

# 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, Benjamin Pope, as a qualified representative of Tree Climber LLC, located at 165 Avenue B, New York, NY agree to the following stipulations:

- I will operate a full-service restaurant, specifically a (type of restaurant) Modern Cantonese, with a kitchen open and serving food to within      hour(s) of closing every night  during all hours of operation.
- My hours of operation will be Monday-Friday: 5pm-11pm; Saturday & Sunday 12pm-11pm

(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.

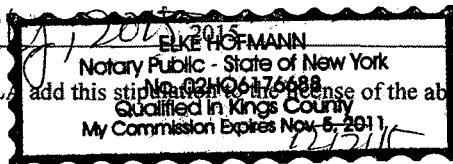
Name: Benjamin Pope Phone Number: 917-535-5061

17.  I will:       
    

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

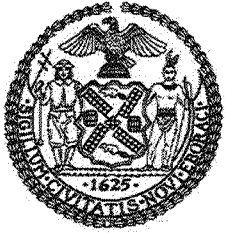
Signed [Signature] Dated 7/29/15

Sworn to this 29th day of July, 2015



[Signature]  
Notary Public

Community Board 3 requests that the SLA add this stipulation to the license of the above-mentioned applicant. Rev. 03/2015



THE CITY OF NEW YORK  
 MANHATTAN COMMUNITY BOARD 3  
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Gigi Li, Board Chair

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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](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: 8/5/15

**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: 165 Avenue B, New York, NY 10009

Cross streets: 10th and 11th

Name of applicant and all principals: Tree Climber LLC - Benjamin A. Pope

Trade name (DBA): Sum Restaurant

**PREMISE:**

Type of building and number of floors: Mixed residential & commercial, 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? TBD

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):  
R7A / C1-5

**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) Monday through Sunday 5pm-11pm dinner service  
Saturday and Sunday 12pm-11pm

Number of tables? 15-17 Total number of seats? 40

How many stand-up bars/ bar seats are located on the premise? 1 bar/ 3-5 bar 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)

Describe all bars (length, shape and location): 6 feet by 3 feet, parallel to kitchen

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  
Modern Cantonese Cuisine

What are the hours kitchen will be open? 5pm-11pm Mon-Fri, 12pm-11pm Sat-Sun

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

How many employees will there be? 10

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  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: Standard stereo or hi-fi system

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.

**LOCATION:**

How many licensed establishments are within 1 block? 25

How many On-Premise (OP) liquor licenses are within 500 feet? 8

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

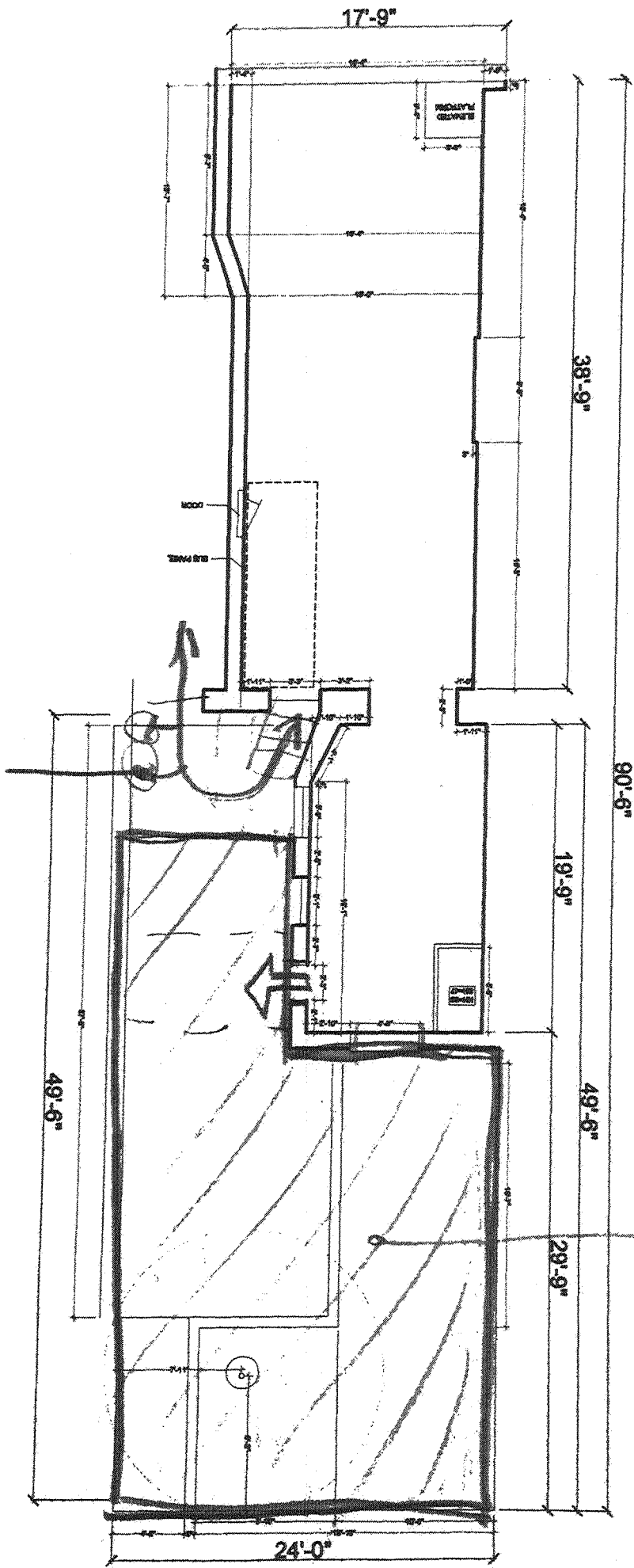
**COMMUNITY OUTREACH:**

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.

Ben Pope/917-535-5061

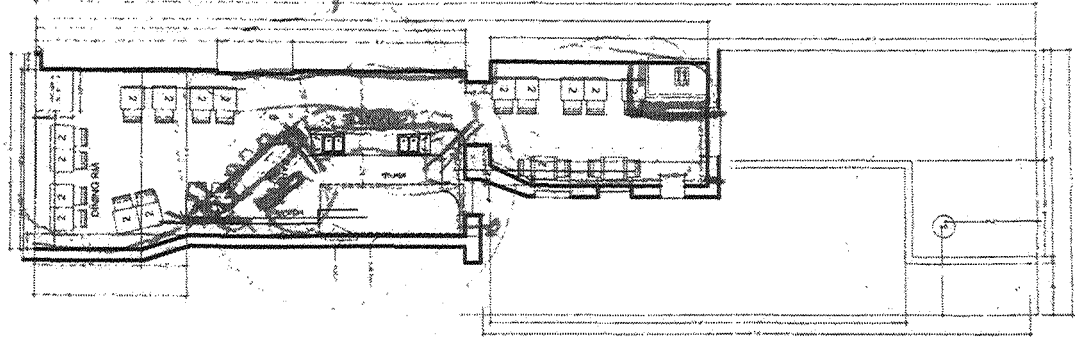


AREA OF  
 BACK YARD  
 FOR RESIDENTIAL  
 USE

TENANT  
 REAR YARD

### OPT A Hood Middle

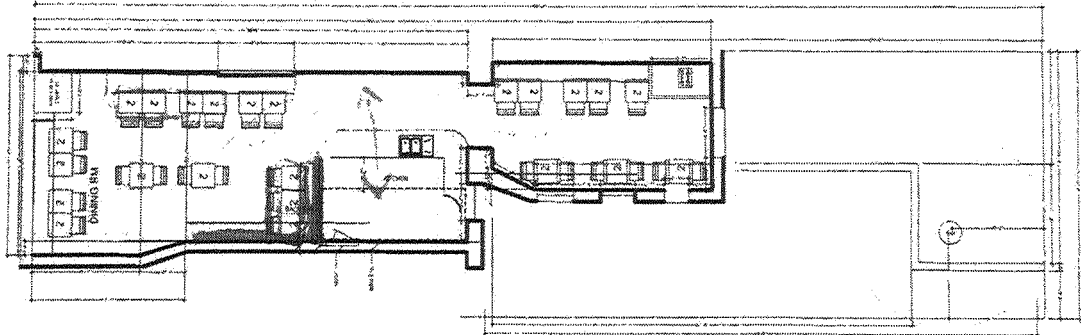
Client: Ben Pope  
Address: Ave B at 10th St, drawing:  
BASE PLAN Interior  
date: 15-06-17



### OPT B Hood Middle

Client: Ben Pope  
Address: Ave B at 10th St, drawing:  
LAYOUT PLAN B Interior  
date: 15-06-15

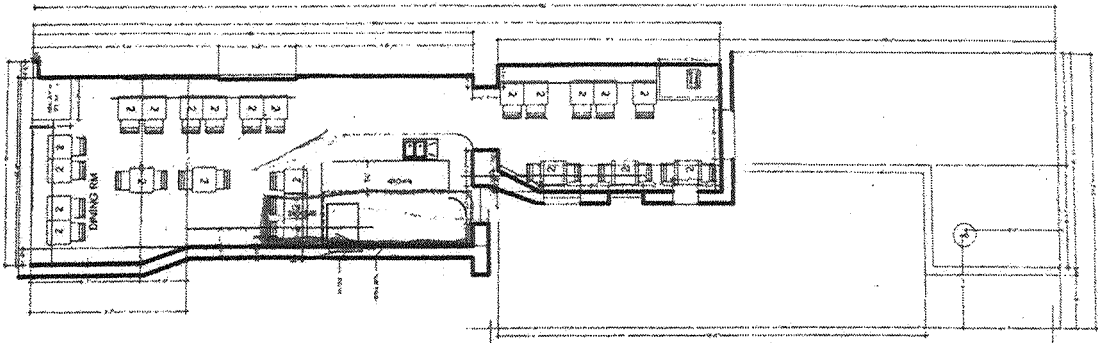
LAYOUT PLAN  
OPT - B - Hood middle  
date: 15-06-15

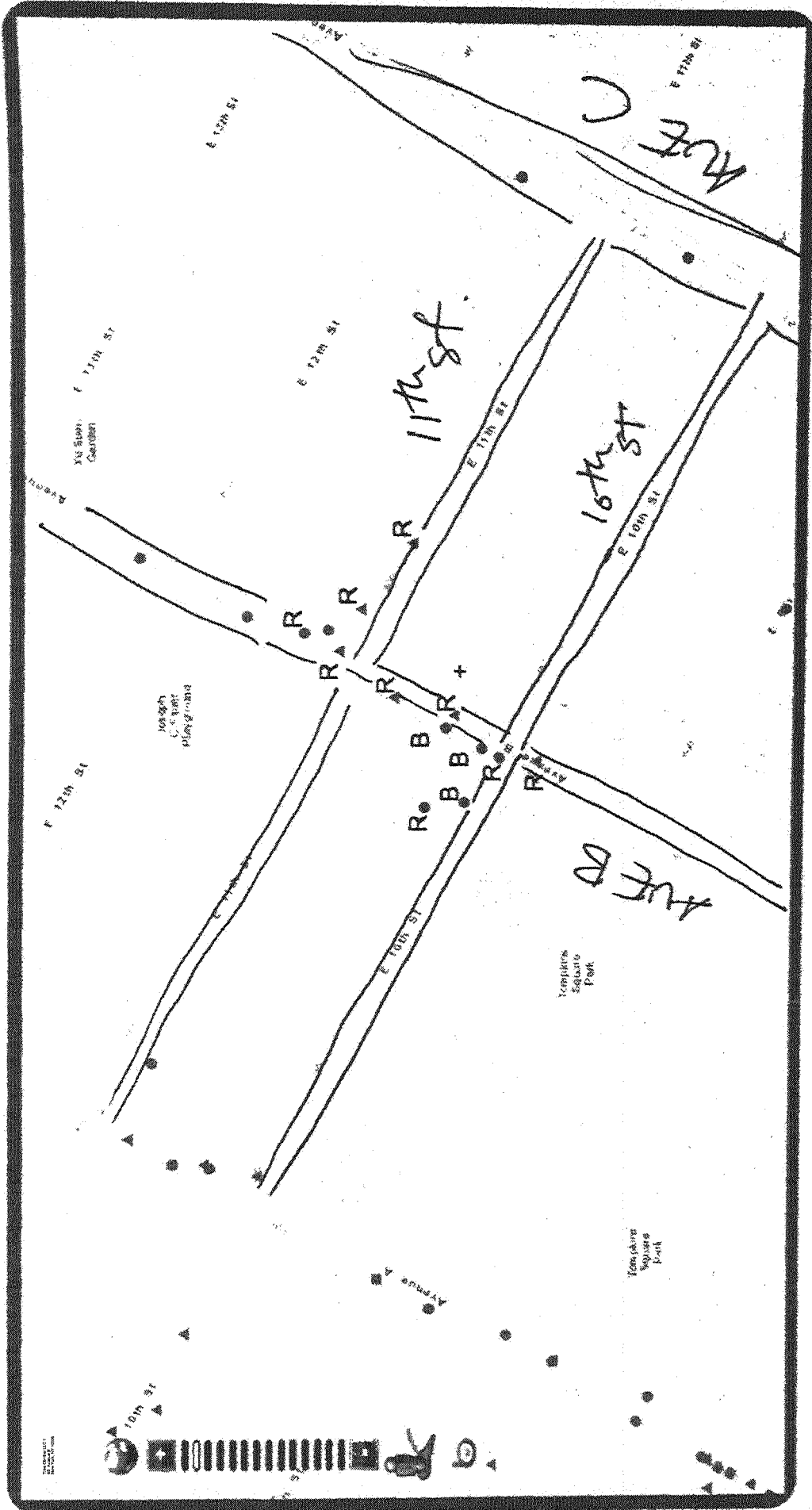


### OPT C Hood Middle

Client: Ben Pope  
Address: Ave B at 10th St, drawing:  
LAYOUT PLAN B Interior  
date: 15-06-15

LAYOUT PLAN  
OPT - B Hood Middle  
date: 15-06-15





Disclaimer: The NYS Liquor Authority is not responsible for the accuracy of maps or data obtained from third party sources.

R - Restaurant + 165 Avenue B (our restaurant)

B - BAR

● - OP

▲ - Beer and wine



Tree Climber LLC  
165 Avenue B  
New York, NY 10009

### On-Premise Licenses within 500 Feet

| Name                 | Address           | Approx. Distance |
|----------------------|-------------------|------------------|
| OOPS OF NEW YORK INC | 168 AVENUE B      | 50 ft            |
| YARDBIRD LLC         | 162 AVENUE B      | 115 ft           |
| CHARLEY GROUP LLC    | 339 E 10TH STREET | 160 ft           |
| FOOD IN ITALY LLC    | 337 E 10TH ST     | 170 ft           |
| CEVICHERIA INC       | 179 AVENUE B      | 200 ft           |
| TAULANT LLC          | 186 AVENUE B      | 230 ft           |
| FLAM ABLE LLC        | 204 AVENUE B      | 485 ft           |
| LAZERINI JAZZ LLC    | 649 E 9TH ST      | 490 ft           |

**Sum**  
Working Menu

Starters:

Duck Empanadas

*pear chutney, pickled shallots*

Abalone & Gooyduck Clam Ceviche

*served on endive leaves, fermented black beans, ginger*

Sambal Glazed Phoenix Talons

*crispy chicken feet, parsnip puree, watercress & fennel salad, flash fried bak choi*

Poached Scallops

*citrus broth, parsley oil, garlic chips*

Braised Pork Belly

*seared rice cake, tomato marmalade*

Roasted Candy Striped Beet & Chinese Turnip Salad

*mizuna greens, pickled apples, parsnip chips, stilton cheese*

Charred Chinese Eggplant “Guacamole”

*lotus root chips*

Smacked Radishes

*roasted baby beets, chilli oil vinaigrette, parsnip chips*

Salt Cured Scallops

*fermented black bean powder, shallot oil, crispy shisho leaves*

Mains:

Tea Smoked Branzino

*chanterlle mushrooms, bak choi, roasted tomato vinaigrette*

Pickled Duck Leg “Tacos”

*daikon & habenero slaw, lotus root taco shells, coconut-scallion pilaf*

Venison Stir-Fry  
*corn fungus, snap peas, fried zucchini flowers*

Cantonese Roasted Duck  
*duck leg, sliced duck breast, Chinese broccoli & celery,  
star fruit compote*

Cantonese "Osso Bucco"  
*Braised veal shank, gremolata of ginger, cinantro & orange zest,  
saffron congee*

Stir-fried Smoked Tofu  
*Chinese broccoli, wood ear mushroom, napa cabbage,  
pineapple-chilli sauce*

Nopales Fried Rice  
*Mexican cactus, Chinese wind sausage, yellow Chinese chives,  
pickled mushrooms*

"Bird's Nest" Noodles  
*crispy egg noodles formed into a nest, sauteed grass-fed beef,  
snap peas, watermelon radish*

**Sides:**

Sauteed Chinese Market Greens  
*various, please ask server*

Basmati Rice

Coconut-Scallion Rice

**Sweet:**

Persimmon & Pear Crumble  
*ginger whip cream*

Osmanthus Flower Jelly  
*coconut milk, toasted sesame seeds*

Five-Spice Walnut Cake  
*milk tea ice cream, walnut brittle*

Ben Pope  
456 W. 167th Street  
Apartment 4F  
New York, NY 10032  
(917) 535-5061  
[nebepop@gmail.com](mailto:nebepop@gmail.com)

## Education

**The French Culinary Institute**, New York, NY  
Grand Diploma in Culinary Arts November 2011  
. Intensive six-month course of culinary study and 600 hours of hands-on practical training in classic French cooking techniques

**The New School University**, New York, NY  
Bachelor of Arts in Liberal Arts/Film Production May, 2006

## Work Experience

**Jeans Cafe Corp.** New York, NY February 2015-Present  
*Chef Consultant*  
. Responsible for menu development, daily operations.

**2 Duck Goose**, Brooklyn, NY January 2014-January 2015  
*Executive Chef/Partner*  
. Responsible for overall concept, all kitchen operations, menu development, staffing.

**Purple Yam**, Brooklyn, NY May 2013-January 2014  
*Junior Sous-Chef*  
. Responsible for production and service of various stations, assist chef with daily kitchen operations and off site culinary events.

**Inatesso**, New York, NY February, 2012-December 2012  
*Chef de partie*  
. Responsible for production and service of various stations for the main dining room and delivery.  
. Responsible for overseeing station and training of garde manger prep cooks.  
*Prep Cook*  
. Responsible for production of bulk sauces, stocks and soups.

**L'Ecole**, New York, NY September-November 2011  
*Student Cook*  
. Worked in garde manger, poissonnier, saucier, and pastry stations at the restaurant of the French Culinary Institute, as part of the curriculum

- . Average covers from 50-100; assisted in preparation of staff meal for 350

**The New York Film Academy**, New York, NY      October 2006-April 2011  
*Director of Student Affairs, All NYC Operations (Union Sq, Soho, Cooper Union)*

- . Department head, facilitating all production based programs necessities including shooting permits with Mayor's Office of NYC, general liability insurance, film stock and processing, scheduling and day-to-day student services
- . Summer satellite program facilitator for domestic and overseas courses in Boston, Florida, France, Italy, and UAE
- . Asian market specialist for overseas events including Film Mart, Hong Kong and Open House services in Taiwan and China

### **Additional Skills and Experience**

- . ServSafe certified
- . NYC Food handler's license
- . Fluent in Cantonese
- . Working knowledge of Spanish

### **Press**

As Executive Chef of 2 Duck Goose:

- . Zagat top newcomer 2015
- . Daily News 3 Stars 2015
- Asian Kitchen Show, 2 episodes, Sinovision 2015
- . New York Times *Off the menu*, headliner-August 2014
- . Best restaurant in Gowanus, Brooklyn-Village Voice 2014
- . Best Chinese Food in Brooklyn-Brooklyn Magazine 2014
- . #3 in Brooklyn Heat Map-Eater.com 2014





RETAIL FOR  
LEASE  
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SARAH SINVIN • 646 673 8780  
SARAH@SINVIN.COM



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