



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**JESSE R. BODINE**  
District Manager

September 17, 2015

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

**Re: Zonea Food & Beverage Inc.**  
**d/b/a Bea**  
*403 West 43rd Street (9th/10th Avenues)*  
*Serial #*

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of an alteration to the On-Premise Liquor License for Zonea Food & Beverage Inc. d/b/a Bea because the extended operating hours sought in the alteration application (from presently closing at 12:30/1:00 a.m. to a 2:00 a.m. closing nightly) would not serve, and would be contrary to, the public interest.

This establishment falls within the 500 foot rule as there are **25 (twenty-five)** OP liquor licenses within 500 feet of this address. This establishment is located on a very residential side-street block; Manhattan Plaza, a 3000 unit apartment complex with a large number of senior residents, is located directly across the street from this location. The rest of the housing stock is a mix of tenements and brownstones with old windows and poor noise isolation. There are no other establishments on this block open until the 2:00 a.m. nightly closing time sought in this application. To the best of our knowledge, no prior licensed establishment at this location or on this block has been open as late as 2:00 a.m. In our experience, the extended hours sought in the application present a serious risk of increased vehicular and pedestrian traffic and gatherings outside to smoke, generating excessive street noise in the early morning hours and causing significant disruption to surrounding residents.

This applicant first appeared before MCB4 in 2012, seeking its original OP license. At that time, the applicant sought to close at 4:00 a.m. nightly. This original application was strongly opposed by the community for reasons including those stated above: the establishment's location on a very residential side street, the fact that no prior establishment at the location had been open so late, and the threat of increased vehicular and pedestrian traffic and noise late at night. Had the applicant not stipulated to the more limited hours of its present OP license -- closing at 12:30 a.m. on Sunday through Wednesday and 1:00 a.m. on Thursday, Friday, and Saturday -- MCB4 likely would have recommended denial of the original application.

This applicant again appeared before MCB4 in 2014 asking for a 3:00 a.m. closing. The recommendation last year was for a denial.

The services proposed by this establishment are not unique. As mentioned above, there is an overabundance of OP-licensed establishments within 500 feet -- with several of them, located on the primarily commercial Ninth Avenue, operating on the extended hours sought by the applicant here. This applicant's extended hours would add nothing to the community that is not readily available at nearby locations.

At the August 11, 2015 meeting of MCB4's Business Licenses and Permits Committee, many community residents spoke against the application for extended hours, citing the concerns outlined above, and some spoke in favor. A representative of the Manhattan Plaza Tenants Association informed us that the Tenants Association unanimously opposed the extended hours sought in the present application as they opposed the application last year.

Subsequent to the opening of the applicant's venue, another applicant -- BK 19 Inc. at 400 West 43rd Street -- appeared before MCB4 in connection with a license for premises immediately across the street from the present applicant. BK 19 Inc. initially sought a full O/P license with late night hours and its request met with extensive community opposition. After discussions with the community, BK 19 Inc. agreed to apply for a wine & beer (rather than a full OP) license and to close at midnight nightly. MCB4 recommended the approval of that application because of, and subject to, those stipulations.

MCB4 has for a second time re-evaluated the request for extended hours presented in the alteration application. Particularly in light of growing concerns about noise, increased concentration of licensed establishments, and continued community opposition, the Board adheres to its original conclusion, and its confirmation of that conclusion in 2014, that a late-night liquor license on this residential block is contrary to the public interest and the well-being of local residents. MCB4 accordingly urges denial of the present alteration application.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet  
Chair

[signed 9/17/15]

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee