



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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www.nyc.gov/mcb4

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COREY JOHNSON
Chair

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

BUSINESS LICNESE & PERMITS COMMITTEE

Item # 7

March 7, 2012

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

Re: 647 Ninth Avenue Corp. d/b/a Ember Room
647 9th Avenue (45th/46th)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends **denial** of an Alteration of On-Premise Liquor license to 647 Ninth Avenue Corp. d/b/a Ember Room, **unless** the following stipulations, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 136, with 121 seats and 46 tables with 1 service only bar, 1 stand-up bar that seats 6, an unenclosed sidewalk café with 5 tables and 10 seats.

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

Sincerely,

Corey Johnson
Chair
Manhattan Community
Board 4

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT 647 Ninth Ave. Corp.		DOING BUSINESS AS (DBA) Ember Room		
STREET ADDRESS 647 Ninth Avenue		CROSS STREETS 45 th /46 th Street		
OWNER	NAME: Ace Watanasuparp	REPRESENTATIVE	NAME: Anthony Caraballo	
	PHONE: 917-859-6439		PHONE: 718-875-2929	
	FAX:		FAX: 718-875-3737	
MANAGER	NAME:	LANDLORD	NAME: Eraldo Baruetto	
	PHONE:		PHONE: 917-648-2151	
	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
		<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 #?	1250813	
		What is the expiration date on the current license?	January 31, 2013	
<i>Please describe the nature of the alterations and attach the plans:</i> See additional information section				

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	
	Music	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	
	Kitchen	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -2 a.m.	11 a.m. -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	
	136	136	46	121	1	1	6	10	5	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	5+	Basement; First Floor & Second 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	Occasional Private Parties		
Will outside promoters be used?					YES	NO	N/A	No promoted events whatsoever		
Will the security plan submitted be implemented?					YES	NO	N/A			
Will State certified security personnel be used?					YES	NO	N/A	Only during large private parties		
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	Tables: 5; Seats: 10		
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	<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)

- The restaurant has started to see a significant increase in the business and patrons are turned away due to early closing hours. The turning away of patrons could lead to a decrease in business and customer loyalty. The operators would like to provide a setting and an atmosphere in which people do not feel rushed to vacate the restaurant as a result of its closing hour. Likewise, the operators would also like to provide a setting in which patrons can enjoy an adult cocktail. As such, we are seeking to extend the hours of operation to 2 a.m., seven days a week. 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 July 22nd, 2010.

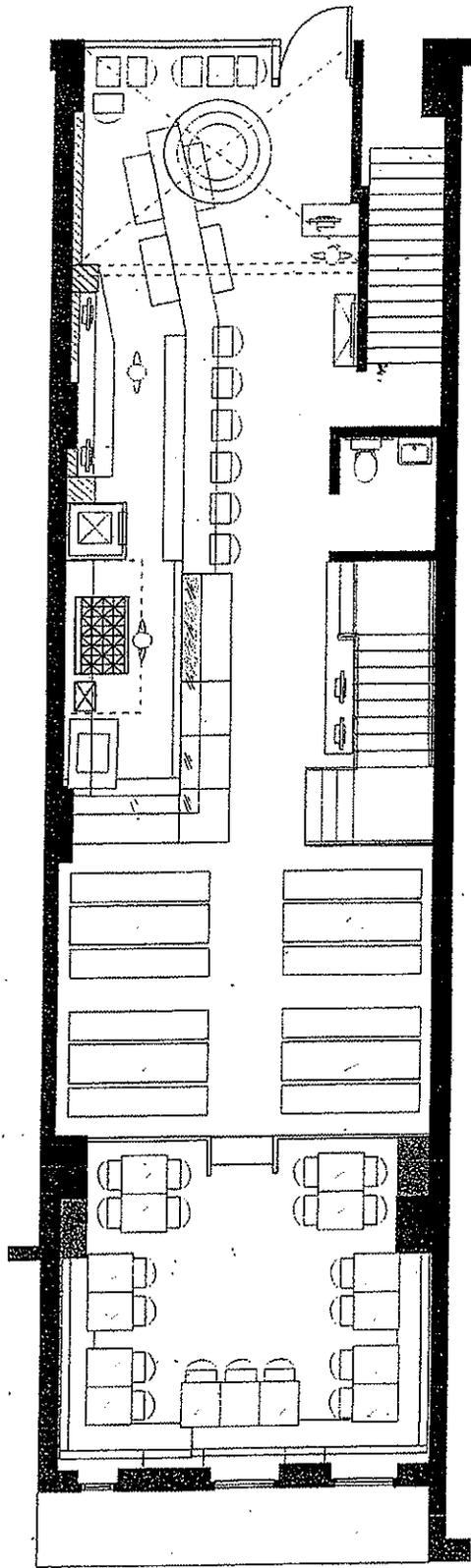
ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

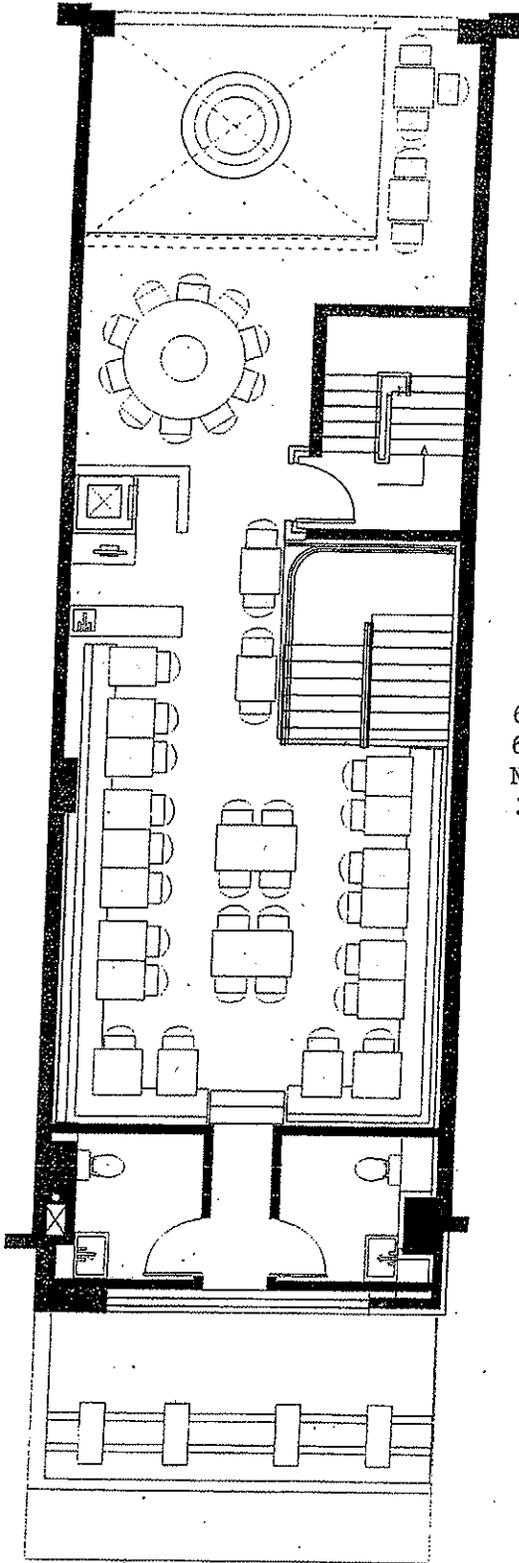
- This application should include the unenclosed sidewalk café
- No other changes to the method of operation



647 NINTH AVE CORP.
647 NINTH AVENUE
NEW YORK, N.Y. 10036
FRONT ELEVATION

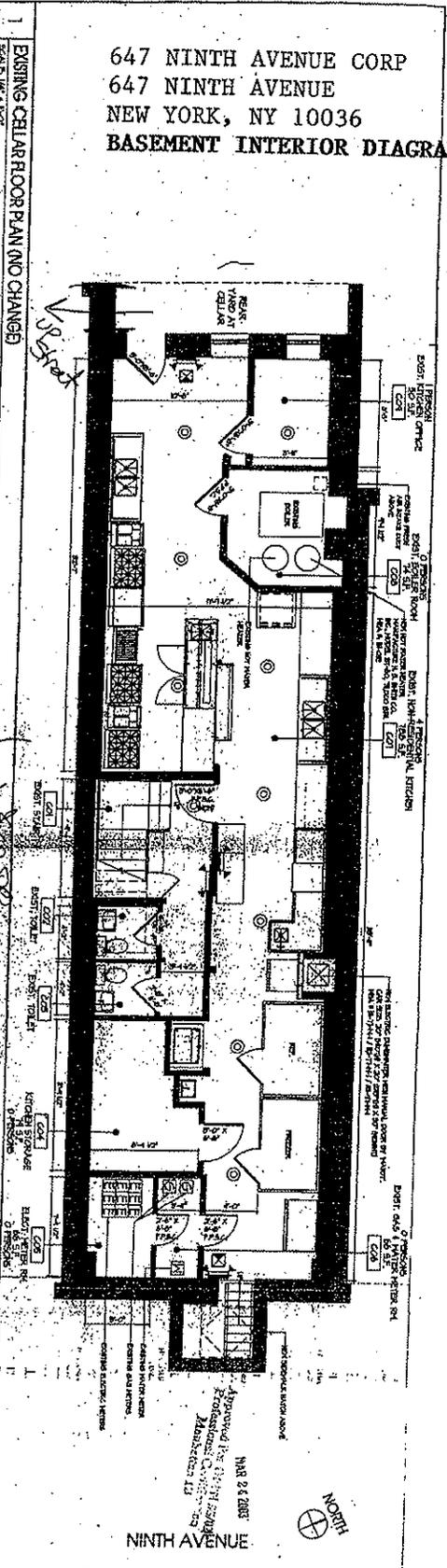
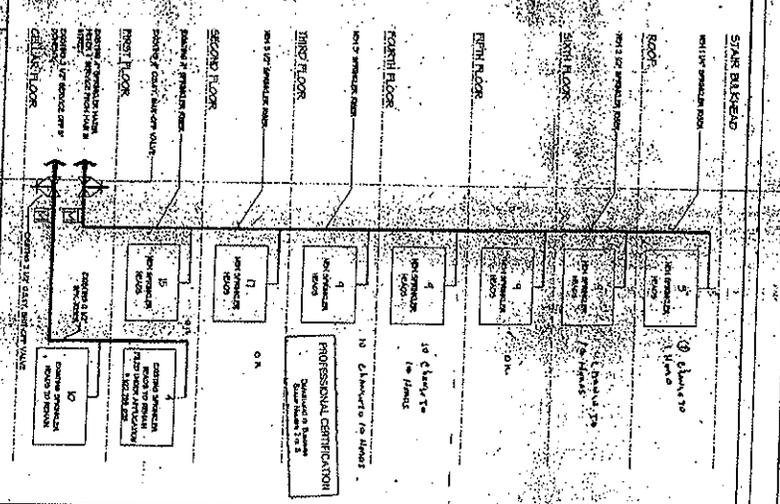
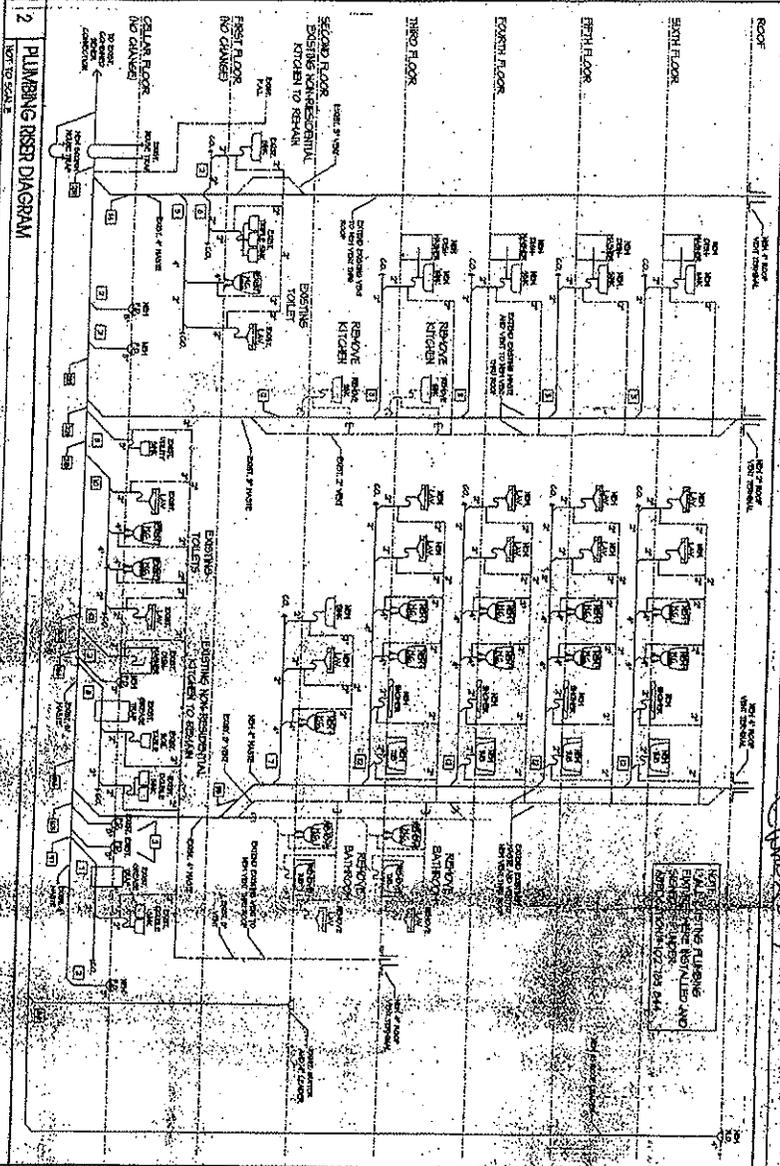


647 NINTH AVENUE CORP
647 NINTH AVENUE
NEW YORK, NY 10036
1ST FLOOR INTERIOR DIAGRAM



647 NINTH AVENUE CORP
647 NINTH AVENUE
NEW YORK, NY 10036
2ND FLOOR INTERIOR DIAGRAM

647 NINTH AVENUE CORP
 647 NINTH AVENUE
 NEW YORK, NY 10036
 BASEMENT INTERIOR DIAGRAM



647 NINTH AVENUE
 NEW YORK, NEW YORK

Meltzer/Mandi Architects, P.C.
 216 Park Avenue South, New York, NY 10003
 Phone: (646) 654-2800 Fax: (646) 654-2801

DEPARTMENT OF BUILDINGS
 APPLICATION NUMBER: **103417189**

Drawing Title: **EXISTING CELLAR FLOOR PLANS PLUMB. & SPK. RISER DIAGRAM**
 Drawing No: **A-1**
 Date: 02/08/05
 Scale: 1/4" = 1'-0"

CLIENT: **BRUNO BARBETTA**
 40 WEST AVENUE
 NEW YORK, NEW YORK 10014
 Phone: 212-512-2022
 Fax: 212-512-1122

STRUCTURAL ENGINEERS: **JVM CONSULTING**
 200 WEST 107TH STREET
 NEW YORK, NY 10025
 Phone: 212-691-1000
 Fax: 212-691-1122

MECH. / ELEC. ENGINEERS: **W&S CONSULTING**
 100 WEST 107TH STREET
 NEW YORK, NY 10025
 Phone: 212-691-1000
 Fax: 212-691-1122

NO.	REVISION / COMMENT	DATE
1	ISSUED TO CLIENT FOR REVIEW	02-08-05
2	DEPARTMENT OF BUILDINGS SUBMISSION	



