



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 your proposed location. Petition must give proposed hours and method of operation. For example: restaurant, sports bar, combination restaurant/bar. (petition provided)
- Letter of notice of proposed business to block or tenant association if one exists. E-mail the CB3 office at info@cb3manhattan.org for help to find block associations.
- 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: 9/26/13

**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.**

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

If alteration, describe nature of alteration: \_\_\_\_\_

Previous or current use of the location: RESTAURANT

Corporation and trade name of current license: SALMON, LLC DBA KASITSU

**APPLICANT:**

Premise address: 412-414 E 9th St. New York, NY 10009

Cross streets: FIRST AVE + AVENUE A

Name of applicant and all principals: Cagen Restaurant LLC

Toshio Tomita, Salvatore Rutigliano

Trade name (DBA): Cagen

**PREMISE:**

Type of building and number of floors: Residential townhouse 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 certificate of occupancy for back or side yard intended for commercial use?  Yes  No

Indoor Certificate of Occupancy \_\_\_\_\_ Outdoor Certificate of Occupancy \_\_\_\_\_  
(fill in maximum NUMBER of people permitted)

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

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

Is this premise wheel chair accessible?  Yes  No

**PROPOSED METHOD OF OPERATION:**

What type of establishment will this be (i.e.: restaurant, bar, performance space, club, hotel)?

Restaurant

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) Tuesday through Sunday

From 5:30 pm to 11:30 pm

Number of tables? 10 Number of seats at tables? 33

How many stand-up bars/bar seats are located on the premise? None

(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): \_\_\_\_\_

Any food counters?  Yes  No If Yes, describe: Sushi Bar

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

What are the hours kitchen will be open? 1:00 pm to 12:00 am

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

How many employees will there be? 6-7

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

Will you agree to close any doors and windows at 10:00 P.M. every night?  Yes  No

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 \_\_\_\_\_

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

Please describe your sound system: \_\_\_\_\_

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

How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? Please attach plans.

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 or  plan to install sound-proofing? 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.

**LOCATION:**

How many licensed establishments are within 1 block? \_\_\_\_\_

How many licensed establishments are within 500 feet? \_\_\_\_\_

Is premise within a 500 foot radius of 3 or more establishments with OP licenses?  Yes  No

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

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

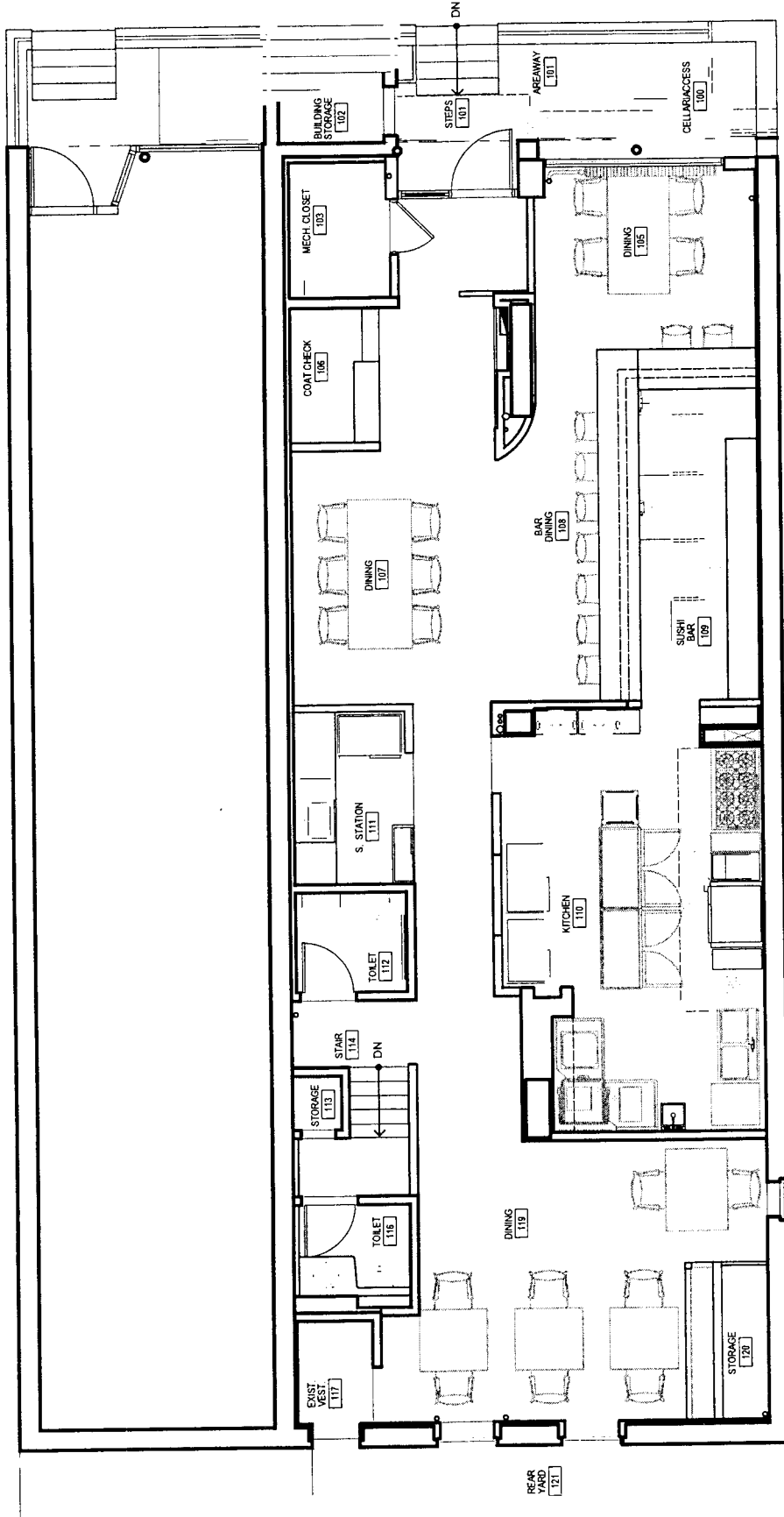
If there is a school or place of worship within 200 feet of your premise on the same block, submit a block plot diagram or area map showing its location in proximity to your premise and indicate the distance and name and address of the school or house of worship.

**COMMUNITY OUTREACH:**

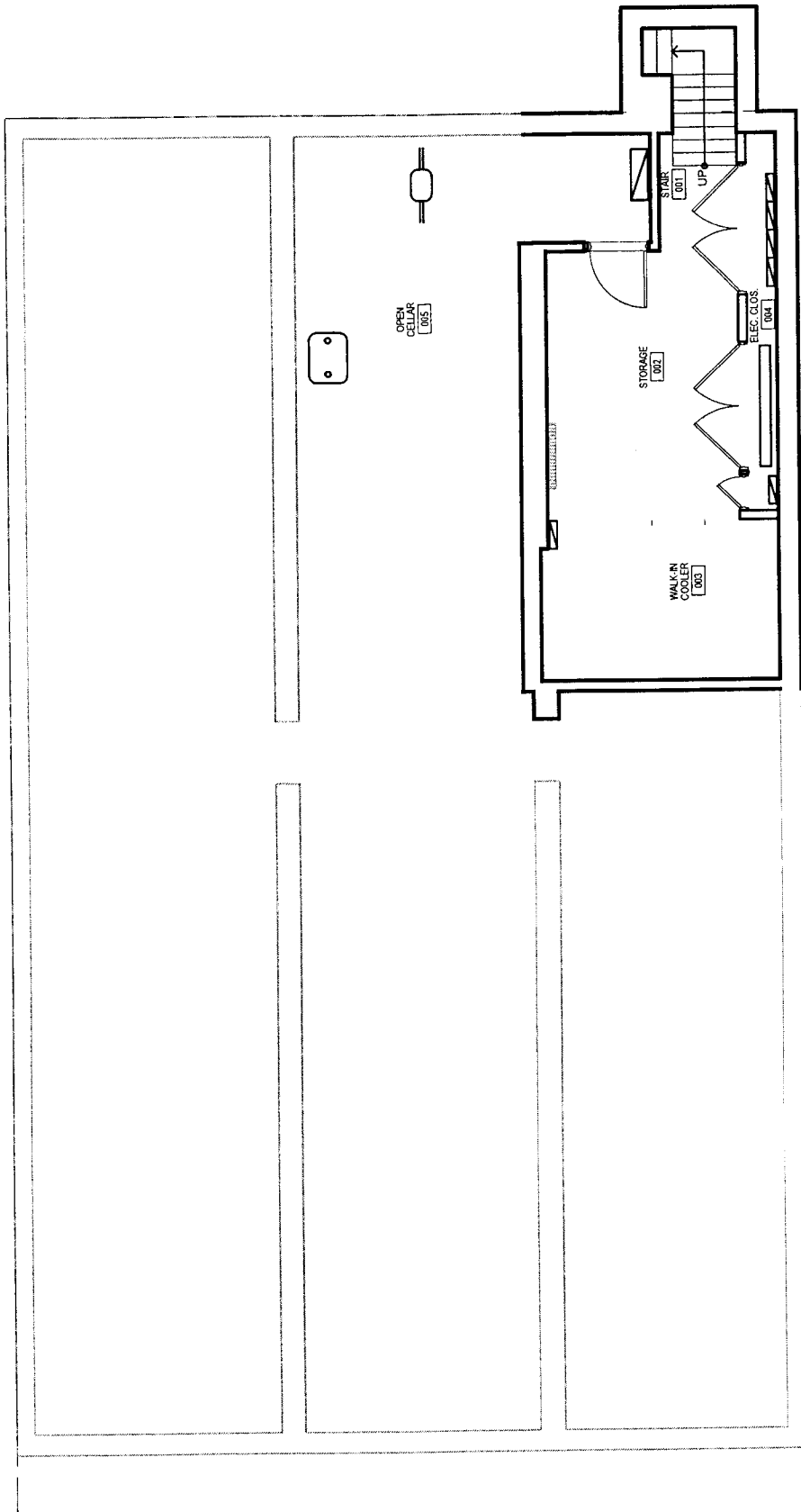
If there are block associations or tenant associations in the immediate vicinity of your location, you must contact them. **Please attach proof (copies of letters and poster) that you have advised these groups of your application with sufficient time for them to respond to your notice.** You may contact the Community Board at [info@cb3manhattan.org](mailto:info@cb3manhattan.org) for any contact information.

**Please 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).

THE 9TH STREET BLOCK ASSOCIATION HAS ENTERED INTO MEMORANDUM OF UNDERSTANDING WITH APPLICANT, COPY ATTACHED.



414 EAST 9TH STREET  
 BASEMENT PLAN  
 1450 SF



414 EAST 9TH STREET  
CELLAR PLAN  
260 SF

**ARTHUR LEVINE**  
Attorney at Law

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Tel: (212) 808-4270  
Fax: (212) 687-6856

211 East 43rd Street, Suite 2000  
New York, NY 10017  
alevinelaw@hotmail.com

March 25, 2013

**By Email**

Manhattan Community Board No.3  
59 East 4<sup>th</sup> Street  
New York, NY 10003

Att: SLA & DCA Licensing Committee  
Re: Application of Cagen Japanese LLC.  
Premises: 412-414 East 9<sup>th</sup> Street, New York, NY

To whom it may concern:

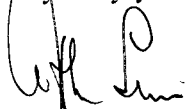
I am the attorney representing the above referenced Applicant for a Restaurant Wine and Beer License which Applicant is purchasing the assets of current occupant and Licensee, Suimon, Inc., d/b/a Kajitsu.

Attached is Questionnaire, with photographs, Floor Plan, and menu any additional items required will be brought to the meeting on April 8, 2013, which I will attend.

Also attached is Memorandum of understanding entered into by the Applicant and the 9<sup>th</sup> Street A-1 Block Association, in which the residents agree not to oppose a soft liquor license, in consideration of the undertakings by Applicant as set forth in the MOU.

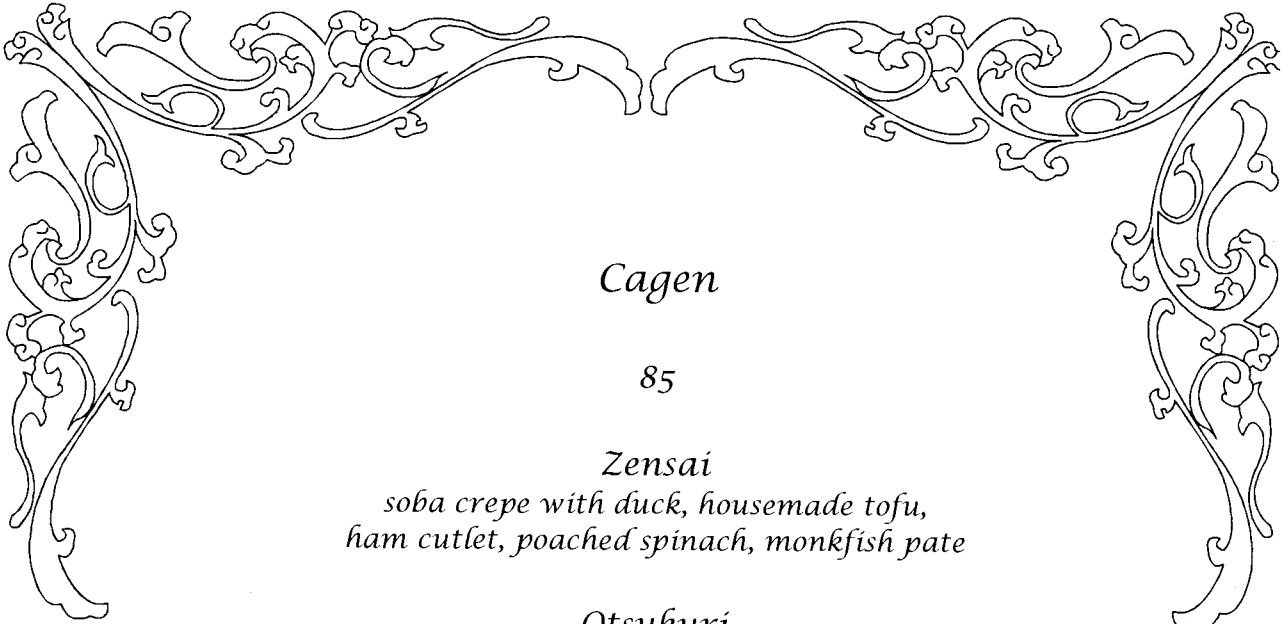
It is requested that in view of the agreement with the Block Association that the Petition requirement be waived.

Very truly yours,



ARTHUR LEVINE

AL:fn  
Encl.  
CC: Cagen Japanese, LLC.



*Cagen*

85

*Zensai*

*soba crepe with duck, housemade tofu,  
ham cutlet, poached spinach, monkfish pate*

*Otsukuri*

*maguro, salmon, white fish*

*Oshinogi*

*housemade soba noodles*

*Yakimono*

*Grilled seasonal fish*

*Agemono*

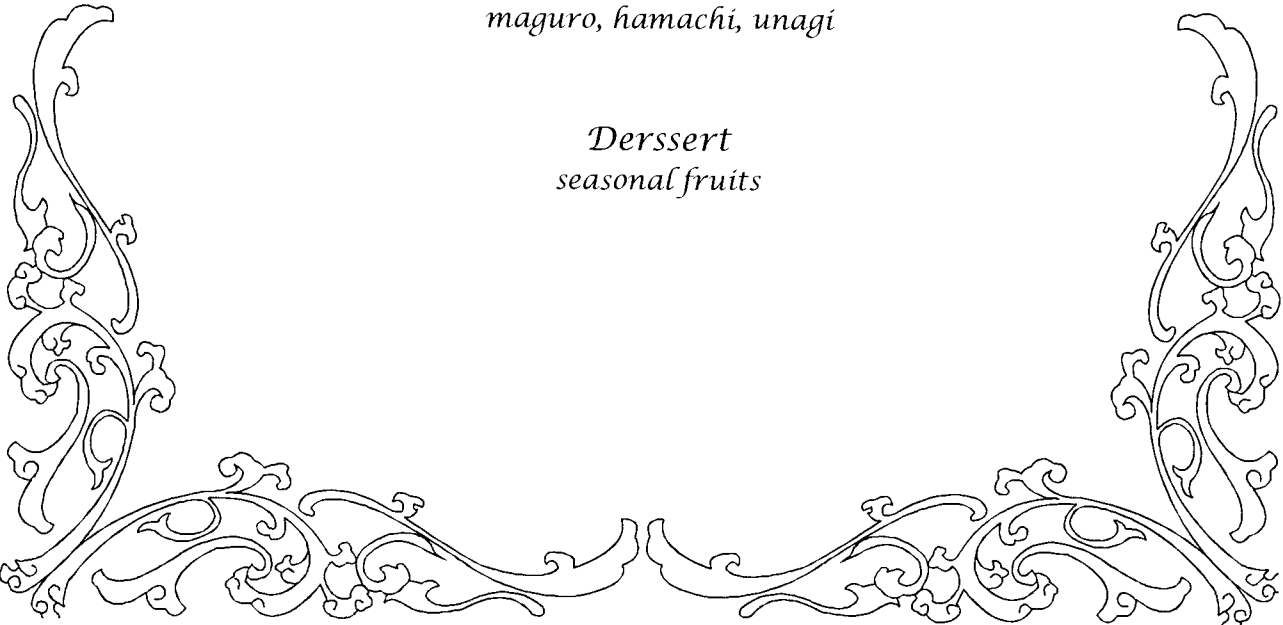
*deep fried softshell crab*

*Sushi*

*maguro, hamachi, unagi*

*Derssert*

*seasonal fruits*







*Cagen*

120

*Zensai*

*soba crepe with duck, housemade tofu,  
ham cutlet, poached spinach, fresh oysters*

*Otsukuri*

*toro, hamachi, white fish*

*Oshinogi*

*housemade soba noodles*

*Yakimono*

*grilled wagyu beef*

*Agemono*

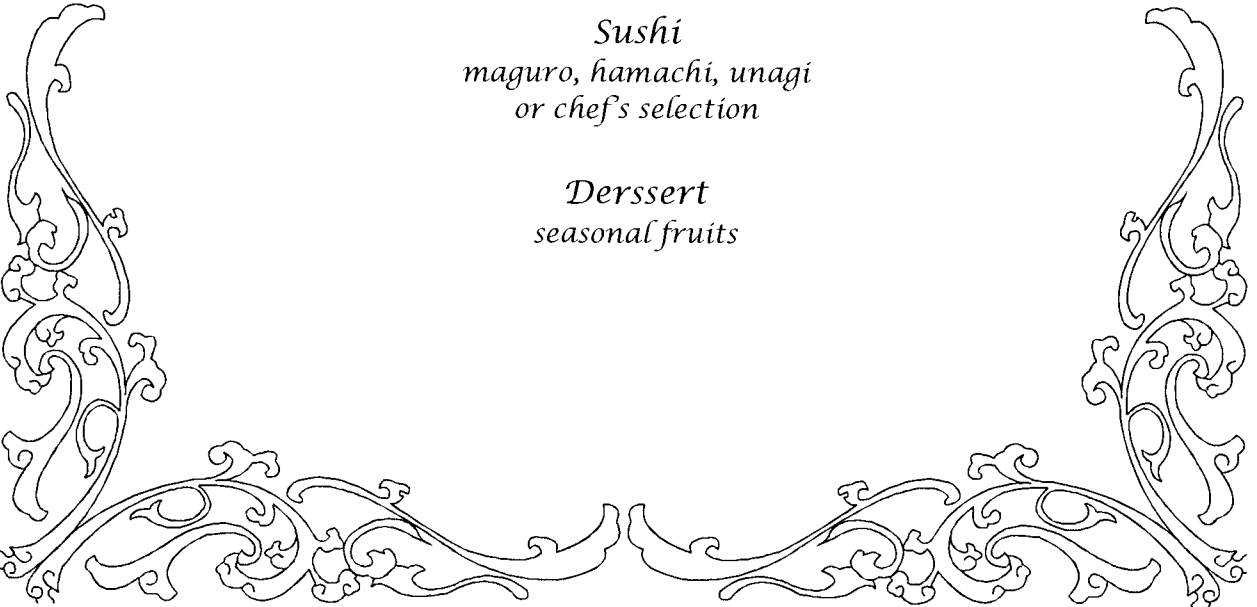
*deep fried softshell crab*

*Sushi*

*maguro, hamachi, unagi  
or chef's selection*

*Derssert*

*seasonal fruits*



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding dated February 25, 2013, is between the 9th Street A-1 Block Association (Residents) and Cagen Japanese LLC ("Cagen") with respect to the liquor license in the storefront at premises known as 414 East 9th Street, New York, NY.

In exchange for the undertakings contained herein, Residents agree not to oppose a soft liquor license to ("premises").

1. Cagen will always be a restaurant, and will never be converted to a bar, lounge, club or cabaret. The restaurant will have 33 seats (or less) and have its main dining room on the ground level. The hours of operation will be 5:30 PM to 11:30 PM Tuesday through Sunday (we may close on Sunday instead of Monday in the future.) Cagen agrees not to seek to extend the closing hours beyond those stated in this paragraph.
2. There will not be a seating or standing bar on the premises. However, Cagen may install an area to store and disseminate extra seats to its patrons inside the restaurant.
3. Both front and rear windows and door will remain sealed and closed at all times.
4. The only music will be tapes, CD's, or an iPod played as quiet background music. Cagen will not have live music, a live DJ, a juke box or karaoke style entertainment on the premises.
5. Cagen is aware that Residents have had problems with establishments that generate excessive noise, crowds on the street and lower quality of life in the neighborhood and will seek to be a good neighbor. Cagen agrees it will play music at a reasonable level; keep the front door closed at all times when the restaurant is open; inform customers to wait indoors and not on the sidewalk in front of the building; inform smokers to not locate beneath apartment windows and respond promptly to Residents' complaints, if any.
6. Cagen will have a manager or employee with supervisory authority on the premises during operating hours, as listed in paragraph 1, who is authorized to respond to phone calls and/or queries from Residents and neighbors.
7. During hours of operations, Cagen will have a manager or employee with supervisory authority to receive Residents' calls and will not keep the phone on voicemail. During non-operating hours, Cagen will have a voicemail unit to receive Residents' calls. Cagen will furnish us with telephone and cell phone numbers, and email, and will immediately update us with any changes to their operation.
8. Cagen agrees not to apply for a full liquor license.
9. Cagen agrees not to have outdoor tables in front of the restaurant.
10. Under no circumstances will outside benches or tables be installed for eating or drinking in the backyard of the building for commercial use. This would not comply with residential zoning regulations. It is understood that the owners may use the garden for personal use, but be immediately responsive to complaints by neighboring residents about noise or other issues.

11. In the event Cagen desires to sell, to transfer a controlling interest in the corporation, or otherwise transfer the business at the subject premises, it is specifically agreed that Residents will be notified of such proposed transfer thirty (30) days prior, and that the business at the subject premises will be transferred only to an establishment or person whose primary purpose is not to sell alcohol other than beer or wine. The new tenants must agree to the same terms and conditions in this agreement, and sign an MoU with the 9<sup>th</sup> Street A-1 Block Association.

12. Cagen agrees that it will not seek to expand the premises.


13. Cagen agrees that it will store its garbage in sealed containers that deter odors, rodent and bug infestation and will exterminate regularly in indoor and outdoor areas where garbage is stored. Garbage will be put outside at night after closing for collection by private carting by the morning. Cagen will request that private carting trucks collect the garbage before 12:00 AM or after 6:00 AM in order to avoid waking up Residents living in front apartments. (It is suggested to use a carting company already utilized by restaurants or businesses on our block.)

14. The parties acknowledge that eating and drinking establishments in general licensed for alcohol and outdoor seating can negatively impact residential quality of life. The parties further acknowledge that this impact can occur as a result of the licensing of individual establishments, the number of licensed establishments in proximity to each other, and/or the number of licensed establishments within a certain area.

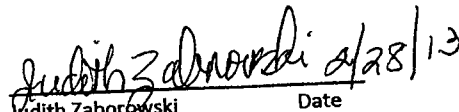
15. Cagen agrees not to advertise or promote itself as a bar in any fashion, including in such online media as Facebook or MySpace.

Cagen Japanese LLC

FOR THE 9<sup>th</sup> ST. A-1 BLOCK ASSOCIATION

  
Toshio Tomita  
Owner chef

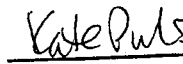
2/28/2013  
Date

  
Judith Zaborowski  
Co-Coordinator

Date

FOR THE 9<sup>th</sup> ST. A-1 BLOCK ASSOCIATION

FOR COMMUNITY BOARD 3

  
Kate Kubert Puls  
Co-Coordinator

28 Feb 13  
Date

Alexandra Militano  
Chair, SLA Committee

Date







