

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Broken Matilda Corp.		tbd	
STREET ADDRESS		CROSS STREETS	ZIP CODE
674 9th Ave.		W. 46th/W. 47th Sts.	10036
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: Eric Einstein Justin Buchanan	ATTORNEY/ REPRESENTATIVE	NAME: Pesetsky & Bookman, PC
	PHONE: 646-374-8562 252-916-8007		PHONE: 212-513-1988
	EMAIL: eric.einstein@gmail.com justinbbuchanan@gmail.com		EMAIL: rbookman@pandblegal.com
MANAGER	NAME:	LANDLORD	NAME: Luchow LLC
	PHONE:		PHONE:
	EMAIL:		EMAIL: victoriabradyl9@gmail.com Bohlman10@aol.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO yes
	What is/was the name and address of establishment?	Hardware, 697 10th Ave. Pieces, 8 Christopher St.	
	What were the dates applicant was involved with this former premise?	current	
<input type="radio"/> Corp Change/Class Change/Removal	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?	YES	NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	NO	no, ASAP
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.	YES	NO	yes
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	NO	no
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	NO	yes

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)								
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11a-3a	11a-3a	11a-3a	11a-3a	11a-4a	11a-4a	11a-3a
	Kitchen	11a-3a	11a-3a	11a-3a	11a-3a	11a-4a	11a-4a	11a-3a
	Music	11a-3a	11a-3a	11a-3a	11a-3a	11a-4a	11a-4a	11a-3a
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		<input type="checkbox"/> LIVE MUSIC	<input checked="" 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	12	250	34	110	0	2	32	
OUTSIDE (Other than sidewalk café)	0	12	6	12	0	0	0	
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A				
How many floors are there? What is the capacity for each floor?					ground, 1st floor, basement			
How frequently will the owner(s) be at the establishment?					daily			
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	NO	no	
Will applicant have bottle or table service for beverage alcohol?					YES	NO	no	
Will you be hosting private; promotional or corporate events?					YES	NO	no	
Will outside promoters be used on a regular basis? If yes please describe.					YES	NO	no	
Will you have a security plan? If, yes please attach.					YES	NO	yes	
Will security plan be implemented?					YES	NO	yes	
Will State certified security personnel be used?					YES	NO	yes	
Will New York Nightlife Association and NYPD Best Practices be followed?					YES	NO	yes	
Will applicant be using delivery bicycles? If yes, how many?					YES	NO	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?					YES	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?	YES	NO	yes, Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	yes but needs changing
Is a Public Assembly permit required?	YES	NO	yes
Are your plans filed with DOB?	YES	NO	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 47/48th Street Block Ass'n: Elke Fears,	
	# 2	JD Roberts, Stefan Riedl, Nancy Roylance, Chuck Vasallo	
	# 3	MTN Community Council: Larry Roberts	
	# 4	West 46th Street Block Ass'n: Steven Fanto, Allison Tupper	
	# 5	Open meeting with neighbors on March 10	
Please provide dates when applicant met with the groups listed above.		March 7, 2018	
Who was your contact person at each group you met with?		see above	
When did applicant post the notice that was provided?		March 4, 2018	
Where did applicant post the notice that was provided?		on storefront; on park-paypoint in front	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	NO yes, 646-374-8562
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	NO yes

BUILDING DESIGN			
State the name and type of business previously located in the space.	Empire Cleaners, dry cleaner		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	no
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	yes, will be made less derelict
Will applicant have a vestibule within the establishment?	YES	NO	yes
Will applicant use a storm enclosure?	YES	NO	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?	YES	NO	yes
Will applicant comply with the NYC noise code?	YES	NO	yes
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	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?	YES	NO	N/A
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?	YES	NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	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?	YES	NO	yes
Will the kitchen exhaust system extend to the roof?	YES	NO	yes
Will the establishment have an illuminated sign?	YES	NO	tbd; any sign will be non-disruptive
Will the establishment have a canopy extending over the sidewalk?	YES	NO	no
Where will the air conditioner be located? What type is it?	ultra quiet VRF condensers on roof		
When was the air conditioner installed?	to be installed		

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

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	yes
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	no
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	no
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	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?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	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?	YES	NO	N/A

ADDITIONAL STIPULATIONS: (Office Use Only)

- This application does not extend to any outdoor space
- There will be no patron dancing or live instrumental performances, although lip-syncing and live vocal performances are permitted

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:
 (MCB4's recommendation is based on a vote taken at its
4/4/18 full board meeting, with 30 members voting in favor
 of the recommendation, 3 members opposed, 0 members
 abstaining and 1 present but not eligible)

Denial unless all stipulations agreed to by applicant/owner are part of the method of operation
 Denial Approval

CB4 REPRESENTATIVES



 Nelly Gonzalez
 CB4 Assistant District Manager

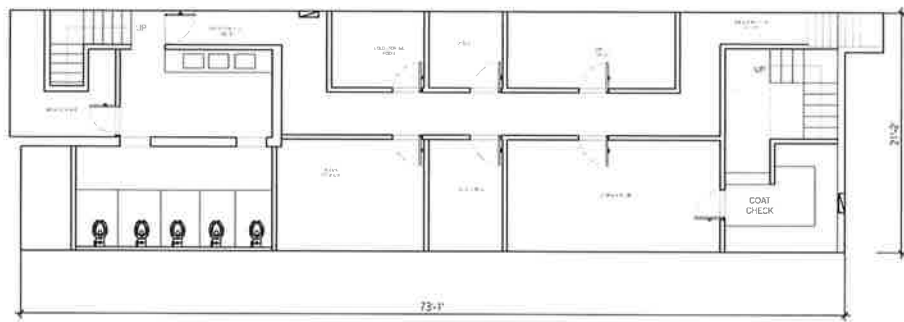

 Frank Hlozobiec
 CB4 BLP Committee Co-Chair


 Burt Lazarin
 CB4 BLP Committee Co-Chair

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.

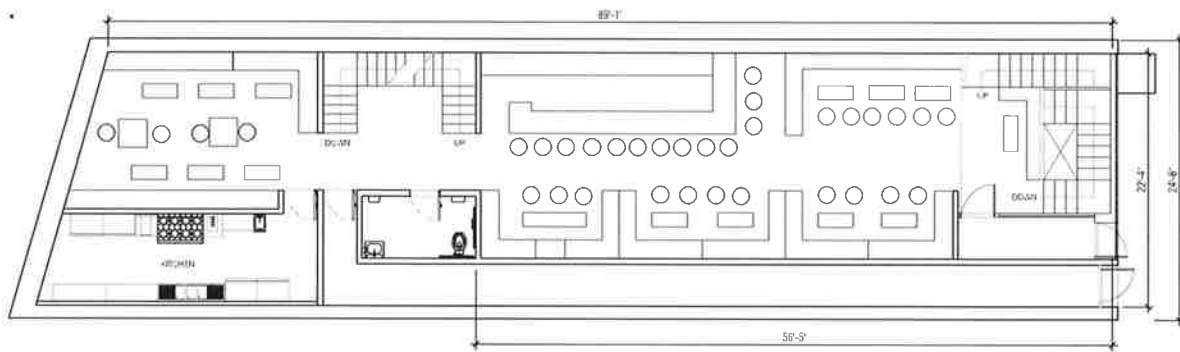
<p>SIGN HERE →</p>	<p>ERIC EINSTEIN</p>	<p></p>	<p>3/13/18</p>
	PRINT NAME OF APPLICANT	SIGNATURE OF APPLICANT	DATE



ACKERT ARCHITECTURE
227 WEST 29TH STREET
NEW YORK 10001

674 NINTH AVENUE
BASEMENT FLOOR PLAN

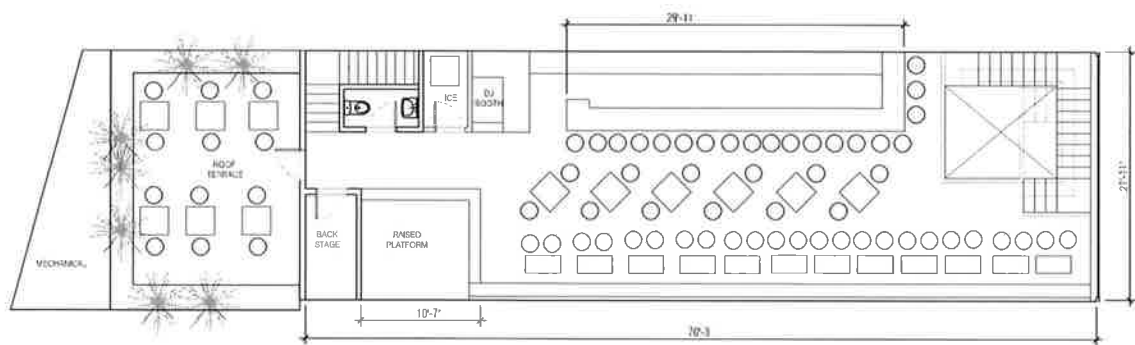
SCALE: 1/8"=1'-0"



ACKERT ARCHITECTURE
227 WEST 29TH STREET
NEW YORK 10001

674 NINTH AVENUE
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



ACKERT ARCHITECTURE
 227 WEST 29TH STREET
 NEW YORK 10001

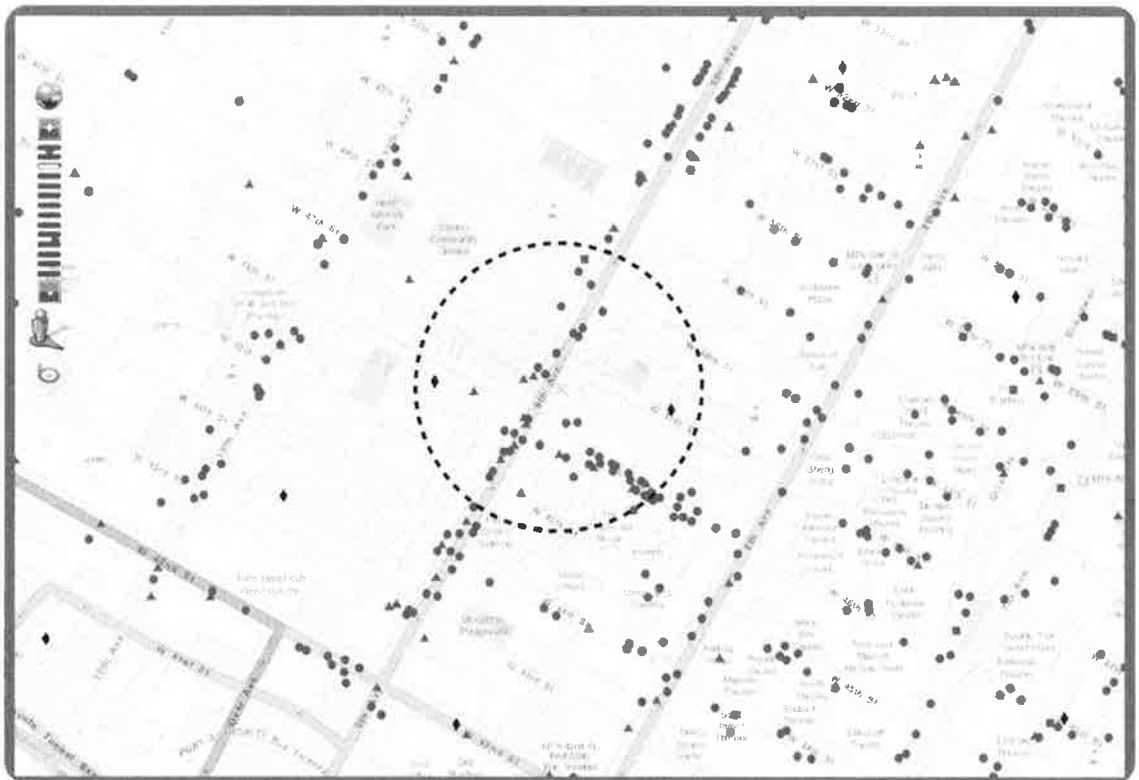
674 NINTH AVENUE
 SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

Busted Matilda

Legend

LEGEND	
●	On Premise Liquor
▲	On Premise Wine & Beer
■	On Premise Beer
○	Off Premise Liquor
▲	Off Premise Wine
■	Off Premise Beer
●	Withdrawn
●	Not Applicable
Alliances	
●	On Premise Liquor
▲	On Premise Wine & Beer
■	On Premise Beer
○	Off Premise Liquor
▲	Off Premise Wine
■	Off Premise Beer
●	Withdrawn
●	Pending
Crossings	
↓	Scenic
↑	Scenic
□	Water
□	Dormitory/Bedrooms
□	Police Precincts
□	Courts
□	Churches



Disclaimer: The NYS Liquor Authority is not responsible for the accuracy of maps or data obtained from third party sources

February 27, 2018

FOOD MENU

674 9th avenue

hells kitchen NYC

(212) 555-8181

APPETIZERS

GUACAMOLE \$00	QUESADILLAS \$00
ripe avocado, red onion, chiles, cilantro, jalapeños and fresh squeezed lime	grilled flour tortilla filled with cheddar, green onions and chiles garnished with guacamole, salsa and sour cream add chicken or pulled pork
QUESO BLANCO DIP & CHIPS \$00	SPICY CHICKEN EGGROLLS \$00
chihuahua cheese, chiles, cilantro and serrano peppers	spicy chicken, corn, black beans, peppers, onions and melted cheese served with salsa and sour cream
CORN DOGS \$00	CHICKEN POT STICKERS \$00
two dogs served with spicy honey mustard	asian dumplings pan-fried or steamed served with our soy-ginger sesame sauce
TRUFFLED MAC & CHEESE \$00	HUMMUS \$00
gruyere, white cheddar and truffle oil	homemade hummus served with pita, cucumbers and carrots for dipping
LOADED BAKED TOTS \$00	FLATBREADS \$00
crispy potato or sweet potato tots loaded with cheese, bacon and green onion served with sour cream and sriracha mayo	tomato, mozzarella and basil grilled chicken, bbq sauce and mozzarella
SOUTHERN CRISPY TENDERS \$00	NACHOS \$00
hand battered, fried crispy and tossed in our special hot sauce served with blue cheese	crisp tortilla chips with melted cheese, guacamole salsa, pico de gallo, sour cream, jalapeños and green onions add chicken or pulled Pork

MAIN COURSE

SOUTHERN FRIED CHICKEN \$00	ENCHILADAS \$00
hand battered bone-in chicken breast smothered in cajun spices and fried crispy served with mashed potatoes & gravy and collard greens	two corn tortillas with chicken, cheese or pork smothered in salsa verde and topped with cheddar served with black beans and rice
CHICKEN FRIED STEAK \$00	TACOS \$00
hand battered and fried crispy served with mashed potatoes and collard greens	two corn tortillas filled with your choice of spicy chicken, pulled pork or grilled mahi-mahi
MAHI MAHI \$00	SIDES \$00
grilled garlic and lemon marinated mahi-mahi served with black beans, rice and avocado slices	french fries spinach brussel sprouts mashed potatoes collard greens rice & beans

FOOD MENU

674 9th avenue

hells kitchen NYC

(212) 555-8181

SANDWICHES

BURGER half pound of angus beef or free-range turkey	\$00	VEGGIE BURGER homemade spicy black and garbanzo bean burger	\$00
GRILLED CHICKEN marinated free-range boneless chicken breast	\$00	BUFFALO CHICKEN hand battered fried chicken breast smothered in our special hot sauce and blue cheese	\$00

all sandwiches served with fries, tater tots or small house salad
toppings: cheddar, swiss, blue, bacon, guacamole for additional charge

LIGHTER OPTIONS

AVOCADO TOAST grilled bread topped with fresh guacamole and drizzled with extra virgin olive oil and lemon	\$00	COBB SALAD chicken breast, avocado, blue cheese, bacon, tomato, egg and mixed greens tossed in our vinaigrette	\$00
CAESAR SALAD traditional recipe with croutons, parmesan cheese and caesar dressing available with chicken	\$00	HOUSE SALAD mixed fresh greens, tomatoes and cucumbers tossed in our vinaigrette available with chicken	\$00

DESSERTS

ICE CREAM OR SORBET chocolate vanilla strawberry lemon blood orange	\$00	FRUIT seasonal mixed fruit	\$00
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DRINKS & COFFEE

BOTTLED WATER	\$00	SPARKLING WATER	\$00
SODA	\$00	JUICE	\$00
LEMONADE	\$00	ICED TEA	\$00
COFFEE	\$00	ESPRESSO	\$00

we prioritize the health and safety of our guests
be sure to inform a manager or chef about your food allergy or special dietary needs at the beginning of your visit

Busted Matilda Corporation's Application for an On-Premise Retail Liquor License at 674 Ninth Avenue, New York, NY

Background of the Premises

674 Ninth Avenue is located on a busy stretch just to the west of Times Square and the Theater District of New York in a neighborhood called Hell's Kitchen or Midtown West. The proposed premise is a 2-story, single-occupant, commercial-only building located mid-block. The building was shortened by 2 stories in 1936 to enhance its use as a restaurant, which was the use at that time. In more immediate history, the building housed a dry cleaner and a picture frame store. Adjacent to the building are mixed use buildings with an eyeglass shop, a bakery, and a picture frame store occupying the retail spaces. Busted Matilda seeks a license to offer cocktails, wine, and beer with its food.

Background of the Applicant

Busted Matilda Corp. is wholly owned by Eric Einstein and Justin Buchanan. Einstein and Buchanan hold two other licenses for Pieces Bar (8 Christopher St., New York, NY; 1025501; operating since 1993) and Hardware Bar (697 10th Ave., New York, NY; 1260623; operating since 2012). Both are actively involved in both businesses as the managers and plan to be similarly fully engaged at the proposed business. Both Pieces and Hardware maintain a good working relationship with their immediate neighbors and respond to any and all complaints by working together to solve problems. The principals make themselves fully available to neighbors, to police, and to government bodies whenever asked. Also, they are actively involved in neighborhood and community organizations including the West 47/48th Street Block Association and the Seventh Avenue South Alliance.

Positive Impact

Since its nadir in the 1970's and 1980's, Hell's kitchen has metamorphosed from a seedy, dangerous neighborhood to a desirable location to live, work, and play. The transformation first created small mom-and-pop businesses staffed exclusively by owner-operators like the dry cleaners that previously occupied the proposed premises. The next and current stage is a dynamic job creation phase where businesses that employ dozens of employees and contractors now occupy many of the retail spaces. Many of these businesses are bars and restaurants which provide social outlets and a variety of entertainment and eating options to neighborhood residents. However, it is by attracting customers from outside of the neighborhood that these businesses are able to support much greater employment than the small mom-and-pop shops did. The influx of patrons to these larger businesses has had a buoying effect on all of the businesses in the area which, in a virtuous circle, creates more jobs and revenue in every sector of the local economy.

Manhattan Community Board 4 (MCB4) Saturation Definition

Following is the section of MCB4's policy that addresses saturation of liquor licenses on avenue blocks:

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.

The concentration of full on-premise licenses as per MCB4's definition is 25%. Therefore, according to MCB4's definition of oversaturation, Busted Matilda's application does not fall afoul.

Considerations Under ABC Law

(a) The number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof.

It is undisputed that there are more than three on-premise establishments within 500 feet of Busted Matilda's location. Due to the density of buildings in midtown and downtown Manhattan, it would truly be a challenge to find a location that does not have 3 licensed locations within 500 feet south of 100th St.

Ninth Avenue between 43rd and 55th Streets and 46th Street between Eighth and Ninth Avenues are two spots known as nightlife destinations. As the neighborhood developed and as larger, national and multinational operators moved into the Times Square area, smaller, local food and

beverage operators moved to these stretches and attracted a wealth of tourists and inhabitants, creating a much safer neighborhood and revitalizing the local economy.

Busted Matilda fits quite well with the character and class of the area. While some of the licensees within a 500-foot radius of the proposed premises operate as family restaurants and have earlier closing hours, many operate as bars with 4 am closings. Even though Busted Matilda will have a full kitchen with a full menu, it still expects to be a nighttime destination. Therefore, in keeping with the character of the neighborhood just steps from Times Square it is reasonable to allow for a closing time of 4 am with this application.

As the applicant plans to draw a mostly gay clientele, it is noteworthy that the neighborhood has an exceptionally high concentration of young, gay residents who frequent the applicant's principals' other nearby location, Hardware, and who support this application. Of the licensees within 500 feet of the applicant, only 2 are gay bars (Cleo's Ninth Avenue Saloon and The Ritz), and neither of those offers any foodservice whatsoever. Busted Matilda will operate as a true restaurant, as evidenced by its menu and by its blueprints showing the from-scratch installation of a full kitchen. However, it still plans to compete with the two gay bars mentioned and it is not unreasonable to grant a 4 am closing hour to allow it to do so. Busted Matilda foresees little overlap with area licensees with primarily non-gay clienteles which should reduce the concern of oversaturation.

Furthermore and as previously noted, this application will not add an additional license to a saturated area, as defined by the local municipality.

(b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.

The principals of the applicant have shown their ability and willingness to fully comply with all federal, state, and local laws and regulations. Both of their other businesses maintain all necessary permits and licenses. As the buildout at the applicant's location continues, it and its principals attest that all permits and licenses will be obtained and maintained throughout its tenure at the location.

(c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location.

The applicant's anticipated clientele lives and works in New York City almost exclusively. Almost none of its anticipated patrons owns a vehicle. Most of those who do not live within walking distance use public transportation, taxis, or rideshare services to get around.

In the late afternoon, the stretch of Ninth Ave. down to 37th St. is often backed up bumper-to-bumper with traffic going into the Lincoln Tunnel to New Jersey. The applicant does not anticipate *any* vehicular arrivals or departures at times when there is congestion on Ninth Ave. The handful of vehicles bringing or retrieving patrons at other times will not have any impact on the neighborhood, and taxis and rideshare services do not use neighborhood parking spaces.

(d) The existing noise level at the location and any increase in noise level that would be generated by the proposed premises.

The applicant's location has no residential units in it reducing the chance that it will increase the noise level on what is already a very noisy city avenue.

However, the applicant has nevertheless enlisted the soundproofing consultant that was engaged for Hardware. At Hardware, there are 4 bedrooms *directly above the licensed premises*. It is very rare indeed that the neighbors of that licensee can hear the bar. On the odd occasion when it happens, the principals have immediately taken extraordinary measures to address every issue and to ensure that the problem is resolved going forward.

Soundproofing of Busted Matilda's location will focus on containing sound that might escape from the top of the building and on eliminating vibrations from being transmitted through the exterior walls that abut two adjacent buildings.

The proposed outdoor space will be closed at twilight to keep patrons' voices from disturbing residents in the buildings that back onto the premises. Use of the outdoor space will be limited to seated, waiter-serviced tables with minimum food purchase requirements.

(e) The history of liquor violations and reported criminal activity at the proposed premises.

The applicant's sister locations have an exemplary record in avoiding violence, fighting, crime, noise, and litter. The owner-operators have worked numerous times with the police to identify and arrest petty criminals who have operated within their neighborhoods.

Letters of support from local residents and associations are attached. These supporters attest to the quality of the operations of the applicant as well as the positive impact on the community. With an actual history of responsible operations at two other licensed premises, it is reasonable to presume that principals will operate the proposed premises with similar integrity.

All bartenders who work for the applicant's principals are required to complete alcohol service certifications such as TIPS.

ID scanners are used to record the age, address, gender, and time of entry of patrons at nighttime. The applicant will also install surveillance cameras including on the exterior of the building. A security service will be employed every night, with multiple security guards on busier nights, to maintain a peaceful and welcoming environment while remaining equipped to handle a situation, should it get out of hand. The applicant has taken reasonable steps to ensure orderly operations and to be able to identify and exclude problem patrons from the business.

(f) Any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community.

Busted Matilda will provide a safe space for local gays, their friends, and their advocates to unwind, relax, and have a bite to eat. It joins several other gay bars in a dynamic neighborhood

known for its bars and restaurants that cater to local residents and workers, as well as to New Yorkers from further afield. The applicant will elevate the gay bar experience by offering a full menu to its patrons, a novel idea in the neighborhood.

Approval of Busted Matilda Corp's application for an on-premise liquor license at 674 Ninth Ave. is clearly in the community's interest, convenience, and advantage. Accordingly, we respectfully request that the Authority grant the issuance a license to the applicant.

ADDITIONAL STIPULATIONS: (Office Use Only)

THIS APPLICATION DOES NOT EXTEND
TO ANY OUTDOOR SPACE,



THERE WILL BE NO ~~PAID~~ DANCING
OR LIVE INSTRUMENTAL
PERFORMANCES, ALTHOUGH
LIP-SYNCHING AND LIVE VOCAL
PERFORMANCES ARE ~~PERMITTED~~ PERMITTED.

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.