

September 5, 2002

Hon. Edward Kelly
Commissioner, NYSLA
84 Holland Avenue, 2nd Floor, A Wing
Albany, New York 12208

Re: Chelsea Heights Development Corp., d/b/a D.E.N. 290 Eighth Avenue

Dear Chair Kelly:

At its August 13th meeting, the Business Licenses and Permits Committee recommended that the application of Chelsea Heights Development Corp. for an on-premises liquor license be approved with stipulations.

BACKGROUND

This site has had an extremely troubled past, and neighbors in the immediate vicinity have adamantly opposed its use for almost any purpose. The Committee believes that the current applicant's proposal is as good as any the landlord is apt to get, and the applicant is familiar with and states that he is sympathetic to the community's concerns. And, if the applicant does create the kind of establishment he projects, that should be good for the entire community.

STIPULATIONS

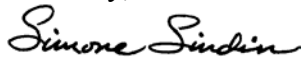
In light of community and Committee concerns, the applicant agrees to attach the following stipulations to his liquor license.

1. Applicant will hire a reputable sound-engineering firm to create an effective sound-proofing plan for the premises. He will inform the Committee as details of this plan are filled in, and implement the sound-engineer's recommendations.
2. Applicant will submit a description of the sound system to the Committee prior to its installation. This sound system (a) shall use no sub-woofers, and (b) shall have non-overrideable limiters on all equipment as necessary.
3. Applicant will prepare the interior ceiling system of the premises for the installation of sound baffles if and as required.

4. Applicant will devise and implement patron management programs that prohibit patron queuing before entering the premises and encourage quiet and timely dispersal of patrons upon leaving the premises.
5. Applicant will, during all hours of operation, have on premises a manager who is readily reachable by the community and who shall respond promptly and effectively to complaints.
6. Applicant will send a decision-capable manager to monthly meetings of the Quality of Life Committee of CB4 for six months after opening, and thereafter on an as-needed basis.
7. Applicant will not (a) allow patron use of the backyard/garden or (b) patron dancing.
8. Applicant will not turn over the premises to outside promoters.
9. In the event that applicant ceases to operate the establishment as described in this application, he will not transfer his liquor license but will voluntarily surrender it.

Thank you for your consideration.

Sincerely,



Simone Sindin

Chair

Manhattan Community Board No. 4

Cheryl Kupper

Co-Chair

Business Licenses & Permits Committee

Pat Rogers

Co-Chair

Business Licenses & Permits Committee

This letter was passed at Manhattan Community Board No. 4's Sept 4, 2002 full board meeting.

cc: Local Elected Officials

Fred Gioffre

Applicant