



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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DELORES RUBIN
Chair

Jesse Bodine
District Manager

April 10, 2017

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

**Re: Top Brass LLC
d/b/a Chelsea Station
290 Eighth Avenue (24/25 Streets)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the application by Top Brass LLC d/b/a Chelsea Station, 290 Eighth Avenue, New York, NY (24/25 Streets) for a method of operation change -- specifically to extend its closing hours to 4:00 a.m. on Thursday-Saturday and 3:00 a.m. on Sunday-Wednesday. (The current licensed hours provide for closing at 1:00 a.m. on Thursday-Saturday and midnight on Sunday-Wednesday.) Given that this location is surrounded by residential buildings in a residential neighborhood and that several prior late-night establishments at this location have caused serious, extensive quality of life problems for neighborhood residents, granting the requested late-night closing hours would not serve, and would be contrary to, the public interest.

According to reports of community members, prior operators at this location with late-night hours -- including The Gates and Rome -- caused serious problems for the surrounding community, including an extended history of violations from the SLA and city agencies, loud music and crowd noise emanating from the inadequately-soundproofed premises, unauthorized dancing contributing to the nightclub atmosphere, and noisy and belligerent patrons exiting and loitering outside the premises at late night hours. Accordingly, numerous community members appeared at each meeting of MCB4's Business Licenses and Permits (BLP) Committee

at which applications for this location were presented to urge that any new operator in this location function as restaurant, not a club, and not have late night hours.

When the present applicant Top Brass LLC appeared before the BLP Committee at its January 12, 2016 meeting in connection with its original On-Premises application, the applicant submitted a 500-foot rule statement in which the applicant represented that it was “my intention to create a period, atmospheric restaurant that will be both a neighborhood staple and a destination dining experience.” (A copy of the statement is attached.) Top Brass LLC first sought to operate until 4:00 a.m. nightly, but, after hearing the community’s and MCB4’s concerns, the applicant agreed to the current closing hours of midnight/1:00 a.m. Thus, the applicant chose to open this establishment knowing the community’s concerns about late hours and a club atmosphere at this location and cannot profess surprise regarding the current, continued opposition to such hours by the community.

At the March 21, 2017 meeting of the BLP Committee at which the current application was discussed, multiple community members reiterated their concerns about permitting late-night hours at this location, given the known history of the disturbances caused late-night operations in this residential area. They also submitted a petition with over a hundred signatures opposing the change in hours.

Finally, MCB4 believes that the applicant does not have a sufficient track record to support extending its hours of operation -- its current license was first effective on July 8, 2016, and thus it has been operating for less than one year. Moreover, even the applicant’s limited track record raises areas of concern. In its original stipulations with MCB4, the applicant agreed it would have background music and live music limited to no more than three musicians; the applicant did not state it would have a DJ. Nonetheless, the applicant’s current website advertises: “DJ Bobby. Open format music based on the crowd! Dress to impress -- no cover charge” (website printout attached). The applicant’s current hours of operation are also inconsistent with its representations in its 500-foot rule statement that it would operate as a “period, atmospheric restaurant.” As stated on the applicant’s website, “dining hours” end at 10:00 p.m. or 11:00 p.m. Monday-Saturday and 9:00 p.m. on Sunday, despite the fact that its “opening hours” are listed as extending to midnight on Sunday-Wednesday and 1:00 a.m. Thursday-Saturday. In other words, even under its current hours of operation, there are at least two hours each night when no food is served, and the applicant apparently operates as a bar/club serving drinks only. This existing pattern raises serious concerns about the type of

operation that would occur during the extended, late hours currently being sought -- hours that seem completely inconsistent with the “period, atmospheric restaurant” originally promised to the community.

For the reasons stated above, MCB4 requests that the present application be denied.

Thank you for your attention and cooperation with this application.

Sincerely,



**Delores Rubin
Chair**

**[Signed on 4/10/17]
Burt Lazarin
Co-Chair
Business Licenses &
Permits Committee**

**[Signed on 4/10/17]
Frank Holozubiec
Co-Chair
Business Licenses &
Permits Committee**