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3
4 May __, 2014

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6 Dennis Rosen
7 Chairman
8 New York State Liquor Authority
9 80 S. Swan Street, 9th Floor
10 Albany, New York 12210

11
12 **Re: Idealize Inc.**
13 **d/b/a Tori Shin**
14 *362 West 53rd Street (8th/9th Avenues)*

15
16 Dear Chairman Rosen:

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18 Manhattan Community Board 4 (MCB4) recommends denial of the On-Premise license application of
19 Idealize Inc. d/b/a Tori Shin unless the stipulations in the enclosed application, agreed to by the
20 applicant, are part of the method of operation for this establishment. Most crucially for MCB4 and the
21 community, the applicant has agreed not to use any outdoor space for any purpose, including but not
22 limited to the two rear terraces at this location.

23
24 Use of these terraces for eating and drinking would seriously disrupt the quality of life for hundreds of
25 residents in dozens of apartments whose windows overlook and share an internal courtyard with these
26 terraces. Any application that encompasses the rear terraces would not serve, and would be contrary to,
27 the public interest. In the absence of the applicant's agreement not to use the outdoor space, MCB4 and
28 the community would strongly oppose this application.

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30 This establishment falls within the 500 foot rule as there are 22 (*twenty-two*) OP liquor licenses within
31 500 feet of this address, including another Michelin-starred Asian restaurant (like this applicant).
32 When the applicant first presented its application at the April 8, 2014 meeting of MCB4's Business
33 Licenses and Permits Committee (BLP Committee), the BLP Committee expressed its serious concern
34 about the applicant's use of any outdoor space. The applicant's representatives at that meeting stated
35 that they lacked authority to agree not to use the outdoor space. Accordingly, the BLP Committee voted
36 to recommend denial of this application, which the MCB4 full board was to consider at its May 7, 2014
37 meeting.

38
39 The day before the May 7th MCB4 meeting, the applicant's attorney advised MCB4 by telephone and
40 email that the applicant was now willing to agree not to use the outdoor space at this location. Based on
41 that agreement by the applicant -- and only because of that agreement -- MCB4 no longer opposes this
42 application, so long as all stipulations in the application, including the agreement not to use any outdoor
43 space, are part of the method of operation for this establishment.

44
45 MCB4 stresses that its withdrawal of opposition to this applicant is grounded in the applicant's
46 agreement not to use the outdoor space. In our experience, granting a license encompassing the

1 location's rear terraces (where the applicant sought to have a total of 7 tables and 18 seats) would
2 seriously disturb the hundreds of community residents whose windows (often bedroom windows) face
3 the courtyard in which these terraces are located. No matter how conscientious the operator, the noise
4 made by 18 people (plus service staff) eating, drinking, and talking on the terraces up to 11-1/2 hours a
5 day would be a constant disturbance to the residents of apartments sharing the courtyard with these
6 terraces. Numerous community members have repeatedly objected to the use of these terraces for these
7 reasons. To the best of MCB4's knowledge, no prior operator at this location has used these terraces for
8 eating and drinking.

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10 Thank you for your attention and cooperation with this application.

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12 Sincerely,

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Christine Berthet
Chair

Paul Seres
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

APPLICANT IDEALIZE INC.		DOING BUSINESS AS (DBA) TORI SHIN		
STREET ADDRESS 362 West 53rd Street		CROSS STREETS 8th Avenue & 9th Avenue		
OWNER	NAME: Shu Ikeda	ATTORNEY	NAME: Glenn D. Wright	
	PHONE: 212 363-0916		PHONE: 212 619-1500	
	FAX: 212 421-0663		FAX: 800 309-5851	
MANAGER	NAME: Atsushi Kono	LANDLORD	NAME: 362 West 53rd Street LLC	
	PHONE: 646 243-3503		PHONE: 201 461-7975	
	FAX:		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 <i>(check one)</i>	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?	Idealize inc. dba Tori Shin	
		What is/was the address of the establishment?	1193 1st Ave., NY, NY 10021	
		What were the dates the applicant was involved with this former premise?	3/2007-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?	YES	NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> Alteration	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	11:30am-11:30pm	11:30am-11:30pm	11:30am-11:30pm	11:30am-11:30pm	11:30am-11:30pm	11:30am-1:00am	11:30am-1:00am	11:30am-11:30pm
	Music	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Kitchen	11:30am-11:30pm	11:30am-11:30pm	11:30am-11:30pm	11:30am-11:30pm	11:30am-1:00am	11:30am-1:00am	11:30am-11:30pm	

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
	99	99	25	70 20-counters	1	1	8	18	9

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

1-2 3-4 5+

Ground floor & Mezzanine, Basement to be used for kitchen & storage

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

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

N/A

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

NO MUSIC

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	N/A	no use of any outdoor space.
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	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	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	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	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	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	N/A	

LOCATION & ZONING

Primary Zoning District:	R 8	Overlay (If Applicable):	N/A	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	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	<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	500 foot rule triggered
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	will be applied for
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input 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			

ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant Agrees to no use of any outdoor space for any purpose, including but not limited to the two Rear terraces.