



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003
Phone (212) 533-5300 - Fax (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

Community Board 3 Liquor License Stipulations

I, Scarr Pimentel, as a qualified representative of Scarr Pizza LLC,
located at 22 Orchard Street, New York, NY agree to the following stipulations:

- I will operate a full-service restaurant, specifically a (type of restaurant) Pizzeria,
with a kitchen open and serving food to within 1 hour(s) of closing every night during all hours of operation.
- My hours of operation will be 11:00 a.m./p.m. to 12:00 a.m. all days

(I understand opening is "no later than" specified opening hour, and all patrons are to be cleared from business at specified closing hour.)

- I will not use outdoor space for commercial use.
- I will operate my sidewalk café no later than _____
- I will employ a doorman/security personnel on the following days: _____
- I will install soundproofing, _____
- I will close any front or rear facade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances. I will not have French doors or windows and doors will be closed by _____
- I will not have DJs, live music, promoted events, any event at which a cover fee is charged, scheduled performances, more than _____ DJs/ promoted events per _____, more than _____ private parties per _____
- I will play ambient recorded background music only.
- I will not apply for an alteration to the method of operation agreed to by this stipulation without first coming before CB 3.
- I will not seek a change in class to a full on-premise liquor license without first obtaining approval from CB 3.
- I will not participate in pub crawls or have party buses come to my establishment.
- I will not have a happy hour. I will have happy hour and it will end by _____
- I will not have wait lines outside. There will be a staff person outside to monitor sidewalk crowds and ensure no loitering.
- I will conspicuously post this stipulation form beside my liquor license inside of my business.
- Residents may contact the manager/owner at the following phone number. Any complaints will be addressed immediately and I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: Scarr Pimentel Phone Number: 718-473-7236

17. I will: _____

I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

Signed [Signature]

Dated 08-12-2015

Sworn to this _____ day of _____ 2015 _____
Notary Public

PREMISE:

Type of building and number of floors: Residential 5 Floors

Will any outside area or sidewalk cafe be used for the sale or consumption of alcoholic beverages? (includes roof & yard) Yes No If Yes, describe and show on diagram: _____

Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use? Yes No What is maximum NUMBER of people permitted? _____

Do you plan to apply for Public Assembly permit? Yes No

What is the zoning designation (check zoning using map: <http://gis.nyc.gov/doitt/nycitymap/> - please give specific zoning designation, such as R8 or C2): _____

PROPOSED METHOD OF OPERATION:

Will any other business besides food or alcohol service be conducted at premise? Yes No

If yes, please describe what type: _____

What are the proposed days/hours of operation? (Specify days and hours each day and hours of outdoor space) Mon closed Tues-SAT 11AM-12AM Sunday 11AM-10PM

Number of tables? 5 Total number of seats? 28

How many stand-up bars/ bar seats are located on the premise? 8

(A **stand up bar** is any bar or counter (whether with seating or not) over which a patron can order, pay for and receive an alcoholic beverage)

Describe all bars (length, shape and location): L-shaped bar behind pizza oven w/ 8 stools

Does premise have a full kitchen Yes No?

Does it have a food preparation area? Yes No (If any, show on diagram)

Is food available for sale? Yes No If yes, describe type of food and submit a menu

PIZZA And SALADS

What are the hours kitchen will be open? 11AM-11PM

Will a manager or principal always be on site? Yes No If yes, which? MANAGER

How many employees will there be? 5-6

Do you have or plan to install French doors accordion doors or windows?

Will there be TVs/monitors? Yes No (If Yes, how many?) _____

Will premise have music? Yes No

LOCATION:

How many licensed establishments are within 1 block? 4

How many On-Premise (OP) liquor licenses are within 500 feet? 3

Is premise within 200 feet of any school or place of worship? Yes No

COMMUNITY OUTREACH:

Please see the Community Board website to find block associations or tenant associations in the immediate vicinity of your location for community outreach. Applicants are encouraged to reach out to community groups. Also use provided petitions, which clearly state the name, address, license for which you are applying, and the hours and method of operation of your establishment at the top of each page. (Attach additional sheets of paper as necessary).

We are including the following questions to be able to prepare stipulations and have the meeting be faster and more efficient. Please answer per your business plan; do not plan to negotiate at the meeting.

1. I agree to close any doors and windows at 10:00 P.M. every night?
2. I will not have DJs, live music, promoted events, any event at which a cover fee is charged, scheduled performances, more than ___ DJs/ promoted events per ___, more than ___ private parties per ___
3. I will play ambient recorded background music only.
4. I will not apply for an alteration to the method of operation agreed to by this stipulation without first coming before CB 3.
5. I will not seek a change in class to a full on-premise liquor license. Or my business plan is to seek an upgrade at a later date.
6. I will not participate in pub crawls or have party buses come to my establishment.
7. I will not have a happy hour. Or Happy hour will end by _____.
8. I will not have wait lines outside. There will be a staff person outside to monitor sidewalk crowds and ensure no loitering.
9. Residents may contact the manager/owner at the following phone number. Any complaints will be addressed immediately and I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

If Yes, what type of music? Live musician DJ Juke box Tapes/CDs/iPod

If other type, please describe _____

What will be the music volume? Background (quiet) Entertainment level

Please describe your sound system: 4 in ceiling speakers

Will you host any promoted events, scheduled performances or any event at which a cover fee is charged? If Yes, what type of events or performances are proposed and how often? No

How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? Please attach plans. (Please do not answer "we do not anticipate congestion.")

Will there be security personnel? Yes No (If Yes, how many and when) _____

How do you plan to manage noise inside and outside your business so neighbors will not be affected? Please attach plans.

Do you have sound proofing installed? Yes No

If not, do you plan to install sound-proofing? Yes No

APPLICANT HISTORY:

Has this corporation or any principal been licensed previously? Yes No

If yes, please indicate name of establishment: _____

Address: _____ Community Board # _____

Dates of operation: _____

If you answered "Yes" to the above question, please provide a letter from the community board indicating history of complaints or other comments.

Has any principal had work experience similar to the proposed business? Yes No If Yes, please attach explanation of experience or resume.

Does any principal have other businesses in this area? Yes No If Yes, please give trade name and describe type of business _____

Has any principal had SLA reports or action within the past 3 years? Yes No If Yes, attach list of violations and dates of violations and outcomes, if any.

Attach a separate diagram that indicates the location (**name and address**) and total number of establishments selling/serving beer, wine (B/W) or liquor (OP) for 2 blocks in each direction. Please indicate whether establishments have On-Premise (OP) licenses. Please label streets and avenues and identify your location. Use letters to indicate **Bar, Restaurant**, etc. The diagram must be submitted with the questionnaire to the Community Board before the meeting.



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Community Board 3 Liquor License Application Questionnaire

Please bring the following items to the meeting:

NOTE: ALL ITEMS MUST BE SUBMITTED FOR APPLICATION TO BE CONSIDERED.

- Photographs of the inside and outside of the premise.
- Schematics, floor plans or architectural drawings of the inside of the premise.
- A proposed food and or drink menu.
- Petition in support of proposed business or change in business with signatures from residential tenants at location and in buildings adjacent to, across the street from and behind proposed location. Petition must give proposed hours and method of operation. For example: restaurant, sports bar, combination restaurant/bar. (petition provided)
- Notice of proposed business to block or tenant association if one exists. You can find community groups and contact information on the CB 3 website:
http://www.nyc.gov/html/mancb3/html/communitygroups/community_group_listings.shtml
- Photographs of proof of conspicuous posting of meeting with newspaper showing date.
- If applicant has been or is licensed anywhere in City, letter from applicable community board indicating history of complaints and other comments.

Check which you are applying for:

- new liquor license alteration of an existing liquor license corporate change

Check if either of these apply:

- sale of assets upgrade (change of class) of an existing liquor license

Today's Date: 08-12-2015

If applying for sale of assets, you must bring letter from current owner confirming that you are buying business or have the seller come with you to the meeting.

Is location currently licensed? Yes No Type of license: _____

If alteration, describe nature of alteration: _____

Previous or current use of the location: _____

Corporation and trade name of current license: _____


APPLICANT:

Premise address: 22 Orchard St

Cross streets: Canal St + Hester St

Name of applicant and all principals: SCAR Pimentel

Trade name (DBA): SCAR'S PIZZA



Affidavit

I, Scarr Pimentel, being first duly sworn, hereby deposes and says:

1. I am the duly authorized representative acting as principal of Scarr's Pizza LLC ("Applicant") for an on-premise license for a restaurant on the ground-floor located at 22 Orchard Street in New York, New York (the "Premises");
2. I am aware that the community surrounding the Premises may have specific concerns with the operation at this location and I hereby covenant and agree to run the establishment in a manner that has the least deleterious impact on the community and I hereby covenant and agree to be a good and responsive neighbor;
3. I make this Affidavit as an inducement to Orchard Street Block Association ("OSBA") to support this application for an on-premises Beer and Wine license for the Premises and agree that this Affidavit shall create an agreement in good faith to uphold the following stipulations and conditions to presented before Community Board 3 and agreed to be incorporated into the Method of Operation as part of the liquor license application submitted by Applicant to the New York State Liquor Authority;
4. I hereby represent that:
 - a. the Premises consists of approximately 600 square feet on ground and cellar floor inclusive of kitchen, preparation, storage, toilet and patron space
 - b. the Premises is a restaurant space with no free standing bar on the premises, and which is conditioned on never applying for alterations to include a free-standing bar on the ground floor, and with food available for consumption during all operating hours
 - c. the total maximum capacity of the Premises is 28 seated patrons in various table configurations occupying the Premises on ground floor in various configurations
 - d. the Premises includes one patron stand-up bar on the ground floor with 8 bar stools
 - e. the Premises will operate as a full-service pizzeria.
 - f. Furthermore, the cellar will not function as a cocktail lounge / bar area at anytime but as an extension of the restaurant's food storage and/or preparation area.
5. I hereby covenant and agree that Applicant shall

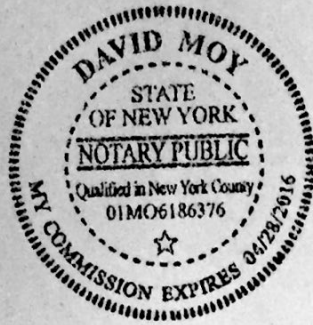
- a. agree to hours of the Premises of operation are no later than 12am/7 days/week. Furthermore, the last seating in the restaurant shall be no later than 1 hour before closing
- b. agree to not apply for a cabaret license;
- c. being that this is a full-service restaurant, there will not be security of any kind, either stationed outside or inside of the establishment checking ids upon entering the establishment;
- d. at all times use best efforts to (i) maintain order both inside and outside of the Premises; (ii) ensure that patrons enter and leave the Premises in a peaceful, quiet and respectful manner; (iii) discourage patrons from congregating outside the Premises, and (iv) use best efforts to clear the area outside the Premises of all patrons immediately after closing;
- e. agree to never use a DJ and shall restrict all music to passive, pre-arranged unamplified sound with no active manipulation of music, no vinyl records, and no live music or entertainment;
- f. agree to contain ambient sound within the Premises so as to prevent disturbance to residences in nearby buildings;
- g. agree to never use or hire outside promoters and/or hosts to promote events focused on drink specials, entertainment at the premises, including but not limited to, DJs, dancing, parties, live music, sound system, etc;
- h. not utilize an exterior "velvet door" policy nor allow external queuing for entrance;
- i. agree to no cover fees;
- j. agree that private shall be deemed included in restaurant ground and cellar floor use but promoter-driven and or hosted public events are specifically excluded from use. Furthermore, private is defined as pre-paid dinner parties and pre-paid corporate events only that are not open to the public and excludes the use of DJs, live music, entertainment at such pre-paid dinner parties and / or pre-paid corporate events;
- k. agree to not install television monitors with the exception of electronic menu monitors;
- l. no expansion of windows or doors without prior consent of OSBA and in the event music is being played within the Premises the volume will comply with NYC Local Law 133 §24-231 and §24-2;
- m. agree to keep front door closed at all times with exception of normal function of entering and exiting Premises;
- n. obtain an appropriate Certificate of Occupancy and Public Assembly

Permit;

- o. shall provide a hotline to a live manager or owner during all hours of operation to immediately address any complaints from the community;
 - p. shall remove the service bar from the cellar, and in the event a service bar is applied for OSBA will be notified in conjunction with CB3, and applicant agrees to public review before CB3;
 - q. agree that bottle service is deemed wine and champagne service only and excludes the sale of spirits as defined by NY State ABC Law;
 - r. Review of the applicants soundproofing enhancements which are required to be based on and supervised by a recognized sound engineer who has prepared a comprehensive report including recommendations. The engineer engaged, as well as the soundproofing enhancements, will be subject to OSBA and resident(s) of 252 Broome Street for approval. To the extent after the business has opened the soundproofing enhancements prove inadequate, parties agree to authorize sound engineer to undertake further review and agree to implement engineer's additional recommendations. All costs and expenses associated with engaging the sound engineer and implementing the sound engineer's recommendations shall be at sole expense of Scarr's Pizza. □
 - s. Work permits must be visibly posted for any demolition or construction that takes place. □
 - t. Professional exterminators must be used in response to any infestation. Neighbors shall be notified in writing immediately.
 - u. Application for beer and wine license only, will close which is conditioned on Scarr's Pizza never extending hours and never applying for any liquor license.
 - v. Owner shall shall install fans, filters, scrubbers to the ventilation system as to minimize cooking odors. To the extent after the business has opened the ventilation system prove inadequate, parties agree to authorize contractor to undertake further review and agree to implement additional recommendations. All costs and expenses associated with engaging the contractor and implementing the improvements shall be at the sole expense of Scarr's Pizza.
6. Should I ever contemplate a transfer of my interest as operator or principal in the operation at the Premises ("transfer" being deemed to include a change in control of an entity or the transfer of a majority interest in an entity), notice shall be given to CB3 and OSBA.
7. Should I ever contemplate a transfer of my interest as applicant so that I do not have a controlling management interest in Applicant ("transfer"

being deemed to include a change in control of an entity of the transfer of a majority interest in an entity), notice shall be given to CB3 and the OSBA before such transfer is made and any transfer shall be required to agree to the conditions and stipulations contained herein;

8. These agreements, stipulations and conditions will be incorporated into the Method of Operation as part of the Beer and Wine license application submitted by Applicant to the New York State Liquor Authority, a copy of which shall be simultaneously submitted to CB3 and OSBA.



PRINCIPAL:

BY: [Signature]

AGREED AND ACKNOWLEDGED



APPLICANT:

BY: [Signature]

Sworn to before me this 11th

day of August 2015

[Signature]
Notary Public