

# Manhattan Community Board 4

# Unenclosed Sidewalk Café Stipulations Application

APPLICANT <i>W.M.W. Restaurant Group, LLC</i>		ADDRESS <i>628 10th Ave</i>					
DOING BUSINESS AS (DBA) <i>The Marshall</i>		CROSS STREETS <i>44/45</i>				OWNER: <i>Brian Weiss</i>	
DESCRIPTION OF APPLICATION  <i>Unenclosed sidewalk café</i>						LAWYER: <i>N/A</i>	
						DCA LICENSE NUMBER:	
						SEA LICENSE NUMBER:	
						ON SITE CONTACT: (Name, position & phone number): <i>Charlie Marshall, Proprietor, 347-935-2151</i>	
Side-walk café hours of Operation	MONDAY <i>11am - 10pm</i>	TUESDAY <i>11am - 10pm</i>	WEDNESDAY <i>11am - 10pm</i>	THURSDAY <i>11am - 10pm</i>	FRIDAY <i>11am - 11pm</i>	SATURDAY <i>11am - 11pm</i>	SUNDAY <i>12noon - 10pm</i>
DCA Hours Allowed	<i>8-12</i>	<i>8-12</i>	<i>8-12</i>	<i>8-12</i>	<i>8-1</i>	<i>8-1</i>	<i>12-12</i>
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS <i>8</i>	TABLES <i>4</i>	<i>Seasonal use only</i>				
<b>OPERATIONAL ISSUES</b>							
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 checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	<i>Through rear entrance</i>		
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	<i>Ample ambient light</i>		

**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 type="radio"/> 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.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

**CAFE 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 checked="" type="radio"/> YES	<input type="radio"/> NO	<input 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 checked="" type="radio"/> YES	<input type="radio"/> NO	<input 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 CIB4 to describe these alterations.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

**ADDITIONAL INFORMATION: (Applicant Use)**

ADDITIONAL NOTES: (Office Use Only)

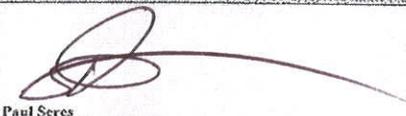
ADDITIONAL STIPULATIONS: (Office Use Only)

WILL REMOVE BARRIER TO NORTH  
OF ENTRANCE.

WEST BOUNDARY OF CAFE WILL BE  
THE SAME AS THOSE OF  
OTHER ESTABLISHMENTS TO  
THE SOUTH.

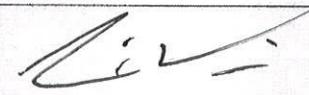
Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input checked="" type="radio"/> Denial unless all agreed to by applicant is part of the method of operation <input type="radio"/> Denial
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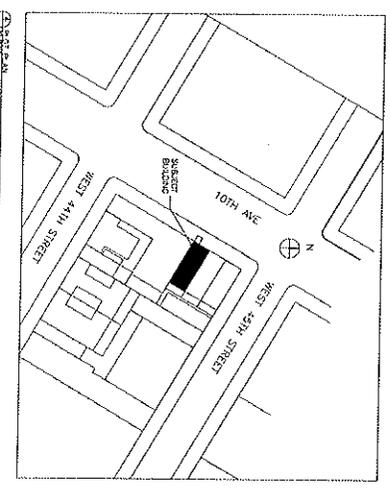
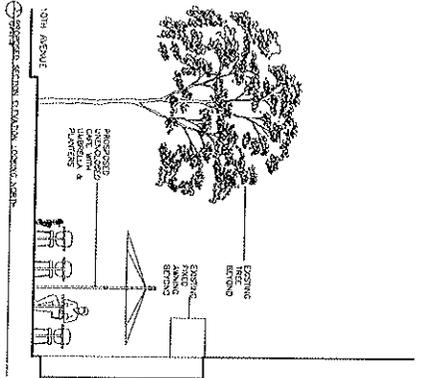
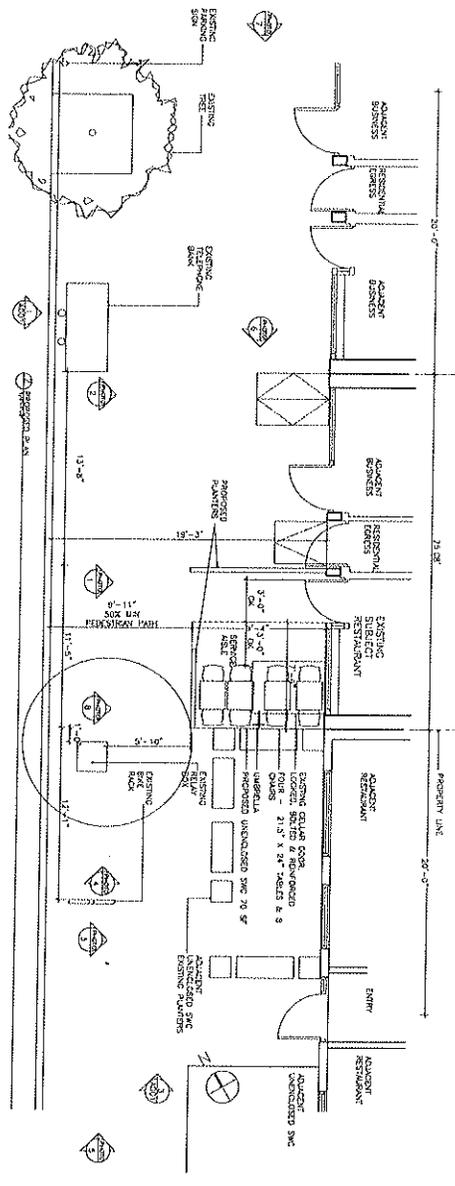
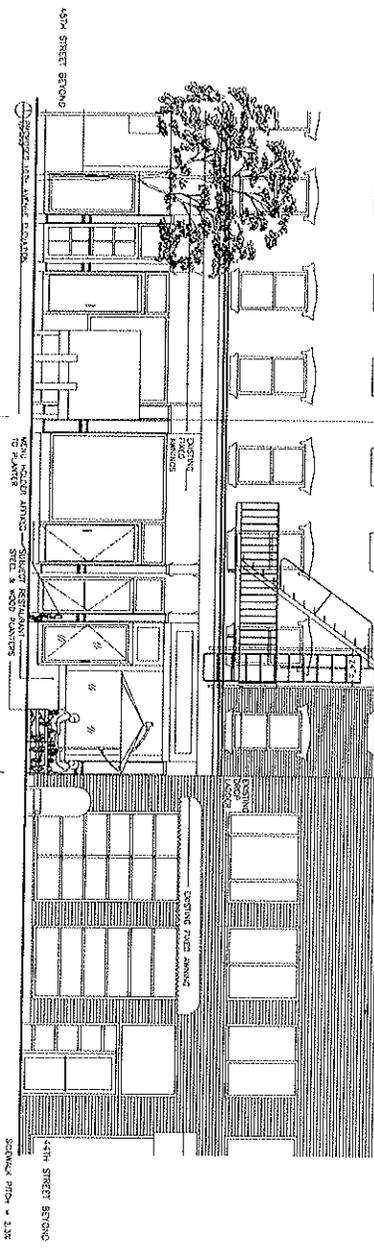
**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Assistant District Manager	 Frank Holozubiec CB4 BLP Committee Co-Chair	 Paul Seres CB4 BLP Committee Co-Chair
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**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.

<b>SIGN HERE</b> 	 SIGNATURE OF APPLICANT	5/13/14 DATE
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**NOTES**

PROPOSED SIDEWALK CAFE SHALL BE AN UNLICENSED RESTAURANT.

PROPOSED SIDEWALK CAFE SHALL BE 10 SQUARE FEET.

ALL TABLES SHALL BE 24" X 24" X 24".

NO SIGNAGE, GRAPHIC OR UNLICENSED SIDEWALK CAFE SHALL BE PERMITTED.

THE SIDEWALK CAFE SHALL BE SEPARATED FROM THE SIDEWALK BY A BARRIER THAT SHALL BE 4" HIGH AND 10" WIDE. THE BARRIER SHALL BE MADE OF METAL, WOOD, PLASTIC, STONE OR ANY OTHER MATERIAL THAT IS DURABLE AND RESISTANT TO WEATHER.

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DATE: 03/24/2014  
 DRAWING NO: 02113  
 PROJECT: UNLICENSED SIDEWALK CAFE

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ADDRESS: 638 10TH AVENUE  
 BLOCK: 1641  
 LOT: 63  
 ZONING DISTRICT: S10000  
 ZONING SUB-DISTRICT: S10000  
 MAP NUMBER: 63  
 COMMUNITY DISTRICT: GARDEN & CITY  
 COUNTY: NEW YORK

PROPOSED PLAN, SECTION & ELEVATIONS UNLICENSED SIDEWALK CAFE

SCALE: AS NOTED  
 DATE: AS NOTED  
 DRAWING NUMBER: A001.00