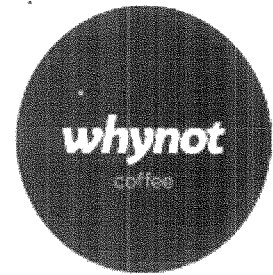


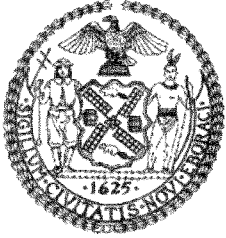
**Whynot Orchard LLC**  
**175 Orchard Street/New York, NY 10002**



## **Questionnaire**

- 1. Photographs of the Exterior and Interior**
- 2. Current and Proposed Floor Plans**
- 3. Menus**
- 4. Area Survey with List of Measurements**
- 5. Photograph of Notice Posting**

**Donald M. Bernstein | Victor & Bernstein, P.C.**  
18 East 41st Street, 10th Floor | New York, NY 10017  
Tel.: 212.486.6000 | Fax: 212.486.8668  
[dbernstein@victorbernstein.com](mailto:dbernstein@victorbernstein.com) | [www.victorbernstein.com](http://www.victorbernstein.com)



THE CITY OF NEW YORK  
 MANHATTAN COMMUNITY BOARD 3  
 59 East 4th Street - New York, NY 10003  
 Phone: (212) 533-5300 - Fax: (212) 533-3659  
 www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

**Community Board 3 Liquor License Application Questionnaire**

Please bring the following items to the meeting:

**NOTE: ALL ITEMS MUST BE SUBMITTED FOR APPLICATION TO BE CONSIDERED.**

- Photographs of the inside and outside of the premise.
- Schematics, floor plans or architectural drawings of the inside of the premise.
- A proposed food and or drink menu.
- Petition in support of proposed business or change in business with signatures from residential tenants at location and in buildings adjacent to, across the street from and behind proposed location. Petition must give proposed hours and method of operation. For example: restaurant, sports bar, combination restaurant/bar. (petition provided)
- Notice of proposed business to block or tenant association if one exists. You can find community groups and contact information on the CB 3 website: [http://www.nyc.gov/html/mancb3/html/communitygroups/community\\_group\\_listings.shtml](http://www.nyc.gov/html/mancb3/html/communitygroups/community_group_listings.shtml)
- Photographs of proof of conspicuous posting of meeting with newspaper showing date.
- If applicant has been or is licensed anywhere in City, letter from applicable community board indicating history of complaints and other comments.

Check which you are applying for:

- new liquor license       alteration of an existing liquor license       corporate change

Check if either of these apply:

- sale of assets       upgrade (change of class) of an existing liquor license

Today's Date: July 22, 2014

**If applying for sale of assets, you must bring letter from current owner confirming that you are buying business or have the seller come with you to the meeting.**

Is location currently licensed?  Yes  No    Type of license: Beer and Wine License

If alteration, describe nature of alteration: One-additional stand-up bar

Previous or current use of the location: No change - a coffee cafe with the sale of art work

Corporation and trade name of current license: Whynot Orchard LLC  
dba Whynot Coffee Wine and Art Gallery

**APPLICANT:**

Premise address: 175 Orchard Street/ New York, NY 10002

Cross streets: East Houston and Stanton Street

Name of applicant and all principals: Emil Stefkov

Trade name (DBA): Whynot Coffee Wine and Art Gallery

**PREMISE:**

Type of building and number of floors: 5 story building with 16 residential units and commercial space on the ground floor

Will any outside area or sidewalk cafe be used for the sale or consumption of alcoholic beverages? (includes roof & yard)  Yes  No If Yes, describe and show on diagram: 2 benches are set up on the sidewalk inside the property line in front of the premises

Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use?  Yes  No What is maximum NUMBER of people permitted? 74

Do you plan to apply for Public Assembly permit?  Yes  No

What is the zoning designation (check zoning using map: <http://gis.nyc.gov/doitt/nycitymap/> - please give specific zoning designation, such as R8 or C2): C4-4A

**PROPOSED METHOD OF OPERATION:**

Will any other business besides food or alcohol service be conducted at premise?  Yes  No

If yes, please describe what type: The sale of art work.

What are the proposed days/hours of operation? (Specify days and hours each day and hours of outdoor space) Interior: 7AM-1AM Monday to Sunday

Number of tables? 25 Number of seats at tables? 70 (includes bar stools)

How many stand-up bars/ bar seats are located on the premise? Two Stand-Up Bars with 21 bar seats

(A **stand up bar** is any bar or counter (whether with seating or not) over which a patron can order, pay for and receive an alcoholic beverage) 16'-5" x 7'-5" U-shaped stand-up bar in the middle of the cafe  
Describe all bars (length, shape and location): 10'-3" x 11'-6" U-shaped stand-up bar at the north west wall

Does premise have a full kitchen  Yes  No?

Does it have a food preparation area?  Yes  No (If any, show on diagram)

Is food available for sale?  Yes  No If yes, describe type of food and submit a menu Cafe style menu with pastries, quiches, sandwiches and specialty coffees

What are the hours kitchen will be open? All hours of operation

Will a manager or principal always be on site?  Yes  No If yes, which? \_\_\_\_\_

How many employees will there be? 4 per shift

Do you have or plan to install  French doors  accordion doors or  windows?

Will there be TVs/monitors?  Yes  No (If Yes, how many?) \_\_\_\_\_

Will premise have music?  Yes  No

If Yes, what type of music?  Live musician  DJ  Juke box  Tapes/CDs/iPod

If other type, please describe \_\_\_\_\_

What will be the music volume?  Background (quiet)  Entertainment level \*at a volume where  
Please describe your sound system: \_\_\_\_\_  
customers can have a conversation

Will you host any promoted events, scheduled performances or any event at which a cover fee is charged? If Yes, what type of events or performances are proposed and how often? \_\_\_\_\_

Scheduled art shows and musicians. Live music will consist of acoustic classical and jazz music that will not be amplified and no more than four musicians.  
\_\_\_\_\_

How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? Please attach plans. (Please do not answer "we do not anticipate congestion.")  
We will request that people move away from the cafe and that vehicles do not linger.  
Will there be security personnel?  Yes  No (If Yes, how many and when) \_\_\_\_\_  
\_\_\_\_\_

How do you plan to manage noise inside and outside your business so neighbors will not be affected? Please attach plans. We have background music played at a low volume level and live classical and jazz music played at a level where customers do not have to raise their voices to be heard.

Do you  have or  plan to install sound-proofing? No soundproofing.

We have vintage music equipment from the 1970's with record vinyl player with 2 speakers on bases on floor that plays mellow quiet music. We have acoustical live classical and jazz music that is not amplified.

**APPLICANT HISTORY:**

Has this corporation or any principal been licensed previously?  Yes  No

If yes, please indicate name of establishment: see attached list

Address: \_\_\_\_\_ Community Board # \_\_\_\_\_

Dates of operation: \_\_\_\_\_

**If you answered "Yes" to the above question, please provide a letter from the community board indicating history of complaints or other comments.**

Has any principal had work experience similar to the proposed business?  Yes  No If Yes, please attach explanation of experience or resume.

Does any principal have other businesses in this area?  Yes  No If Yes, please give trade name and describe type of business \_\_\_\_\_

Has any principal had SLA reports or action within the past 3 years?  Yes  No If Yes, attach list of violations and dates of violations and outcomes, if any.

Attach a separate diagram that indicates the location (**name and address**) and total number of establishments selling/serving beer, wine (B/W) or liquor (OP) for 2 blocks in each direction. Please indicate whether establishments have On-Premise (OP) licenses. Please label streets and avenues and identify your location. Use letters to indicate **Bar, Restaurant**, etc. The diagram must be submitted with the questionnaire to the Community Board before the meeting.

**List of Establishments Owned and Operated by  
Applicant Emil Stefkov**

**(1)**

Whynot My Way LLC dba Whynot Coffee  
14 Christopher Street  
New York, NY 10014

Operating as a coffee café since May of 2013 and issued a beer wine license on September 11, 2013

**(2)**

Olio Restaurant LLC dba Olio Restaurant  
2 Greenwich Avenue  
New York, NY 10014

Operating with a full liquor license since July 2, 2010

**(3)**

BBSF Dooel  
Skopje, Macedonia

Applicant owned and operated the restaurant from 2006 to 2009

N/A beer and wine license - responses are for informational purposes

**LOCATION:**

How many licensed establishments are within 1 block? 10 (6 full OP licenses & 4 beer wine licenses)

How many On-Premise (OP) liquor licenses are within 500 feet? 57(14 beer wine licenses; 1 liquor store and 1 beer license)

Is premise within 200 feet of any school or place of worship?  Yes  No

**COMMUNITY OUTREACH:**

Please see the Community Board website to find block associations or tenant associations in the immediate vicinity of your location for community outreach. Applicants are encouraged to reach out to community groups. Also use provided petitions, which clearly state the name, address, license for which you are applying, and the hours and method of operation of your establishment at the top of each page. (Attach additional sheets of paper as necessary).

***We are including the following questions to be able to prepare stipulations and have the meeting be faster and more efficient. Please answer per your business plan; do not plan to negotiate at the meeting.***

1.  I agree to close any doors and windows at 10:00 P.M. every night?
2.  I will not have  DJs,  live music,  promoted events,  any event at which a cover fee is charged,  scheduled performances,  more than \_\_\_\_ DJs/ promoted events per \_\_\_\_,  more than \_\_\_\_ private parties per \_\_\_\_
3.  I will play ambient recorded background music only. and live classical music.
4.  I will not apply for an alteration to the method of operation agreed to by this stipulation without first coming before CB 3.
5.  I will not seek a change in class to a full on-premise liquor license. Or  my business plan is to seek an upgrade at a later date.
6.  I will not participate in pub crawls or have party buses come to my establishment.
7.  I will not have a happy hour. Or  Happy hour will end by \_\_\_\_\_.
8.  I will not have wait lines outside.  There will be a staff person outside to monitor sidewalk crowds and ensure no loitering.
9.  Residents may contact the manager/owner at the following phone number. Any complaints will be addressed immediately and I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.





























(2)

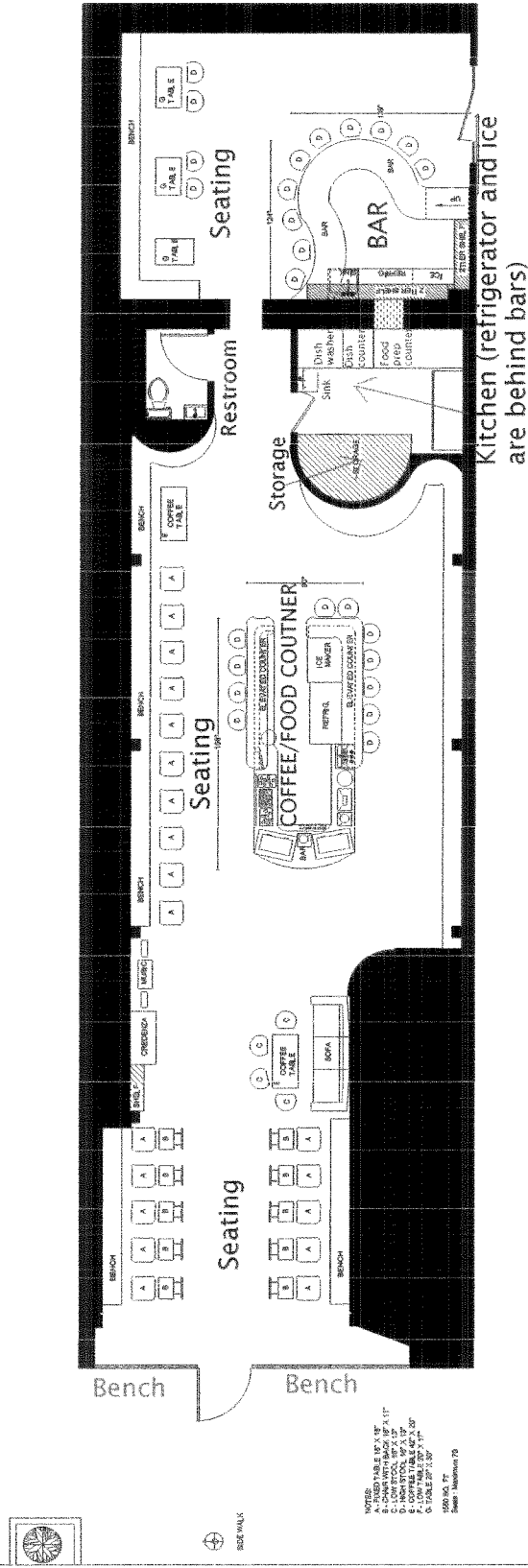
## Current and Proposed Floor Plans

Current Floor Plan Showing one bar

Whynot Orchard LLC / 175 Orchard Street

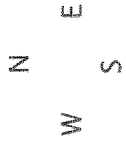
25 tables / 49 seats / 10 bars stools and 1 counter stools  
 Total seating is 70

1550 sq ft



SCALE : 1/4" = 1'-0"

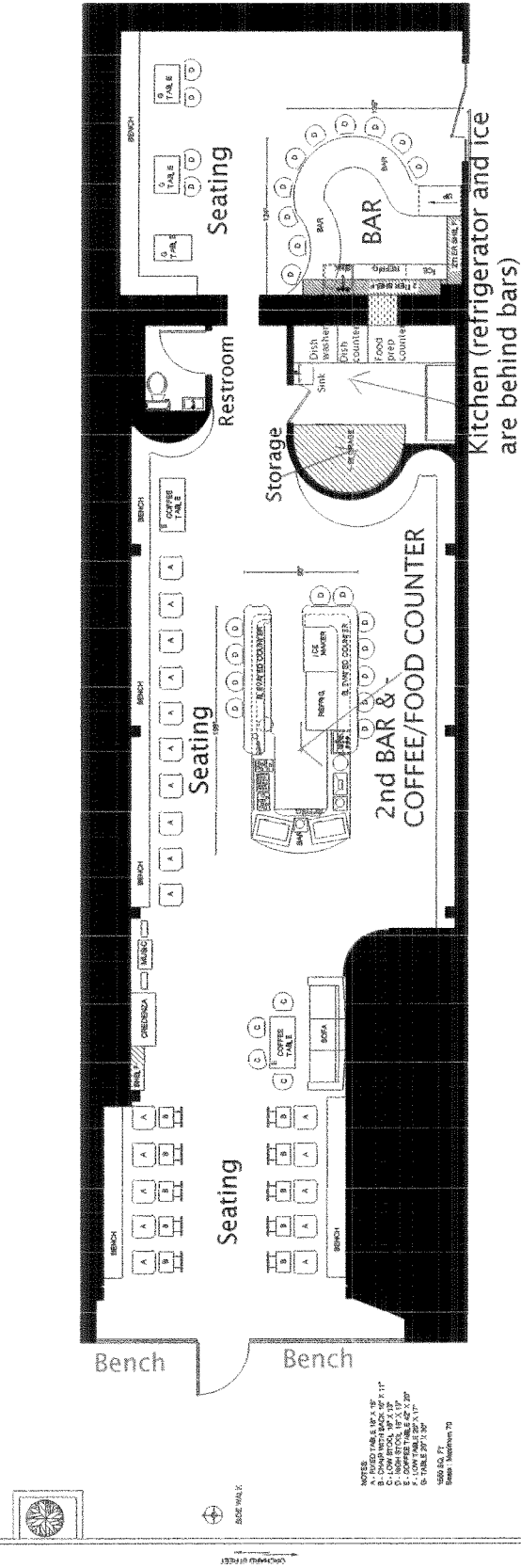
Proposed Plan Showing additional bar



Whynot Orchard LLC / 175 Orchard Street

25 tables / 49 seats / main bar = 10 bars stools and additional bar = 11 bar stools  
 Total seating is 70

1550 sq ft



SCALE : 1/4" = 1'-0"

# COFFEES

Coffee roasted by Toby's Estate  
All Milks are Organic from Organic Valley



Coffee .....	\$2.5
Espresso .....	\$3
Latte .....	\$4
Cappuccino.....	\$4
Americano.....	\$3
Macchiato .....	\$3
Mocha.....	\$4

Coffee Au Lait.....	\$3
Cortado .....	\$3
Cold Brew .....	\$3.5
Ice Latte .....	\$4
Extra shot (2 doses) .....	\$1
Single Origin Pour Over .....	\$4.5
Flavor Shot .....	\$0.50

# OTHER GOODIES

Belloccq Teas:

Black Tea (Gypsy Caravan, Belloccq Breakfast, The Earl Gray) .....	\$3.5
White Tea (The White wolf).....	\$3.5
Green Tea (Dragonwell) .....	\$3.5
Mint Tea (La Corazon De Cien Fuegos, Le Hammeau, Little Dickens, Pic du Midi, Ashram Afternoon) .....	\$3.5

Fresh Lemonade w/ Mint .....	\$4
Evian .....	\$3
Perrier .....	\$3
House blends 8 oz .....	\$10
Single Origin Coffees 8 oz .....	\$12
Ice Tea .....	\$3.5
Traditional Chai .....	\$4
Dirty Chai.....	\$4.5
Hot Chocolate .....	\$4
Fresh Orange Juice.....	\$4
Mocha.....	\$4.5

# PASTRIES

Croissant .....	\$3.5
Chocolate Croissant.....	\$4
Almond Croissant .....	\$5
Prosciutto & Provolone Croissant .....	\$6
Goat Cheese & Wild Berry Jam Croissant .....	\$6
Veggie Croissant .....	\$6
Brownie .....	\$4.5
Caramel Loaf Cake (Organic flour and european style butter) .....	\$4.5
Walnut Loaf Cake (Organic flour and european style butter) ...	\$4.5
Lemon Loaf Cake (Organic flour and european style butter) ...	\$4.5
Banana Walnut Loaf (Organic Vegan) .....	\$5.5
Pumpkin Loaf .....	\$5.5
Almond Macaroon (Organic Raw Vegan) .....	\$3
Chocolate Macaroon (Organic Raw) .....	\$3

Pain aux Raisins (Organic flour and european style butter) .....	\$5
Strawberry Scones .....	\$2.5
Pistachio Financier (Organic flour and european style butter) ...	\$3
Raspberry Financier (Organic flour and european style butter) .	\$3
Macaroon (gluten free) .....	\$3
Chocolate Chip Cookie (Org Vegan & Gluten Free) .....	\$3
Lemon Raspberry Cookie (Org Vegan & Gluten Free) ....	\$3
Coconut Jam Drop Cookie (Organic Vegan Gluten Free)...	\$3
Peanut Butter Cookie (Organic Vegan Gluten Free) .....	\$3
Almond Cookie (Organic Vegan Gluten Free) .....	\$3
Gorilla Bar (Organic) .....	\$5
Oat Bran Muffin (Organic).....	\$5
Quiche Ham & Spinach.....	\$7
Quiche Chicken & Leek.....	\$7

# DRAFT BEER

Radeberger, Pilsner, Germany, since 1872, 4.8% .....	\$5
Weihenstephaner, Hefeweissbier, Hefeweizen, since 1040, 5.4% .....	\$5
Founders, All Day IPA American IPA, Grand Rapids, MI, 4.7% .....	\$5



# BOTTLE BEER

Speakeasy Ales & Lagers, Prohibition, Ale American Amber, 6.10% .....	\$6
Stone Brewing Co, Arrogant bastard, American Strong Ale, 7.2% .....	\$12
McKenzie's Hard Cider, Seasonal Reserve, Cider, 5% .....	\$6

# RED WINE \$7

Monte Degali Angeli, Pinot Noir, Piemonte, Italy, 2013  
Tomaiolo, Chianti Classico Reservo, Pontedera Italy , 2009  
Alto Tierrauca, Cabernet Sauvignon, Colchagua Chile, 2012  
Domaine Du Pere Caboche, Chateaneuf Du Pape, France, 2010  
Charles Brotte: Grand Vallon, Rose, France

# WHITE WINE \$7

Pasco Grion, Pino Grigio, Venito Italy, 2012  
Oracal, Chardonnay, South Africa, 2012  
Conti Speroni, Gave, Piemonte Italy, 2013  
Klein Steenberg, Sauvignon Blanc, South Africa, 2013  
Fontana Baudia, Prosecco, Veneto, Italy

# COCKTAILS \$8

- Mimosa (orange juice, prosecco)
- Bellini (peach puree, prosecco)
- Pear Bellini (pear puree, prosecco)

# SNACKS

Deep River Mesquite BBQ .....	\$4
Deep River Zesty Jalapeno .....	\$4
Deep River Vinegar & Sea Salt .....	\$4
Truffle Popcorn & sea salt .....	\$5
Cajun Popcorn .....	\$5
Cracked pepper & sea salt Popcorn .....	\$5
Mixed Nuts .....	\$5

# FINGER FOOD

Oven Baked Pretzel with Dijon Mustard .....	\$5
Sliders (Pulled Pork , Red Cabbage Slaw) .....	\$7
Chorizo Sausage .....	\$6
Baguette Salmon .....	\$8
Baguette Prosciutto .....	\$8
Baguette Vegeterian .....	\$8

# CHARCUTERIE

18 month aged Prosciutto Di Parma  
Finocchiona (Similar to Sopressata)  
Rabbit Pate  
Berkshire Rosemary Lardo  
(served with imported olives + baguette) .... \$15

# CHEESE

Sottocenere (Firm / Truffle) \*Cow  
Brebirousse D' Argental (Soft / Creamy) \*Sheep  
Fourme d' Ambert (Blue / Smooth) \*Cow  
Petit Billy (Limit / Creamy) \*Goat  
(served with Fresh Fruit, Nuts and Fruit Compote) ... \$15

# COMBO (Charcuterie + Cheese) \$25

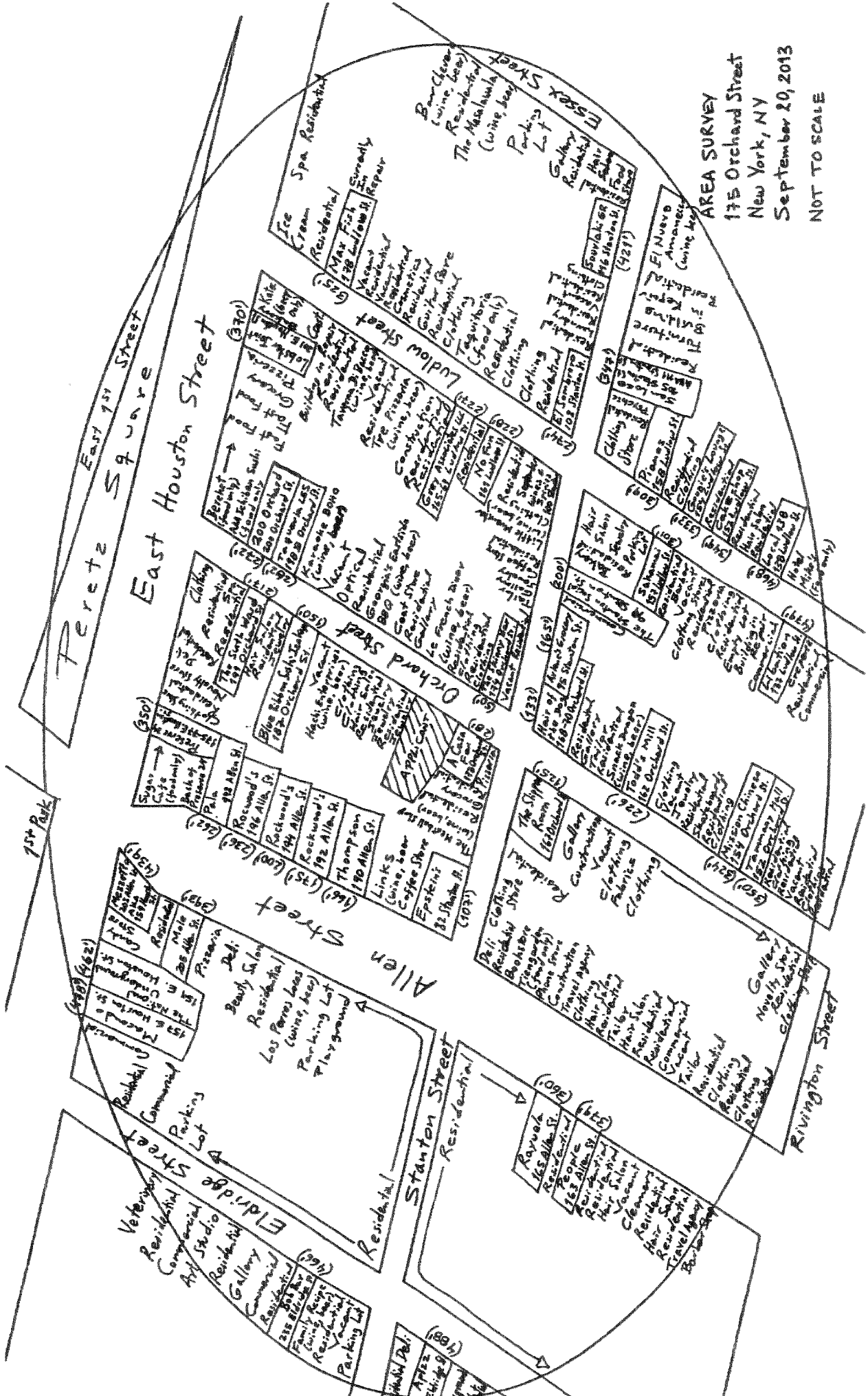
*\*All boards include our signature butter with garlic, salmon and basil.*

Orchard & Stanton

[www.facebook.com/whynotorchard](http://www.facebook.com/whynotorchard)

tel 646 682 9065

prices do not include sales tax



**AREA SURVEY**  
 175 Orchard Street  
 New York, NY  
 September 20, 2013  
 NOT TO SCALE

## Re: 175 Orchard Street

1. Max Fish - 178 Ludlow Street - (325') (Currently in Repair)
2. El Sombrero - 108 Stanton Street - (274')
3. Souvlaki GR - 116 Stanton Street - (421')
4. Pianos - 158 Ludlow Street - (309')
5. Googie's Lounge - 154 Ludlow Street - (333')
6. Cakeshop - 152 Ludlow Street - (349')
7. Local 138 - 138 Ludlow Street - (468')
8. San Loco - 105 Stanton Street AKA 111 Stanton Street - (347')
9. Hair of the Dog - 168-70 Orchard Street - (133')
10. Todd's Mill - 162 Orchard Street - (226')
11. Mission Chinese - 154 Orchard Street - (324')
12. Tammany Hall - 152 Orchard Street - (350')
13. Arlene's Grocery - 95 Stanton Street - (165')
14. The Stanton Social - 99 Stanton Street - (200')
15. Sakamai - 157 Ludlow Street - (301')
16. Libation - 137 Ludlow Street - (479')
17. The Skinny Bar - 174 Orchard Street - (50') (Currently in Repair)
18. Taqueria Lower East Side - 198B Orchard Street - (262')
19. 200 Orchard - 200 Orchard Street - (232')
20. Lobster Joint - 201 East Houston Street - (370')
21. Grey Associates LLC - 165-167 Ludlow Street - (227')
22. No Fun - 161 Ludlow Street - (228')
23. The Slipper Room - 167 Orchard Street - (125')
24. Epstein's - 82 Stanton Street - (107')
25. Thompson - 140 Allen Street - (166')
26. Rockwood's - 142 Allen Street - (175')
27. Rockwood's - 144 Allen Street - (200')
28. Rockwood's - 146 Allen Street - (236')
29. Pala - 148 Allen Street - (262')
30. Preserve 24 - 175-77 East Houston Street - (350')
31. The Sixth Ward - 191 Orchard Street - (217')
32. Blue Ribbon Sushi Izakaya - 187 Orchard Street - (150')
33. A Casa Fox - 173 Orchard Street - (28')
34. People - 163 Allen Street - (379')
35. Rayuela - 165 Allen Street - (360')
36. Mole - 205 Allen Street - (393')
37. Mezzetto - 205 Allen Street AKA 159 Houston Street - (439')
38. The National Underground - 159 East Houston Street - (462')
39. Macondo - 157 East Houston Street - (478')
40. Apizza - 217 Eldridge Street - (488')
41. Bob Bar - 235 Eldridge Street - (466')

### Schools & Churches

1. P.S. 20 - 166 Essex Street - (3540')
2. Lamb's Church of the Nazarene - 61 Rivington Street - (3635')

(5)

Photograph of Notice Posting – *to be provided*