



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

COREY JOHNSON
Chair

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

November 18, 2013

Dennis Rosen
Chair
New York State Liquor Authority
317 Lenox Ave.
New York, NY 10027

Re: Fairy Tales Lounge, LLC
500 West 48th Street
License #: 1248424

Dear Mr. Rosen:

Manhattan Community Board 4 (MCB4) requests that the NYS SLA not renew the on-premises liquor license for the establishment Fairy Tales Lounge, license #1248424 located at 500 West 48th Street. The license is up for renewal on November 30, 2013. You may also recall that the Community Board had voted to deny the original application based on the 500 foot rule and the fact that it is on a residential block where a barber shop once stood (see Attachment A).

Since the very day it opened the Board Office has received complaints from the neighboring resident and the 47th/48th Street Block Association. These complaints have been about excessive noise into late hours of the night, the showing of an adult-movie with the doors open (thus, visible to the street), and late night congregation in the street under the windows of residents (see Attached B- 311 complaints from neighbors and video).

We have asked the establishment to address these complaints numerous times and recently the owner attended the November 12, 2013 Business License and Permits Committee all to no avail. There have also been complaints about employees at the establishment, and unwillingness to be at all responsive to

complaints. In fact, at the committee meeting when asked to address these complaints the owner, Anthony J. Scianna, was belligerent and unwilling to do anything to address these long standing complaints. He acknowledged that he had never taken any steps to mitigate noise or address congregating crowds, stating that it wasn't a big deal and that it cost too much.

Given these length of these complaints, their seriousness, and the applicant's unwillingness to address them we are left with no option but to ask that liquor license #1248424 not be renewed.

Thank you for your consideration.

Sincerely,



Corey Johnson
Chair

cc: Michael Jones, Deputy Chief Executive Officer, NYS SLA
Saundra Williams, NYS SLA
NYC Council Speaker Christine Quinn
NYS Senator Brad Hoylman
NYS Assemblyman Richard Gottfried
47th/48th Street Block Association



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JOHN WEIS
Chair

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

October 6, 2010

Dennis Rosen
Chairman
New York State Liquor Authority
84 Holland Avenue, 2nd floor, A-Wing
Albany, NY 12208

Re: **Fairy Tales Corp d/b/a Fairy Tales**
500 West 48th Street (10th/11th Avenues)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends **denial** of a full (OP) on premises liquor license for **Fairy Tales Corp d/b/a Fairy Tales**, for the following reasons:

- Prior to this application, the subject location has never been a bar or restaurant to the knowledge of the community. It has a history of being a barber shop or an office/work space. The address above is a residential side street within Manhattan.
- This establishment is in a residential building with apartments above and also to the West and East side as well as the South side, creating a bar/restaurant establishment too close to residents that would create ongoing disturbances.
- This establishment falls within the 500 foot rule as there are at least 3 similar class liquor licenses within 500 feet of the front entrance to the subject address. There was no compelling need from the community established for a bar/restaurant at this location.
- The West 47th/48th Street Block Association held meetings with the applicant and remained opposed to the recommendation to approve this application. A copy of their letter is attached.
- Questions remained unanswered regarding the Certificate of Non-Harassment for the building this establishment would be located within. Additionally, the Certificate of Occupancy does not permit a bar/restaurant within this location.

- This location is within the Clinton Special District and if this establishment were to open in this location, it was deemed that it would materially change the residential composition of this area of the Special District, which is contrary to the zoning regulations.

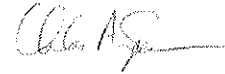
MCB4 found the applicant to be forthright and encouraged the applicant to seek space on an avenue within the Special District instead of the subject address.

Thank you for your attention and cooperation with this application.

Sincerely,



John Weis
Chair
Manhattan Community
Board 4



Lisa Dagian
Co-Chair
Business License & Permits
Committee - North

Chuck Spence
Co-Chair
Business License & Permits
Committee - North

Fairy Tails Lounge

Nancy Roylance [nancyroylance@ymail.com]

Sent: Tuesday, October 22, 2013 3:28 PM**To:** Benfatto, Robert**Cc:** roywing@nyc.rr.com

Dear Bob,

Thanks for making sure that community voices are heard by the SLA as they consider renewing Fairy Tails' liquor license. Please add my complaints to those you've already received.

Like many others in the community - especially those of us who sadly count Fairytails among our most immediate neighbors - I have had my sleep disturbed by pounding music on many occasions. I've also had my evening relaxation shattered by the bar's loud and unruly patrons on the street in front of my apartment. One of these customers responded to my husband's request that he keep his voice down by yelling "what do you expect - you live next to a bar!" I think that says it all. Even though many of us who make our homes on 48th Street predate Fairytails by decades, and even though we fought to prevent the issuing of a liquor license to such an ill-placed "lounge," we are now seen as the interlopers by many of the bar's patrons. Promises about security, and pledges to keep the door closed to prevent the seepage of noise and other unwanted intrusions onto our residential street appear to have been long forgotten. And above all, on too many nights pounding bass vibrates my walls and disrupts my and my husband's sleep.

I fervently hope that the SLA will deny renewal of this establishment's liquor license and restore the quality of life for our block. I am grateful for all that you are doing to assist us with this issue.

Best,

Nancy Roylance

Fairy Tails

Stephen Roylance [roywing@nyc.rr.com]

Sent: Tuesday, October 22, 2013 6:24 AM**To:** Benfatto, Robert

Another letter from someone in our building at 504 W48. He forwarded it to me to send. Lorraine Lowrey in our building says she has 311 complaint numbers. Will forward them this evening. - Steve Roylance

Monday, October 21, 2013

Dear Sir or Madame,

I am writing to you in order to express my extreme dissatisfaction with the bar "Fairy Tale Lounge" which is directly next door to the coop where I live on W 48th St. I have been awakened numerous times at all hours of the night due to the loud music and rambunctious crowds that gather in front of the place. These people sometimes spread over in front of our building. I have been forced to call 311 on numerous occasions hoping the police would calm the place down so that I can get a night's sleep and go teach in the morning.

There is also a rat problem largely caused by the trash that they set in the alleyway. People are often screaming as the rats run out of the alleyway across to the construction site. Every morning as I walk past the Fairy Tale Lounge in the morning I notice all the cigarette butts and garbage laying in front of the place, often with butts and cups on our property. In my opinion, they are terrible neighbors and put a lot of stress on the people that reside in the immediate surroundings. I could only hope that the city doesn't renew their license.

Paul Mastalinski
Resident on W 48th Street

Noise Complaints 311

10/26/12 11⁵⁵pm # C 1-17946907

11/2/12 11⁴⁶pm C-1-1797270171

12/11/12 12³⁰am Rowdy in street
could not get there. (waited 10 mins)

5/1/13 C-1-1848869575

5/4/13 C-1-1849448745

5/10 12⁴⁵am waited 15 mins on 311

5/19 12⁴⁵am Hung up at 12¹⁹am -

Fwd: Fairy Tails

Stephen Roylance [roywing@nyc.rr.com]

Sent: Tuesday, October 22, 2013 4:40 PM**To:** Benfatto, Robert**Attachments:** DOC_fairy_tails_com.pdf (36 KB)

Begin forwarded message:

From: Lorraine Lowrey <nanal1933@yahoo.com>
Date: October 22, 2013 12:52:28 PM EDT
To: Stephen Roylance <roywing@nyc.rr.com>
Subject: Re: Fairy Tails
Reply-To: Lorraine Lowrey <nanal1933@yahoo.com>

Hi Steve;

I tried to send the info to Mr. Benfatto but it will not go. They keep telling me to correct the address. I am doing it exactly as it is below and not working.

Mr. Benfatto, I have been plagued by this noisy Fairy Tails Lounge for close to a year.

They are not only noisy, but very nasty at times. I have spoken to the owner, Anthony about his "bouncer" and he said he would get rid of him but he continued working there for another 2 months. I complained about the loud noise and the carrying on outside of his lounge. Most of the time, they come over by our door and smoke and since they are quite drunk, they are loud and using lewid and obnoxious language. We have a gate covering our entrance way and they just open it and sit there and do "whatever" they do. Just last week I passed and the music was very loud and I went to the door and 2 fellows came out and I asked one of them to please get the manager and he told me no. They not only were both "footless", but started to make out in front of me in a very vulgar way. I then went to the window where the bar was and tapped the window with my keys. Someone looked out and I told him to please turn down the volume and he just laughed and waved his hand at me and then closed the curtain. This noise only seems to start after 10pm, why I don't know unless it is because they are so drunk, they need to turn it up. There is no need for a Kareoke machine there as the bar is not that big, so the noise is quite loud. The pounding from the vibration without fail, my floors on the 3rd floor actually shook! When they have performers there, it is also very noisy and they mingle out in the street by our door and the lamppost and do not talk in a whisper!

This is a residential neighborhood and no one is looking to put anyone out of business, but we are working people and get up early the next day (I even work on Saturday and Sunday). When you pass the bar around 7 or 8pm even, the music is at a minimum with the door open! Why then after 10pm until ?? do they have to carry on so much? We also have the Hardware Bar on 10th Avenue and their back end is in the back courtyard and that music comes up at night also, but so far, not as bad. But when you pass on 10th Avenue, all the doors and window doors are open and the noise is very loud. (Whatever happened to soft music?) or respecting the rights of others? If they cannot be civil and control their business, they should be shut down! This neighborhood always had bars in it. I was born in this neighborhood and my sister who is 73 was born in this building! The bartender would have the jukebox on, but if someone went and turned it up after a certain hour, the bartender

or owner would make them turn it down or many times I was told they pulled the plug out of the wall. They respected the people who lived here. Please do not renew the license of Fairy Tails Lounge. It has a very bad clientele and not suitable for our neighborhood and now that we have a few transient hotels in our block and they have to pass them, they seem quite disturbed at times from their comments as I pass by them.

I am enclosing some of the 311's I made, unfortunately I cannot find the rest, but I do have more. I even went to the Precinct meeting and voiced my concern. The next place you'll probably be hearing from is Pier 92, with their 3-4 night binges inside of a "hollow tunnel???" But we're told at the police precinct meeting that is Mayor Bloomberg's doing and they can't do anything about it! GOD BLESS AMERICA!!! Money seems to talk and those of us just have to take it.

Disgusted and full of despair for my neighborhood. Please help us! DO NOT RENEW THE LICENSE FOR FAIRY TAILS LOUNGE!

Sincerely,

Lorraine Lowrey

504 West 48 Street NYC

From: Stephen Roylance <roywing@nyc.rr.com>

To: Lorraine Lowrey <nanal1933@yahoo.com>

Sent: Tuesday, October 22, 2013 7:10 AM

Subject: Fairy Tails

Hi Lorraine - Actually I recommend (now I think on it) that you send your 311 complaint numbers and your letter detailing your experience with Fairy Tails directly to Robert Benfatto at rbenfatto@cb.nyc.gov. (If you want you can copy me so I also have records of everything we sent). Thanks. - Steve

Fairy Tails Lounge - Complaint

Pat Hooper [pw504@aol.com]

Sent: Tuesday, November 05, 2013 9:42 AM**To:** Benfatto, Robert**Cc:** aefearshk@earthlink.net; ktreat@earthlink.net

November 5, 2013

Robert J. Benfatto
District Manager
Community Board 4
330 West 42nd Street 26th Floor
New York, NY 10036

Re: Fairy Tails Lounge, 500 West 48th Street – Noise Complaint

Mr. Benfatto,

We are writing to submit a complaint to CB4's Business, Licenses and Permit Committee regarding the Fairy Tails Lounge located at 500 West 48th Street. My husband and I live next door at 504 West 48th Street.

On Wednesday nights and weekends from 11 pm -12:30 am, we frequently hear loud noise coming from Fairy Tails. It is the thumping bass and microphone talk from the disc jockey that keeps us awake. Sound vibrations from the bass speakers are felt through the frame of our platform bed. We live in an old-law tenement, a wood-framed building built in 1888. The music and sound vibrations carry through the brick/wood structure. We have to close windows, use air conditioners and/or a white noise machine to mask the unrelenting bar noise.

Furthermore, patrons of Fairy Tails smoke outside the bar, talk loudly on their cell phones, laugh, scream and hang out on our building front stoop. In the morning, piles of cigarette butts, broken beer bottles, empty glasses and garbage litter the sidewalk.

Over the years, we have called 311 and Midtown North to place complaints. On several other occasions (in the early am hours) we have tried to report complaints but have been able to get through on 311. The most recent 311 calls:

Service Request #: C1-1-904786111 **Service Request #:** C1-1-900615441
Date Submitted: 10/19/13 12:41:23 AM **Date Submitted:** 11/01/13 12:45:25 AM
Request Type: Noise - Commercial **Request Type:** Noise – Commercial
Details: Loud Music/Party **Details:** Loud Music/Party

Service Request #: C1-1-851923091 **Service Request #:** C1-1-849281961
Date Submitted: 05/12/13 9:40:30 AM **Date Submitted:** 05/02/13 9:27:41 PM
Request Type: Noise – Commercial **Request Type:** Noise - Commercial
Details: Loud Music/Party **Details:** Loud Music/Party

Thank you,

Pat and John Hooper
504 West 48th Street #5#
New York, NY 10036
(212) 541-8142

Fairtail Lounge Complaints

Stephen Roylance [roywing@nyc.rr.com]

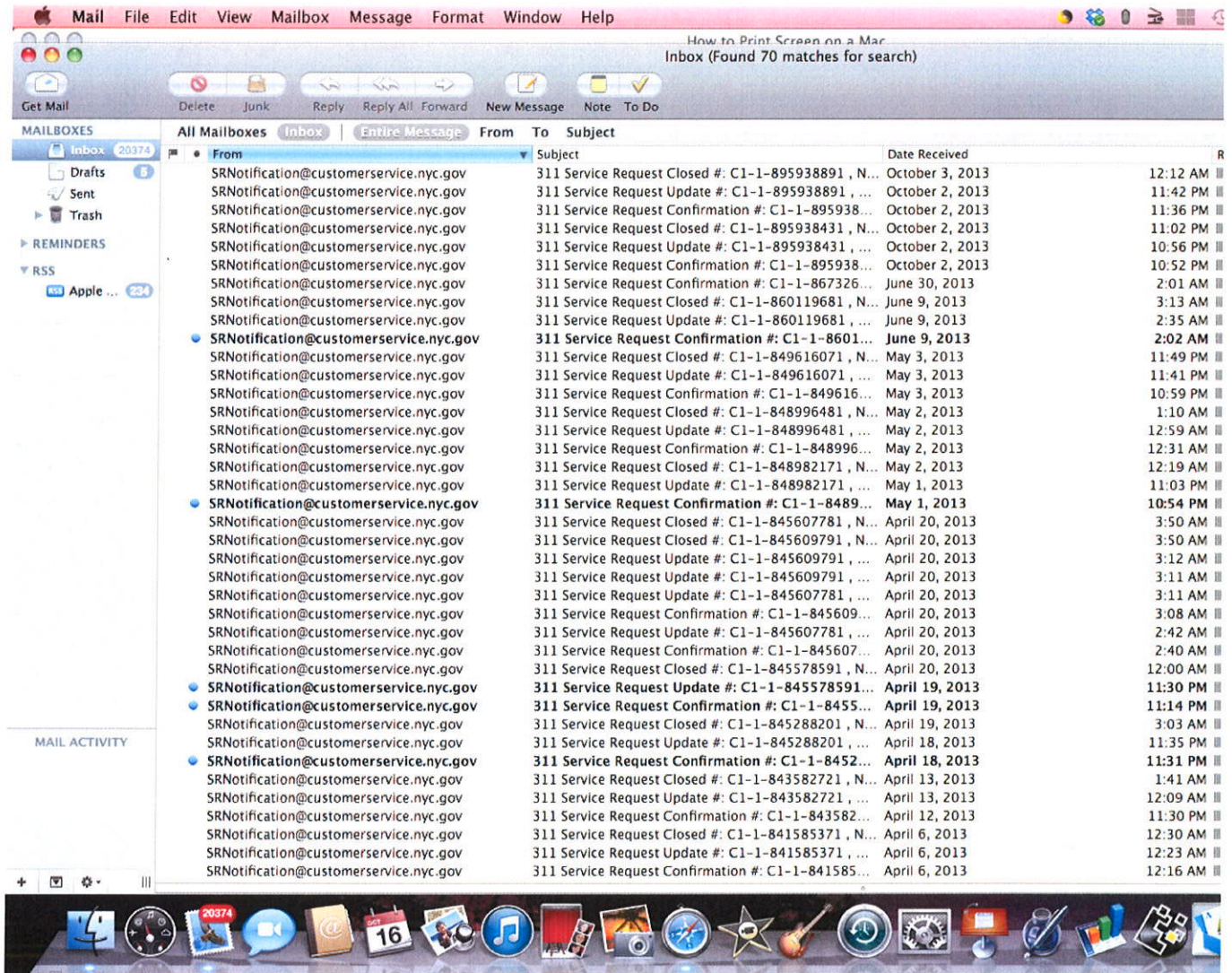
Sent: Monday, October 21, 2013 5:52 PM

To: Benfatto, Robert

Hi Bob - Got the e-mail chain about no complaints being receive by SLA from 311. Well, here is a partial list of mine (some numbers are repeated). This does not include any of the phone calls I made before I started making the complaints online. I know that Pat Hooper, Lorraine Lowry, and Paul Mastalinski all made complaints many times to 311.

This establishment has been a problem from the beginning. The owner never sound-proofed his bar. He put in a huge sound system which on big party nights is up full blast. The beat of the bass can be heard and felt in our building. High notes are also clearly audible. Sometimes a microphone has been used (evidently he has rented out the space to others for birthday parties). The most egregious nights are what I can only call "strip nights." These have happened on Sunday and Wednesday nights until past midnight. On three separate occasions (and because I am away frequently I am sure more than three) the curtains have been open for all passing by to look in. Probably to advertise what is going. On the bar are strippers and playing above the bar on a flat screen TV are porn videos - ALL VISIBLE FROM THE STREET! The first two times I was too shocked to think. But the third time I took out my Iphone and took movies. Once someone inside saw what I was doing they started closing the curtains. I have gone into the place several times to speak to the owner who simply doesn't care. The last time, Oct. 2, with arms folded across his chest said, and I quote - "I don't have to turn it down." I know that there are several people in the building above the bar who are very upset with the noise who have also confronted the owner.

It worries me that the SLA has no record of complaints from 311. Doesn't 311 have a record of these complaints and can't they be forwarded to the SLA? I will try to contact Pat Hooper and others and have them write you. I can write more. If there is more you need please don't hesitate. My phone is 917-428-0288. Thanks for all your help wit this. - Stephen Roylance



The screenshot shows a Mac Mail application window. The title bar includes 'Mail', 'File', 'Edit', 'View', 'Mailbox', 'Message', 'Format', 'Window', and 'Help'. The main window title is 'Inbox (Found 70 matches for search)'. The sidebar on the left shows 'MAILBOXES' with 'Inbox (20374)', 'Drafts (8)', 'Sent', and 'Trash'. Below that are 'REMINDERS' and 'RSS' with 'Apple ... (234)'. The main pane displays a list of emails from 'SRNotification@customerservice.nyc.gov' and 'Pat Hooper'. The messages are sorted by date received, ranging from May 12, 2013, to November 9, 2012. The subject lines include '311 Service Request Update', '311 Service Request Confirmation', and '311 Service Request Closed'. The bottom of the screen shows a dock with various application icons.

From	Subject	Date Received	R
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-845288201, ...	April 18, 2013	11:35 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-8452...	April 18, 2013	11:31 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-843582721, N...	April 13, 2013	1:41 AM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-843582721, ...	April 13, 2013	12:09 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-843582...	April 12, 2013	11:30 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-841585371, N...	April 6, 2013	12:30 AM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-841585371, ...	April 6, 2013	12:23 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-841585...	April 6, 2013	12:16 AM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-831692921, N...	March 2, 2013	1:28 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-831692...	March 2, 2013	12:22 AM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-829994730 ...	February 24, 2013	8:55 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-8299...	February 24, 2013	8:11 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-825827...	February 8, 2013	11:16 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-820963701, N...	January 25, 2013	2:53 AM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-820963701, ...	January 25, 2013	2:46 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-8209...	January 25, 2013	2:22 AM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-817904958, N...	January 15, 2013	12:29 AM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-817904958, ...	January 15, 2013	12:07 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-8179...	January 15, 2013	12:04 AM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-800222015, N...	November 9, 2012	11:46 PM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-800222015, ...	November 9, 2012	11:42 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-800222...	November 9, 2012	11:19 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-794728658, N...	October 27, 2012	7:20 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-794728...	October 26, 2012	11:47 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-794328419, N...	October 25, 2012	11:28 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-794328...	October 25, 2012	11:19 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-793138915, N...	October 21, 2012	10:53 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-793138...	October 21, 2012	10:07 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-792510895 ...	October 19, 2012	1:00 AM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-792510895...	October 19, 2012	12:50 AM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-7925...	October 18, 2012	11:44 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-790876586, N...	October 12, 2012	11:59 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-790876...	October 12, 2012	11:56 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-744207897, N...	April 23, 2012	10:47 PM
SRNotification@customerservice.nyc.gov	311 Service Request Update #: C1-1-744207897, ...	April 23, 2012	10:35 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-744207...	April 23, 2012	10:32 PM
SRNotification@customerservice.nyc.gov	311 Service Request Closed #: C1-1-741420703, D...	April 11, 2012	10:26 PM
SRNotification@customerservice.nyc.gov	311 Service Request Confirmation #: C1-1-741420...	April 11, 2012	10:13 PM
Pat Hooper	Fwd: 311 Service Request Closed #: C1-1-85192...	May 12, 2013	1:26 PM

Fwd: 311 Service Request Confirmation #: C1-1-905085661 , Noise - Commercial

Stephen Roylance [ROYWING@NYC.RR.COM]

Sent: Saturday, November 02, 2013 7:16 PM

To: Benfatto, Robert

More from Fairy Tail Lounge. - Thank you. - Stephen Roylance

Begin forwarded message:

From: SRNotification@customerservice.nyc.gov
Date: November 1, 2013 11:24:26 PM EDT
To: ROYWING@NYC.RR.COM
Subject: **311 Service Request Confirmation #: C1-1-905085661 , Noise - Commercial**
Reply-To: SRNotification@customerservice.nyc.gov

This is an auto-generated system message. Please do not reply to this message.

Service Request #: C1-1-905085661
Date Submitted: 11/01/13 11:23:49 PM
Request Type: Noise - Commercial
Details: Loud Music/Party

Thank you for contacting New York City 311. Your Service Request has been sent to the New York City Police Department for action.

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