

# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

<b>APPLICANT</b> 339 West 44 Food Corp.		<b>DOING BUSINESS AS (DBA)</b> Smokey Burger Organic	
<b>STREET ADDRESS</b> 339 West 44 <sup>th</sup> Street, Store East		<b>CROSS STREETS</b> 8 <sup>th</sup> & 9 <sup>th</sup> Avenue	
<b>OWNER</b>	<b>NAME:</b> Syed Wajid	<b>ATTORNEY</b>	<b>NAME:</b> Stacy L. Weiss, Esq.
	<b>PHONE:</b> 516-984-4393		<b>PHONE:</b> 212-521-0828
	<b>FAX:</b> 718-706-9621		<b>FAX:</b> 212-521-0826
<b>MANAGER</b>	<b>NAME:</b> Paula Ali	<b>LANDLORD</b>	<b>NAME:</b> 339 W 44 <sup>th</sup> Realty LLC
	<b>PHONE:</b> 718-937-6663		<b>PHONE:</b> 914-637-6200
	<b>FAX:</b> 718-706-9621		<b>FAX:</b>

**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): See attached

License Type:

On-Premise  
  Wine  
  Beer  
  **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?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		What is/was the name of establishment?	Alibaba	
		What is/was the address of the establishment?	183-10 Horace Harding Expwy	
		What were the dates the applicant was involved with this former premise?	March 2007 - Present	
	<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?	<input type="checkbox"/> YES	<input type="checkbox"/> 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	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	1130 a.m. – 12 a.m.	
	Music	1130 a.m. – 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	1130 a.m. 11:00 pm	
	Kitchen	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	1130 a.m. – 12:00am	
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	37	9	25	1	0	0	N/A	N/A	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="checkbox"/> 1-2	3-4	5+	1 <sup>st</sup> Floor: 74		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	<input checked="" type="checkbox"/> NO	N/A			
Will applicant have bottle service?					YES	<input checked="" type="checkbox"/> NO	N/A			
Will you be hosting private parties and promotional events?					YES	<input checked="" type="checkbox"/> NO	N/A			
Will outside promoters be used?					YES	<input checked="" type="checkbox"/> NO	N/A			
Will the security plan submitted be implemented?					YES	<input checked="" type="checkbox"/> NO	N/A			
Will State certified security personnel be used?					YES	NO	<input checked="" type="checkbox"/> N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> NO	N/A	*Only by foot		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A			
Will applicant provide contact information to neighbors and respond to complaints that arise?					<input checked="" type="checkbox"/> YES	NO	N/A			
If you plan to have music, what type(s)?			<input checked="" type="checkbox"/> 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.					<input checked="" type="checkbox"/> 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?					<input checked="" type="checkbox"/> 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.)					<input checked="" type="checkbox"/> YES	NO	N/A			

**OUTDOOR ITEMS**

Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="checkbox"/> N/A	

**LOCATION & ZONING**

Primary Zoning District:	<b>8D</b>	Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="checkbox"/> YES	NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A
Is a Public Assembly permit required?	YES	<input checked="" type="checkbox"/> NO	N/A
Are your plans filed with DOB?	<input checked="" type="checkbox"/> YES	NO	N/A
Building Type	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> <b>Mixed Use</b> <input type="checkbox"/> Other, describe: _____		
Adjacent Buildings	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other, describe: _____		
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1	<b>West 44<sup>th</sup> Street Block Association</b>	
	# 2	<b>West 45<sup>th</sup> Street Block Association</b>	
	# 3	<b>West 46<sup>th</sup> Street Block Association</b>	

**ADDITIONAL INFORMATION: (Applicant Use)**

- We will supply the associations with copies of this application, the Engineer's report regarding the venting and the letter of no objection along with other materials.

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

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

- Applicant will meet with the West 44<sup>th</sup> Street Block Association, West 45<sup>th</sup> Street Block Association and the Tenants Association for 330 W 45<sup>th</sup> Street before the Full Board Meeting on Wednesday June 6<sup>th</sup>. (Applicant meet with the W 44<sup>th</sup> Street Block Association on Tuesday May 29<sup>th</sup>. The W 45<sup>th</sup> Street Block Association was also in attendance at the meeting.
- Applicant will only have small speakers
- Applicant will have no hookah smoking
- Applicant will have not use the rear yard
- Applicant will not use rear yard for smoking or staff breaks or for storage
- Applicant will have no delivery bicycles
- Applicant will not use a storm vestibule
- Applicant will not use a sandwich board
- Applicant will have venting for both kitchens to the roof
- Applicant will install individual hot water & heater system
- Applicant will consult with a mechanical engineer & implement recommendations for the vent to minimize kitchen smells
- Signage to be used will be respectful of neighbors

Manhattan Community Board 4 (MCB4) recommends:

Denial unless all agreed to by applicant is part of the method of operation

Denial     Approval

**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.

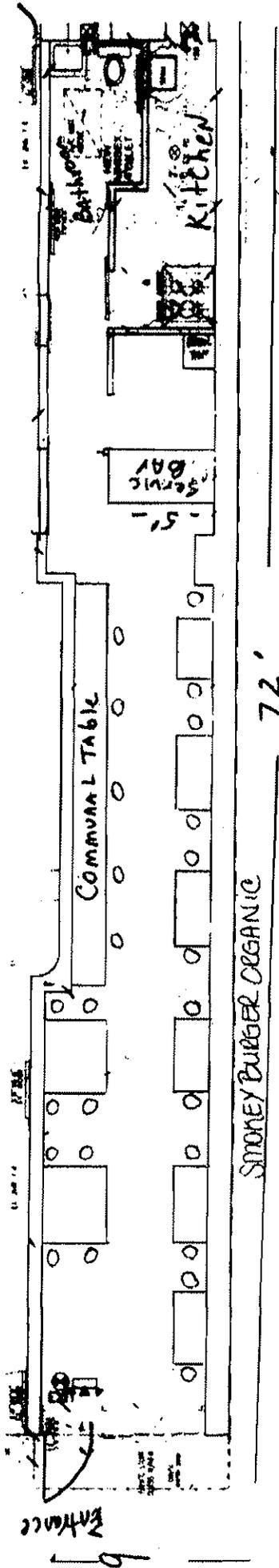
**SIGN HERE** →



SIGNATURE OF APPLICANT

**Friday, August 3, 2012**

DATE



9 Tables  
25 seats

339 West 44 Food Corp

## SMOKEY WRAPS

<b>BIG MOH</b>	
Seitan Steak with Sauerkraut Spinach, Peppers	\$8.60
Smokey Tomato Sauce	
<b>MEXICAN CLASSIC</b>	\$10.90
Chicken Fajita, Peppers, Tomato, Onion,	
Smokey Chipotle Glazed	
Sai 44	
Wild Mushroom, Caramelized Onion, Brie Cheese	\$9.40
Sweet Chili Mayo	
<b>WESTERN</b>	\$12.50
Smokey Beef Chili, Pinto Bean, Coleslaw,	
<b>MEDITERRANEAN</b>	\$11.20
Feta Cheese, Tomato, Onion, Cucumbers, Olives	
Yogurt Mint Sauce	
<b>EAST LAND</b>	\$9.50
Wild Boar, Kale, Sesame Chut, Pover Cheese,	
Sweet Mango Chutney, Sauce	
<b>AGAVE</b>	\$7.60
Smokey Filled Chicken, Buns, Jalapeno, Gravy, Queso,	
Mozzarella Cheese	

## SMOKEY SANDWICHES

<b>HUDSON RIVER</b>	\$14.50
Original Smokey Sliced Ham, Crisp Potato, Sauerkraut,	
Red Onions, Smoked Beef Cheesecake	
<b>SMOKEY THREE</b>	\$12.00
Wild Mushroom, Smoked Beef Cheese	
<b>PINE RED</b>	\$8.00
Smoked Turkey, Smoked Buns, Mozzarella,	
Smoked Onions, Smoked Mushrooms	
<b>339 WEST</b>	\$8.00
Smoked Turkey, Smoked Buns, Mozzarella,	
Smoked Onions, Smoked Mushrooms	
<b>SMOKEY SHADOW</b>	\$8.00
Smoked Turkey, Smoked Buns, Mozzarella,	
Smoked Onions, Smoked Mushrooms	
<b>SMOKED APPLE</b>	\$8.00
Smoked Turkey, Smoked Buns, Mozzarella,	
Smoked Onions, Smoked Mushrooms	
<b>HELL KITCHEN</b>	\$8.00
Smoked Turkey, Smoked Buns, Mozzarella,	
Smoked Onions, Smoked Mushrooms	

## SMOKEY BURGERS

60Z Organic Burgers Your Choice:  
Brioche Bun Or Tapioca Rice Bun  
Beef, Turkey, Chicken, Veggie, Lamb,  
Elk, Bison, Ostrich

<b>UNCLE MOH</b>	\$12.00
Veggie Burger with Kimonos Sprout, Beans Sprouts	
Smokey Aji Sauce	
<b>SMOKEY CLASSIC</b>	\$8.90
Full Pickled Cabbage, Better Smokey Onion and Ketchup	
<b>SMOKEY 44</b>	\$16.50
Shiitake Mushroom, Caramelized Onion, Brie Cheese	
Sweet Chili Mayo	
<b>MESQUITE WOOD</b>	\$14.50
Coleslaw, Pickles, Smokey Sauce	
<b>FOUR TREES</b>	\$14.00
Combination of Four Cheeses Creamy American	
Tangy Beef Cheese, Sassy Parmesan, Swiss	
Tomato, Peppers	
<b>HAWAIIAN</b>	\$14.50
Fried Pineapple, Pineapple, Mozzarella	
<b>MEXICANA</b>	\$15.50
Guacamole, Crispy Tortilla Monterey Cheese	
Smokey Avocado Sauce	
<b>PINE RED</b>	\$14.50
Smoked Turkey, Smoked Buns, Fried Onion,	
Sassy, Smokey Sauce	
<b>HUISACHE</b>	\$9.50
Red Onions, Smoked Turkey, Zucchini	
<b>GREEK OLIVE</b>	\$16.50
Smoked Turkey, Black Olive, Feta Cheese	
Fresh Peppers, Smoked Turkey	
<b>ALASKA RIVER</b>	\$16.50
Smoked Turkey, Smoked Buns, Smoked	
Peppers, Smoked Turkey	
<b>AFRICAN RUNNER</b>	\$17.00
Smoked Turkey, Smoked Buns, Smoked	
Peppers, Smoked Turkey	
<b>NAVAJO</b>	\$16.00
Smoked Turkey, Smoked Buns, Smoked	
Peppers, Smoked Turkey	
<b>ESQUIMALT</b>	\$16.00
Smoked Turkey, Smoked Buns, Smoked	
Peppers, Smoked Turkey	
<b>WHITE TAIL</b>	\$16.00
Smoked Turkey, Smoked Buns, Smoked	
Peppers, Smoked Turkey	

Smokey Burger  
ORGANIC

www.smokeyburgerorganic.com

139 W 4TH Street  
NEW YORK, NY 10039  
Between 3rd & 4th Ave  
(212) 675-1866

Delivery

Daily 11am-10pm

# Smoky Burger Organic

## Beverages

### Organic Milkshakes

Made With Organic Ice Cream

Organic Milk And Fruits

Roasted Pineapple

BlackBerry

Vanilla Coconut

Fresh Mint Chocolate

### Natural Sodas

Root Beer

Lemon Lime

Ginger Ale

Ginger Brew

Guava

Water Melon

Aloe Sparklyn

### Juices

Orange

Celery

Apple

Carrot

Lemonade

Papaya

Acai

### Coffee + Teas

Ice tea

Camomile Tea

Hibiscus Tea

Roiboos Tea

Yerbabuena Tea

Ice coffee

All Organic From Colombia

Mexico

Africa

Italia

# SMOKEY BURGER ORGANIC

## BY THE GLASS

### Whites

- 2010 Quinta do Ameal Loureiro, Vinho Verde, Portugal 10
- 2010 Terredora Dipalot Coda di Volpe, Campania, Italy 10
- 2010 Count Karolyi Gruner Veltliner, Tolna, Hungary 8
- 2009 Masion Roche de Bellene Chardonnay, Bourgogne, France 14
- 2011 Mapema Sauvignon Blanc, Mendoza, Argentina 8
- 2010 Margerum Sybarite Sauvignon Blanc, Santa Barbara, California 12
- 2010 Abacela Albarino, Umpqua Valley, Oregon 13
- 2010 Curran Grenache Blanc, Santa Ynez, California 14

### Rosé

- 2009 Banard Griffin Sangiovese, Columbia Valley, Washington 8
- 2010 Chamisal Grenache, Edna Valley 12
- 2010 La Poussie Pinot Noir, Sancerre, France 16

### Red

- 2009 Penfolds 'Bin 23' Pinot Noir, Adelaide Hills, Australia 17
- 2009 Sinor-La Vallee Pinot Noir, San Luis Obispo, California 15
- 2009 Calder Charbono, Napa, California 14
- 2007 Jason-Stephens Merlot, Santa Clara Valley, California 9
- 2007 Jordan Cabernet Sauvignon, Alexander Valley, California 18
- 2009 Quivira Zinfandel, Dry Creek, California 12
- 2009 Ceago Syrah, Clear Lake, California 12
- 2006 Yarranga Grenache/Shiraz/Mouvedere, McLaren Vale, Australia 14
- 2010 Apaltagus Carmenere, Colchagua Valley, Chile 9
- 2008 Terrazas 'Reserva' Malbec, Mendoza, Argentina 10
- 2008 Sempre Vive Malbec, Napa, California 16
- 2008 Valdez 'Landy Vineyards' Petite Sirah, Russian River Valley 22

### Bubbles

- Post Mistress Blanc de Blanc, Padthaway, Australia 10
- René Muré, Crémant d'Alsace, Alsace, France 14
- Gran Gesta Cava Brut Rosé, Sant Sadurni D'Anoia, Spain 11



