



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

April 29, 2022

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

Re: Clinton Craft LLC d/b/a Cocktail
568 Ninth Avenue, New York, N.Y. (41st/42nd Streets)
License No. 1321215

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends **denial** of this application for the removal of its on-premises license (No. 1321215) for Clinton Craft d/b/a Cocktail to 568 Ninth Avenue, New York, N.Y. (between 41st and 42nd Streets).¹ Granting this removal from the applicant's current space at 41-43 East 7th Street, in the basement/lower level, risks seriously compromising reasonable quality of life for nearby residents – particularly those living in this or adjacent buildings. The applicant's establishment would be located on the ground floor and partially on the second floor of a four-story residential walk-up, which abuts two other properties with similar configurations, in a space that, to the best of our knowledge, has never been previously licensed nor used as an entertainment venue of any kind. The application -- which seeks a late-night closing time of 4:00 a.m. nightly, with background, live music, DJ, jukebox, and karaoke -- was unanimously opposed by members of the community who submitted written objections in connection with MCB4's Business Licenses and Permits (BLP) Committee meetings on February 8 and March 8, 2022, at which this application was presented. No one from the public spoke, or submitted writing, in favor of the application.

This location previously housed a much-needed retail coffee store, Empire Coffee & Tea (Empire), a staple in the community since 1908, according to reports. Empire used the first floor as commercial space; whether the second-floor space was used as a residence was not established. What is known is, Empire had ordinary retail hours, that were much better suited to this location, where there are presently

¹ MCB4's recommendation is based on a vote taken at its April 6, 2022, full board meeting, with 42 members voting in favor of the recommendation, 0 members opposed, 0 members abstaining and 0 present but not eligible.

several late-night bars and restaurants. The immediate area already has a high concentration of on-premises licenses—12 (twelve) on-premises licenses within 500 feet (per the SLA’s LAMP report). Had the current applicant been willing to agree to an earlier closing time, MCB4 would likely have recommended approval (conditioned on its usual stipulations), but the applicant would not agree.

Clinton Craft’s application was on the BLP Committee’s calendar in February, but there was a request to postpone a month to do community outreach. The applicant met with community representatives, who voiced multiple concerns about the planned method of operation and made recommendations. One major concern was the need to have an active storefront during the day, such as a coffee bar. The applicant was amenable to that, and serving light food, 8 a.m. to 4 p.m., but continued its insistence on a 4 a.m. closing time. Community residents offered different proposals for closing times—keeping the same hours as the coffee store or closing by midnight—but the applicant would not compromise on this point.

Since Empire occupied the space for over a century and never proposed the use contemplated here, the applicant’s failure to obtain an acoustical report from a certified sound engineer was also a concern, given the proximity of residents. When pressed, the applicant stated that the space would be “more of a lounge restaurant type place,” with ambient music, not a dance club, but that stance appeared disingenuous, given that their application states that they anticipate using the space for dancing, “per use group 12 C6-1 zoning” and their 500-foot statement seeks to continue offering the following entertainment -- “Gay Chorus, karaoke, live stage performance, Variety Shows, drag bingo, jazz trio’s, cabaret, barber shop quartets, burlesque, dance performance, drag performance, spoken word, comedy, theater, drag performance, performance art, acoustic and live music, Gong Shows, a cappella singing, harmonica bands, piano concerts, contortionists, puppeteers etc etc.” The statement further says, “[w]e plan to focus on providing as wide a range of creative offerings once we relocate to primarily bolster the Performing Arts community.” The applicant stated at the March BLP Committee meeting that “there’s not a stage and it’s not a performance venue,” yet drawings attached to their application labeled, in two different places, a space on the ground floor as a “performance arena.”

Even though the applicant’s revised application indicates it would have a licensed individual soundproof and design a sound system, BLP Committee members, to ensure no disturbance to nearby residents, requested an acoustical report from a licensed New York City-approved acoustician, which is the Committee’s standard practice in similar cases. The acoustician would take sound readings from neighboring apartments, including from the unit on the same floor, to assess whether the anticipated sound would be within acceptable limits and, if not, to make any appropriate recommendations. The applicant seemed amenable to obtaining the report, but would not reconsider their insistence on a 4 a.m. closing time.

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

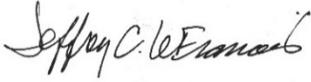
If the New York State Liquor Authority were to disagree with this recommendation and decide to grant Clinton Craft’s liquor license removal application, MCB4 requests that the following be made terms of that license:

1. A closing time no later than midnight nightly.
2. Background music only; no live music or performance, DJ, jukebox, or karaoke.

3. An acoustical analysis performance by a licensed NYC-approved acoustician, with the applicant's agreement to implement the recommendations of that acoustician.

Thank you for your consideration of CB4's position on this matter.

Sincerely,



Jeffrey LeFrancois
Chair



Burt Lazarin
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee