



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**

Chair

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

District Manager

November 14, 2007

Commissioner Daniel Boyle  
New York State Liquor Authority  
80 South Swan Street  
Albany, NY 12210

**Re: 615 9<sup>th</sup> Ave LLC d/b/a Circus Bar – 615 9<sup>th</sup> Avenue**

Dear Commissioner Boyle:

At Manhattan Community Board 4's Business Licenses and Permits Committee meeting on October 16th, the committee reviewed the renewal of Circus Bar's liquor license as we were advised by the owner that they intended to renew its license, which expires 12/31/07. The applicant had advised us within a few days of the committee meeting of their intent to renew.

The applicant was invited to appear before the committee by phone and the community was invited by internet posting. The community had a large attendance that was strongly opposed to the renewal of this license (for reasons cited below). The applicant failed to show for the committee meeting. It was noted that both applicant and community were given short notice of this committee agenda item.

This renewal was at the end of an extremely long agenda, consequently the community waited over 3 hours for the applicant to attend and to speak against this renewal application. No one from the community spoke in favor of renewal. Because the applicant was not present we could not question the applicant about the community complaints. The community representatives were advised that because they waited so many hours to speak and they gave their complaints already, it would not be necessary for them to attend another Business License and Permits Committee meeting as the complaints would remain on file.

This establishment has been extremely problematic for the community. The West 44<sup>th</sup> Street Block Association represented that the rear yard usage by Circus was extremely disruptive to the apartments facing into the courtyard surrounding Circus' rear yard. The community complained of extremely loud talking and shouting by patrons until 4 am nightly. Residents close to an avenue block away (nearer to Tenth Avenue) complained to the block association of the noise. The rear yard has since been closed by measures taken by the Mayor's Office of Special Enforcement and it is believed the technicality is improper fire egress. The block association also stated that the bar owners and employees were extremely hostile to requests to maintain a peaceful environment in the rear courtyard until after the rear yard was ordered closed. The block association also believes the SLA should have a number of complaints in its file as well.

Because of the rear yard closure, individuals representing themselves as 'the new owners' of the establishment attended a block association meeting in June, 2007 and stated they wanted a 'fresh start' with the community. The block association stated that the bar still disregards the rear yard closure and

noise emanates from patrons using the rear yard on occasion. The Board has no record of a transfer application submission since this bar opened and does not know the identity of 'new owners'.

The Midtown North Precinct of the NYPD as well as Mayor's Office of Special Enforcement also has a file of complaints from the community and a record of numerous calls responding to violence emanating from as well as inside the establishment.

The Business License and Permits committee will meet again on November 13<sup>th</sup>. If the true owners of this establishment do not appear, we recommend full denial of this renewal application for reasons above. In the interim, the Board will attempt to contact the owners by phone and by copy of this letter sent via ground mail.

The Board will advise the SLA if there are further developments after its full board meeting on December 5, 2007.

In the interim, the recommendation of denial was supported by a majority vote at the full board meeting on November 7<sup>th</sup>

Sincerely,

Jean-Daniel Noland  
Chair

Manhattan Community  
Board 4

Lisa Daglian  
Co-Chair

Business License & Permits  
Committee

Chuck Spence  
Co-Chair

Business License & Permits  
Committee

cc: Applicant  
Fred Gioffre  
Elected Officials