



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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4 COREY JOHNSON
5 Chair

6 ROBERT J. BENFATTO, JR., ESQ.
7 District Manager

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9 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 3

10 March 7, 2012

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13 Dennis Rosen
14 Chairman
15 New York State Liquor Authority
16 80 S. Swan Street, 9th Floor
17 Albany, New York 12210

18
19 **Re: 117 Perry Corp.**
20 *365 W. 51st Street (8th/9th)*

21
22 Dear Chairman Rosen:

23
24 Manhattan Community Board 4 (MCB4) recommends **denial** of a transfer for an On-Premise Liquor
25 license to 117 Perry Corp., **unless** the following stipulations, agreed to by the applicant, is part of the
26 method of operation for this establishment with a capacity of 70, with 44 seats and 18 tables with one
27 stand-up bar that seats 7.

28
29 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

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31
32 Sincerely,

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Corey Johnson
Chair
Manhattan Community
Board 4

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

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Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT 117 Perry Corp.		DOING BUSINESS AS (DBA)	
STREET ADDRESS 365 W 51 st Street		CROSS STREETS 8 th /9 th Avenue	
OWNER	NAME: Robert Pesson	ATTORNEY	NAME: Frank W. Palillo
	PHONE: 646-201-8640		PHONE: 212-227-1640
	FAX:		FAX: 212-349-1724
MANAGER	NAME:	LANDLORD	NAME: 329 W 51 st St. Owner Corp.
	PHONE:		PHONE: 201-944-6906
	FAX:		FAX:

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Eating Place Beer
 Cabaret
 Night Club
 Hotel
 Restaurant

Catering Establishment
 Club (Fraternal Organization – Members Only)

Other (Explain): _____

Method of Operation:

Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pizzeria
 Cafe

Other (Explain): _____

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer

APPLICATION TYPE (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
		What is/was the name of establishment?	228 Bleecker LLC.	
		What is/was the address of the establishment?	117 Perry St.	
		What were the dates the applicant was involved with this former premise?	2010-Present	
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1210623	
		What is the expiration date on the prior license?	November 30, 2012	
		Are you making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
Please describe the nature of the alterations and attach the plans				

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	
	Music	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	
	Kitchen	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 a.m.	12 p.m. – 1 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	
	70	60	18	44	0	1	7			
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	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	NO	N/A			
Will you be hosting private parties and promotional events?					YES	NO	N/A	Occasional		
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	Not at this time		
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	Not at this time		
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)?			BACKGROUND	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:	Retail	Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	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	Community Board 4	
	# 2		
	# 3		

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

Blank area for additional stipulations.

Original

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 under 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.

These premises will provide a safe, well lit and secure space in the neighborhood, offering its guests a relaxed, stress free and humorous evening, while providing jobs for over 20 employees, mostly drawn from the immediate neighborhood and paying taxes to Federal, State and City governments. These premises will not be conducted in a rowdy manner and the operation of this business will be centered on the needs of the community, not turning a buck.

Cicchetti: \$9

Grissini Prosciutto

House made Breadsticks & Prosciutto di San Daniele

Mozzarella Pomodoro Basilico

Buffalo Mozzarella, Heirloom Tomatoes & Fresh Basil

Cacciatorini Parmiggiano e Olive

Rustic Salami, Parmiggiano Reggiano & Organic Olive Oil

Olive Miste e Feta

Mixed Marinated Olives & Feta Cheese

Insalata di Mare e Sedano

Marinated Mixed Seafood Salad & Crisp Celery

Peperoni Arrosto e Alici Marinata

Oven Roasted Peppers & Marinated Anchovies with Goat Cheese

Prosciutto e Giardiniera

Prosciutto di San Daniele & Marinated mixed Vegetables

Bruschetta ai Funghi e Montasio

Mushroom Bruschetta & Montasio Cheese

Lasagne di Vegetali

Homemade Grilled Vegetable Lasagne

Sopressata Capocollo e Pecorino

Imported Salami Capocollo & Pecorino

Carciofi e Olive

Spicy Sautered Artichokes & Gaeta Olives

Tortino di Granchio e Funghi

Crab Cakes Capers & Mushrooms

Polpette al Pomodoro

Beef Meatballs & Oven Roasted Tomato

Melanzane e Caprino

Grilled Eggplants Stuffed with Goat Cheese

Datteri e Gorgonzola

Gorgonzola Stuffed Dates Wrapped in Speck

Calamari in Umido

Stewed Calamari with Capers & Basil

Costicine d'Agnello

Grilled Lamb Chops in a Balsamic Vinegar Sauce

Maccheroni al Tartufo

Slow Baked Mac & Cheese with Black Truffle Carpaccio

Salumi: \$7

Prosciutto di San Daniele

Coppa

Sopressata

Speck

Bresaola

Mortadella

Cacciatorini

Formaggi: \$5

Old Chatham Farm Camembert

Pasteurized Cow's Milk-New York

Rivers Edge Chevre "up in smoke"

Pasteurized Alpine Milk-Oregon

Vermont Clothbound Cheddar

Pasteurized Cow's Milk-Vermont

Humbolt Fog Ashed Goat

Pasteurized Goat's Milk-California

Sartori Stravecchio Parmiggiano

Pasteurized Cow's Milk-Italy

Lively Run Cayuga Blue

Raw Mixed Herd Milk-California

Dolci: \$8

Tortino di Ricotta

Traditional Cheesecake & Strawberry Sauce

Souffle di Cioccolato

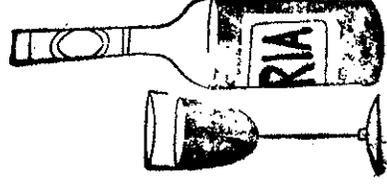
Molten Chocolate Cake with Tahitian Vanilla Ice Cream

Panna Cotta

Custard & Blueberry Sauce

Tiramisu

Classic Tiramisu



BUCCIA

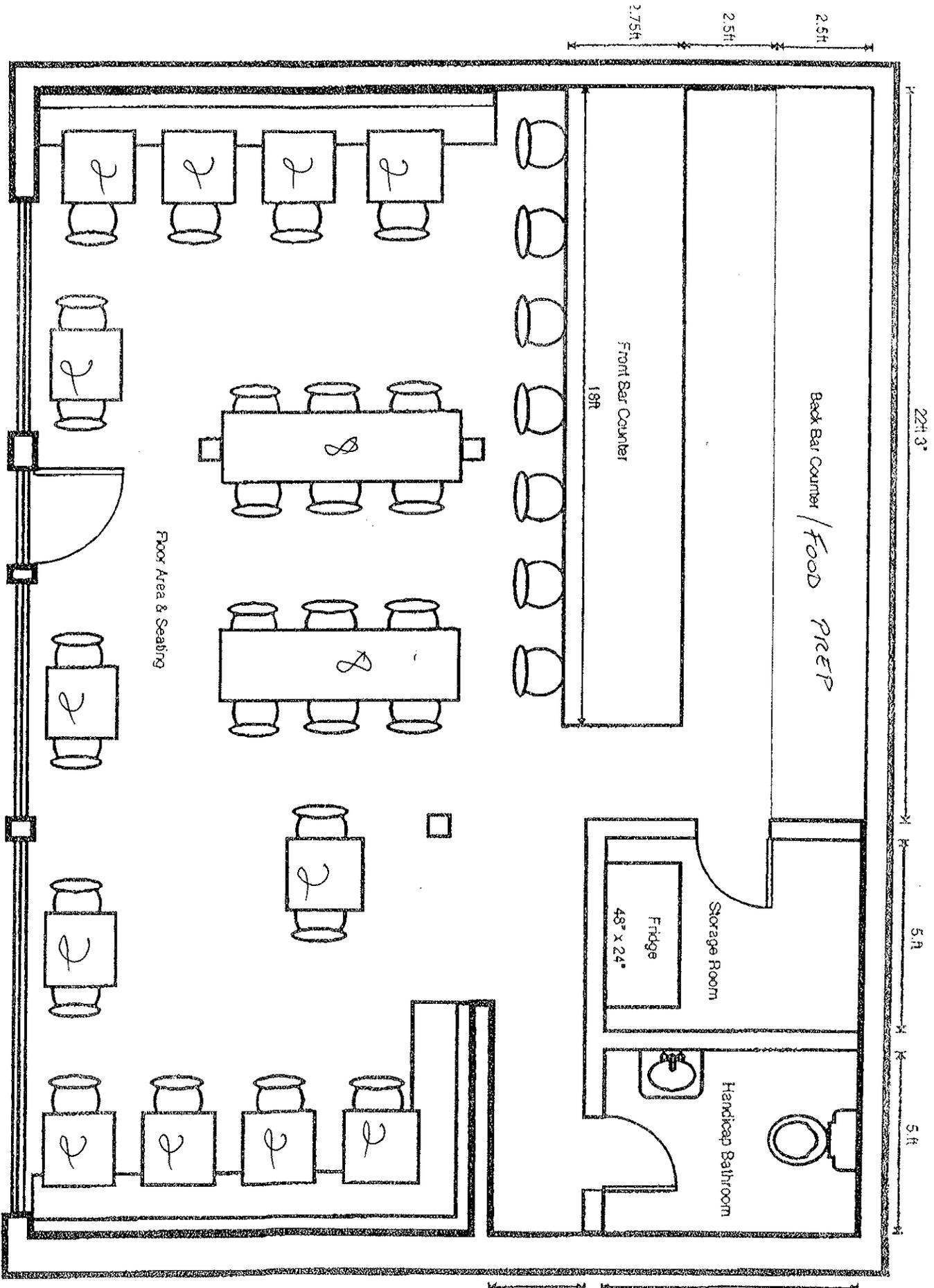
Cicchetti & Ombre

FIVE HUNDRED (500) FOOT AREA PLAN

APPLICANT: W. Perry Corp
 ADDRESS: 340 W 51 St, NY, NY 10019

NAME	ADDRESS	PST (FT)
1 Gossip	735 5th Ave, NY, NY 10019	437
2 La Viñeta	737 5th Ave, NY, NY 10019	401
3 Lime Jungle	741 5th Ave, NY, NY 10019	316
4 Temazza Toscana	742 5th Ave, NY, NY 10019	274
5 Babera Indian Bistro	745 5th Ave, NY, NY 10019	264
6 Uncle Nick's Greek Cuisine	747 5th Ave, NY, NY 10019	263
7 Uncle Nick's Outback Creek Tables	748 5th Ave, NY, NY 10019	336
8 The Swag	751 5th Ave, NY, NY 10019	220
9 Vintage	753 5th Ave, NY, NY 10019	205
10 Vynil	754 5th Ave, NY, NY 10019	126
11 Anna Amba	763 5th Ave, NY, NY 10019	92
12 Steaching	765 5th Ave, NY, NY 10019	197
13 McCoy's Bar	768 5th Ave, NY, NY 10019	130
14 Bossa Nova Brazil	772 5th Ave, NY, NY 10019	145
15 Renaissance Diner	783 5th Ave, NY, NY 10019	362
16 El Ameca Mexican	785 5th Ave, NY, NY 10019	367
17 Brickyard Gastropub	788 5th Ave, NY, NY 10019	329
18 Q2 The	792 5th Ave, NY, NY 10019	459
19 Coopersmith's Bar & Grill	793 5th Ave, NY, NY 10019	462
20 Eatery	795 5th Ave, NY, NY 10019	263
21 Chez Napoleon	855 W 50th St, NY, NY 10019	382
22 Hopema	401 W 50th St, NY, NY 10019	385
23 Shimizu	316 W 51st St, NY, NY 10019	454
24 Mena Pils	318 W 51st St, NY, NY 10019	378
25 Vice Versa Restaurant	328 W 51st St, NY, NY 10019	368
26 Erab	331 W 51st St, NY, NY 10019	344
27 Vasa Lounge	344 W 52nd St, NY, NY 10019	364
28 Bamboo St	348 W 52nd St, NY, NY 10019	287
29 Therapy		





IDEAL CAFE
 5 Tables
 10 Seats

14 Tables
 70 Seats

Xai Xai Winebar Floor Plan & Seating
 365 W 51 St. New York, NY 10019