



**JOHN WEIS**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

June 10, 2010

Dennis Rosen  
Chairman  
New York State Liquor Authority  
80 S. Swan Street, 9<sup>th</sup> Floor  
Albany, New York 12210

**Re: New York East Gourmet Premier LLC d/b/a New York Burger Co.**  
*470 West 23<sup>rd</sup> Street (at 10<sup>th</sup> Avenue.)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a transfer of a new wine and beer license for New York East Gourmet Premier LLC d/b/a New York Burger Co., unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- 1) Hours of operation will be from no earlier than 11 a.m. until no later than 11:00 p.m., Sunday through Thursday, and from no earlier than 11:00 a.m. to no later than 12:00 a.m. on Friday and Saturday.
- 2) The establishment will have a capacity of no more than 74, with no more than 10 tables with 23 seats.
- 3) The applicant is applying for a license for an enclosed sidewalk café; otherwise, the establishment will have no outside space. Applicant shall consult the NYC Landmarks Preservation Commission prior to operating the enclosed café to ensure compliance with applicable laws governing the historic district where the establishment is located.
- 4) Any open windows and doors must be closed by 10:00 p.m. on weekdays and by 11:00 p.m. on weekends.
- 5) The establishment will have soft background music, which will not be audible from outside the establishment, and when the music is playing, all windows and doors shall be closed.
- 6) No d.j.s or outside promoters will ever be used.

7) A certified sound engineer has been retained and will implement soundproofing. These recommendations will include but not be limited to decibel restrictors / controls and soundproofing materials, particularly for the ceiling.

8) Kitchen exhaust will exit through ventilation above the highest floor of surrounding buildings and be constructed in a manner so as not to disturb neighboring residences or offices. Also, the ventilation system shall be installed in compliance with and operate pursuant to NYC Buildings Code, and the NYC Landmarks Commission shall be consulted prior to installation.

9) The applicant and the establishment's managers shall meet with the residential tenants in its building approximately six months after beginning operations and shall address concerns or questions raised by the tenants.

10) The applicants and the establishment's managers shall provide telephone numbers where they can be reached to the residential tenants in the building.

11) Inasmuch as this restaurant is located in an historic landmark district, the applicant, in operating the restaurant and enclosed sidewalk café, shall comply with all pertinent laws and rules, including but not limited to the NYC Building Code and the rules of the NYC Landmarks Preservation Commission.

A signed copy of the stipulations agreed to by the applicant is enclosed. This application is for an independently owned, franchised restaurant, located in a residential building..

Sincerely,



John Weis  
Chair  
Manhattan Community  
Board 4

[Signed 6/10/10]

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee – South

[Signed 6/10/10]

Hugh Weinburg  
Co-Chair  
Business License & Permits  
Committee – South