



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**

Chair

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

District Manager

April 3, 2008

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

**Re: LLJ Food Corp d/b/a Market Diner – 572 Eleventh Avenue (43/44)**

Dear Chairman Boyle:

At its March 11, 2008 meeting, the Business Licenses and Permits Committee of Manhattan Community Board 4 voted to recommend denial of a new On-Premise Liquor License for LLJ Food Corp d/b/a Market Diner unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- Tenant will not be leasing nor utilizing downstairs 'club space' or bar previously occupied by Club Hush and Club Edelweiss, which were extremely problematic for the community.
- Applicant will not apply for a cabaret license now or at any time in the future.
- Applicant intends to be open 24 hours a day, 7 days a week with usage of the current parking lot as a 'front yard' for outdoor dining. As the establishment is located directly across from an residential building, the applicant agreed to policies of MCB4 outdoor patio use, specifically as follows:
  - The consumption of alcohol in outdoor space will be only via seated food service.
  - The outdoor space will be closed and vacated (including restaurant staff) by 10 p.m. on Sunday through Thursdays and 11 p.m. on Friday and Saturday. The outdoor space will not be accessed by staff prior to 10 a.m. and not open to patrons prior to 11 a.m. Doors and windows will be closed by 10 p.m. Sunday-Thursday and 11 p.m. Friday-Saturday and not opened prior to 10 am. If there is any amplified music playing inside, the doors and windows will be closed at all times, as per law.
  - The applicant and his/her staff will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g., there will be no amplified music outside, as per the law). The applicant will also do everything in its power to provide a sound baffling or sound controlled environment through landscaping or tarp coverage or some

type of enclosure, where possible. This stipulation includes possibly working with landlords for soundproofing adjacent tenants' apartments (such as installing soundproof windows, acoustical tiles, etc.)

- Neighbor complaints will be resolved by applicant in a timely manner and in coordination with Manhattan Community Board 4.
- The applicant will have a plan for lighting which, while providing safe lighting of the space will not disturb neighbors..

Market Diner is a restaurant that will be open seven days a week, 24 hours a day. Total capacity is 99 with ten in the bar area and 89 for dining. The establishment will be operated primarily as a restaurant with full bar service.

At its full board meeting on April 2, 2008, Manhattan Community Board 4 voted to approve this recommendation.

Sincerely,



Jean-Daniel Noland  
Chair  
Manhattan Community  
Board Four

Lisa Daglian  
Co-Chair  
Business License  
& Permits Committee



Chuck Spence  
Co-Chair  
& Business License & Permits  
Committee

cc: Applicant  
Fred Gioffre  
Assemblymember Richard Gottfried  
Senator Thomas Duane  
Speaker Christine Quinn