

1 **Business License & Permits Committee**

**Item #: 1**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Momofuku 232 Eighth Avenue LLC**  
12 *232 8<sup>th</sup> Avenue (21/22)*

13  
14 Dear Chairman Bradley:

15  
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer application for Momofuku  
17 232 Eighth Avenue LLC – 232 8<sup>th</sup> Avenue (21/22), **unless** the attached stipulations, agreed to and  
18 signed by the applicant, are part of the method of operation for this establishment with a capacity of 74;  
19 6 tables with 68 seats; 1 stand-up bar with 7 seats; hours of operation 12 p.m. – 11 p.m. Sunday –  
20 Thursday, 12 p.m. – 1 a.m. Friday & Saturday.

21  
22 Sincerely,

23  
24  
25  
26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

(All Fields Must Be Completed)


## Liquor License Stipulations Application

<b>APPLICANT</b>		<b>DOING BUSINESS AS (DBA)</b>		
Momofuku 232 Eighth Avenue LLC		to be determined		
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>		
232 Eighth Avenue		W 21st & W 22nd		
<b>OWNER</b>	<b>NAME:</b>	Andrew Salmon	<b>ATTORNEY</b>	
	<b>PHONE:</b>	212-228-0031	<b>NAME:</b>	
	<b>FAX:</b>	212-228-7493	<b>PHONE:</b>	
<b>MANAGER</b>	<b>NAME:</b>		<b>NAME:</b>	
	<b>PHONE:</b>		<b>PHONE:</b>	
	<b>FAX:</b>		<b>FAX:</b>	
		<b>LANDLORD</b>	<b>NAME:</b>	
			<b>PHONE:</b>	
			<b>FAX:</b>	
<b>DESCRIPTION OF BUSINESS</b>				
<b>Establishment Type:</b>	<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain): _____			
<b>Method of Operation:</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): _____			
<b>License Type:</b>	<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
<b>APPLICATION TYPE</b> <i>(check one)</i>	<input type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<b>YES</b>	<b>NO</b>
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input checked="" type="radio"/> <b>Transfer</b>	What is the prior license #?	THAINY Restaurant LLC	
		What is the expiration date on the prior license?	06/30/2015	
		Are you making any alterations or operational changes?	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> <b>Alteration</b>	What is the current license #?		
		What is the expiration date on the current license?		
<i>Please describe the nature of the alterations and attach the plans</i>				

**OPERATIONAL ISSUES**

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
<b>HOURS</b>	Operation	12pm - 11pm	12pm - 11pm	12pm - 11pm	12pm - 11pm	12pm - 1am	12pm - 1am	12pm - 11pm
	Music	-	-	-	-	-	-	-
	Kitchen	12pm - 11pm	12pm - 11pm	12pm - 11pm	12pm - 11pm	12pm - 1am	12pm - 1am	12pm - 11pm

<b>OCCUPANCY</b>	INDOOR				BAR			OUTSIDE	
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	74	74	6	68	0	1	7	-	-

How many floors are there? What is the capacity for each floor? (please respond in space provided)	<input checked="" type="radio"/> 1st	<input type="radio"/> 2nd	<input type="radio"/> 3rd	<input type="radio"/> 4th	<input type="radio"/> 5th	
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)	YES	<input checked="" type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO	N/A	
Will applicant have bottle service?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will you be hosting private parties and promotional events?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will outside promoters be used?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will the security plan submitted be implemented?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will State certified security personnel be used?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	YES	NO	<input checked="" type="radio"/> N/A	<input type="radio"/> YES	<input type="radio"/> NO	
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO	N/A	
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	<input checked="" type="radio"/> YES	NO	N/A	<input type="radio"/> YES	<input type="radio"/> NO	Perhaps at a later date
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)	YES	<input checked="" type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO	N/A	
Will applicant provide contact information to neighbors and respond to complaints that arise?	<input checked="" type="radio"/> YES	NO	<input type="radio"/> YES	<input type="radio"/> NO	N/A	

If you plan to have music, what type(s)?	<input checked="" type="radio"/> BACKGROUND	<input type="radio"/> LIVE MUSIC	<input type="radio"/> DJ
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**BUILDING DESIGN**

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	NO	N/A
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	<input checked="" type="radio"/> N/A
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)	<input checked="" type="radio"/> YES	NO	N/A

## OUTDOOR ITEMS

Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="radio"/> YES	NO	N/A	Rear yard for storage only
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	NO	N/A	
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	NO	<input checked="" type="radio"/> N/A	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	<input checked="" type="radio"/> N/A	
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	NO	<input checked="" type="radio"/> N/A	
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	NO	N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="radio"/> N/A	

## LOCATION & ZONING

Primary Zoning District:	C1-6A	Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO	N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	NO	N/A
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	N/A
Are your plans filed with DOB?	YES	NO	<input checked="" type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1		
	# 2		
	# 3		

*500-foot rule*

- REAR YARD WILL NOT BE  
USED BY PATRONS OR  
STAFF.

1 **Business License & Permits Committee**

Item #: 2

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Akanoren Inc.**  
12 **d/b/a Mentoku**  
13 *744 9<sup>th</sup> Avenue (50/51)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Restaurant Wine & Beer License  
18 application for Mentoku – 744 9<sup>th</sup> Avenue (50/51), **unless** the attached stipulations, agreed to and signed  
19 by the applicant, are part of the method of operation for this establishment with a capacity of less than  
20 74; 6 tables with 15 seats; 0 service-only bar; 1 noodle food counter with 3 seats; hours of operation 11  
21 a.m. – 12 a.m. seven days a week.

22  
23 Sincerely,

24  
25  
26 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
Akanoren, Inc.		Mentoku	
<b>STREET ADDRESS</b>		<b>GROSS STREETS</b>	<b>ZIP CODE</b>
744 9th Ave., New York		50th and 51st Street	10017
<b>OWNER</b> <small>(Attach a list of all the people that will be associated with the license)</small>	<b>NAME:</b>	Yasuo Okada	<b>NAME:</b> Elke A. Hofmann Law, PLLC
	<b>PHONE:</b>	212-755-0309	<b>PHONE:</b> 212-487-9100
	<b>EMAIL:</b>	tokotontokotu@gmail.com	<b>EMAIL:</b> elke@eahlaw.com
<b>MANAGER</b>	<b>NAME:</b>		<b>NAME:</b> 744 Ninth Avenue LLC
	<b>PHONE:</b>		<b>PHONE:</b>
	<b>EMAIL:</b>		<b>EMAIL:</b>
<b>ATTORNEY/ REPRESENTATIVE</b>			
<b>LANDLORD</b>			
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Chef in Japan)
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		<input type="checkbox"/> YES <input type="checkbox"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Following this meeting.	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11 am - 12 am	11 am - 12 am	11 am - 12 am	11 am - 12 am	11 am - 12 am	11 am - 12 am	11 am - 12 am	11 am - 12 am
	Kitchen	All hours of operation							
	Music	All hours of operation							
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	less than 74	25	6	15	0	Noodle I food counter	approx 3		
OUTSIDE <i>(Other than sidewalk cafe)</i>	NONE								
SIDEWALK CAFE	NONE								
How many floors are there? What is the capacity for each floor?					ground floor only (basement use for storage/prep)				
How frequently will the owner(s) be at the establishment?					Owner on site at least 5 days per week; manager at all times				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private; promotional or corporate events?					YES	<input checked="" type="radio"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO			
Will security plan be implemented?					YES	NO	N/A		
Will State certified security personnel be used?					YES	NO	N/A		
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				



LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

Community Notification/Relations		
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Community Board 4
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.		
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		One week prior to meeting
Where did applicant post the notice that was provided?		On premises
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/> YES <input type="radio"/> NO Initially: Kanako Kakihara, 212.755.0309
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/> YES <input type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	Restaurant previously.		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Yes (Claw; Rice and Beans)
Do you plan any changes to the existing façade? If yes, please describe.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	HVAC system with duct;		
When was the air conditioner installed?	Approx 2-3 years ago		

*Ed Agency*

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE	NOT APPLICABLE - NO OUTDOOR SPACE		
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

OUTDOOR ITEMS – SIDEWALK CAFÉ				NOT APPLICABLE - NO SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO					
Will applicant be applying for a sidewalk café now or in the future?	YES	NO					
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO					
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO					
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO					
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO					
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO					
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO					
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO					
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO					
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO					
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO					
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO					
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO					
Will applicant use umbrellas?	YES	NO					
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO					

ADDITIONAL STIPULATIONS (Office Use Only)

- WILL DEVELOP A SYSTEM TO ENSURE THAT WAITING PATRONS DO NOT CONGREGATE ON SIDEWALK / STREET.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.*

1 **Business License & Permits Committee**

**Item #: 3**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: 915 Management LLC**  
12 **d/b/a Proof**  
13 *263 W. 19<sup>th</sup> Street a.k.a 184 8<sup>th</sup> Avenue*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer application for Proof –263 W.  
18 19<sup>th</sup> Street a.k.a 184 8<sup>th</sup> Avenue, **unless** the attached stipulations, agreed to and signed by the applicant,  
19 are part of the method of operation for this establishment with a capacity of 144; 30 tables with 75 seats;  
20 2 stand-up bars with 32 seats; hours of operation 11 a.m. – 3 a.m. seven days a week.

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22 Sincerely,

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26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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Dec last year.

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

APPLICANT <b>915 Management LLC</b>		DOING BUSINESS AS (DBA) <b>Proof</b>	
STREET ADDRESS <b>263 W. 19th St a/k/a 184 8th Ave</b>		CROSS STREETS <b>B/n 19th &amp; 20th Street</b>	
OWNER	NAME: <b>Don Greenbaum</b>	ATTORNEY	NAME: <b>Frank Palillo</b>
	PHONE: <b>(917) 843-9881</b>		PHONE: <b>(212) 227-1640</b>
	FAX:		FAX: <b>(212) 349-1724</b>
MANAGER	NAME: <b>Don Greenbaum</b>	LANDLORD	NAME: <b>Eighth-19th LLC</b>
	PHONE: <b>(917) 843-9881</b>		PHONE: <b>(212) 279-9100</b>
	FAX:		FAX:
DESCRIPTION OF BUSINESS			
<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant			
Establishment Type: <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only)			
<input type="radio"/> Other (Explain): Bar/Arcade			
Method of Operation: <input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe			
<input type="radio"/> Other (Explain): Bar/Arcade			
License Type: <input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
APPLICATION TYPE (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES <input type="radio"/> NO
		What is/was the name of establishment?	<b>Anemqcore LLC</b>
		What is/was the address of the establishment?	<b>263 W. 19th St a/k/a 184 8th Ave</b>
		What were the dates the applicant was involved with this former premise?	<b>2014 - present</b>
	<input checked="" type="radio"/> Transfer	What is the prior license #?	<b>1233480</b>
		What is the expiration date on the prior license?	<b>8-31-16</b>
		Are you making any alterations or operational changes?	<input type="radio"/> YES <input checked="" type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.	
	<input type="radio"/> Alteration	What is the current license #?	
		What is the expiration date on the current license?	
Please describe the nature of the alterations and attach the plans			

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	11 AM - 3 AM								→
	Music	11 AM - 3 AM								→
	Kitchen	12 PM - 2 AM								→
OCCUPANCY	INDOOR				BAR			OUTSIDE		
	Capacity (Certificates of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service-Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables	
	<i>As indicated in accompanying application for 1848th Ave</i>									
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	5-4	5-7			
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	NO	N/A			
Will applicant have bottle service?					YES	NO	N/A			
Will you be hosting private parties and promotional events?					YES	NO	N/A	occasional private parties		
Will outside promoters be used?					YES	NO	N/A			
Will the security plan submitted be implemented?					YES	NO	N/A			
Will State certified security personnel be used?					YES	NO	N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A			
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	N/A			
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					NO	NO	N/A	DLW		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	N/A			
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A			
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					YES	NO	N/A			
If you plan to have music, what type(s)?					BACKGROUND	LIVE MUSIC	DJ			
BUILDING DESIGN										
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					YES	NO	N/A			
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?					YES	NO	N/A			
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					YES	NO	N/A			



OUTDOOR ITEMS		
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input type="radio"/> NO	<input type="radio"/> N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	<input type="radio"/> NO	<input type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> NO	<input type="radio"/> N/A

LOCATION & ZONING			
Primary Zoning District:	C1-1	Overlay (if Applicable):	R-8
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is the 500 Foot Rule or 200 Foot Rule Triggerred? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Are your plans filed with DOB?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe:		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe:		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Community Board # 4	
	# 2		
	# 3		

ADDITIONAL STIPULATIONS: (Office Use Only)

THIS APPLICATION DOES NOT  
EXTEND TO OR ENCOMPASS  
ANY SIDEWALK CAFE,

14<sup>th</sup> STREET DOOR WILL BE  
USED ONLY FOR ENTRANCE,

AND NOT EXITING,  
AFTER 11:30 P.M. NIGHTLY.

1 **Business License & Permits Committee**

Item #: 4

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: 915 Management LLC**  
12 **d/b/a Prova**  
13 *184 8<sup>th</sup> Avenue a/k/a 263 W. 19<sup>th</sup> Street*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer application for Prova – 184  
18 8<sup>th</sup> Avenue a/k/a 263 W. 19<sup>th</sup> Street, **unless** the attached stipulations, agreed to and signed by the  
19 applicant, are part of the method of operation for this establishment with a capacity of 144; 30 tables  
20 with 75 seats; 2 stand-up bars with 32 seats; hours of operation 11 a.m. – 3 a.m. seven days a week.

21  
22 Sincerely,

23  
24  
25  
26 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

**Manhattan Community Board 4**  
(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT		DOING BUSINESS AS (DBA)		
915 Management LLC		Prova		
STREET ADDRESS		CROSS STREETS		
184 8th Ave a/k/a 263 W. 19th St		B/n 19th & 20th Street		
OWNER	NAME:	Don Greenbaum	ATTORNEY NAME:	
	PHONE:	(917) 843-9881	Frank Palillo	
	FAX:		PHONE:	
			(212) 227-1640	
			FAX:	
			(212) 349-1724	
MANAGER	NAME:	Don Greenbaum	LANDLORD NAME:	
	PHONE:	(917) 843-9881		Eighth-19th G LLC
	FAX:			PHONE:
			(212) 279-9100	
			FAX:	
DESCRIPTION OF BUSINESS				
Establishment Type:	<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only) <input type="radio"/> Other (Explain): Bar/Arcade			
Method of Operation:	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): Bar/Arcade			
License Type:	<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
APPLICATION TYPE (check one)	New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
		What is/was the name of establishment?	Anemacore LLC	
		What is/was the address of the establishment?	184 8th Avenue	
		What were the dates the applicant was involved with this former premise?	2014 - Present	
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1233480	
		What is the expiration date on the prior license?	8-31-16	
		Are you making any alterations or operational changes?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
Please describe the nature of the alterations and attach the plans				

**OPERATIONAL ISSUES**

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11 AM - 3 AM							
	Music	11 AM - 3 AM							
	Kitchen	12 pm - 2 am							

OCCUPANCY	INDOOR				BAR			OUTSIDE	
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	144	120	30	75	0	2	32		

How many floors are there? What is the capacity for each floor? (please respond in space provided)	12	14	5+	
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)	YES	NO	N/A	
Will applicant have bottle service?	YES	NO	N/A	
Will you be hosting private parties and promotional events?	YES	NO	N/A	occasional private parties
Will outside promoters be used?	YES	NO	N/A	
Will the security plan submitted be implemented?	YES	NO	N/A	
Will State certified security personnel be used?	YES	NO	N/A	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	YES	NO	N/A	
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)	YES	NO	N/A	
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	YES	NO	N/A	
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)	YES	NO	N/A	44 tables, 8 seats
Will applicant provide contact information to neighbors and respond to complaints that arise?	YES	NO	N/A	
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?	YES	NO	N/A	

If you plan to have music, what type(s)?	<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ
--	--	-------------------------------------	-----------------------------

**BUILDING DESIGN**

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.	YES	NO	N/A
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	N/A
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)	YES	NO	N/A

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

LOCATION & ZONING				
Primary Zoning District:	C1-1		Overlay (if Applicable):	R-8
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	500' Rule
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Are your plans filed with DOB?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A	
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe:			
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe:			
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Community Board # 4		
	# 2			
	# 3			

THIS APPLICATION DOES NOT  
EXTEND TO OR ENCOMPASS  
ANY JEWELRY CASE.

19th STREET DOOR WILL BE  
USED ONLY FOR ENTRANCE,  
AND NOT EXITING, AFTER  
1130 P.M. NIGHTLY.

1 **Business License & Permits Committee**

**Item #: 5**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Rosieraes Inc.**  
12 **d/b/a Walter's Cottage**  
13 *500 W. 43<sup>rd</sup> Street (10/11)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer application for Walter's  
18 Cottage – 500 W. 43<sup>rd</sup> Street (10/11), **unless** the attached stipulations, agreed to and signed by the  
19 applicant, are part of the method of operation for this establishment with a capacity of 74; 10 tables with  
20 23 seats; 1 stand-up bar with 13 seats; hours of operation 10 a.m. – 4 a.m. Monday – Friday, 8 a.m. – 4  
21 a.m. Saturday, 12 p.m. – 4 a.m. Sunday.

22  
23 Sincerely,

24  
25 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

26  
27



**Manhattan Community Board 4**  
(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT		DOING BUSINESS AS (DBA)	
Rosieraes Inc		Walters Cottage	
STREET ADDRESS		CROSS STREETS	
500 West 43rd Street		B/n W. 42nd & W. 43rd Sts	
OWNER	NAME	Tony Ferber	ATTORNEY NAME
	PHONE	(917) 886-8425	ATTORNEY PHONE
	TAX		ATTORNEY TAX
MANAGER	NAME	Patrick Foley	LANDLORD NAME
	PHONE	(732) 337-3644	LANDLORD PHONE
	TAX		LANDLORD TAX
DESCRIPTION OF BUSINESS			
<input checked="" type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Restaurant  <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only)  <input type="radio"/> Other (Explain): Bar/Arcade			
Establishment Type:			
<input type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input checked="" type="radio"/> Cafe  <input type="radio"/> Other (Explain): Bar/Arcade			
Method of Operation:			
<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
License Type:			
APPLICATION TYPE (check one)	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES <input type="radio"/> NO
		What is/was the name of establishment?	Walters Bar Horsebox Inc
		What is/was the address of the establishment?	389 8th Ave NYC   218 Ave A NYC, NY
		What were the dates the applicant was involved with this former premise?	2000 now   2010 now
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1253953
		What is the expiration date on the prior license?	9-30-15
		Are you making any alterations or operational changes?	<input checked="" type="radio"/> YES <input type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form. Cuisine enhanced	
	<input type="radio"/> Alteration	What is the current license #?	
		What is the expiration date on the current license?	
Please describe the nature of the alterations and attach the plans			

**OPERATIONAL ISSUES**

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	Operation	10am-4am	10am-4am	10-4am	10am-4am	10-4am	10am-4am	12pm-4am
	Musio	10-4 AM	10am-4am	10 AM-4am	10am-4am	10-4am	12pm-4am	12-4am
	Kitchen	10 AM-4 AM	10am-4 am	10 AM-4 am	10am-4 am	10-4 am	8-4 am	12-4 am
OCCUPANCY	INDOOR				BAR			OUTSIDE
	Capacity (Carrollton or 10' clearance)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Seated Only Bars	Number of Stand-Up Bars	Number of Seated Bars	Number of Seated Tables
	74	60	10	23	-0-	1	13	

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)

Will the applicant be applying for a Sidewalk Cafe now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your Jobs webpage?

If you plan to have music, what type(s)?

**BACKGROUND** **LIVE MUSIC** **DJ**

**BUILDING DESIGN**

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.

Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?

Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	<input type="radio"/> NO	<input type="radio"/> N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	<input type="radio"/> NO	<input type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	YES	<input type="radio"/> NO	<input type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	<input type="radio"/> NO	<input type="radio"/> N/A

LOCATION & ZONING			
Primary Zoning District:	C 6-4		Overlay (If Applicable):
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is the 500 Foot Rule or 200 Foot Rule Triggerred? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Are your plans filed with DOB?	YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe:		
Adjacent Buildings	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe:		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1		
	# 2		
	# 3		

**ADDITIONAL STIPULATIONS: (Office Use Only)**

1. Noise emanating from the establishment will be controlled; there is to be no loud music; patrons will not be permitted to congregate in front of the adjacent commercial operations and/or the condominium's garden.
2. Smoking by patrons will be restricted to the area immediately in front of the establishment; butt receptacle(s) will be placed outside when they open up and will be brought inside at closing;
3. The sidewalk is to be kept swept clean; after closing every night, the sidewalk and tree pits in front of the establishment and immediately adjacent sidewalks will be policed: all waste, cigarette butts and other detritus is to be cleaned up;
4. The grease trap will be cleaned sufficiently frequently to prevent blockage and overflow;
5. Garbage, securely contained and wrapped as required by applicable New York City regulations, will not be placed outside for pickup before 10:00 p.m., at the earliest, Sunday through Friday nights. There is no pickup by their contracted carter on Saturdays so no garbage will be placed outside on that night.
6. In all other matters, the establishment will be operated in compliance with applicable rules, regulations and ordinances, the objective being to carry on business as a respectable and respectful good neighbor.

1 **Business License & Permits Committee**

Item #: 6

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Hama New York Inc.**  
12 **d/b/a Sake Bar Hagi 46**  
13 *358 W. 46<sup>th</sup> Street (8/9)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License  
18 application for Sake Bar Hagi 46 – 358 W. 46<sup>th</sup> Street (8/9), **unless** the attached stipulations, agreed to  
19 and signed by the applicant, are part of the method of operation for this establishment with a capacity of  
20 60; 20 tables with 48 seats; 1 stand-up bar with 8 seats; hours of operation 12 p.m. – 130 a.m. seven  
21 days a week.

22  
23 Sincerely,

24  
25  
26  
27  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT <b>HAMA NEW YORK INC.</b>		DOING BUSINESS AS (DBA) <b>SAKE BAR HAGEN 46</b>	
STREET ADDRESS <b>358 W. 46TH ST. NY, NY 10036</b>		CROSS STREETS <b>BET. 8TH AVE. 9TH AVE ON 46TH.</b>	
OWNER	NAME: <b>THOMAS HAMADA</b>	ATTORNEY	NAME: <b>FRANCIS BUSCEMI</b>
	PHONE: <b>917-405-5002</b>		PHONE: <b>212-962-4688</b>
	FAX: <b>212-398-8416</b>		FAX: <b>212-964-0643</b>
MANAGER	NAME: <b>TATSUYA KAWAMOTO</b>	LANDLORD	NAME: <b>LOTFI REBBAJ</b>
	PHONE: <b>917-399-8519</b>		PHONE: <b>917-512-5009</b>
	FAX:		FAX:
<b>DESCRIPTION OF BUSINESS</b>			
Establishment Type:		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only) <input type="radio"/> Other (Explain): Bar/Arcade	
Method of Operation:		<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): Bar/Arcade	
License Type:		<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer	
<b>APPLICATION TYPE</b> <i>(check one)</i>	<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES <input type="radio"/> NO
		What is/was the name of establishment?	<b>IROHA REST.</b>
		What is/was the address of the establishment?	<b>152 W. 49TH ST. NY 10019</b>
		What were the dates the applicant was involved with this former premise?	<b>YEAR 2006- PRESENCE</b>
	<input type="radio"/> <b>Transfer</b>	What is the prior license #?	
		What is the expiration date on the prior license?	
		Are you making any alterations or operational changes?	<input type="radio"/> YES <input type="radio"/> NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>	
	<input type="radio"/> <b>Alteration</b>	What is the current license #?	
		What is the expiration date on the current license?	
<i>Please describe the nature of the alterations and attach the plans</i>			

**OPERATIONAL ISSUES**

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM	12:00 PM ~ 1:00 AM
	Music	DURING HOURS OF OPERATION - Background music							
	Kitchen	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM	12:00 PM ~ 0:45 AM

OCCUPANCY	INDOOR				BAR			OUTSIDE	
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables
	DRINKING & EATING EST.	60	20	48	0	1	8	N/A	N/A

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)

Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?

If you plan to have music, what type(s)?

**BUILDING DESIGN**

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.

Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?

Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="radio"/> NO	N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	<input checked="" type="radio"/> N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	<input checked="" type="radio"/> NO	<input checked="" type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	<input checked="" type="radio"/> N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input checked="" type="radio"/> YES	NO	<input checked="" type="radio"/> N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	NO	N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="radio"/> N/A

LOCATION & ZONING			
Primary Zoning District:	<i>CLINTON</i>		Overlay (If Applicable):
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO	N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	NO	N/A <i>500 Foot Rule</i>
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	N/A
Are your plans filed with DOB?	YES	NO	<input checked="" type="radio"/> N/A
Building Type	<input checked="" type="radio"/> Residential <input type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe:		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1	<i>West 46<sup>th</sup> Street Block Assoc.</i>	
	# 2		
	# 3		



NO OBSERVATIONS, INCLUDING  
A-FRAME SIGNS OR PLANTS,  
WILL BE PLACED ON  
THE SIDEWALK.

- PREMISES WILL BE CLOSED  
& VACATED BY ALL  
PARTIES NO LATER  
THAN 1:30 a.m.  
MILWAUKEE

1 **Business License & Permits Committee**

Item #: 7

2  
3 July 22, 2015

4  
5 Julie Menin  
6 Commissioner  
7 Department of Consumer Affairs  
8 42 Broadway  
9 New York, NY 10004

10  
11 **Re: Otto's Tacos**  
12 *705 9<sup>th</sup> Avenue (48/49)*  
13 *License # 5526-2015-ASWC*

14  
15 Dear Chairman Rosen:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Unenclosed Sidewalk Cafe  
18 License application for Otto's Tacos – 705 9<sup>th</sup> Avenue (48/49), **unless** the attached stipulations, agreed  
19 to and signed by the applicant, are part of the method of operation for this establishment with 2 tables  
20 for 4 seats (with 8 total seats) and 1 table for 2 (with 2 seats) all against the building facade.

21  
22 Sincerely,

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26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

# Unenclosed Sidewalk Café Stipulations Application

APPLICANT SWA Architecture PLLC		ADDRESS 705 9th Avenue, New York, NY 10019	
DOING BUSINESS AS (DBA) Otto's Tacos		CROSS STREETS West 48th & West 49th Street	OWNER Otto Cedeno
DESCRIPTION OF APPLICATION Unenclosed sidewalk cafe license			LAWYER

ON SITE CONTACT: ( Name, position & phone number ): Otto Cedeno - (646) 820-7016	LICENSE NUMBER:
---	-----------------

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	12 - 12	12 - 12	12 - 12	12 - 12	12 - 1	12 - 1	12 - 11
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	12	6	

### OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A

OTHER / NOTES:

**SOUND ISSUES**

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.)

YES     NO     N/A

Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.

YES     NO     N/A

**CAFÉ DESIGN**

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?

YES     NO     N/A

Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?

YES     NO     N/A

Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?

YES     NO     N/A

Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)

YES     NO     N/A

Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?

YES     NO     N/A

Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?

YES     NO     N/A

Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?

YES     NO     N/A

If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.

YES     NO     N/A

**ADDITIONAL INFORMATION: (Applicant Use)**

[Empty box for additional information]

ADDITIONAL NOTES: (Office Use Only)

SUBWAY CAFE WILL BE CLOSED &  
VACATED NO LATER THAN  
11 PM FRIDAY/SAT AND 12:30  
PM ALL OTHER NIGHTS

- APPLICANT WILL ENSURE THAT  
8 FEET OF SIDEWALK REMAIN  
FREE FOR PEDESTRIANS, (~~AND FREE~~  
& REGARDLESS OF CONSTRUCTION  
OR CONSTRUCTION FENCING.

ADDITIONAL STIPULATIONS: (Office Use Only)

- WILL SUBMIT REVISED SIDEWALK  
CAFE PLANS BY 6/25/15  
INCLUDING ONLY 2 TABLES FOR  
~~4~~ 4 (WITH 8 SEAT TOTAL) AND  
1 TABLE FOR 2 (WITH 2 SEAT)  
ALL AGAINST BUILDING FACADE.
- NO DIVISIONS, FENCING, PLANTING,  
OR OTHER OBSTRUCTIONS PARALLEL  
TO NORTH AVE.
- ONLY DIVISIONS WILL BE ON NORTH  
& SOUTH ENDS OF THE SIDEWALK  
CAFE, NO LONGER THAN  
WIDTH OF CAFE.



1 **Business License & Permits Committee**

**Item #: 8**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Beer Authority**  
12 *618 8<sup>th</sup> Avenue (39/40)*

13  
14 Dear Chairman Bradley:

15  
16 Manhattan Community Board 4 (MCB4) recommends **denial** of an alteration of it's On-Premise Liquor  
17 License for Beer Authority – 618 8<sup>th</sup> Avenue (39/40), **unless** the attached stipulations, agreed to and  
18 signed by the applicant, are part of the method of operation for this establishment with a capacity of 220;  
19 37 tables with 153 seats; 2 Stand-Up Bars with 23, 8 seats; hours of operation 10 a.m. – 4 a.m. Monday –  
20 Saturday, 12 p.m. – 2 a.m. Sunday. Outdoor Area: Rooftop with a capacity of 74; 14 tables with 72  
21 seats; 1 stand-up Bar with 5 seats and the rooftop will be closed and vacated of patrons no later than 2  
22 a.m. nightly.

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24 Sincerely,

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Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Beer Authority Inc.		Beer Authority	
STREET ADDRESS		CROSS STREETS	ZIP CODE
618 8th Avenue		W 40th St. & W 39th St.	10018
OWNER <i>(Attach a list of all the people that will be associated listed with the license)</i>	NAME: Eamon Donnelly, Joseph Donagher, William White	ATTORNEY/ REPRESENTATIVE	NAME: David I. Korngut, Esq.
	PHONE: (917) 416-7216		PHONE: (212) 566-5021
	EMAIL: eamonblacklabel@gmail.com		EMAIL: david@korngutlawoffices.com
MANAGER	NAME: Eamon Donnelly, Joseph Donagher	LANDLORD	NAME: Long Earol Associates
	PHONE: (917) 416-7216		PHONE: (646)757-0569
	EMAIL: eamonblacklabel@gmail.com		EMAIL:
<b>APPLICATION TYPE</b> <i>(Check One)</i>			
<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former promise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	YES	NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?	03/31/2016	
	<i>Please list/describe the nature of all the changes and attach the plans:</i> Convert existing rooftop service bar to rooftop customer bar.		
<b>METHOD OF OPERATION</b>			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="checkbox"/> NO	Alteration- 30 days after notice
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	NO	N/A Alteration
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	NO	N/A Alteration
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	NO	N/A Alteration



OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* <i>(In/Out Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	Noon- 2am
	Kitchen	10am- 3am	10am- 3am	10am- 3am	10am- 3am	10am- 3am	10am- 3am	10am- 3am	Noon- 1am
	Music	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	10am- 4am	Noon- 2am
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	220	200	37	153	0	2	23, 8		
OUTSIDE <i>(Other than sidewalk café)</i>	74	65	1 4	72	0	1	5		
SIDEWALK CAFÉ									
How many floors are there? What is the capacity for each floor?					Main, Basement, 2nd, Roof				
How frequently will the owner(s) be at the establishment?					7 days				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="checkbox"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="checkbox"/> NO			
Will you be hosting private; promotional or corporate events?					YES	<input checked="" type="checkbox"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="checkbox"/> NO			
Will you have a security plan? If, yes please attach.					<input checked="" type="checkbox"/> YES	NO			
Will security plan be implemented?					<input checked="" type="checkbox"/> YES	NO			
Will State certified security personnel be used?					<input checked="" type="checkbox"/> YES	NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="checkbox"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Is a Public Assembly permit required?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Are your plans filed with DOB?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	For main application

Community Notification/Relations			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1		
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.			
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?			
Where did applicant post the notice that was provided?			
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	N/A Alteration		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<b>This is an alteration</b>
Do you plan any changes to the existing façade? If yes, please describe.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant have a vestibule within the establishment?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant use a storm enclosure?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant comply with the NYC noise code?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have any of the following: (circle all that apply)	<b>FRENCH DOORS</b>	<b>GARAGE DOORS</b>	
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the kitchen exhaust system extend to the roof?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have an illuminated sign?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Where will the air conditioner be located? What type is it?			
When was the air conditioner installed?			

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="checkbox"/> YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input checked="" type="checkbox"/> YES	NO	Roof
Are the floorplans for the outdoor space(s) included?	<input checked="" type="checkbox"/> YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="checkbox"/> YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="checkbox"/> YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input checked="" type="checkbox"/> YES	NO	
Will there be no amplified music, as per the law?	<input checked="" type="checkbox"/> YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	N/A
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="checkbox"/> YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	N/A- Existing
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A- Existing

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

ROOF WILL BE CLOSED  
AND VACATED OF  
PATIENTS NO LATER  
THAN 2:00 a.m. MONDAY

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

1 **Business License & Permits Committee**

**Item #: 9**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Chelsea Creamline**  
12 *75 9<sup>th</sup> Avenue (15/16)*

13  
14 Dear Chairman Bradley:

15  
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License  
17 application for Chelsea Creamline – 75 9<sup>th</sup> Avenue (15/16), **unless** the attached stipulations, agreed to  
18 and signed by the applicant, are part of the method of operation for this establishment with a capacity of  
19 75; 14 tables with 50 seats; 1 stand-up bar with 8 seats; hours of operation 8 a.m. – 1 a.m. seven days a  
20 week.

21  
22 Sincerely,

23  
24  
25  
26 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b> Urban Dairy		<b>DOING BUSINESS AS (DBA)</b> Chelsea Creamline	
<b>STREET ADDRESS</b> 75 ninth avenue		<b>CROSS STREETS</b> between 15 & 16	<b>ZIP CODE</b> 10011
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b> Harris Mayer-Selinger	<b>ATTORNEY/ REPRESENTATIVE</b> see attached	<b>NAME:</b> Terry Flynn
	<b>PHONE:</b> 516 702 -0043		<b>PHONE:</b> 718 945 1000
	<b>EMAIL:</b> harris@hospitalitymadesimple.com		<b>EMAIL:</b> TFLYNN12@gmail.com
<b>MANAGER</b>	<b>NAME:</b> Harris Mayer-Selinger	<b>LANDLORD</b>	<b>NAME:</b> Jamestown Properties
	<b>PHONE:</b> 516 702 0043		<b>PHONE:</b> 212 652-2121
	<b>EMAIL:</b> harris@hospitalitymadesimple.com		<b>EMAIL:</b>
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What is/was the name and address of establishment?		Tippler + EJ Original
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		<input type="radio"/> YES <input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		<input type="radio"/> YES	<input checked="" type="radio"/> NO
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		<input type="radio"/> YES	<input checked="" type="radio"/> NO
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> YES	<input type="radio"/> NO



OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	6am-1am	6am-1am	6am-1am	6am-1am	6am-1am	6am-1am	6am-1am	
	Kitchen	"	"	"	"	"	"	"	
	Music	-	-	-	-	-	-	-	
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		LIVE MUSIC	DJ	JUKE BOX	KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	75	75	14	50		1	8		
OUTSIDE (Other than sidewalk cafe)									
SIDEWALK CAFE									
How many floors are there? What is the capacity for each floor?					1 floor				
How frequently will the owner(s) be at the establishment?					full time				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private, promotional or corporate events?					YES	<input checked="" type="radio"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO			
Will security plan be implemented?					YES	<input checked="" type="radio"/> NO			
Will State certified security personnel be used?					YES	<input checked="" type="radio"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?							N/A		

HWS

HWS

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO
Is a Public Assembly permit required?	YES	NO
Are your plans filed with DOB?	YES	NO

Community Notification/Relations		
<b>NOTIFICATION:</b> List all block associations, tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.		
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		
Where did applicant post the notice that was provided?		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.			
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing facade? If yes, please describe.	<input checked="" type="radio"/> YES	NO	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS		GARAGE DOORS
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	N/A
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	internal central		
When was the air conditioner installed?			

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	N/A

OUTDOOR ITEMS -- SIDEWALK CAFÉ			
	YES	NO	
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/>	<input type="radio"/>	
Will applicant be applying for a sidewalk café now or in the future?	YES	<input checked="" type="radio"/>	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	<input checked="" type="radio"/>	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	<input checked="" type="radio"/>	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	N/A

1 **Business License & Permits Committee**

**Item #: 10**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Dutch Freds Inc.**  
12 **d/b/a Dutch Fred's**  
13 *307 W. 47<sup>th</sup> Street (8/9)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer application for Dutch Fred's  
18 – 307 W. 47<sup>th</sup> Street (8/9), **unless** the attached stipulations, agreed to and signed by the applicant, are  
19 part of the method of operation for this establishment with a capacity of 150; 10 tables with 35 seats; 1  
20 stand-up bar with 25 seats; hours of operation 12 p.m. – 4 a.m. seven days a week.

21  
22 Sincerely,

23  
24  
25  
26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Dutch Freds Inc.		Dutch Fred's	
STREET ADDRESS		CROSS STREETS	ZIP CODE
307 West 47th Street		8th and 9th Ave	10036
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Michael Mcnamee *	ATTORNEY/ REPRESENTATIVE	NAME: Michael Paleudis
	PHONE: (917) 517-2283		PHONE: (212) 949-0138
	EMAIL: mgmcmnamee@gmail.com		EMAIL: mjp@rudnerpaleudis.com
MANAGER	NAME: Shane O'Leary	LANDLORD	NAME: 307 W 47th Street, LLC
	PHONE: (347) 552-8461		PHONE: (551) 486-1827
	EMAIL: olearyshane584@gmail.com		EMAIL: hmolfetas@optonline.net
APPLICATION TYPE <i>(Check One)</i>			
<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Transfer	What is the prior license # and expiration date?	Serial No. 1135109 - 12/31/2016	
	Is applicant making any alterations or operational changes?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes. **</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	After meeting with BLP
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

\* Patrick Mcnamee, (646) 763-1971,  
patrick.mcnamee@gmail.com  
Shane O'Leary, (347) 552-8461,  
olearyshane584@gmail.com

\*\*The length of the bar will be reduced by five feet.  
The facade will be changed to include windows.  
All other changes will be cosmetic in nature.

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
<b>HOURS*</b> <i>(Indoor Only)</i>	<b>Operation</b>	12:00 pm	to 4:00 am					→
	<b>Kitchen</b>	12:00 pm	to 2:00 am					→
	<b>Music</b>	12:00 pm	to 4:00 am					→
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> <b>BACKGROUND</b>		<input checked="" type="checkbox"/> <b>LIVE MUSIC</b>	<input type="checkbox"/> <b>DJ</b>	<input type="checkbox"/> <b>JUKE BOX</b>	<input type="checkbox"/> <b>KARAOKE</b>	

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
<b>INSIDE</b>	150	74	10	35	0	1	25
<b>OUTSIDE</b> <i>(Other than sidewalk café)</i>	N/A	→					
<b>SIDEWALK CAFÉ</b>	N/A	→					

How many floors are there? What is the capacity for each floor?

2 (150 total)

How frequently will the owner(s) be at the establishment?

Daily

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

YES  NO

Will applicant have bottle or table service for beverage alcohol?

YES  NO

Will you be hosting private, promotional or corporate events?

YES  NO

Will outside promoters be used on a regular basis? If yes please describe.

YES  NO

Will you have a security plan? If, yes please attach.

YES  NO \*

Will security plan be implemented?

YES  NO

Will State certified security personnel be used?

YES  NO

Will New York Nightlife Association and NYPD Best Practices be followed?

YES  NO

Will applicant be using delivery bicycles? If yes, how many?

YES  NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?

YES  NO

N/A

Where will delivery bicycles be stored during the day when not in use?

N/A

\*Applicant will have a security person at the front door Wednesday through Saturday evenings and that person will be responsible for checking identification and insuring that customers do not gather in front of the establishment. Additionally, there will be a manager or owner on the floor inside the establishment every evening.



<b>LOCATION &amp; ZONING</b>			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Is a Public Assembly permit required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Are your plans filed with DOB?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

<b>Community Notification/Relations</b>			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	<b>West 46th Street Block Association: Allison Tupper at allisontupper@verizon.net</b> <b>West 47th/48th Streets Block Associations: Elke Fears at aefearshk@earthlink.net</b>	
	# 2	<b>West 47th/48th Streets Block Associations: Larry Roberts at larrymichaeroberts@gmail.com</b> <b>West 47th/48th Streets Block Associations: Jim Bogues at Jamesbogues@gmail.com</b> <b>West 47th/48th Streets Block Associations: Chuck Vassallo at chasmy@hotmail.com</b>	
	# 3	<b>West 47th/48th Streets Block Associations: Steven Riedl at chluderemyc@yahoo.com</b> <b>West 47th/48th Streets Block Associations: Nancy S. Roylance at nancyroylance@ymail.com</b>	
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		Meeting with West 47/48 to take place on July 7, 2015	
Who was your contact person at each group you met with?		Elke Fears and Jim Bogues	
When did applicant post the notice that was provided?		July 2, 2015	
Where did applicant post the notice that was provided?		Front window of premises	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO (347) 552-8461
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	Blarney Stone		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Blarney Stone
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Cosmetic upgrades including new windows
Will applicant have a vestibule within the establishment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	To be obtained
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	Location of ac unit to be determined upon completion of plans.		
When was the air conditioner installed?	During build out		

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input type="radio"/> NO	Applicant will not be applying for a sidewalk cafe with its initial application. It is unclear whether enough space exists for the establishment of such a cafe.
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

ALL LIVE MUSIC WILL BE  
LIMITED TO NO MORE THAN  
TWO PERFORMERS / MUSICIANS.  
LIVE MUSIC WILL NOT BE  
AMPLIFIED THAN THE  
ESTABLISHMENT'S SOUND SYSTEM

~~FLOOR PLAN AS I AM~~

ATTACHED INITIAL FLOOR PLAN  
WILL BE THE PLAN  
SUBMITTED TO SLA.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

1 **Business License & Permits Committee**

**Item #: 11**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: TRS LLC**  
12 **d/b/a Element New York Times Square West**  
13 *309-313 W. 39<sup>th</sup> Street (8/9)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends denial of a transfer application for Element New  
18 York Times Square West – 309-313 W. 39<sup>th</sup> Street (8/9), unless the attached stipulations, agreed to and  
19 signed by the applicant, are part of the method of operation for this establishment with a capacity of 70,  
20 18 tables with 86 seats, and a rooftop with a capacity of 15 people, and 7 tables with 14 seats.

21  
22 Sincerely,

23  
24  
25  
26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
TRS LLC		Element New York Times Square West	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
309-313 West 39th Street, New York, NY		West 39th & West 40th Streets	10018
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b>	TRS LLC	<b>NAME:</b> Martin P. Mehler
	<b>PHONE:</b>		<b>PHONE:</b> 212-962-4688
	<b>EMAIL:</b>		<b>EMAIL:</b> Mehlerbuscemi@aol.com
<b>MANAGER</b>	<b>NAME:</b>	Gerald Yong	<b>NAME:</b> Lex Times Square LP/c/o Lexington Realty
	<b>PHONE:</b>		<b>PHONE:</b> Advisor N/A
	<b>EMAIL:</b>		<b>EMAIL:</b> N/A
<b>ATTORNEY/ REPRESENTATIVE</b>			
<b>LANDLORD</b>			
<b>APPLICATION TYPE (Check One)</b>			
<input type="radio"/> New	Has applicant owned or managed a similar business?		<input type="checkbox"/> YES <input type="checkbox"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input checked="" type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment  <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	NO
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	YES
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	NO
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	YES

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons)

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	24 Hours for guests of Hotel 7 days a week						
	Kitchen	24 Hours for guests of Hotel 7 days a week						
	Music							
If you plan to have music, what type(s)? (Circle all that apply)		BACKGROUND		LIVE MUSIC	DJ	JUKE BOX	KARAOKE	

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	Hotel <sup>70</sup> see attached C of O		18	86	0	0	0
OUTSIDE (Other than sidewalk cafe)	15 rooftop		7	14			
SIDEWALK CAFE	N/A						

PM

How many floors are there? What is the capacity for each floor?	40	
How frequently will the owner(s) be at the establishment?	Management will be there 24/7	
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	NO
Will applicant have bottle or table service for beverage alcohol?	YES	NO
Will you be hosting private, promotional or corporate events?	YES	NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	NO
Will you have a security plan? If, yes please attach.	YES	NO
Will security plan be implemented?	YES	NO
Will State certified security personnel be used?	YES	NO
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	NO
Where will delivery bicycles be stored during the day when not in use?	N/A	



LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	YES
Is a Public Assembly permit required?	YES	NO	NO
Are your plans filed with DOB?	YES	NO	N/A

Community Notification/Relations			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	CB4	
	# 2	West 36th Block Association	
	# 3	Hell's Kitchen Neighborhood Association	
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		July 14, 2005	
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?			
Where did applicant post the notice that was provided?			
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	ELEMENT NEW YORK TIMES SQUARE WEST		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	YES
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	NO
Will applicant have a vestibule within the establishment?	YES	NO	Hotel Lobby
Will applicant use a storm enclosure?	YES	NO	N/A
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	NO	N/A
Will applicant comply with the NYC noise code?	YES	NO	YES
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS		GARAGE DOORS
	WINDOWS THAT CAN BE OPENED		
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	N/A
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	YES
Will the kitchen exhaust system extend to the roof?	YES	NO	YES
Will the establishment have an illuminated sign?	YES	NO	
Will the establishment have a canopy extending over the sidewalk?	YES	NO	N/A
Where will the air conditioner be located? What type is it?			
When was the air conditioner installed?			

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	YES
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	YES Rooftop
Are the floorplans for the outdoor space(s) included?	YES	NO	YES
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	YES
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	YES
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	YES
Will there be no amplified music, as per the law?	YES	NO	YES
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	N/A
Will applicant agree to post signs outside asking customers to respect the neighbors?	YES	NO	YES
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	YES
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	N/A
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	NO
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	NO
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	N/A

ADDITIONAL STIPULATIONS: (Office Use Only)

- "ADDITIONAL INFORMATION"  
PAGE WILL BE INCLUDED  
AS STIPULATIONS.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.*

1 **Business License & Permits Committee**

Item #: 12

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Creative Food Crafts LLC**  
12 **a/b/a Rustic Table**  
13 *500 W. 42<sup>nd</sup> Street (10/11)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Restaurant Wine and Beer  
18 License application for Rustic Table – 500 W. 42<sup>nd</sup> Street (10/11), **unless** the attached stipulations,  
19 agreed to and signed by the applicant, are part of the method of operation for this establishment with a  
20 capacity of 20; 1 table with 10 seats; 1 stand-up bar with 6 seats; hours of operation 7 a.m. – 1 a.m.  
21 seven days a week.

22  
23 Sincerely,

24  
25  
26 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

# Liquor License Stipulations Application

CORPORATION NAME <b>Creative Food Crafts LLC</b>		DOING BUSINESS AS (DBA) <b>Rustic Table</b>	
STREET ADDRESS <b>500B W 42<sup>nd</sup> ST</b>		CROSS STREETS <b>10<sup>th</sup> &amp; 11<sup>th</sup> Ave's</b>	ZIP CODE <b>10036</b>
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: <b>Yarden Hadani</b>	ATTORNEY/ REPRESENTATIVE	NAME: <b>Michael Kelly</b>
	PHONE: <b>(212) 244 0744</b>		PHONE: <b>(914) 740-3580</b>
	EMAIL: <b>Jordan.hadani@gmail</b>		EMAIL: <b>KellymLK@aol.com</b>
MANAGER	NAME: <b>same as above</b>	LANDLORD	NAME:
	PHONE:		PHONE:
	EMAIL:		EMAIL:
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	YES	<input checked="" type="radio"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	YES	NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans.</i>		
<b>METHOD OF OPERATION</b>			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment  <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization -- Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	NO	

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS* (Indoor Only)	Operation	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am
	Kitchen	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am	7am-12am
	Music	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am	7am-1am

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND    
  LIVE MUSIC    
  DJ    
  JUKE BOX    
  KARAOKE

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE		20	1	10	0	1	6
OUTSIDE (Other than sidewalk café)	NONE	NONE	NONE	NONE	NONE	NONE	NONE
SIDEWALK CAFÉ	NONE	NONE	NONE	NONE	NONE		

How many floors are there? What is the capacity for each floor?

1, 20

How frequently will the owner(s) be at the establishment?

ON SITE OPERATOR

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO
Will you be hosting private; promotional or corporate events?	YES	<input checked="" type="radio"/> NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will you have a security plan? If, yes please attach.	YES	<input checked="" type="radio"/> NO
Will security plan be implemented?	YES	<input checked="" type="radio"/> NO
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	<input checked="" type="radio"/> NO
Will applicant be using delivery bicycles? If yes, how many?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

OUTSOURCED  
NAME OF DELIVERY COMPANY

Where will delivery bicycles be stored during the day when not in use?



LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

Community Notification/Relations		
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.		
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		
Where did applicant post the notice that was provided?		June 17 <sup>th</sup>
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	New Building		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	EXISTING & OPEN
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	we won't
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	NO	IF NECESSARY
Will the kitchen exhaust system extend to the roof?	YES	NO	NONE
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	ROOF		
When was the air conditioner installed?	by Landlord when building was bui		

N/A

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

N/A

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

- Will CONTACT MANHATTAN  
PLAZA TENANT ASSOCIATION  
PRIOR TO 7/22/15.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.*

1 **Business License & Permits Committee**

Item #: 13

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Take Any Rug In The House LLC**  
12 **d/b/a Eatery Restaurant**  
13 *788 9<sup>th</sup> Avenue (52/53)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License  
18 application for Take Any Rug In The House LLC – 788 9<sup>th</sup> Avenue (52/53), **unless** the attached  
19 stipulations, agreed to and signed by the applicant, are part of the method of operation for this  
20 establishment with a capacity of less than 74; 17 tables with 38 seats; 1 service-only bar; 1 stand-up bar  
21 with 3 seats; hours of operation 11 a.m. – 12 a.m. Monday – Friday, 9 a.m. – 1 a.m. Saturday, 9 a.m. –  
22 11 p.m. Sunday.

23  
24 Sincerely,

25  
26  
27 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

28  
29

# Manhattan Community Board 4

(All Fields Must Be Completed)

# Liquor License Stipulations Application

<b>CORPORATION NAME</b> TAKE ANY RUG IN The House LLC		<b>DOING BUSINESS AS (DBA)</b> EATERY Restaurant	
<b>STREET ADDRESS</b> 788 NINTH AVENUE		<b>CROSS STREETS</b> 52 / 53	<b>ZIP CODE</b> 10019
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b> SEAN CONNOLLY	<b>ATTORNEY/ REPRESENTATIVE</b>	<b>NAME:</b> ROBERT BOOKMAN
	<b>PHONE:</b> 917.763.6625		<b>PHONE:</b> 212-513-1988
	<b>EMAIL:</b> Sconnolly@eaterynyc.com		<b>EMAIL:</b> RBOOKMAN@PawdB/legal.com
<b>MANAGER</b>	<b>NAME:</b>	<b>LANDLORD</b>	<b>NAME:</b> GOLDBERG GROUP
	<b>PHONE:</b>		<b>PHONE:</b> 914-683-3600
	<b>EMAIL:</b>		<b>EMAIL:</b> mel@goldberggroup.net

**APPLICATION TYPE** (Check One)

<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	EATERY 788 NINTH AVE.	
	What were the dates applicant was involved with this former premise?	2000 - 2015	
<input type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		

**METHOD OF OPERATION**

<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer	<input type="radio"/> Beer	<input type="radio"/> Wine & Beer
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant	<input type="radio"/> Cabaret	<input type="radio"/> Night Club
	<input type="radio"/> Adult Entertainment	<input type="radio"/> Wine Bar	<input type="radio"/> Dance Club
	<input type="radio"/> Hotel	<input type="radio"/> Bar/Tavern	<input type="radio"/> Sports Bar
	<input type="radio"/> Catering Establishment	<input type="radio"/> Club (Fraternal Organization - Members Only)	

Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11-12	11-12	11-12	11-12	11-12	9-1	9-11	
	Kitchen	11-12	11-12	11-12	11-12	11-12	9-1	9-11	
	Music	11-11	11-11	11-11	11-11	11-11	9-12	9-12	
If you plan to have music, what type(s)? (Circle all that apply)			<u>BACKGROUND</u>	LIVE MUSIC	DJ	JUKE BOX	KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	274	45-50	17	38	1	1	3		
OUTSIDE (Other than sidewalk cafe)	N/A								
SIDEWALK CAFE	N/A								
How many floors are there? What is the capacity for each floor?					1 Floor (+ basement storage)				
How frequently will the owner(s) be at the establishment?					DAILY				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private, promotional or corporate events?					YES	<input checked="" type="radio"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO			
Will security plan be implemented?					YES	<input checked="" type="radio"/> NO			
Will State certified security personnel be used?					YES	<input checked="" type="radio"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO	N/A		
Will applicant be using delivery bicycles? If yes, how many?					<input checked="" type="radio"/> YES	NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					<input checked="" type="radio"/> YES	NO			
Where will delivery bicycles be stored during the day when not in use?					Basement				



LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO

Community Notification/Relations		
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	W 50/51 street Block Association
	# 2	W. 55 <sup>th</sup> St. Block Association
	# 3	300 W. 55 <sup>th</sup> St. Block Association
	# 4	OASIS Gardens I
	# 5	OASIS Gardens II
Please provide dates when applicant met with the groups listed above.	e-mailed ALL met NONE	
Who was your contact person at each group you met with?	JEFF ROBBINS, PAUL LOEB, CHRISTINE GERMAN etc.	
When did applicant post the notice that was provided?	6/23/15	
Where did applicant post the notice that was provided?	FRONT GATE	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	NO 917 710 36625
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	<input checked="" type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	Q2 Thai Restaurant 900sq Feet		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Q2 Thai Restaurant
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	Roof, ?		
When was the air conditioner installed?	Currently in planning		

OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Using previous Sign Box

	YES	NO	
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	N/A
Will applicant be applying for a sidewalk café now or in the future?	YES	<input checked="" type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closest obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

THERE WILL BE NO  
FOUNTAIN DECOR.

THERE WILL BE NO  
OUTDOOR SPEAKERS  
OR MUSIC/SOUND PLAYED  
OUTDOOR.

WILL BEACH TO BE CLOSED  
ON 788 N. W. Ave PRIOR  
TO 7/22/15.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

1 **Business License & Permits Committee**

**Item #: 14**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Z Live Inc.**  
12 **d/b/a Z Live, Stage 48, and Z Bar and Cantina Rooftop**  
13 *605 W. 48<sup>th</sup> Street (11/12)*  
14 *License #s: 1264892; 1264893; 1264894; 1264895; 1264896; 1264897*

15  
16 Dear Chairman Bradley:

17  
18 Manhattan Community Board 4 (MCB4) recommends **denial** of an alteration application for Z Live,  
19 Stage 48, and Z Bar – 605 W. 48<sup>th</sup> Street (11/12), **unless** the attached stipulations, agreed to and signed  
20 by the applicant, are part of the method of operation for this establishment with a capacity of 1003;  
21 approx. 81 tables with approx. 290 seats; 1 service-only bar; 5 stand-up bars with 59 seats or less; hours  
22 of operation 12 p.m. – 4 a.m. seven days a week; Fourth floor/Rooftop: capacity of 163; approx. 21  
23 tables with approx. 128 seats 1 service-only bar; 1 stand-up bar with 11 seats and all use of unenclosed  
24 rooftop space will cease at 11 p.m. Friday & Saturday and 10 p.m. on all other nights.

25  
26 Sincerely,

27  
28  
29  
30  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

31  
32

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

CORPORATION NAME Z Live Inc.		DOING BUSINESS AS (DBA) Z Live, Stage 48, Z Bar, and Cantina Rooftop		
STREET ADDRESS 605 West 48th Street		CROSS STREETS Btwn. 11th Ave. and 12th Ave.		ZIP CODE 10036
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Pedro Zamora	ATTORNEY/ REPRESENTATIVE	NAME: Donald M. Bernstein	
	PHONE: (212) 957-1800		PHONE: (212) 486-6000	
	EMAIL: pedro@zamoraus.com		EMAIL: dbernstein@victorbernstein.com	
MANAGER	NAME: Steve Steckel	LANDLORD	NAME: 605 West 48th Street, LLC	
	PHONE: (917) 405-6905		PHONE: (212) 921-0600	
	EMAIL: steve@stage48.com		EMAIL:	
<b>APPLICATION TYPE</b> <i>(Check One)</i>				
<input type="radio"/> New	Has applicant owned or managed a similar business?		YES	NO
	What is/was the name and address of establishment?			
	What were the dates applicant was involved with this former premise?			
<input type="radio"/> Transfer	What is the prior license # and expiration date?			
	Is applicant making any alterations or operational changes?		YES	NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>			
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		1264892, 1264893, 1264894, 1264895, 1264896, 1264897	
	<i>Please list/describe the nature of all the changes and attach the plans:</i> addition of service bar to ground floor; addition of stage and removal of 7 tables/14 seats to third floor; and, addition of a service bar, removal of 3 tables/6 seats, and extension of stand-up bar to fourth floor/roof.			
<b>METHOD OF OPERATION</b>				
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input checked="" type="radio"/> Cabaret <input checked="" type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input checked="" type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)			
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		<input checked="" type="radio"/> YES	NO	Already licensed. Alteration Application to be filed.
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		YES	<input type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		YES	<input type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> YES	NO	

**OPERATIONAL DETAILS (\*Closing time will be when establishment is vacated of all patrons\*)**

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am
	Kitchen	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am
	Music	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am	12pm - 4am

If you plan to have music, what type(s)? (Circle all that apply)	<input type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input checked="" type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE
---	-------------------------------------	-------------------------------------	--	-----------------------------------	----------------------------------

**OCCUPANCY**  
\*The table/seating numbers below include lounge/cocktail tables and seats.

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	1003 (per Place of Assembly Certificates)	1003	Approx. 81	Approx. 290	1	5	59 (or less)
OUTSIDE <i>(Other than sidewalk café)</i>	163 (per Place of Assembly)	163	Approx. 21	Approx. 128	1	1	11

The fourth floor/rooftop has a retractable enclosure.							
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A	N/A		

How many floors are there? What is the capacity for each floor? 4 Floors. 1st: 513. 2nd: 288. 3rd: 202. 4th: 163

How frequently will the owner(s) be at the establishment? Approx. 3 times per week.

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing? YES  NO  Already have a Cabaret License.

Will applicant have bottle or table service for beverage alcohol? YES  NO

Will you be hosting private; promotional or corporate events? YES  NO

Will outside promoters be used on a regular basis? If yes please describe. YES  NO  Will have PR/Advertising but Licensee will be in control of premises at all times.

Will you have a security plan? If, yes please attach. YES  NO  Previously provided.

Will security plan be implemented? YES  NO

Will State certified security personnel be used? YES  NO

Will New York Nightlife Association and NYPD Best Practices be followed? YES  NO

Will applicant be using delivery bicycles? If yes, how many? YES  NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law? YES  NO  N/A now, but yes if delivery bikes are used in future.

Where will delivery bicycles be stored during the day when not in use? N/A



LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	See attached.
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	See attached.
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

Community Notification/Relations			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Manhattan Community Board 4	
	# 2	Public Notice Postings	
	# 3	West 46th Street Block Association: Allison Tupper, allisontupper@verizon.net	
	# 4	West 47th/48th Street Block Associations: Elke Fears, aefearshk@earthlink.net; Larry Roberts, larymichaelroberts@gmail.com; Jim Bogues, Jamesbogues@gmail.com; Chuck Vassallo, chasmv@hotmail.com; Steven Riedl, chluderemvc@yahoo.com; Nancy S. Roylance, nancyroylance@ymail.com)	
	# 5	Midtown North Pct. Council: J.D. Noland, jeandaniel@aol.com	
Please provide dates when applicant met with the groups listed above.		Email sent on July 2. Steve Steckel (GM) appeared at the West 47th/48th Street Block Associations' monthly meeting on July 7 and contacted the Ink Hotel.	
Who was your contact person at each group you met with?		See above.	
When did applicant post the notice that was provided?		Posted on or before July 7, 2015, see photographs attached.	
Where did applicant post the notice that was provided?		Posted at premises and at four closest street corners.	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/> YES	<input type="radio"/> NO

## BUILDING DESIGN

State the name and type of business previously located in the space.	Z Live Inc., eating/drinking and nightlife venue		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Existing applicant-licensee
Do you plan any changes to the existing façade? If yes, please describe.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Except use of barricades for queuing on event nights. This practice is encouraged by NYPD.
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Previously provided - see attached.
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Existing
Will the establishment have a canopy extending over the sidewalk?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	Existing		
When was the air conditioner installed?	At time of original build out (approx. 3 years ago).		

Retractable enclosure over fourth floor/roof.

**OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE**

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Roof (with retractable enclosure)
Are the floorplans for the outdoor space(s) included?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	With respect to unenclosed rooftop space.
Will the service and consumption of alcohol in any outdoor space <sup>primarily</sup> only be via seated <del>food</del> service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	In accordance with 2014 Acoustilog report.
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

**OUTDOOR ITEMS – SIDEWALK CAFÉ N/A - No sidewalk cafe.**

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

As per the agreed upon 2014 stipulations:

1. No live music on roof at any time (whether open or enclosed)
2. All use of unenclosed rooftop space will cease at 11p.m. on Friday and Saturday and at 10p.m. on all other nights.
3. All recommendations of Acoutilog report dated 2/25/2014 will be implemented and followed.
4. Will continue to respond promptly to all concerns or issues raised by Inc Hotel and any other neighbor.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.*

1 **Business License & Permits Committee**

**Item #: 15**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Antep Restaurant LLC**  
12 **d/b/a ABA Turkish Restaurant**  
13 *325 W 57<sup>th</sup> Street (8/9)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a New Restaurant Wine & Beer License  
18 application for ABA Turkish Restaurant – 325 W 57<sup>th</sup> Street (8/9), **unless** the attached stipulations,  
19 agreed to and signed by the applicant, are part of the method of operation for this establishment with a  
20 capacity of 100; 32 tables; 76 seats, 0 service bar; 0 stand-up and an unenclosed sidewalk café with 8  
21 tables and 16 seats; hours of operation 10 a.m. – 11 p.m. seven days a week.

22  
23 Sincerely,

24  
25  
26 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

# Liquor License Stipulations Application

<b>APPLICANT</b>		<b>DOING BUSINESS AS (DBA)</b>	
ANTEP RESTAURANT LLC		ABA TURKISH RESTAURANT	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	
325 West 57 Street		Between 8th & 9th Avenue	
<b>OWNER</b>	<b>NAME:</b>	MUSTAFA YALAZA	<b>ATTORNEY</b>
	<b>PHONE:</b>	212-969-1782	
	<b>FAX:</b>	212-969-9881	
<b>MANAGER</b>	<b>NAME:</b>		<b>LANDLORD</b>
	<b>PHONE:</b>		
	<b>FAX:</b>		
		<b>NAME:</b>	LEONARD M. FOGELMAN
		<b>PHONE:</b>	305 MADISON AVENUE NEW YORK, NY 10165 212 3701530
		<b>FAX:</b>	212 3702851
		<b>NAME:</b>	LEYA LLC
		<b>PHONE:</b>	917 6735400
		<b>FAX:</b>	—
<b>DESCRIPTION OF BUSINESS</b>			
Establishment Type:		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain): Bar/Arcade	
Method of Operation:		<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): Bar/Arcade	
License Type:		<input type="radio"/> On-Premise <input checked="" type="radio"/> Wine <input checked="" type="radio"/> Beer <input type="radio"/> Wine & Beer	
<b>APPLICATION TYPE</b> (check one)	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES
		What is/was the name of establishment?	ABA Turkish Restaurant
		What is/was the address of the establishment?	325 W - 57 St
		What were the dates the applicant was involved with this former premise?	8/13 - present
	<input type="radio"/> Transfer	What is the prior license #?	
		What is the expiration date on the prior license?	
		Are you making any alterations or operational changes?	<input checked="" type="radio"/> YES <input type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.	
	<input type="radio"/> Alteration	What is the current license #?	
		What is the expiration date on the current license?	
Please describe the nature of the alterations and attach the plans			

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	
	Music	none	none	none	none	none	none	none	none	
	Kitchen	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	10am-11pm	
OCCUPANCY	INDOOR				BAR			OUTSIDE		
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables	
	100	76	32	76	none	none	none	16	8	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="radio"/> 1-2	<input type="radio"/> 3-4	<input type="radio"/> 5+			
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
Will applicant have bottle service?					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
Will you be hosting private parties and/or special events?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			
Will outside promoters be used?					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
Will the security plan submitted be implemented?					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
Will State certified security personnel be used? <i>No security guards</i>					<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided) <i>Currently have permit</i>					<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A			
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			
Will applicant provide contact information to neighbors and respond to complaints that arise?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			
If you plan to have music, what type(s)?					<input checked="" type="radio"/> BACKGROUND	<input type="radio"/> LIVE MUSIC	<input type="radio"/> DJ			
BUILDING DESIGN										
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A			
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?					<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A			
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A			



OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	SideWalk Cafe
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

LOCATION & ZONING			
Primary Zoning District:		Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Are your plans filed with DOB?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1		
	# 2		
	# 3		

# Manhattan Community Board 4

# Unenclosed Sidewalk Café Stipulations Application

<b>APPLICANT</b> ANTEP RESTAURANT LLC		<b>ADDRESS</b> 325 WEST 57TH STREET	
<b>DOING BUSINESS AS (DBA)</b> ABA TURKISH RESTAURANT		<b>CROSS STREETS</b> 8TH&9TH AVENUE	<b>OWNER</b> MUSTAFA YALAZA
<b>DESCRIPTION OF APPLICATION</b>			<b>LAWYER</b> LEONARD FAGELMAN
			<b>LICENSE NUMBER:</b> 1423305-DCA
<b>ON SITE CONTACT: ( Name, position &amp; phone number );</b> MUSTAFA YALAZA 212-969-1782			

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	10AM-11PM	10AM-11PM	10AM-11PM	10AM-11PM	10AM-11PM	10AM-11PM	10AM-11PM
<b>DCA Hours Allowed</b>	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	16	8	

### OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	YES	NO	N/A	<i>NO MUSIC outdoors</i>
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	YES	NO	N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	YES	NO	N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	YES		N/A	
The sidewalk café will not provide standing space for drinking or smoking.	YES	NO	N/A	
Will the outdoor furniture be removed when not in use?	YES	NO	N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	YES	NO	N/A	<i>Our Backyard.</i>
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	

**OTHER / NOTES:**

**SOUND ISSUES**

<p>Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).</p>	YES	NO	N/A	<p>NO MUSIC OR NOISE ISSUES OUTDOORS</p>
<p>Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.</p>	YES	NO		

**CAFE DESIGN**

<p>Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?</p>	YES	NO	N/A	
<p>Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?</p>	YES	NO	N/A	
<p>Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?</p>	YES	NO	N/A	
<p>Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)</p>	YES	NO	N/A	
<p>Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?</p>	YES	NO	N/A	
<p>Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?</p>	YES	NO	N/A	
<p>Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?</p>	YES	NO	N/A	
<p>If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.</p>	YES	NO	N/A	

**ADDITIONAL INFORMATION: (Applicant Use)**

1 **Business License & Permits Committee**

**Item #: 16**

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Paradiso 679 Inc.**  
12 **d/b/a B Squared**  
13 *679 9<sup>th</sup> Avenue (47)*  
14 *License # 1027886*

15  
16 Dear Chairman Bradley:

17  
18 Manhattan Community Board 4 (MCB4) recommends **denial** of an alteration of it's On-Premise Liquor  
19 License for B Squared – 679 9<sup>th</sup> Avenue (47), **unless** the attached stipulations, agreed to and signed by  
20 the applicant, are part of the method of operation for this establishment with a capacity of under 75; 18  
21 tables with 44 seats; 1 Stand-Up Bar with 12 seats; hours of operation 4 p.m. – 12 a.m. Sunday –  
22 Wednesday, 4 p.m. – 1 a.m. Thursday – Saturday.

23  
24 Sincerely,

25  
26  
27  
28  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

29  
30

# Manhattan Community Board 4

(All Fields Must Be Completed)

# Liquor License Stipulations Application

<b>APPLICANT</b> PARADISO 679 INC		<b>DOING BUSINESS AS (DIA)</b> B SQUARED		
<b>STREET ADDRESS</b> 679 NINTH AVENUE		<b>CROSS STREETS</b> 47TH STREET		
<b>OWNER</b>	<b>NAME:</b> JOHN DEMPSEY	<b>ATTORNEY</b>	<b>NAME:</b> MITCHEL SUNDEL	
	<b>PHONE:</b> 917.577.1827		<b>PHONE:</b> 212.566.7403	
	<b>FAX:</b>		<b>FAX:</b>	
<b>MANAGER</b>	<b>NAME:</b>	<b>LANDLORD</b>	<b>NAME:</b> TONY PECORA	
	<b>PHONE:</b>		<b>PHONE:</b> 212.643.2616	
	<b>FAX:</b>		<b>FAX:</b> 212.564.0001	
<b>DESCRIPTION OF BUSINESS</b>				
<b>Establishment Type:</b>		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization -- Members Only) <input type="radio"/> Other (Explain): Bar/Arcade		
<b>Method of Operation:</b>		<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): Bar/Arcade		
<b>License Type:</b>		<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
<b>APPLICATION TYPE</b> (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES <input type="radio"/> NO	
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input type="radio"/> YES <input type="radio"/> NO	
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1027886	
		What is the expiration date on the current license?	11.30.15	
Please describe the nature of the alterations and attach the plans				
d/b/a CHANGE & MENU CHANGE				

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	4-12	4-12	4-12	4-1	4-1	4-1	4-12		
	Music									
	Kitchen									
OCCUPANCY	INDOOR				BAR			OUTSIDE		
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables	
	UNDER 75		18	44	0	1	12	0	0	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="radio"/> 1-2	<input type="radio"/> 3-4	<input type="radio"/> 5+	DINING ROOM/BAR BASEMENT - KITCHEN + STAIRS		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	<input checked="" type="radio"/> NO	N/A			
Will applicant have bottle service?					YES	<input checked="" type="radio"/> NO	N/A			
Will you be hosting private parties and promotional events?					YES	<input checked="" type="radio"/> NO	N/A			
Will outside promoters be used?					YES	<input checked="" type="radio"/> NO	N/A			
Will the security plan submitted be implemented?					YES	NO	<input checked="" type="radio"/> N/A			
Will State certified security personnel be used?					YES	NO	<input checked="" type="radio"/> N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO	N/A			
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	<input checked="" type="radio"/> N/A			
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	<input checked="" type="radio"/> N/A			
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	<input checked="" type="radio"/> N/A			
Will applicant provide contact information to neighbors and respond to complaints that arise?					<input checked="" type="radio"/> YES	NO	N/A			
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					<input checked="" type="radio"/> YES	NO	N/A			
If you plan to have music, what type(s)?					<input checked="" type="radio"/> BACKGROUND	<input type="radio"/> LIVE MUSIC	<input type="radio"/> DJ			
BUILDING DESIGN										
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days					<input checked="" type="radio"/> YES	NO	N/A			
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?					YES	NO	<input checked="" type="radio"/> N/A			
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					<input checked="" type="radio"/> YES	NO	N/A			

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	NO	N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	NO	N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	YES	NO	N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A

LOCATION & ZONING			
Primary Zoning District:		Overlay (if applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a let or of no objection?	YES	NO	N/A
Is the 50 Foot Rule or 20 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	NO	N/A
Is a Public Assembly permit required?	YES	NO	N/A
Are your plans filed with DOB?	YES	NO	N/A
Building Type:	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings:	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	LARRY ROBERTS 4th STREET BLOCK ASSOC	
	# 2	ALISON TURNER 46th STREET BLOCK ASSOC	
	# 3		

1 **Business License & Permits Committee**

Item #: 17

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: 9<sup>th</sup> Avenue NYC LLC**  
12 **d/b/a Topsy Girl**  
13 *714 9<sup>th</sup> Avenue (48/49)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a New On-Premise Liquor License  
18 application for **Topsy Girl** – *714 9<sup>th</sup> Avenue (48/49)*, **unless** the attached stipulations, agreed to and  
19 signed by the applicant, are part of the method of operation for this establishment with a capacity of 90;  
20 25 tables; 70 seats, 0 service bar; 1 stand-up with 12 seats; hours of operation 11 a.m. – 12 a.m. Sunday  
21 – Wednesday, 11 a.m. – 2 a.m. Thursday – Saturday and this application does not extend to a sidewalk  
22 cafe.

23  
24 Sincerely,

25  
26  
27 Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

28  
29



**Manhattan Community Board 4**  
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME <b>9th Avenue NYC LLC</b>		DOING BUSINESS AS (DBA) <b>Tipsy Girl</b>	
STREET ADDRESS <b>714 9th Avenue NY, 10019</b>		CROSS STREETS <b>between 48 &amp; 49</b>	ZIP CODE <b>10019</b>
OWNER <small>(Attach a list of all the people that will be associated listed with the license)</small>	NAME: <b>Pier Mario Delosso</b>	ATTORNEY/ REPRESENTATIVE	NAME: <b>Leonard M. Fogelman</b>
	PHONE: <b>212-444-8297</b>		PHONE: <b>212-370-1530</b>
	EMAIL: <b>piermariodelosso@gmail.com</b>		EMAIL: <b>Lmf@Fogelmanlawfirm.com</b>
OWNER MANAGER	NAME: <b>Peter Guimaraes</b>	LANDLORD	NAME: <b>Walter Steckman</b>
	PHONE: <b>860-340-7947</b>		PHONE:
	EMAIL: <b>Petergnyc1@gmail.com</b>		EMAIL: <b>Dylan.Murphy@cushwake.com</b>
APPLICATION TYPE (Check One)			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What is/was the name and address of establishment?		<b>Alfredo 7 East 54th St NY NY</b>
	What were the dates applicant was involved with this former premise?		<b>Name change Bice 2008-2012 Alfredo 2012-present</b>
<input type="checkbox"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		<input type="radio"/> YES <input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liqueur/Wine/Beer <input type="checkbox"/> Beer <input type="checkbox"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input type="checkbox"/> Sports Bar <input type="checkbox"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		YES	<input checked="" type="radio"/> NO <b>30 days</b>
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		YES	<input checked="" type="radio"/> NO
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> YES	<input type="radio"/> NO

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS* (Indoor Only)	Operation	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>
	Kitchen	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>	11- <del>am</del>
	Music	10- <del>am</del>	12 AM	10 AM	2	2	2	12 AM
If you plan to have music, what type(s)? (Circle all that apply)			BACKGROUND	LIVE MUSIC	DJ	JUKE BOX	KARAOKE	

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	<del>90</del> 90	<del>90</del> 90	25	70		1	12
OUTSIDE (Other than sidewalk café)							
SIDEWALK CAFÉ	<i>[Handwritten scribbles]</i>						

How many floors are there? What is the capacity for each floor?

1 floor with basement

How frequently will the owner(s) be at the establishment?

every day fulltime (live in building)

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

YES  NO

Will applicant have bottle or table service for beverage alcohol?

YES  NO

Will you be hosting private, promotional or corporate events?

YES  NO

Will outside promoters be used on a regular basis? If yes please describe.

YES  NO

Will you have a security plan? If yes please attach.

YES  NO

We are a restaurant first bar 2nd as clientele is on the professional side.

Will security plan be implemented?

YES  NO

Will State certified security personnel be used?

YES  NO

Will New York Nightlife Association and NYPD Best Practices be followed?

YES  NO

Will applicant be using delivery bicycles? If yes, how many?

YES  NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?

YES  NO  N/A

Where will delivery bicycles be stored during the day when not in use?

N/A

**LOCATION & ZONING**

Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	YES	<input checked="" type="radio"/> NO	

**Community Notification/Relations**

<p><b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted</p>	# 1	West 47th/48th Sts Block : Elke Fears	
	# 2	cc " : Larry Roberts	
	# 3	cc " : Kim Bogues	
	# 4	cc " : Chuck Vassallo	
	# 5	cc " : Steven Biedl	
	Please provide dates when applicant met with the groups listed above.		
		Sent emails on 7-3-15	
Who was your contact person at each group you met with?		N/A	
When did applicant post the notice that was provided?		7-6-15	
Where did applicant post the notice that was provided?		Store front window on 9th Ave	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	860-840-7947
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	Mexican Restaurant called Diego's		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Diego's
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Signage and awnings
Will applicant have a vestibule within the establishment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input checked="" type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Will follow the law
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	We are familiar with this and we use sound proofing foam under chairs, task baths and ceilings
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	on roof forced air handler		
When was the air conditioner installed?	at least 10 yrs ago		

**OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ**

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavillion, tents, deck or gazebo? If yes, which one(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

**OUTDOOR ITEMS – SIDEWALK CAFÉ**

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	NO	Not at the
Will applicant be applying for a sidewalk café now or in the future?	<input checked="" type="radio"/> YES	NO	Not Time <input checked="" type="radio"/> YES
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input checked="" type="radio"/> YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	<input checked="" type="radio"/> NO	will submit
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	NO	will follow local laws
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="radio"/> YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	<input checked="" type="radio"/> YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="radio"/> YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="radio"/> YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	<input checked="" type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input checked="" type="radio"/> YES	NO	
Will applicant use umbrellas?	YES	<input checked="" type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input checked="" type="radio"/> YES	NO	

THIS APPLICATION DOES NOT  
EXTEND TO A SIDEWALK  
CAFE.

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.*

1 **Business License & Permits Committee**

Item #: 18

2  
3 July 22, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: Chez Josephine Ltd.**  
12 *414 W. 42<sup>nd</sup> Street (9/10)*  
13 *License # 1027772*  
14

15 Dear Chairman Rosen:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a Corporate Change application for  
18 Chez Josephine Ltd – 414 W. 42<sup>nd</sup> Street (9/10), **unless** the attached stipulations, agreed to and signed  
19 by the applicant, are part of the method of operation for this establishment with a capacity of 65; 68  
20 seats, 1 stand-up bar with 6 seats and an unenclosed sidewalk café with 8 tables with 16 seats.  
21

22 Sincerely,

23  
24  
25  
26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28



# Manhattan Community Board 4

Unenclosed

APPLICANT Chez Josephine LTD.	ADDRESS 414 West 42nd Street, New York, NY 10036
DOING BUSINESS AS (DBA)	CROSS STREETS Ninth Avenue and Dyer Avenue
DESCRIPTION OF APPLICATION Corporate Change	OWNER SEE RIDER
ON SITE CONTACT: ( Name, position & phone number ) Andria Chin, Assistant Manager, (212) 594-1925	LAWYER Michael Ferrari
	LICENSE NUMBER: 1027772

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Side-walk café hours of Operation	11am-10pm	11am-10pm	11am-10pm	11am-10pm	11am-11pm	11am-11pm	11am-10pm
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	16	8	

## OPERATIONAL ISSUES

Question	YES	NO	N/A
Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The sidewalk café will not provide standing space for drinking or smoking.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

OTHER / NOTES:

**SOUND ISSUES**

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).

YES     NO     N/A

Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.

YES     NO     N/A

**CAFÉ DESIGN**

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?

YES     NO     N/A

Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?

YES     NO     N/A

Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?

YES     NO     N/A

Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)

YES     NO     N/A

Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?

YES     NO     N/A

Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?

YES     NO     N/A

Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?

YES     NO     N/A

If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.

YES     NO     N/A

**ADDITIONAL INFORMATION: (Applicant Use)**

Empty box for additional information.

# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

CORPORATION NAME Chez Josephine LTD.		DOING BUSINESS AS (DBA)	
STREET ADDRESS 414 West 42nd Street		CROSS STREETS Ninth Avenue, Dyer Avenue	ZIP CODE 10036
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Please See Rider	ATTORNEY/ REPRESENTATIVE	NAME: Ferrari & Ferrari LLP
	PHONE:		PHONE: (212) 972-7040
	EMAIL:		EMAIL: MF@RVFERRARI.COM
MANAGER	NAME: Manuel Uzhca	LANDLORD	NAME: 42nd Street Development Corporation
	PHONE: (212) 594-1925		PHONE: (212) 695-4242
	EMAIL: manuel@chezjosephine		EMAIL:
<b>APPLICATION TYPE</b> <i>(Check One)</i>			
<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	<input checked="" type="radio"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	is applicant making any alterations or operational changes?	YES	<input checked="" type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i> <b>Corporate Change</b>		
<b>METHOD OF OPERATION</b>			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	NO	

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons.)

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am
	Kitchen	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am	11:00am-2am
	Music	11:00am-1am	11:00am-1am	11:00am-1am	11:00am-1am	11:00am-1am	11:00am-1am	11:00am-1am

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND    
  LIVE MUSIC    
 DJ    
 JUKE BOX    
 KARAOKE

**OCCUPANCY**

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	65	65		68	0	1	6
OUTSIDE (Other than sidewalk café)	0	0	0	0			
SIDEWALK CAFÉ		16	8	16			

How many floors are there? What is the capacity for each floor?

3 floors- First floor 65  
Cellar and Second Floor- No public bathrooms

How frequently will the owner(s) be at the establishment?

Daily

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO
Will you be hosting private, promotional or corporate events?	<input checked="" type="radio"/> YES	NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will you have a security plan? If, yes please attach.	YES	<input checked="" type="radio"/> NO
Will security plan be implemented?	YES	<input checked="" type="radio"/> NO
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	<input checked="" type="radio"/> NO

Where will delivery bicycles be stored during the day when not in use?

N/A

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	

Community Notification/Relations		
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Midtown North Pct. Council: J.D. Noland at jeandaniel@aol.com
	# 2	Midtown North/South Pct. Council: John Mudd at john.mudd@usa.net
	# 3	Midtown North/South Pct. Council: William Otterson at bill@midtownsouthcc.org
	# 4	West 36th Street Block Association: Frank Stroock at mcgee79@aol.com
	# 5	
Please provide dates when applicant met with the groups listed above.	None	
Who was your contact person at each group you met with?	None	
When did applicant post the notice that was provided?	7/01/2015	
Where did applicant post the notice that was provided?	Facade and Emails	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

**BUILDING DESIGN**

State the name and type of business previously located in the space.	Unknown		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Applicant as occupied space for 28 years
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<i>Handwritten notes:</i> Windows can be opened
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	Above Entrance, Bar, Piano (No HVAC units) within Restaurant		
When was the air conditioner installed?	Upon opening of Restaurant and replaced with new ones 10 years ago		

**OUTDOOR ITEMS – SIDEWALK CAFÉ**

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Applicant currently hold a sidewalk cafe permit
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

1 **Business License & Permits Committee**

Item #: 19

2  
3 July 15, 2015

4  
5 Julie Menin  
6 Commissioner  
7 Department of Consumer Affairs  
8 42 Broadway  
9 New York, NY 10004

10  
11 **Re: The Jolly Monk**  
12 *701 9<sup>th</sup> Avenue (48/49)*  
13 *License #: 7535-2015-ASWC*  
14

15 Dear Chairman Rosen:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Unenclosed Sidewalk Cafe  
18 License application for The Jolly Monk – 701 9<sup>th</sup> Avenue (48/49), **unless** the attached stipulations,  
19 agreed to and signed by the applicant, are part of the method of operation for this establishment with 4  
20 tables and 8 seats; hours of operation for the sidewalk café: 8 a.m. – 10 p.m. Sunday – Thursday, 8 a.m.  
21 – 11 p.m. Friday & Saturday.  
22

23 Sincerely,

24  
25  
26  
27  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

28  
29



# Manhattan Community Board 4

## Unenclosed Sidewalk Café Stipulations Application

<b>APPLICANT</b> 701 Restaurant, LLC		<b>ADDRESS</b> 701 9th Avenue, New York, New York 10019	
<b>DOING BUSINESS AS (DBA)</b> The Jolly Monk		<b>CROSS STREETS</b> Between 48th & 49th Streets	<b>OWNER</b> Brian Connell, Anthony Doyle, Patrick Schmidt
<b>DESCRIPTION OF APPLICATION</b> Licensee will be applying to the SLA for permission to make an alteration - the addition of a small sidewalk cafe.			<b>LAWYER</b> Michael J. Paleudis, Esq.
<b>ON SITE CONTACT: ( Name, position &amp; phone number ):</b> Brian Connell, LLC Member and Manager, (917) 653-7390			<b>LICENSE NUMBER:</b> SLA License: 1278118

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
10pm	8:00 am - <del>12:00 am</del>	8:00 am - <del>12:00 am</del>	8:00 am - <del>12:00 am</del>	8:00 am - <del>12:00 am</del>	8:00 am - <del>1:00 am</del>	8:00 am - <del>1:00 am</del>	12:00 pm - <del>12:00 am</del>
<b>DCA Hours Allowed</b>	8-12	8-12	8-12	8-12	8-1	8-1	12-12
<b>SEATING &amp; TABLES</b>	<b>DESCRIPTION</b>		<b>NOTES</b>				
	<b>SEATS</b> <del>10</del> 8	<b>TABLES</b> <del>5</del> 4	11 PM				

### OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	Sidewalk Cafe will follow DCA allowed hours of operation.
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

**OTHER / NOTES:**

**SOUND ISSUES**

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A	The anticipated application is for a small, unenclosed cafe. Extensive sound proofing was put in place at the time the premises was built and a description of the soundproofing was presented to the community board at that time.
Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

**CAFÉ DESIGN**

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

**ADDITIONAL INFORMATION: (Applicant Use)**

SIGNS WILL BE ~~BE~~ POSTED  
 REMINDING THE STAFF THAT  
 ALL MUSIC & WINDOW WILL  
 BE CLOSED NO LATER THAN 11:00  
 PM. FRIDAY / SATURDAY AND  
 10:00 PM. ON ALL OTHER NIGHTS

AND

WHenever applied

SOUND IS ~~PLAYED~~ PLAYED 2 of 4

ADDITIONAL NOTES: (Office Use Only)

- APPLICANT WILL ENSURE THAT 8 FEET OF SIDE WALK REMAINS FREE ~~FOR~~ <sup>FOR</sup> PEDESTRIANS, REGARDLESS OF CONSTRUCTION OR CONSTRUCTIVE FENCING.
- IN THE EVENT OF ANY CONSTRUCTION ON WEST SIDE OF ~~BRITAIN~~ NORTH AVENUE IN FRONT OF ESTABLISHMENT, THERE WILL BE NO SIDEWALK CAFE.

ADDITIONAL STIPULATIONS: (Office Use Only)

- WILL SUBMIT REVISED SIDEWALK CAFE PLANS BY 6/30/15, REFLECTING 4 TABLES ONLY, ~~ALL~~ ALL AGAINST THE BUILDING FACADE.
- NO DIVIDERS, ~~OR~~ FENCES, PLANTERS OR OTHER STRUCTURES PARALLEL TO NORTH AVENUE
- ONLY DIVIDERS WILL BE ON NORTH + SOUTH ENDS OF THE SIDEWALK CAFE, NO LONGER THAN ~~THE~~ WIDTH OF CAFE.

2  
3 July \_\_, 2015

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: El Cid Restaurant Inc.**  
12 *174 8<sup>th</sup> Avenue (btwn W18<sup>th</sup> & W19<sup>th</sup> Streets)*  
13 **ALTERATION APPLICATION**

14  
15 Dear Chairman Rosen:

16  
17 Manhattan Community Board 4 (MCB4) recommends denial of the alteration application of El Cid  
18 Restaurant Inc. to extend its On-Premise license to its adjoining rooftop deck. Given its present illegal  
19 use of the roof deck, its failure to honor and abide by its previous agreement with MCB4, the history of  
20 complaints with respect to this establishment, and the disruption to the residential quality of life that  
21 would be caused by the requested alteration, allowing the alteration would not serve, and would be  
22 contrary to, the public interest.

23  
24 Most significantly, El Cid already has been consistently serving alcohol on its outdoor roof deck despite  
25 the fact that, in the Establishment Questionnaire that El Cid submitted to the State Liquor Authority with  
26 its initial application, El Cid answered “no” to the question asking “Any outdoor area or sidewalk café  
27 used for the sale or consumption of alcoholic beverages? (such as roof, yard, deck).” Having  
28 consistently flouted this representation with its illegal alcohol service on its outdoor roof deck, El Cid  
29 should not now be permitted to legitimize this practice with the requested alteration to its liquor license  
30 -- particularly given the major disruption to reasonable residential quality of life that use of this roof  
31 deck has caused.

32  
33 El Cid has been the subject of multiple complaints from its immediate neighbors and other members of  
34 the Chelsea community. It has appeared before MCB4’s Business Licenses and Permits (BLP) and  
35 Quality of Life (QoL) Committees several times in our attempts to address the community’s concerns.  
36 Neighbors of El Cid have documented consumption of alcohol on the roof deck on multiple occasions.  
37 When confronted with this fact at MCB4’s QoL Committee in June, El Cid agreed to not use the roof  
38 deck, including previously scheduled events, unless and until they obtained an alteration to their license.  
39 But even after this written agreement (a copy of which is enclosed), El Cid has continued to use the roof  
40 deck. The impact of these actions blasts away any trust the community had remaining in the words of El  
41 Cid.

42  
43 When El Cid presented its alteration application at the July 14, 2015 meeting of MCB4’s BLP  
44 Committee, many individuals and representatives of nearby block associations spoke against El Cid’s  
45 application. Others who could not be present sent emails to MCB4’s office expressing their opposition.

1 Upon hearing the opinions of the neighbors and confronted with the violations regarding the use of the  
2 roof, El Cid had no response, neither denying the activity nor offering any apology or explanation.

3  
4 Given El Cid's willingness to allow the illegal alcohol consumption on its roof deck, its refusal to adhere  
5 to its recent agreement to cease using the roof, and the demonstrated disruption to the community caused  
6 by use of the roof, MCB4 believes that any use of the roof would have a serious negative impact on  
7 numerous community residents and recommends that the alteration application be denied in its entirety.  
8 MCB4 does not believe that the issues with the roof use could be solved by stipulations setting  
9 conditions for use of the roof, both because of the demonstrated disruption and problems caused by any  
10 use of the roof and because, given its track record, MCB4 has no confidence that El Cid would adhere to  
11 any parameters attached to the use of the roof. We conclude that it would not be in the interest of the  
12 community to alter El Cid's liquor license.

13  
14 Thank you for your attention to this application and MCB4's concerns.

15  
16 Sincerely,

17  
18  
19  
20  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

21

1 Business Licenses and Permits Committee  
2 July \_\_, 2015

Item# 21

3  
4 Ana Reyneso  
5 Assistant Director of Licensing  
6 Department of Consumer Affairs  
7 42 Broadway  
8 New York, NY 10004  
9

10 **Re: 1910 Waterfront LLC**  
11 **d/b/a The Filmore Room**  
12 **Sidewalk Café License/Application # 7984-2015-ASWC**  
13 **146 10th Ave. (19/20)**  
14

15 Dear Ms. Reyneso:

16  
17 Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for  
18 1910 Waterfront LLC d/b/a The Filmore Room:  
19

- 20 • The applicant has refused to appear before MCB4 prior to the July 27, 2015 deadline for  
21 MCB4's recommendations on this application to the Department of Consumer Affairs (DCA).  
22 MCB4 and the community thus have had no opportunity to discuss the application and its  
23 operations with the applicant. Upon receipt of this sidewalk café application from the DCA,  
24 MCB4 sent its standard Sidewalk Café Stipulations Application to the applicant and notified the  
25 applicant of the upcoming meeting of MCB4's Business Licenses and Permits (BLP) Committee  
26 on July 14, 2014, at which the application would be discussed. On July 13, the day before that  
27 meeting, the applicant asked to postpone its appearance to the August meeting of the BLP  
28 Committee. MCB4 responded that it ordinarily would agree to such as a postponement, but  
29 explained the current July 27 deadline for its recommendations and asked the applicant to  
30 withdraw and re-file its application so that MCB4 could submit timely recommendations after  
31 the applicant's appearance at the August BLP meeting. The applicant, however, both refused to  
32 withdraw its application and refused to appear at the July 14 BLP meeting, although it indicated  
33 that it still wanted to appear at the August BLP meeting -- after the deadline for MCB4's  
34 recommendations.  
35
- 36 • Unfortunately, this is simply the latest example of the applicant's refusal to engage in any  
37 meaningful discussion with MCB4 or the community. As reflected in the enclosed June \_\_,  
38 2015 letter to the NYS Liquor Authority, when applying for its liquor license, the applicant,  
39 despite multiple requests from MCB4, refused to submit any information about its planned  
40 operations to MCB4 or to meet with MCB4 and the community. Such disregard for the  
41 community does not bode well for the applicant's operating a sidewalk café in a manner that  
42 takes the community's interests into consideration.  
43
- 44 • MCB4 also has concerns about the size and layout of the sidewalk café as reflected in the  
45 proposed plans. At 20 tables and 46 chairs, this is quite large café. It is located on avenue  
46 corner and immediately below numerous residential windows.

- 1 • Although MCB4 urges that this application be denied for the reasons stated above, in the event  
2 any permit is granted, MCB4 requests that the café be closed and vacated at the hours that MCB4  
3 requests from all sidewalk café applicants: 11:00 p.m. on Friday and Saturday nights and 10:00  
4 p.m. on all other nights. MCB4 has found that these closing hours are necessary to protect  
5 reasonable residential quality of life for community members living above and adjacent to  
6 sidewalk cafes.  
7

8 Sincerely,  
9

10 Christine Berthet  
Chair

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

11

DRAFT

2  
3  
4 July \_\_, 2015

5  
6 Ana Reyneso  
7 Assistant Director of Licensing  
8 Department of Consumer Affairs  
9 42 Broadway  
10 New York, NY 10004

11  
12 **Re: Hono LLC**  
13 **Sidewalk Café License/Application # 9230-2015-ASWC**  
14 **356 West 44th Street (8/9)**  
15

16 Dear Ms. Reyneso:

17  
18 Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for  
19 Hono LLC for the following reasons:

- 20  
21 • The applicant has failed to communicate in any way with MCB4 about this application, and  
22 MCB4 and the community thus have had no opportunity to discuss the application and its  
23 operations with the applicant. Upon receipt of this sidewalk café application from the  
24 Department of Consumer Affairs (DCA), MCB4 sent its standard Sidewalk Café Stipulations  
25 Application to the applicant and notified the applicant of the upcoming meeting of MCB4’s  
26 Business Licenses and Permits (BLP) Committee on July 14, 2014, at which the application  
27 would be discussed. The applicant did not submit a completed stipulations application, did not  
28 appear at the July 14 BLP Committee meeting, and did not communicate with MCB4 in any way  
29 about its application.  
30
- 31 • The applicant has already been illegally serving food and alcohol at sidewalk tables in front of its  
32 establishment -- despite the facts that it has no permit for a sidewalk café from the DCA and its  
33 liquor license from the NYS Liquor Authority only permits the service of alcohol *inside* the  
34 establishment. Attached are photos taken by a MCB4 member on July 12, 2014, showing  
35 alcohol being consumed at outdoor tables in front of this establishment. These outdoor tables  
36 have been in regular use for several months. In addition to the illegal sidewalk café, the  
37 applicant has an outdoor speaker playing music onto the sidewalk, in violation of the city’s noise  
38 code. The enclosed pictures, as well as the pictures submitted to the DCA by the applicant, also  
39 show that the applicant has placed unauthorized A-frame signs, a menu board, and planters on  
40 the sidewalk, all in violation of city regulations. MCB4 believes strongly that it is inappropriate  
41 to award a sidewalk café permit to an applicant that has violated multiple laws with respect to the  
42 sidewalk in front of its establishment and has shown such disregard of the law and the  
43 community.  
44
- 45 • The layout of the sidewalk café reflected in the proposed plans fails to comply with the city’s  
46 regulations for sidewalk café design. Title 6, Chapter 2, Subchapter F, Section 2-55 of the Rules



1 of the City of New York requires that “a service aisle not less than 36 inches is maintained *along*  
2 *the entire length of the separated areas occupied by the sidewalk café . . . .*” (See also DCA  
3 Inspection Checklist: Sidewalk Café -- “There must be a 36-inch service aisle *for the entire*  
4 *length of the tables* that is separate from the 8-foot pedestrian path.”) Although the submitted  
5 plans contain a small area labelled “Waiter Service Aisle” and several three-foot measurements,  
6 the purported service aisle in no way runs the “entire length” of the tables or the separated café  
7 area. In fact, it would seem impossible for a waiter to serve many of the patrons at these tables  
8 from the designated “service aisle” on the plans.  
9

- 10 • Although MCB4 believes strongly that this application should be denied for the reasons stated  
11 above, in the event any permit is granted, the café should be re-designed to include a true 3-foot  
12 service aisle running along the entire length of the café and to comply with all other city  
13 regulations. MCB4 also requests that the café be closed and vacated at the hours that MCB4  
14 requests from all sidewalk café applicants: 11:00 p.m. on Friday and Saturday nights and 10:00  
15 p.m. on all other nights. MCB4 has found that these closing hours are necessary to protect  
16 reasonable residential quality of life for community members living above and adjacent to  
17 sidewalk cafes.  
18

19 Sincerely,  
20  
21

Christine Berthet  
Chair

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

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