Chelsea Land Use (CLU) and Clinton/Hell's Kitchen Land (C/HKLU) Committees
Item #: 3

December 5, 2012

Amanda M. Burden, Director
Department of City Planning
22 Reade Street
New York, New York 10007

Re: Midtown East Zoning Study

Dear Director Burden:

As concerned neighbors to Community Board 5, we share their feeling that the City's efforts to rezone East Midtown are proceeding much too fast for a rezoning effort of this magnitude and urge the City to slow the pace and act with deliberation appropriate to the admirable ambition of the plan.

It has been our experience working with the City on large rezoning plans in the past, such as with the Hudson Yards and Special West Chelsea District, that creating a special district necessarily takes a long time to develop. There needs to be time to ensure that affected stakeholders can fully understand the proposed changes and the public has adequate opportunity to provide input and comments. Goals and potential unintended consequences must be fully thought out. In short, there must be enough time in the process to allow for due diligence in rezoning such a large and important part of Manhattan's core.

We are confident that the City understands and shares our concerns and will hear the united call to slow down the planning process to a pace that allows for the public process to work. Prioritizing sensible planning is over political expedience is simply the right thing to do.

Respectfully,

CJ/JD/LC/BF

cc: MCB5
MCB6
Mayor Bloomberg
Speaker Quinn
Manhattan President Scott Stringer
Local electeds

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Transportation Planning Committee **Item #: 4**

December 5, 2012

Ms. Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York, New York 10038

Re: Proposed Cross-town bike lanes in Midtown

Dear Commissioner Forgione:

Manhattan Community Board 4 (CB4) appreciates being consulted regarding the proposed installation of crosstown bike lanes on W. 39th and W. 40th Streets between Eighth and Ninth Avenues, W. 43rd, 44th, 48th, 51st, 54th and 55th Streets between Eighth Avenue and the Hudson River Greenway and Twelfth Avenue between W. 51st and W. 52nd Streets. We understand that bike lanes have been installed on these same streets east of Eighth Avenue. With the debut of the Bike share program in the spring 2013, the city is anxious to complete the network of bike lanes in midtown with the objective of directing bicyclists on safe and marked roads.

CB4 supports this objective and is very supportive of bike lanes in general and the safety it affords to all street users. However we request that DOT delay additional bicycle lanes in our district until installations of already approved lanes are completed and additional information we have requested regarding traffic and safety at certain intersections and, more broadly, regarding un-enclosed bicycle lanes is available. We also have serious safety concerns regarding some of the proposed routes and urge reconsideration and additional study. We request the DOT make a return presentation to inform the Community Board's final recommendation.

During the last few years CB4 has approved extensions of both the Eighth and Ninth Avenue enclosed bicycle lanes. Our approval was predicated on several requests, many of which remain incomplete. The outstanding items on previous installations include: eight pedestrian refuges (NW 45th on Eighth Avenue, NE 33rd, SE 34th, NE 35th, SE 37th, SE 39th, SE 42nd on Ninth Avenue), signals installations on Ninth Avenue at W. 57th, 42nd and 34th Streets, a pedestrian extension between W. 42nd and W. 43rd Streets on Eighth Avenue, and returning on Ninth Avenue above W. 41st Street to non-metered parking after 7:00 p.m.

In addition, CB4 had also requested and DOT committed to study a split phase signal at W. 25th Street and Eighth Avenue. This study is long overdue. CB4's request for installation of split phases at several locations of the Eighth and Ninth Avenue enclosed bicycle lanes was denied (W.29th, W37th, W.43rd, W.49th Streets and Eighth Avenue and W. 38th and W. 50th Streets and Ninth Avenue). Our concerns about these locations included higher vehicular turn volumes, and higher accident rates. These concerns are increased for proposed midtown unenclosed bicycle lanes on streets (versus Avenues) by the higher volume of taxi and truck double parking (likely

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translated to blocking any unenclosed bicycle lanes post-installation), and parking garage curb cuts.

We also note that the recently installed enclosed bicycle lanes on Ninth Avenue between W. 35th and W. 37th Streets already have large patches where the green paint on the lanes has already faded or disappeared.

Thus, to summarize, before additional installations in CB4 are undertaken we request:

- Completion of the construction of the enclosed bicycle lanes, including the installation of the pedestrian refuges, a pedestrian extension, paint and signals,
- Returning Ninth Avenue above W. 41st Street to non-metered parking after 7:00 p.m.,
- Publication of the study of the split phase signal at Eighth Avenue and W. 25th Street, and
- An analysis of the safety of unclosed bicycle lanes on Streets (pre- and post- implementation), including the W. 29th and W. 30th Street bicycle lanes installed a year ago and on bicycle "mixed lanes" (where bicyclists share a vehicle turning lane).

We also have specific concerns about some of the proposed locations and request reconsideration and additional study, including of our suggested replacement routes,

A. **W. 40th Street between Eighth and Ninth Avenues.** There are few streets less safe for biking. This Street has a large bay on the north side for buses to enter the Port Authority Bus Terminal. There are hundreds of such buses entering each day, coming either from the west or turning from 9th Avenue. The south side has four large hotels with limousines, cabs and buses pulling in and out at all hours of the day. The street is also very heavily trafficked, being an exit from the Lincoln Tunnel. The intersection at 8th avenue is a location where there is no protected bike lane, right in the midst of the taxi loading and unloading zone for the Port Authority.

B. **W. 39th Street between Eighth and Ninth Avenues** is heavily travelled with buses trucks and cars going to the Lincoln Tunnel. The street ends at Eleventh Avenue and does not connect to the greenway.

C. **W. 43rd Street between Eighth and Twelfth Avenues** presents some challenges: There are four parking garages, between Eighth and Ninth Avenues, three on the south side and one on the north side of the street. Many New Jersey and airport vans and the M34A use this block for layover. Holy Cross School's signalized pedestrian crossing is in the middle of this block. It is used twelve (12) times a day to get children to the playground. The Manhattan plaza complex, between Ninth and Tenth Avenues, is home to a very large contingent of frail seniors who cross the street or the avenue at a very slow pace. W. 43rd Street converts, between Tenth and Eleventh Avenues, into a two-way street to accommodate the movements of fire trucks from FDNY Rescue 1 located at 530 W. 43rd Street, on the south side of the street. There are three active driveways into the UPS building, between Eleventh and Twelfth Avenues, on the north side of the street and the Atelier parking lot entrance on the south side of the street. We also note that W. 43rd Street does not go through all the way to the East side.

D. **W. 48th Street** is not appropriate for a bike lane in the long term or in the foreseeable future since it is being torn up for the better part of the next five (5) years while the pipes for the water tunnel are being laid. In addition it is used by commuter traffic from the West Side Highway to access Midtown, by Tour and Charter buses as a gateway to theatres, Radio City Music Hall,

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Rockefeller Center, museums, and by Engine No. 54 as a "Fire Lane". W. 48th Street is home to two Schools, PS 212 and PPAS, hence school bus double park and two hotels attract taxis and black cars double parking (it should be noted that two more hotels are about to open on this cross-town street).

E. **Twelfth Avenue between W. 51st and W. 52nd Streets.** The location of a bicycle lane along the West Side Highway raises particular concerns for the safety of bicyclist crossing over in front of four lanes of highway traffic. We need to review the exact layout of the lane in order to form an opinion.

To ensure the maximum safety for all street users, we request that W. 38th Street be substituted to W. 40th Street and W. 50th or W. 52nd Streets be substituted to W. 48th Street. We also suggest that you consider substituting W. 37th Street to W. 39th Street and W. 45th Street to W. 43rd Streets.

As indicated above, CB4 is very supportive of bike lanes but we are concerned about the level of safety these cross-town unenclosed bicycle lanes provide to the bicyclists, especially with the bike share launch around the corner. Bike share users will expect and require a much higher level of safety and protection than the current bike lane users and the selection of cross town routes and treatments should reflect such.

We also continue to hear testimony from seniors and others complaining about bicyclists who pass red lights. Increased education and enforcement needs to be an active part of any bicycle lane expansion and ensuring bicyclists understand that similar to vehicles, pedestrians always have the right of way.

We look forward to continuing dialogue on the above and appreciate your communication and outreach.

Sincerely,

CJ/CB/JM

cc: Local electeds

DRAFT

BUSINESS LICNESE & PERMITS COMMITTEE **Item # 5**

December 5, 2012

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

Re: The Highline Hotel
180 10th Ave (20/21)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new on-premise liquor license for The Highline Hotel – 180 10th Ave (20/21), unless the following stipulation, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 525, with 8 tables and 20 seat, one stand-up bar seating 5 and two outdoor spaces to be closed and vacated by 10 a.m.; front outdoor space will have 12 tables/2 tops – 24 seats; interior/rear patio: 8 tables/2tops – 16 seats.

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

Sincerely,

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits Committee

Lisa Daglian
Co-Chair
Business License & Permits Committee

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Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT	DOING BUSINESS AS (DBA)
The Highline Hotel LLC & Tenth Avenue Hotel Managemnet LLC as Manager	The Highline Hotel
STREET ADDRESS	**CROSS STREETS**
180 Tenth Avenue	W 20th & 21st Street

OWNER	NAME:	The Highline Hotel LLC	REPRESENTATIVE	NAME:	Donald Bernstein
	PHONE:			PHONE:	212-486-6000
	FAX:			FAX:	212-486-8668
MANAGER	NAME:	Osama Aduib	LANDLORD	NAME:	N/A
	PHONE:	212-929-3888		PHONE:	
	FAX:	646-717-9728		FAX:	

DESCRIPTION OF BUSINESS

Establishment Type:	◯ Bar/Tavern ◯ Bed & Breakfast ◯ Eating Place Beer ◯ Cabaret ◯ Night Club ◯ **Hotel** ◯ **Restaurant** ◯ Catering Establishment ◯ Club (Fraternal Organization – Members Only) ◯ Other (Explain):
Method of Operation:	◯ Restaurant ◯ Dance Club ◯ Sports Bar ◯ Adult Entertainment ◯ Wine Bar ◯ Pizzeria ◯ Cafe ◯ **Other (Explain): Hotel with a restaurant**
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?		
	What is/was the address of the establishment?		
	What were the dates the applicant was involved with this former premise?		
◯ **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	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.
	Music	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.
	Kitchen	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 p.m.	7 a.m. – 10 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
	525	160	8	20	0	1	5	36	12

How many floors are there? What is the capacity for each floor? (please respond in space provided)	1-2	3-4	5+	Lobby: 75; Floors 1-5: 90 per 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 applicant have bottle service?	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	See attached
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	Ambient music

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	If necessary
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	

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	**Front & back courtyard space**
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:	**C2-5**	Overlay (If Applicable):			**R7B**
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?		YES	NO	N/A	**unknown**
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?		YES	NO	N/A	**New CofO will issue after renovations**
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	**500 Ft. Rule**
Is a Public Assembly permit required?		YES	NO	N/A	**Already issued**
Are your plans filed with DOB?		YES	NO	N/A	
Building Type	◯ Residential ◯ Commercial ◯ Mixed Use ◯ **Other, describe: Transient Hotel**				
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)

- Includes room service & mini bar
- 2 outdoor spaces - closed & vacated by 10pm
  - front - c/o W. 20th & 10th Ave
    - seasonal
    - 12 tables / 2 tops - 24 seats
    - seated food service
  - Interior/rear patio
    - seasonal
    - 8 tables / 2 tops - 16 seats
- will supply → drawings / seating plans in advance of full board
  - will consult with sound engineer and pursue sound mitigation efforts & materials.
- will adhere to sidewalk cafe opening hour guidelines on weekends.
- No music outside
- will post job openings on CB website

conference rooms for community

BUSINESS LICNESE & PERMITS COMMITTEE **Item # 6**

December 5, 2012

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

Re: Funky Joe's
455 W 56th Street (9/10)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new wine & beer license for Funky Joe's – 455 W 56th Street (9/10), unless the following stipulation, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 75, with 8 tables and 32 seat, and one stand-up bar seating 8.

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

Sincerely,

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits Committee

Lisa Daglian
Co-Chair
Business License & Permits Committee

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Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT	DOING BUSINESS AS (DBA)
Sporn Pet Production Inc.	Funky Joe's
STREET ADDRESS	**CROSS STREETS**
455 W 56th Street	9th & 10th Avenues

OWNER	NAME:	Joseph Sporn	REPRESENTATIVE	NAME:	John Springer
	PHONE:	212-501-8388		PHONE:	631-331-3334
	FAX:	212-877-7405		FAX:	631-382-1890
MANAGER	NAME:	Pending	LANDLORD	NAME:	Applicant owns building
	PHONE:	Pending		PHONE:	
	FAX:			FAX:	

DESCRIPTION OF BUSINESS

Establishment Type:

◯ **Bar/Tavern** ◯ Bed & Breakfast ◯ Eating Place Beer ◯ Cabaret ◯ Night Club ◯ Hotel ◯ Restaurant

◯ Catering Establishment ◯ Club (Fraternal Organization – Members Only)

◯ Other (Explain): Quiet Neighborhood Gathering Place

Method of Operation:

◯ Restaurant ◯ Dance Club ◯ Sports Bar ◯ Adult Entertainment ◯ Wine Bar ◯ Pizzeria ◯ Cafe

◯ Other (Explain): Tavern Wine/Beer

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?	
What is/was the address of the establishment?	
What were the dates the applicant was involved with this former premise?	

◯ **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	12 p.m.. – 12am	12 p.m.. – 12am	12 p.m.. – 12am	12 p.m.. – 1 a.m.	12 p.m.. – 2 a.m.	12 p.m.. – 3 a.m.	12 p.m.. – 12 AM
	Music	Background	Music	Only	During All	Days & Hours	Of	Operation
	Kitchen	Limited	Menu	Available	During All	Days & Hours	Of	Operation

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
	75	50 weeknights 75 weekends	8	32	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+	
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 applicant have bottle service?	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	Noise will not be an issue but applicant will consult a sound engineer if needed
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	

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:	**Residential**	Overlay (If Applicable):			**Commercial**
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?		YES	NO	N/A	**Clinton**
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?		YES	NO	N/A	**But will be issued after final inspection re: alteration application**
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: Change Of Use App Pending**				
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)

The applicant, who owns the building, intends to run a quiet neighboring gathering place and promises to run the proposed premise in a manner that is lawful and mindful of the importance of ensuring the best quality of life for his residential tenants and neighbors

ADDITIONAL NOTES: (Office Use Only)

- license 1st floor + cellar
- R/W - Tavern
- will supply accoustician report + follows recs.
- can come back in 6 months re: hours
- security at door - full time security. add'l as needed.
- enforce ~~cover~~ quiet neighborhood environment
- detailed floor plan - by end of week.
- will post job listing.

Note change in hours

BUSINESS LICNESE & PERMITS COMMITTEE **Item # 7**

December 5, 2012

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

Re: Balkanika
691 Ninth Avenue (47/48)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of an alteration application to upgrade to an on-premise liquor license for Balkanika – 691 Ninth Aven(47/48), unless the following stipulation, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 75, with 26 tables and 54 seat, one service bar and one stand-up bar seating 12.

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

Sincerely,

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits Committee

Lisa Daglian
Co-Chair
Business License & Permits Committee

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Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT	DOING BUSINESS AS (DBA)
Balkan Burek LLC.	**Balkanika**
STREET ADDRESS	**CROSS STREETS**
691 9th Avenue	**47th & 48th Street**

OWNER	NAME:	Goce Blazeski (LLC Manager)	REPRESENTATIVE	NAME:	Gen Ceballos
	PHONE:	973-725-3741		PHONE:	347-642-5077
	FAX:			FAX:	888-502-5620
MANAGER	NAME:	Svetozar Savreski LLC Member	LANDLORD	NAME:	Kerman Company
	PHONE:	973-725-3741		PHONE:	212-750-8200
	FAX:			FAX:	212-421-3241

DESCRIPTION OF BUSINESS

Establishment Type:

◯ Bar/Tavern ◯ Bed & Breakfast ◯ Eating Place Beer ◯ Cabaret ◯ Night Club ◯ Hotel ◯ **Restaurant**

◯ Catering Establishment ◯ Club (Fraternal Organization – Members Only) ◯ Other (Explain):

Method of Operation:

◯ **Restaurant** ◯ Dance Club ◯ Sports Bar ◯ Adult Entertainment ◯ Wine Bar ◯ Pizzeria ◯ Cafe

◯ 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?		
	What is/was the address of the establishment?		
	What were the dates the applicant was involved with this former premise?		
◯ **Transfer**	What is the prior license #?	1232843	
	What is the expiration date on the prior license?	June 30, 2012	
	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 #?	**1232843**	
	What is the expiration date on the current license?	**June 12, 2013**	
	Please describe the nature of the alterations and attach the plans **Changing from a beer/wine to on-premise**		

OPERATIONAL ISSUES

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.
	Music							
	Kitchen	10 a.m. – 3 a.m.	10 a.m. – 3 a.m.	10 a.m. – 3 a.m.	10 a.m. – 3 a.m.	10 a.m. – 3 a.m.	10 a.m. – 3 a.m.	10 a.m. – 3 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
	75	75	26	54	1	1	12	N/A	N/A

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 applicant have bottle service?	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	Acoustic Muisc

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	
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	

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:	**C1-5, R8**	Overlay (If Applicable):			
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	**See attached letter of no objection**
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	N/A
	# 2	N/A
	# 3	N/A

ADDITIONAL INFORMATION: (Applicant Use)

- **This is an application in support of changing from a beer & wine license to an on-premise liquor license**

ADDITIONAL NOTES: (Office Use Only)

No other change to method of operation