



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD 3
 59 East 4th Street - New York, NY 10003
 Phone (212) 533-5300
 www.cb3manhattan.org - info@cb3manhattan.org

Alysha Lewis-Coleman, Board Chair
 Manager

Susan Stetzer, District

Community Board 3 Liquor License Stipulations for Administrative Approval

I, John Henninger, as a qualified representative of Dan and Johns LLC, located at 135 1st Ave, New York, NY 10003, New York, NY agree to the following stipulations:

- 1. I will operate a full-service restaurant, specifically a (type of restaurant) Chicken wing restaurant
 Kitchen open and serving food every night during all hours of operation.
- 2. My hours of operation will be:
 Mon 12:00PM - 12:00AM ; Tue 12:00PM - 12:00AM ; Wed 12:00PM - 12:00AM ;
 Thu 12:00PM - 12:00AM ; Fri 12:00PM - 12:00AM ; Sat 12:00PM - 12:00AM ; Sun 12:00PM - 12:00AM .

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

- 3. I will not use outdoor space for commercial use.
- 4. I will operate my sidewalk café no later than _____
- 5. I will employ a doorman/security personnel on the following days: _____
- 6. I will install soundproofing, _____
- 7. I will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances. I will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances.
- 8. 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 _____
- 9. I will play ambient recorded background music only.
- 10. I will not apply for an alteration to the method of operation or for any physical alterations of any nature without first coming before CB 3.
- 11. I will not seek a change in class to a full on-premise liquor license without first obtaining approval from CB 3.
- 12. I will not participate in pub crawls or have party buses come to my establishment.
- 13. I will not have unlimited drink specials, including boozy brunches, with food.
- 14. I will not have a happy hour or drink specials with or without time limitations OR I will have happy hour and it will end by 6:00 PM .
- 15. I will not have wait lines outside. I will have a staff person responsible for ensuring no loitering, noise or crowds outside.
- 16. I will conspicuously post this stipulation form beside my liquor license inside of my business.
- 17. Residents may contact the manager/owner at the number below. Any complaints will be addressed immediately. I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: John Henninger Phone Number: (716) 867-1777

18. I will:

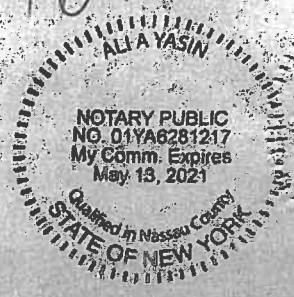
I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

Signed [Signature]

Dated 1/12/18

Sworn to this 12th day of January 2018

[Signature]
Notary Public





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Susan Stetzer, District Manager

Community Board 3 Liquor License Application Questionnaire

Today's Date: January 10, 2018

APPLICANT

1. Name of applicant and principle(s): Dan and Johns LLC: Dan Borowski, John Henninger, Pat Haidon
2. Premise address: 135 1st Avenue, New York, NY 10003
3. Cross streets: St. Mark's Place & E 9th Street
4. Trade name (DBA): Dan and John's Wings
5. Check which you are applying to: New liquor licence Alteration of an existing license Sale of assets
6. If alteration, describe nature of alteration: N/A
7. Is location currently licensed? Yes No
8. Type of license: N/A
9. Previous or current use of the location: Wine Bar
10. Corporation and trade name of current location: MSAM Inc DBA Rustico
11. Type of building and number of floors: Mixed Residential and Commercial multi-unit with 5 floors
12. Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use? Yes No 12a. What is the permitted occupancy indoors and outdoors? 74
13. Do you plan to apply for Public Assembly permit? Yes No
14. What is the zoning designation (check zoning using nap: <http://gis.nyc.gov/doitt/nycitymap/> - please give specific zoning designation, such as R8 or C2): R7A
15. How many licensed establishments are within 1 block? 20 RW & 20 OP
16. How many On-Premise (OP) liquor licenses are within 500 feet? 30
17. Is premise within 200 feet of any school or place of worship? Yes No

PROPOSED METHOD OF OPERATION

18. Describe your method of operation: Restaurant serving food, beer and wine
19. Will any other business besides food or alcohol service be conducted at premise? Yes No
20. If yes, please describe what type: N/A
21. What are the proposed days/hours of operation (specify days/hours each day and hours of outdoor space if applicable):
12:00PM - 12:00AM every day 22. Total number of table: 10 23. Total number of seats: 35

- 24. How many stand-up bars/ bar seats are located on the premise? 1 bar/ 6 seats (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.)
- 25. Describe all bars (length, shape, and location): Rectangular bar next to entrance: 6 ft x 2.5 ft
- 26. Does premise have a full kitchen? Yes No
- 27. What are the hours kitchen will be open? All open hours: 12:00PM - 12:00AM
- 28. What type of food is available for sale? Chicken wings with many flavor options
- 29. Will a manager or principal always be on site? Yes No If yes, which? John or Dan
- 30. How many employees will there be? 12
- 31. Do you have or plan to install French doors accordion doors or windows?
- 32. Will there be TVs/monitors? Yes No (If Yes, how many?) 4
- 33. Will premise have music? Yes No 33a. If Yes, what type of music? Live Music Juke box DJ Tapes/CDs/iPod
- 34. If other type, please describe: _____
- 35. What will be the music volume? Background (quiet) Entertainment level
- 36. Please describe your sound system: 4-6 speakers hanging around restaurant
- 37. Will you host any promoted events, scheduled performances or any event at which a cover fee is charged? Yes No
- 38. If Yes, what type of events or performances are proposed and how often? N/A
- 39. How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? We don't anticipate vehicular traffic & crowds on the sidewalk to be caused by our establishment
- 40. Will there be security personnel? Yes No 40a. If Yes, how many and when? _____
- 41. How do you plan to manage noise inside and outside your business so neighbors will not be affected? Keep windows and doors closed to keep in noise and post sign outside asking patrons to be mindful of neighbors
- 42. Do you have sound proofing installed? Yes No 43. If not, do you plan to install sound-proofing? Yes No

APPLICANT HISTORY

- 44. Has this corporation or any principal been licensed previously? Yes No If yes, please indicate name of establishment(s): Dan and Johns LLC
- 45. Address: 135 1st Ave, Store 4, New York, NY 10003 47. Community Board # 3
- 46. Dates of operation: 10/2015 to Present
- 47. Has any principal had work experience similar to the proposed business? Yes No If yes, explanation of experience or resume. proposed business is expansion of current business owned next door
- 48. Does any principal have other businesses in this area? Yes No If yes, give trade name and describe type of business: _____
- 49. 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.

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.