

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>APPLICANT</b> Ageha Japanese Fusion Inc.		<b>DOING BUSINESS AS (DBA)</b>		
<b>STREET ADDRESS</b> 767 9 <sup>th</sup> Avenue		<b>CROSS STREETS</b> 51 <sup>st</sup> & 52 <sup>nd</sup> Street		
<b>OWNER</b>	<b>NAME:</b> Chun Yong Chen	<b>ATTORNEY</b>	<b>NAME:</b> James Wang	
	<b>PHONE:</b> 917-770-0610		<b>PHONE:</b> 212-219-3070	
	<b>FAX:</b> 212-219-0836		<b>FAX:</b> 212-219-0836	
<b>MANAGER</b>	<b>NAME:</b>	<b>LANDLORD</b>	<b>NAME:</b> 767 Ninth Ave LLC	
	<b>PHONE:</b>		<b>PHONE:</b> 732-301-2833	
	<b>FAX:</b>		<b>FAX:</b>	
<b>DESCRIPTION OF BUSINESS</b>				
<b>Establishment Type:</b>	<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"/> <b>Restaurant</b> <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain): _____			
<b>Method of Operation:</b>	<input checked="" type="radio"/> <b>Restaurant</b> <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): _____			
<b>License Type:</b>	<input checked="" type="radio"/> <b>On-Premise</b> <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
<b>APPLICATION TYPE</b> (check one)	<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> NO
		What is/was the name of establishment?	Ta Ke 800	
		What is/was the address of the establishment?	800 Lexington Avenue	
		What were the dates the applicant was involved with this former premise?	January 31, 2005	
	<input type="radio"/> <b>Transfer</b>	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"/> <b>Alteration</b>	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

OPERATIONAL ISSUES														
HOURS	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
	Operation		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.	
	Music		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.	
	Kitchen		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.m.		11 a.m. – 11 p.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					
	48	48	7	28	0	1	8	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 <sup>st</sup> Floor						
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 you be hosting private parties and promotional events?					YES	NO	N/A							
Will outside promoters be used?					YES	NO	N/A							
Will the security plan submitted be implemented?					YES	NO	N/A							
Will State certified security personnel be used?					YES	NO	N/A							
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A							
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	N/A							
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	N/A							
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	N/A							
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A							
If you plan to have music, what type(s)?			<b>BACKGROUND</b>	LIVE MUSIC	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.	YES	NO	N/A	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	N/A	

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	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	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	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A	
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	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	N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	

LOCATION & ZONING				
Primary Zoning District:	R8	Overlay (If Applicable):	C1-5	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	N/A	
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	NO	N/A	
Is a Public Assembly permit required?	YES	NO	N/A	
Are your plans filed with DOB?	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			
	# 2			
	# 3			

**ADDITIONAL INFORMATION: (Applicant Use)**

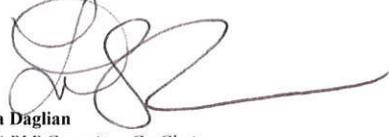
**ADDITIONAL NOTES: (Office Use Only)**

**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

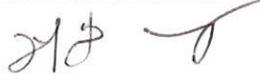
**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Community Associate	 Lisa Daglian CB4 BLP Committee Co-Chair	 Paul Seres CB4 BLP Committee Co-Chair
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

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

<p><b>SIGN HERE</b> →</p>	 SIGNATURE OF APPLICANT OR ATTORNEY	2/14/12 DATE
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OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date

### 500 FOOT RULE STATEMENT

#### Applicants for on premises liquor licenses must complete this section (Not required for on premises beer or wine application)

If the location is subject to the 500 foot rule, and no other exception applies, the license cannot be issued unless the State Liquor Authority makes an affirmative finding that it is in the public interest to issue the license.

The provisions of Section 64, 64-a, 64-c and 64-d of the ABC Law require the Authority to consult with the municipality or community board prior to granting a license for **ANY ON PREMISES LIQUOR ESTABLISHMENTS** where such premises is located within 500' of three or more similarly licensed premises. The Authority is further required to conduct a public hearing, upon notice to the applicant and the municipality or the community board.

**The proposed premises: Check the appropriate box below:**

PREMISES IS NOT WITHIN A 500' RADIUS OF THREE OR MORE ESTABLISHMENTS HOLDING ON PREMISES LIQUOR LICENSES.

PREMISES IS WITHIN A 500' RADIUS OF THREE OR MORE ESTABLISHMENTS SELLING LIQUOR FOR ON PREMISES CONSUMPTION. IF SO, YOU MUST COMPLETE THE WRITTEN STATEMENT BELOW AND SUBMIT THE NAMES AND ADDRESSES OF THE ESTABLISHMENTS WITHIN THE 500' RADIUS, UNLESS THE PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993.

NOT APPLICABLE - PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993

NOT APPLICABLE - POPULATION UNDER 20,000

#### YOU MUST PROVIDE THE NAMES OF ALL ON PREMISES LIQUOR ESTABLISHMENTS LOCATED WITHIN 500' OF THE PROPOSED PREMISES

#### IMPORTANT:

If premises is within a 500' radius of three or more establishments holding on premises liquor licenses and has not been continuously licensed since November 1, 1993 and the population is over 20,000 you must,

**SUBMIT A WRITTEN STATEMENT EXPLAINING IN DETAIL WHY YOU BELIEVE ISSUANCE OF THE LICENSE WOULD BE IN THE PUBLIC INTEREST.**

**FAILURE TO SUBMIT THIS INFORMATION MAY RESULT IN DISAPPROVAL OF THE LICENSE APPLICATION.**

Most, if not all, Japanese restaurant provide alcoholic beverage upon it is customary. It is part of Japan Culture and tradition to serve beer, wine and liquor with Japanese food. The liquor is as essential to an authentic sushi meal as the Japanese food it is served with. Since we are an Japanese restaurant we would like to provide our customers with a true experience. Although there are restaurant within a 500 feet radius which serve alcoholic drinks, these restaurants are very different in styles. There will be no dancing or improper behavior within our premise. We only wish serve liquor with our dishes to enhance the dining experience and bring a flavor of Japan to our customers.