



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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June 26, 2023

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

Re: Try Alpha Inc. d/b/a Magnitude
627 11th Avenue, NY NY (West 46/47 Streets)

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends **denial** of the application for an OP license for Try Alpha Inc. d/b/a Magnitude, 627 11th Avenue, NY NY (West 46/47 Streets).¹ Granting this license would not be in the public interest because this establishment risks seriously compromising reasonable residential quality of life. The proposed establishment would be located in a previously-licensed space -- formerly an automobile dealership -- and is massive in size: In its initial submissions to MCB4, the applicant estimated the maximum occupancy at 2,000 people on the inside ground floor and 2,500 people on the unenclosed roof above the ground floor (although the applicant subsequently proposed reducing those numbers, as outlined below). This area is already saturated with other large-scale licensed venues that have prompted regular complaints from nearby residents. The addition of a large venue with DJs, live music, and dancing, open until 4:00 a.m. nightly, risks bringing significant increased noise, traffic, and disruption to this area, affecting thousands of residents who live within several blocks of this location.

This establishment is in an area with a high concentration of liquor licenses: 9 (nine) OP liquor licenses within 500 feet of this address (per the applicant's submission). Per MCB4's records, four of those establishments have capacities over 400 people -- one with a capacity of over 1000 people. Another huge club at 639 West 49th Street, with a capacity of over 1,400 people, is just 505.1 feet

¹ MCB4's recommendation is based on a vote taken at its April 4, 2023 full board meeting, with 35 members voting in favor of the recommendation, 0 members opposed, 0 members abstaining and 0 present but not eligible.

from this location (per the SLA's LAMP application). MCB4 has fielded residential complaints about these venues, particularly regarding their rooftops and outdoor spaces, over a period of multiple years.

Adding an additional late-night mega-club of this size risks pushing this neighborhood to the breaking point, with massively increased vehicular and pedestrian traffic as patrons arrive and depart from the establishment all night long. Of particular concern is the noise made by patrons, often loud and inebriated, as they leave the establishment and loiter in the immediate vicinity or walk to public transportation. When nearby block associations warned of the negative effects of all of these club-goers walking down residential blocks late at night, the applicant stated that they anticipated that the bulk of their patrons would arrive by car. If so, the applicant presented no plan as to how this area could handle an influx of potentially thousands of cars a night -- whether private vehicles needing parking or taxis and similar vehicles dropping off/picking up riders and clogging the avenue as they wait for passengers. (The applicant stated they hoped to utilize the parking lot of the nearby Intrepid aircraft carrier museum, but apparently have not had any discussions with that venue about the possibility.)

Although the applicant's Public Interest Statement submitted to MCB4 describes this location as "an area of NYC that is somewhat desolate and away from residential buildings," that statement fails accurately to reflect the increasingly residential nature of these blocks. (The applicant also inappropriately referred to this area as a "ghetto.") For example, catty-corner to this location, on the NE corner of 47th Street and 11th Avenue, is a mixed-used building with multiple floors of residential units. The block-long residential complex Gotham West, with over 500 residential units on 32 floors, is less than two blocks away on 11th Avenue spanning West 44th and 45th Streets. Based on prior negative history with the clubs in this area, MCB4 believes that these numerous residents will be negatively affected by the crowds, traffic, and noise from this massive, proposed venue.

The applicant appeared twice before MCB4's Business Licenses and Permits (BLP) Committee at the Committee's January 10, 2023 and March 14, 2023 meetings and was considered by the MCB4 full Board at its April 4, 2023 meeting. At those three meetings, no one spoke or submitted written statements in favor of this application (other than individuals affiliated with the applicant). By contrast, two nearby, long-established block associations submitted strong opposition to this application, as did all of the speakers from the public at the three MCB4 meetings at which this application was discussed. It is telling that there was no community support whatsoever for this application -- particularly with respect to an applicant with no apparent connection to this district or community.

At the BLP Committee meetings, the applicant referred in general terms to their experience operating venues outside Manhattan, but provided no concrete details that any of the applicant's principals had ever operated a venue of this size in a densely-packed Manhattan neighborhood with a significant residential population. In multiple areas, the applicant's plans as presented to MCB4 did not appear adequately thought-through. As noted above, the applicant did not provide any kind of traffic or parking plan to support the influx of thousands of vehicles to this neighborhood. Their submitted

security plan was generic, with nothing specific to this location regarding how the applicant would deal with such issues as sidewalk queuing, sidewalk smoking, idling vehicles, and the quiet dispersal of their patrons. Although they initially proposed the use of the rooftop by up to 2,500 people, the applicant submitted no evidence that the various city agencies would permit that use and that capacity -- particularly given that the roof is currently served by only two staircases. And while the applicant ultimately submitted acoustic reports, those reports, among other issues, did not come from a consultant on NYC's Approved Noise Consultant List for Commercial Music Mitigation.

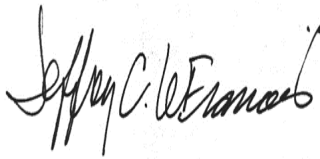
The applicant's abrupt and dramatic shifts in their position between the two BLP Committee meetings also raised concerns about the solidity and credibility of the applicant's plans for this location. At the January 10th meeting, the applicant insisted that they required the capacities of 2,000 people inside and 2,500 people on the rooftop in order to operate successfully. In their second appearance before the BLP Committee on March 14th, the applicant proposed a reduced capacity of 750 people indoors with the roof limited to 250 patrons seeking to smoke. (At the March 14th the meeting, the applicant then agreed to no rooftop use when told that rooftop smoking was apparently illegal -- an issue that the applicant had not investigated.) The applicant had no convincing explanation as to why they now believed that they could operate with a capacity of less than one-quarter of what they had insisted was required two months earlier. As one community member observed, the proposed occupancy numbers "seem to be just completely pulled out of a hat."

MCB4 strongly believes that this is the wrong location for an establishment of this size, late hours, and method of operation in an increasingly residential area that already contains several large, late-night clubs. Given the noise and other concerns threatening reasonable residential quality of life, granting this license would not be in the public interest.

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

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