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◯ Original	◯ Amended	Date _____

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 1 of 2 of Form)

1. Date Notice was Sent: (mm/dd/yyyy) 02/17/2015

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

☒ New Application* ☐ Renewal ☐ Alteration ☐ Corporate Change

*[redacted]

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: Manhattan Community Board #3

Applicant/Licensee Information

4. License Serial Number, if not a New Application: #1274766 Expiration Date, if not a New Application: 01/31/2016

5. Applicant or Licensee Name: Whynot Orchard LLC

6. Trade Name (if any): Sushi Wa

7. Street Address of Establishment: 175 Orchard Street

8. City, Town or Village: New York ,NY Zip Code: 10002

9. Business Telephone Number of Applicant/Licensee: 646 682 9065

10. Business Fax Number of Applicant/Licensee: N/A

11. Business E-mail of Applicant/Licensee: emil@whynot.ly or paralegal at law firm jvigh@victorbernstein.com

For New applicants, provide description below using all information known to date.
For Alteration applicants, attach complete description and diagram of proposed alteration(s).
For Current Licensees, set forth approved Method of Operation only.
Do Not Use This Form to Change Your Method of Operation.

12. Type(s) of Alcohol sold or to be sold: ("X" One) ☐ Beer Only ☐ Wine & Beer Only ☒ Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) ☒ Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) ☐ Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements

14. Type of Establishment: ("X" all that apply)
☒ Recorded Music ☐ Live Music ☐ Disc Jockey ☐ Juke Box ☐ Karaoke Bar ☐ Stage Shows
☐ Patron Dancing (small scale) ☐ Cabaret, Night Club (Large Scale Dance Club) ☐ Catering Facility
☐ Capacity of 600 or more patrons ☐ Topless Entertainment ☒ Restaurant ☐ Hotel
☐ Recreational Facility (Sports Facility/Vessel) ☐ Club (e.g. Golf Club/Fraternal Org.) ☐ Bed & Breakfast
☐ Seasonal Establishment

15. Licensed Outdoor Area: ("X" all that apply)
☐ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure
☐ Sidewalk Cafe ☒ Other (specify): Backyard garden

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Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board
(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on: Ground floor

17. List the room number(s) the establishment is located in within the building, if appropriate: N/A

18. Is the premises located with 500 feet of three or more on-premises liquor establishments? ☒ Yes ☐ No

19. Will the license holder or a manger be physically present within the establishment during all hours of operation? ☒ Yes ☐ No

20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) ☐ Yes (If Yes SKIP 21-24) ☒ No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name: SAS Management LLC / Shimon Avadi

22. Building Owner's Street Address: 175 Orchard Street

23. City, Town or Village: New York State: New York Zip Code: 10002

24. Business Telephone Number of Building Owner: 212 254 2739

Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the Establishment Identified in this Notice

25. Attorney's Full Name: Donald M. Bernstein, Esq. / Victor & Bernstein, P.C.

26. Attorney's Street Address: 18 East 41st Street - 10th Floor

27. City, Town or Village: New York State: New York Zip Code: 10017

28. Business Telephone Number of Attorney: 212 486 6000

29. Business Email Address of Attorney: dbernstein@victorbernstein.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name: Donald M. Bernstein, Esq. Title Attorney

Signature: **X** _____

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☐ Sidewalk Cafe ☒ Other (specify): Backyard garden

change method of operation to full service Japanese restaurant. tables from 25 to 28. seating from 49 + 10 bar stools to 73 + 6 bar stool & 10 counter seat

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30. Printed Name: Donald M. Bernstein, Esq. Title Attorney

Signature: X _____

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Alteration Description for Whynot Orchard LLC dba Sushi Wa
175 Orchard Street/ New York, NY 10002 - Serial #1274766

Whynot Orchard LLC operates as a full service café with a beer and wine license that closes at 1AM seven days a week. The café features local artists and sells artwork.

Whynot Orchard LLC plans to operate as a full service Japanese restaurant and will change the trade name from ***Whynot Coffee Wine & Art Gallery*** to ***Sushi Wa.*** The décor will be Japanese minimalist in all wood. The food preparation area will be renovated and a full kitchen will be installed.

The restaurant plans to have background music only and artwork will not be sold.

The current number of tables is 25 and the current seating is 70 which include 49 café seats, 10 bar stools and 11 counter seats. The proposed number of tables for the new restaurant has increased to 28 tables and the proposed number of seats has increased to 73 seats which include 6 bar stools and 10 counter seats.

C of O permit for structure

The proposed restaurant will include a backyard garden with 11 tables and 22 seats. The backyard garden is contained by a 15' brick wall on the west side of the garden. A 10' fence will be installed in the north area of the backyard garden. The backyard garden will install a retractable roof made out of Plexiglas.

The stand-up bar will be reduced in size from 10'-3' x 11'6" to 16' and the bar shape will be changed from circular to a slightly curved shape. The number of bar stools will be reduced from 10 bar stools to 6 bar stools.

The current coffee food counter will be removed and a sushi bar/ counter will be installed. The current food counter has 11 seats and the new sushi bar/ counter will have 10 seats.

The current hours of operation are 7AM to 1AM seven days a week. The proposed interior hours of operation are 12PM to 1AM Sunday to Thursday and 12PM to 2AM Friday to Saturday. The proposed exterior hours of operation are 12PM to 12AM seven days a week. Ext

Whynot Orchard LLC will apply for a class change from a beer and wine license to an on-premises liquor.

Current Floor Plan Showing one bar

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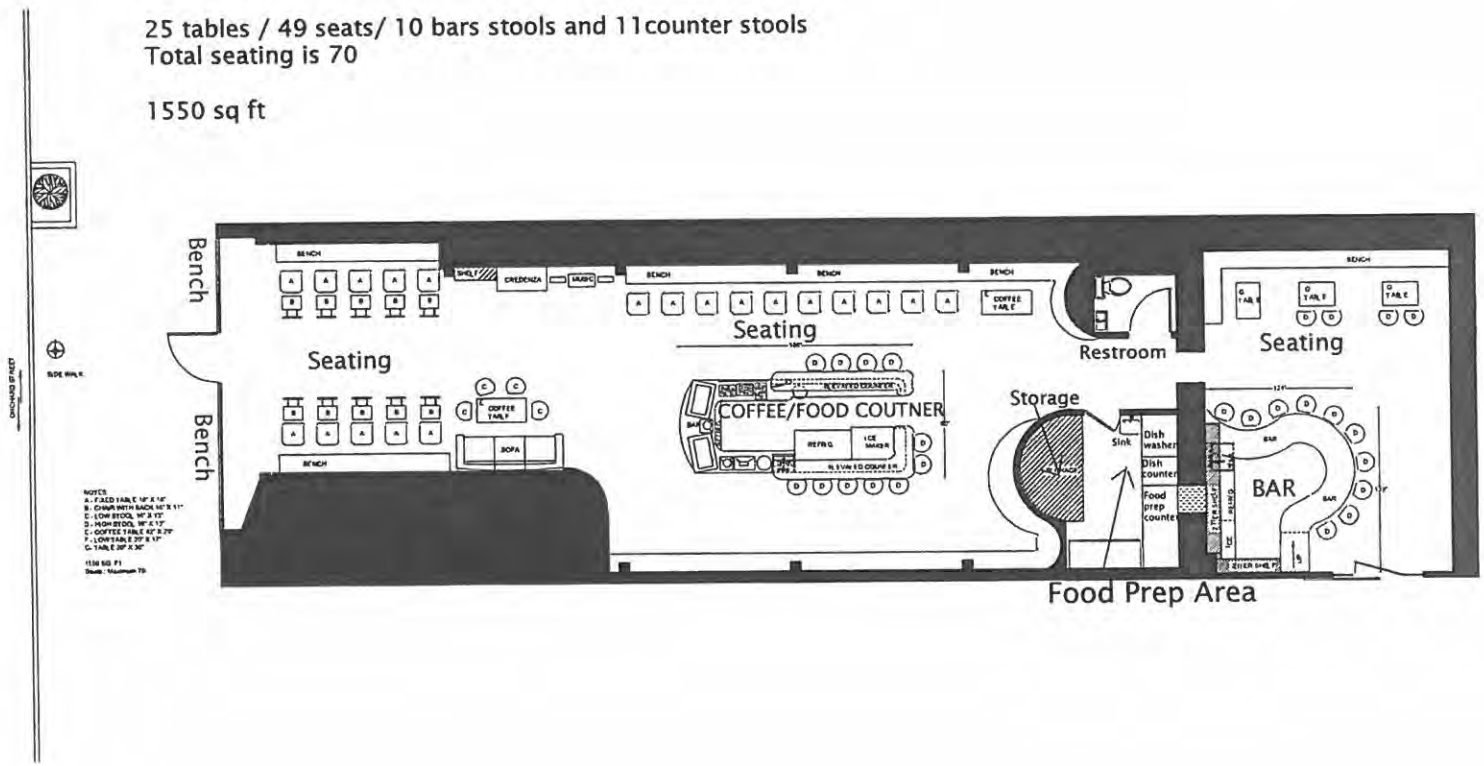
Whynot Orchard LLC / 175 Orchard Street /Serial #1274766

25 tables / 49 seats/ 10 bars stools and 11counter stools
Total seating is 70

1550 sq ft

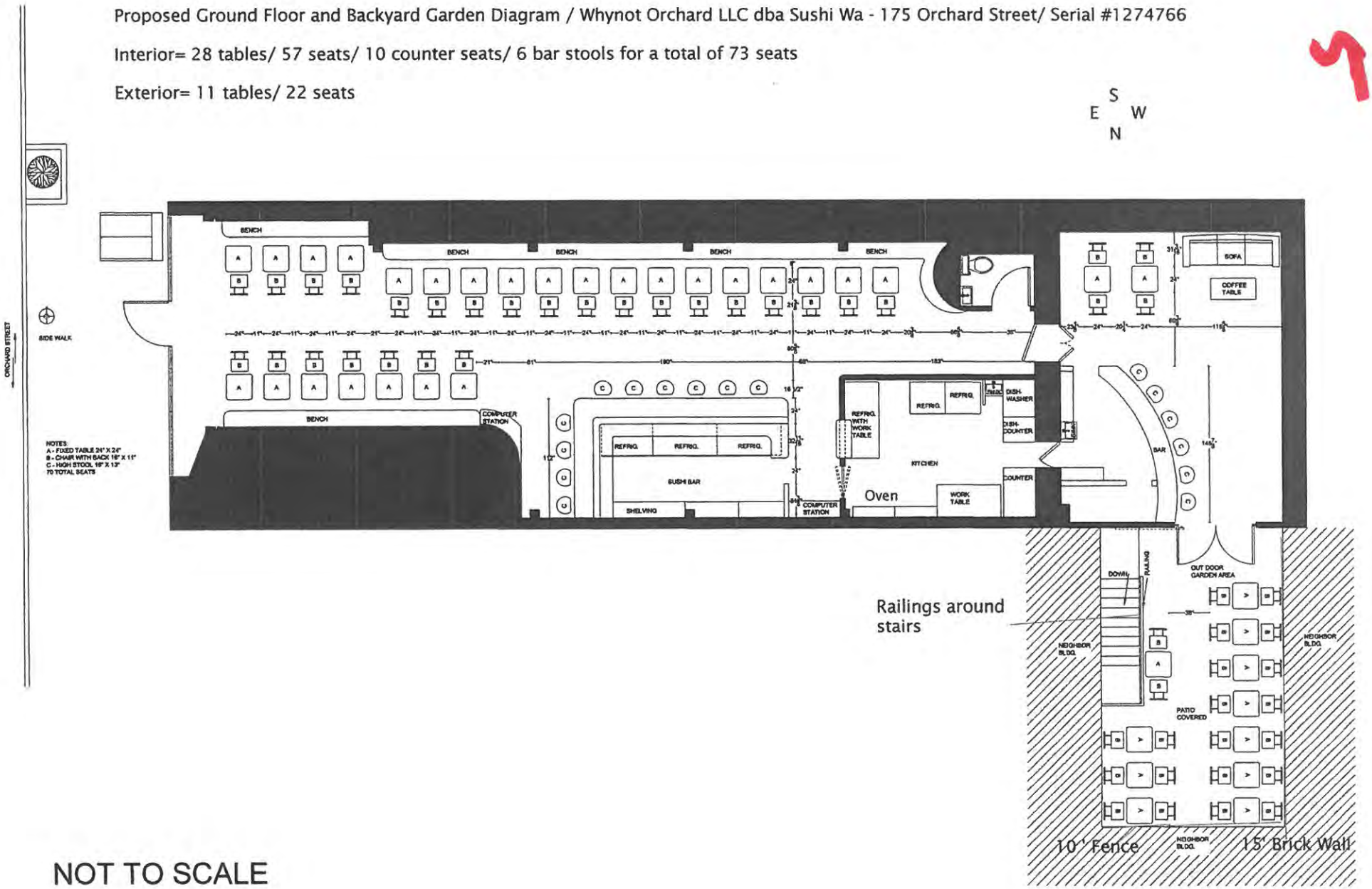


SCALE : 1/4" = 1'-0"

Proposed Ground Floor and Backyard Garden Diagram / Whynot Orchard LLC dba Sushi Wa - 175 Orchard Street/ Serial #1274766

Interior= 28 tables/ 57 seats/ 10 counter seats/ 6 bar stools for a total of 73 seats

Exterior= 11 tables/ 22 seats



NOT TO SCALE