

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
Tel: 212-736-4536 Fax: 212-947-9512
www.ManhattanCB4.org

J. LEE COMPTON
Chair

MICHELLE SOLOMON
Acting District Manager

February 10, 2006

Joshua Toas
New York State Liquor Authority
84 Holland Avenue, 2nd floor, A-Wing
Albany, NY 12208

Re: NS/PG LLC, 147 West 15th Street

Dear Mr. Toas,

Manhattan Community Board No. 4 is opposed to the issuance of an on-premises liquor license at this location. Neighborhood residents appeared at our February Business Licenses & Permits Committee meeting and our February Full Board meeting to speak in opposition to this application. They have previously strongly opposed the granting of a new liquor license at this location, and the SLA recently agreed with them, voting unanimously to deny the liquor license application of Naga Dragon Inc. for the same space. Many of the concerns about the new applicant are the same:

- Residential Location
This is a very large commercial space located on a quiet residential street. The operations of the previous occupant, Man Ray (Holdimat Restauration NY LLC), also originally billed as a high-end restaurant, generated noise levels that were totally incompatible with the block.
- Proximity to Schools and Houses of Worship
The space is on the ground floor of a residential building, across the street from a church, and next door to a social service agency that runs a day care center and childhood education program. The proximity of the church should preclude the granting of an on-premises liquor license under SLA grandfathering rules.
- Zoning for Residential Use
Because the street has been rezoned to allow only residential use in 1999, Man Ray was a non-conforming use, allowed only because of DOB grandfathering rules. This grandfathering should have run out several months ago, after the space had been vacant for two years. Therefore commercial use should no longer be allowed. In order to maintain the grandfathering, according to the neighbors, the landlord installed a small deli serving microwaved food for several weeks over the summer. We are not at all sure that this action suffices to maintain the grandfathering, given the serious allegations that Man Ray was operating without needed certificates of occupancy. Man Ray gave up its liquor license in early February, 2004, meaning that in a few more days, two years will have passed, if they have not already. Either way, we are concerned about the landlord's manipulation of the rules.

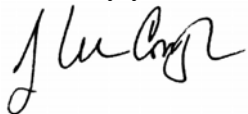
J. Toas
February 10, 2006
Page 2 of 2

The Board shares the concerns of the residents, and believes the two grandfathering issues must be resolved before a license can be legally issued. Furthermore, the Board was actively involved in the rezoning of the area and the creation of the Chelsea Plan that was meant to lead to the residential use of this block. As a matter of principle, we cannot support further commercial use of this space.

The Board notes that principal Arthur Emil has also been involved with Windows on the World, the Rainbow Room, Beacon, Solo, and Prime Grill - all highly regarded restaurants run in a professional manner. However, this is not the issue. The seriousness of the legal issues surrounding this license application, which must be resolved before a license can be granted, and the City policy supporting residential use of the space, are the central issues at hand.

Given the above issues raised, Manhattan Community Board No. 4 opposes the issuance of a liquor license at this location.

Sincerely yours,



Lee Compton
Chair
Manhattan Community Board No. 4

Kevin Kossi
Co-Chair
Business Licenses & Permits Committee

John Weis
Co-Chair
Business Licenses & Permits Committee

cc: Applicant
Fred Gioffre
Elected Officials