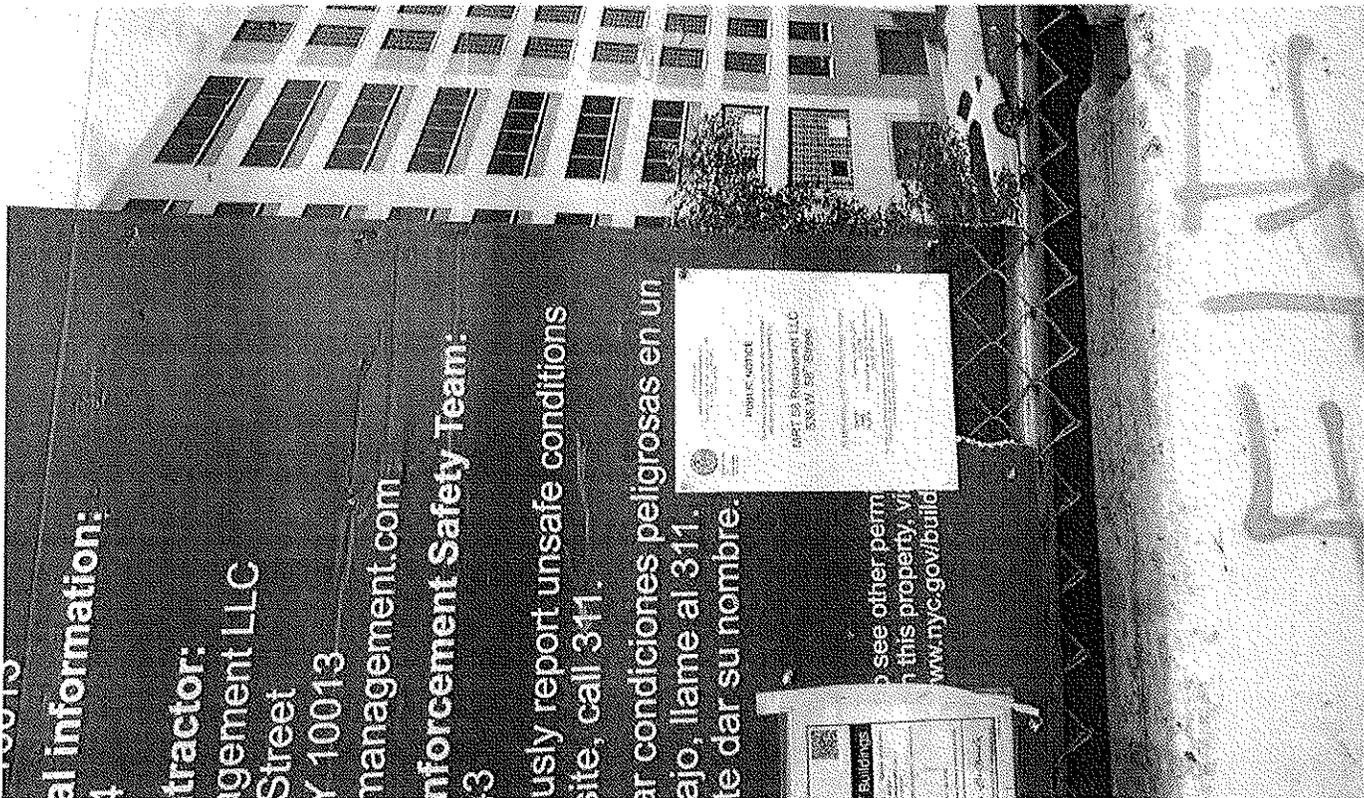
Guacamole Goat Cheese Toasts

Asparagus Blue Cheese Canapes









Additional information:

Contractor:

Management LLC

Street

Y 10013

management.com

Enforcement Safety Team:

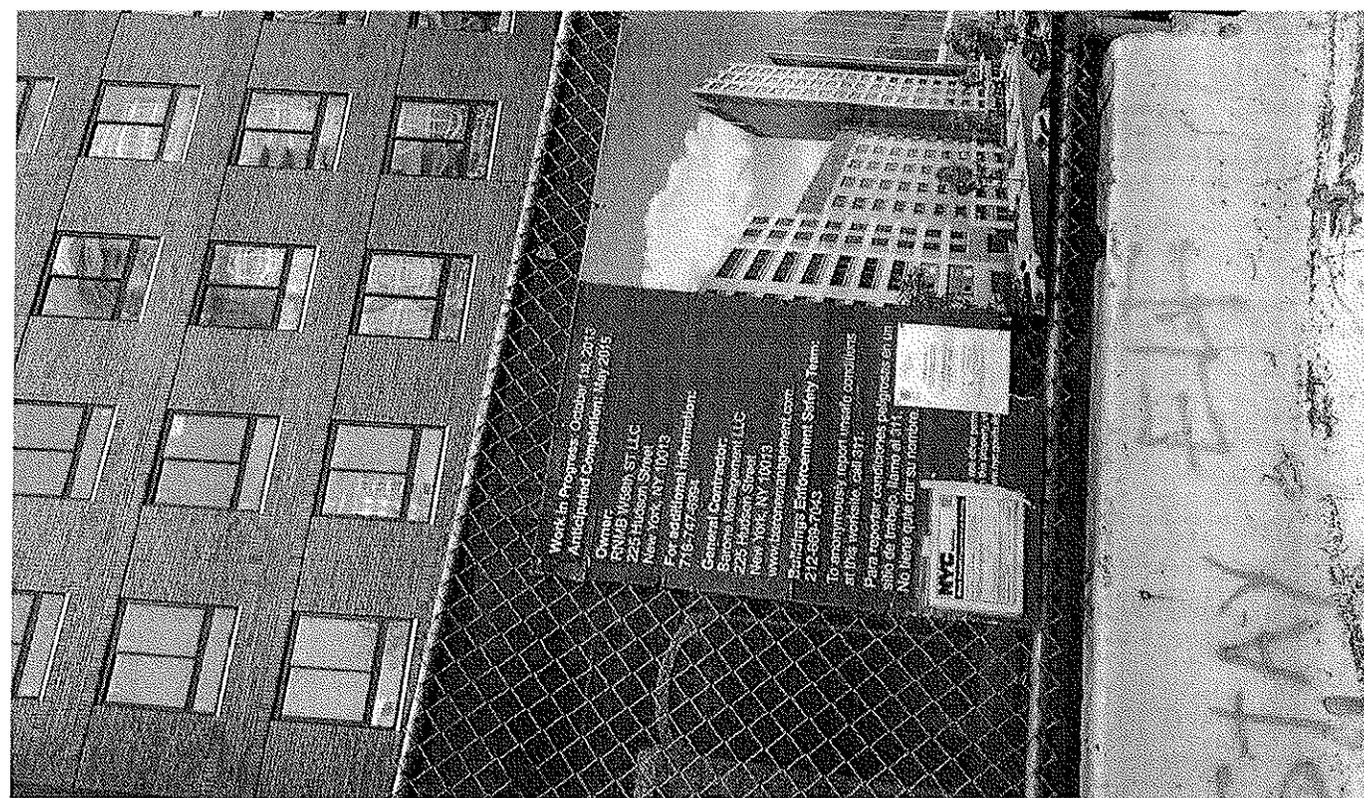
311

Always report unsafe conditions
on site, call 311.

Para condiciones peligrosas en un
sitio de trabajo, llame al 311.
Siempre dar su nombre.

PUBLIC NOTICE
Department of Buildings
305 W 237 Street
09/15/13
305 W 237 Street

For more information, please see other permits posted on this property, visit www.nyc.gov/buildings



Work in Progress: October 1st, 2013
Anticipated Completion: May 2015

Owner:

Management LLC
225 Hudson Street
New York, NY 10013

For additional information:

716-477-3858

General Contractor:

Management LLC
225 Hudson Street
New York, NY 10013

www.management.com

Buildings Enforcement Team:

212-550-4443

To anonymously report unsafe conditions
at this worksite, call 311.

Para reportar condiciones peligrosas en un
sitio de trabajo, llame al 311.

No tiene que dar su nombre.

NYC

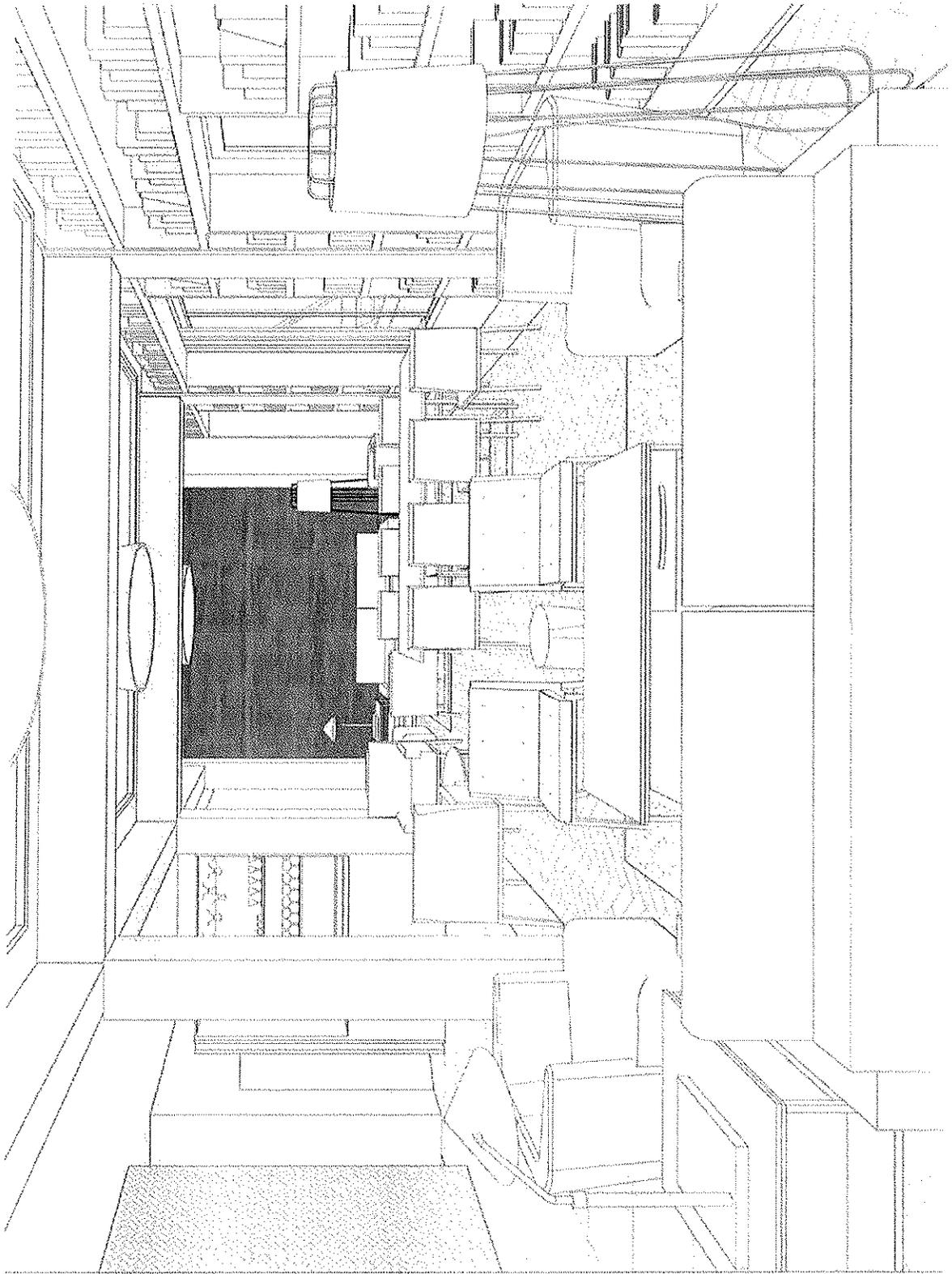
Department of Buildings

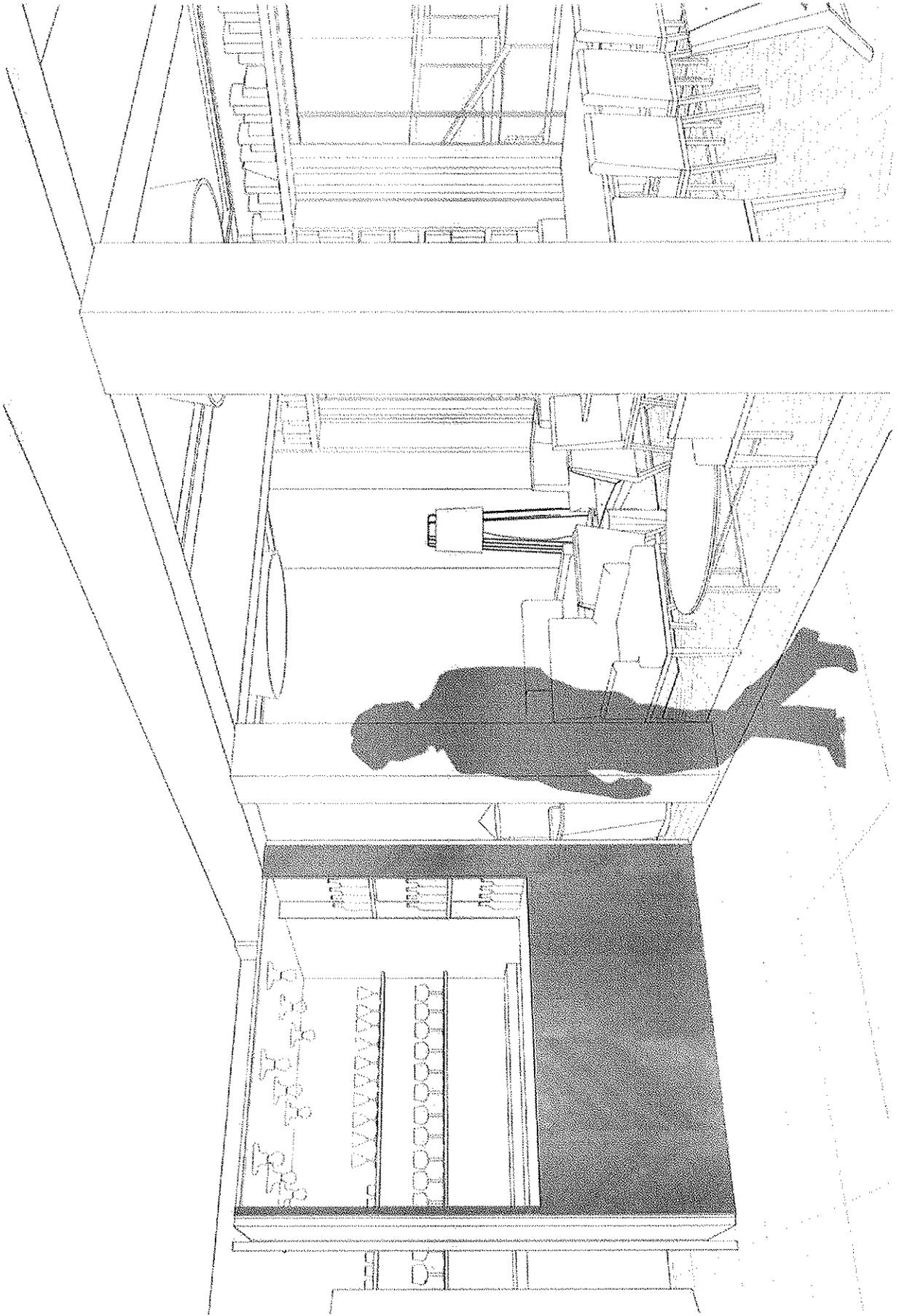
305 W 237 Street

09/15/13

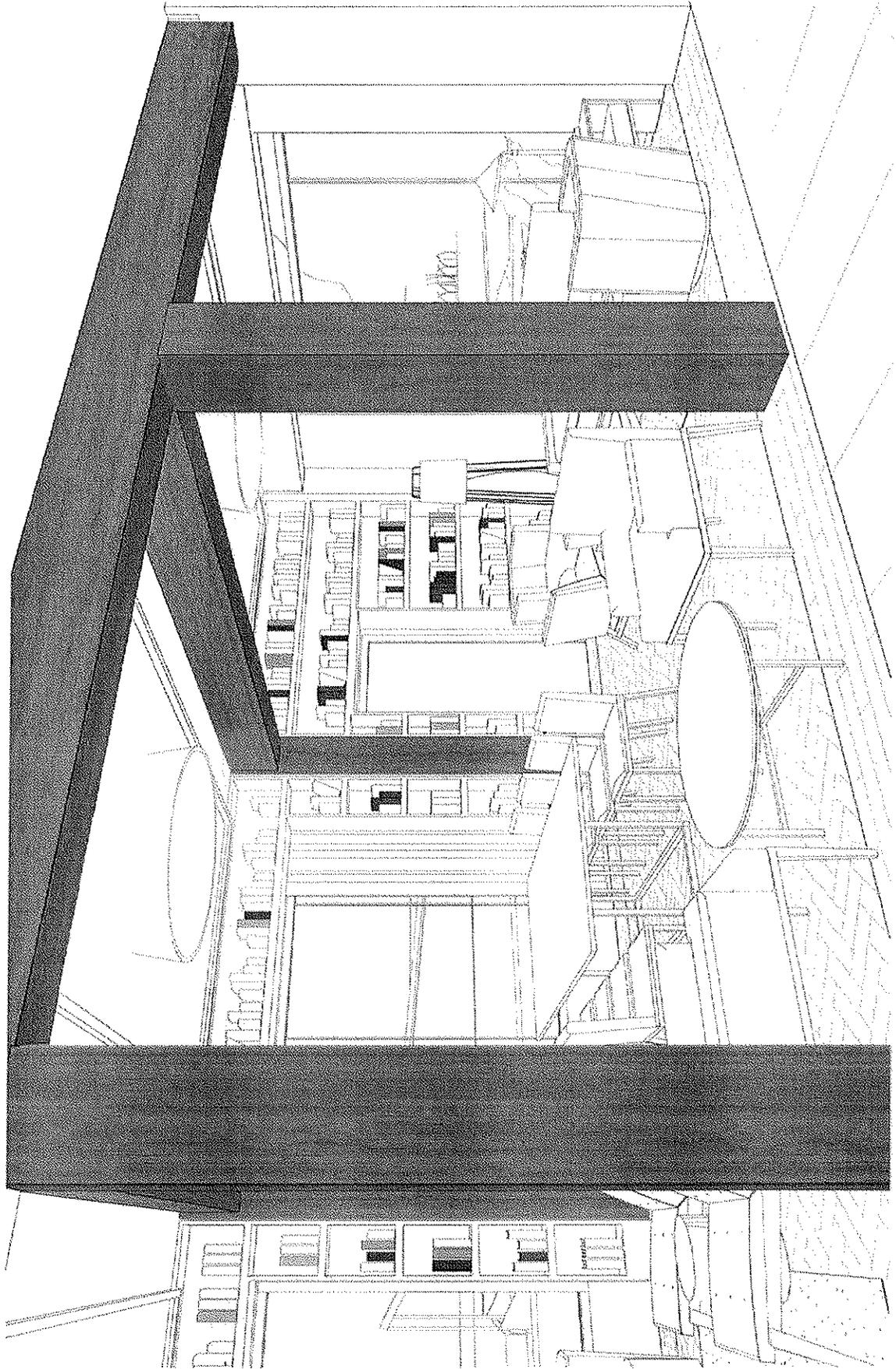
305 W 237 Street

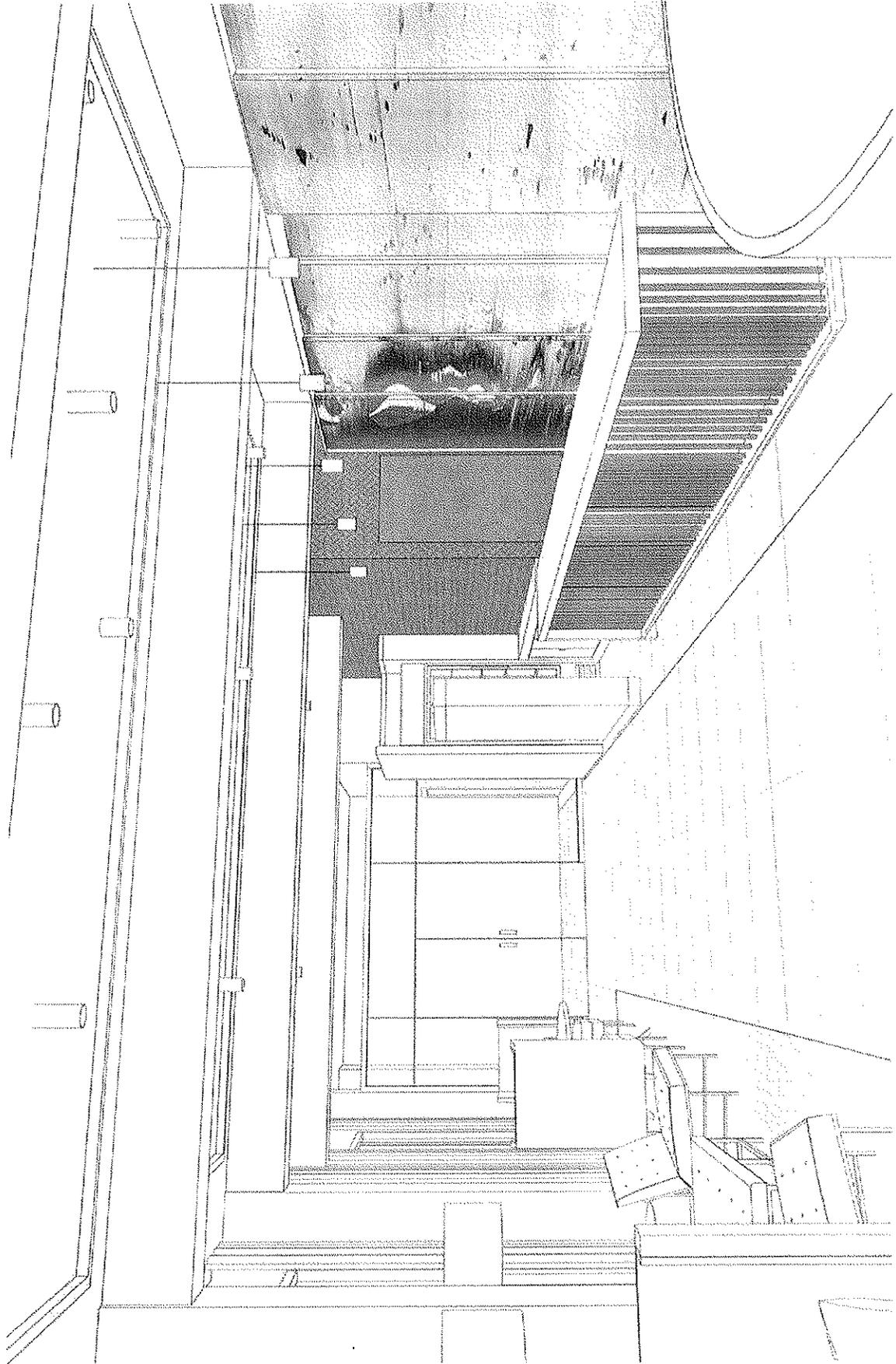
STAY SAFE











Subj: **MRT 58 Restaurant LLC**
Date: 3/24/2016 10:51:48 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: mpta@mptenants.com
CC: slweissattorney@aol.com, teburkelaw@aol.com, ncantavelaw@aol.com

Good morning Mr. Leland,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1"x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

Sincerely,

Nadia Cantave
Paralegal
The Law Office of Stacy L. Weiss
110 East 59th Street, 23rd Floor
New York, New York 10022
Tel: (212) 521-0828
Fax: (212) 521-0826

NCantavelaw@aol.com

www.stacyweisslaw.com

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 10:49:52 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: eduardozeiger@compuserve.com
CC: slweissattorney@aol.com, ncantavelaw@aol.com, teburkelaw@aol.com

Good morning,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1"x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 10:53:12 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: ashleyll@aol.com
CC: slweissattorney@aol.com, teburkelaw@aol.com, ncantavelaw@aol.com

Good morning,

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Bock Association)**
Date: 3/24/2016 10:56:49 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: Rudi_Papiri@timemagazine.com
CC: slweissattorney@aol.com, ncantavelaw@aol.com, teburkelaw@aol.com

Good morning,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1"x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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New York, New York 10022
Tel: (212) 521-0828
Fax: (212) 521-0826

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Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 10:55:07 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: twocatsltd@worldnet.att.net
CC: slweissattorney@aol.com, teburkelaw@aol.com, ncantavelaw@aol.com

Good morning,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1" x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

Sincerely,

Nadia Cantave
Paralegal
The Law Office of Stacy L. Weiss
110 East 59th Street, 23rd Floor
New York, New York 10022
Tel: (212) 521-0828
Fax: (212) 521-0826

NCantavelaw@aol.com

www.stacyweisslaw.com

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 10:58:23 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: tangotanner@gmail.com
CC: slweissattorney@aol.com, teburkelaw@aol.com, ncantavelaw@aol.com

Good morning Mr. Tanner,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1" x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 11:00:01 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: chanawid@gmail.com, west45thstreet@gmail.com
CC: slweissattorney@aol.com, teburkelaw@aol.com, ncantavelaw@aol.com

Good morning,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1"x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 11:01:26 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: allisontupper@verizon.net
CC: slweissattorney@aol.com, ncantavelaw@aol.com, teburkelaw@aol.com

Good morning,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1" x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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Thursday, March 24, 2016 AOL

Subj: **MRT 58 Restaurant LLC (Block Association)**
Date: 3/24/2016 11:02:40 A.M. Eastern Daylight Time
From: NCantavelaw@aol.com
To: stephenfanto@gmail.com
CC: slweissattorney@aol.com, ncantavelaw@aol.com, teburkelaw@aol.com

Good morning Mr. Fanto,

I am reaching out on behalf of our client, MRT 58 Restaurant LLC, a hotel, which will be located at 538 W. 58th Street. We are requesting a lobby bar with an On-Premises Liquor License. The front bar is 2'6" x 7' and the back bar is 2'1"x 10'. Whether you are looking for a trendy hangout for your morning coffee, a chic place for an afternoon martini, you will feel right at home at this hotel lobby bar. The best part is that you are just steps away from the hotel concierge. Our client is no stranger to the hotel industry and has been very successful. Please call our office so that we can arrange for you to speak with our client and/or see the space. I can discuss the hours and menu with you when you call us.

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Thursday, March 24, 2016 AOL

PUBLIC INTEREST STATEMENT

MRT 58 Restaurant LLC
538 W 58th Street
New York, NY

Opening the limited-service Fairfield Inn & Suites by Marriott hotel at 538 West 58th Street in New York will help alleviate the demand for hotel rooms in an area highly popular with both business and leisure travelers. The hotel's offering of a lobby bar serving cocktails and light fare is an essential amenity for the guests staying at the 226 room hotel. This will be one of the first branded franchised hotels in the area that will have to adhere to strict rules and guidelines dictated by the Fairfield Inn & Suites flag.

The applicant hotel will have a bar located in the lobby serving both hotel guests and transient clients with alcoholic beverages, including beer, wine, and cocktails, non-alcoholic beverages and small plates 7 days a week at reasonable hours. Located within walking distance from Columbus Circle, Central Park, and Lincoln Center for the Performing Arts, the hotel expects to have a constant flow of guests checking in and out throughout the day and well into the evenings, regardless of the time of year.

The Fairfield Inn & Suites hotel will be a huge asset to the community by contributing the area's growth and commercial stability. It will promote tour and travel in an area that is undersupplied by guest rooms. It will also provide employment to the local and nearby communities.

Proximity Report for Location:

March 10, 2016

538 W 58th St, New York, NY, 10019

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

Name	Address	Approx. Distance
501 WEST 57 LIQUORS INC	501 W 57TH ST	425 ft
WEST END WINE & SPIRITS INC	33 WEST END AVENUE	935 ft
WEST 54 LIQUORS LLC	453 W 54TH ST	1305 ft
CELLAR 53 WINE & SPIRITS INC	785 10TH AVE	1335 ft
NINTH AVENUE WINE & LIQ CORP	860 9TH AVENUE	1395 ft
CHOSEN TRADING CORP	400 WEST 55TH ST AKA 839 9TH A	1475 ft
PINNACLE WINE & SPIRITS INC	110 WEST END AVE	1915 ft

Churches within 500 Feet

Name	Approx. Distance
------	------------------

Schools within 500 Feet

Name	Address	Approx. Distance
------	---------	------------------

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
GREEK KITCHEN INC	885 10TH AVENUE	340 ft 1
DUNMORE NEW YORK INC	875 10TH AVE	420 ft 2
NY HUDSON GROUP CORP	601 W 57TH ST	655 ft
SHANNONS GREEN DOOR INC	600 W 57TH ST	660 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
------	---------	------------------

Unmapped licenses within zipcode of report location

Name	Address
------	---------



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.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

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

MCB4 REAR YARD/ROOFTOP POLICY FOR LIQUOR LICENSES

Overview

Rear Yard/Rooftop use is an amenity to many restaurant owners and their patrons, but can be a nuisance to the quality of life of surrounding residents. Such outdoor use tends to be disruptive for residents with apartments within earshot because of the late hours of operation and the high noise levels that have the capacity to travel into the homes. This policy recognizes the need for a balance between these sometimes competing interests by laying ground rules for the consideration of these types of uses. It is important to note that while sidewalk cafes go through a separate approval process involving the Department of Consumer Affairs, there is no such similar oversight for other outdoor use.

Based on experience, where outdoor uses are allowed, the best mix of businesses with outdoor use and adjacent and nearby residents includes control of hours and operation; responsible business owners and managers are key to maintaining a beneficial and respectful environment.

However, the Board has found that rear yard use comprised of predominantly bar or club establishments is inevitably disruptive to the surrounding residents because of higher noise levels and ambient smoke. Therefore, the Board will rarely recommend approval of rear yard use by bars or clubs. Similarly, the Board will rarely recommend approval of rooftop uses in residential areas. Permitted roof tops must be a minimum of ten stories above abutting residences.

In considering an application, the Board will give the concerns of surrounding residents' strong consideration in its determination to recommend or not recommend such use, as well as the configuration of the outdoor space.

Site Review and Considerations

At the time of the application, the applicant/representative will have available a drawing (done to scale) showing the back yard- its size, neighboring buildings, and placement of tables and chairs. Applicants are urged to consult with professional advisors to confirm that their plans conform to all applicable laws and regulations including zoning, building, and fire codes. These drawings must also delineate the placement of all fire escapes, fire escape ladders, and doors to adjoining places of refuge (including the door's swing).

In addition, the applicant will be required to arrange for the Business Licenses and Permits Committee (BLP) members and/or Board members and/or staff members to observe the space

prior to the BLP Committee meeting. The applicant/representative should be present when the space is surveyed so that they can answer questions. The space will be assessed for consideration of community impact and the Committee will work with the applicant and/or their representative to determine maximum patronage and tables in the space. There will be report of any findings to the BLP Committee at the monthly meeting.

Any past community complaints involving either the applicant or the location will be noted by the committee, including but not limited to sidewalk cafe complaints. The applicant/representative is then expected to identify past or future corrective actions.

If upon reviewing the plans and the site, the committee and/or community members cannot be reasonably certain that nearby residents will not be unduly disturbed by rear yard/roof top use, the application for use of outdoor space will not be recommended for approval.

Posting Requirements

The BLP Committee posting requirements are of utmost importance and require clear mention of a rear yard/roof top use on the meeting postings, when applicable. The applicant will be required to post these notices in a prominent spot in front of the establishment or he/she will be postponed to the next meeting provided the Board Office receives a letter promising not to file an SLA application until the Board has issued a recommendation. Otherwise the Board will recommend denying the use. The applicant and the Board will do everything reasonably possible to reach out to any community or owner/tenant organizations before appearing before the BLP Committee meeting.

Criteria:

When making a determination to recommend new rear yard/roof top use, the Board will consider the following conditions and will require that they be incorporated in the method of operations of the liquor license, as appropriate:

- The service and consumption of alcohol in back yard outdoor space will be only via seated food service.
- The back yard outdoor space will not allow standing space for patrons to drink/smoke.
- The Board will determine a fixed maximum number of tables and chairs and a maximum total number of patrons in the outdoor space, based on local conditions.
- The back yard/roof top outdoor space will be closed and vacated by 10 pm on Sunday through Thursdays, and 11 pm on Friday and Saturday. Additional hours of operation may be negotiable depending on proximity to residences.
- The applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors.

- Tables and chairs will not be placed in, or block access to, paths of egress or places of refuge required by the NYC fire and building regulations. Public access to common areas (for meter reading, maintenance etc.) must be maintained 24 hours/day.
- The applicant will also do everything in his/her 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 stipulation includes possibly working with landlords for soundproofing tenants' apartments (such as installing soundproof windows, acoustical tiles, etc.)
- The applicant and his/her staff 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).
- Neighbor complaints will be addressed by applicant in a timely manner and in coordination with Manhattan Community Board 4.
- The applicant will provide a cell phone- emergency number to Neighbors.

Transfers and Renewals of all Liquor Licenses with existing rear yard/roof top usage in a residential area will be subject to the same posting requirements as above. A history of significant and recent complaints on any establishment applying for transfer or renewal will require consideration of all guidelines and conditions above. Approval of transfers and renewals are not automatic and will be considered on a case-by-case basis.



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

NELLY GONZALEZ
Acting District Manager

**MCB4 POLICY REGARDING CONCENTRATION AND LOCATION
OF ALCOHOL-SERVING ESTABLISHMENTS**

Overview

Chelsea and Clinton/Hell's Kitchen historically are residential neighborhoods on the west side of Manhattan and include former manufacturing areas that have been re-zoned for residential use. These neighborhoods are principally the homes of a diverse and growing residential population. The neighborhoods also have a vibrant nightlife. In an attempt to balance these interests, Manhattan Community Board 4 (MCB4) has developed the present policy regarding the concentration and location of alcohol-serving establishments.

MCB4 hears an increasing number of complaints and concerns from community residents regarding the disruptions to reasonable quality of life caused by the increasingly heavy concentration of alcohol-serving establishments, as well as their presence on predominantly residential narrow side streets. The concerns expressed by the community include increased noise and sidewalk congestion when patrons enter and leave, often in groups, and when they smoke on sidewalks outside these establishments; increased traffic as patrons drive into and out of the neighborhood and circle the streets seeking parking; and disruption to the sleep of community residents from the noise accompanying these establishments because they commonly operate until very late in the night. (These issues and concerns are set out in more detail in Attachment A to this policy.)

In implementing the policies below, MCB4 continues to consider each applicant on a case-by-case basis. When reviewing an application, MCB4 gives the concerns of immediately-affected residents strong consideration (including, among others, concerns regarding operating hours and method of operation). In particular, significant support for an applicant from such residents would be a critical factor in a determination to recommend approval of an application not conforming to a stated policy. MCB4 is also mindful of the fact that its district is composed of the neighborhoods of Chelsea and Clinton/Hell's Kitchen, where distinct retail and commercial configurations may present specific issues and considerations.

Avoid Over-Concentration on the Avenues

To avoid the problems that accompany over-concentration of alcohol-serving establishments and taking into account the provisions of the New York Alcoholic Beverage Control Law commonly referred to as the "500 Foot Rule," MCB4 rarely recommends approval of applications for full on-premise liquor licenses (including transfers and alterations of such licenses) on avenue locations in over-concentrated areas. MCB4 particularly discourages

applicants and property owners from seeking to open an establishment with a full on-premise license at a location in an over-concentrated area that has not been previously licensed.

MCB4 considers an avenue location over-concentrated if more than 25% of the street frontage in a three-block span is occupied by establishments with full on-premise liquor licenses. When considering a specific applicant, MCB4 examines concentration as follows. MCB4 totals the street frontage of all establishments with full on-premise liquor licenses on the avenue block containing the applicant and the blocks on either side of applicant (a total of three blocks, both sides of the block, considered in total). This three-block radius is roughly co-extensive with the distance of 500 feet that serves as the measurement standard in the provisions of the 500 Foot Rule. If such street frontage exceeds 25% of the street frontage of all lots located on those three avenue blocks, MCB4 considers those blocks over-concentrated. As an example, on an avenue block with typical 25-foot storefronts, an over-concentrated area would involve, in a three-block span, 12 or more 25-foot storefronts (or 24 or more 12-foot storefronts) occupied by establishments serving full liquor.¹

Preserve Residential Character and Quality of Life by Limiting Alcohol-Serving Establishments on Narrow Side Streets Containing Primarily Residential Uses

Much of this district is zoned as residential and consists of narrow side streets. The majority of these narrow streets have primarily residential uses and possess significant historical character. MCB4 is committed to reinforcing the residential character of these streets and to supporting only limited commercial uses on these streets that reinforce and are not in conflict with the primarily residential uses. In furtherance of those goals, MCB4, where appropriate, pursues changes to the zoning of narrow side streets and rarely recommends approval of applications for liquor licenses (including transfer and alteration applications) for establishments located on narrow side streets containing primarily residential uses, particularly establishments that seek to remain open after 11:00 p.m. MCB4 rarely recommends approval of applications for sidewalk cafes on such streets because they are especially disruptive to nearby residents.

Improve Residential Quality of Life Through Best Practices and Policies Applicable to Alcohol-Serving Establishments

Community residents regularly turn to MCB4 for help in resolving issues with the operation of alcohol-serving establishments that undermine reasonable residential quality of life. Through its history with such complaints, MCB4 has learned that certain aspects of the operation of such establishments are particularly likely to lead to complaints and concerns and has developed a series of operational best practices and policies that seek to address those concerns.

¹ For purposes of this calculation, establishments serving full liquor include any establishment licensed to serve all types of alcohol for consumption on its premises (including, without limitation, on-premise licenses, hotel licenses, catering establishment licenses, and cabaret liquor licenses, but excluding wine-and/or-beer licenses). For corner establishments, only their street frontage on the avenue is included in the concentration calculation. This policy does not apply to renewals of existing licenses that do not seek any changes to the license.

Accordingly, MCB4 requests that alcohol-serving establishments in the district adhere to the following best practices and policies and rarely recommends approval of an application for a liquor license unless the applicant so agrees:

- **Operational Best Practices.** These practices are listed in the MCB4 Liquor License Stipulations Application that an applicant signs and submits and are updated from time-to-time to reflect the most current information that MCB4 has collected. The current Liquor License Stipulations Application can be found at:
[http://www.nyc.gov/html/mancb4/downloads/pdf/BLP/New%202013%20-%20BLP%20Liquor%20License%20Stipulation%20Application\[1\].pdf](http://www.nyc.gov/html/mancb4/downloads/pdf/BLP/New%202013%20-%20BLP%20Liquor%20License%20Stipulation%20Application[1].pdf),
- **Outdoor Space.** MCB4 applies its Rear Yard/Rooftop Policy for Liquor Licenses to all outdoor space, including front yards, rear yards, rooftops, and sidewalk cafes. This policy, which applies to all liquor licenses and all alcohol-serving establishments, can be found at:
http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2007_11/6_blp_exec_mcb_4_rear_yard_policy_for_liquor_licenses.pdf.
- **Sidewalk Cafes.** MCB4 applies its Sidewalk Café Policy and its Additional Guidelines for Sidewalk Cafes when considering any sidewalk café application. These policies can be found at:
http://www.nyc.gov/html/mancb4/downloads/pdf/april_2010_draft_reso/22_trans_sidewalk_cafe_policy.pdf
and
http://www.nyc.gov/html/mancb4/downloads/pdf/april_2010_draft_reso/additional%20sidewalk_cafe_policy.pdf.
- **Closing Hours.** MCB4 views positively applicants that agree to close by 2:00 a.m. or earlier.
- **Prior History with Licensed Establishments.** MCB4 has learned that the history of operations and complaints at other establishments owned or operated by an applicant for a liquor license are often highly predictive of issues and problems at a new establishment. Accordingly, MCB4 gives serious weight to an applicant's prior history with licensed establishments, including the relationship between those establishments and the community, when determining whether to recommend the approval of a liquor license application.
- **Mixed-Use Buildings.** The presence of bars and restaurants in buildings that also contain residential units presents a particular set of concerns for the residents of such buildings because noise (both amplified sound and patron noise) and odors frequently escape from those establishments into the residential units and patrons frequently congregate in front of such buildings, beneath residential windows, disrupting residential quality of life with late-night noise and smoking. Accordingly, MCB4 expects applicants in buildings that contain residential units to take steps to deal with such concerns and the overall protection of residential quality of life and to be prepared to discuss their responses to these concerns with MCB4. These steps may

include the installation of adequate sound-proofing and kitchen ventilation, earlier closing hours, monitoring the adjacent sidewalk to prevent excessive noise and intrusive smoking by patrons, and arranging for garbage to be collected in the manner least noisy and intrusive for nearby residents.

ATTACHMENT A

Issues and Concerns

- MCB4 hears an increasing number of complaints and concerns from community residents regarding the disruptions to reasonable quality of life caused by the increasingly heavy concentration of alcohol-serving establishments, as well as their presence on predominantly residential small side streets. The concerns expressed by the community include increased noise and sidewalk congestion when patrons enter and leave, often in groups, and when they smoke on sidewalks outside these establishments; increased traffic as patrons drive into and out of the neighborhood and circle the streets seeking parking; and disruption to the sleep of community residents from the noise accompanying these establishments because they commonly operate until very late in the night. Although it recognizes that alcohol-serving establishments are an important component of the commercial make-up of the district, MCB4 has observed that problems increase significantly when such establishments are heavily concentrated on commercial and mixed-use streets or located on predominantly residential blocks.
- MCB4 has surveyed the types of businesses located on the most commercial avenue blocks in the district and has found that many avenue blocks have a high concentration of alcohol-serving establishments. On 14 blocks, these establishments exceed 50% of the street frontage of all lots on the block.
- As the concentration alcohol-serving establishments has increased, the number and variety of retail stores and service businesses that support a residential community has correspondingly decreased. Conveniently-located, readily-accessible retail and service businesses are particularly important to the growing proportion of senior citizens (+16% in 10 years) who make up a significant proportion of this district's population in certain parts of the district. For example between 42nd and 46th Street in Clinton/Hell's Kitchen, 1,396 residents or 17% of the population is 62 years old and over.
- Many of the side streets in this district -- which includes the Special Clinton District, created to preserve and strengthen the residential character of that area -- are primarily residential in nature. Often, these blocks consist of low-rise residential building stock, including century-old structures poorly insulated from street noise. MCB4 has found that the quality of life for residents on such streets is inevitably disrupted by the increased noise, congestion, and traffic that accompany alcohol-serving establishments located on such streets.
- Issues of increased pedestrian and vehicular traffic are of particular concern because of the already-crowded conditions in many areas of the district. For example, the sidewalks along Ninth Avenue in Clinton/Hell's Kitchen are narrower than the typical avenue sidewalks because of the additional traffic lane for access to the Lincoln Tunnel. The presence of the Lincoln Tunnel in the center of the district itself creates a notable amount of vehicular traffic passing through the district.

- Statistics in a recent New York City Department of Health community health survey found that, in 2012, the percentages of residents in the Clinton/Hell's Kitchen neighborhood -- a major part of MCB4 -- who engaged in heavy drinking (10.50%) and binge drinking (34%) were almost double the city-wide percentages (5.90% and 19.70%, respectively). (NYC Department of Health and Mental Hygiene, Environmental Public Health Tracking and Sustainability Portal, available at <http://nyc.gov/health/tracking>, accessed February 16, 2014.) This survey found that both heavy drinking and binge drinking had increased significantly in Clinton/Hell's Kitchen from 2010 to 2012 and had increased at a much higher rate than the city-wide averages.