



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

May 16, 2024

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

Re: Mics Nomad LLC
d/b/a Butter Club
111 West 24th Street (6th/7th Aves)
NY, NY

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends **denial**¹ of the application of Mics Nomad LLC d/b/a Butter Club, 111 West 24th Street, NY, NY for an On Premises full Liquor/Wine/Beer and Cider License. Given the serious concerns about the method of operation of this establishment at this previously-unlicensed location and the intense opposition from numerous nearby residents, 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 13 (thirteen) On Premises licenses within 500 feet of this address, per the SLA’s LAMP site. This location is mid-block on a side street, has not been previously licensed, and is surrounded by residential buildings. Granting an On Premises license here would create a serious risk of increased noise and disturbance from patrons, increased vehicular traffic, and impeded pedestrian circulation.

This applicant initially appeared before MCB4’s Business Licenses and Permits (BLP) Committee at its August 8, 2023 meeting, seeking to open a large (170-person capacity), two-floor karaoke bar, with a late closing time of 2:00 a.m. nightly, in a space that, to the best of our knowledge, has never been previously licensed or housed an eating or drinking establishment. When faced with serious community opposition at that meeting, the applicant agreed to postpone its BLP appearance in order to meet with interested residents. On September 27, 2023, the applicant met with approximately 50 concerned residents, who raised the numerous issues outlined below. The BLP Committee co-chair attending this meeting urged the applicant to continuing meeting with these residents to attempt to address their concerns. Although the applicant continued to postpone its next BLP Committee appearance for six months, the applicant apparently never met again with the objecting neighbors.

¹ MCB4’s recommendation is based on a vote taken at its April 3, 2024 full board meeting, with 39 members voting in favor of the recommendation, 0 members opposed, 0 members abstaining and 0 present but not eligible.

The applicant finally returned to the BLP Committee at its March 12, 2024 meeting. At that meeting, the Committee heard serious concerns about the application from multiple nearby residents and considered extensive written submissions in opposition, including from the Council of Chelsea Block Associations, the residents of the building that would house the applicant, and the board of the residential condominium on West 25th Street that abuts this property. No one (other than the applicant) spoke or made a written submission in support of the application.

The residents in opposition raised multiple areas of concern. They noted that this application was for a large 170-person capacity space that had not been previously licensed and sought a closing time of 2:00 a.m. nightly. (The applicant informed the BLP Committee that its business plan had no flexibility for an earlier closing time.) The residents pointed out that an establishment of this size would bring significant pedestrian and vehicular traffic to this mid-block location – of particular concern given the late-night hours being sought -- which presented a serious risk of disruption to reasonable residential quality of life.

Although there was apparently some confusion on this point, the building at issue does house residential tenants, who were vehement in their opposition to this application. These residents questioned whether, given the construction of this building, the applicant's operation could ever be adequately soundproofed against the transmission of noise and vibrations. Although the applicant did obtain and submit to MCB4 an acoustical report concluding that soundproofing was possible, the applicant did not discuss the report with the objecting residents to assess the adequacy of those measures.

The objecting condominium board and unit owners of the abutting West 25th Street building raised additional concerns. For example, they noted that the applicant planned to install large air handlers and a kitchen exhaust on the roof of 111 West 24th Street, just feet from multiple windows in the West 25th Street building. They pointed out that the applicant's acoustical report did not address noise issues from this equipment or noise infiltration through the shared walls of these two buildings. Again, despite full awareness of these serious concerns, the applicant apparently never met with these residents (after the initial September 27, 2023 meeting) in the six months since the applicant's initial BLP Committee appearance to discuss and attempt to resolve the concerns.

At the March 12th BLP Committee meeting, the applicant had no meaningful explanation for its failure to meet further with the objecting neighbors and merely stated in conclusory fashion that the applicant had plans to deal with those concerns. This somewhat glib response to varied, serious concerns from numerous surrounding residents – advanced during the applicant's planning phase -- raises serious issues of trust between the applicant and the community, as well as meaningful doubt as to whether the applicant would be a good neighbor responsive to community concerns if it were granted the license sought here.

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

Thank you for your attention and cooperation with this application.

Sincerely,



Jessica Chait
Chair



Burt Lazarin
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee