



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
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**BURT LAZARIN**  
Chair

**Jesse Bodine**  
District Manager

July 31, 2019

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

**Re: Ains44, LLC**  
**d/b/a Ainsworth Burger & Pizza**  
**643-645 Ninth Avenue (45/46)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends **denial** of a new on-premise liquor license for Ains44, LLC d/b/a Ainsworth Burger & Pizza, 643-645 Ninth Avenue (45/46) because granting this license would not be in the public interest. Another location of the Ainsworth chain of sports bar-restaurants -- located in our district at 122 West 26th Street -- has been a constant source of unresolved problems and complaints from nearby residents since it opened in 2009. The ongoing operating problems at the West 26th Street Ainsworth gives us no comfort that the operation of the proposed establishment would be any different, even with the last-minute addition of an experienced, if perhaps over-committed, partner. MCB4 believes that licensing another Ainsworth at the proposed sizeable location on a very crowded stretch of Ninth Avenue in Hell's Kitchen would seriously compromise reasonable residential quality of life for a large number of nearby residents.

Noting concerns about whether Ains44 had provided sufficient public notice and done adequate community outreach, MCB4, at its July 24, 2019 full board meeting, voted to request that Ains44 do additional community outreach and appear again before the BLP Committee on August 13, 2019 (and not file with the SLA in the interim), and, if Ains44 did not so agree, to recommend denial.<sup>1</sup> Ains44 subsequently informed MCB4 that Ains44 believed its public notice was sufficient and declined to further delay its filing with the SLA.

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<sup>1</sup> Although MCB4's Business Licenses and Permits (BLP) Committee recommended by a divided vote that the full MCB4 recommend approval of this application, the full MCB4 declined to recommend approval. Instead, MCB4 voted to request that Ains44 do additional community outreach and appear again before the BLP Committee and, if Ains44 did not so agree, to recommend denial. This vote was taken at MCB4's July 24, 2019 full board meeting, with 31 members voting in favor of the recommendation, 0 members opposed, 0 members abstaining and 0 present but not eligible.

Ains44 falls within the 500 foot rule as there are **thirty-four (34) OP liquor licenses** within 500 feet of this address (per the SLA's website). An applicant of this size with late closing hours -- capacity of over 168 people on two floors, with significant street frontage on both Ninth Avenue and West 45th Street -- would add to the problems accompanying a concentration of licensed establishments in very close proximity, including increased vehicular traffic, additional pedestrian traffic and loitering on the narrow, crowded sidewalks, and excessive late-night noise.

The threat of Ains44 disrupting reasonable neighborhood quality of life at this location is very real and substantial because the Ainsworth has done just that, and continues to do so, at the Ainsworth's ongoing other location in this district at 122 West 26th Street. For example, MCB4's letter to the SLA dated December 8, 2014 (copy attached) sets out in detail the numerous problems and stipulation violations at the West 26th Street Ainsworth, which could not be resolved despite multiple meetings with MCB4 and the Ainsworth. These problems included the West 26th Street Ainsworth's advertising capacity of 450, despite their stipulated capacity of 250; the operation of a clandestine clothing store within the venue with a bar never approved by the SLA; and the presence of DJs and live music and the use of outside promoters, all in violation of their stipulations.

As recently as July 2019, multiple nearby residents have written to MCB4 with their continued concerns and complaints including: loud music blaring out of propped open doors, which the Ainsworth refuses to close; loud, rowdy, inebriated Ainsworth crowds loitering, blocking the sidewalk, smoking, and watching sports events from the sidewalk through the Ainsworth's windows; and the regular use of DJs and outside promoters in violation of the stipulations. In fact, the West 26th Street Ainsworth's own website and social media make clear its violation its stipulations: the website advertises capacity for private events in multiple spaces that totals over 300 people; the floorplan on the website shows a space labeled "DJ" and events are regularly announced featuring DJs (such as a June 30, 2019 event featuring "DJ Mad Scientist").

Preempting any argument that the West 26th Street Ainsworth's problems are somehow unconnected to Ains44, the Ains44 Stipulations Application to MCB4 lists Matthew Shendell as the owner of Ains44. Mr. Shendell was the president of the holding company that owned and managed the West 26th Street Ainsworth during years of the problems at that location.

Perhaps Ains44 anticipated that MCB4 would be concerned about another Ainsworth opening in this district because, when the Ains44 representatives appeared before MCB4's BLP Committee on July 9, 2019, they were accompanied by Eytan Sugarman, who had operated the previous establishment at this location, Southern Hospitality, which closed a few months ago. Although Mr. Sugarman's name appeared nowhere in the Ains44 written submissions to MCB4, Mr. Sugarman and Ains44 announced for the first time at the meeting that Mr. Sugarman would have an ownership interest and a managerial role in Ains44 and that his involvement should satisfy MCB4 that the problems of the West 26th Street Ainsworth would not be repeated at Ains44.

Mr. Sugarman's former establishment at this location, Southern Hospitality, had not been the subject of significant community complaints with one major exception: MCB4 and local residents had for several years repeatedly requested that Southern Hospitality remove a vent that rose about three feet out of the sidewalk in front the establishment on Ninth Avenue and

regularly spewed steam and cooking odors onto the sidewalk. This vent was a nuisance in warmer months, with pedestrians forced to walk through billows of hot, odor-filled steam spreading across the sidewalk, and a potential hazard in the colder months, when the steam froze into ice across the sidewalk. In response to these years of complaints and requests, Mr. Sugarman stated that it was prohibitively expensive to remove or move the vent. Until, that is, approximately a year ago, when Mr. Sugarman subdivided the Southern Hospitality space and opened a pizza parlor immediately behind the sidewalk vent -- which was then, finally, removed.

MCB4's primary concerns are not about Mr. Sugarman as an operator, but rather go to whether Mr. Sugarman's involvement in Ains44 will be consistent and forceful enough to ensure that the Ainsworth problems do not reoccur at Ains44. Mr. Sugarman is currently an owner/operator of at least two other high-profile establishments in Manhattan, including his recent re-launching of the storied White Horse Tavern in Greenwich Village. Those establishments no doubt occupy significant portions of his time, when he would be unavailable to ensure the smooth running of Ains44. In addition, there is no guarantee that Mr. Sugarman will remain affiliated with Ains44 for any length of time, and he could depart from the venture as abruptly as he seems to have joined it -- leaving the community with another unsupervised Ainsworth in its midst. Given the extent and longevity of the problems that the West 26th Street Ainsworth has caused in this district, it puts a lot of weight and pressure on the shoulders of one individual to be the sole bulwark preventing similar problems from being repeated at Ains44.

In sum, given MCB4's first-hand, years-long experience with the problems caused by an Ainsworth establishment in its district, MCB4 believes that granting this license would not be in the public interest.

Should the SLA disagree and decide to grant this license, MCB4 requests that the attached stipulations -- which were agreed to in writing by Ains44 at the July 9, 2019 BLP Committee meeting -- be included as terms and conditions of any license issued to Ains44.

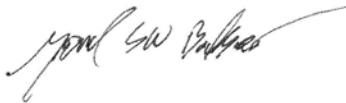
For the reasons stated above, MCB4 requests that the present application be **denied**.

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

Enclosures

**Manhattan Community Board 4**  
(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME <b>Ains44, LLC</b>		DOING BUSINESS AS (DBA) <b>AINSWORTH BURGER &amp; PIZZA</b>	
STREET ADDRESS <b>643 - 645 9th AVE</b>		CROSS STREETS <b>44/45</b>	ZIP CODE <b>10018</b>
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: <b>Matthew Shendell</b>	ATTORNEY/ REPRESENTATIVE	NAME: <b>Bruno V. Gioffre, Jr., Esq.</b>
	PHONE: <b>9175602894</b>		PHONE: <b>2 Westchester Park Drive, Suite 205</b>
	EMAIL: <b>matt@paigegroupny.com</b>		EMAIL: <b>White Plains, New York 10604</b>
MANAGER	NAME: <b>Fytan Sugarman</b>	LANDLORD	NAME: <b>Office: (914) 481-8900</b>
	PHONE: <b>(917) 783 3426</b>		PHONE: <b>Efax: (914) 481-8905</b>
	EMAIL: <b>SOTTOBBQNYC@gmail.com</b>		EMAIL: <b>Cell: (914) 522-6267</b>
APPLICATION TYPE <input checked="" type="checkbox"/> <b>Liquor License</b> <input type="checkbox"/> <b>Unenclosed Sidewalk Cafe</b>			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business? <b>YES</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO
	What is/was the name and address of establishment? <b>MULTIPLE</b>		
	What were the dates applicant was involved with this former premises? <b>CURRENT</b>		
<input type="radio"/> <b>Corp</b> Change/Class Change/Removal	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes? <b>NO</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date? <b>CURRENT</b>		
	Please list/describe the nature of all the changes and attach the plans:		
<b>METHOD OF OPERATION</b>			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> <b>Liquor/Wine/Beer &amp; Cider</b> <input type="checkbox"/> Beer & Cider <input type="checkbox"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> <b>Restaurant</b> <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input 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 checked="" type="checkbox"/> <b>Sports Bar</b> <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?	YES	NO	<b>NO. ASAP</b>
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	<b>YES</b>
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	<b>NO</b>
Has applicant/owner(s) read MCBA Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	NO	<b>YES</b>

**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	11-12am	11-12am	11-12am	11-2am	11-4am	11-4am	11-12am
	Kitchen	11-12am	11-12am	11-12am	11-12am	11-12am	11-12am	11-12am
	Music	11-12am	11-12am	11-12am	11-2am	11-2am	11-2am	11-12am

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND   
  LIVE MUSIC   
  DJ   
  JUKE BOX   
  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	168 <sup>1st Fl</sup>	168	63	155	1	1	18
OUTSIDE <i>(Other than sidewalk café)</i>			8	8			
SIDEWALK CAFÉ							

How many floors are there? What is the capacity for each floor? 1

How frequently will the owner(s) be at the establishment? 4-5 Nights per week

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 CORPORATE

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 TBD

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 TBD

Where will delivery bicycles be stored during the day when not in use? INSIDE

*(Handwritten initials: A, MS)*

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	11-12am	11-12am	11-12am	11-2am	11-4am	11-4am	11-12am	
	Kitchen	11-12am	11-12am	11-12am	11-12am	11-12am	11-12am	11-12am	
	Music	11-12am	11-12am	11-12am	11-2am	11-2am	11-2am	11-12am	
If you plan to have music, what type(s)? (Circle all that apply)			BACKGROUND	LIVE MUSIC	DJ	JUKE BOX	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	168 1st fl	168	63	155	1	1	18		
OUTSIDE <i>(Other than sidewalk cafe)</i>			8	8					
SIDEWALK CAFE			[Handwritten scribbles]						
How many floors are there? What is the capacity for each floor?					1				
How frequently will the owner(s) be at the establishment?					4-5 Nights per week				
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	CORPORATE		
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			
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	TBD		
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	TBD		
Where will delivery bicycles be stored during the day when not in use?					INSIDE				

[Handwritten initials/signature]

[Handwritten initials/signature]

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

<b>Community Notification/Relations</b>			
<b>NOTIFICATION:</b> 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	ENTIRE LIST FROM CB PACKAGE	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.			
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?		YES IMMED	
Where did applicant post the notice that was provided?		4 CORNERS and STOREFRONT	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.		SOUTHERN HOSPITALITY	
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	YES SOUTHERN HOSPITALITY
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	NO
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	YES	NO	YES
Is the entrance ADA Compliant?	YES	NO	YES
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	NO
Will applicant have a vestibule within the establishment?	YES	NO	TBD
Will applicant use a storm enclosure?	YES	NO	NO
Will applicant agree not to place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	NO	TBD
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 <sup>XX</sup>		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	YES
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	YES
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	PRIOR TENANT DID
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 IF NEEDED
Will the kitchen exhaust system extend to the roof?	YES	NO	NO
Will the establishment have an illuminated sign?	YES	NO	YES
Will the establishment have a canopy extending over the sidewalk?	YES	NO	NO
Where will the air conditioner be located? What type is it?	REAR SETBACK		
When was the air conditioner installed?	2009		



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

N/A

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>		
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be applying for a sidewalk café now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use umbrellas?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
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 checked="" type="radio"/> YES	<input type="radio"/> NO

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

- This application does not extend to any sidewalk café
- Applicant agrees not to seek a sidewalk café in the future
- No DJ or Live Music
- No DJ booth or stage in establishment
- No outside promoters
- There will be no more than 12 televisions in establishment
- Applicant will ensure that patrons are not congregated on sidewalk to watch tvs
- Applicant will not file with SLA until after 7/24/19 Full Board meeting
- The only people/entities listed on the liquor license will be Matthew Shendell and Eytan Sugarman. The only people/entities with ownership interest or financial participation in the establishment are Matthew Shendell and Eytan Sugarman.
- No ventilation ducts will be placed on the sidewalk. No cooking, steam, or exhaust ventilation will empty onto sidewalk or pedestrians.

***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 July 24, 2019 full board meeting, with <u>14</u> members voting in favor of the recommendation, <u>21</u> members opposed, <u>0</u> members abstaining and <u>0</u> present but not eligible)	<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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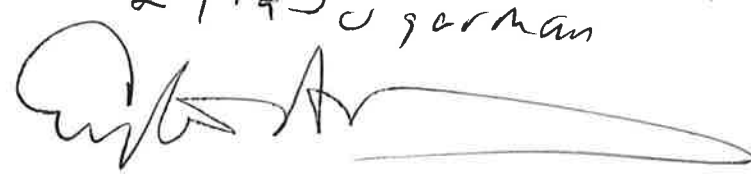
**CB4 REPRESENTATIVES**

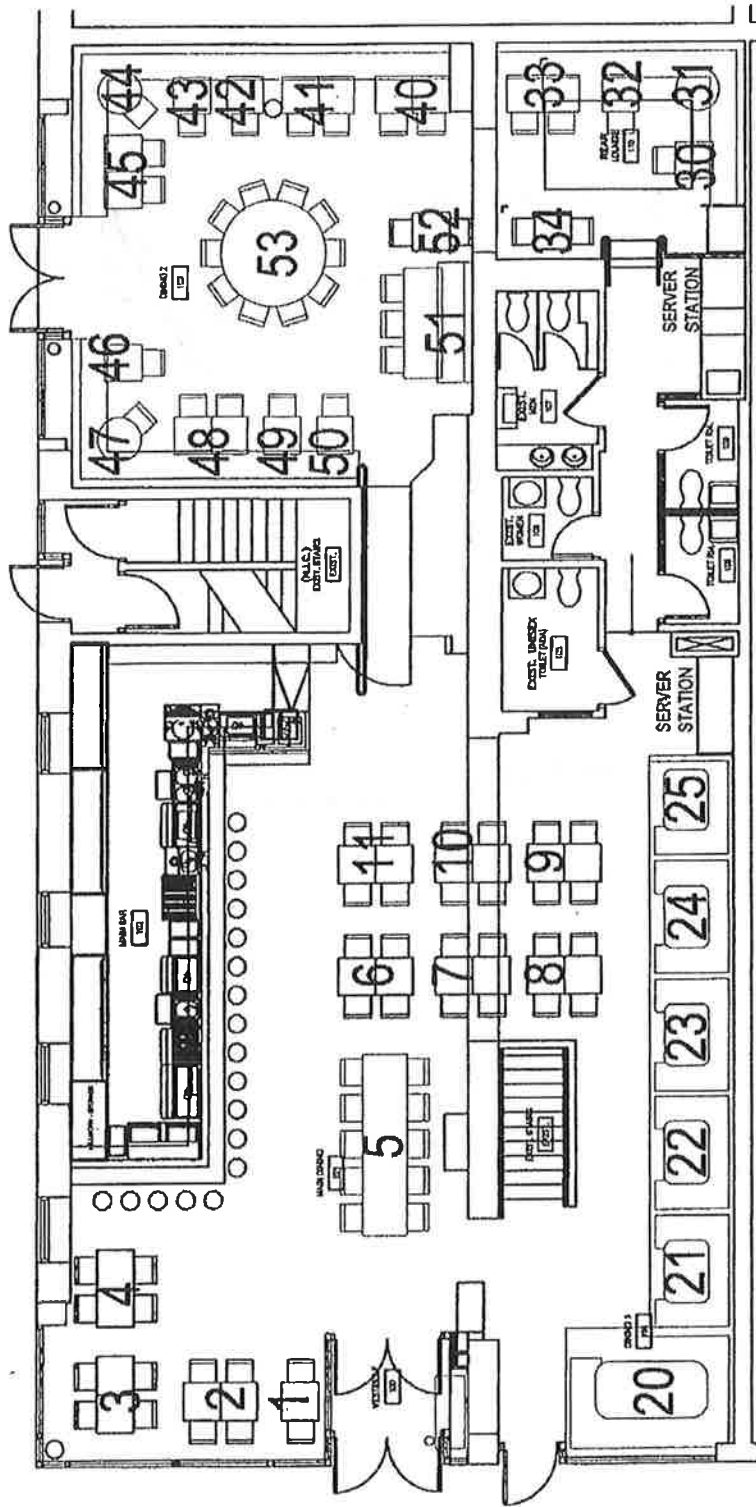
 Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Holozubies <i>CB4 BLP Committee Co-Chair</i>	 Yoni Bokser <i>CB4 BLP Committee Co-Chair</i>
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

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.

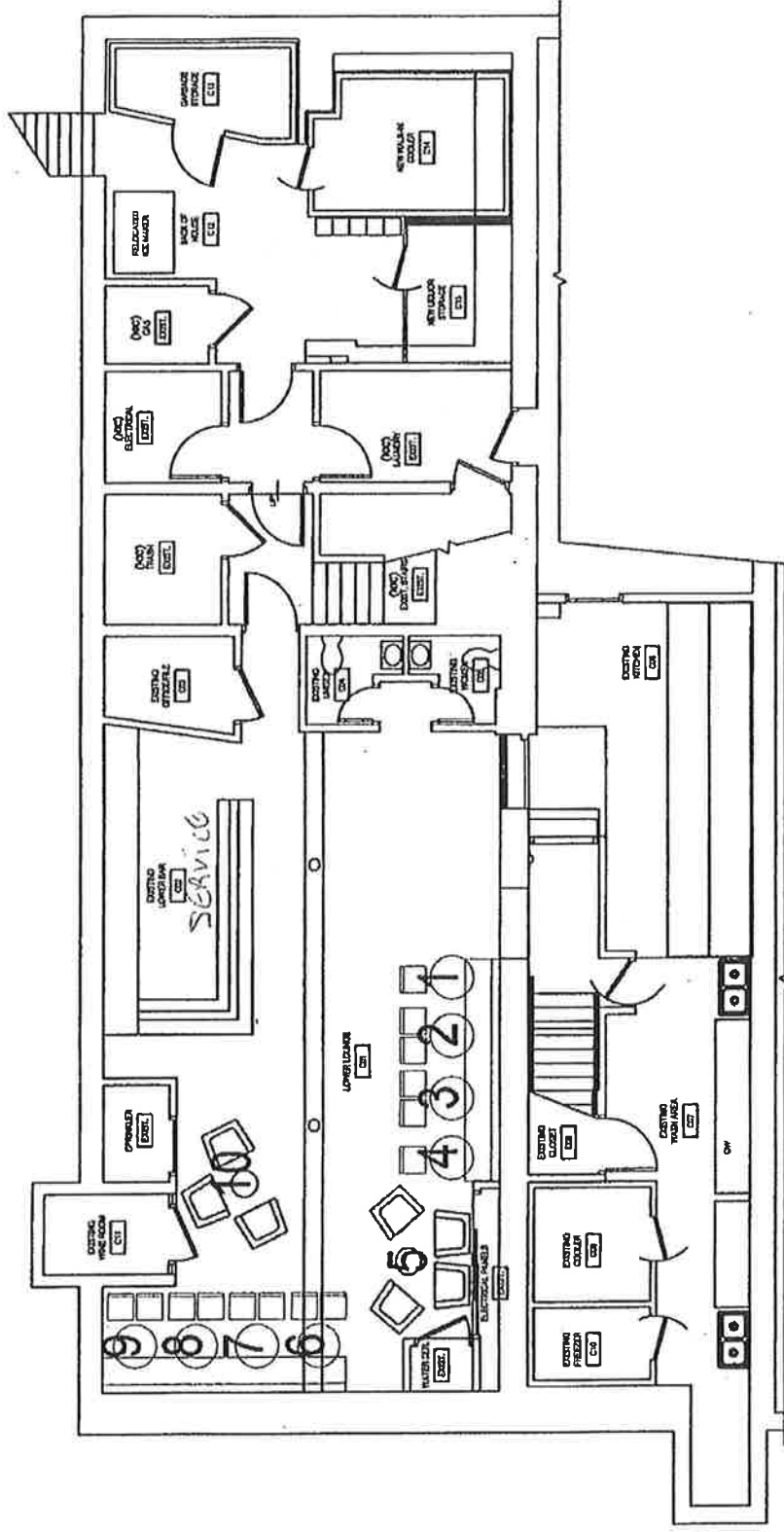
<b>SIGN HERE</b> →	Matthew Shendell <small>PRINT NAME OF APPLICANT</small>	 <small>SIGNATURE OF APPLICANT</small>	6/8/2019 <small>DATE</small>
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*Eytan Sugarman*  




FIRST FLOOR SEATING

643-645 Ninth Avenue  
 New York, NY 10036



LOWER FLOOR SEATING

643-645 Ninth Avenue  
 New York, NY 10036





A

45 EAST 33RD STREET | MIDTOWN, NYC | 10016



\* We support local, natural, sustainable and organic practices whenever possible. Consuming raw or undercooked meat, poultry, seafood, shellfish or eggs may increase the risk of food-borne illness. Note that some food items we prepare may contain nuts or trace amounts of nuts. Please alert your server with any concerns.

## LL PLATES

**FLATBREAD** 14  
goat cheese, pesto oil, zucchini, parmesan, olive oil

**BAKED FLATBREAD** 16  
goat cheese, pesto oil, zucchini, parmesan, olive oil

**TOASTED POTATOES & CHIPS** 14

**CHEESE FRIES** 15

**MAC & CHEESE** 10  
macaroni, cheddar cheese, parmesan, breadcrumb, butter

**FRENCH FRIES** 7  
potatoes, olive oil, salt

**TRUFFLE FRIES** 11  
potatoes, truffle oil, parmesan, salt

**BRUSSELS WITH BACON & ASPARAGUS** 10  
brussels sprouts, bacon, asparagus, olive oil, salt



## GREENS

Add protein to any salad for an additional charge: chicken \$5 | steak \$7 | market fish \$8

**COBB** 17

romaine, grilled chicken, bacon, egg, avocado, blue cheese, red wine-shallot vinaigrette

**APPLE POPPY** 15

romaine, cranberries, goat cheese, granny smith apple, frisée, roasted apple vinaigrette

**CHOPPED VEGETABLE** 15

mesclun greens, scallions, avocado, radish, cucumber, celery, corn, fresh herbs, oregano vinaigrette

**KALE & CHICKEN** 17

roasted chicken, butternut squash, scallions, dried cranberries, peanut oil vinaigrette

## GOURMET BURGERS & SANDWICHES

All burgers are served with a side of crispy fries or a salad with mixed greens, cherry tomatoes and cucumbers.

**MAC & CHEESE BURGER** 19

panko crusted mac & cheese patty, beef patty, mac & cheese, sesame bun

**CLASSIC BURGER** 17

hanger grind, bacon, american, romaine, red onion, beefsteak tomato, ainsworth sauce, brioche bun

**THE PARK BURGER** 17

bleu cheese, bacon marmalade, caramelized onions

**HANGER BURGER** 18

seared hanger steak, pickled jalapeños, parmesan, mayo, brioche bun

**VEGGIE BURGER** 17

handmade black bean patty, avocado, roasted tomatoes, garlic purée

**TURKEY BURGER** 17

rosemary avocado aioli, frisée, avocado, roasted red peppers

**SHORT RIB GRILLED CHEESE** 18

braised short rib, caramelized onions, tomato, provolone

**GRILLED CHICKEN BLT** 16

bacon, lettuce, tomato, red onion, avocado, chipotle aioli, brioche bun



## FROM THE GRILL

All steak entrées are served with a side of fries, horseradish aioli, chimichurri and butter.

**FILET (10 oz)** 45

**RIBEYE (14 oz)** 40

**SKIRT STEAK** 30

pineapple-chipotle marinade, chimichurri, bacon-almond brussels sprouts

**BRICK-PRESSED CHICKEN** 25

asparagus, port wine sauce

**MARKET FISH** MP

seasonal vegetables



## SOUTH OF THE BORDER

**CHICKEN TACOS** 15

mixed peppers, fresh radish, guacamole

**FRIED FISH TACOS** 16

beer-battered market fish, avocado, pickled slaw, chipotle aioli

**SHORT RIB TACOS** 17

braised beef shortrib, guacamole, fried onions, whipped potatoes



## SIDES

**mac & cheese** 10

**french fries** 7

**truffle fries** 11

**brussels with bacon & aioli**

**grilled asparagus** 10

\* We support local, natural, sustainable and ethical products whenever possible. Consuming raw or undercooked seafood, shellfish or eggs may increase the risk of foodborne illness. Note that some food items we prepare may contain nuts. Please alert your server with



**THE ANSWORTH**  
ESTABLISHED 2008  
**CHELSEA**  
122 West 26th Street  
Chelsea, NYC, NY  
Established 2008

**THE ANSWORTH**  
ESTABLISHED 2015  
**MIDTOWN**  
45 East 33rd Street  
Midtown, NYC, NY  
Established 2015

**THE ANSWORTH**  
ESTABLISHED 2015  
**HOBOKEN**  
310 Sinatra Drive  
Hoboken, NJ  
Established 2015

**THE ANSWORTH**  
ESTABLISHED 2017  
**NEWARK**  
810 Broad Street  
Newark, NJ  
Established 2017

**THE ANSWORTH**  
ESTABLISHED 2018  
**EAST VILLAGE**  
64 Third Avenue  
East Village, NYC, NY  
Established 2018

**THE ANSWORTH**  
ESTABLISHED 2018  
**KANSAS CITY**  
Park Place  
11563 Ash Street  
Leawood, KS  
Established 2018

**THE ANSWORTH**  
ESTABLISHED 2018  
**FIDI**  
121 Fulton Street  
Wall Street, NYC, NY  
Established 2018

**THE ANSWORTH**  
COMING SUMMER 2018  
**NASHVILLE**  
2001 Broadway  
Nashville, TN  
Coming Summer 2018



## THE ANSWORTH

{ about the brand }



The Ainsworth locations are all upmarket restaurants and bars filled with flat-screen televisions for sports-viewing pleasure. They serve American-fusion food influenced by classic bar food but with a modern twist. They are the perfect place for gathering with friends for any meal and to watch any and all sporting events.

>> THE ANSWORTH BRAND



>> THE AINSWORTH BRAND

# THE AINSWORTH

{ about the food }



The Ainsworth is known for its elevated, modern American food. Chef Tyler Austern, corporate executive chef for Paige Hospitality Group, designed the culinary concept of all Ainsworth locations. The menu includes an extravagant selection of burgers including their acclaimed Mac & Cheese Burger, which includes a beef patty in between a panko-crusted mac and cheese patty and a scoop of mac and cheese. The menu also includes a vast array of delicious, unique salads, sandwiches and entrees including the Lemon Chicken, Orange-Fennel Salad and Ribeye Steak.

>> THE AINSWORTH BRAND

# THE AINSWORTH

{ about the cocktails }



The Ainsworth's beverage program is designed to appeal to all palates with a widespread variety of handcrafted cocktails offered at all Ainsworth locations. The specialty cocktail menu includes The Ains Martini made up of Ketel One vodka, aperol, grapefruit and lemon, an impressive twist on a classic martini. It also includes Crooked Knife, which incorporates jalapeño-infused Don Julio with lemon juice and agave. Special cocktails catered to each season's flavors are also served up regularly.



>> THE AINSWORTH BRAND

>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH ON THE WEB

{ social media statistics }

### STATS

- Instagram following: 14.6 K
- Average engagement per post: 120 likes
- Most liked to date: 1.2K likes
- Follower growth: Nearly 500% from 2015 to 2017
- Email marketing audience: 40,000
- Open rate average: 12%

>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH EVENTS

{ sundance film festival }

				<p><b>STATS</b>          Annual event          1,800 attendees          Celebrity appearances          Food/liquor sponsors          Step-and-Repeat</p>

>> THE AINSWORTH BRAND





>> THE AINSWORTH BRAND

# AINSWORTH EVENTS

{ nfl draft }



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH EVENTS



{ nfl season kickoff }



>> THE AINSWORTH BRAND

# AINSWORTH EVENTS

{ kentucky derby }



**KENTUCKY DERBY**  
MAY 3RD

THE WOMEN  
IN WEATHER

WOODFORD RESERVE

**ALIBI**

**STATS**  
Annual Kentucky Derby event  
300 attendees  
Exclusive liquor sponsors

MARKETING  
Email, social media, print



>> THE AINSWORTH BRAND

>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH EVENTS

{ tasting series }

 A promotional graphic for the Ainsworth Park Wednesday Night Tasting Series. It features a background of wooden barrels with event dates and brand logos.
 

**AINSWORTH PARK**  
 >> THIS << WEDNESDAY APRIL 9 ALIBI  
 COMING APRIL 30 Brewski  
 WEDNESDAY NIGHT TASTING SERIES  
 Join us each Wednesday for wine, liquor and beer tasting, featuring some of NYC's top micrologists.  
 AINSWORTH PARK  
 111 E. 12th Street, New York, NY 10003  
 Tel: (212) 333-1111  
 www.ainsworthpark.com

**The Wednesday Night Tasting Series**  
 Join us each Wednesday for wine, liquor and beer tasting, featuring some of NYC's top micrologists.

JUNE 19th	Falaya	JUNE 26th	NOLETS
JULY 03rd	MetelOne VODKA	JULY 10th	FAIRY

**STATS**  
 Weekly event  
 50 to 100 attendees per tasting

**MARKETING**  
 Email and social media

**ALIBI** **BELVEDERE**  
**SMOKE**  
**BULLLEY** **BULLLEY**  
**Dickel**  
**ALLAGASH**  
**MetelOne** **Fairyfly**  
**Falaya** **Brewski**  
**NOLETS** **TYKU**  
**MAGNERS**

>> THE AINSWORTH BRAND

# AINSWORTH EVENTS

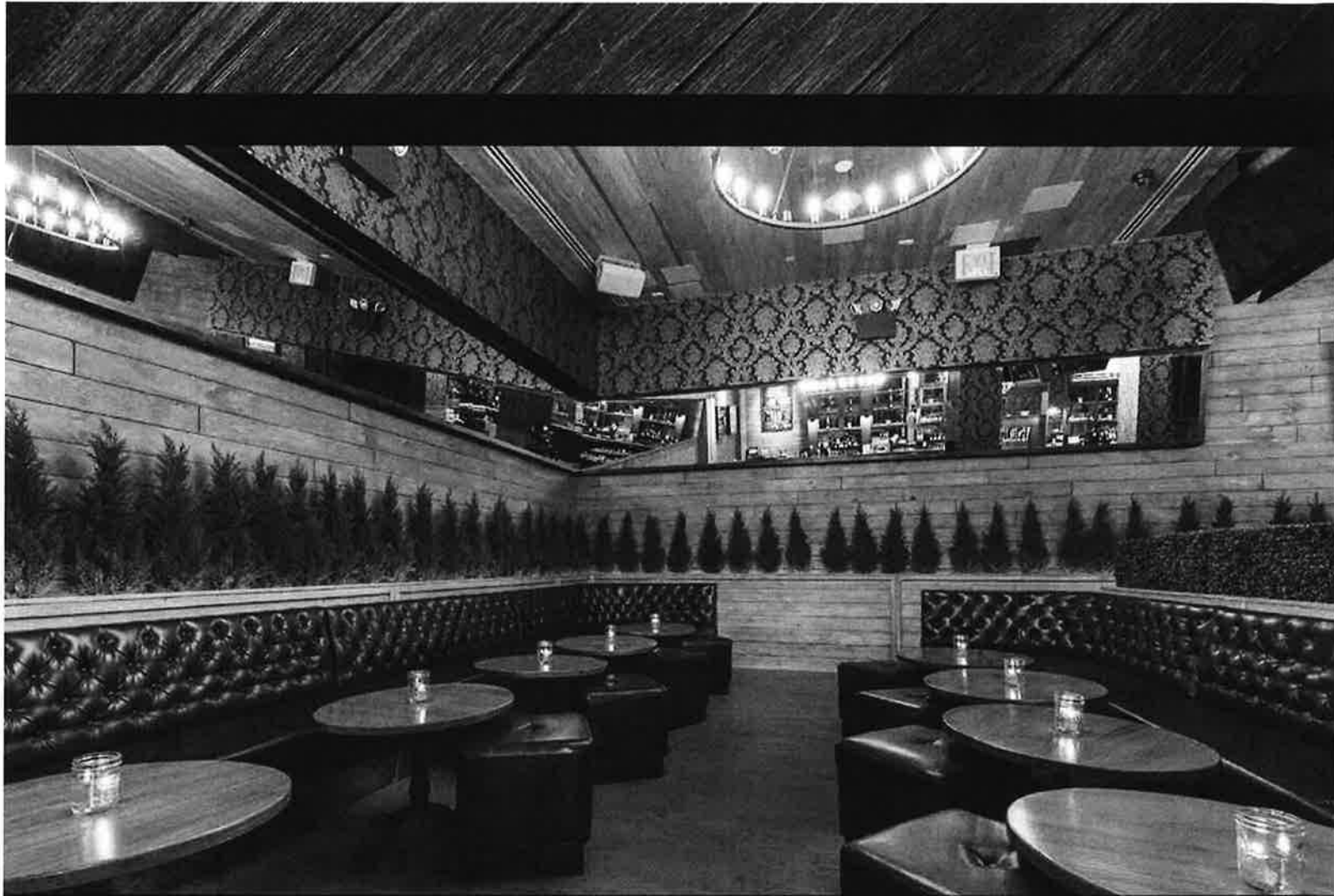
{ fashion night out }



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH CAMPAIGN

{ rock your A }

**ROCK YOUR A CONTEST**

**GRAND PRIZE:** Two round trip tickets to LAS VEGAS, two night stays at the SAND PALMS HOTEL & CASINO, and 1 LAKE SUPERIORARY tub at SANDSPRING SP.

**SECOND PRIZE:** \$1,000 cash prize.

**THIRD PRIZE:** \$500 cash prize.

**Rock Your "A" Contest Guidelines**

- 1) Get your A's:** Get your hands on an official Ainsworth's Rock Your A Contest t-shirt and a Rock Your A Contest hat. The contest is open to all Ainsworth's Rock Your A Contest participants.
- 2) Rock Your "A":** Showcase a great photo of you wearing your "A" and set the scene of your Rocking Your "A" in a creative and unique way. You must be seen!
- 3) Enter a Pic:** Upload and tag your photo to the Instagram account @ainsworthsrockyoura. You must use the hashtag #RockYourA and tag @ainsworthsrockyoura in the caption.
- 4) Entries:** Entries are accepted from 12:00 PM on January 21st, 2014 until 11:59 PM on January 21st, 2014. All entries must be submitted to the contest page on the Ainsworth's Rock Your A Contest website.
- 5) Voting:** Voting begins on January 22nd, 2014 and continues until 11:59 PM on January 21st, 2014. All entries are eligible for voting.
- 6) Winner:** The winner will be chosen by a random drawing on January 21st, 2014. All winners must be 18 years of age or older at the time of the contest.

**STATS**  
 Bi-annual  
 Four-month campaign  
 600 photo entries  
 ONLINE IMPACT  
 10,000 click-throughs  
 55,000 reach

>> THE AINSWORTH BRAND

# AINSWORTH CAMPAIGN

{ world cup headquarters }

**WATCHERS GUIDE**

**Private Viewing Card**  
Surf the 21 Ainsworth's Watchers' Guide in the top 3 positions of the Foursquare mobile app.

**Click-Through**  
Users click through to an Foursquare search with a list of the World Cup Dark Roasts.

**AINSWORTH LAS VEGAS**  
**WORLD CUP HEADQUARTERS**  
\$5 BEER & WELL DRINKS  
702.512.0120

**STATS**  
App/Social activating  
Foursquare  
Affiliate marketing  
4,000 reservations

**MARKETING**  
Social media, print, email

**IMPACT**  
174,292,000+ media impressions  
Nationwide reach

>> THE AINSWORTH BRAND

# AINSWORTH CAMPAIGN

{ what burger are you? }

**THIS COUPON IS GOOD FOR ONE FREE BURGER**  
@AinsworthVIC @AinsworthPark  
EXPIRES JUN 18TH 2014

**What BURGERS are you?**

**YOU GOT THE HOUSE-MADE TURKEY BURGER**

You are pulsed and not afraid to speak your mind. You relish in the thought of being the first to discover something new, you trendsetter, you. Be the first to try our new House-made Turkey Burger at The Ainsworth. It will not disappoint!

**WHAT'S IN THE BURGER:**  
sage mayo, arugula dressed in lemon vinaigrette, served on a whole wheat oat bun

**STATS**  
Four-month campaign  
500 participants  
Fangating and email retrieval

**ONLINE IMPACT**  
440,000 click-throughs

>> THE AINSWORTH BRAND

# AINSWORTH CAMPAIGN

{ sports branding }



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND



# AINSWORTH IN THE MEDIA

{ press highlights }



DAILY NEWS  
**GOTHAM US**  
 The New York Times  
 THRILLIST People  
**EATER**  
 GRUB STREET

The Ainsworth properties have been recognized by the likes of The New York Times, Gotham Magazine, Thrillist, Eater, People, Bloomberg, The New York Post, New York Daily News, Grub Street, US Weekly and more. All of the Ainsworth venues have been praised for stellar service, food and space.

>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND

# AINSWORTH IN THE MEDIA

{ press and social media highlights }



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND



>> THE AINSWORTH BRAND



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**CHRISTINE BERTHET**  
Chair

**JESSE BODINE**  
District Manager

December 8, 2014

Mr. Dennis Rosen, Chair  
New York State Liquor Authority  
80 South Swan Street  
Albany, NY 12210

**Re: Fondue 26 LLC d/b/a The Orchard a.k.a. The Ainsworth,  
and Windsor Custom LLC, 122 West 26<sup>th</sup> Street, NYC, 10001**

Dear Mr. Rosen:

We write with respect to Fondue 26 LLC d/b/a The Orchard a.k.a. The Ainsworth, 122 West 26<sup>th</sup> Street, NYC, 10001 (herein referred to in this letter as “The Ainsworth,” the name under which this establishment presently operates) and Windsor Custom LLC, a related but separate corporation. The Ainsworth is managed and owned by its holding company—the Paige Hospitality Group (PHG)—whose president, Matt Shendell (operator), was the co-applicant on the original liquor license.

As per the attached letter dated October 22, 2009, Manhattan Community Board 4 (MCB4) voted to recommend denial of a new liquor license unless the applicant agreed to the stipulations. It is our understanding that the applicant consented to all terms upon which its liquor license was conditioned. However, after hearing considerable complaints from the community, which sparked substantial research by MCB4, it became clear that The Ainsworth is in violation of the stipulations and operates in a manner materially different from what was initially represented.

Despite meeting with representatives from The Ainsworth four times in the past month alone, and exchanging dozens of emails over the past three months, MCB4 has been unable to entreat the operator to fully comply with the stipulations or to take effective ‘good neighbor’ measures to alleviate problems associated with inadequate security necessitated by operating in a manner inconsistent with the terms of its liquor license.

Contrary to the liquor serving family-friendly restaurant for which its license was granted, The Ainsworth also has a diverse array of operations including:

- 1) a clandestine clothing store with a second bar that was never approved by the SLA;
- 2) a sports bar that USA Today named among the “*10 Best*” in the country featuring 40

- large screen televisions, two projectors and a state of the art sound system;<sup>1</sup>
- 3) a 6,000 square foot event space for corporate and private events;
  - 4) and a club-like party venue.<sup>2</sup>

Indeed, an Ainsworth representative was quoted as saying, “*We’ve done everything from building a stage for athletes to interact with their clients, to driving a car into the center of the venue.*”<sup>3</sup> The operator himself pointed out “*You name it, we do it at The Ainsworth on 26th.*”<sup>4</sup>

MCB4, therefore, respectfully requests that the SLA enforce The Ainsworth’s terms of operation, require adherence to the stipulations, and necessitate the closure of the illicit liquor-serving clothing store that exists beneath The Ainsworth.

#### OPERATING WITHOUT A LICENSE

According to the operator, the PHG came up with the idea for a “*bespoke, speakeasy style, appointment-only custom men’s clothing shop...as an amenity...that has become a busy business.*”<sup>5</sup>

The New York Department of State recognizes that the clothing store is owned by Windsor Custom, LLC, an entirely different business entity from The Ainsworth that was described as “*A Secret Custom Suit Shop Under NYC’s Hottest Sports Bar*” where “*the bar is stocked.*”<sup>6</sup>

#### ONGOING VIOLATIONS OF THE STIPULATIONS

**1) Capacity** In contradiction to the stipulation’s cap of 250 people, The Ainsworth’s website advertises that it can accommodate up to 450 people.<sup>7</sup>

**2) Applicant Will Not Apply For A Cabaret License** While The Ainsworth does not have a cabaret license, dancing does take place. The website partyearth.com states that people arrive on the scene, “*to check out the action on the dance floor.*”<sup>8</sup> On yelp.com a patron commented that The Ainsworth is actually “*confused about whether it is a sports bar or a club.*”<sup>9</sup>

In fact, during the November 10, 2014 meeting of the MCB4’s Quality of Life Committee, The Ainsworth’s Chief Operating Officer, Joe Arongino, referred to The Ainsworth not once but four times as a “*club.*” One committee member noted that she had been turned away by bouncers who attempted to prohibit her family from entering the establishment for dinner because her ten-year-old child was underage. Another said that he (along with a long line of rather lively patrons) was carded by bouncers on the sidewalk when he attempted to enter The Ainsworth for a late-night snack.

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<sup>1</sup> <http://www.usatoday.com/story/travel/destinations/10greatplaces/2014/01/23/sports-bars/4801737/>

<sup>2</sup> <http://www.ainsworthnyc.com/about.htm> and <http://paigegroupny.com/windsor-custom/>

<sup>3</sup> <http://insidechelseanyc.com/the-ainsworth-chelsea/>

<sup>4</sup> <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>5</sup> <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>6</sup> <http://www.businessinsider.com/windsor-custom-2012-4?op=1#ixzz3JjMol0ug>

<sup>7</sup> <http://www.ainsworthnyc.com/events.htm> (“AV/CAPACITY” pop-up caption)

<sup>8</sup> <http://www.partyearth.com/new-york/bars/the-ainsworth-2/#review>

<sup>9</sup> <http://www.yelp.com/biz/the-ainsworth-new-york>

**3) No DJ or Live Music** As reflected on several floor plans posted on its own website, The Ainsworth installed a permanent DJ booth that facilitates live spinning during parties, corporate events, and sports broadcasts, which frequently attract large, often boisterous crowds.

- **Game Days:** On yelp.com patrons commented that DJ's were, "*blowing out the speakers,*" and that television sportscasters could not be heard over "*the thumping music.*"<sup>10</sup>

- **Promoters' Parties:** Joonbug, a promoter that does business with The Ainsworth, advertised that, a top DJ "*will be turning up the heat on the dance floor.*"<sup>11</sup> And on the same yelp web page referenced above, a customer observed "*haggling/bartering with bouncers at the door,*" prompting another to query "*why a restaurant needs bouncers in the first place?*"

- **Corporate and Private Events:** In two separate emails to MCB, the operator mistakenly asserted that The Ainsworth is "*allowed to have a DJ for private events and corporate events. We have them maybe 50 days a year,*" and, "*There is NO reason why we cannot have one if it means losing...a corporate event.*"<sup>12</sup>

**4) No Outside Promoters** In contradiction to its stipulations, The Ainsworth rents out space to at least one promoter to host parties with a club-like atmosphere.<sup>13</sup> For example, on its website, promoter Joonbug advertised an adult-only 2014 Halloween party as a "*nightclub*" and urged people buy tickets, "*for some serious hell-raising party mayhem.*"<sup>14</sup>

At the November 10<sup>th</sup>, 2014 MCB4 Quality of Life (QOL) Committee meeting, two Ainsworth executives promised that they would immediately stop working with Joonbug or any other promoter but that parties would none-the-less continue with tickets sold directly by PHG.<sup>15</sup> In a subsequent email to MCB4, the operator stated that he cancelled Joonbug's New Year's Eve party and noted that he "*did not view them as an 'outside' promoter*" and that working with them was "*unintentional.*"<sup>16</sup>

After MCB4 requested documentation of the cancellation, we received a one-line email from Joonbug's CEO stating "*We have canceled the event for NYE for Ainsworth.*"<sup>17</sup> However, as of December 3rd, 2014, the event is still being promoted, and tickets are being sold on Joonbug's sister site—Cravetickets.com—both of which are owned by SkyNet Media Group.<sup>18</sup> Tickets are also being sold on Clubzone.com.

While MCB4 is hopeful that the operator will fulfill his promise to cancel the New Year's

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<sup>10</sup> <http://www.yelp.com/biz/the-ainsworth-new-york>

<sup>11</sup> <http://joonbug.com/newyork/events/The-Ainsworth/11-01-2014/Haunted-Halloween-at-The-Ainsworth/oye5kXOfL7i>

<sup>12</sup> October 30<sup>th</sup>, 2014, 6:12pm and November 12<sup>th</sup>, 2014, 3:33pm

<sup>13</sup> Email dated October 30<sup>th</sup>, 2014, 6:12pm

<sup>14</sup> <http://joonbug.com/newyork/newyeareve/The-Ainsworth-NYC-New-York/nE0mTy8aoLL>

<sup>15</sup> Tom Simpson, Paige Hospitality Group, V.P. of Operations, and, Joe Arongino, Paige Hospitality Group, COO

<sup>16</sup> November 21<sup>st</sup>, 2014 email to MCB4

<sup>17</sup> <http://nightout.cravetickets.com/events/the-ainsworth-new-years-eve-2014>

<sup>18</sup> November 21<sup>st</sup>, 2014 email from Jonathan Gabel, CEO, SkyNet Media Group.

Eve party, we remain doubtful that The Ainsworth will permanently sever its relationship with promoters in the future.

5) **Hours Of Operation** The Ainsworth regularly opens its doors at 11 a.m. instead of the stipulated 12 p.m.

It should also be noted that, as advertised by the promoter CraveTickets.com, The Ainsworth's New Years Eve party is slated to end at 4 a.m. instead of the stipulated 1 a.m. There is no indication that an after-hours permit has been applied for, or approved.

#### **6) Certified Sound Engineer To Mitigate Noise Disturbances To The Neighboring Residents**

The operator asserts that he hired an acoustician but could not recount exactly when. He conceded it may have been when The Ainsworth opened in 2009 or perhaps in 2008, during his involvement with the event business "Lotus Space NYC, Inc.", which was dissolved by proclamation in 2011 for non-payment of state taxes.<sup>19</sup> Since the operator cannot find any documentation related to an acoustician, he has expressed a willingness to pay for a sound evaluation but there is no indication that he has, as of yet, taken action.

#### **ADDITIONAL PROBLEMATIC CONDUCT OF CONCERN TO THE COMMUNITY**

The Ainsworth's manner of operation contributes to the deleterious impact that the establishment continues to have on West 26<sup>th</sup> Street, which is comprised of an increasing number of residences with children and aging persons. These problems include extreme crowding of sidewalks, traffic back-ups, fist-fights, yelling by inebriated patrons, and cheering by people loitering or smoking on the sidewalk while watching sports broadcasts on multiple large screen televisions that are viewable through the glass frontage from as far away as across the street.

In an October 23<sup>rd</sup>, 2014 meeting attended by community members and representatives from The Ainsworth, Michael Hesekeel, the president of All Star Security (the company that handles security for The Ainsworth) admitted that the large crowds that congregate on the sidewalk and street are at times "*hard to police*". In an attempt to reassure residents, Mr. Hesekeel stated that one of the security measures being taken to "*discourage riff-raff from coming around*" is the enforcement of a "*very strict dress code.*" Two All Star Security guards nodded in agreement when MCB4's Quality of Life Committee Co-Chair Tina DiFeliciano asked if part of the problem might stem from the fact that bouncers need to be mindful not to offend well-heeled patrons and corporate clients at an establishment characterized by US Magazine as a "*VIP Scene*", where, according to the New York Times, tables can "*command a \$1,000 minimum*" on big game days.<sup>20</sup>

During MCB4's attempts to negotiate with The Ainsworth, it made a commitment to bag garbage properly, pack broken glass safely, clean the sidewalk more effectively, hang

<sup>19</sup>[http://appext20.dos.ny.gov/corp\\_public/CORPSEARCH.ENTITY\\_INFORMATION?p\\_nameid=3312175&p\\_corpid=3294423&p\\_entity\\_name=Lotus%20space&p\\_name\\_type=%25&p\\_search\\_type=CONTAINS&p\\_srch\\_results\\_page=0](http://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_INFORMATION?p_nameid=3312175&p_corpid=3294423&p_entity_name=Lotus%20space&p_name_type=%25&p_search_type=CONTAINS&p_srch_results_page=0) and <http://www.bbook.com/industry-insiders-matt-shendell-president-of-paige-hospitality-group/>

<sup>20</sup> [http://www.nytimes.com/2011/12/15/fashion/windsor-custom-at-the-ainsworth.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/12/15/fashion/windsor-custom-at-the-ainsworth.html?pagewanted=all&_r=0)

longer curtains, and— during busy times—add a security guard and close the drapes/windows. While these measures are intended to help ameliorate The Ainsworth’s negative impact on the neighborhood, they do not change the fact that until PHG adheres to the stipulations, West 26<sup>th</sup> Street’s quality of life problems may remain intractable.

This is of particular concern since PHG is planning to expand its operations across New York State based on The Ainsworth’s current business model. As explained by Mr. Shendell, it is therefore vital for The Ainsworth brand to demonstrate profitability for investors. As such, MCB4 lacks confidence that this enterprise will adhere to the stipulations, and end its association with the illegal operation of Windsor Custom LLC.

MCB4 respectfully requests swift intervention by the SLA.

Sincerely,



Christine Berthet  
Chair

[Signed 12/8/14]

Tina DiFelicantonio  
Co-Chair  
Quality of Life Committee

[Signed 12/8/14]

David Pincus  
Co-Chair  
Quality of Life Committee





CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> 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

June 22, 2009

Commissioner Daniel Boyle  
New York State Liquor Authority  
80 South Swan Street  
Albany, NY 12210

**Re: Fondue 26 LLC d/b/a The Orchard – 122 W. 26 St. (6/7 Avenues) – New-OP**

Dear Commissioner:

Manhattan Community Board 4 voted to deny a new liquor license for Fondue 26 LLC d/b/a The Orchard – 122 W. 26 Street, unless the following conditions, agreed to by the applicant, are included in the method of operation:

- No outside promoters will be used;
- Applicant will not apply for a cabaret license;
- No DJ or live music;
- The applicant will follow the recommendations of a certified sound engineer to mitigate potential noise disturbances to the neighboring residents and buildings;
- Applicant will install an interior vestibule to further mitigate sound spillage;
- Kitchen will remain open until one hour before closing;
- New York Nightlife Association best practices guidelines for security personnel will be followed, and plan as submitted to community board (attached) will be followed.

This is a restaurant that will be open seven days a week, Sunday – Wednesday from Noon – 1 a.m, Thursday from Noon – 2 a.m. and Friday and Saturday from Noon – 3 a.m. Total capacity is 250, with 40 tables. They will have background music.

Sincerely,

Jean-Daniel Noland  
Chair  
Manhattan Community  
Board Four

Lisa Daglian  
Co-Chair  
Business License & Permits  
Committee

Chuck Spence  
Co-Chair  
Business License & Permits  
Committee

cc: Applicant  
Fred Gioffre  
Elected Officials