CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JESSICA CHAIT
Chair

JESSE BODINE
District Manager

December 18, 2025

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

Re: W44 Diner LLC
d/b/a TBD
623 Ninth Ave. (44th/45th St.), NY, NY

Dear Chair Fan:

Manhattan Community Board 4 (MCB4) recommends **denial** of the application of W44 Diner LLC, 623 Ninth Avenue, NY, NY for an On Premises full Liquor/Wine/Beer and Cider License. This applicant seeks a diner open 24 hours, 7 days a week, serving alcohol until 4 am nightly. MCB4 has no objection to most aspects of the proposed operation, including the 24/7 food service, but believes that, at least initially, alcohol service should cease at 2 am to allow time to assess the effects of a 24-hour operation with late-night alcohol service at this location, which has not previously housed such an establishment. Accordingly, MCB4 proposed that it would support this application, with the usual stipulations set out below, if the applicant would agree to cease alcohol service at 2 am nightly – a cut-off time that could be revisited after the applicant had been in operation for 6-12 months. That proposal remains open. The applicant, however, refused to agree to this one suggested modification.

The proposed establishment falls within the 500-foot rule as there are 23 (twenty-three) On Premises licenses within 500 feet of this address, per the SLA's LAMP site. To the best of MCB4's knowledge, no prior establishment has operated at this location with the late-night hours sought here. Granting these hours for an On Premises license would create a serious risk of increased noise and disturbance from patrons, increased vehicular traffic, and impeded pedestrian circulation. In particular, this location is two doors away from the popular "historic dive bar" Rudy's Bar & Grill, which frequently has significant numbers of patrons and others smoking and loitering on the sidewalk here; adding another 4 am license could add significantly to the noise and congestion.

This applicant appeared before MCB4's Business Licenses and Permits (BLP) Committee at its November 18, 2025 meeting, seeking to open what they described as a 24/7 diner, serving alcohol from 6 am to 4 am every day. (The applicant agreed at the BLP meeting to begin alcohol service at 8 am.) Local residents who spoke at the BLP meeting were supportive of the 24/7 hours for food service, but had varying views on allowing alcohol service until 4 am.

MCB4 has serious concerns about permitting this applicant to open with a 4 am license at the outset and believes that such a license would not be in the public interest. The establishment is located on the ground floor of an otherwise residential building, which abuts other residential buildings and is across the street from another large residential building, all of which could be disrupted by late-night alcohol service – which has not been the prior method of operation at this location. MCB4 was also concerned by the applicant's reluctance to agree to provide licensed security personnel nightly during the late-night hours; the applicant maintained that security could be adequately handled by an on-site manager and multiple security cameras.

After extensive discussion, the BLP Committee was prepared to agree to all aspects of the applicant's proposed method of operation with one exception: The Committee believed that ceasing alcohol service at 2 am, rather than the requested 4 am, was appropriate. (With alcohol service ending at 2 am, the Committee was willing to forgo its request for licensed security personnel.) Unfortunately, the applicant was unable to agree to this proposal.

If the Liquor Authority disagrees with MCB4's recommendation of denial, MCB4 requests that the following be made terms of the applicant's liquor license (together with the attached stipulations, signed and submitted by the applicant). The applicant has agreed to all of the below:

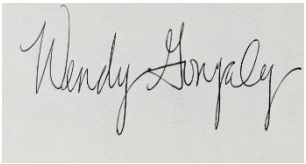
+ Background music only.

+ Storefront annex of premises on West 44th Street will not be operated as a separate establishment and will be operated only as part of the main restaurant. Doors to this portion of the premises will be for emergency use only.

+ There will be no illuminated signs on the West 44th Street side of the premises.

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

Frank Holozubiec
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Business License & Permits Committee

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