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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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July 28, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on July 24, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Max NY Union Square LLC dba Max Brenner New York 841 Broadway 10003 (OP– Restaurant) (Transfer)

- i. Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate a full-service restaurant with a focus on specialty chocolate in the ground floor of a 21-story landmarked commercial building (ca. 1900) on the northwest corner of East 3rd Street and Broadway (Block #565/Lot #15), the building falling within the Special Union Square District; and
- ii. Whereas**, the ground floor premises is approximately 6,611 sq. ft., with 3,861 sq. ft. on the ground floor connected by an interior stairway to a 1680 sq. ft. mezzanine and 2,070 sq. ft. basement, the basement being used for storage purposes only and not for patrons; there will be 56 tables and 118 seats, one (1) bar with 13 seats and four (4) seats in the in the entry area for a total seated occupancy of 135 persons, there are two (2) entrances and two (2) exits and three (3) bathrooms, all windows are fixed and there are no existing French doors or facades that open to the outside; there is no outdoor seating; and
- iii. Whereas**, the premises to be licensed has been licensed with an On-Premises Liquor License since approximately 2006 to the present under Max Brenner Union Square LLC dba Max Brenner (Lic. ID # 0340-22-104155, exp 10/31/2026); the instant application being an asset purchase with the method of operation remaining largely the same; and
- iv. Whereas**, the Applicant’s hours of operation will be 10 AM to 12 AM Sundays through Thursdays and 10 AM to 12AM Fridays and Saturdays with the restaurant serving breakfast, lunch and dinner; music will be background only from iPods/CDs/streaming services; there

will be no TVs, no DJ's or live music, no dancing, no promoted events, scheduled performances or cover fees and no security personnel or doormen; and

v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Man. that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Restaurant Liquor License, with those stipulations as follows:

1. Will operate a full-service restaurant for chocolate lovers with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be from 10 AM to 12 AM Sundays through Thursdays and 10 AM to 1 AM Fridays and Saturdays. All patrons will be cleared and no patrons will remain after stated closing time.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
5. Will play recorded background music at conversational levels only. No music will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Will close all doors and windows at all times, allowing only for patron ingress and egress.
8. Will not have patron occupancy/service to any portion of the basement of licensed premises.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning. All signage will be compliant with rules for signage in an Historic District.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or barricades or doormen/security personnel.
15. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
16. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.

vi. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, there being **43 active licensed premises** within 750 ft. and 4 pending licenses according to LAMP, the agreed upon stipulations being reasonable, the premises having been previously licensed with the same method of operation, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the application for an On-Premises Restaurant Liquor License for **Max NY Union Square LLC dba Max Brenner**

New York 841 Broadway 10003, unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 37 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees
Community Board #2, Manhattan



Valerie De La Rosa, Chair
Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by Friday, July 18, 2025. If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, **Veena Thakkar** as a qualified representative of **Max NY Union Square LLC dba Max Brenner New York** located at **841 Broadway Street, New York, NY 10003** agree to the following stipulations:

Application Type: OP Restaurant RW TW Alteration Other: Transfer

Premise will be advertised and operated as a specialty chocolate-focused establishment.

Hours of operation:

| | | | | | | | |
|------------|-------|----|-------|-----------|-------|----|-------|
| Sunday: | 10 AM | to | 12 AM | Thursday: | 10 AM | to | 12 AM |
| Monday: | 10 AM | to | 12 AM | Friday: | 10 AM | to | 1 AM |
| Tuesday: | 10 AM | to | 12 AM | Saturday: | 10 AM | to | 1 AM |
| Wednesday: | 10 AM | to | 12 AM | | | | |

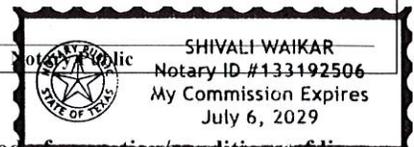
(Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)

- Will operate a full-service restaurant for chocolate-lovers with the kitchen open and full menu items available until closing every night.
 - Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 - Will play recorded background music at conversational levels only. No music will be audible in any adjacent residences at any time.
 - Will not have televisions.
 - Will close all doors and windows at all times, allowing only for patron ingress and egress.
 - Will not have patron occupancy/service to any portion of the basement of licensed premises.
 - Will not install or have French doors, operable windows or open facades.
 - Will not make changes to the existing façade except to change signage or awning.
 - Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 - Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 - There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
- Will not have: Dancing DJs Live Music Promoted Events Any event where cover fee is charged
 Scheduled Performances Velvet ropes or metal barricades Security Personnel/Doorman.
- Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 - Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Veena Thakkar Phone Number: 469-606-2946

| | | |
|---|---------------------------------|-------------------------|
| Signed <u>V. M. Thakkar</u> | Print Name <u>Veena Thakkar</u> | Dated <u>07/21/2025</u> |
| Sworn to this <u>21st</u> day of <u>July</u> 2025 <u>[Signature]</u> | | |



CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license