

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 5

2
3 May 2, 2012

4
5 Ms. Beverly Gotay
6 Assistant Director of Licensing
7 NYC Department of Consumer Affairs
8 42 Broadway, 8th floor
9 New York, New York 10004

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11 **Re: Westside TM Corp. d/b/a West End Bar & Grill.**
12 **Unenclosed Sidewalk Café License # 1421990**
13 *813 8th Avenue (49th)*

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15 Dear Ms. Gotay:

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17 Manhattan Community Board 4 (MCB4) recommends approval of a new unenclosed sidewalk café
18 permit for **Westside TM Corp. d/b/a West End Bar & Grill** with the following provisions:

- 19
20 • The sidewalk café will have 2 tables with 4 seats.
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22 • Applicant will mark the sidewalk boundaries according to the approved plans submitted to
23 MCB4 and approved by the DCA.
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25 • There will be a clear eight foot path between the border of the sidewalk café and all obstructions.

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28 Sincerely,

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Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT Westside TM Corp.		ADDRESS 813 8th Avenue	
DOING BUSINESS AS (DBA) West End Bar & Grill		CROSS STREETS	OWNER: SEE Additional Notes Section
DESCRIPTION OF APPLICATION: Unenclosed Sidewalk Cafe		REP: Michael Kelly	DCA LICENSE NUMBER: 1421990
ON SITE CONTACT: (Name, position & phone number):		SLA LICENSE NUMBER: 1261322	

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
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.	<u>YES</u>	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)

- **Owners: Thomas Murphy, Michael Molloy**

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

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

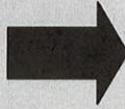
Lisa Daglian
CB4 BLP Committee Co-Chair


Dan 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