



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JOHN WEIS**  
Chair

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

July 31, 2009

Commissioner Daniel Boyle  
New York State Liquor Authority  
80 South Swan Street  
Albany, NY 12210

**Re: Bourbon Street, 346 West 46th Street**

Dear Commissioner:

Manhattan Community Board 4 recommended approval of a full license for Bourbon Street but stipulated that the rear yard patio usage be denied in all previous letters to the SLA. The reasons for the recommendation to deny rear patio use are contained in the enclosed copies of our letters, but relate mainly to the close proximity of dozens of apartments and bedroom windows to the rear yard patio space that was proposed.

The SLA commissioners abided by CB4's recommendations and granted approval WITHOUT rear yard patio use in previous motions. In a recent application to alter the license for subject establishment, CB4 again recommended denial of the rear yard usage again.

Subsequent to our letters, the SLA approved the rear yard usage within the past month and this has created a great disturbance to the neighboring building. Dozens of community residents have registered complaints with CB4, the MTN Precinct of the NYPD and through the city's 3-1-1 system.

Upon further inquiry, CB4 has learned that this matter was never presented to the full board of the SLA but instead was given automatic approval by the licensing department of the SLA. CB4 was advised by the neighboring residents that they have been watching for a hearing or a full board meeting of the SLA where their concerns could be taken into consideration in this decision. Indeed, there have been no agendas of the full board of the SLA or hearings where this matter was

discussed. The neighboring residents stated their outrage that the SLA provided an automatic approval for this rear patio usage.

This points to a legal loophole within the SLA's procedures whereby a stipulation that is decided by the Commissioners of the SLA can be circumvented by processing an alteration through the licensing department of the SLA without due process for the community.

We ask that the SLA immediately revoke the usage of this rear yard patio and take the matter up before the full board, while providing opportunity for the residential community to express their opinions and concerns.

Sincerely,



John Weis  
Chair  
Manhattan  
Community Board 4

[signed 7/31/09]

Lisa Daglian  
Co-Chair  
Business License &  
Permits Committee



Chuck Spence  
Co-Chair  
Business License &  
Permits Committee

cc: Applicant  
Fred Gioffre  
Elected Officials