



JOHN WEIS  
Chair

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

CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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December 16, 2010

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

**Re: 42<sup>nd</sup> Street Hotel LLC & 42<sup>nd</sup> Street Kitchen LLC and WHYEAT LLC d/b/a Axel Hotel**  
*508-510 W. 42<sup>nd</sup> Street (10<sup>th</sup>/11<sup>th</sup>)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a hotel liquor license for 42<sup>nd</sup> Street Hotel LLC & 42<sup>nd</sup> Street Kitchen LLC and WHYEAT LLC d/b/a Axel Hotel, unless the following stipulations, agreed to by the applicant, are part of their method of operation. This license includes room service; hotel mini bars; restaurant; and outdoor space including courtyard seating for total capacity of 30 persons. This is 123 room hotel with a total capacity of 796.

- 1) Hours of operation for the indoor space will be 24 hours a day, 7 days a week.
- 2) French doors to the restaurant will be closed at 10 p.m. Sunday through Thursday, and at 11 p.m. Fridays and Saturdays.
- 3) The outdoor courtyard space will be closed for service at 12 midnight Sunday through Thursday, and at 1 a.m. Friday and Saturday nights.
- 4) There will be no DJ or live music in the outdoor courtyard area.
- 5) Adjustments will be made to recommendations made by certified sound engineer/acoustician based on reconfiguration of walls to the courtyard space to reflect that it will be enclosed on three sides vs. four sides as originally measured. Additionally, the applicant will consider use of additional sound absorbent materials for exposed south side of courtyard space.
- 6) The restaurant will have 145 person capacity, with 125 seats at 37 tables. There will be 1 Stand Up bar with 9 stools.
- 7) The outdoor space will include 1 affixed Stand Up bar with 18 stools and 1 roll out bar that will be treated as a Stand Up bar.
- 8) The applicant will follow the security plan as attached.
- 9) A certified acoustician/sound engineer will recommend and implement soundproofing on all indoor and outdoor facilities. The recommendations of the certified acoustician/sound engineer

include, but are not limited to, decibel restrictors/controls and sound absorbing material. A copy of the full report will be submitted with the application and is attached to this letter.

- 10) Only background music will be played in the outside space and will strictly follow the recommendations of the certified acoustician/sound engineer.
- 11) The applicant is not applying for a cabaret license with this current application.
- 12) The applicant will retain all control and responsibility for operation and security of the establishment. If any outside promoter is used, their role will be limited to marketing.
- 13) 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.
- 14) Applicant will provide 24 hour contact details to CB4, residents of Manhattan Plaza and other area residents, and pertinent community representatives.
- 15) Applicant will arrange for representatives to attend Precinct Council, Block Association and Community Board meetings to address and resolve any community problems that may arise from this establishment. The hotel and community associations will report progress and/or issues back to MCB4 regularly by email, writing or in person.
- 16) The applicant may apply to the community board for an alteration for hours of operation for the outdoor space 6 months after the establishment is in operation.
- 17) All delivery bikes will be stored inside the premises.

A signed copy of the stipulations agreed to by the applicant is enclosed on the MCB4 form. Copies of the sound engineer's report and recommendations are attached as submitted by the applicant.

Sincerely,



John Weis  
Chair  
Manhattan Community Board  
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[Signed 12/16/10]  
Lisa Daglian  
Co-Chair  
Business License & Permits  
Committee – North

[Signed 12/16/10]  
Chuck Spence  
Co-Chair  
Business License & Permits  
Committee – North