

Valerie S. Mason  
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**The City of New York  
Community Board 8 Manhattan**

April 18, 2024

Robert Benedetto  
Deputy Commissioner  
State Liquor Authority  
80 South Swan Street, Suite 900  
Albany, NY 12210-8002

**RE: Fork and Cork LLC., dba Bar Vivent, 164 East 88th Street (Between Third and Lexington Avenues) New Application and Temporary Retail Permit for Wine, Beer and Cider**

Dear Deputy Commissioner Benedetto,

**Applications will only be approved based upon the applicant's agreement to the following stipulations:**

- 1. The applicant will abide by the bicycle guidelines and will ensure that any third-party delivery provider that it contracts with shall abide by the bicycle guidelines.**
- 2. The applicant will not use any unlawful motorized vehicle for deliveries and ensure that any third-party delivery service you contract with does not use any unlawful motorized vehicle**
- 3. The applicant will have delivery persons wear the proper attire such as helmets, identifiable clothing, etc. and ensure that any contracted third-party delivery service shall wear proper attire such as helmets, identifiable clothing etc.**
- 4. The applicant will not participate in bar-crawls**

At the Full Board meeting of Community Board 8 Manhattan held on April 17, 2024, the board approved the following resolution by a vote of 22 in favor, 17 opposed, 2 abstentions and 0 not voting for cause:

**WHEREAS** this side street block is zoned R8B, and the current retail spaces on the block were grandfathered as permitted,

**WHEREAS** members of the public spoke in opposition to the establishment of a wine bar midblock on a quiet side street whose current commercial establishments are only non-food and do not have evening hours

**WHEREAS** the proposed wine bar is to be located at a site that was formerly a dry cleaning establishment,

**WHEREAS** the building was built prior to 1938 so it has no certificate of occupancy

**WHEREAS** the applicant proposes to use the rear yard for additional table service and serve customers until 11:00 pm

**WHEREAS** there was concern as to whether the proposed use of the rear yard was lawful

**WHEREAS** the applicant acknowledged that its proposed use was not as of right and they were seeking approval from the Department of Buildings

**WHEREAS** applicant does not have a certificate of occupancy, and does not have a department of building approval or letter of no objection to its proposed novel use

**BE IT RESOLVED** that the application is **DISAPPROVED**.

Please advise this office of any action taken regarding this matter.

Sincerely,

*Valerie S. Mason*

Valerie S. Mason  
Chair

*Lindsey Cormack and Abraham Salcedo*

Lindsey Cormack and Abraham Salcedo  
Co-Chairs, Street Life Committee

cc: Honorable Kathy Hochul, Governor of New York State  
Honorable Eric Adams, Mayor of the City of New York  
Honorable Mark Levine, Manhattan Borough President  
Honorable Jerry Nadler, 12th Congressional District Representative  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District  
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Keith Powers, NYC Council Member, 4th Council District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Diana Ayala, NYC Council Member, 8th Council District