

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 11

2  
3 May 2, 2012

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

10  
11 **Re: Pinyin Kitchen Inc. d/b/a Pinyin (rear yard)**  
12 *254 10<sup>th</sup> Avenue (24/25)*

13  
14 Dear Chairman Rosen:

15  
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new restaurant on-premise liquor  
17 license to **Pinyin Kitchen Inc. d/b/a Pinyin (rear yard) – 254 10<sup>th</sup> Avenue (24/25)**, **unless** the  
18 following stipulations, agreed to by the applicant, is part of the method of operation for the rear yard of  
19 this establishment with 7 tables and 14 seats.

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

22  
23  
24 Sincerely,

25  
26  
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

<b>APPLICANT</b> Pinyin Kitchen Inc.		<b>DOING BUSINESS AS (DBA)</b> Pinyin			
<b>STREET ADDRESS</b> 254 10 <sup>th</sup> Avenue		<b>CROSS STREETS</b> 24 <sup>th</sup> /25 <sup>th</sup> Street			
<b>OWNER</b>	NAME: Daniel Emerman	<b>ATTORNEY</b>	NAME: David Korngut, Esq.		
	PHONE: 917-885-9346		PHONE: 212-566-5021		
	FAX:		FAX: 212-766-2628		
<b>MANAGER</b>	NAME: Daniel Emerman/David Chan	<b>LANDLORD</b>	NAME:		
	PHONE: 917-885-9346/917-640-7098		PHONE:		
	FAX:		FAX:		
<b>DESCRIPTION OF BUSINESS</b>					
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"/> <b>Restaurant</b>				
	<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"/> <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): _____				
License Type:	<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> <i>(check one)</i>	<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?		<b>YES</b>	NO
		What is/was the name of establishment?		<b>Bottino Corp.</b>	
		What is/was the address of the establishment?		<b>246 10<sup>th</sup> Avenue</b>	
		What were the dates the applicant was involved with this former premise?		<b>1997-Present</b>	
	<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?		YES	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**

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	10 a.m. – 11 p.m.						
	Music	10 a.m. – 11 p.m.						
	Kitchen	10 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
	74	50	8	25	0	1	6	0	0

How many floors are there? What is the capacity for each floor? (please respond in space provided)	<b>1-2</b>	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	<b>NO</b>	N/A	
Will you be hosting private parties and promotional events?	YES	<b>NO</b>	N/A	
Will outside promoters be used?	YES	<b>NO</b>	N/A	
Will the security plan submitted be implemented?	YES	<b>NO</b>	N/A	
Will State certified security personnel be used?	YES	NO	<b>N/A</b>	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	<b>YES</b>	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)	<b>YES</b>	NO	N/A	<b>Will keep bikes in the basement</b>
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	YES	<b>NO</b>	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	<b>N/A</b>	
Will applicant provide contact information to neighbors and respond to complaints that arise?	<b>YES</b>	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.	<b>YES</b>	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?	<b>YES</b>	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:	<b>R7-B</b>	Overlay (If Applicable):	<b>C2-5</b>	
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	To be obtained
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: _____			
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1			
	# 2			
	# 3			

**ADDITIONAL INFORMATION: (Applicant Use)**

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

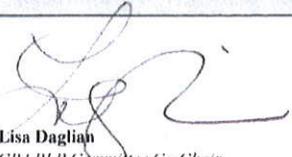
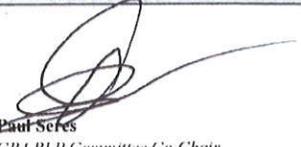
- Applicant will return to CB for license for outdoor space (March 13, 2012)
- Applicant will return to CB for license for outdoor space (April 10, 2012)

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

- Applicant return to the Business License & Permits Committee Meeting on Tuesday April 10, 2012 to include the rear yard space. The following are the stipulations agreed to by the applicant for the rear yard: Tables: 7; Seats: 14; applicant will use sound blankets; applicant will have no music outside; applicant will not allow smoking in the rear yard; Applicant will use umbrellas or awning for seasonal operations; Sunday – Wednesday rear yard will be empty by 10 p.m. and Thursday – Saturday the rear yard will be empty by 11 p.m.

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

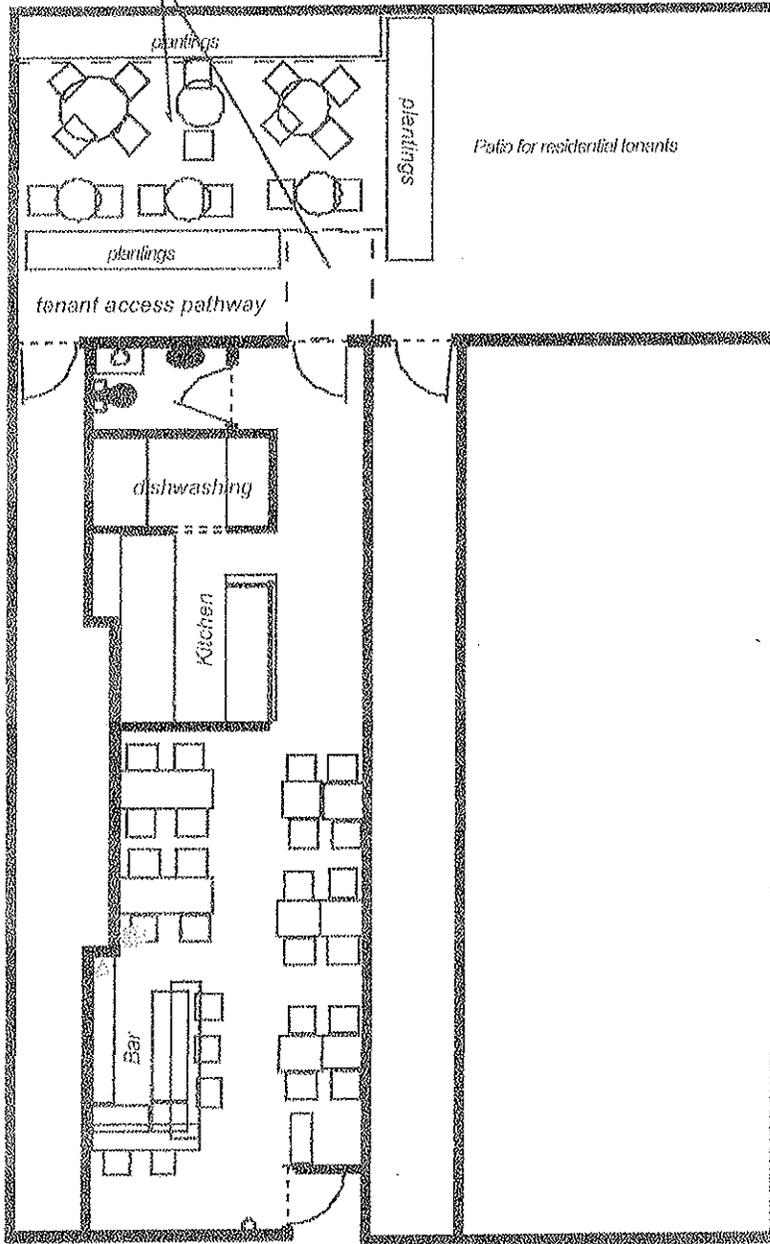
 Nelly Gonzalez <i>CB4 Community Associate</i>	 Lisa Daglian <i>CB4 BLP Committee Co-Chair</i>	 Paul Seles <i>CB4 BLP Committee Co-Chair</i>
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

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.

<b>SIGN HERE</b> →	 SIGNATURE OF APPLICANT OR ATTORNEY	2/14/2012 DATE
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*Proposed canvas cover for restaurant patio*



*254 Tenth Ave.*

# Pin Yin Kitchen Garden

254 Tenth Ave. btwn 24<sup>th</sup> & 25<sup>th</sup> Sts.

# AQFA-10EXT Outdoor Blanket

[More](#)

The AudioSeal™ AQFA-10EXT is the perfect solution for an outdoor sound absorption blanket.

This quilted recycled fiberglass absorber blanket reduces the reflection of sound waves by adding soft, porous, open-celled materials to an otherwise less absorbent surface.

The AudioSeal™ AQFA-10EXT consists of an exterior grade fiberglass cloth facing on both sides of 2" quilted fiberglass.

Sound blankets are constructed with all edges bound and grommets across the top.

Rolls are available 4' wide x 25' long and can be supplied with edges bound or unbound.

These durable Class A fire rated blankets have an NRC rating of 0.85 and weigh approximately .45 lbs psf.

**For More Information or to Order, Please Call 1-800-782-5742**

**Please Call for Pricing on 6 or more blankets.**



AudioSeal Acoustical Blanket

**Please Call**

**Price:**

Product ID: None

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[Data Sheet](#)

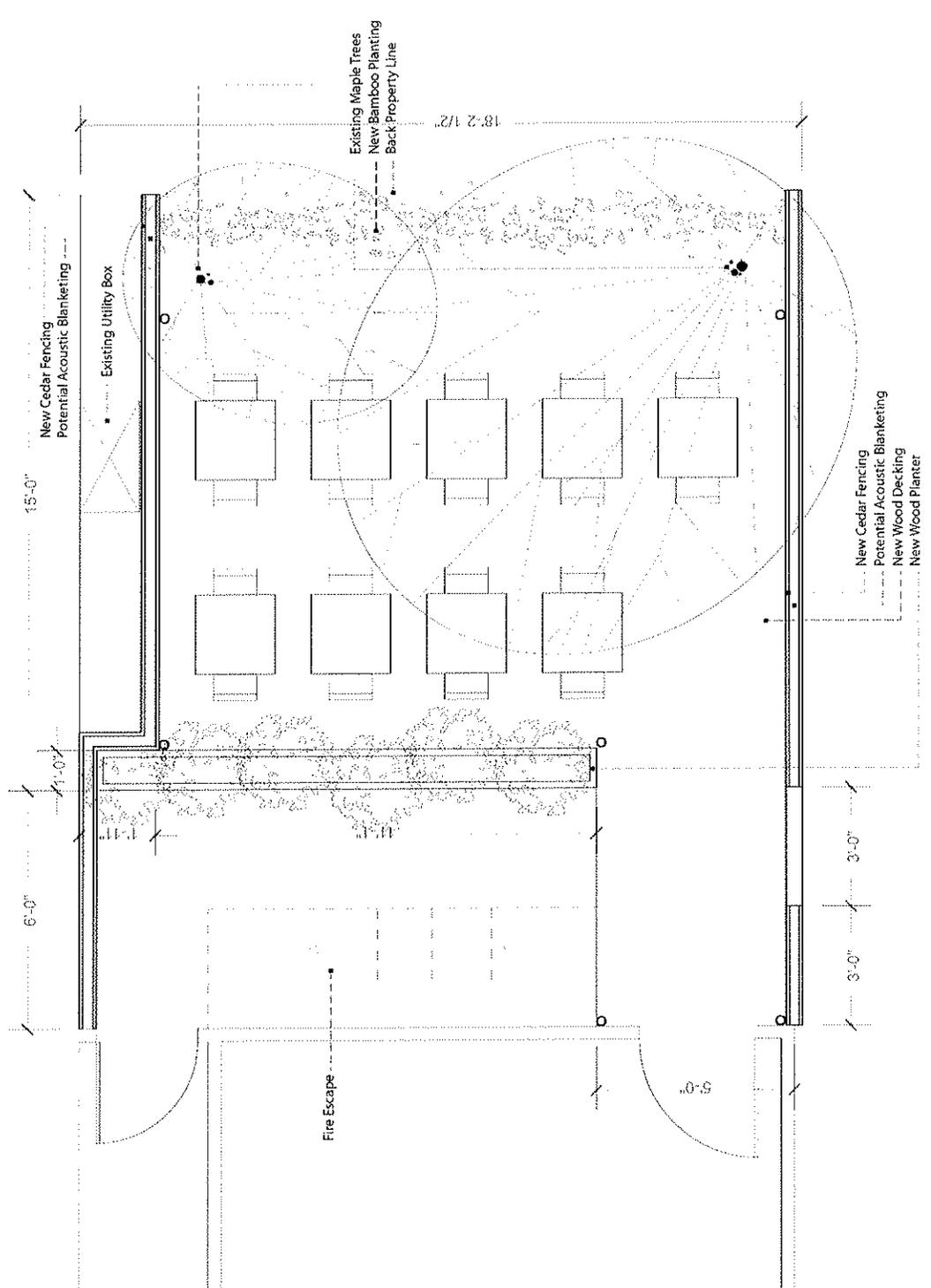
[LEED® Statement](#)

Product	Size	Coverage	Price
AQFA10-EXT blanket	4' x 8' x 2"	32 Sq. Ft.	\$225.00
AQFA10-EXT roll	4' x 25' x 2"	100 Sq. Ft.	\$565.00

For more information on this product, [contact our sales department](#).

## Product Questions & Comments (0 items)

There are currently no user submitted comments on this item. Be the first to comment on by clicking the button above.



Garden Plan  
 254 Tenth Avenue  
 New York NY, 10001

