

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

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.

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: July 30, 2018

N/A 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: 106 Rivington Street, New York, NY

Cross streets: Essex Street and Ludlow Street

Name of applicant and all principals: Applicant: LES 106 RIV LLC,

Principal: Akiva Ofshtein

Trade name (DBA): _____

PREMISE:

Type of building and number of floors: Mix Use, 4 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? 40

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):
C6

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) 7 days per week; Monday - Thursday 12pm - 12am; Friday 12pm - 2am; Saturday 11:30 am - 2am; Sunday 11:30 - 12am

Number of tables? 13 Total number of seats? 36

How many stand-up bars/ bar seats are located on the premise? 7
(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): 18' long, rectangle shape, located in front right of restaurant

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
Asian fusion

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? Manager

How many employees will there be? 9

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

Will there be TVs/monitors? Yes No (If Yes, how many?) 1

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: Multiple mini speakers, Ipod, equalizer

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: Prime Four Inc.

Address: 327 Gold Street, Brooklyn, NY 11201 Community Board # 2

Dates of operation: Since 2015

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? 7

How many On-Premise (OP) liquor licenses are within 500 feet? 35

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 will operate a full-service restaurant, specifically a (type of restaurant) Asian Fusion _____, with a kitchen open and serving food during all hours of operation OR I have less than full-service kitchen but will serve food all hours of operation.
2. 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.
3. 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 _____.
4. I will play ambient recorded background music only.
5. 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.
6. I will not seek a change in class to a full on-premise liquor license without first obtaining approval from CB 3. N/A
7. I will not participate in pub crawls or have party buses come to my establishment.
8. 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 7pm.
9. I will not have wait lines outside. I will have a staff person responsible for ensuring no loitering, noise or crowds outside.
10. 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. Manager to be determined

Community Board 3 Liquor License Application Questionnaire

Additional Responses:

Re: Plan to manage vehicular traffic and crowds

The management and staff will be instructed to regularly monitor the front of the premises for any gatherings and clear as needed. The restaurant will be using multiple on-line reservation systems to minimize walk-ins and potential waiting lines. If any people are waiting, they will be asked to wait inside by the bar area.

Re: Plan to manage noise

The restaurant will install soundproofing throughout, and utilize sound proof windows/doors, thereby minimizing noise emanating from the restaurant. Music will not exceed ambient levels. Signs will be posted asking patrons to keep noise to a minimum and respect neighbors.

Re: Applicant History

- a) 242 Wood Food Inc., 271 Adelphi Street, Brooklyn, NY 11205
Operating since 2016
- b) Prime Six Inc., 242 Flatbush Avenue, Brooklyn, NY 11217
Operating since 2012 (see attached SLA history)

Re: Principle work experience

The principle currently owns 3 restaurants in Brooklyn, NY. Also, has extensive experience in restaurant management.

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

AMENDED
NOTICE OF PLEADING

1251073, KINGS OP 1251073

51-2018/Case No. 122928

PRIME SIX INC
WOODLAND
242 FLATBUSH AVE AKA 76 78 6TH
BROOKLYN, NY 11217

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, Harlem Center, 317 Lenox Avenue, 4th Floor, (between 125th & 126th Streets), New York, New York 10027, on **04/23/2018**, 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 before March 20, 2018, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].
2. That on or before March 20, 2018, in violation of subdivisions 1 and 3 of section 118 of the Alcoholic Beverage Control Law there has existed a sustained and continuing pattern of noise, disturbance, misconduct or disorder on or about the licensed premises, related to the operation of the premises or the conduct of its patrons, which adversely affects the health, welfare, or safety of the inhabitants of the area in which the licensed premises are located.
3. That on or before March 20, 2018, the licensee, through the actions of its principal, agents, and employees, has violated rule 54.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
4. That on or about October 1, 2017, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
5. That on or about October 15, 2017, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
6. That on or about November 10, 2017, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.

YOUR PLEA OF "NOT GUILTY" IS PRESUMED.

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.

Date: 03/20/2018

Licensee's name and residence address
OPSHTEIN, AKIVA
182 BELMONT AVE, JERSEY CITY, NY 07304

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Licensee's Landlord
FANG REALTY CORP

Office of Counsel
by: Thomas Rizzuti
317 Lenox Avenue, 4th Floor

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

200 STERLING PLACE STE 1A, BROOKLYN, NY 11238

New York, New York 10027

Notice to Landlord: As stated above, in the event the disposition of this case results in a Revocation of the license, the Authority may impose, as part of the penalty, a two year prohibition against the issuance of any alcoholic beverage license at those premises.

Tel: (212) 961-8327
Fax: (212) 961-8316

Served via regular mail.

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEW YORK STATE LIQUOR AUTHORITY
OFFICE OF COUNSEL
317 LENOX AVENUE, 4TH FLOOR
NEW YORK, NY 10027

518-474-3114 (option 4-2-1)
Fax (212) 961-8316

05/07/2018

PRIME SIX INC
WOODLAND
242 FLATBUSH AVE AKA 76 78 6TH
BROOKLYN, NY 11217

Re: 1251073, KINGS OP 1251073
Docket no.: 51-2018 / Case no.: 122928

Dear Licensee:

The Division of Alcoholic Beverage Control has denied the Conditional No Contest plea of the above-referenced licensee for charges contained in the Notice of Pleading dated 01/08/2018, and has made a counter-offer of \$12,000 civil penalty and dismissal of charge number four.

Please advise the Office of Counsel in writing within 20 days of the date of this letter, as to whether the licensee intends to accept the counter-offer. A hearing will be scheduled after this date if you have not responded to, or declined, the counter-offer.

All payments of civil monetary penalties and bond claims must be made by OFFICIAL BANK CHECK or MONEY ORDER payable to the State Liquor Authority. Please send payment for this counteroffer to the New York State Liquor Authority - Secretary's Office, 80 South Swan Street, Suite 900, Albany, NY 12210-8002. The license serial number and licensee name should be indicated on the certified check or money order.

Sincerely,

Rizzuti, Thomas

cc: file
MICHAEL SHEINBERG
50 COURT STREET
SUITE 702
BROOKLYN NY 11201

106 Rivington

Legend

LEGEND

On-Premise Licenses

- On Premises Liquor
- ▲ On Premises Wine and Beer
- On Premises Beer

Off-Premise Licenses

- Off Premises Liquor
- ▲ Off Premises Wine
- Off Premises Beer

Wholesale Licenses

- Wholesale

Pending Licenses

- Pending

All Licenses

- On Premises Liquor
- ▲ On Premises Wine and Beer
- On Premises Beer
- Off Premises Liquor
- ▲ Off Premises Wine
- Off Premises Beer
- Wholesale
- Pending

Churches

- ◆ Churches

Schools

- ▲ Schools

Zones

- Zones

Community_Boards

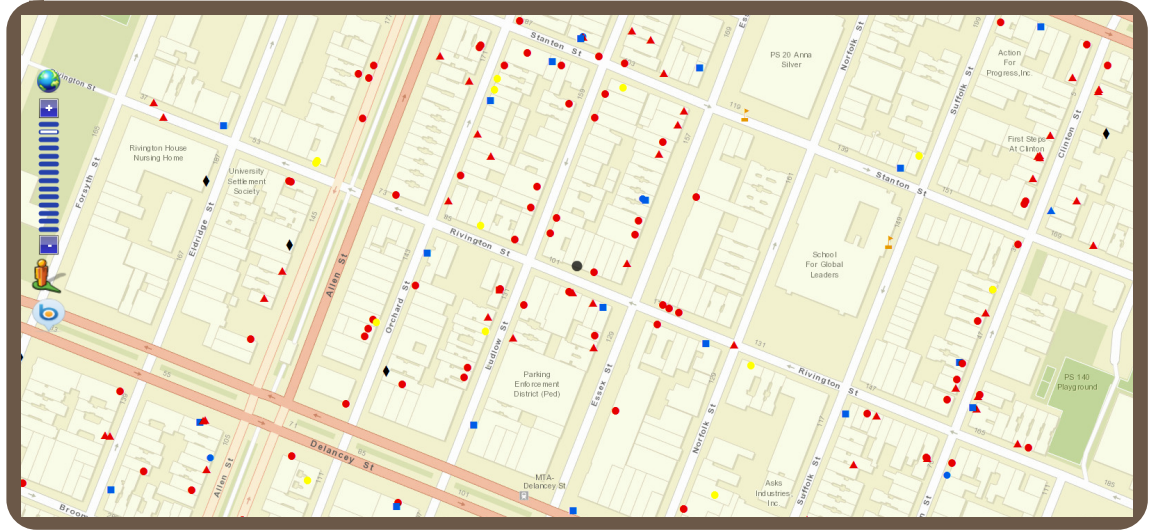
- Community_Boards

Police_Precincts

- Police_Precincts

Counties

- Counties



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

Proximity Report for Location:

June 4, 2018

106 Rivington St, New York, NY, 10002

* 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.

Closest Liquor Stores

Name	Address	Approx. Distance
SALGIRAH CORP	141 ESSEX ST	215 ft
FLYNN MCCLURE INC	100 STANTON ST	495 ft
E L PARTNERS LLC	101 ALLEN ST	870 ft
EAST VILLAGE WINE & LIQUORS INC	80-82 CLINTON ST	915 ft
EAST HOUSTON STREET WINE & LIQUOR INC	250 E HOUSTON ST	1020 ft
TURTLE DOVE LLC	28 30 CLINTON ST	1030 ft
DISCOVERY WINES LLC	16 AVE B	1445 ft

Churches within 500 Feet

Name	Approx. Distance
Congregation Shaarai Shomoyim	455 ft

Schools within 500 Feet

Name	Address	Approx. Distance
PS 20 ANNA SILVER SCHOOL	166 ESSEX ST	495 ft

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
CAMILLE PRODUCTIONS LLC	110 RIVINGTON STREET	45 ft
DOWNTOWN LLC THE	107 RIVINGTON ST	45 ft
KELTIC LOUNGE INC	132 LUDLOW ST	90 ft
PUB 138 INC	138 LUDLOW STREET	115 ft
NYLA CAFE LLC	126 LUDLOW ST	130 ft
SERAFINA LUDLOW CORP	98 RIVINGTON ST	140 ft
SWOON CORP	121 ESSEX ST	150 ft
133 ESSEX RESTAURANT LLC	133 ESSEX ST	155 ft
JMDR 127 LUDLOW LLC	127 LUDLOW ST	160 ft
BRACKLUINN REST INC	137 LUDLOW STREET	160 ft
FOUNDATION LOUNGE CORP	137 ESSEX ST	175 ft
PENNSYLVANIA JAYCOX INC	118 RIVINGTON STREET	205 ft
RIVINGTON CAFE CORP	123 RIVINGTON STREET	215 ft
EHD RESTAURANT II LLC	120 RIVINGTON ST	220 ft
122-124 RIVINGTON CORP	122-124 RIVINGTON ST.	245 ft
BG BAR INC	113 LUDLOW ST	305 ft

Name	Address	Approx. Distance
GUAPO BODEGA LLC	146 ESSEX STREET	305 ft
120 ESSEX MARKET LLC	120 ESSEX STREET	315 ft
ALEGRE ORCHARD LLC	146 ORCHARD ST	315 ft
MPDRAW LLC	109 LUDLOW STREET	325 ft
OWLINGS INC	152 LUDLOW STREET	330 ft
SOUTH CENTRAL RESTAURANT LLC	151 ESSEX ST	335 ft
A HALIBUT INC	138 ORCHARD ST	340 ft
SAKAMAI LLC	157 LUDLOW ST	355 ft
158 LUDLOW REST LLC	158 LUDLOW STREET	380 ft
SAUCE MANAGEMENT LLC	78 84 RIVINGTON ST	410 ft
STANTON SURF CLUB LLC	99 STANTON ST	435 ft
ULLI BAR CORP	120 ORCHARD ST	435 ft
131 ORCHARD STREET RESTAURANT LLC	131 ORCHARD ST	440 ft
TWO ALMONTES CORP	108 STANTON ST	455 ft
ALPHA 129 REST LLC	127 129 ORCHARD STREET	455 ft
161 LUDLOW FOOD LLC	161 LUDLOW ST	460 ft
168 ORCHARD ST PARTNERS	168 170 ORCHARD ST	460 ft
FOURTHGEN LLC	127 ORCHARD ST	465 ft
95 STANTON STREET REST INC	95 STANTON ST	470 ft
GHVILLE INC	167 ORCHARD ST 2ND & 3RD FL	515 ft
JETHOU LLC	167 ORCHARD ST	515 ft
ORCHID STREET ENTERPRISES LLC	174 ORCHARD STREET	545 ft
MFM BRANDY LLC	157 ALLEN ST	555 ft
106 NORFOLK STREET LLC	106 NORFOLK ST - NORTH STORE	560 ft
106 NORFOLK RESTAURANT, INC.	106 NORFOLK ST - SOUTH STORE	560 ft
DELANCEY SQUARE HOSP LLC & 119 ORCHARD PROP INC.	119 ORCHARD ST AKA120 ALLEN ST	565 ft
THE MEATBALL SHOP	84 STANTON ST	585 ft
STEPS LLC	163 ALLEN STREET	600 ft
DISH 165 INC	165 ALLEN STREET	610 ft
A CASA FOODS LLC	173 ORCHARD ST	610 ft
REBEL ALLEN LLC	163 ALLEN ST	620 ft
93 LUDLOW ST INC	95 DELANCEY ST	620 ft
EPSTEINS BAR LLC	82 STANTON ST	630 ft
MILLER'S NEAR & FAR LLC	65 RIVINGTON ST	630 ft
65 RIVINGTON RESTAURANT LLC	65 RIVINGTON ST	635 ft
180 ORCHARD OWNER LLC, IHG MGMT MARYLAND LLC & GG	171 LUDLOW ST	635 ft
SWEET CHICK LES LLC	178 LUDLOW ST	650 ft
AMBER AVALON CORP, THE	92 LUDLOW STREET	665 ft
JERSEY BOYS LLC	173 LUDLOW ST	670 ft
OSTERIA GRANO LLC	175 LUDLOW ST	690 ft
PROLETARIAT V, INC	98 102 NORFOLK	700 ft
151 SG PROPS LLC	151 RIVINGTON ST	700 ft
HILL AND DALE RESTAURANT GROUP LLC	115 ALLEN ST	705 ft
BARNORTH GROUP LLC	77 DELANCEY ST	720 ft
LUDLOW HOTEL OPERATING LLC & LUDLOW HOTEL FOOD	180 184 LUDLOW ST	730 ft

Name	Address	Approx. Distance
SC DELANCEY LLC	148 DELANCEY ST	745 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
HARVEST OF THE SEA LLC	92A RIVINGTON ST	220 ft
JURAKU INC	121 LUDLOW ST	230 ft
LOCO 111 INC	105 STANTON ST	405 ft
FORREST INTERNATIONAL INC	162 ORCHARD ST	420 ft
131 RIVINGTON STREET RESTAURANT LLC	131 RIVINGTON ST	435 ft
GOOD THANKS CAFE LLC	131 ORCHARD ST	435 ft
HEATHER JOSEPHINE JANSEN	164 ORCHARD ST	440 ft
LA CONTENTA INC	102 NORFOLK ST	570 ft
BB ORCHARD LLC	173 ORCHARD ST	590 ft
BRIDGE & TUNNEL LLC	66 68 RIVINGTON ST	595 ft
BRIDGE & TUNNEL LLC	66 68 RIVINGTON ST	595 ft
PET NAT LLC	115 DELANCEY ST	640 ft
LOWER EAST SIDE TENEMENT MUSEUM	103 ORCHARD ST	725 ft
FIFTH ELEPHANT LLC, THE	87 LUDLOW ST	735 ft

Unmapped licenses within zipcode of report location

Name	Address
------	---------