

May 16, 2003

Beverly Gotay
Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Cabaret License application by JCC Ventures, Inc., d/b/a The Lobby, 330 W. 38th St.

Dear Ms. Gotay,

At its meeting on May 13, 2003, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 voted to recommend denial of an application for a cabaret license by JCC Ventures, d/b/a The Lobby, at the premises noted above. Four members voted for this recommendation, and two abstained. The reasons for this decision follow.

Disruption to the community

The Board office, its Quality of Life Committee, and its Business Licenses and Permits Committee have heard numerous and continuing complaints from individual residents of the block. These complaints include excessive shouting from patrons entering and leaving the club during late night and early morning hours, taxi honking and car-door slamming, litter and other debris left on the street, and so on. Residents also complain that security personnel outside the premises do little to control these problems.

The Board has received from residents a video tape made over several weekends, including on Sunday nights. This tape shows massive numbers of people on the sidewalk and in the street at all times, the continuous use of a sidewalk line and stanchions, traffic congestion, and tremendous amounts of litter.

The Midtown South Police Precinct, sent representatives both to our Quality of Life Committee (the Commanding Officer himself came) and the Business Licenses and Permits Committee meetings to recommend denial of a cabaret license on the basis of past club behavior. Police from the Precinct have been summoned to the premises on many occasions, on two of which 17 violations were issued, including "disorderly premises" and after-hours liquor service. On one occasion, the owners had to call the police and had 30 officers and barricades set up on the street.

This demonstrated disregard for the surrounding community, substantiated by the experience of Midtown South Precinct, is our most compelling reason for recommending denial of a cabaret license at this time.

Deviation from business plans and disregard of stipulations attached to liquor license

We are also concerned about misrepresentations made to the Board in the course of applying for a liquor license. When appearing to present a liquor license application, the applicants described their establishment as a restaurant/supper club and lounge with a full food menu. In fact, no food is served at the venue. They also promised to limit queuing on the street to occasional special events such as corporate parties and weddings; instead, queuing occurs every night they are open. They told us a cabaret license would be needed only for these special events, but now they tell us it is needed to legalize the regular club activities. This is borne out by the fact that they were recently cited for a violation of the cabaret law.

The applicants seem incapable of controlling noise and other negative impacts from their venue, despite their promises. They agreed to adequately sound proof their front doors, but have not done so. They swore that their security personnel would be able to control outdoor crowds and traffic, but this is not the case.

Committee recommendations

We have asked The Lobby to do the following:

- Complete the sound-proofing of their entry/exit way.
- Augment and train security personnel on the street in crowd management and traffic control. Staff and management, must understand their obligation to maintain order and reasonable quiet on the street during hours of club operation, learn how to accomplish this, and demonstrate their commitment to doing it.
- Management must attend the monthly Midtown South Police Precinct Community Council meetings regularly and respond promptly and effectively to any community complaints.
- Management must demonstrate a commitment to work effectively with neighbors to mitigate the disruptive conditions created on the street by their club.

With verifiable progress on these counts, and an absence of violations and/or police calls, for a period of 60 days, we will reconsider the cabaret license application.

We respectfully ask that the Department of Consumer Affairs consider our opinion and give substantial weight to our recommendations when you consider this application. In any event, thank you for your careful consideration of this distressing matter.

Sincerely,



Simone Sindin

Chair

Manhattan Community Board No. 4



Cheryl Kupper

Co-Chair

Business Licenses & Permits Committee

Kevin Kossi

Co-Chair

Business Licenses & Permits Committee

cc: Local Elected Officials
Applicant/Legal Representation