

Sushi Wa

Whynot Orchard LLC dba Sushi Wa
175 Orchard Street/ New York, NY 10002

Questionnaire for Beer and Wine Application

1. Photographs of the Exterior and Interior
2. Floor Plan
3. Menu
4. Area Survey with List of Measurements
5. NYC DOB Property Profile Page and Certificate of Occupancy

Victor & Bernstein, P.C.

18 East 41st Street, 10th Floor | New York, NY 10017

Tel.: 212.486.6000 | Fax: 212.486.8668

dbernstein@victorbernstein.com | www.victorbernstein.com



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 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
Beer and Wine

Check if either of these apply:

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

Today's Date: January 28, 2016

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: Change from a coffee cafe to a full service Japanese Restaurant

Previous or current use of the location: Current Use is a Coffee Cafe

Corporation and trade name of current license: Whynot Orchard LLC dba Whynot Coffee

APPLICANT:

Premise address: 175 Orchard Street

Cross streets: East Houston and Stanton Streets

Name of applicant and all principals: Whynot Orchard LLC / Emil Stefkov

Trade name (DBA): Sushi Wa

PREMISE:

Type of building and number of floors: 5 story building with 16 residential units and commercial space on the ground floor

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? 50*

*See enclosed Certificate of Occupancy under Tab No. 5

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):
C4-4A

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: N/A

What are the proposed days/hours of operation? (Specify days and hours each day and hours of
outdoor space) 12:00PM to 12:00AM Monday to Sunday / There will not be any exterior spaces.

Number of tables? 40 Total number of seats? 70

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

(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): A 16'-5" x 7'-5" Stand-Up Sushi Bar/Bar Counter
Does premise have a full kitchen ☒ Yes ☐ No? that is U-Shaped in the middle of the restaurant

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
Japanese Menu consisting of Sushi and Sashimi dishes

What are the hours kitchen will be open? All hours of operation

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

How many employees will there be? 4 per shift

Do you have or plan to install ☒ French doors ☐ accordion doors or ☐ windows? *Already exists

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

Will premise have music? ☒ Yes ☐ No

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

If other type, please describe N/A

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

Please describe your sound system: There is vintage music equipment from the 1970's with a record vinyl player with 2 speakers on the base of the floor that plays mellow quiet music.

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.")
We will request that people move away from the premises and that vehicles do not linger.

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. Background music will be played at a low volume level and no live music will be played.

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: See attached list

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. See attached list

Does any principal have other businesses in this area? ☒ Yes ☐ No If Yes, please give trade name and describe type of business See attached list

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.

See attached list

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.

N/A for a beer and wine license. The Area Survey with the list of establishments and measurements are included for informational purposes.

LOCATION:

How many licensed establishments are within 1 block? 10

How many On-Premise (OP) liquor licenses are within 500 feet? 45

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.
- N/A 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.

Emil Stefkov 917 767 3970

**List of Establishments Owned and Operated by
Applicant Emil Stefkov**

(1) Manhattan Community Board No. 2

Whynot My Way LLC dba Whynot Coffee*
14 Christopher Street
New York, NY 10014

Ø Operating as a coffee café since May of 2013 and issued a beer wine license on September 11, 2013.

*Whynot My Way LLC dba Whynot Bistro
14 Christopher Street
New York, NY 10014

Ø Operating as a bistro since November 2014 with a beer and wine license.

Whynot My Way LLC dba dba Dominique Bistro
14 Christopher Street
New York, NY 10014

Ø Operating as a restaurant since November 2015 with a beer and wine license.

(2) Manhattan Community Board No. 3

Whynot Orchard LLC dba Whynot Coffee
175 Orchard Street
New York, NY 10002

Ø Held a beer and wine license from February 2014 to May 2015.

(3) Manhattan Community Board No. 2

Olio Restaurant LLC dba Olio Restaurant

2 Greenwich Avenue

New York, NY 10014

Ø Operating with a full liquor license since July 2, 2010

(4)

BBSF Dooel

Skopje, Macedonia

Ø Applicant owned and operated the restaurant from 2006 to 2009

Whynot Orchard LLC / 175 Orchard Street/ New York, NY 10002
Serial #1274766

List of Violations

Case No. 101749

The March 11, 2015 Notice of Pleading alleges that the Licensee altered the premises without obtaining the permission of the Authority, that the Licensee failed to keep and maintain adequate records on the licensed premises, that the Licensee failed to comply with the conditions and stipulations under which the license was issued, and that there was excessive noise.

The State Liquor Authority subsequently cancelled the beer and wine license May 2015.

(1)

Photographs of the Exterior and Interior

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



Bar and seating area

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



Coffee bar area

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



Seating

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



Exterior front view

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



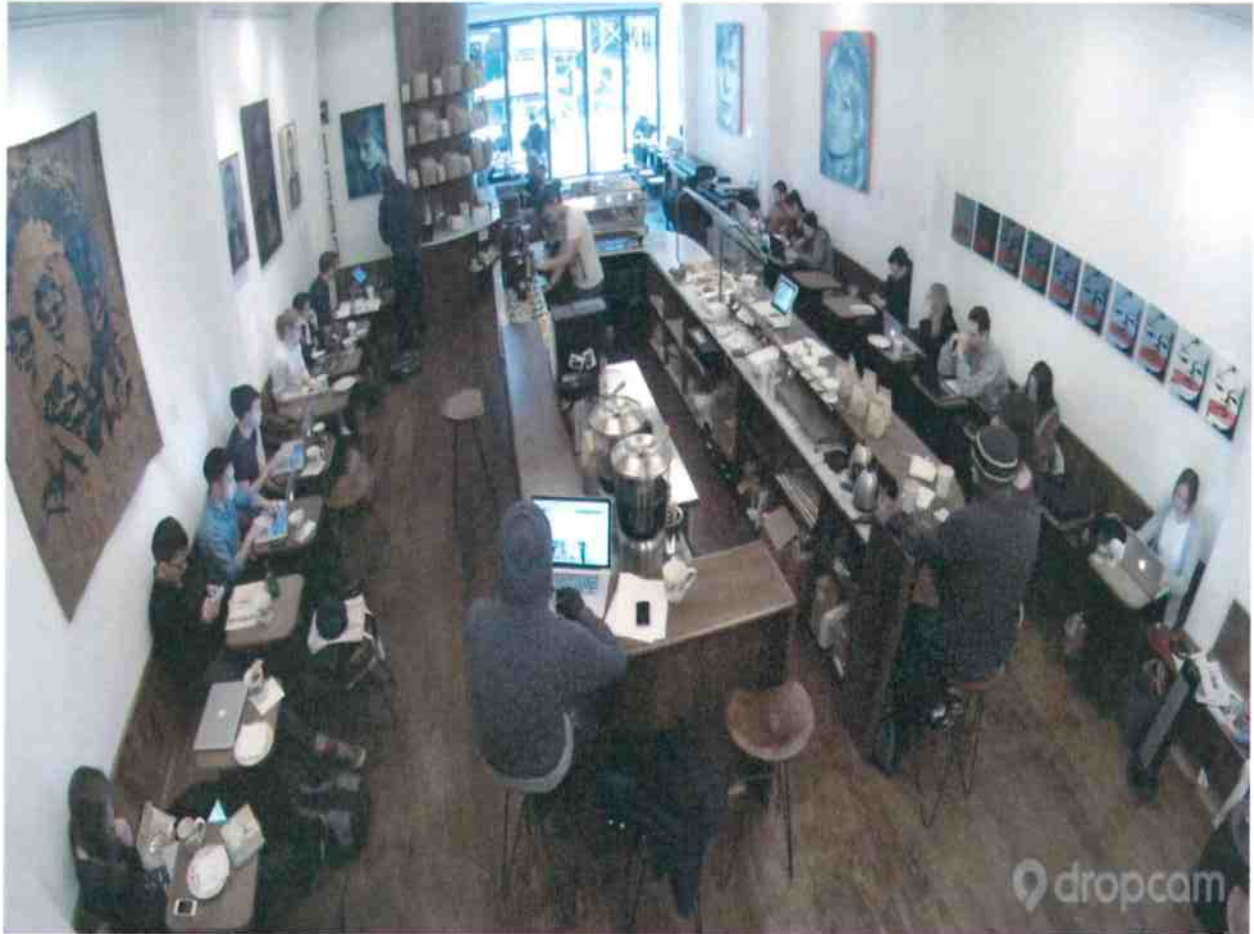
Entrance

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002



French doors

Whynot Orchard LLC dba Sushi Wa/ 175 Orchard Street/ New York, NY 10002

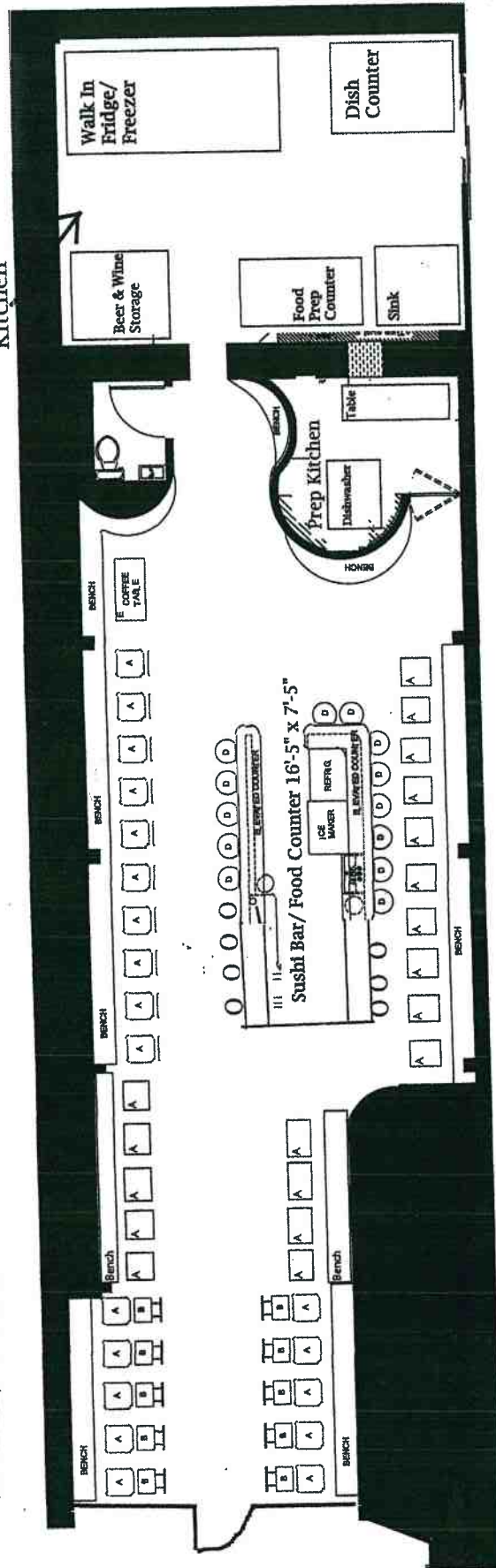


Seating

(2)
Floor Plan

Whynot Orchard LLC dba Sushi Wa
 175 Orchard Street/New York, New York 10002
 40 Tables/ 50 Seats/ 20 Sushi Bar / Food Counter Seats. Total Seating= 70 seats

Kitchen



(3) Menu

Proposed Menu Sushi Wa

Whynot Orchard LLC / 175 Orchard Street

SUSHI & SASHIMI

ROLL (MAKI)

Tuna

Blue Fin Tuna
Blue Fin Fatty Tuna

4.50		
5.00		

Octopus & Squid

Squid
Squid Fin
Squid Legs
Octopus

4.50		
5.00		
5.00		
5.00		

Tekka	7.50		
Toro	7.00		
Yellow Tail	6.00		
Salmon	8.00		

Yellow Tail

Hamachi
Shimaaji

6.50		
6.00		

Clam

Giant Clam
Orange Clam
Cherrytone Clam
Oyster

4.50		
5.00		
5.00		
5.00		

King Salmon
White King Salmon
Tazmanian Trout

5.00		
8.50		
9.00		

White Fish

Fluke
Engawa
Orato
Striped Bass

4.50		
5.00		
5.00		
5.00		

Arctic Char
Spanish Mackerel

9.00		
8.00		

Roe & Others

Salmon Roe

6.00		
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Pompano
Salmon Skin
Sawani

6.00		
7.50		
6.00		
7.00		

Salmon & Trout

Silver Salmon
King Salmon
White King Salmon
Sockeye Salmon
Arctic Char
Tazmanian Trout

4.50		
5.00		
5.00		
5.00		
4.50		
6.00		

4.50		
5.00		

Anago
Shirayaki
Unagi Kuro

6.00		
7.00		
6.00		
9.00		

Vegetable

Mitsuba
Kaiware
Ume
Kappa
Takuwan
Yamagobo
Natto

5.00		
5.00		
4.50		
3.00		
5.00		
3.00		
5.00		

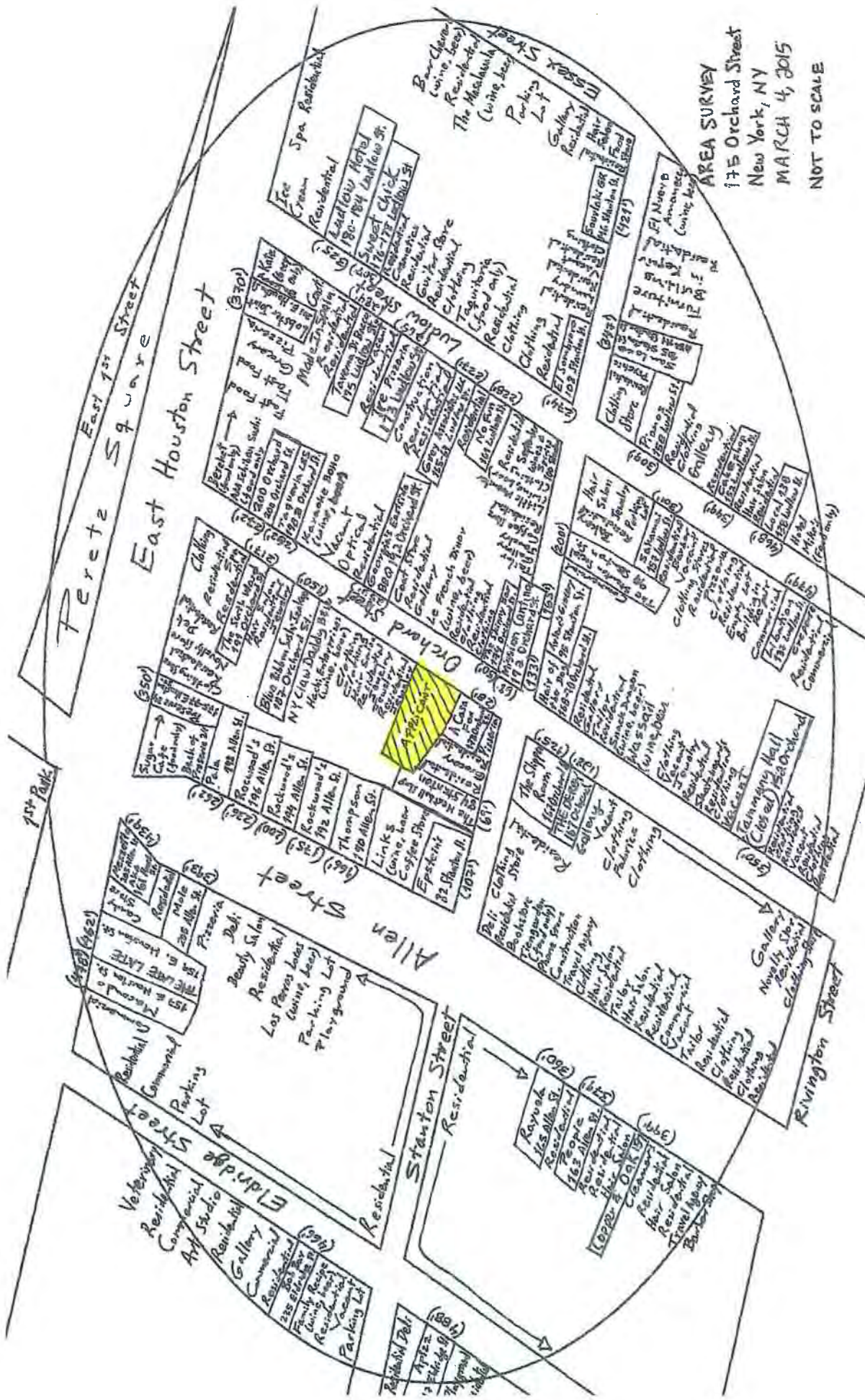
Mackerel & Others

Spanish Mackerel

5.00		
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(4)

Area Survey with List of Measurements



AREA SURVEY
175 Orchard Street
New York, NY
MARCH 4, 2015
NOT TO SCALE

Re: 175 Orchard Street

1. The Derby - 167 Orchard Street - (128')
2. El Sombrero - 108 Stanton Street - (274')
3. Souvlaki GR - 116 Stanton Street - (421')
4. Pianos - 158 Ludlow Street - (309')
5. Tre Pizzeria - 173 Ludlow Street - (265')
6. Cakeshop - 152 Ludlow Street - (349')
7. Local 138 - 138 Ludlow Street - (460')
8. Sam Loco - 105 Stanton Street AKA 111 Stanton Street - (347')
9. Hair of the Dog - 168-70 Orchard Street - (133')
10. Ludlow Hotel - 180-184 Ludlow Street - (319')
11. Sweet Chick - 176-178 Ludlow Street - (307')
- ~~12. Tammany Hall - 152 Orchard Street (350') - CLOSED~~
13. Arlene's Grocery - 95 Stanton Street - (165')
14. The Stanton Social - 99 Stanton Street - (200')
15. Sakamai - 157 Ludlow Street - (301')
16. Libation - 137 Ludlow Street - (479')
17. The Skinny Bar - 174 Orchard Street - (50') (Currently in Repair)
18. Taqueria Lower East Side - 198B Orchard Street - (262')
19. 200 Orchard - 200 Orchard Street - (272')
20. Lobster Joint - 201 East Houston Street - (370')
21. Grey Associates LLC - 165-167 Ludlow Street - (227')
22. No Fun - 161 Ludlow Street - (228')
23. The Slipper Room - 167 Orchard Street - (125')
24. Epstein's - 82 Stanton Street - (107')
25. Thompson - 190 Allen Street - (166')
26. Rockwood's - 192 Allen Street - (175')
27. Rockwood's - 194 Allen Street - (200')
28. Rockwood's - 196 Allen Street - (236')
29. Pala - 198 Allen Street - (262')
30. Preserve 24 - 175-77 East Houston Street - (350')
31. The Sixth Ward - 191 Orchard Street - (217')
32. Blue Ribbon Sushi Izakaya - 187 Orchard Street - (150')
33. A Casa Fox - 173 Orchard Street - (20')
34. People - 163 Allen Street - (379')
35. Rayuela - 165 Allen Street - (360')
36. Mole - 205 Allen Street - (393')
37. Mezetto - 205 Allen Street AKA 159 Houston Street - (439')
38. The Late Late - 159 East Houston Street - (462')
39. Macondo - 157 East Houston Street - (478')
40. Apizz - 217 Eldridge Street - (488')
41. Bob Bar - 235 Eldridge Street - (466')
42. Copper & Oak - 157 Allen Street - (399')
43. The Meatball Shop - 84 Stanton Street - (69')
44. Mission Cantina - 172 Orchard Street - (68')
45. Taverna Da Bacco - 175 Ludlow Street - (284')
46. Georgia's Eastside BBQ - 192 Orchard Street - (

CHURCHES & SCHOOLS

1. P.S. 20 - 166 Essex Street - (540')
2. Lambs Church of the Nazarene - 61 Rivington Street - (635')

BEER & WINE LICENSES

1. Family Recipe - 233 Eldridge Street - 450'
2. Los Perros Locos - 201 Allen Street - 449'
3. Links - 188 Allen Street - 97'
4. Hachi Enterprises - 185 Orchard Street - 157'
5. N.Y. Claw Daddy - 185 Orchard Street - 159'
6. Karaoke Boho - 196 Orchard Street - 274'
7. Le French Diner - 188 Orchard Street - 175'
8. Snack Dragon - 164 Orchard Street - 212'
9. Wassail - 162 Orchard Street - 226'
10. Little Muenster - 100 Stanton Street - 201'
11. Made In Spain - Ludlow Street - 326'
12. Katz's - 205 East Houston Street - 416'
13. El Nueva Amanecer - 117 Stanton Street - 471'
14. Bar Chevere - 181 Essex Street - 535'
15. The Masalawala - 179 Essex Street - 527'

(5)

NYC DOB Property Profile Page and Certificate of
Occupancy


[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
Property Profile Overview

175 ORCHARD STREET

ORCHARD STREET 175 - 175

MANHATTAN 10002

Health Area : 6600

Census Tract : 30.01

Community Board : 103

Buildings on Lot : 1

BIN# 1005557

Tax Block : 417

Tax Lot : 67

Condo : NO

Vacant : NO

[View DCP Addresses...](#)
[Browse Block](#)
[View Zoning Documents](#)
[View Challenge Results](#)
[Pre - BIS PA](#)
[View Certificates of Occupancy](#)

Cross Street(s):

STANTON STREET, EAST HOUSTON STREET

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

Special Status:

N/A

Local Law:

NO

Loft Law:

NO

SRO Restricted:

NO

TA Restricted:

NO

UB Restricted:

NO

Environmental Restrictions:

N/A

Grandfathered Sign:

NO

Legal Adult Use:

NO

City Owned:

NO

Additional BINs for Building:

NONE

Special District:

UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification:

C7-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	Elevator Records
Complaints	4	0	Electrical Applications
Violations-DOB	12	0	Permits In-Process / Issued
Violations-ECB (DOB)	3	0	Illuminated Signs Annual Permits
Jobs/Filings	14		Plumbing Inspections
ARA / LAA Jobs	0		Open Plumbing Jobs / Work Types
Total Jobs	14		Facades
Actions	25		Marquee Annual Permits
OR Enter Action Type:			Boiler Records
OR Select from List: <input type="text"/>			DEP Boiler Information
AND <input type="text"/>			Crane Information
			After Hours Variance Permits

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

THE CITY OF NEW YORK



DEPARTMENT OF BUILDINGS ALT 845|89

CERTIFICATE OF OCCUPANCY AMENDED

BOROUGH MANHATTAN

DATE: MAR 26 1993 No. 202309

This certificate amends C.O. NO 76303

ZONING DISTRICT C6-1

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building—premises located at
175 ORCHARD STREET W/S 50' NORTH OF STANTON STREET Block 417 Lot 67CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS,
RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	OG						ORDINARY STORAGE
1ST FLOOR	100	50			6	COMM	TWO STORES AND VACANT SPACE
2ND FLOOR	100	40			6		STORE AND ACC. TO BE USED IN CONJ. WITH 1ST FLOOR STORE ON THE SOUTH SIDE
3RD TO 5TH FLOORS							TO REMAIN VACANT
			COMMERCIAL OLD CODE				

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED
WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES
OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.

OPEN SPACE USES

(SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.G.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS
A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND
SPECIFICATIONS NOTED ON THE REVERSE SIDE.

Valery...

BOROUGH SUPERINTENDENT

COMMISSIONER

☐ ORIGINAL☒ OFFICE COPY - DEPARTMENT OF BUILDINGS☐ COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the WEST side of ORCHARD STREET
 distant 41'-0" NORTH feet from the corner formed by the intersection of
 STANTON STREET and
 running thence _____ feet; thence _____ feet;
 thence NORTH 26'-0" WEST 88'-0" feet;
 thence SOUTH 26'-0" EAST 88'-0" feet;
 thence _____ feet; thence _____ feet;
 to the point or place of beginning.

PLAT No. 845/89 DATE OF COMPLETION 3/17/92 CONSTRUCTION CLASSIFICATION CLASS 3NON-FIRE-
 BUILDING OCCUPANCY GROUP CLASSIFICATION HEIGHT 5 STORIES, 56'-0" FEET PROOF
 COMMERCIAL

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM			AUTOMATIC SPRINKLER SYSTEM		
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM					

STORM DRAINAGE DISCHARGES INTO:

A) STORM SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

SANITARY DRAINAGE DISCHARGES INTO:

A) SANITARY SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. _____

CITY PLANNING COMMISSION CAL. NO. _____

OTHERS: _____