



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

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

February 14, 2007

Chairman Daniel Boyle
New York State Liquor Authority
80 South Swan Street, Suite 900
Albany, NY 12210-8002

RE: Manhattan Music Group Inc, d/b/a The Manhattan Music Society, 610 West 56th Street

Dear Commissioner Boyle:

At its January 9, 2007 meeting, the Business Licenses and Permits Committee of Manhattan Community Board 4 voted to recommend denial of a new on premises liquor license for the owners of the venue, Manhattan Music Society, unless the operators incorporate the conditions outlined below into their application with the State Liquor Authority or the State Liquor Authority imposes the conditions on the applicant.

Though this application has received neighborhood opposition, primarily based on the horrendous operations of the previous tenant, we felt the track record of the current applicant (which garnered a letter of support from City Council member Alan Gerson) and their willingness to adopt the following extensive conditions, positioned them as a favorable tenant and neighbor.

The conditions are:

1. Manhattan Music Group LLC (“MMG”) agrees not to rent or otherwise cede or turn over control of the Premises to any third party promoter for private parties, promotions or other events.
2. MMG agrees to reasonably soundproof the ceiling and interior and exterior walls of the Premises in accordance with the recommendations contained in the attached soundproofing report prepared by the firm of Chapell Lane Productions, dated December 22, 2006.
3. MMG agrees to include in its standard band/performer contract the following express provisions:
 - A maximum 110 decibel cap on the volume generated during any performance and a trained MMG employee will monitor the restriction. In addition, MMG equipment will have a governor restricting the sound to 110 decibels.
 - A prohibition against circulating or posting of “palm cards”, leaflets, signs, flyers or other promotional materials advertising upcoming performances at MMG’s Premises or around the neighborhood.

- Violations of these restrictions will subject the violators to substantial penalties for breach of contract.
4. MMG's management shall meet with designated representatives of Community Board 4 ("CB4") on a monthly basis during the first year of operation if requested to discuss any quality of life issues which may arise during that time period concerning MMG's operation. In addition, MMG agrees to foster positive relations with the community by offering such things as resident discounts and community events to be coordinated through CB4.
 5. MMG agrees not to include in its liquor license application the roof garden of the premises as an area covered by its liquor license. If MMG wishes to amend its liquor license at some future time to extend to the roof garden area, it will provide CB 4 with 30 days written notice of such intention and will not file the appropriate application with the SLA without approval of CB4. All speakers and sound and other music equipment will be removed from the roof garden. **Limited patron use of the roof must end by dusk.**
 6. Cabs, limousines or other vehicles used by patrons to attend or leave MMG's Premises will not be allowed to queue on the block outside such premises or in any other areas nearby MMG except for taxis which are needed at closing time. Toward this end, MMG will notify cab companies servicing the West Side of Manhattan of the anticipated time that each concert will end so as to coordinate their sending an adequate number of cabs to the Premises. In addition MMG will use its best efforts in cooperation with CB4 to convince the New York City Department of Transportation to permit a taxi stand on West 56th Street.
 7. MMG will notify the **NYPD's Midtown North precinct office of community affairs and cabaret division** of as to ongoing schedule of events in advance of the date of such concert and the anticipated number of attendees so as to permit the precinct to adjust its patrolling pattern accordingly.
 8. MMG security personnel will be used to patrol the block and areas around the building, including Clinton Towers and Harbourview Towers. In addition MMG will comply with security plan submitted to CB4 by Strike Force Protective Services, Inc.
 9. MMG will improve lighting on the building (including the upgrading of the marquee) to improve the appearance and safety of 56th Street which is a rather dark and forbidding area at present in the vicinity of MMG's premises. In addition, MMG will cooperate with CB4 in examining possibilities for improving street lighting. In a further effort to enhance the appearance of its location, MMG will explore with the City the possibility of its planting trees in proximity to the premises.
 10. At its own expense, MMG will employ workers to provide, on a regular basis, additional street and sidewalk cleaning services and litter removal outside MMG in addition to those required by the Department of Sanitation in order to improve the appearance of the neighborhood. MMG will also provide ample trash receptacles around the Building and remove the trash from the receptacles on a regular basis.

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11. MMG will make reasonable efforts to employ people from the local community in its establishment in areas including, but not limited to, cleaners, security, bartenders, and management. Consistent with this effort, MMG intends to hold a community job fair at the time it commences hiring.
12. **With no more than six exceptions per year, at all events, music and beverage sales will conclude by 12:30 AM. At as many as six events per year, music and beverage sales may extend until 2:00 AM. At one of these six events, on New Year's Eve, music and beverage sales may extend until 4 AM. In addition, MMG agrees that no more than 50 events per year will have more than 2,500 attendees. MMG will notify CB4, in writing, at least one week in advance of those events at which music and/or beverage sales will extend past 12:30 AM or have more than 2,500 attendees. At all events the club will be vacated within 60 minutes of the cessation of music and beverage sales.**
13. MMG agrees to work with the owners of parking facilities in its surrounding neighborhood to establish a credit voucher or similar program to be utilized by its patrons and further agrees to publish on the MMG website the location of such parking facilities.
14. MMG intends to have a mechanism (either video or otherwise) at the exits to inform the attendees leaving the premises of traffic problems on highways, bridges and tunnels in and around the building and the best way to travel (by walking, bus or taxi) to the subway stations at Columbus Circle.
15. MMG agrees to submit these stipulations to the State Liquor Authority and be bound by them as part of its method of operation in the liquor license application.

At its full board meeting on February 7, 2007, Manhattan Community Board 4 voted to approve this recommendation.

Sincerely yours,



J. Lee Compton
Chair

Manhattan Community Board No. 4

Lisa Daglian
Co-Chair
Business Licenses & Permits Committee

John Weis
Co-Chair
Business Licenses & Permits Committee

cc: Applicant
Fred Gioffre
Elected Officials