



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**BURT LAZARIN**  
Chair

**Jesse Bodine**  
District Manager

June 15, 2015

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

**Re: 511 9th Ave. Commercial LLC  
d/b/a Bar Gonzo  
511 9th Avenue (39/40)  
License# 1297390**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the application for an alteration to its On-Premise Liquor License (No. 1297390) by 511 9th Ave. Commercial LLC d/b/a Bar Gonzo, 511 9th Avenue (39/40). The application seeks to use as outdoor space a second floor rear terrace (with a stand-up bar, 20 tables, and 100 seats), which is currently enclosed with a retractable roof (in violation of its agreed stipulations). Residents in adjoining buildings have informed MCB4 that they are bothered by existing noise from this terrace, with the retractable roof closed, and that they fear noise will significantly increase -- and their quality of life decrease -- if the applicant were permitted to utilize the terrace as outdoor space with the retractable roof open. Accordingly, MCB4 believes that approval of this alteration application would be contrary to the public interest.

From the time of the applicant's initial appearance before the Business Licenses and Permits (BLP) Committee of MCB4 in July 2016 in connection with its original application for an On-Premise license, the BLP Committee made clear its concerns about the use of this terrace as outdoor space, given the terrace's close proximity to immediately adjacent residential buildings. Accordingly, at that time, the BLP Committee requested and the applicant agreed to the following stipulations regarding the second floor terrace: "There will be no outdoor space or any retractable roof. Second Floor space will be enclosed at all times." (A copy of the applicant's MCB4 Stipulations Application, dated July 12, 2016 and containing these stipulations, is attached.) MCB4 notes that, despite these stipulations, the applicant did in fact install a retractable roof.

In connection with its current alteration application, the applicant appeared before the BLP Committee twice, at the Committee's April 10, 2018 and May 8, 2018 meetings. At the April 10th meeting, the applicant agreed to adjourn its application for a month in order to attempt to meet with concerned nearby residents and obtain an acoustical report. At the May 8th meeting, residents of the apartment buildings immediately adjacent to this location -- some living in apartments mere yards from the second floor space at issue -- informed the BLP Committee that, even with the retractable roof closed, their quality of life is seriously compromised by loud noise -- both music, patron, and employee noise -- emanating from this space and continuing late into the night. They noted that they could hear and feel vibrations from the noise in their apartments and that they feared this noise would only increase substantially if the applicant were permitted to open the retractable roof currently enclosing this space.

The applicant is located on the first and second floors of a building that contains both hotel rooms and residential units. We note that a representative of the residential tenants in that building spoke in favor of this application. We also note that the applicant submitted to MCB4 a one-page acoustical report, which assessed sound levels in the upstairs hotel rooms. The report did not appear to measure sound levels in the adjacent residential buildings that house the concerned neighbors, however. Because the hotel/apartment building containing the applicant is of recent construction, it appears likely that the units in that building are better sound-proofed (with newer windows) than the units in the adjacent residential tenement buildings, which are over 100 years old.

Finally, MCB4 is concerned about whether the applicant would operate the outdoor space in a community-sensitive fashion and comply with any stipulations because it has failed in the past to address community complaints about other aspects of its operations and has already violated prior stipulations. For example, despite not having a sidewalk café license, the applicant repeatedly placed tables and chairs (as well as planters and an oversized storm enclosure) on the public sidewalk and removed them only upon inspection by a city agency.

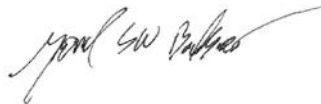
For the reasons stated above, MCB4 recommends that the alteration application be denied.

Thank you for your attention and cooperation with this application.

Sincerely,



Burt Lazarin  
Chair



Yoni Bokser  
Co-Chair  
Business Licenses & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business Licenses & Permits  
Committee