



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD 3
 59 East 4th Street - New York, NY 10003
 Phone (212) 533-5300
 www.cb3manhattan.org - mn03@cb.nyc.gov

Taraake Dorill, Board Chair

Susan Stetzer, District Manager

Community Board 3 Liquor License Application Questionnaire

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

The following items and questionnaire package are due by date listed in email invite:

- Schematics, floor plans or architectural drawings of the inside of the premises.
- A proposed food and or drink menu.

The following items are due by noon Friday before the meeting:

- 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: **TO FOLLOW FROM EVCC**
<https://www1.nyc.gov/site/manhattan-cb3/resources/community-groups.page>
 (this is not required but strongly suggested if a relevant group exists)
- Proof of conspicuous posting of notices at the site for 7 days prior to the meeting (please include newspaper with date in photo or a timestamped photo).

Check which you are applying for:

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

FULL LIQUOR

Check if either of these apply:

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

Today's Date: _____

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

If alteration, describe nature of alteration: _____

Previous or current use of the location: **RESTAURANT**

Corporation and trade name of current license: _____

APPLICANT:

Premise address: **126 ST. MARKS PLACE**

Cross streets: **AVE A - AVE B**

Name of applicant and all principals: **AYS LIBATIONS LLC**

Trade name (DBA): **TO BE DETERMINED**

PREMISE:

Type of building and number of floors: MIXED USE, 6 STORY BUILDING

Does premise have a valid Certificate of Occupancy, including for any back/side yard or roof use?

Yes No What is maximum NUMBER of people permitted HAS AN LNO

What is the zoning designation (check zoning using map: <http://gis.mvr.gov/boam/nyrcity.html> - please give specific zoning designation, such as RB or C2): R8B

PROPOSED METHOD OF OPERATION:

What are the proposed days/hours of operation? (Specify days and hours each day and hours of outdoor space, if applicable) 5 PM - 1 AM 7 days a week

Will any other business besides food or alcohol service be conducted at premise, i.e., retail? Yes No
If yes, please describe what type: _____

Number of indoor tables? 12 Total number of indoor seats? 26

How many stand-up bars/bar seats are located on the premise (number, length, and location) _____

1 L SHAPED BAR 12' x 7' WITH 9 SEATS

(A stand-up bar is any bar or counter -with seating or not- where you can order, pay for, and receive alcohol)

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 _____

JAPANESE CUISINE

What are the hours the kitchen will be open? ALL HOURS OF OPERATION

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

How many employees will there be? 6-8

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

If Yes, what type of music? Live musician Dis Streaming services/playlists

if other type, please describe _____

What will be the music volume? Background (conversational) Entertainment (live music venue level) Please describe your sound system: IPOD

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

If promoted events, please explain the nature in which you plan to promote? Social media / online ads / outside promoters? N/A

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 IMPLEMENT A RESERVATION SYSTEM AND AN ELECTRONIC NOTIFICATION SYSTEM TO AVOID LINES

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. WE WILL HAVE LOW BACKGROUND MUSIC

Is sound proofing installed? Yes No

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

Are there current plans to use the Open Restaurants program for the sale or consumption of alcoholic beverages outdoors? (includes roof & yard) Yes No If Yes, describe and show on diagram:

APPLICANT HISTORY:

Has this corporation or any principal been licensed for sale of alcohol previously? Yes No

If yes, please indicate name of establishment: TABETOMO / AYS SUSHI

Address: 131 AVE A - 120 ST. MARKS PL. Community Board # 3-3

Dates of operation: 4/21/18 - PRESENT + 6/23 - PRESENT

Has any principal had work experience similar to the proposed business? Yes No If Yes, please

attach explanation of experience or resume. Note: failure to disclose previous experience or

information hampers the ability to evaluate this application. SEE ABOVE

Does any principal have other businesses in this area? Yes No If Yes, please give trade name,

address and describe the business SEE ABOVE

Has any principal had SLA reports or action within the past 5 years? Yes No If Yes, attach list of

violations and dates of violations and outcomes, if any.

TABETOMO - 1 CIVIL RIGHTS VIOLATION FOR FACE COVERING - PANA FINE

TABETOMO - 1 VIOLATION FOR AGE RESTRICTED SIGN, WARNING SIGN - PANA FINE

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.

LOCATION:

How many licensed establishments are within 1 block? 18

How many On-Premise (OP) liquor licenses are within 500 feet? 26

Is the premise within 200 feet on the same street of any school or place of worship? Yes No

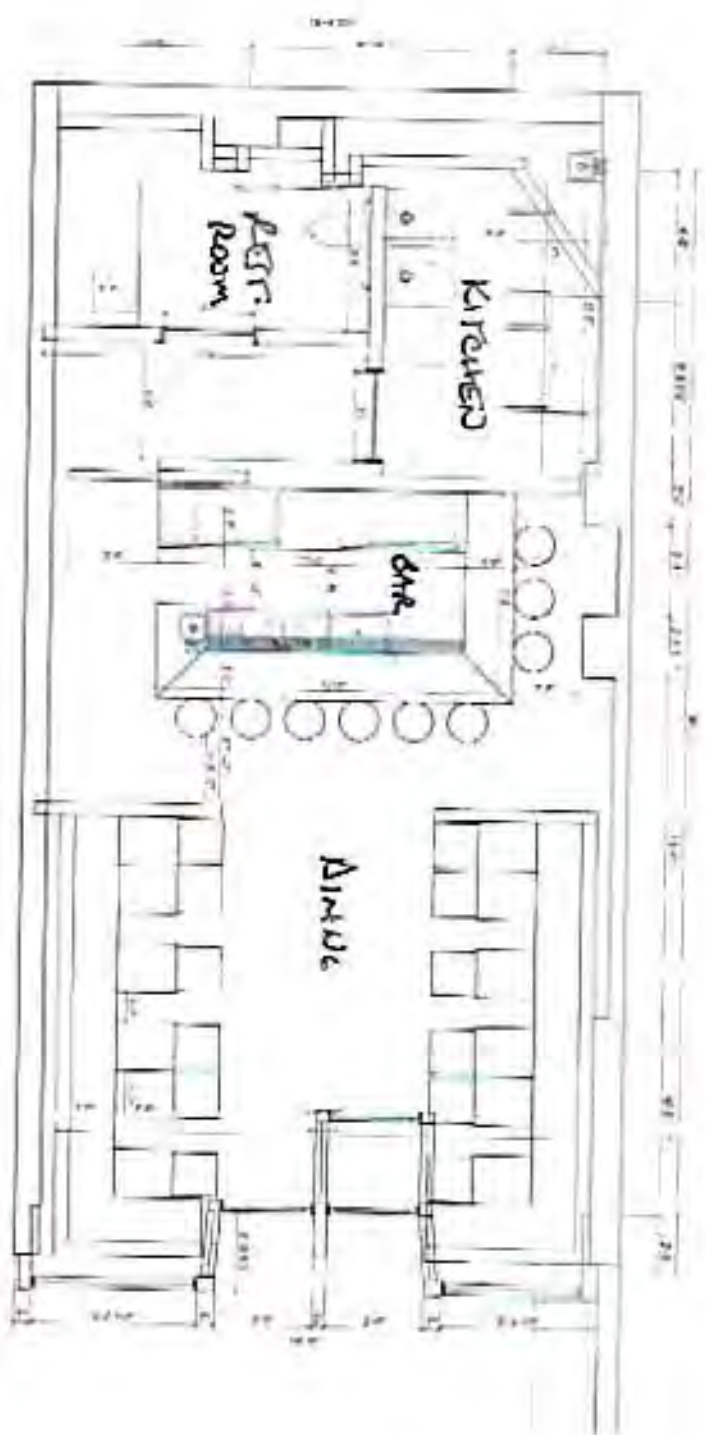
COMMUNITY OUTREACH:

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, but it is not required. 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. My license type is: beer & cider wine, beer & cider liquor, wine, beer & cider
2. I will operate a full-service restaurant, specifically a (type of restaurant) JAPANESE restaurant, or
 I will operate a _____
 with a kitchen open and serving food during all hours of operation OR with less than a full-service kitchen but serving food during all hours of operation OR Other _____
3. My hours of operation will be:
Mon 5 PM - 1 AM ; Tue 5 PM - 1 AM ; Wed 5 PM - 1 AM ;
Thu 5 PM - 1 AM ; Fri 5 PM - 1 AM ; Sat 5 PM - 1 AM ;
Sun 5 PM - 1 AM . (I understand opening is "no later than" specified opening hour, and all patrons are to be cleared from business at specified closing hour.)
4. I will not use outdoor space for commercial use (including Open Restaurants) OR
 I will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors outdoors
5. I will employ a doorman/security personnel; _____
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, or during unamplified performances or televised sports.
- I will have a closed fixed façade with no open doors or windows except my entrance door, which 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, or during unamplified performances or televised sports.
8. I will not have DJs, live music, third-party promoted events, any events at which a cover fee is charged, scheduled performances, more than _____ DJs 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-premises 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 booty brunches, with food.
14. I will not have a happy hour or drink specials with or without time restrictions OR I will have happy hour and it will end by 8 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: TOMMO KUBO
- Phone Number: 917 636-9223



SEEK A GREAT
SOUND LOOK - 1950 FT



**WONDERS OF
WONDERS**

NOMITOMO
122 ST. MARKS PL. NEW YORK, NY 10024

**FLOOR PLAN
PROGRAMMING STRATEGY**
DATE: 09/26/2012 SCALE: 1/4" = 1'-0"

A101

DINNER MENU

BITES

Wagyu marinated skewers

Crispyto (2 pc)

Tama yakitori

Hokkaido uni in shell

Squid and carpaccio

Honeydew truffle

Pan-fried trout

3

12

22

29

32

19

12

SANDOS

Wagyu beef

Kanagawa crispy chicken

Tonkatsu pork cutlet

Golden soft bread

38

24

24

30

YAKITORI

Chicken thigh

Chicken skin

Chicken breast with miso

Chicken mushroom

Chicken cartilage

Chicken finger

Squid

Onion

King oyster mushroom

Japanese pepper

Japanese eggplant

6

6

6

7

6

6

12

11

3

5

5

DESSERT

Japanese fruit sundae

Matcha panna cotta

15

15

**ATTENTION RESIDENTS
& NEIGHBORS**

AYS LISATIONS LLC

Company, The Department of Health and Mental Hygiene

Plans to open a
RESTAURANT

at the following location

126 ST. MARK PL

This establishment is seeking a license to serve

FOOD/ALCOHOL + LIQUOR

There will be an opportunity for public comment on

Monday, February 12, 2024 at 6:30pm

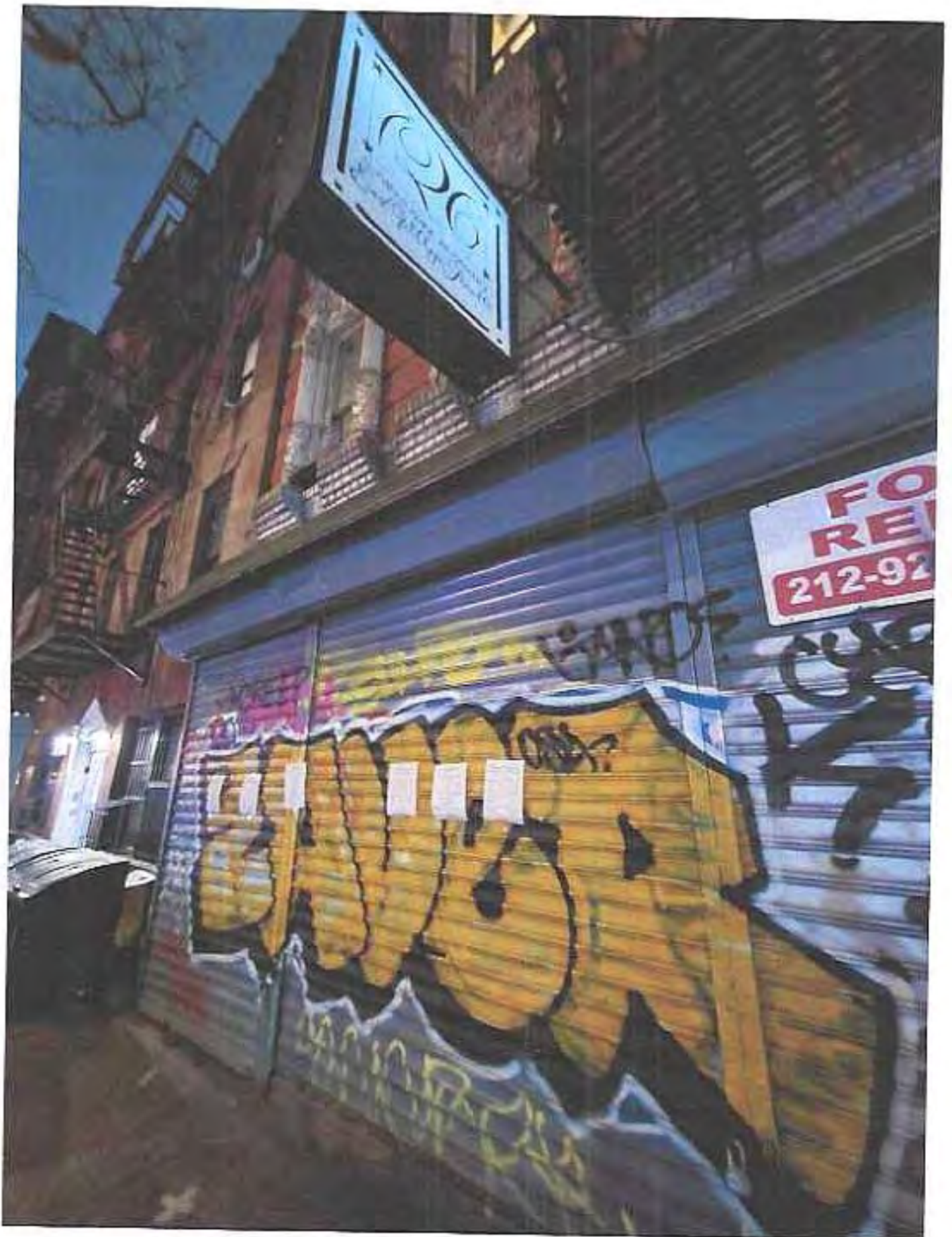
Online: <https://us06web.zoom.us/j/89882152887>

see www.chinamanhattan.org for zoom meeting details

John Smith 476 674 9213

AL COMMUNITY NOTICE
S.A. & DCA Licensing Department Printing
www.doh.ny.gov | www.chinamanhattan.org









This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Map Data Report 0-4

Location	176 St Marks Pl, New York, New York, 10009
Geocode	Latitude: 40.72684 Longitude: -73.98373
Report Generated On	1/10/2024

Neighboring Establishments

Name	Address	Distance
FAST VILLAGE WINES & SPIRITS INC License ID: 0100-23-173702 Legacy Serial No.: 1302367	138 1ST AVE NEW YORK, New York 10009	485 ft
NIZGA LLC License ID: 0100-21-114491 Legacy Serial No.: 1023551	58 AVENUE A NEW YORK, New York 10009	982 ft
SAKAYA INC License ID: 0100-22-116939 Legacy Serial No.: 1169050	324 E 9TH STREET (WEST STORE) 1ST & 2ND AVE. NEW YORK, New York 10003	1,101 ft
DRX NYC LLC License ID: 0100-22-117067 Legacy Serial No.: 1290290	170 AVENUE B STORE SOUTH NEW YORK, New York 10009	1,118 ft
CONVIVI PARTNERS LLC License ID: 0100-22-11/111 Legacy Serial No.: 1290290	196 AVENUE A NEW YORK, New York 10009	1,133 ft
MIAT LIQUORS INC License ID: 0100-22-116312 Legacy Serial No.: 1023526	166 2ND AVE NEW YORK, New York 10003	1,407 ft
JCCSM INC License ID: 0100-23-126146 Legacy Serial No.: 1336591	45 1ST AVE NEW YORK, New York 10003	1,411 ft
S & P LIQUOR & WINE COMP License ID: 0100-22-11/172 Legacy Serial No.: 1281498	87 2ND AVE NORTH STORE NEW YORK, New York 10003	1,455 ft

Additional Information 0-4

Name	Address	Distance
GEORGE JACKSON ACADEMY	101 ST MARKS PL NEW YORK, NY 10009	237 ft

Churches within 500 feet

Name	Distance
The Stannan Lounge	85 ft
Taurus Seventh C	147 ft
St. Mary's American Orthodox Greek Catholic Church	162 ft
CityLight Church	162 ft
Ukrainian Assembly Of God	268 ft
St. Stanislaus Bishop And Martyr RC Church	308 ft
Congregation Messias	480 ft
St Nicholas Of Myra Orthodox Church	495 ft

Food and Beverage License Venues within 250 feet

Name	Address	Distance
LITTLE SAINT INC Application ID: NA-0340-22-136006	121 ST MARKS PL FAST STORE NEW YORK, New York 10009.0	91 ft
TEAM BOUCH 3 LLC Application ID: NA-0340-22-135863	101 AVENUE A NEW YORK, New York 10009.0	381 ft
SOMTUM DER NYC INC Application ID: NA-0340-23-111021	85 AVENUE A STORE 1 NEW YORK, New York 10009.0	594 ft
Schmuck or Die LLC Application ID: NA-0370-24-100075	97 First Ave New York, NY 10003.0	713 ft
MAMAS COOKING II LLC Application ID: NA-0340-23-111661	171 AVENUE A NEW YORK, New York 10009.0	725 ft

Active Tax Permits, Liquor Licenses within 250 feet

Name	Address	Distance
CRIF DOGS ST MARKS LLC License ID: 0340-23-130584 Legacy Serial No.: 1339902	113 ST MARKS PL NEW YORK, New York 10009	88 ft
241 ON ST MARKS CORP License ID: 0340-21-121032 Legacy Serial No.: 1337667	121 ST MARKS PL NEW YORK, New York 10009	91 ft

118 RESTAURANT LLC License ID: 0340-23-138322 Legacy Serial No.: 1322976	118 SAINT MARKS PL NEW YORK, New York 10009	97 ft
BAC 115 CORP License ID: 0340-23-133957 Legacy Serial No.: 1287302	115 ST MARKS PL STORE 1 NEW YORK, New York 10009	105 ft
NONPLUSSÉD L'ÉCHÉRODOMAIN LLC License ID: 0340-22-104968 Legacy Serial No.: 1340150	119 AVENUE A NEW YORK, New York 10009	142 ft
ST DYMPHNAS LLC License ID: 0340-23-136761 Legacy Serial No.: 1316327	117 AVENUE A NEW YORK, New York 10009	178 ft
SADA THIRTE LLC License ID: 0340-22-111058 Legacy Serial No.: 1280002	137 ST MARKS PL NEW YORK, New York 10009	214 ft
TOZZER LTD License ID: 0340-23-132815 Legacy Serial No.: 1063113	112 AVENUE A NEW YORK, New York 10009	236 ft
BUA NEW YORK LLC License ID: 0340-23-134421 Legacy Serial No.: 1154910	122 SAINT MARKS PLACE NEW YORK, New York 10009	274 ft
YUCCA BAR & RESTAURANT INC License ID: 0340-23-132528 Legacy Serial No.: 1142136	111 AVENUE A EAST 7TH STREET NEW YORK, New York 10009	278 ft
WISIBONE PRODUCTIONS INC License ID: 0340-22-106957 Legacy Serial No.: 1026480	141 AVENUE A AKA 442 E 9TH STREET NEW YORK, New York 10009	286 ft
SEVEN A CAFE INC License ID: 0340-21-117831 Legacy Serial No.: 1024665	130 E 7TH STREET AKA 109 AVENUE A NEW YORK, New York 10009	299 ft
LE MIL CORP License ID: 0340-22-106348 Legacy Serial No.: 1167576	107 AVE A 6TH & 7TH STREET NEW YORK, New York 10009	316 ft
RIVKA INC License ID: 0340-22-107112 Legacy Serial No.: 1156097	101 ST MARKS PLACE NEW YORK, New York 10009	428 ft
DEATH & CO EAST VILLAGE LLC License ID: 0340-23-137367 Legacy Serial No.: 1313716	433 E 6TH ST NEW YORK, New York 10009	436 ft
ANIMALS GROUP INC License ID: 0340-22-112472 Legacy Serial No.: 1323498	90 ST MARKS PL AKA 132 151 AVE NEW YORK, New York 10009	442 ft
NOBELTUM RESTAURANT LLC License ID: 0340-22-106213 Legacy Serial No.: 1331700	128 1ST AVE NEW YORK, New York 10009	474 ft
MALA FRODO EAST VILLAGE LLC License ID: 0340-23-112817 Legacy Serial No.: 1319413	122 1ST AVE NEW YORK, New York 10009	481 ft

OT AI OF LLC License ID: 0340-23-133332 Legacy Serial No.: 1347370	94 96 AVENUE A NEW YORK, New York 10009	482 ft
BIG LET AND SASHAS INC License ID: 0340-22-113507 Legacy Serial No.: 1303765	140 1ST AVT NEW YORK, New York 10009	493 ft
LITTLE REDDI, INC License ID: 0340-23-138770 Legacy Serial No.: 1285159	131 1ST AVT NEW YORK, New York 10009	495 ft
OFN HUGGOS LLC License ID: 0340-23-133624 Legacy Serial No.: 1239384	95 AVENUE A AKA 445 E 6TH ST NEW YORK, New York 10009	498 ft
OH RHY TAVERN INC License ID: 0340-23-131602 Legacy Serial No.: 1029322	441 E 6TH STREET NEW YORK, New York 10009	499 ft
T465 CDM INCORPORATED License ID: 0340-23-132483 Legacy Serial No.: 1140940	126 1ST AVENUE NEW YORK, New York 10009	502 ft
CORSICA ENTERTAINMENT INC License ID: 0340-22-106327 Legacy Serial No.: 1170773	526 E 6TH STREET AVENUES A & B NEW YORK, New York 10009	508 ft
DOWN AND OUT BROOKLYN LLC License ID: 0340-22-114888 Legacy Serial No.: 1343228	503 E 6TH ST NEW YORK, New York 10009	503 ft
NUDIRANQUIC LLC License ID: 0340-22-108365 Legacy Serial No.: 1340390	125 127 1ST AVT NEW YORK, New York 10003	506 ft
RA VICTORY CORP License ID: 0340-23-134715 Legacy Serial No.: 1266813	513 E 6TH ST NEW YORK, New York 10009	504 ft
NOWON INC License ID: 0340-22-110668 Legacy Serial No.: 1240827	507 E 6TH ST NEW YORK, New York 10009	501 ft
BOGGY DEPOT INC License ID: 0340-21-116302 Legacy Serial No.: 1117052	85 AVENUE A 5TH & 6TH STREETS NEW YORK, New York 10009	505 ft
CAPIASIA INC License ID: 0340-22-103416 Legacy Serial No.: 1266813	85 AVENUE A STORE 1 FR. OF CIVIL (NEW BARR. TAUF)	512 ft
W.C.O.U. RADIO INC License ID: 0340-23-131121 Legacy Serial No.: 1024104	115 1ST AVENUE NEW YORK, New York 10003	515 ft
KINAPPLE CLUB LLC THE License ID: 0340-22-107448 Legacy Serial No.: 1321225	509 E 6TH ST NEW YORK, New York 10009	502 ft
FL SPRED INC License ID: 0340-22-103615 Legacy Serial No.: 1263574	520 E 6TH ST NEW YORK, New York 10009	506 ft

ARIARI NYC LLC License ID: 0340-23-135931 Legacy Serial No.: 1302665	119 1ST AVE NEW YORK, New York 10003	591 ft
HALLINGERS DV LLC License ID: 0340-22-114226 Legacy Serial No.: 1317190	85 AVENUE A LOWE'S SOUTHERN STORE #5 NEW YORK, New York 10009	596 ft
AVE A KARAOKE CORP License ID: 0340-23-123379 Legacy Serial No.: 1110686	81 AVENUE A 5TH & 6TH STREETS NEW YORK, New York 10009	596 ft
BARMAR LLC License ID: 0340-27-109750 Legacy Serial No.: 1108851	77 51 MARKS PLACE NEW YORK, New York 10003	635 ft
TACXIFRIA SAINT MARKS PLACE INC. License ID: 0340-23-139171 Legacy Serial No.: 1282265	79 SAINT MARKS PL NEW YORK, New York 10003	636 ft
JARLENE CORP License ID: 0340-22-112176 Legacy Serial No.: 1290490	160 1ST AVE NEW YORK, New York 10009	651 ft
JUSTIFIED LLC License ID: 0340-22-102817 Legacy Serial No.: 1246284	102 1ST AVENUE NEW YORK, New York 10009	654 ft
HOUSE OF HEALTH HEALING AND HAPPINESS INC, THE License ID: 0340-21-120792 Legacy Serial No.: 1275274	405 E 6TH ST NEW YORK, New York 10009	658 ft
CAFE MOCHA INC License ID: 0340-23-129124 Legacy Serial No.: 1356576	111 1ST AVE NORTH SIDE NEW YORK, New York 10003	662 ft
75 ST MARKS PLACE LLC License ID: 0340-22-116689 Legacy Serial No.: 1262361	75 ST MARKS PL NEW YORK, New York 10003	665 ft
PAI LY MC CARTHY'S INC. License ID: 0340-23-131650 Legacy Serial No.: 1024662	189 AVENUE A NEW YORK, New York 10009	674 ft
FIRST HOSPITALITY LLC License ID: 0340-22-109297 Legacy Serial No.: 1306241	105 1ST AVE NEW YORK, New York 10009	677 ft
ATDTH KITCHEN GROUP INC License ID: 0340-22-105759 Legacy Serial No.: 1326371	162 AVENUE A NEW YORK, New York 10009	677 ft
SIDNEY'S FIVE LLC License ID: 0340-23-133664 Legacy Serial No.: 1336676	103 1ST AVE NEW YORK, New York 10003	690 ft
JAMIE COFFEE LLC License ID: 0340-22-109455 Legacy Serial No.: 1306543	81 E 7TH ST NEW YORK, New York 10003	704 ft
HEADLESS WIDOW LLC, THE License ID: 0340-23-132059 Legacy Serial No.: 1317372	99 1ST AVE NEW YORK, New York 10003	719 ft

MARRY THE KETCHUP INC License ID: 0340-22-106/03 Legacy Serial No.: 1265101	95 1ST AVE NEW YORK, New York 10003	722 ft
BLUFF & GOLD BAR INC License ID: 0340-23-131447 Legacy Serial No.: 1024187	79 E 7TH STREET GROUND FLOOR STORE NEW YORK, New York 10003	733 ft
AGN RESTAURANT LLC License ID: 0340-23-136037 Legacy Serial No.: 1295706	166 1ST AVE NEW YORK, New York 10009	746 ft
CORMAK INCORPORATED License ID: 0340-23-132733 Legacy Serial No.: 1208157	507 E 5TH ST AVENUE A & AVENUE B NEW YORK, New York 10009	748 ft



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NYC Department of Buildings

Actions

Elevator violations for failure to file Periodic, Category 1, Category 5 and Affirmation of Correction issued in August 2023 or later are only available in DOB NOW: Safety. Search the [DOB NOW public portal](#) for these records.

Boiler violations for failure to file internal and external inspection reports and affirmation of correction issued in November 2023 or later are only available in DOB NOW: Safety. Search the [DOB NOW public portal](#) for these records.

Page: 1

Premises: 126 ST MARKS PLACE MANHATTAN

BIN: [1005834](#) Block: 435 Lot: 27

NUMBER	TYPE	FILE DATE
LNO 2148	LETTER OF NO OBJECTION	05/22/2012
LNO Use: APPROVED EATING/DRINKING ESTB USE GRP#8		
LNO Floor: FIRST (1ST) FLOOR		
NB 785-03*	NEW BUILDING	00/00/1903
PR5 1314-56	PLUMBING REPAIR SLIP	00/00/1956
UB 198-13*	UNSAFE BUILDING	00/00/1913
V* 082096CB3S101	DOB VIOLATION - DISMISSED	08/20/1996
V* 082096CB3S102	DOB VIOLATION - DISMISSED	08/20/1996
V* 011807LL629102178	DOB VIOLATION - DISMISSED	01/19/2007
VEC* 102203C3CW04	ECB VIOLATION DISMISSED	10/22/2003
VEC* 101101CELSM501	ECB VIOLATION DISMISSED	10/11/2001
VEC* 101703C3CW01	ECH VIOLATION DISMISSED	10/17/2003
VEL* 110503CNELA01	VIOLATION ECB LIEN DISMISSED	11/05/2003

Select Violation Type: [Show All Violations](#)

Refresh

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.

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

163 West 125th Street
New York, NY 10027

535 Washington Street, Suite 305
Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

1313064, NEW YORK RW 1313064

967-2021/Case No. 153831

AYS NOODLE COMPANY LLC
TABETOMO
131 AVENUE A
NEW YORK, NY 10009

PLEASE TAKE NOTICE, that pursuant to Section 118 of the Alcoholic Beverage Control Law you are required to answer by mail as provided below, or in person with proper photo ID at the office of the Division of Alcoholic Beverage Control, Adam Clayton Powell Jr. SOB, 163 West 125th Street, 8th Floor, New York, New York 10027, on **04/28/2021, at 11:00 AM**, in connection with proceedings to cancel or revoke the above-referenced license, and to plead to the following charge(s):

1. That on or about February 4, 2021, in violation of rule 48.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], the licensee did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations, to wit: Governor's Executive Order 202.16 (as date-extended) and associated posted NYSLA and NYSDOH Guidance regarding face coverings, all cause for revocation, cancellation or suspension of the license in accordance with rule 23.1(f) of the Rules of the State Liquor Authority [9 NYCRR 23.1(f)].
2. That on or about February 4, 2021, in violation of rule 48.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], the licensee did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations, to wit: Governor's Executive Order 202.81 (as date-extended) and associated posted NYSLA and NYSDOH Guidance regarding indoor dining within New York City; all cause for revocation, cancellation or suspension of the license in accordance with rule 23.1(f) of the Rules of the State Liquor Authority [9 NYCRR 23.1(f)].
3. That on or about February 8, 2021, in violation of rule 48.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2], the licensee, through the actions and/or inactions of its principals, and/or its agents and employees, failed to exercise a high degree of supervision over the conduct of the licensed business.

Face
Coverings
Covid
Posting

PLEASE TAKE NOTICE THAT YOUR FAILURE TO PLEAD WILL BE DEEMED A "NO CONTEST" PLEA AND NO FURTHER HEARING WILL BE HELD.

PLEASE TAKE FURTHER NOTICE that you may be represented by counsel.

PLEASE TAKE FURTHER NOTICE that you may plead to the charge(s) by mail instead of by personal appearance provided that a letter signed by you or your attorney, setting forth your plea of "Not Guilty" or "No Contest" is received by the Office of Counsel of the Division of Alcoholic Beverage Control at the above New York City address on or before the pleading date specified above.

PLEASE TAKE FURTHER NOTICE that the maximum penalty may be a revocation and forfeiture of the Bond filed by you, and or a civil penalty. In addition, if the Authority revokes the license, the Authority may proscribe the issuance of a license at the premises for a period of two years from the date of revocation of the license.

PLEASE TAKE FURTHER NOTICE: If you plead not guilty to the charge(s), a hearing will thereafter be scheduled at which you may appear with counsel, produce witnesses, and introduce evidence in your behalf.

PURSUANT TO SECTION 301 of the State Administrative Procedure Act and Executive Order Number 26, interpreter services shall be made available to licensees, at no charge, by the Authority.

Licensee's name and residence address
TOMOTSUGO, KUBO
322 GATES AVE APT 3L, BROOKLYN, NY 11216

Licensee's Landlord
SEE NOTES
5 GRACE AVE, GREAT NECK, NY 11021

Notice to Landlord: As stated above, in the event the disposition of this case results in a Revocation of the

Date: 03/29/2021

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Office of Counsel
by: Alexander Lloyd
163 West 125th Street, 8th Floor
New York, New York 10027

tel: (212) 961-5702

Fax: (212) 961-8316

IN THE MATTER OF THE PROCEEDING

Serial No.: 1313061, NEW YORK RW 1313061
Issued to: AYS NOODLE COMPANY LLC
Docket No.: 967-2021, Case # 152831

BILL OF PARTICULARS

On February 4, 2021, at approx. 6:02pm, an SLA investigator inspected the licensed premises for potential Executive Order violations. One employee was not wearing a facemask. There was a fully enclosed dining structure in front of the licensed premises on the street with three entrances/exits covered with plastic drapes, small openings between the walls and the roof, and two patrons dining inside. Some tables were separated by dividers from the floor to the roof. This conduct demonstrates a failure to exercise adequate supervision over the licensed premises.

PLEADING AND HEARING PROCEDURE

If you enter a plea of "No Contest" on or before 04/28/2021, subject to final review and determination by the Members of the Authority, the penalty imposed will be: **\$5,000 CIVIL PENALTY**

PLEASE NOTE: Monetary penalties are not due at this time.

If you enter a plea of "No Contest" after the date and time specified above, or if you change your plea from not guilty to no contest after the date and time specified above, a penalty different than the penalty stated above may be imposed. However, any penalty imposed will not exceed the maximum penalty specified on page one of this notice. If you enter a plea of not guilty, a hearing on the charge(s) will be held at the Office of the State Liquor Authority. The date and location of the hearing will be confirmed by a Notice of Hearing, which will be sent under separate cover.

A deferred suspension means you will not lose your privilege to sell alcoholic beverages for this violation. If there is another violation within 12 months, the number of days deferred may be added to the penalty on the subsequent violation.

A forthwith suspension means you will lose your privilege to sell alcoholic beverages for the number of days specified.

I would like to plead as follows to the violation(s): **CHECK ONE LINE.**

NOT GUILTY

NO CONTEST PLEA, conditioned upon the above terms.

Dated: 4/27/2021

Tomotsugu Kubo

Signature of Licensee or Representative

(Representative must submit Notice of Appearance form)

RETURN THIS FORM TO:

Division of Alcoholic Beverage Control
Office of Counsel
Attn: Lloyd Alexander
163 West 125th Street
5th Floor
New York, NY 10027

Please print name and telephone number:

Name: Tomotsugu Kubo

Telephone #: 424-344 8149

April 27th, 2021

AYS Noodle Company LLC

To the Board:

We plead conditional no contest to the violations. We ask the board for a smaller fine in light of the pandemic and the financial hardship we have experienced. The pandemic has forced businesses like ours in the hospitality industry to invest in outdoor accommodations for customers in light of the executive order banning indoor dining. While we believe the structure was thoroughly ventilated, the inspector did not. We do our best to follow the guidelines as set forth by the New York State government, but these rules have changed over and over again. As a small business with limited staff, we do the best we can. The inspector also cited an employee had his/her mask pulled down. We stress the importance of adhering to the rules to our staff and wearing mask at all times. Our employees are wearing masks at all times, but is it not possible for an employee to pull it down for a moment? We understand it is not the board's responsibility to care for such things, but we ask for some humanity during such trying times.

AYS Noodle Company LLC (d.b.a. *TakeTomo*) is a Japanese noodle artisan restaurant, located in East Village, that is dedicated to a premium dining experience and streamlined operations. Since opening, the team has been dedicated to the highest levels of cleanliness and regulatory compliance. This is evidenced by (1) the restaurant's consistent track record of "A" ratings in its Department of Health inspections, (2) the spotless track record that it historically has had with all governing bodies of New York City and New York State, including the State Liquor Authority, and (3) the consistently positive and confirmatory feedback that the team has received in its annual inspections with the NYC Small Business Services department.

Furthermore, the hospitality group has taken multiple steps over the last 12 months to further empower the managerial team in the restaurant's pursuit of industry-leading standards, including (i) quarterly training sessions with the restaurant staff and (ii) periodic voluntary status updates to the Department of Health on our actions. This unwavering dedication to the restaurant's comprehensive compliance is intended and pursued, even during the COVID pandemic and during these volatile times with changing regulatory guidance. The safety of our staff and customers is our absolute top priority. We expect our team to provide hospitality with care and excitement, and to do so, we hire and train employees who can extend this level of hospitality on a standout basis. Our culture is instilled from the top-down and the partners of this business are determined to rectify, if not already, all violations on the record.

It should be noted that we take these inspections and letters from the SLA very seriously. Our restaurant group is suffering from an existential threat from COVID. Minimum wage remains as it was, landlords are unwavering in their asks for rent, costs of utilities remain high; all of this is compounded by the fact that our customer traffic dropped by over 70% vs. our 2019 average.

STATE OF NEW YORK
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL

10 South Street, Suite 900
 Albany, NY 12210-5002

163 West 125th Street
 New York, NY 10027

555 Washington Street, Suite 101
 Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

121084, NEW YORK RW 121064

465-2020-Case No. 142677

AYS NUGGLE COMPANY LLC
 TARE TOMO
 371 AVENUE A
 NEW YORK, NY 10009

PLEASE TAKE NOTICE, that pursuant to Section 115 of the Alcoholic Beverage Control Law and amendments thereto by and as provided herein, an in person with proper photo ID, at the office of the Division of Alcoholic Beverage Control, Adam Clayton Powell Jr. SCB, 163 West 125th Street, 5th Floor, New York, New York 10027 on 07/08/2020 at 11:20 AM, at connection with proceedings as stated in the above-referenced form, and to plead to the following charges:

1. The respondent is in violation of Section 44-1 of the Rules of the State Liquor Authority (9 NYCRR 44-1) in that it did not comply with all applicable labeling codes and/or labels, safety and governmental regulations, all state for regulations, conditions or requirements for liquor as required by the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1).
2. The respondent is in violation of Section 44-1 of the Rules of the State Liquor Authority (9 NYCRR 44-1) in that it did not comply with all applicable labeling codes and/or labels, safety and governmental regulations, all state for regulations, conditions or requirements for liquor as required by the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1).
3. The respondent is in violation of Section 44-1 of the Rules of the State Liquor Authority (9 NYCRR 44-1) in that it did not comply with all applicable labeling codes and/or labels, safety and governmental regulations, all state for regulations, conditions or requirements for liquor as required by the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1).
4. The respondent is in violation of Section 44-1 of the Rules of the State Liquor Authority (9 NYCRR 44-1) in that it did not comply with all applicable labeling codes and/or labels, safety and governmental regulations, all state for regulations, conditions or requirements for liquor as required by the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1) and the rules of the State Liquor Authority (9 NYCRR 44-1).

FILED
 EXP
 H.P.
 WONG
 SIGN

PLEASE TAKE NOTICE that pursuant to Section 115 of the Alcoholic Beverage Control Law and amendments thereto by and as provided herein, an in person with proper photo ID, at the office of the Division of Alcoholic Beverage Control, Adam Clayton Powell Jr. SCB, 163 West 125th Street, 5th Floor, New York, New York 10027 on 07/08/2020 at 11:20 AM, at connection with proceedings as stated in the above-referenced form, and to plead to the following charges:

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STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

89 South Swan Street, Suite 900
Albany, NY 12210-8002

163 West 125th Street
New York, NY 10027

535 Washington Street, Room 203
Buffalo, NY 14203

Date: 06/16/2020

Licensee's name and residence address:
TOMOLINO, ERIC
7157 ALMEREY ST, LOW 4804118, CA 90045

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Licensee's Employer:
MILITARY
800 RACE AVE, GREAT NECK, NY 11021

Office of *Legal*
by: Roger F. Wilkory, Associate Attorney
163 West 125th Street, 8th Floor
New York, New York 10027

Notice to Licensee: As stated above, in the event the
Department of Taxation and Finance issues a Repeal of the
License, the Authority may impose, as part of the penalty,
any and all penalties not against the possession of any alcoholic
beverage for or against members.

Tel: (212) 961-4343
Fax: (212) 961-4348

Registered Mail # 7018 1810 0990 2540 2471