



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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**JOHN WEIS**

Chair

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

District Manager

July 22, 2010

Jonathan Mintz  
Commissioner  
City of New York  
Department of Consumer Affairs  
42 Broadway  
New York, NY 10004

Dennis Rosen  
Chairman  
New York State Liquor Authority  
80 S. Swan Street, 9<sup>th</sup> Floor  
Albany, New York 12210

**Re: Volo Restaurant dba Nine**  
*800 Ninth Avenue (53<sup>rd</sup>/54<sup>th</sup>)*

Dear Commissioner Mintz and Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a transfer of a full liquor license and UNENCLOSED sidewalk café permit for **Volo Restaurant dba Nine** unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- Hours of operation will be no earlier than 11:00 am and no later than 11:00 pm, 7 days per week. The same hours apply to the sidewalk café.
- The applicant is not applying for a cabaret license with this current application.
- There will be 8 tables with 16 seats in the outdoor café. The sidewalk café will be placed only along the West 53<sup>rd</sup> Street side of the building.
- The applicant stated they will have background music playing in the restaurant, but no amplified sound outdoors.
- Applicant will mark the sidewalk boundaries according to the approved plans submitted to the DCA.

- There will be French doors and/or windows that open to the street front. Applicant has agreed to close them by 10:00 pm Sunday through Thursday and 11:00 pm on Friday and Saturday. They will also be closed whenever amplified sound is played inside, as per law.
- Delivery bikes will be stored within the sidewalk café permit area close to the wall at the East most end of the building on W53rd Street
- Applicant will not install a storm vestibule enclosure that will project more than 18 inches as per DOB code. Storm enclosures can only be used between November 15th and April 15th.
- Kitchen exhaust will exit through ventilation above the highest floor of surrounding buildings and be constructed in a manner to not disturb neighboring residents or offices. Additionally it will be compliant with NY DOB code.

A signed copy of the stipulations agreed to by the applicant is enclosed. This is a restaurant establishment and will have a capacity of no more than 74 with 22 tables and 62 seats.

Sincerely,



John Weis  
Chair  
Manhattan Community  
Board 4



John Owens  
Co-Chair  
Business License & Permits  
Committee - North



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