CITY OF NEW YORK
**MANHATTAN COMMUNITY BOARD FOUR**
330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

**COREY JOHNSON**
Chair

**ROBERT J. BENFATTO, JR., ESQ.**
District Manager

**BUSINESS LICNESE & PERMITS COMMITTEE** **Item # 4**

March 7, 2012

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

**Re: Ageha Japanese Fusion Inc.**
*767 9th Avenue (51st/52nd)*

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends **denial** of a New On-Premise Liquor license to Ageha Japanese Fusion Inc., **unless** the following stipulations, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 48, with 28 seats and 7 tables with 1 stand-up bar that seats 8.

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

Sincerely,

| | | |
|---|---|---|
| Corey Johnson | Paul Seres | Lisa Daglian |
| Chair | Co-Chair | Co-Chair |
| Manhattan Community | Business License & Permits | Business License & Permits |
| Board 4 | Committee | Committee |

DRAFT

# Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

| APPLICANT | DOING BUSINESS AS (DBA) |
|---|---|
| **Ageha Japanese Fusion Inc.** | |
| **STREET ADDRESS** | **CROSS STREETS** |
| **767 9th Avenue** | **51st & 52nd Street** |

| | | | | | |
|---|---|---|---|---|---|
| **OWNER** | **NAME:** | **Chun Yong Chen** | **ATTORNEY** | **NAME:** | **James Wang** |
| | **PHONE:** | **917-770-0610** | | **PHONE:** | **212-219-3070** |
| | **FAX:** | **212-219-0836** | | **FAX:** | **212-219-0836** |
| **MANAGER** | **NAME:** | | **LANDLORD** | **NAME:** | **767 Ninth Ave LLC** |
| | **PHONE:** | | | **PHONE:** | **732-301-2833** |
| | **FAX:** | | | **FAX:** | |

**DESCRIPTION OF BUSINESS**

| | |
|---|---|
| Establishment Type: | ◯ Bar/Tavern ◯ Bed & Breakfast ◯ Eating Place Beer ◯ Cabaret ◯ Night Club ◯ Hotel ◯ **Restaurant**<br>◯ Catering Establishment ◯ Club (Fraternal Organization – Members Only)<br>◯ Other (Explain):_____ |
| Method of Operation: | ◯ **Restaurant** ◯ Dance Club ◯ Sports Bar ◯ Adult Entertainment ◯ Wine Bar ◯ Pizzeria ◯ Cafe<br>◯ Other (Explain):_____ |
| License Type: | ◯ **On-Premise** ◯ Wine ◯ Beer ◯ Wine & Beer |

| **APPLICATION TYPE** *(check one)* | | | | |
|---|---|---|---|---|
| | ◯ **New** | Has applicant owned or managed a similar business? | **YES** | **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** | |
| | ◯ **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.* | | |
| | ◯ **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 | 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. | 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. | 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. | 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 + | 1st 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)? | 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 | |

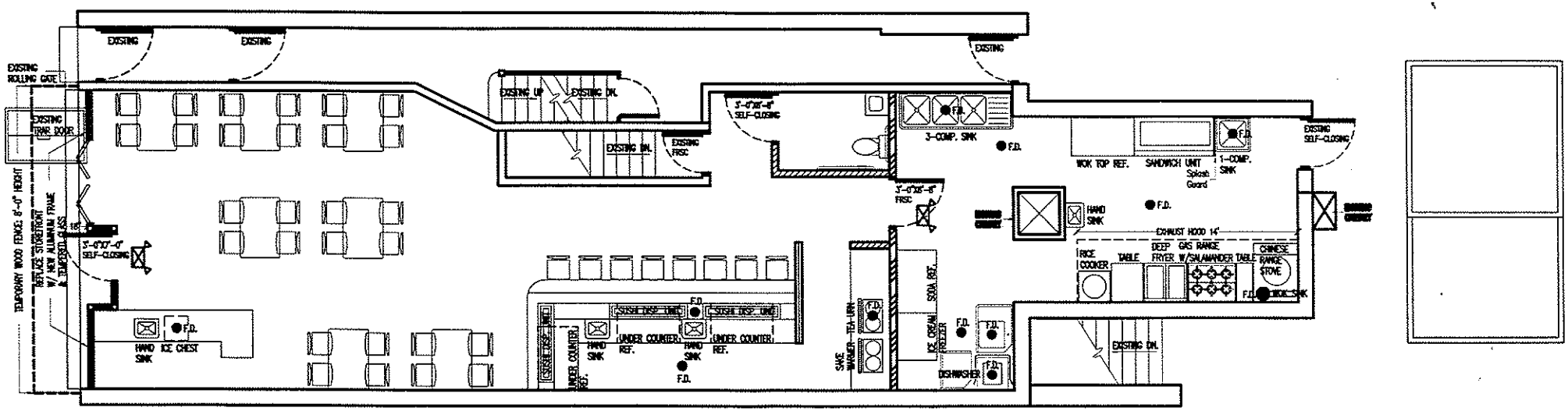
| OUTDOOR ITEMS | | | | |
|---|---|---|---|---|
| Will applicant use the rooftop, rear yard or any outdoor space? | YES | NO | N/A | |
| If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | YES | NO | 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: | 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 | ◯ 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** | | | | |
| | **# 2** | | | | |
| | **# 3** | | | | |

**ADDITIONAL INFORMATION: (Applicant Use)**

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

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


EXISTING
EXISTING
EXISTING
EXISTING ROLLING GATE
EXISTING TEMP. DOOR
TEMPORARY WOOD FENCE, 8'-0" HEIGHT
REPLACE STOREFRONT W/ NEW ALUMINUM FRAME & TEMPERED GLASS
3'-0"X7'-0" SELF-CLOSING
F.D.
HAND ICE CHEST SINK
EXISTING UP
EXISTING DN.
EXISTING DN.
EXISTING FRSC
3'-0"X7'-0" SELF-CLOSING
3-COMP. SINK
F.D.
WOK TOP REF.
SANDWICH UNIT
Splash Guard
1-COMP. SINK
F.D.
EXISTING SELF-CLOSING
3'-0"X7'-0" FRSC
HAND SINK
F.D.
EXHAUST HOOD 14'
DEEP FRYER W/SALAMANDER
GAS RANGE
CHINESE RANGE STOVE
RICE COOKER
TABLE
F.D.
WOK SINK
SUSHI DISP. UNIT
SUSHI DISP. UNIT
F.D.
UNDER COUNTER REF.
HAND SINK
UNDER COUNTER REF.
HAND SINK
F.D.
UNDER COUNTER REF.
SAKE WARMER
TEA URN
F.D.
SODA REF.
ICE CREAM FREEZER
F.D.
F.D.
DISHWASHER
F.D.
EXISTING DN.

OFFICE USE ONLY
○ 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 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.



Print Form