

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT		DOING BUSINESS AS (DBA)		
623 9 th Ave Rest. Inc.		Coppelia		
STREET ADDRESS		CROSS STREETS		
623 9 th Avenue		44 th Street		
OWNER	NAME:	Luis Skybar	ATTORNEY	
	PHONE:	917-864-2269	NAME:	
	FAX:	212-581-3434	PHONE:	
			George Karp	
			212-732-4845	
			FAX:	
MANAGER	NAME:	Luis Maldonado	LANDLORD	
	PHONE:	347-624-9851	NAME:	
	FAX:		Christina Ting	
			PHONE:	
			718-762-4000	
			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 type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input checked="" type="radio"/> Other (Explain): Diner		
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):		
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?	Coppelia	
		What is/was the address of the establishment?	207 W 14 th Street	
		What were the dates the applicant was involved with this former premise?	Active	
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1102708	
		What is the expiration date on the prior license?	April 30, 2014	
		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

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	Operation	7am – 4am						
	Liquor	8am-2am						
	Music	7am – 4am						
	Kitchen	7am – 4am						

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
		60	9	50			12	15	6

How many floors are there? What is the capacity for each floor? (please respond in space provided)	1-2	3-4	<input checked="" 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)	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	<input checked="" type="radio"/> NO	N/A	
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO	N/A	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	YES	<input checked="" type="radio"/> 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)	<input checked="" type="radio"/> YES	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	Now
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	15 seats/6 tables
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?	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> YES	NO	N/A	

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.	<input checked="" type="radio"/> 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	<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	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?	<input checked="" type="radio"/> 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 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.	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	N/A	Not yet
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	West 44th Street Better Block Association		
	# 2			
	# 3			

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- **Hours of Operation:** All sales and consumption of alcohol will cease no later than 2 a.m. every night. The establishment will close (with no customers on the premise) no later than 4 a.m. every night. Food service may continue for two additional hours after sales/consumption of alcohol must cease
- **Take-Out Operation:** The space at the western end of this location – labeled as “Exist. Take Out Area” on the architectural drawings of Brent M. Porter, architect, submitted and sometimes referred to as 401 or 401A West 44th Street (the West 44th Street Space”)—will be used for take-out or delivery only. All operations in the West 44th Street Space will cease later than midnight every night. No alcohol will be sold or served in the West 44th Street Space. No patrons of the man Coppelia restaurant will be permitted to enter or leave through the West 44th Street Space or via any doors on West 44th Street
- **C of O:** The applicant will obtain a valid Certificate of Occupancy or a letter of no objection permitting the operations and occupancy levels sought by the applicant
- **Exterior lighting and signage:** There will be no illuminated signage (i.e., no signs that are made more visible by artificial light source) on the 44th Street side of this location
- **Interior Noise Mitigation:** The applicant will implement the recommendations of the sound evaluation plan from TR Sound Solutions dated October 3, 2013, as well as resolve any other noise complaints by residents at 623 9th Ave, 401/401A West 44th Street, and adjoining buildings. Only background dining music will be played on the premise. There will be no live music or DJ
- **Exterior Noise Mitigation:** There will be no French doors or floor to ceiling windows on the 44th Street side of the establishment. All windows on the 44th Street will be in accordance with the architectural drawings of Brent M. Porter, architect, submitted. All French doors (which are only permitted on the 9th Avenue side) and all windows will be closed whenever any amplified music (which includes background music) is played within the establishment, and all French doors and windows will be closed by 11 p.m. on Friday and Saturday and 10 p.m. on all other days (even in the event of no amplified sound)
- **Outdoor Seating:** When they apply for an unenclosed sidewalk café they will not exceed the number of seats and tables currently allowed. It will be closed and vacated 11 p.m. on Friday & Saturdays and 10 p.m. on all other days
- **Crowd dispersal/security:** Applicant will direct its staff to monitor the inside and outside of the premises at all times to ensure that all is operating in an orderly manner, that no patrons are congregating outside the establishment, that the establishment’s perimeter is kept free of litter, and that noise is kept to a minimum. The applicant will provide the cell phone number(s) to a 24 hour manager-level contact on site with the authority to deal with emergent situations
- **Restaurant Exhaust and Heat:** The restaurant exhaust system will be examined, maintained and operated in compliance with all applicable laws and regulations. The applicant will address concerns about heat from the establishment traveling to residential units above the establishment, including but not limited to, the concerns at the 10/22 BBA meeting by the residents of 401 W 44th Street

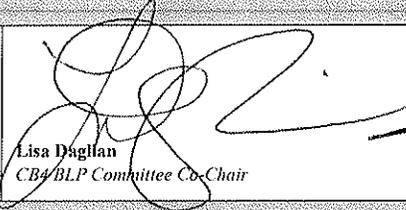
Manhattan Community Board 4 (MCB4) recommends:

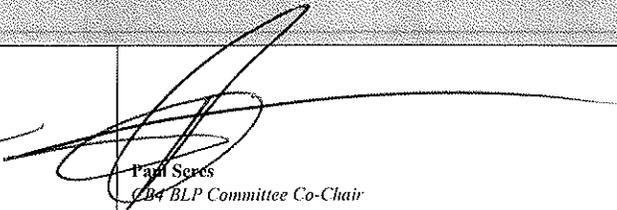
Denial unless all agreed to by applicant is part of the method of operation

Denial Approval

CB4 REPRESENTATIVES


Nelly Gonzalez
CB4 Assistant District Manager

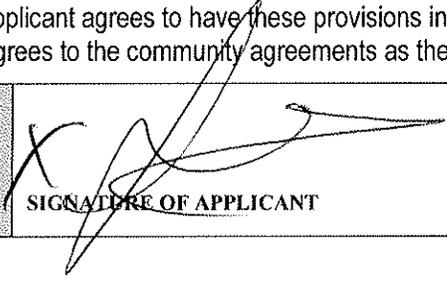

Lisa Daglian
CB4 BLP Committee Co-Chair

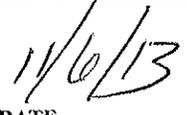

Paul Seres
CB4 BLP Committee Co-Chair

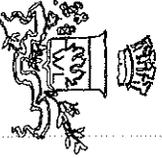
APPLICANT AGREEMENT WITH THE COMMUNITY

Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

SIGN HERE →


SIGNATURE OF APPLICANT


DATE



623 9TH AVENUE, N.Y.C.
C O P P E L I A
 N Y C

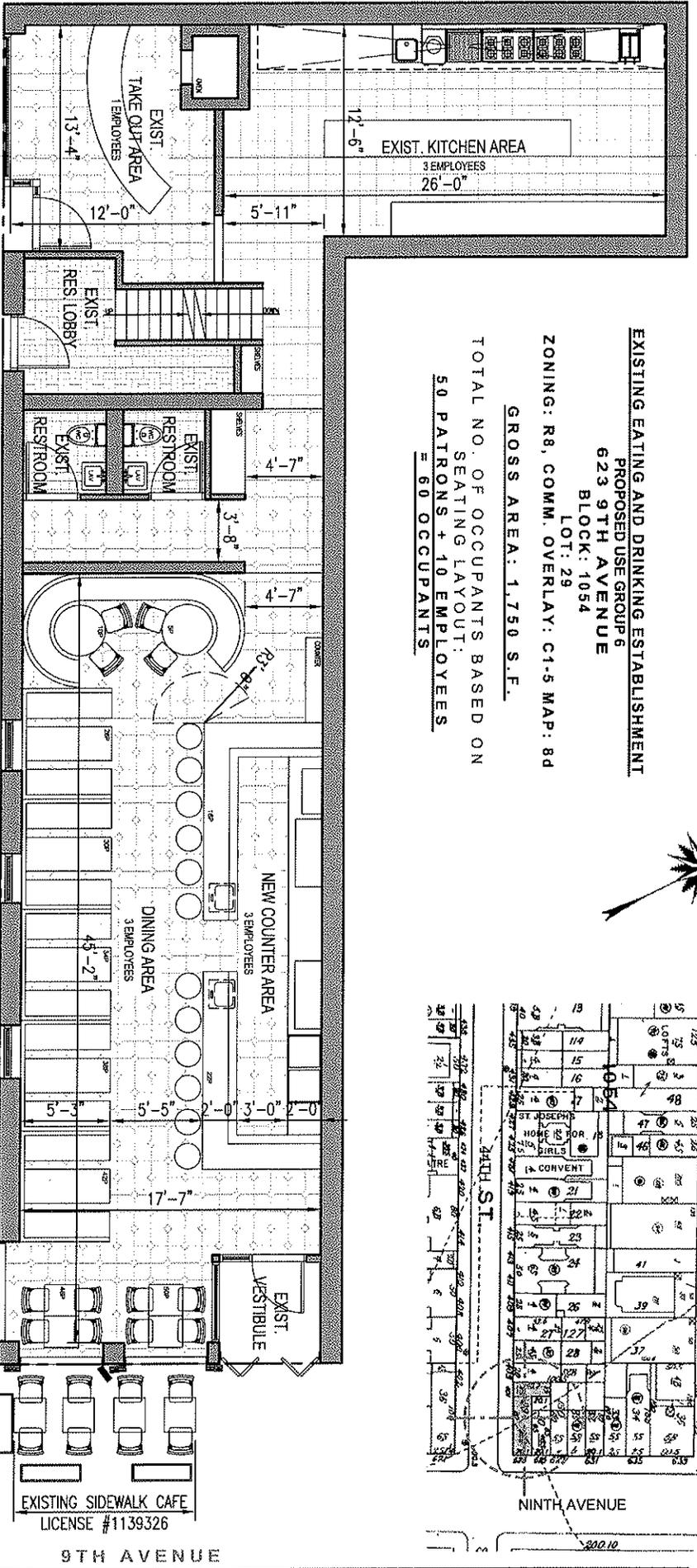
SK.1
 August 28th 2013

WEST 44TH STREET

EXISTING PERMIT FOR
 UNENCLOSED SIDEWALK CAFE
 LICENSE #: 1139326
 MAXIMUM # OF TABLES: 6
 MAXIMUM # OF CHAIRS: 15
 EXPIRATION: 09-2014

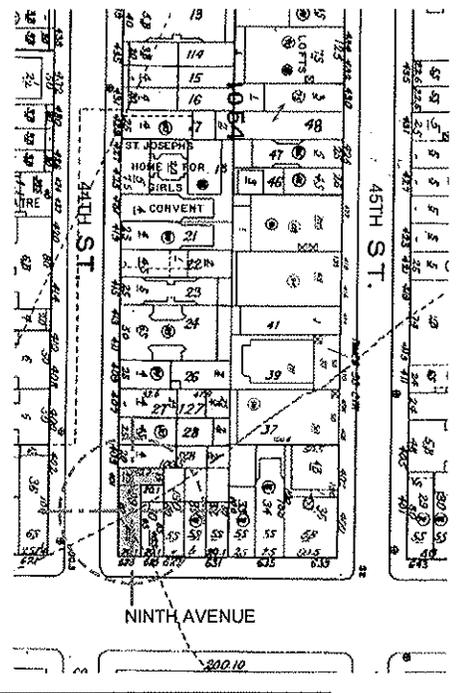
EXISTING SIDEWALK CAFE
 LICENSE #1139326

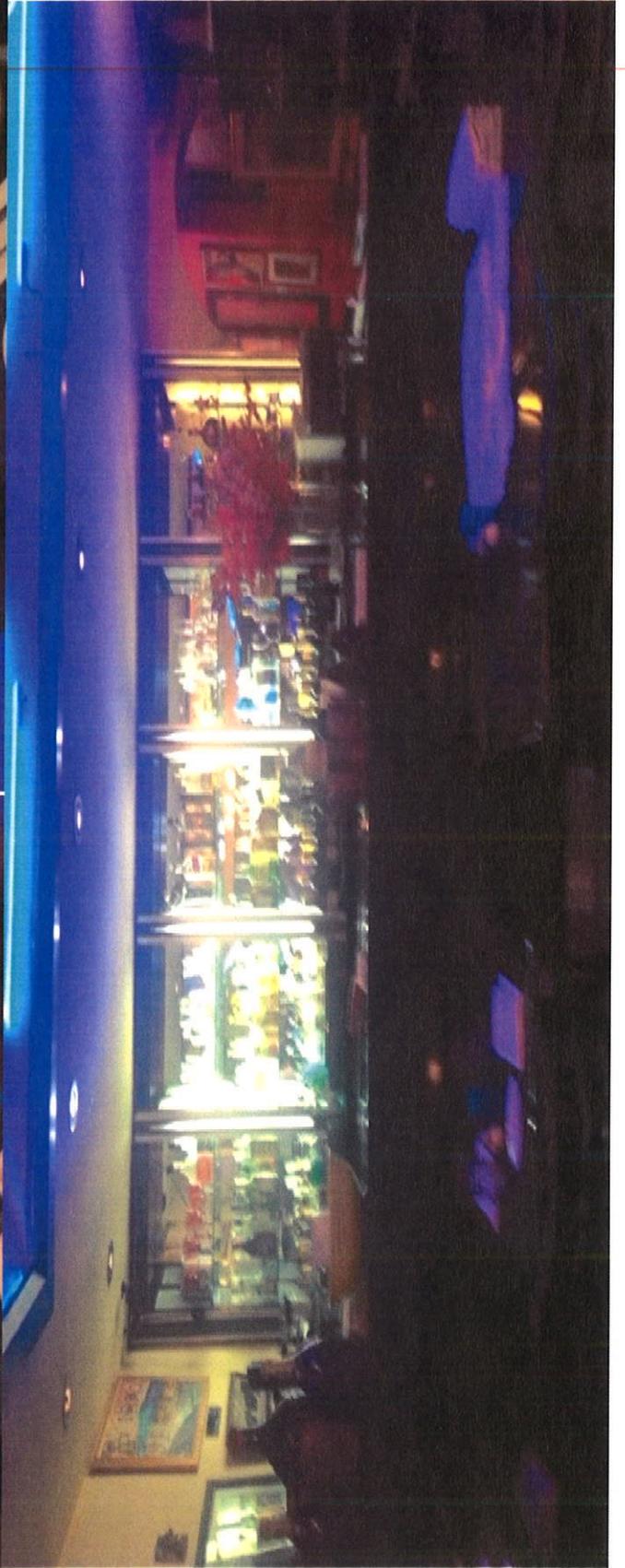
EXISTING SIDEWALK CAFE
 LICENSE #1139326

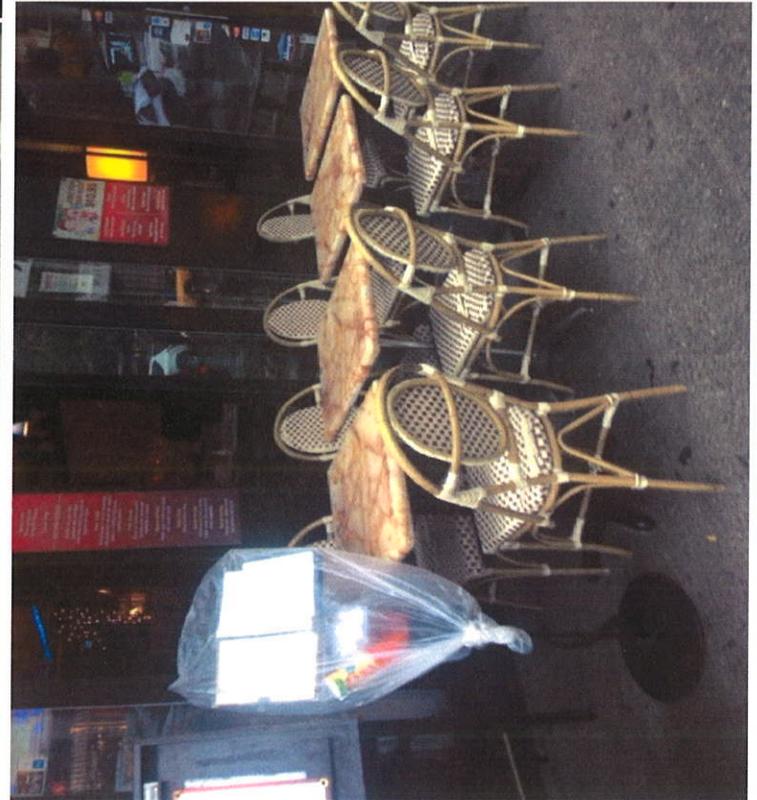
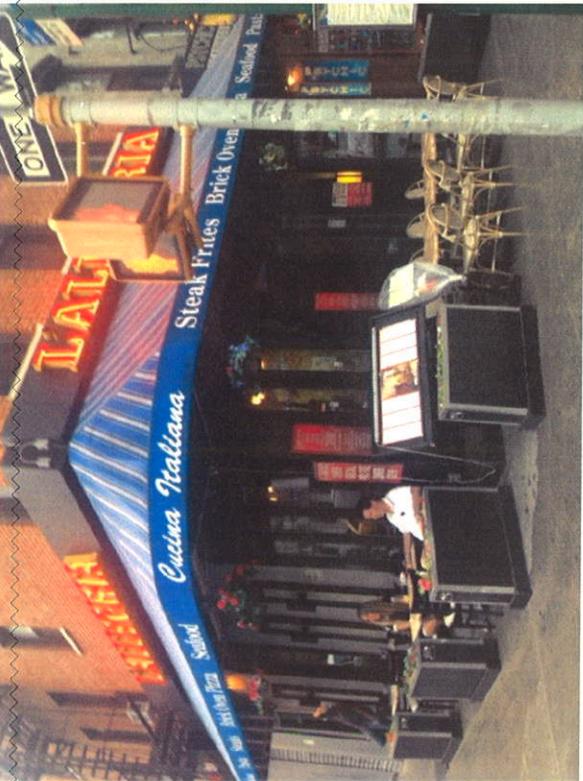
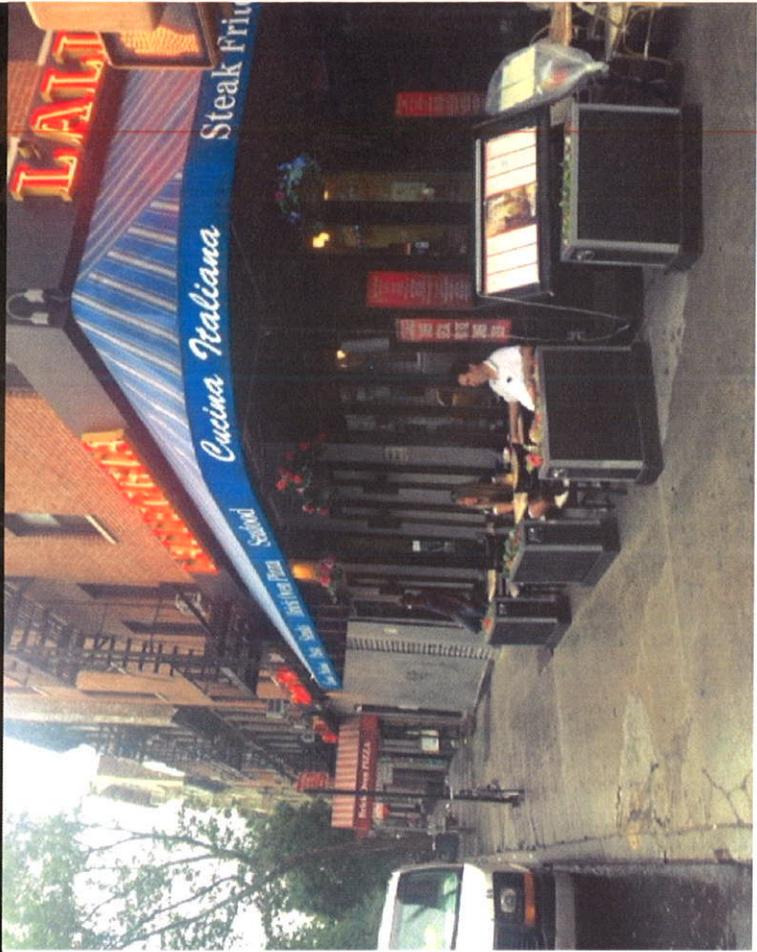


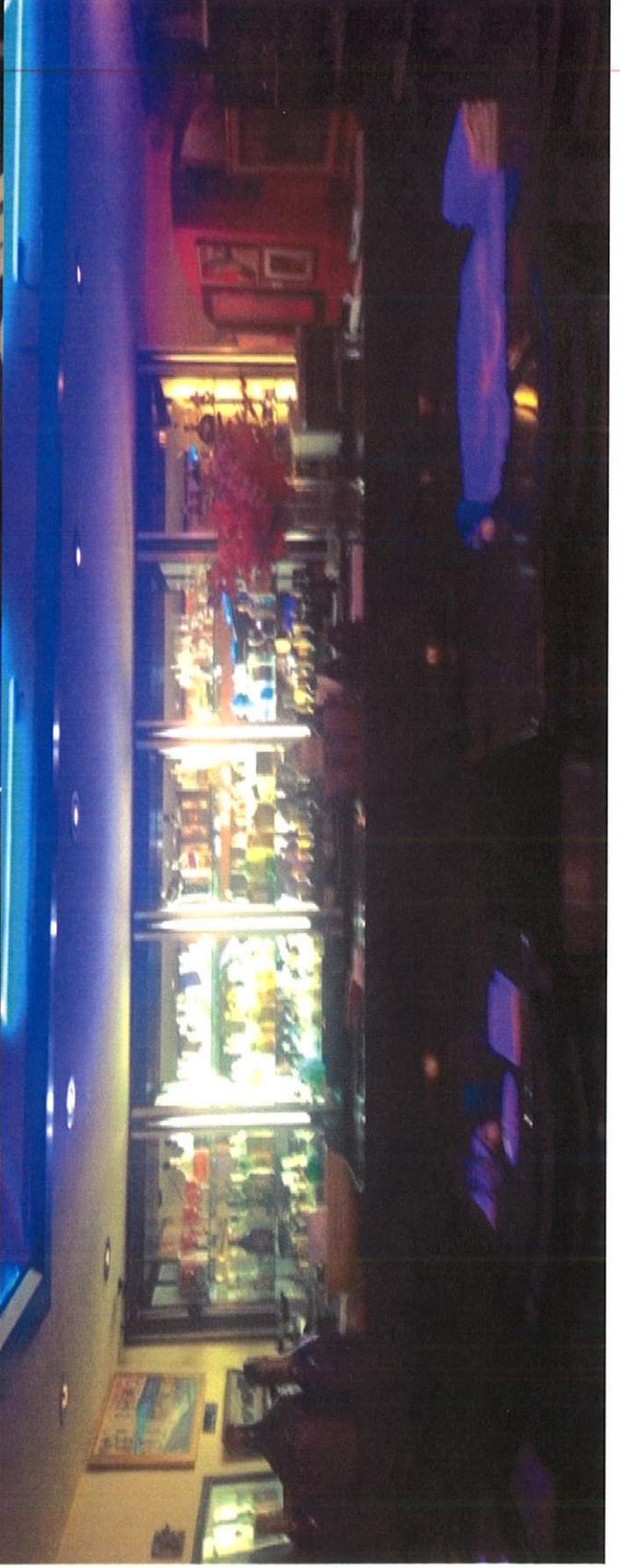
EXISTING EATING AND DRINKING ESTABLISHMENT
 PROPOSED USE GROUP 6
 623 9TH AVENUE
 BLOCK: 1054
 LOT: 29
 ZONING: R8, COMM. OVERLAY: C1-5 MAP: 8D
 GROSS AREA: 1,750 S.F.

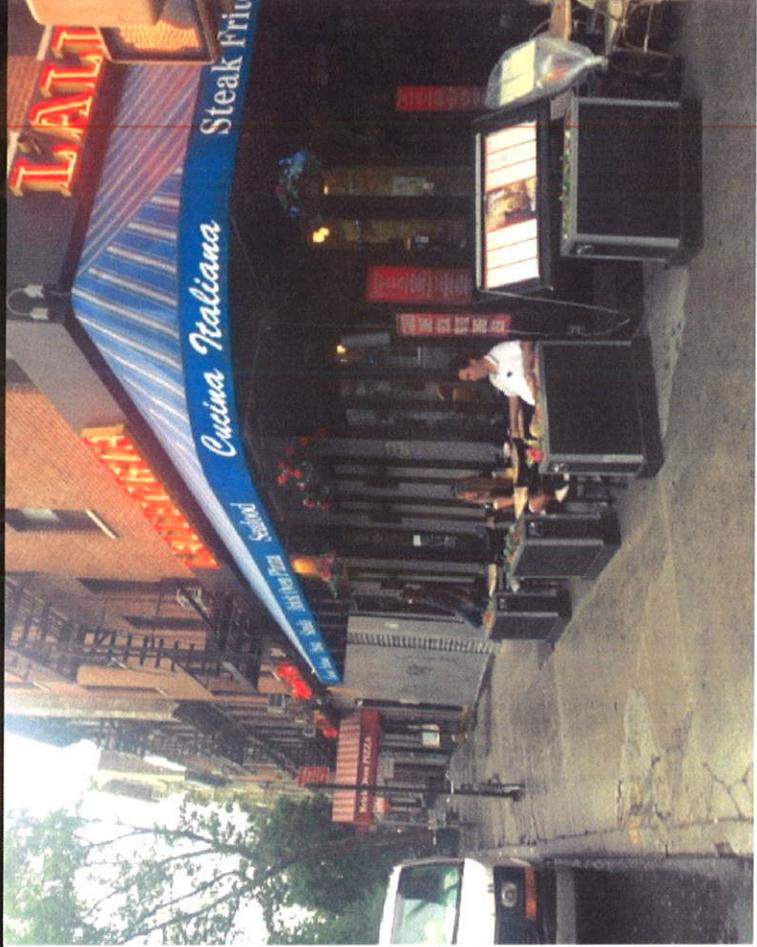
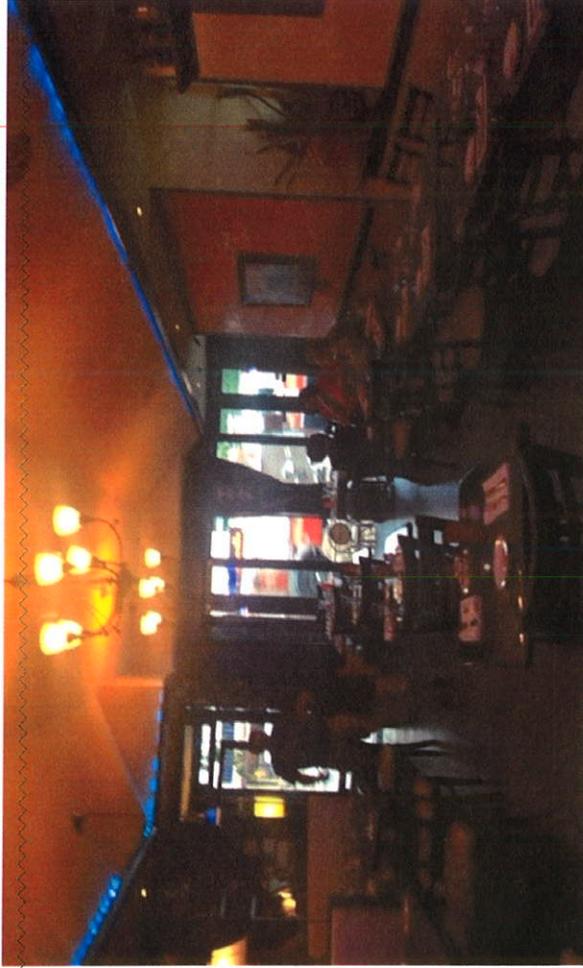
TOTAL NO. OF OCCUPANTS BASED ON SEATING LAYOUT:
50 PATRONS + 10 EMPLOYEES
 = 60 OCCUPANTS











West 44th Street Better Block Association

Mailing Address:
447 West 44th Street, Apt. 1
New York, NY 10036

Website: www.west44nyc.com
Email: west44nyc@gmail.com
Phone: 212-479-7920

May 6, 2013

330 West 42nd Street
26th Floor
New York, NY 10036
United States of America

Dear Community Board 4,

The West 44th Street Better Block Association (the "BBA") held its monthly meeting on Tuesday, October 22, 2013. The BBA made the first order of business Coppelia, the liquor license applicant at 623 9th Ave. Coppelia had previously appeared at the BBA's Sept. 24th meeting. Because Coppelia presented no definite plans for the space at the Sept. 24th meeting, the BBA was unable to take a position on their application, as reflected in our Sept. 30th letter to CB4 (which also sets out the numerous concerns that the BBA has about this applicant). At its October 8th meeting, the BLP Committee of CB4 requested that Coppelia present definite plans to the BBA at the BBA's 10/22 meeting.

Luis Skibar, new leaseholder at 623 9th Avenue, the attorney George Carp, and other representatives of Coppelia attended the 10/22 BBA meeting and presented their plans.

As a threshold matter, Coppelia's application seeks to operate an establishment open 24 hours a day, seven days a week, serving alcohol until 4:00 a.m. every day. The BBA is strongly opposed to any 24/7 establishment at 623 9th Ave. We understand that the present occupant of that space, L'Allegria, is only permitted to serve alcohol until midnight. Thus, a 24-hour operation serving liquor until 4:00 a.m. every day would represent a radical change in the operation at that location. The space at 623 9th Ave. falls within the 500 foot rule, and a 24-hour operation with a 4:00 a.m. liquor license would not serve the public interest. Among other things, there are over 30 OP licenses within 500 feet of this location (several already offering food, hours, and service equivalent to what this establishment would provide), traffic and noise present significant issues, and the planned operation would alter the neighborhood character that the zoning of the Special Clinton District is intended to protect. Accordingly, the BBA urges CB4 to recommend the denial of any 4:00 a.m. liquor license for a 24-hour establishment at this location, including Coppelia's present application.

The BBA has had extensive discussions with Mr. Skibar and his colleagues both at the 10/22 meeting and thereafter. Although members of the BBA have serious concerns about any new establishment at this location that would serve alcohol later the current occupant's midnight license cut-off, the BBA has attempted to work with the applicant and reach a compromise that might respect the interests of all parties involved. Accordingly, the BBA would support Coppelia's application if Coppelia would agree to the following stipulations and they are included as terms of its liquor license:

Hours of operation: All sales and consumption of alcohol will cease no later than 2:00 a.m. every night. The establishment will close (with no customers on the premises) no later than 4:00 a.m. every night. In other words, food service may continue for two additional hours after sales/consumption of alcohol must cease.

Take-Out Operation: The space at the western end of this location -- labeled as "Exist. Take Out Area" on the architectural drawings of Brent M. Porter, architect, submitted to the BBA and sometimes referred to as 401 or 401A West 44th St. (the "West 44th Street Space") -- will be used for take-out or delivery only. All operations in the West 44th Street Space will cease no later than midnight every night. No alcohol will be sold or served in the West 44th Street Space. No patrons of the main Coppelia restaurant will be permitted to enter or leave through the West 44th Street Space or via any doors on West 44th Street.

COO: The applicant will obtain a valid Certificate of Occupancy or letter of no objection permitting the operations and occupancy levels sought by the applicant.

Exterior lighting and signage: There will be no illuminated signage (i.e., no signs that are made more visible by any artificial light source) on the 44th Street side of this location.

Interior noise mitigation: Coppelia will implement the recommendations of the sound evaluation plan from TR Sound Solutions dated October 3, 2013, which was submitted to the BBA, as well as resolve any other noise complaints by residents at 623 9th Ave. 401/401A West 44th Street, and adjoining buildings. Only background dining music will be played on the premises. There will be no live music or DJ.

Exterior noise mitigation: There will be no French doors or floor-to-ceiling windows on the 44th Street side of the establishment. All windows on 44th Street will be in accordance with the architectural drawings of Brent M. Porter, architect, submitted to the BBA. Per CB4 policy, all French doors (which are only permitted on the 9th Avenue side) and all windows will be closed whenever any amplified music (which includes background music) is played within the establishment, and all French doors and windows will be closed by 11:00 p.m. on Friday and Saturday and 10:00 p.m. on all other days (even in the event of no amplified sound).

Outdoor seating: We understand that the applicant intends to apply for a sidewalk café in the future. The BBA has serious concerns about a sidewalk café at this busy corner location, which also abuts a bus stop. To support Coppelia's application, the BBA would require that the applicant agree that it will not seek sidewalk seating that exceeds the number of seats and tables currently allowed for L'Allegria in their currently-approved location and arrangement and that the sidewalk café be closed and vacated no longer than 11:00 p.m. on Fridays and Saturdays and 10:00 p.m. on all other nights in accordance with CB4 policy. The BBA reserves the right to present further views and seek a more restricted sidewalk café at the time of Coppelia's application.

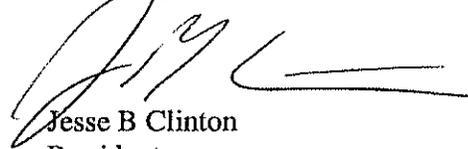
Crowd dispersal/security: The BBA is concerned about people congregating late at night in front of the restaurant, having loud conversations, smoking cigarettes, and discarding butts and

other garbage in front the restaurant on 9th Avenue and on West 44th Street. Accordingly, the applicant must direct its staff to monitor the inside and outside of the premises at all times to ensure that all is operating in an orderly manner, that no patrons are congregating outside the establishment, that the establishment's perimeter is kept free of litter, and that noise is kept to a minimum. The applicant will provide the cell phone number(s) to a 24-hour manager-level contact on-site with the authority to deal with emergent situations.

Restaurant Exhaust and Heat: The restaurant exhaust system will be examined, maintained, and operated in compliance with all applicable laws and regulations. The applicant will address concerns about heat from the establishment traveling to residential units above the establishment, including, but not limited to, the concerns raised at the 10/22 BBA meeting by residents of 401 West 44th St.

The BBA appreciates the applicant's willingness to meet and discuss the BBA's concerns. We hope that the applicant will agree to the stipulations above and that we can soon welcome Coppelia to the neighborhood.

Very truly yours,



Jesse B Clinton

President

West 44th Street Better Block Association