

1 **Business License & Permits Committee**

Item #: 8

2
3 June 20, 2013

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 Re: Hell's Chicken, LLC
12 d/b/a Hell's Chicken
13 641 10th Avenue (45/46)

14
15 Dear Chairman Rosen:

16
17 Manhattan Community Board 4 (MCB4) recommends denial of an alteration for an On-Premise Liquor
18 License for Hell's Chicken at 641 10th Avenue (45/46) unless the following stipulations, agreed to by the
19 applicant, are part of the method of operation for this establishment with a capacity of 74 people, 14
20 tables with 32 seats, and 1 stand up bar with no seats.

21
22 A signed copy of the questionnaire and stipulations are enclosed.

23
24 Sincerely,

25
Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

26

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT Hell's Chicken, LLC		DOING BUSINESS AS (DBA) Hell's Chicken	
STREET ADDRESS 641 10th Avenue, South Store		CROSS STREETS 45th / 46th Street	
OWNER	NAME: Sung Min	ATTORNEY	NAME: Yoomi Min
	PHONE: 718-986-3771		PHONE: 646-675-4577
	FAX:		FAX:
MANAGER	NAME:	LANDLORD	NAME: 641 10th Avenue, LLC
	PHONE:		PHONE: 212-757-8888
	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): _____
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?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<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
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1266157	
		What is the expiration date on the current license?	3/31/2014	
Please describe the nature of the alterations and attach the plans <i>See additional information section</i>				

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	
	Music	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	
	Kitchen	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	11AM - 1AM	
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	
	74	74	14	32	0	1	0	0	0	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="radio"/> 1-2	<input type="radio"/> 3-4	<input type="radio"/> 5+	1st floor; Basement for 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	<input checked="" type="radio"/> NO	N/A			
Will applicant have bottle service?					<input checked="" type="radio"/> YES	NO	N/A			
Will you be hosting private parties and promotional events?					<input checked="" type="radio"/> YES	NO	N/A	occasionally		
Will outside promoters be used?					YES	<input checked="" type="radio"/> NO	N/A			
Will the security plan submitted be implemented?					YES	NO	<input checked="" type="radio"/> N/A			
Will State certified security personnel be used?					YES	NO	<input checked="" type="radio"/> N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	<input checked="" type="radio"/> 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 keep bicycles in the basement		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A			
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 project more than 18 inches from the store front.)					<input checked="" type="radio"/> YES	NO	N/A			

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> 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.	YES	NO	<input checked="" type="radio"/> 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.	YES	NO	<input checked="" type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="radio"/> N/A

LOCATION & ZONING			
Primary Zoning District:	R8	Overlay (if Applicable):	C2-5
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 Triggered? 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. See attached diagram
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Community Board 4	
	# 2		
	# 3		

ADDITIONAL INFORMATION: (Applicant Use)

Since the restaurant started operating, we noticed a significant number of patrons being turned away when they find out that we do not serve adult cocktail. The turning away of patrons has hurt our business and customer loyalty. The operators would like to provide a setting and atmosphere where people can enjoy nice meal along with their favorite drink. As such, we are seeking to obtain On-Premise license. There will be no other changes at this time to the method of operation, nor will there be any other changes to the stipulations established by the Community Board, which were agreed upon on 8/14/2012.

ADDITIONAL NOTES: (Office Use Only)

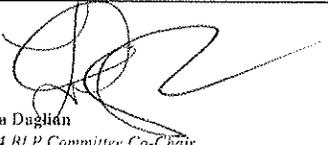
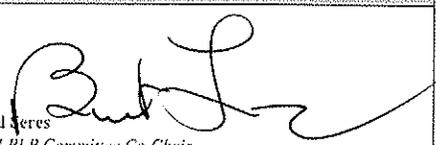
ADDITIONAL STIPULATIONS: (Office Use Only)

- will meet with block association
- will close doors & windows with music

SM

Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input 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 <i>CB4 Community Associate</i>	 Lisa Duglian <i>CB4 BLP Committee Co-Chair</i>	 Paul Aeres <i>CB4 BLP Committee Co-Chair</i>
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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.

SIGN HERE →	 SIGNATURE OF APPLICANT	5/21/2013 DATE
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1 **Business License & Permits Committee**

Item #: 9

2
3 June 20, 2013

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 Re: Convo 47 LLC
12 d/b/a Convo 47
13 675 9th Avenue (46/47)

14
15 Dear Chairman Rosen:

16
17 Manhattan Community Board 4 (MCB4) recommends denial of an alteration/Transfer for an On-
18 Premise Liquor License for Convo 47 at 675 9th Avenue (46/47) unless the following stipulations,
19 agreed to by the applicant, are part of the method of operation for this establishment with a capacity of
20 74 people, 11 tables with 26 seats, and 1 stand-up bar with 10 seats.

- 21
22 > No other change to method of operation
23 > Close doors at 10PM Sunday-Thursday and 11PM Friday & Saturday and whenever amplified
24 music is played

25
26
27 A signed copy of the questionnaire and stipulations are enclosed.

28
29 Sincerely,

30
Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

31

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT CONVO 47 LLC		DOING BUSINESS AS (DBA) CONVO 47		
STREET ADDRESS 675 NINTH AVENUE, NYC		CROSS STREETS 46TH - 47TH		
OWNER	NAME: ROBERT MING	ATTORNEY	NAME: BARRY P. FOX	
	PHONE: 347-326-3526		PHONE: 212-768-7900	
	FAX: 212-595-4033		FAX: 212-302-6715	
MANAGER	NAME: ROBERT MING	LANDLORD	NAME: LESAGA LLC	
	PHONE: SEE ABOVE		PHONE: 212-874-1882	
	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): _____			
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?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1244099	
		What is the expiration date on the prior license?	7/31/2014	
		Are you making any alterations or operational changes?	YES	<input checked="" type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1244099	
		What is the expiration date on the current license?	7/31/2014	
Please describe the nature of the alterations and attach the plans just changing the name on the sign				

OPERATIONAL ISSUES

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	12:00 p.m. - 4:00 a.m. seven days per week							
	Music	12:00 p.m. - 4:00 a.m. seven days per week							
	Kitchen	12:00 p.m. - 12:00 a.m. seven days per week							

Am.

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
	74	65	11	26	0	1	10	0	0

How many floors are there? What is the capacity for each floor? (please respond in space provided)	1-2	3-4	5+	2 floors - basement & gr. floor total is 74		
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	No		
Will applicant have bottle service?	YES	NO	N/A	No		
Will you be hosting private parties and promotional events?	YES	NO	N/A	No		
Will outside promoters be used?	YES	NO	N/A	No		
Will the security plan submitted be implemented?	YES	NO	N/A	No		
Will State certified security personnel be used?	YES	NO	N/A	No		
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	YES	NO	N/A	Yes		
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	No		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	YES	NO	N/A	No		
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	Yes		
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?	YES	NO	N/A	Yes		
If you plan to have music, what type(s)?	BACKGROUND	LIVE MUSIC	DJ	background		

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	windows will be closed in accordance with the hours set forth - 11pm and 10		
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	Yes		
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	Yes		

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	No
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	N/A	NA
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.	YES	NO	N/A	NA
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A	NA
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.).	YES	NO	N/A	NA
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.	YES	NO	N/A	The applicant will have low volume background music and will close the French doors at 10:00 pm Sun. Thurs and 11:00 pm Friday and Saturday
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	NA

LOCATION & ZONING

Primary Zoning District:	R8	Overlay (If Applicable):		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A	Yes - Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	N/A	There is a letter of completion
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	the 500' rule only
Is a Public Assembly permit required?	YES	NO	N/A	No
Are your plans filed with DOB?	YES	NO	N/A	Unknown

Building Type Residential Commercial Mixed Use Other, describe: _____

Adjacent Buildings Residential Commercial Mixed Use Other, describe: _____

NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	The West 46th Street Block Association
	# 2	
	# 3	

ADDITIONAL INFORMATION: (Applicant Use)

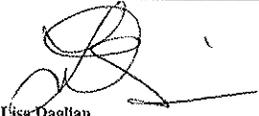
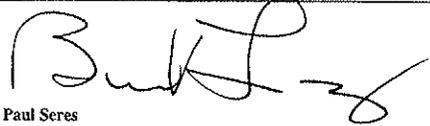
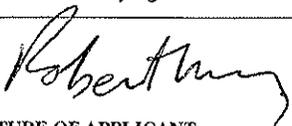
Presently, Zigolini's is operated as a family and neighborhood oriented restaurant which also serves the theater crowd. The tradename will be changed from "Zigolini's" to "Convo 47", but the menu and focus of the business will remain basically the same. The name "Convo 47" is intended to imply that the restaurant will be a place where people can have a conversation without having to shout over loud background music.

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- No other change to method of operation
- Close doors at 10 PM Sun - Thurs
at 11 PM Fri & Sat and
whenever amplified music is played.

Robert King

Manhattan Community Board 4 (MCB4) recommends:		<input type="radio"/> Approval <input type="radio"/> Denial unless all agreed to by applicant is part of the method of operation <input type="radio"/> Denial
CB4 REPRESENTATIVES		
Nelly Gonzalez <i>CB4 Community Associate</i>	 Lisa Daglian <i>CB4 BLP Committee Co-Chair</i>	 Paul Seres <i>CB4 BLP Committee Co-Chair</i>
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	5/17/2013 DATE

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 10

2
3 July 25, 2013

4
5 Ms. Beverly Gotay
6 Assistant Director of Licensing
7 NYC Department of Consumer Affairs
8 42 Broadway, 8th floor
9 New York, New York 10004

10
11 **Re: Speak Integrated Corp.**
12 **d/b/a Bocca Di Bacco**
13 *167-169 9th Avenue (20)*

14
15 Dear Ms. Gotay:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new unenclosed sidewalk café license
18 **to Speak Integrated Corp. d/b/a Bocca Di Bacco – 167-169 9th Avenue (20) unless** the following
19 stipulations, agreed to by the applicant, are part of the method of operation for this establishment with
20 10 tables and 21 seats.

21
22 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

23
24
25 Sincerely,

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29
Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT Speak Integrate Corp	ADDRESS 167-169 9th Avenue	
DOING BUSINESS AS (DBA) Bocca Di Bocca	CROSS STREETS 20th St.	
DESCRIPTION OF APPLICATION sidewalk cafe		OWNER: Robert Motta
		LAWYER: N/A
		DCA LICENSE NUMBER: 1462267
		SLA LICENSE NUMBER: 1253082

ON SITE CONTACT: (Name, position & phone number):
Sarah Mavella 212 511 7012

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	12-11	12-11	12-11	12-11	12-11	12-10	12-11
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	21	10	sidewalk cafe

OPERATIONAL ISSUES

Question	YES	NO	N/A
Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the outdoor furniture be removed when not in use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SOUND ISSUES

<p>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.).</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>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.</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	

CAFE DESIGN

<p>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?</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>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)?</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>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)?</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>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)</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?.</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
<p>If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.</p>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	

ADDITIONAL INFORMATION: (Applicant Use)

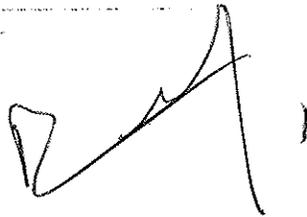
ADDITIONAL NOTES: (Office Use Only)

[Faint, illegible text in the additional notes section]

ADDITIONAL STIPULATIONS: (Office Use Only)

- asking to reduce # of tables by 1
- eliminate corner table
- reduce hours of outdoor cafe to
10pm Sun - Thurs 11pm Fri's
Sat's

ADDITIONAL STIPULATIONS: (Office Use Only)

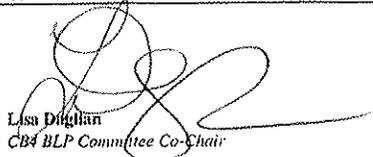


Manhattan Community Board 4 (MCB4) recommends:

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

CB4 REPRESENTATIVES

Nelly Gonzalez
CB4 Community Associate

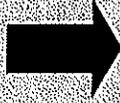

Lisa Duggan
CB4 BLP Committee Co-Chair

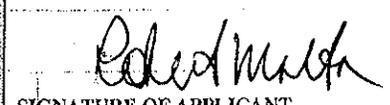

Paul Seres
CB4 BLP Committee Co-Chair

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

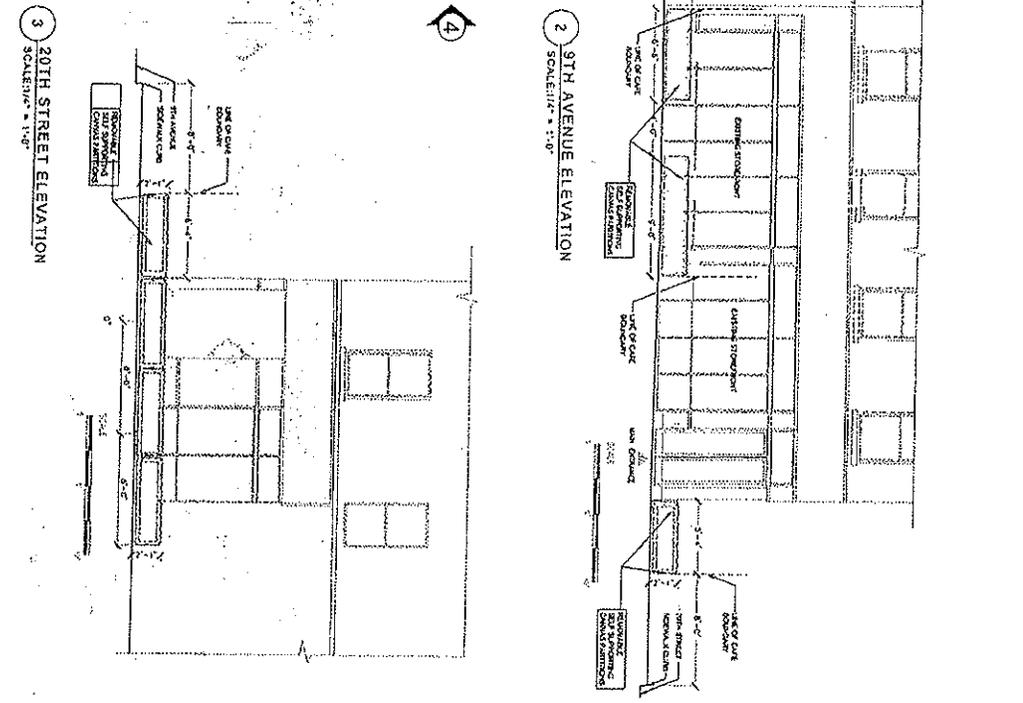
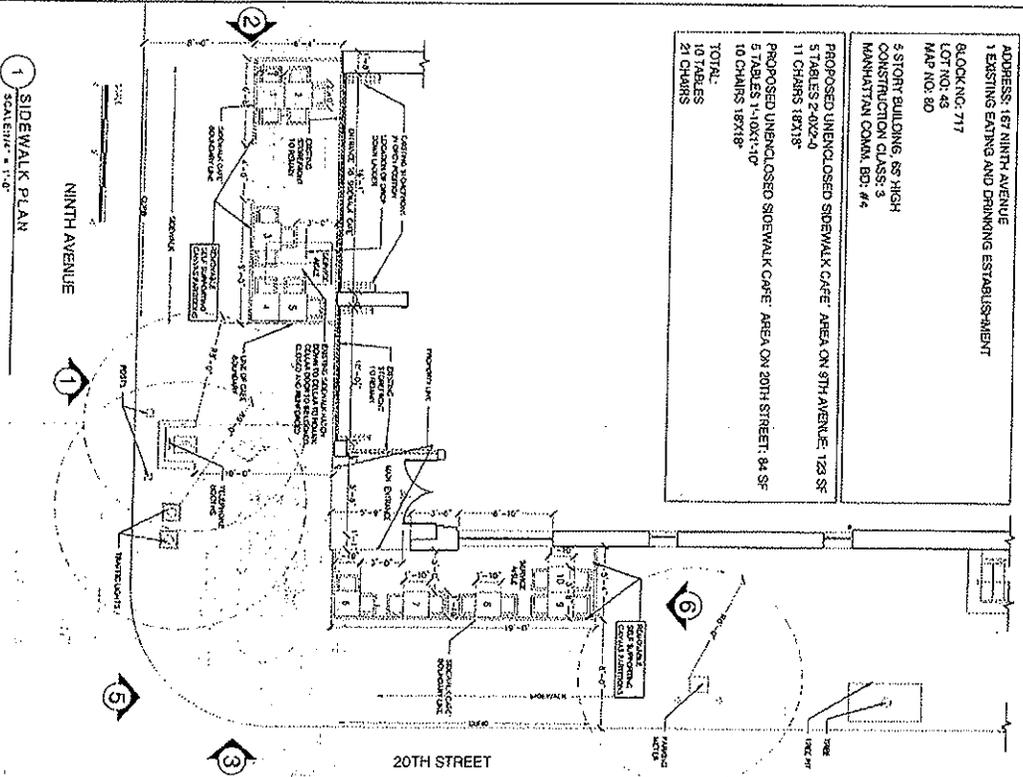
06/11/13

ADDRESS: 167 NINTH AVENUE
 1 EXISTING EATING AND DRINKING ESTABLISHMENT
 BLOCK NO. 717
 LOT NO. 43
 MAP NO. 8D
 5 STORY BUILDING, 65' HIGH
 CONSTRUCTION CLASS: 3
 MANHATTAN COMM. BD. #4

PROPOSED UNENCLOSED SIDEWALK CAFE AREA ON 9TH AVENUE: 125 SF
 5 TABLES: 2, 2X2.5
 11 CHAIRS: 18X15

PROPOSED UNENCLOSED SIDEWALK CAFE AREA ON 20TH STREET: 94 SF
 5 TABLES: 1-1, 10X1-1, 10'
 10 CHAIRS: 18X18

TOTAL:
 10 TABLES
 21 CHAIRS



SIDEWALK CAFE PLAN AND ELEVATIONS
A-101.00
 2 OF 2
 01.04.2013

M.G. NEW YORK
 ARCHITECTURE, DESIGN & PLANNING
 167 NINTH AVENUE, 2ND FLOOR
 NEW YORK, NY 10011

SIDEWALK CAFE
 167 NINTH AVENUE
 NEW YORK, NEW YORK 10011

PROPOSED UNENCLOSED SIDEWALK CAFE AREA ON 9TH AVENUE: 125 SF
 5 TABLES: 2, 2X2.5
 11 CHAIRS: 18X15

PROPOSED UNENCLOSED SIDEWALK CAFE AREA ON 20TH STREET: 94 SF
 5 TABLES: 1-1, 10X1-1, 10'
 10 CHAIRS: 18X18

TOTAL:
 10 TABLES
 21 CHAIRS

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 11

2
3 July 25, 2013

4
5 Ms. Beverly Gotay
6 Assistant Director of Licensing
7 NYC Department of Consumer Affairs
8 42 Broadway, 8th floor
9 New York, New York 10004

10
11 **Re: Manon LLC**
12 **d/b/a Manon**
13 *407 W. 14th Street (9/10)*

14
15 Dear Ms. Gotay:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new unenclosed sidewalk café license
18 to **Manon LLC d/b/a Manon – 407 W. 14th Street (9/10)** **unless** the following stipulations, agreed to
19 by the applicant, are part of the method of operation for this establishment with 9 tables and 18 seats.

20
21 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

22
23 Sincerely,

24
25
26
Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

27

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT MANON LLC	ADDRESS 407 W 14TH ST
DOING BUSINESS AS (DBA) MANON	CROSS STREETS
DESCRIPTION OF APPLICATION 9TH AVE & Washington ST	OWNER: Frederic Serol
	LAWYER: Michael Kelly
	DCA LICENSE NUMBER: 1464019
	SLA LICENSE NUMBER: 1261775
ON SITE CONTACT: (Name, position & phone number): Frederic (347) 988-4931	

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
118-10	118-10	118-10	118-10	118-10	118-11	118-11	12-10
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS 18	TABLES 9	Using 9' 11" of a 19' 10" Sidewalk				

OPERATIONAL ISSUES

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

SOUND ISSUES

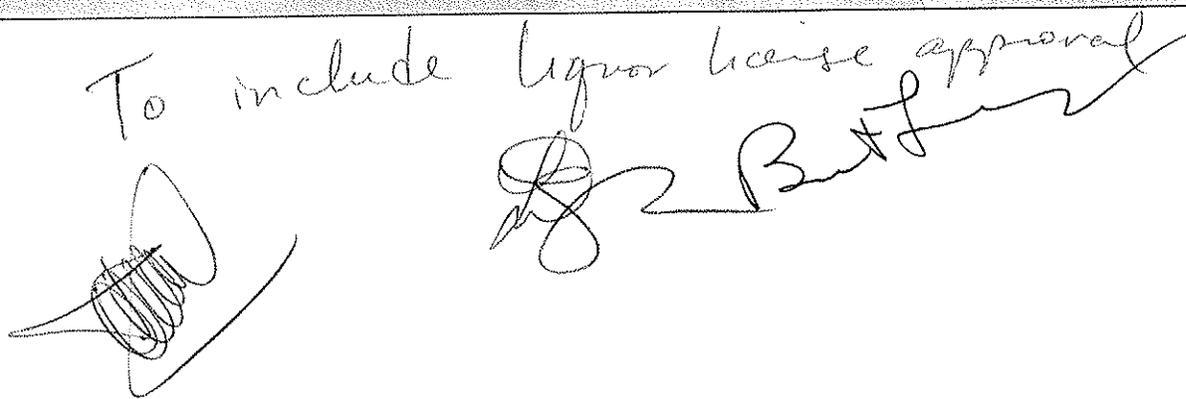
Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing 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

CAFÉ DESIGN

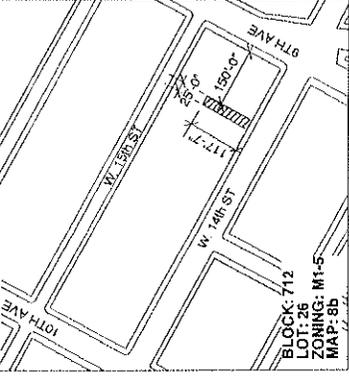
Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A
Is there a minimum clearance of 8 feet between 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 type="radio"/> YES	<input type="radio"/> NO	<input checked="" 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 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 type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

ADDITIONAL INFORMATION: (Applicant Use)

To include liquor license approval



PLOT PLAN
NOT TO SCALE



SIDEWALK CAFE INFORMATION

- TOTAL NUMBER OF TABLES : 9
- TOTAL NUMBER OF CHAIRS = 18
- TOTAL AREA OF SIDEWALK CAFE = 254 SQUARE FEET

NOTE:

THERE NO OBSTRUCTIONS SUCH AS STREET FURNITURE WITHIN RANGE OF OUR SECTION OF THE SIDEWALK.

ARCHITECT
Richard H. Lewis Architect
444 Central Park West New York NY 10025
tel: 212 865-5661 fax: 212 865-5707

PROJECT
CAFE MANON

DRAWING TITLE
**407 W. 14TH STREET
SIDEWALK CAFE**

DATE 03.13.2013

PROJECT No.

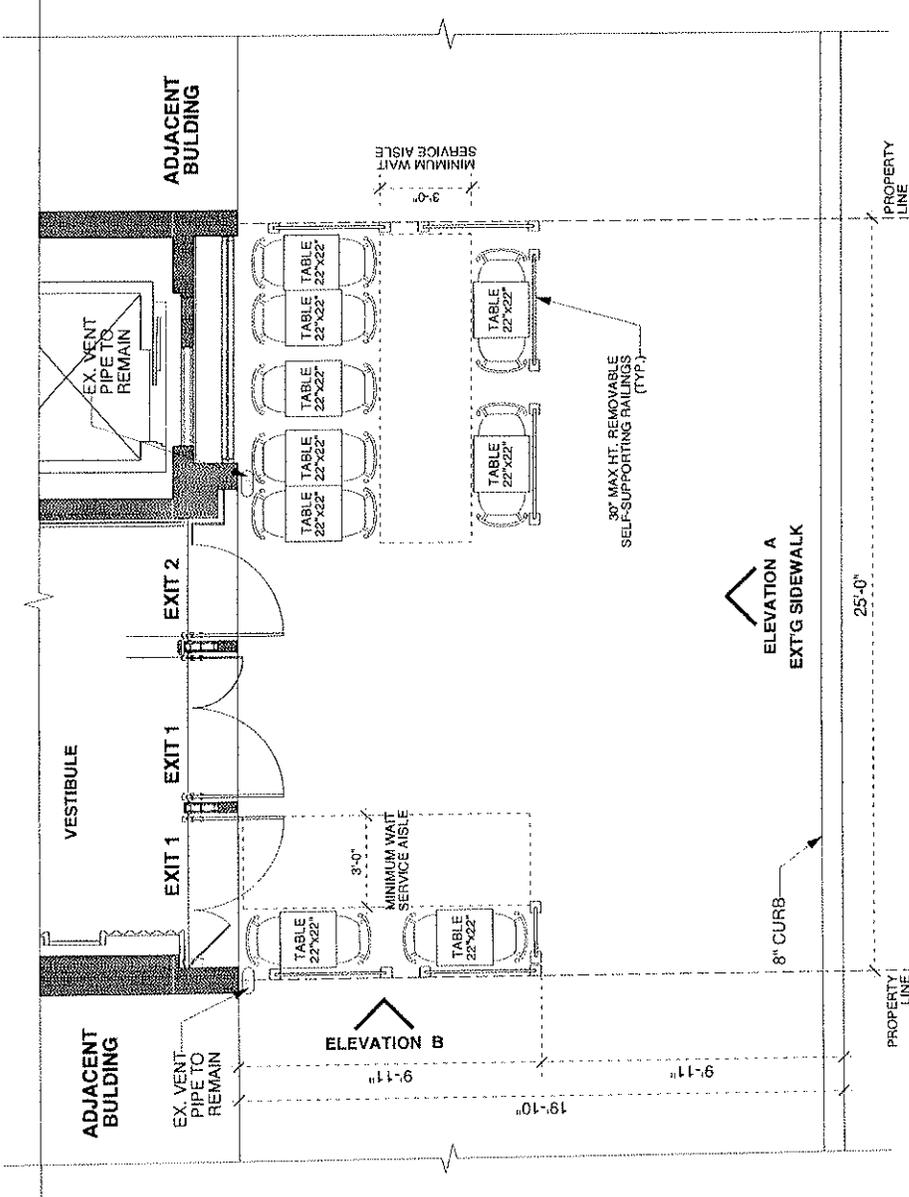
DRAWING BY MP

CKD BY RO

DWG No.

SWC-001.00

SCALE	SHEET
AS NOTED	1 of 2



1 UNENCLOSED SIDEWALK CAFE PLAN
SCALE: 1/4"=1'-0"

1 **Business License & Permits Committee**

Item #: 12

2

3 July 25, 2013

4

5 Dennis Rosen

6 Chairman

7 New York State Liquor Authority

8 80 S. Swan Street, 9th Floor

9 Albany, New York 12210

10

11 Re: Theatre Refreshment Co of NY

12 d/b/a Little Schubert Theatre

13 422 W. 42nd St. (42nd/10th)

14

15 Dear Chairman Rosen:

16

17 Manhattan Community Board 4 (MCB4) recommends denial of a new On-Premise Liquor License for
18 Theatre Refreshment Co of NY d/b/a Little Schubert Theatre – 422 W. 42nd St. (42nd/10th) unless the
19 following stipulations, agreed to by the applicant, are part of the method of operation for this
20 establishment with a capacity of 499 people, no tables, 499 seats, 1 stand-up bar and 1 service bar with
21 no seats.

22

23

24 A signed copy of the questionnaire and stipulations are enclosed.

25

26 Sincerely,

27

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

28

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT		DOING BUSINESS AS (DBA)		
Theatre Refreshment Co. of NY Inc.		Little Shubert Theatre		
STREET ADDRESS		CROSS STREETS		
422 W. 42nd Street		42nd Street + 10th Avenue		
OWNER	NAME:	Leonard Lowengrub	ATTORNEY	
	PHONE:	(212) 586 7610	NAME:	
	FAX:	(212) 586 - 7614	PHONE:	
MANAGER	NAME:	Steven Lewis	LANDLORD	
	PHONE:	(917) 435 - 9178	NAME:	
	FAX:	(212) 586 7614	PHONE:	
		FAX:		
		NAME:		
		PHONE:		
		FAX:		
DESCRIPTION OF BUSINESS				
Establishment Type:	<input checked="" 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 type="radio"/> Other (Explain): _____			
Method of Operation:	<input 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 checked="" type="radio"/> Other (Explain): <u>Theatre / Stage Shows</u>			
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 checked="" 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?	Broadway Theatre	
		What is/was the address of the establishment?	1681 Broadway	
		What were the dates the applicant was involved with this former premise?	1976 - Now	
	<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?	<input type="radio"/> YES	<input type="radio"/> 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	6pm - 10pm	6pm - 10pm	6:12pm - 10pm	6pm - 10pm	6pm - 10pm	10am - 10pm	10am	10pm	
	Music	7pm - 10pm	7pm - 10pm	7-10pm	7-10pm	7-10pm	7-10pm	7-10pm	7-10pm	
	Kitchen	N/A	N/A	N/A	N/A	N/A				
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	
	499	550	0	499	1	1	0	0	0	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="radio"/> 1-2	<input type="radio"/> 3-4	<input 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?					<input checked="" type="radio"/> YES	NO	N/A			
Will outside promoters be used?					<input checked="" type="radio"/> YES	NO	N/A			
Will the security plan submitted be implemented?					<input checked="" type="radio"/> YES	NO	N/A			
Will State certified security personnel be used?					<input checked="" type="radio"/> YES	NO	N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="radio"/> 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	<input checked="" type="radio"/> NO	N/A			
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A			
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?					YES	<input checked="" type="radio"/> NO	N/A			
If you plan to have music, what type(s)?					<input checked="" type="radio"/> BACKGROUND	<input checked="" 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 project more than 18 inches from the store front.)					<input checked="" type="radio"/> YES	NO	N/A			

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="radio"/> NO	<input type="radio"/> 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	<input type="radio"/> 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.	YES	<input checked="" type="radio"/> NO	<input checked="" type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	<input type="radio"/> 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.).	YES	<input type="radio"/> NO	<input checked="" type="radio"/> 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.	YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	<input type="radio"/> NO	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
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 Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A
Is a Public Assembly permit required?	YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A

Building Type	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____
Adjacent Buildings	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____

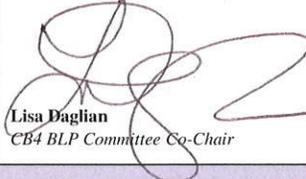
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	<i>Community Board # 4</i>
	# 2	
	# 3	

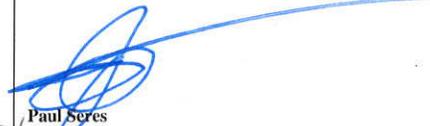
Manhattan Community Board 4 (MCB4) recommends:

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

CB4 REPRESENTATIVES

Nelly Gonzalez
CB4 Community Associate

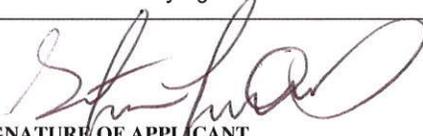

Lisa Daglian
CB4 BLP Committee Co-Chair


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

7/9/13

1 **Business License & Permits Committee**

Item #: 13

2

3 July 25, 2013

4

5 Dennis Rosen

6 Chairman

7 New York State Liquor Authority

8 80 S. Swan Street, 9th Floor

9 Albany, New York 12210

10

11 Re: CPS Enterprises LLC

12 d/b/a Marston's

13 310 W. 53rd St. (8/9)

14

15 Dear Chairman Rosen:

16

17 Manhattan Community Board 4 (MCB4) recommends denial of a new On-Premise Liquor License for
18 CPS Enterprises LLC d/b/a Marston's – 310 W. 53rd St. (8/9) unless the following stipulations, agreed to
19 by the applicant, are part of the method of operation for this establishment with a capacity of 90 people,
20 15 tables, 44 seats, 1 stand-up bar and 1 service bar with 10 seats and 6 tables with 12 seats outside
21 within building property line.

22

23 > Live music only in cellar

24 > Will follow recommendations of acoustician

25 > Does not include outdoor space

26 > Windows and doors in front of restaurant will be closed at 10PM Sunday-Thursday and 11PM
27 Friday & Saturday or whenever there is amplified sound

28 > Rear door will be closed at all times

29 > Come back in 6 months to consider alteration after operation

30

31 A signed copy of the questionnaire and stipulations are enclosed.

32

33 Sincerely,

34

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

35

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT CPS Enterprises, LLC		DOING BUSINESS AS (DBA) Marston's - working name		
STREET ADDRESS 310 W. 53rd Street		CROSS STREETS 8th & 9th Avenues		
OWNER	NAME: Shelley Clark	ATTORNEY	NAME: David Korngut	
	PHONE: 646-489-8582		PHONE: 212-566-5021	
	FAX: 206-888-6217		FAX: 212-766-2628	
MANAGER	NAME: Patrick O'Sullivan	LANDLORD	NAME: Midtown Equities, LLC / East West Realty	
	PHONE: 646-245-4104		PHONE: 212-957-9444 / 201-681-5799	
	FAX: none		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): _____			
Method of Operation:	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input checked="" type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): _____			
License Type:	<input type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer			
APPLICATION TYPE (check one)	<input checked="" 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?	CPS Managing Partner Patrick O'Sullivan has managed and/or owned successful restaurants; most recently managed Seppi's.	
		What is/was the address of the establishment?	123 W. 56th Street, New York City at the Parker Meridien Hotel	
		What were the dates the applicant was involved with this former premise?	10/2001 to 2/2009	
	<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?	<input type="radio"/> YES	<input type="radio"/> 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>				

PAC

OPERATIONAL ISSUES

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	1:30 7 a.m. to 3 a.m.	1:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.
Music	Occasionally, in basement Any hours TBD	See Monday	See Monday	See Monday	See Monday	See Monday	See Monday
Kitchen	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.

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
	90	74	15	44	1	1	10	12	6

How many floors are there? What is the capacity for each floor? (please respond in space provided)	<input checked="" type="checkbox"/>	3-4	5 +	Ground floor - 32 inside, 12 outside Cellar - 22			
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="checkbox"/>	N/A				
Will applicant have bottle service?	YES	<input checked="" type="checkbox"/>	N/A				
Will you be hosting private parties and promotional events?	<input checked="" type="checkbox"/>	NO	N/A				
Will outside promoters be used?	YES	<input checked="" type="checkbox"/>	N/A				
Will the security plan submitted be implemented?	YES	NO	<input checked="" type="checkbox"/>				
Will State certified security personnel be used?	YES	NO	<input checked="" type="checkbox"/>				
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	N/A				
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	<input checked="" type="checkbox"/>	NO	N/A	Plan to apply Dec. 20013			
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)	YES	<input checked="" type="checkbox"/>	N/A	When plans are submitted, number of tables/seats will follow DCA and Community Board 4 guidelines.			
Will applicant provide contact information to neighbors and respond to complaints that arise?	<input checked="" type="checkbox"/>	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="checkbox"/>	NO	N/A				
If you plan to have music, what type(s)?	<input checked="" type="checkbox"/>	BACKGROUND	<input checked="" type="checkbox"/>	LIVE MUSIC	<input checked="" type="checkbox"/>	DJ	Any occasional live music will be jazz, blues.

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="checkbox"/>	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="checkbox"/>	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 project more than 18 inches from the store front.)	<input checked="" type="checkbox"/>	NO	N/A

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	Ground floor patio will be used for herb garden and intimate dining area.
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="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	Low wattage hanging lanterns and floor lighting.

LOCATION & ZONING				
Primary Zoning District:	C6-4	Overlay (If Applicable):	C1-5	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	However, we have addressed the 500 Foot Rule with the attached statement.
Is a Public Assembly permit required?	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	
Are your plans filed with DOB?	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	Currently there is only one bathroom in a space with a CFO of 90; our architect, Garth Hayden will file plans with the DOB for the addition of at least one bathroom.
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____			
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____			
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	18th Precinct of New York Police Department, known as Midtown North - Community Affairs		
	# 2	The Manhattan School, PS 35		
	# 3	Hartley House - where our Swiss native chef participated in adult education programs to learn English It is one of a number of community oriented charities and organization - including The Manhattan School - to which we will offer the restaurant as a resource for fundraising initiatives, programming, etc.		

ADDITIONAL INFORMATION: (Applicant Use)

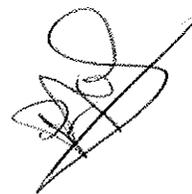
By upgrading an existing space, which housed a wine and beer licensed restaurant for ten years, with an additional bathroom, as well as decorative enhancements, CPS Enterprises, LLC plans to establish a new neighborhood dining asset serving breakfast, lunch and dinner daily in relaxed and inviting atmosphere. Our experienced, European trained chef will direct a kitchen that will use make the vast majority of all menu items from scratch, including many of the breakfast baked goods.

The restaurant's menus, characterized as contemporary American with an international culinary melting pot sensibility, will be seasonally inspired, drawing from locally sourced ingredients, including herbs from a garden in the outdoor patio of the space. The food menus will be complemented by a comprehensive selection of non-alcoholic beverages, as well as by wine and beer.

We envision the restaurant providing a comfortable environment in which neighborhood residents, area employees and visitors can enjoy a variety of dining options day and night.

ADDITIONAL NOTES: (Office Use Only)

- live music only in cellar
- ~~cellar~~ will follow recommendations of acoustician
- Does not include out door space
- Windows + Doors in front of restaurant will be closed at 10PM Sun - Thurs and 11PM Fri + Sat or whenever amplified sound.
- Rear door will be closed at all times.
- Come back in 6 months to consider alteration. after operation



Manhattan Community Board 4 (MCB4) recommends:

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

CB4 REPRESENTATIVES

Nelly Gonzalez
CB4 Community Associate

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 →

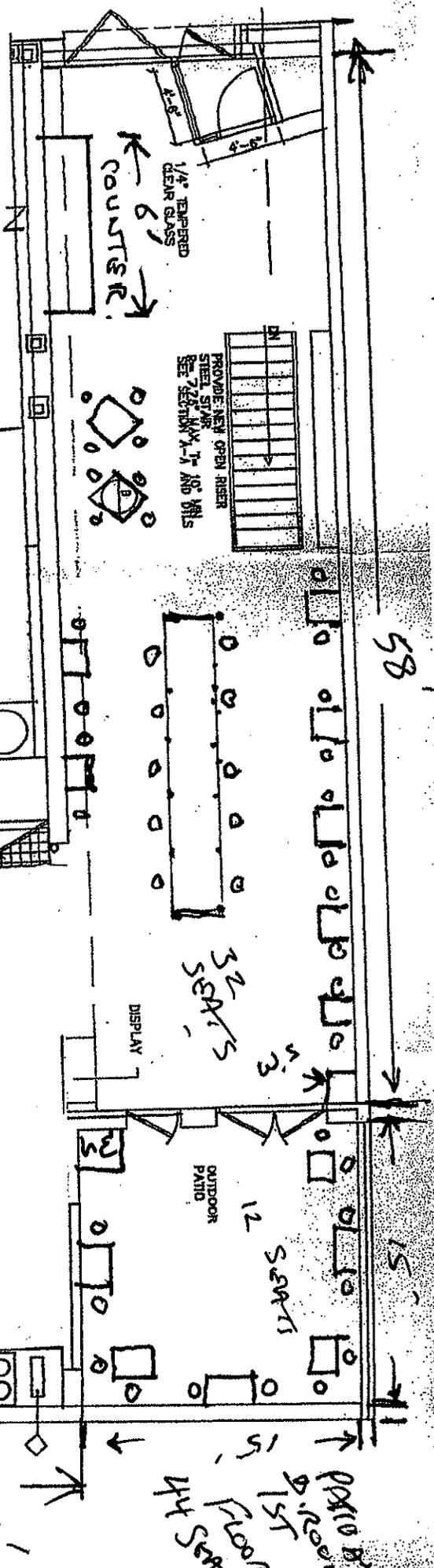
SIGNATURE OF APPLICANT

DATE

May 20, 2013

7/9/13

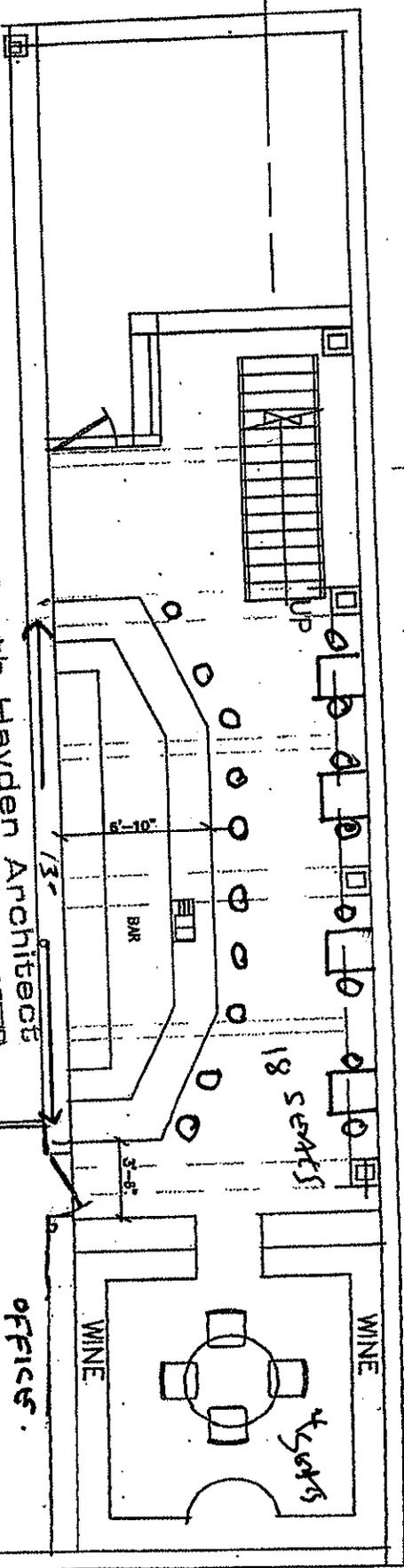
FIRST FLOOR PLAN 1/4"=1'-0"



66 SEATS

HOT/C CLOD
WATER WATER LINE
2" DIRECT WASTE

HOOD AND FIRE SUPPRESSION
SYSTEM TO BE FILED UNDER
SEPARATE APPLICATION
BY SUPPLIER / INSTALLER



*22 SEATS
CELLAR*

Barth Hayden Architect
 architects
 planning
 interior design
 250 West 57th Street, New York, N.Y. 10019
 212/857-9570

1 **Business License & Permits Committee**

Item #: 14

2

3 July 25 2013

4

5 Dennis Rosen

6 Chairman

7 New York State Liquor Authority

8 80 S. Swan Street, 9th Floor

9 Albany, New York 12210

10

11 Re: 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.; Y

12 FOUR by RSR, LLC; and CGM Yotel NYC LLC

13 d/b/a Yotel New York

14 570 10th Avenue (41/42)

15

16 Dear Chairman Rosen:

17

18 Manhattan Community Board 4 (MCB4) recommends denial for an alteration of an On-Premise Liquor
19 License for 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.;

20 Y FOUR by RSR, LLC; and CGM Yotel NYC LLC d/b/a Yotel New York - 570 10th Avenue (41/42)

21 unless the following stipulations, agreed to by the applicant, are part of the method of operation for this

22 establishment with a capacity of 316 indoors and 142 outdoors, with 84 tables with 378 seats, 3 stand up

23 bars with 41 seats and 25 tables outside with 130 seats within building property line.

24

25 > Will notify all pertinent parties regarding upcoming events on a regular basis.

26 > Will close door during events when music is played inside.

27

28 A signed copy of the questionnaire and stipulations are enclosed.

29

30 Sincerely,

31

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

32

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT 42nd and 10th Hotel, LLC; 42nd and 10th US Opco, LLC; Yotel Management Company, Ltd.; Y FOUR by RSR, LLC; and, CGM Yotel NYC LLC		DOING BUSINESS AS (DBA) Yotel New York		
STREET ADDRESS 570 Tenth Avenue, New York, New York		CROSS STREETS Between 41st and 42nd Street		
OWNER	NAME: 42nd and 10th Hotel, LLC	ATTORNEY	NAME: Donald M. Bernstein, Victor & Bernstein, P.C.	
	PHONE: (646) 449-7700		PHONE: (212) 486-6000	
	FAX:		FAX: (212) 486-8668	
Contact MANAGER	NAME: Michael Teplin	LANDLORD	NAME: 42nd and 10th Hotel, LLC	
	PHONE: (646) 449-7700		PHONE: (646) 449-7700	
	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 checked="" 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): _____			
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 checked="" type="radio"/> Other (Explain): <u>Hotel</u>			
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 type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<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 checked="" type="radio"/> Alteration	What is the current license #?	1259111, 1259112 & 1259113	
		What is the expiration date on the current license?	January 31, 2014	
<i>Please describe the nature of the alterations and attach the plans</i>				
See the Additional Notes on Page 4.				

OPERATIONAL ISSUES

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
HOURS	Operation	Hotel: 24 Hours, daily Rest.: 7AM - 4AM, daily (restaurant may open later or close earlier)							
	Music	DJ/music controlled by governor: Saturday: 11AM - 6PM and 10PM - 1AM/3AM (outside/inside); and Sunday: 11AM - 6PM Background: During all other hours							
	Kitchen	7AM - 11PM	7AM - 11PM	7AM - 11PM	7AM - 11PM	7AM - 12AM	7AM - 12AM	7AM - 11PM	
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
	316 (indoors) 142 (outdoors)	316 (indoors) 142 (outdoors)	84	378	0	3	41	130	25
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	5+	Hotel occupies 23 floors and has 669 guest rooms.	
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	On occasion portions of the premises may be booked for private events.	
Will outside promoters be used?					YES	NO	N/A		
Will the security plan submitted be implemented?					YES	NO	N/A	The licensee already employees security.	
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	The premises is a hotel.	
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	The DJ will be indoors only.		
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	The licensee is licensed to have its outdoor area close at 12:30AM on Sun. - Wed. at 1:30AM on Thurs. - Sat.	
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	The licensee has already hired a sound engineer prior to issuance of its license.	
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		

ADDITIONAL INFORMATION: (Applicant Use)

The "U" shaped bar in the restaurant is being converted into an "L" shaped bar that will extend to the wall. The eight (8) cabins around the perimeter of the restaurant and the lounge and table seating in the dining room are being converted into a combination of communal seating tables, dining tables, lounge seating, and four (4) cabin areas.

See floor plans attached.

ADDITIONAL NOTES: (Office Use Only)

- Will Notify all pertinent Parties Re upcoming events on a ^{regular} basis
- Will Close Door Dining units when music is played inside
-

July 22, 2013

Yotel - CB4 Stipulations:

- 1) The hotel will operate as a 24 hour a day business but the indoor 4th floor restaurant and lounge areas will operate no earlier than 6:00 am and no later than 4:00 am, every day of the week. The 4th floor terrace (outdoor area) of the premises will operate no later than 12:30 am Sunday through Wednesday, and no earlier than 6:00 am and no later than 1:30 am Thursday through Saturday.
- 2) The sliding partitions separating the indoor and outdoor space will be kept closed no later than 10:00 pm Sunday through Thursday and no later than 11:00 pm Friday and Saturday. Those sliding partitions will also be closed during any private events in the indoor portion of the 4th floor where there is amplified music.
- 3) The fourth floor will have a total capacity of no more than 468, or as the premises' Place of Assembly Permit may allow.
- 4) There will be one stand up bar located entirely inside, a second stand up bar that will be partially inside and partially outside and a third stand up bar and seating on the outdoor terrace.
- 5) The service and consumption of alcohol on the fourth floor terrace will be primarily via seated food service and stand up bar service.
- 6) The licensee will follow the security plan as previously provided.
- 7) The licensee has engaged Acoustilog Inc. to conduct a reassessment of the premises' operation and physical layout and to make recommendations for potential additional sound attenuating measures, if any, that could be implemented at the premises.
- 8) To ensure that neighbors are not negatively impacted by sound emanating from the terrace, the licensee's security personnel will monitor the area.
- 9) The licensee intends to have live, background and DJ music in the inside space on the fourth floor; and live music or DJ music must use hotel equipment, including use of a limiter. Only music at background levels will be played in the outside space in compliance with the limitations as set forth in the report to be prepared by Acoustilog Inc. There will be no live music or DJ located on outdoor portions of the fourth floor.
- 10) The licensee is not applying for a cabaret license with this current application.
- 11) The licensee will retain all control and responsibility for operation and security of the establishment. If any outside promoter is used, their role will be limited to marketing.

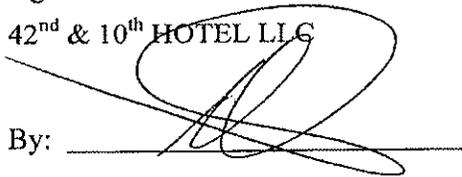
July 22, 2013

- 12) Kitchen exhaust will be compliant with NY DOB code and will not unreasonably disturb residents.
- 13) Licensee will provide 24 hour contact details to CB4 and pertinent community representatives. Licensee will also use reasonable efforts to notify the Community Board and residents of planned upcoming large private events out of the ordinary course.
- 14) Licensee will arrange for representatives to attend Precinct Council Block Association and Community Board meetings, if requested, to address and resolve any community problems that may arise from this establishment. The hotel and community associations will report progress and/or issues back to CB4 regularly by email, writing or in person.

Agreed to:

42nd & 10th HOTEL LLC

By: _____



1 **Business License & Permits Committee**

Item #: 15

2

3 July 25 2013

4

5 Dennis Rosen

6 Chairman

7 New York State Liquor Authority

8 80 S. Swan Street, 9th Floor

9 Albany, New York 12210

10

11 Re: TodosMex, LLC

12 d/b/a Pinche Taqueria

13 103 W. 14th Street (6/7)

14

15 Dear Chairman Rosen:

16

17 Manhattan Community Board 4 (MCB4) recommends denial for a new On-Premise Liquor

18 License for TodosMex, LLC d/b/a Pinche Taqueria – 103 W. 14th Street (6/7) unless the following
19 stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a
20 capacity of 281, and 15 tables with 64 seats,

21

22 ➤ Will notify all pertinent parties regarding upcoming events on a regular basis.

23 ➤ Will close door during events when music is played inside.

24

25

26 A signed copy of the questionnaire and stipulations are enclosed.

27

28 Sincerely,

29

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

30

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT TodosMex, LLC		DOING BUSINESS AS (DBA) Pinche Taqueria	
STREET ADDRESS 103 West 14th Street		CROSS STREETS Between 6th Ave and 7th Ave	
OWNER	NAME: Brent Bostwick	ATTORNEY	NAME: Robert D. Skene
	PHONE: 206 498-2957		PHONE: 732 727-5030
	FAX: 212 691-3410		FAX: 732 727-5028
MANAGER	NAME: Brent Bostwick	LANDLORD	NAME: Andrew Hoffman
	PHONE: 212 989-1289		PHONE: 646 876-2053
	FAX: 212 691-3410		FAX: 646 395-4968
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): _____	
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 *Note that we previously met with the Community Board regarding a beer and wine license for this location and we are now seeking full liquor.	
APPLICATION TYPE (check one)	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		What is/was the name of establishment?	_____
		What is/was the address of the establishment?	_____
		What were the dates the applicant was involved with this former premise?	_____
	<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 <input type="checkbox"/> NO <input type="checkbox"/>
		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									
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	8am - 11pm	8am - 11pm	8am - 11pm	8am - 11pm	8am - 1am	8am - 1am	10am-10pm	
	Music								
	Kitchen	8am - 11pm	8am - 11pm	8am - 11pm	8am - 11pm	8am - 1am	8am - 1am	10am-10pm	
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
	A2 281	75	15	64	0	0	0	0	0
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	5+	1 - 281 capacity 2 - employees only	
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	NO	
Will applicant have bottle service?					YES	NO	N/A	NO	
Will you be hosting private parties and promotional events?					YES	NO	N/A	NO	
Will outside promoters be used?					YES	NO	N/A	NO	
Will the security plan submitted be implemented?					YES	NO	N/A	N/A	
Will State certified security personnel be used?					YES	NO	N/A	N/A	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A	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	Yes - Will use bikes for food delivery Yes - DOT Application	
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	N/A	NO	
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	N/A	
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A	YES	
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					YES	NO	N/A	YES	
If you plan to have music, what type(s)?			BACKGROUND	LIVE MUSIC	DJ	Background			
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	YES	
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	YES	
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	YES	

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	NO
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	N/A	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.	YES	NO	N/A	N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A	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.).	YES	NO	N/A	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.	YES	NO	N/A	N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	N/A

LOCATION & ZONING				
Primary Zoning District:	C62A C63A / 8D		Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A	NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	N/A	YES - TCO
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="radio"/> YES	NO	N/A	500 Foot Rule
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	N/A	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	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	Manhattan Community Board 4		
	# 2			
	# 3			

Manhattan Community Board 4 (MCB4) recommends:		<input type="radio"/> Approval <input type="radio"/> Denial unless all agreed to by applicant is part of the method of operation <input type="radio"/> Denial
CB4 REPRESENTATIVES		
Nelly Gonzalez <i>CB4 Community Associate</i>	 Lisa Daglan <i>CB4 BLP Committee Co-Chair</i>	 Paul Seres <i>CB4 BLP Committee Co-Chair</i>
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	June 24, 2013 DATE



1 **Business License & Permits Committee**

Item #: 16

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July 25 2013

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

Re: 733 Restaurant Corp.
d/b/a Gossip
733 9th Avenue (49/50)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial for an alteration of an On-Premise Liquor License for 733 Restaurant Corp d/b/a Gossip – 733 9th Avenue (49/50) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a capacity of 174, with 63 tables with 150 seats, 1 service bar and 1 stand up bar with 20 seats.

- Doors and windows must be closed at 10PM Sunday-Thursday and 11PM Friday & Saturday and whenever amplified sound is used.
- Sandwich board and sidewalk signs will be removed/flush to wall.
- For corporate change as well
- Open till 4AM and kitchen open as well.

A signed copy of the questionnaire and stipulations are enclosed.

Sincerely,

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

July 9, 2013

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT 733 RESTAURANT CORP.		DOING BUSINESS AS (DBA) Gossip		
STREET ADDRESS 733 9th Avenue, NY, NY 10019		CROSS STREETS 49th & 50th Streets		
OWNER	NAME: DANNY DOLHAN	ATTORNEY	NAME: Warren Pesetsky	
	PHONE: 917-613-8026		PHONE: (212) 513-1988	
	FAX:		FAX: (212) 385-0504	
MANAGER	NAME:	LANDLORD	NAME: 1604 Operating Corp.	
	PHONE:		PHONE: 917-714-1450	
	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): _____		
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?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<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
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input checked="" type="radio"/> Alteration	What is the current license #?	1209592	
		What is the expiration date on the current license?	11/30/2014	
Please describe the nature of the alterations and attach the plans		CHANGE HOURS OF OPERATION * * STIPULATION CHANGE ONLY - * Method of oper. SAME.		

1 of 6
* STIPULATION CHANGE ONLY - *
Method of oper. SAME.

OPERATIONAL ISSUES

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	10am - 4am							
	Music	"	"	"	"	"	"	"	
	Kitchen	"	"	"	"	"	"	"	

* Current
* Proposed

OCCUPANCY	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
	174	170	63	150	1	1	20	0	0

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

Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nighliffe Association recommendations and NYPD Best Practices be followed?

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)

Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?

If you plan to have music, what type(s)?

BACKGROUND **LIVE MUSIC** **DJ**

174 total

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.

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?

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.)

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.	YES	NO	<input checked="" type="radio"/> 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?	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A
Is a Public Assembly permit required?	YES	NO	<input checked="" type="radio"/> N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	<input checked="" 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		

CL - clinton

ADDITIONAL INFORMATION: (Applicant Use)

- Doors & windows must be closed at 10PM Sun - Thurs and 11PM Fri & Sat. and whenever amplified sound is used.
- Sandwich board & sidewalk signs will be removed / flush to wall
- for corporate change as well
- open til 4am and kitchen open as well.

James Ryan

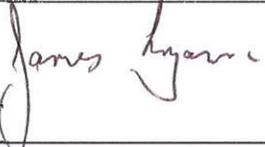
Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input type="radio"/> Denial unless all agreed to by applicant is part of the method of operation <input type="radio"/> Denial
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CB4 REPRESENTATIVES

Nelly Gonzalez <i>CB4 Community Associate</i>	 Lisa Daglian <i>CB4 BLP Committee Co-Chair</i>	 Paul Seres <i>CB4 BLP Committee Co-Chair</i>
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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.

SIGN HERE →	SIGNATURE OF APPLICANT 	DATE
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