



CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD FOUR

424 West 33<sup>rd</sup> Street, Suite 580 New York, NY 10001

tel: 212-736-4536  
www.mcb4.nyc

**JEFFREY LEFRANCOIS**  
Chair

**JESSE R. BODINE**  
District Manager

September 14, 2023

Lily Fan  
Chair  
New York State Liquor Authority  
80 S. Swan Street, Suite 900  
Albany, New York 12210

**Re: 122 West 26<sup>th</sup> Street - 122-26 ST OPS LLC**

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends **denial**<sup>1</sup> of the application of **122 West 26<sup>th</sup> Street - 122-26 ST OPS LLC**. for an On Premises full Liquor/Wine/Beer and Cider License. Given the serious concerns about the history of this site, the proposed method of operation of this establishment, and the intense alcohol saturation on the surrounding blocks where the applicant intends to open, the granting of the On Premises license sought in this application would not serve, and would be contrary to, the public interest.

The proposed establishment falls within the 500-foot rule as there are 17 active On Premises licenses within 500 feet of this address. An additional 18 On Premises licenses are within 501 – 750 feet (per the SLA LAMP site.). Thus, these blocks are already heavily populated with licensed premises. Although the space at 122 West 26<sup>th</sup> Street had previously been licensed, the elimination in the area of one On Premises license would reduce the serious risk of increased noise and disturbance from patrons, vehicular traffic, and intense pedestrian circulation. It might even lessen any existing disruptions to residents who live nearby.

At the July 11, 2023, meeting of the BLP Committee at which this application was recently considered, many community members spoke in opposition to this application citing the already high concentration of licenses in this part of the neighborhood, the rowdy nature of patrons congregating on the street, and traffic congestion that is generated by existing On Premises licenses

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<sup>1</sup> Manhattan Community Board 4 (MCB4) at its July 26<sup>th</sup> Full Board meeting voted, by a vote of 37 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible.

adjoining these overwhelmingly residential blocks. The applicant included in its presentation a number of letters in support of its license.

At the BLP meeting, the applicant offered to revise its methods of operations to address the BLP Committee's and the community's concerns. The committee was appreciative of those efforts and worked in good faith during a lengthy meeting, reaching apparent agreement with the applicant on multiple aspects of its method of operation. The parties were unable to reach agreement on closing times, however. Given that fact and in the face of the extensive opposition and concerns from nearby residents, the committee members ultimately concluded that they lacked assurance about the nature and suitability of the proposed venue's method of operation and its effect on this licensed-saturated residential area.

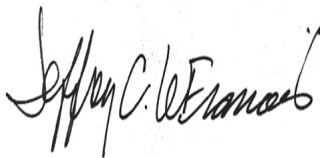
For all the reasons above, MCB4 urges denial of the present application.

If the SLA disagrees with our conclusions and were to approve this application for an On Premises license, MCB4 requests that the following stipulations be included in the establishment's method of operation:

- Sunday through Thursday closing at midnight; Friday and Saturday closing at 1 am.
- No queuing of patrons on the street waiting to enter.
- Neither imposition of a cover charge nor carding at the door.
- Creation of a vestibule inside the street entrance.
- Neither rent to nor use of the venue by promoters.
- Background music only. No DJ. No live music or performances.
- When music is on, all windows to be closed.
- Sound proofing of glass by double panning.
- Applicant will obtain an acoustical report from a licensed acoustical engineer analyzing the effect of sound generated inside the venue on the street and will implement all recommendations of the report.
- Applicant will provide certified security to ensure a safe, quiet environment inside and outside the premises.

Thank you for your attention and cooperation with this application.

Sincerely,



Jeffery LeFrançois  
Chair



Burt Lazarin  
Co-Chair  
Business Licenses & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business Licenses & Permits  
Committee

# HELBRAUN LEVEY

June 12, 2023

Jesse Bodine  
Manhattan Community Board 4  
424 W 33rd St Suite #580  
New York, NY 10001

**RE:** 122-26 ST OPS LLC  
122 WEST 26TH STREET  
NEW YORK, NY 10001

Dear Jesse Bodine

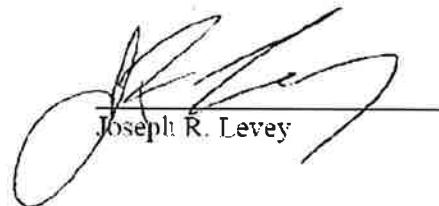
I am writing to you on behalf of my client in the subject of this letter. These applicants will occupy the space at the above address where they plan to operate a restaurant.

Our client's intention is to apply to the New York State Liquor Authority for a/an ST Permit and on-premise liquor license.

As you are aware, part of the licensing process requires that the Local Municipality or Community Board be notified to be given an opportunity to comment on the application. Please consider this letter notification of our intent to apply to the New York State Liquor Authority for the above referenced license.

Please forward any meeting notification information and/or documentation requirements to  
in our Licensing Department, at the address indicated in my letterhead below, or to Heather Kirk  
heather@helbraunlevey.com.

Sincerely,



Joseph R. Levey

### Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: 06/12/2023 1a. Delivered by: Overnight Mail, Tracking Number and Proof of Delivery

*Manhattan Community Board 4*

**RECEIVED**  
Date: 6/15/23  
Time: \_\_\_\_\_  
By: [Signature]

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:  
For premises outside the City of New York:

New Application  Removal  Class Change

For premises in the City of New York:

New Application  New Application and Temporary Retail Permit  Temporary Retail Permit  Removal  
 Class Change  Method of Operation  Corporate Change  Renewal  Alteration

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date  
For **Renewal** applicants, answer all questions  
For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)  
For **Corporate Change** applicants, attach a list of the current and proposed corporate principals  
For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation  
For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type  
For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: MANHATTAN COMMUNITY BOARD 4

**Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable): N/A Expiration Date (if applicable): N/A

5. Applicant or Licensee Name: 122-26 ST OPS LLC

6. Trade Name (if any): (N/A)

7. Street Address of Establishment: 122 WEST 26TH STREET

8. City, Town or Village: NEW YORK, NY Zip Code: 10001

9. Business Telephone Number of applicant/ Licensee: PENDING

10. Business E-mail of Applicant/Licensee: c/o HEATHER@HELBRAUNLEVEY.COM

11. Type(s) of alcohol sold or to be sold:  Beer & cider  Wine, Beer & Cider  Liquor, Wine, Beer & Cider

12. Extent of Food Service:  Full Food menu; full kitchen run by a chef/cook  Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment: Restaurant (full kitchen and full menu required)  
 Seasonal Establishment  Juke Box  Disc Jockey  Recorded Music  Karaoke

14. Method of Operation: (check all that apply)  Live Music (give details i.e., rock bands, acoustic, jazz, etc.): VARIOUS

Patron Dancing  Employee Dancing  Exotic Dancing  Topless Entertainment

Video/Arcade Games  Third Party Promoters  Security Personnel

Other (specify): (N/A)

15. Licensed Outdoor Area:  None  Patio or Deck  Rooftop  Garden/Grounds  Freestanding Covered Structure  
(check all that apply)  Sidewalk Cafe  Other (specify): (N/A)

Original  Amended Date \_\_\_\_\_

16. List the floor(s) of the building that the establishment is located on: **GROUND FLOOR + BASEMENT/CELLAR**

17. List the room number(s) the establishment is located in within the building, if appropriate: **(N/A)**

18. Is the premises located within 500 feet of three or more on-premises liquor establishments?  Yes  No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation?  Yes  No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:  
**FONDUE 26 LLC** **1228651**  
Name Serial Number

21. Does the applicant or licensee own the building in which the establishment is located?  Yes (if YES, SKIP 23-26)  No

**Owner of the Building in Which the Licensed Establishment is Located**

22. Building Owner's Full Name: **DEZER PROPERTIES**

23. Building Owner's Street Address: **89 FIFTH AVENUE, 11TH FLOOR**

24. City, Town or Village: **NEW YORK** State: **NY** Zip Code: **10003**

25. Business Telephone Number of Building Owner: **2112-929-1285**

**Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice**

26. Representative/Attorney's Full Name: **JOSEPHLEVEY;HELBRAUN & LEVEYLLP**

27. Representative/Attorney's Street Address: **40 FULTON STREET,FLOOR 28**

28. City, Town or Village: **NEW YORK** State: **NEW YORK** Zip Code: **10038**

29. Business Telephone Number of Representative/Attorney: **212 219 1193**

30. Business E-mail Address of Representative/Attorney: **HEATHER@HELBRAUNLEVEY.COM**

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: **JOSEPHLEVEY** Title: **ATTORNEY**

Principal Signature: 