



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
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**JEAN-DANIEL NOLAND**  
Chair

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

February 18, 2009

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

**Re: 523 Ninth Avenue d/b/a Hell's Kitchen (39/40)**

Dear Commissioner Boyle:

The applicant came before CB4 to ratify an alteration to the entrance to this establishment and to request approval for a future alteration to the cellar to add a third bar. Manhattan Community Board 4 recommends denial of these alterations to the full liquor license of 523 Ninth Avenue d/b/a Hell's Kitchen unless the following stipulations, agreed to by the applicant, are part of their method of operation:

- Hours of operation will remain 9:00 a.m. to 4:00 a.m., seven days per week.
- Total capacity will be 300. The new bar downstairs area adds approximately 50-60 and is included in the total capacity number above. There will be no usage of the second floor for service or public access.
- Other than the above there will be no change to the current method of operation.

In discussions with the Business License and Permits Committee the applicant has also agreed:

- Other than the sidewalk café, no outside space will be utilized for service or public access, such as patios or rooftops. In the past, this was a considerable problem for neighboring residents as the illegal rooftop use created disturbance during all hours of operation. It was noted that the applicant has not used any illegal outdoor space within the past six months.

- To not apply for a cabaret license.
- No outside promoters will be used for events at this establishment.

This establishment is a restaurant and bar with a full kitchen and will play background music and utilize DJ's. The board would also like to note that this establishment was a large problem for the community prior to the hiring of the current manager, Ricky Mercado. Without Mr. Mercado's presence as manager, it would be difficult to provide this approval as he has done a good job of resolving problems with the neighbors and CB4.

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  
 Elected Officials