



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

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

**Re: 415-417 Ninth Avenue Restaurant dba McGarry's**  
*415-417 Ninth Avenue (33<sup>rd</sup>/34<sup>th</sup> Streets)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of an alteration to a full liquor license for **415-417 Ninth Avenue Restaurant dba McGarry's**, 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 4:00 am Monday through Saturday and no earlier than 12:00 pm and no later than 4:00 am Sunday.
- There will be no use of any outdoor spaces (rooftop, patio or sidewalk café).
- The applicant is not applying for a cabaret license with this current application.
- The applicant agrees to never use outside promoters.
- The applicant agrees to follow the best practices as outlined by the New York Nightlife Association which was developed in cooperation with the New York City Police Department.
- The applicant stated they will have background music or a jukebox playing in the restaurant/bar.
- 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.
- There will be absolutely no use of delivery bikes.

- 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.
- 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.

A signed copy of the stipulations agreed to by the applicant is enclosed. This application is for an existing bar/tavern/restaurant that is expanding into the space next door. Total capacity will be 73 patrons.

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