



MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN Chair

Jesse Bodine District Manager

January 10, 2020

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

Re: Entity to be formed d/b/a Cara Mia 693 Ninth Avenue (47/48 Streets)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends <u>denial</u> of the application for an OP license for an entity to be formed by Umar R. Malik d/b/a Cara Mia, 693 Ninth Avenue (47/48). MCB4 has been unable to confirm that this applicant has no connection with Besim Kukaj -- whose four OP licenses (three in this district) were recently summarily suspended by the Liquor Authority. Mr. Kukaj had several connections to the establishment currently operating at this location (also named Cara Mia), and MCB4 is concerned about the possibility of Mr. Kukaj's involvement with the supposedly new establishment and the new OP license. If the Liquor Authority concludes that the current applicant has no connection to Mr. Kukaj, then MCB4 recommends denial unless the attached stipulations, proposed by the applicant, are made terms of the license.

The history of Cara Mia and Mr. Kukaj's involvement with it are somewhat complicated and are set out below.

Cara Mia's Prior Location at 654 Ninth Avenue

In 2013, Mr. Kukaj, as principal, filed with the SLA for a restaurant wine-and-beer license for a restaurant named Cara Mia at 654 Ninth Avenue. That license, No. 1273661, was issued and remained active into 2019.

MCB4's recommendation is based on a vote taken at its January 2, 2020 full board meeting, with members voting in favor of the recommendation, ____ members opposed, ____ members abstaining and ____ present but not eligible.

In approximately March 2019, Cara Mia at 654 Ninth Avenue closed and posted signs at that location stating that "[w]e are now located at 693 9th Ave. between 47th & 48th Streets." (See attached photo of re-location signage posted at 654 Ninth Avenue.) The establishment at 693 Ninth Avenue was then re-named Cara Mia and re-branded with Cara Mia's distinctive red and yellow signage.

Cara Mia at 693 Ninth Avenue

To the best of our knowledge, Mr. Kukaj has never held a liquor license for Cara Mia at 693 Ninth Avenue. In October 2018, a professional associate of Mr. Kukaj's, Joseph Bellavia, filed an application with the Liquor Authority for an OP license at 693 Ninth Avenue; the Liquor Authority's website lists the status of that license as "inactive," with no effective date. Mr. Bellavia's LinkedIn page describes him as the Chief Operations Officer at BKUK Group NYC, one of Mr. Kukaj's companies.

Although MCB4 has been unable to determine the exact nature of Mr. Kukaj's involvement with the relocated Cara Mia at 693 Ninth Avenue, MCB4 personnel regularly observed Mr. Kukaj on those premises. In addition, the Midtown North police precinct informed MCB4 that they had issued a ticket to Mr. Kukaj on June 19, 2019, for selling alcoholic beverages without a license at 693 Ninth Avenue. (See attached MCB4 letter dated June 25, 2019, to the Liquor Authority.)

The Current Application

At the December 10, 2019 meeting of MCB4's Business Licenses and Permits (BLP) Committee, Umar R. Malik presented his application for an OP license at 693 Ninth Avenue. Mr. Malik appeared noticeably quiet and uninterested at the meeting, but committee members were able to learn the following through their questioning. Mr. Malik intends to continue operating Cara Mia as it has been operating, with the same name, décor, and staff. He has never owned or managed a restaurant before. Mr. Malik's professional background and current job are in hotel management. Were he to take over Cara Mia, he would continue his hotel day job and supervise the restaurant at night. He would be acquiring this establishment with his own assets and without partners or other business associates.

The bulk of the speaking with respect to this application was done by an individual named Elido Lizardo, who identified himself as the current operator at 693 Ninth Avenue. Mr. Lizardo stated that he had hired Besim Kukaj as a "consultant" at 693 Ninth Avenue, and, because he liked the concept, Mr. Lizardo decided to convert that establishment to Cara Mia. He had no idea why Cara Mia posted signs that it was relocating from 654 Ninth Avenue to 693 Ninth Avenue and also had no awareness of the OP application filed by Joseph Bellavia for 693 Ninth Avenue.

MCB4's Recommendation re 693 Ninth Avenue

Given Besim Kukaj's history in this district and with the Liquor Authority, MCB4 is concerned about Mr. Kukaj obtaining any new licenses or having any involvement with the sale of alcoholic beverages in this district. Although MCB4 has been unable to uncover any concrete connection between the current applicant Umar R. Malik and Mr. Kukaj, there are several red flags. Mr. Kukaj has been involved with the current Cara Mia at 693 Ninth Avenue (and was even ticketed for unlicensed alcohol sales there). Mr. Malik states that he intends simply to continue Cara Mia as it has been operating. And there is nothing in Mr. Malik's background or application to indicate that he, standing alone, would be a knowledgeable and effective owner of a restaurant. In addition, this establishment is in an area with a high concentration of liquor licenses -- 18 (eighteen) OP liquor licenses within 500 feet of this address (per the SLA LAMP report) -- and granting another license under these circumstances would not be in the public interest.

Accordingly, MCB4 requests that the Liquor Authority investigate whether the applicant Mr. Malik has any connection to Mr. Kukaj and whether Mr. Kukaj will be involved in any way in the ownership or operation of the planned establishment. If no such connections were found, MCB4 would recommend denial unless the attached stipulations, submitted by Mr. Malik, are made terms of the license at 693 Ninth Avenue.

Based on the information currently available to it and for the reasons stated above, however, MCB4 requests that the present application be **denied**.

Thank you for your attention and cooperation with this application.

Sincerely,

Lowell D. Kern Chair Yoni Bokser Co-Chair

Business Licenses & Permits

Committee

you so buffer

Frank Holozubiec

Co-Chair

Business Licenses & Permits

Committee

Manhattan Community Board 4

Liquor License/Sidewalk Cafe Stipulations Application

(All Fields Must Be Completed)

CORPORATION NAME			DOING BUSINESS AS (DBA)					
BEING	i Fo	race	Cara Mia					
STREET ADDRESS	1		CROSS STREETS	1 1	ZIP COI	DE		
693	qt.	MENER	47	148	10	DB()	
OWNER .	NAME	MAR R. MALIK		NAME: Ge	orre Ka	rp		
(Attach a list of all the people that will be associated/listed	PHONE:	549-518-0680	ATTORNEY/ REPRESENTAIVE	PHONE: 929.286-6400				
with the license)	EMAIL:	89 Makkagnail an	1	EMAIL: 500	ge kays2	-8@a	d. com	
	NAME:			NAME: 693	Minith and	me Port	ma LLC	
MANAGER	PHONE:		LANDLORD	PHONE:				
	EMAIL:			EMAIL:				
APPLICATION	ON TYP	E (X Liquor License		Unenclosed	Sidewalk Co	afe)		
	Has applican	owned or managed a sinगोब्ग business?		YES	(NO)	work.	- in Hotela	
New	New What is/was the name and address of eslab/is/unent?			1			• •	
	What were th	e dates applicant was involved with this former prem	ise?					
○ Corp	What is the li	cense# and expiration date?			T			
Change/Class Change/Removal	ls applicant n	naking any allarations or operational changes?		YES	NO			
Change Nemovas	If elterations	or operational changes ere being made, please desc	nbedisl ell changes.					
Alteration	What is the c	ment license# and expiration date?					Ý.	
0 /2222	Please list/de	scribe the nature of all the changes and attach the p	lens:					
METHOD O	F OPER	ATION						
TYPE OF ALCOR	HOL	Liquor/Wine/Beer & Cider	O Beer & C	Cider	O Wine	e/Beer & Cide	г	
ESTABLISHMEN	т туре	Restaurant Cabaret C Adult Entertainment C Wine B				Catering Estat emal Organiza	blishment tion Members Only)	
Has applicant/owner you plan to file?	er filed with t	he SLA? If yes, when? If no, when do	YES 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. Is the 200 Foot Rule applicable? If yes, please attach a diagram of the			YES NO	See S	LA La	mp	Rgort	
schools and house:			YES NO)				
	Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?							

OPERATI		MONDAY	TUESD		1			1	1	
HOURS*	Operation		DON-	200	MILN		HURSDAY	NOON	SATURDAY +0 / A-M	SUNDAY Noon
(Indoor Only)	Kitchen		10 10		11 1 1 1 1 1	1 2 "		-	7	+011P1
	Music					1				
If you plan to ha (Circle all that a	ve music, what pply)	type(s)?	BACKGR	OUND	LIVE MUS	IC	DJ	JUKE BOX	KA	RAOKE
					occ	UPANCY	7		!	
	Capacii (Certifie of Occupa	ate	Aaximum # of Persons You Anticipate Occupying nises (Including Employees)	Numb of Tab		100000000000000000000000000000000000000	ber of Servic Only Bars	ce Number Stand-Up I		
NSIDE	1955 6	ten 5	2	22	4.8	ľ		0	0	
OUTSIDE Other than idewalk café)	R	A								
IDEWALK CAFÉ	N	[A]								
low many floors	are there? Wha	rt is the capaci	y for each floor	?		Ma	in Flo	or/ E	52	
ow frequently wi	ill the owner(s)	be at the estab	lishment?			V/88	ily	211	d de la company	
ill there be danc	ing?		W			YES	NO			
ll applicant have	e bottle or table	service for be	rerage alcohol?)		YES	NO	766/4	Serv	r P
ill you be hostine	g private; prome	otional or corpo	rate events?			YES	NO A		atron Re	allow
il outside promo	iters be used or	n a regular bas	is? If yes pleas	e describe	2.	YES	NO	de colo	WETTE	your !
ill you have a se			ch.			YES	(NO)			
ll security plan b						YES	NO	MA		
ill State certified						YES	NO	NIA		
ll New York Nigt				e followed	13	YES	NO			
II applicant be us	sing delivery bid	cycles? If yes,	now many?			YES (NO			
l delivery bicycle ar attire clearly r	es be clearly ma noting name as	arked with the described by N	name of the res IYC Law?	taurant ai	nd will staff	YES	NO	NIX)	
ere wili delivery	bicycles be sto	red during the	day when not in) IEO			A	1/		

LOCATION & ZONING				5.		
Is this a Special District? If yes, is it Clint	on, West Chels	sea or Hudson Ya	ards?	YES	NO	
Does the building have a Certificate of O objection?				YES	NO	
Is a Public Assembly permit required?	***			YES	(TNO)	
Are your plans filed with DOB?				YES	NO	
Community Notification/Rela	tions					
NOTIFICATION:	#1	West 4	7 Cox) -		-
List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and	# 2	9	1148	Ce	somety contact	
community groups that applicant has notified regarding its application. For each please list both the organization	#3					
and individual you contacted	#4					
1 1 2	#5					
Please provide dates when applicant met w	ith the groups	listed above.	A1		1	
Who was your contact person at each group	o you met with	7	Non.		<u> </u>	
Vhen did applicant post the notice that was			γ ² σ	24	provided	
/here did applicant post the notice that was			By	121	13/19	
/ill applicant provide owner cell phone num omplaints that arise? Please provide numb	har to paighbo	rs and respond to	Vaci	VES YES	y of Restaurant when of	between
fill applicant inform the Community Board of rovide a hyperlink to applicants jobs webpa	office of its job			YES	NO	

State the name and type of business previously located in the space.	101	IRA	mΛ	, M	1 1 -	nI
Has a liquor-licensed establishment previously occupied this space at any time! If yes, please provide the name of the business.	YES	NO	1	OSLIZA	talia.	n rest
Do you plan any changes to the existing façade? If yes, please describe.	YES	(NO)				
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	YES) NO	1-			
Is the entrance ADA Compliant?	YES	NO	T			
Do you plan any changes to the existing façade? If yes, please describe.	YES	(NO)				
Will applicant have a vestibule within the establishment?	YES	NO	1			
Will applicant use a storm enclosure?	YES	NO				
Will applicant agree not to place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	NO	A	sper law		
Vill applicant comply with the NYC noise code?	(YES)	NO	\vdash			
Nill the establishment have any of the following: (circle all that apply)	FREN	CH DOOR	s	GARAGE DOORS	WINDOWS	THAT CAN BE
Nill applicant close all windows, French doors, garage doors when any nusic or amplified sound (including televisions) is played inside the stablishment?	YES	NO	F	om 10 P		-
Vill applicant close all windows, French doors, garage doors by 11 M Friday and Saturday and 10 PM on all other days even if no music or mplified sound is played inside the establishment?	YES	NO				
las applicant obtained an acoustical report from a certified sound engineer to seess potential noise disturbance to the neighboring residents and buildings?	YES	(NO)	N	IA		
fill applicant follow the recommendations of a certified sound engineer to itigate potential noise disturbance to the neighboring residents and buildings, cluding placing speakers on the floor of the establishment?	YES	NO		<i>I</i> A		
fill the kitchen exhaust system extend to the roof?	YES	NO				
fill the establishment have an illuminated sign?	YES	(NO)		2		-
ill the establishment have a canopy extending over the sidewalk?	YES	NO	P.	ota illu		
here will the air conditioner be located? What type is it?	Ro	E	140			
hen was the air conditioner installed?	110	41				U

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	
Nill there be no amplified music, as per the law?	YES	NO	
f amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Vill applicant agree to post signs outside asking customers to respect the eighbors'?	YES	NO	
Vill applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Vill applicant provide effective sound control (landscaping enclosure, oundproofing tenants apartments)	YES	NO	
fill there be a lighting plan that allows safe usage of the outdoor space without srupting neighbors?	YES	NO	

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
	1	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
s applicant in this application seeking to include a sidewalk café in its liquor icense?	YES	NO	
f yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Mill applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	!
Vill applicant be serving alcohol in the sidewalk café? If so, will you have waiter ervice?	YES	NO	
Vill the café have a 3 ft. wide serving aisle running the entire length of the idewalk cafe?	YES	NO	
Vill applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Vill the service and consumption of alcohol in the sidewalk café only be via seated ood service?	YES	NO	
Vill the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
vill applicant use any portable natural gas heaters? If so, do you have the equisite approvals from DOB & the Fire Department?	YES	NO	
/ill applicant have a lighting plan that will allow safe usage of the outdoor space ithout disrupting neighbors?	YES	NO	9
fill all furniture, plants and barricades be stored inside between the evening closing ours and the morning opening hours?	YES	NO	
fill all furniture be stored inside between December 21st and March 21st, and any other ay when it rains or snows?	YES	NO	
ill applicant use umbrellas?	YES	NO	À.
construction or construction protection has reduced the sidewalk width, will plicant always maintain an 8 foot clear path of sidewalk between the perimeter of a café and the closes obstruction including construction barricades?	YES	NO	

SIGN AWNING FRE NCH DOORS FRONT MIEW Empanada Lima 693 9th Avenue New York, M/ 10036

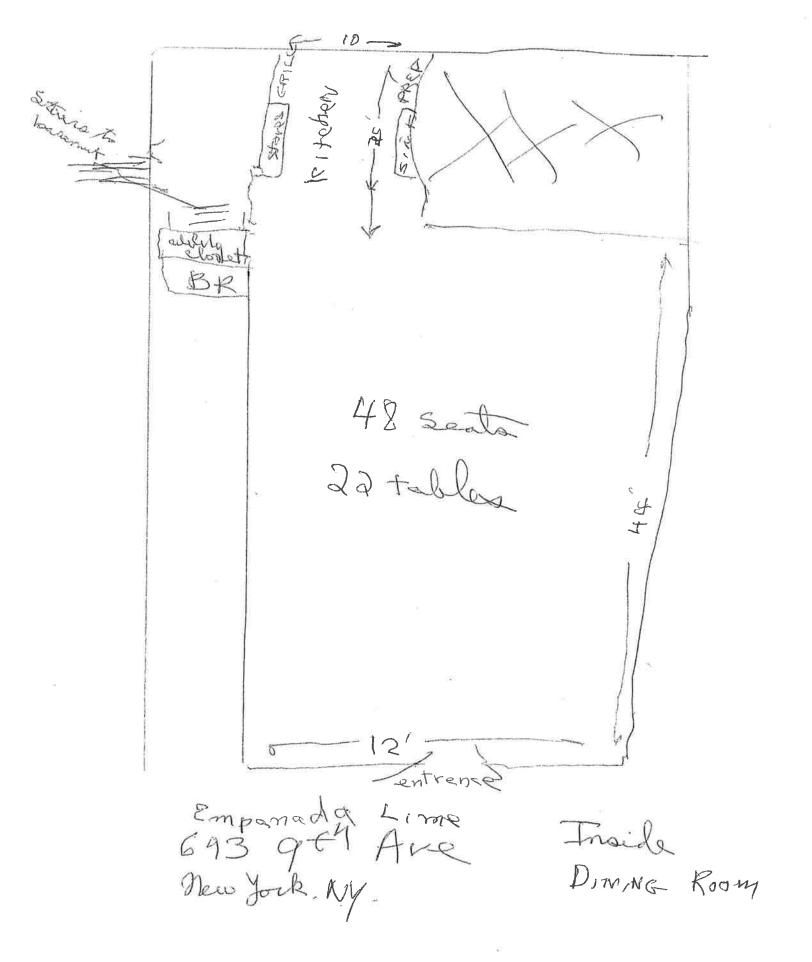
EMPANADE LIME 500 FOOT STATEMENT

EMPAMADA LIME WILL BE RUN BY UMAR RIAZ MALIK WHO HAS HAD TRAINING IN MANAGEMENT AND THE FOOD AND BEVERAGE DEPARTMENT OF SEVERAL HOTELS IN THE NEW YORK AREA.

THIS IS MR.MALIKS'S FIRST VENTURE AS A RESTAURANT OWNER AND HE INTENDS TO OPEN AN ITALIAN RESTAURANT WITH THE SAME CHEF AND STAFF WHO SERVED THE HIGH QULAITY FOOD AND SERVICE THAT WAS SERVED BY THE PRIOR OPERATOR OF THE PREMISES, AND WILL CONCENTRATE ON THE FOOD, WITHOUT ANY STAND-UP BAR ON THE PREMISES. ALCOHOLIC DRINK WILL PRIMARILY BE SERVED AS AN ACCOMPANMENT TO THE FOOD SERVED TO CUSTOMERS.

THE SAME CHEF HAS SERVED LOYAL AND REPEAT CUSTOMERS FROM THE COMMUNITY FOR NEARLY 5 YEARS AND IT WILL BE IN THE PUBLI INTEREST TO CONTINUE TO SERVE IT REGULAR CUSTOMERS AN OTHERS WHO SEEK TO DINE IN A SMALL INTIMATE RESTAURANT WITH HIGH QUALITY FOOD.

Stallman Walkin Bot Basemen *NS VAULT - Street Emperada Lino 693 9th avenue New York, My 10036



Proximity Report for Location:

693 9 Ave, New York, NY, 10036

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

Name	Address	Approx. Distance
706 9TH AVE LIQUORS INC	706 9TH AVE	215 ft
NINTH AVENUE VINTNER LTD	669 671 9TH AVENUE	325 ft
ADRIATIC WINE & LIQUOR LLC	714 10TH AVENUE	900 ft
REIDY WINE & LIQUOR CO INC	762 8TH AVENUE	1005 ft
SHON 45 LIQUORS INC	840 8TH AVENUE	1245 ft
TIME SQUARE CONVENIENCE INC	705 8TH AVE	1280 ft
GRACE WINE & SPIRITS INC	610 10TH AVENUE	1285 ft

Churches within 500 Feet

Name	Approx. Distance

Schools within 500 Feet

Name	Address	Approx. Distance
HS OF GRAPHIC COMMUNIC ARTS	439 W 49TH ST	360 ft

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
LOS LIZARDOS INC	693 9TH AVE	15 ft
CLL CAPITAL INC	689 9TH AVE	55 ft
683 NINTH AVENUE INC	683 NINTH AVE AKA 401 W 47TH	100 ft
DOWN THE ROAD PUB LLC	683 9TH AVE	115 ft
GAF WEST LTD	401 W 48TH STREET	120 ft
AHMN INC.	690 9TH AVENUE	120 ft
CHAUFA INC	698 700 9TH AVE	120 ft
SETA RESTAURANT CORP	686 688 NINTH AVENUE	140 ft
701 RESTAURANT LLC	701 9TH AVE	140 ft
PARADISO 679 INC	679 9TH AVE	230 ft
GO BNB REST LLC	675B 9TH AVE	275 ft
RHUNGRUENG INC	717 9TH AVE	290 ft
AURA LLC AND SCOTT STERNICK AND RICHARD WINKELMAN	350 W 49TH ST	360 ft

365 SEKI ING	365 367 W 46TH ST	400 ft
BOYYTHAI CORP	662 9TH AVE	400 ft
TRES MOSQUETEROS CORP	371 W 46TH ST	405 ft
Name	Address	Approx. Distance
659 REST INC	659 9TH AVE	480 ft
SAMBA BRAZIL RESTAURANT INC	661 9TH AVE	490 ft
656 NINTH AVENUE PUB CORP	656 9TH AVENUE	490 ft
BETTI BAR INC	373 W 46TH STREET	510 ft
EAT THAI NYC INC	654 NINTH AVE	515 ft
733 RESTAURANT CORP	733 9TH AVENUE	520 ft
JOIN US HK LLC	364 W 46TH ST	525 ft
G CUBED CORP	369 W 46TH ST	530 ft
SOUND BITE RESTAURANT LLC, THE	735 739 9TH AVE	540 ft
TUM TUM BKK CORP	650 652 9TH AVE	545 ft
KINSALE ROAD INC	370 WEST 46TH STREET	550 ft
RESTAURANT & CAFE ON NINTH CORP	653 9TH AVENUE	555 ft
BARE CITY THREE LLC	366 W 46TH ST	555 ft
363 WEST 46TH STREET TAVERN INC	363 W 46TH ST	565 ft
ERMINIA RESTAURANT CORPORATION	361 W 46TH STREET	580 ft
HAMA NEW YORK INC	358 W 46TH ST	590 ft
350 W 46 CAFE LLC	350 W 46TH ST	595 ft
POLA RESTAURANT INC	355 W 46TH STREET	615 ft
647 NINTH AVE CORP	647 9TH AVE	630 ft
353 LIVE LIMITED LIABILITY COMPANY	353 W 46TH ST	640 ft
401 W 50 TAVERN INC	401 W 50TH STREET	650 ft
MORALES CABRERA CORP	741 9TH AVE	655 ft
LA BUCA REST CORP	349 W 46TH ST	655 ft
SHNY RESTAURANT GROUP LLC	643 645 9TH AVENUE	655 ft
WOO LAE OAK 50 INC	350 WEST 50TH STREET	670 ft
BOXERS ENTERPRISES LLC	742 9TH AVE	680 ft
CDDF RESTAURANT INC	346 348 W 46TH ST	680 ft
ELYMAR RESTAURANT CORPORATION	365 W 50TH STREET	695 ft
DREAM TEAM PARTNERS LLC	744 9TH AVENUE	700 ft
MESON SEVILLA LTD	344 WEST 46TH ST	710 ft
DTM PB CORP	343 W 46TH ST	710 ft
BASERA INDIAN CUISINE INC	745 9TH AVE	715 ft
WEST J & R INC	342 W 46TH STREET	720 ft
340 WEST 46TH STREET CORP	340 W 46TH STREET	735 ft
JANDA LATINO 46 LLC	338 W 46TH ST	740 ft
UNCLE NICKS INC	747 9TH AVENUE	740 ft

DIM SUM PALACE INC	334 W 46TH ST	745 ft

Name	Address	Approx. Distance
THAICHELLA LLC	712 NINTH AVE	280 ft
LAZARO GROCERY STORE CORP	666 9TH AVE	365 ft
PUHUNG CORP	658 9TH AVE	475 ft
S&F SZECHUAN INC	353 WEST 46TH ST	510 ft

ZAC 45 INC	651 9TH AVE	565 ft
Pending Licenses within 750 Fed	et	<u> </u>
Name	Address	Approx. Distance
AINS44 LLC	643 645 9TH AVE	645 ft
XOXO NYC CORP	336 WEST 46TH ST	695 ft
Unmapped licenses within zipco	de of report location	
Name	Address	
MR BING OF TIMES SQUARE LLC	00 BROADWAY PLAZA	
SUN BISTRO LLC, THE	360 W 42AN ST	
COUSINS TIME SQUARE LLC	PEDESTRIAN CONCESSION PLAZA	

139 141 W 44TH ST

360 W 46TH ST

540 ft

GIFT NEW YORK NO 2 LLC

HUDSON THEATRE LLC



