BUSINESS LICNESE & PERMITS COMMITTEE **Item # 2**

May 2, 2012

Ms. Beverly Gotay
Assistant Director of Licensing
NYC Department of Consumer Affairs
42 Broadway, 8th floor
New York, New York 10004

Re: Enologo Inc. d/b/a Enologo
Unenclosed Sidewalk Café License # 1421925
857 9th Avenue (56th)

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends approval of a new unenclosed sidewalk café permit for **Enologo Inc. d/b/a Enologo** with the following provisions:

- The sidewalk café will have 2 tables with 4 seats.
- Applicant will mark the sidewalk boundaries according to the approved plans submitted to MCB4 and approved by the DCA.
- There will be a clear eight foot path between the border of the sidewalk café and all obstructions.

Sincerely,

Corey Johnson Chair	Paul Seres Co-Chair Business License & Permits Committee	Lisa Daglian Co-Chair Business License & Permits Committee

DRAFT

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT	ADDRESS	
Enologo Inc.	857 9th Avenue	
DOING BUSINESS AS (DBA)	CROSS STREETS	OWNER:
Enologo	56th Street	Emanuel Kaliontzakis
DESCRIPTION OF APPLICATION: Unenclosed Sidewalk Cafe		REP: Michael Kelly
		DCA LICENSE NUMBER: 1421925
		SLA LICENSE NUMBER: 1243888
ON SITE CONTACT: (Name, position & phone number):		

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	8-12	8-12	8-12	8-12	8-1	8-1	12-12
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	4	2	

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	YES	NO	N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	YES	NO	N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	YES	NO	N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	YES	NO	N/A	
The sidewalk café will not provide standing space for drinking or smoking.	YES	NO	N/A	
Will the outdoor furniture be removed when not in use?	YES	NO	N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	YES	NO	N/A	
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	

SOUND ISSUES				
Will applicant 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	
Will applicant 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	
CAFÉ DESIGN				
Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?	YES	NO	N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?	YES	NO	N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?	YES	NO	N/A	
Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)	YES	NO	N/A	
Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?	YES	NO	N/A	
Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?	YES	NO	N/A	
Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?	YES	NO	N/A	
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	YES	NO	N/A	

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- **As per existing stipulations (see attached)**

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*

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.

SIGN HERE	**SIGNATURE OF APPLICANT**	**DATE**

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

JOHN WEIS
Chair

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

July 22, 2010

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

Re: Enologo
857 Ninth Avenue (55th/56th Streets)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new restaurant wine and beer license for **Enologo**, unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- Hours of operation will be no earlier than 11:00 am and no later than 2:00 am Sunday through Wednesday and no earlier than 11:00 am and no later than 3:00 am Thursday through Saturday.
- There will be no use of any outdoor spaces (rooftop, patio or sidewalk café).
- The operator is not applying for a cabaret license.
- The applicant stated they will have background music playing in the restaurant.
- There will be French doors and/or windows that open to the street front. Applicant has agreed to close them by 10:00 pm Sunday through Thursday and 11:00 pm on Friday and Saturday. They will also be closed whenever amplified sound is played inside, as per law.
- There will be absolutely no use of delivery bikes.
- Kitchen exhaust will exit through ventilation above the highest floor of surrounding buildings and be constructed in a manner to not disturb neighboring residents or offices. Additionally it will be compliant with NY DOB code.

- Applicant will not install a storm vestibule enclosure that will project more than 18 inches as per DOB code. Storm enclosures can only be used between November 15th and April 15th.

A signed copy of the stipulations agreed to by the applicant is enclosed. This application is for a new restaurant. Total capacity is 74 patrons with 12 seated at 5 tables.

Sincerely,

John Weis Chair Manhattan Community Board 4	John Owens Co-Chair Business License & Permits Committee - North	Chuck Spence Co-Chair Business License & Permits Committee - North

Community Board 4: Business Licenses & Permits

APPLICANT	ADDRESS	TYPE OF LICENSE
Enologo	857 Ninth Avenue	New - RWB
DOING BUSINESS AS (DBA)	**CROSS STREETS**	**OWNER**
Enologo	56	Emanuel Kalionzakis
DESCRIPTION OF APPLICATION		**LAWYER**
~~Transfer the license~~		Michael Kelly

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	**Operation**	11-2	11-2	11-2	11-3	11-3	11-3	11-2
	Music	same						
	Kitchen	same						

SEATING & TABLES	INDOOR			BAR		OUTSIDE	
	CAPACITY	SEATS	TABLES	SEATS	NOTES	SEATS	TABLES
	74	12	5				

OPERATIONAL ISSUES

Will you be applying or intending to apply for a cabaret license?	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(s) be used?	YES	NO	N/A	
Will New York Nightlife Association recommendations be followed?	YES	NO	N/A	
Will the applicant be using delivery bicycles?	YES	NO	N/A	
Will applicant have music?	YES	NO	N/A	
If you plan to have music, what type(s)?	BACKGROUND	LIVE MUSIC	DJ	

BUILDING DESIGN

French doors and sliding windows will be closed when any amplified music is played (per law) 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 the kitchen exhaust system be designed to be compliant with NYC building codes and be constructed to not disturb neighboring tenants?	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	
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)	YES	NO	N/A	
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	YES	NO	N/A	

OUTDOOR ITEMS				
Will applicant use the rooftop or rear yard?	YES	NO	N/A	
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	
Will applicant 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	
Will applicant 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	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	

NOT APPLICABLE

OTHER / NOTES:

CB4 REPRESENTATIVES

Nelly Gonzalez *CB4 Community Associate*	**Chuck Spence** *CB4 BLP North Committee Co-Chair*	**John Owens** *CB4 BLP North Committee Co-Chair*

Applicant Agreement with 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.

SIGN HERE →	**SIGNATURE OF APPLICANT OR ATTORNEY**	**DATE** 6-8-10