

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

| | | | | | |
|---|---|--|-------------------------------------|-----|----|
| APPLICANT Tres Mosqueteros Corp | | DOING BUSINESS AS (DBA) La Pulperia 46 NYC | | | |
| STREET ADDRESS 371 W 46th Street | | CROSS STREETS | | | |
| OWNER | NAME: | NAME: | Anthony Mea Jr. | | |
| | PHONE: | PHONE: | Isauro Fernandez | | |
| | FAX: | FAX: | (908) 812-0871 | | |
| MANAGER | NAME: | NAME: | Carlos Barroz | | |
| | PHONE: | PHONE: | 371 West 46th Street Properties LLC | | |
| | FAX: | FAX: | (718) 809-7982 | | |
| DESCRIPTION OF BUSINESS | | | | | |
| Establishment Type: | <input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only) <input type="radio"/> Other (Explain): Bar/Arcade | | | | |
| Method of Operation: | <input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): Bar/Arcade | | | | |
| License Type: | <input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer | | | | |
| APPLICATION TYPE <i>(check one)</i> | <input checked="" type="radio"/> New | Has applicant owned or managed a similar business? | YES | NO | |
| | | What is/was the name of establishment? | | | |
| | | What is/was the address of the establishment? | | | |
| | | What were the dates the applicant was involved with this former premise? | | | |
| | <input type="radio"/> Transfer | What is the prior license #? | | | |
| | | What is the expiration date on the prior license? | | | |
| | | Are you making any alterations or operational changes? | | YES | NO |
| | | <i>If alterations or operational changes are being made, please attach the plans to this form.</i> | | | |
| | <input type="radio"/> Alteration | What is the current license #? | | | |
| | | What is the expiration date on the current license? | | | |
| <i>Please describe the nature of the alterations and attach the plans</i> | | | | | |

OPERATIONAL ISSUES

| HOURS | | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|---------|-----------|--------|-----------------|-----------|----------|-----------------|----------|--------|
| | Operation | | 11 AM - Midnite | —————> | —————> | 11 AM - 2:00 AM | —————> | —————> |
| Music | | // | // | // | // | // | // | // |
| Kitchen | | // | // | // | // | // | // | // |

| OCCUPANCY | INDOOR | | | | BAR | | | OUTSIDE | |
|-----------|-------------------------------------|--|------------------|-----------------|-----------------------------|-------------------------|-------------------------|-----------------|------------------|
| | Capacity (Certificate of Occupancy) | Maximum # of Persons You Anticipate Occupying Premises (Including Employees) | Number of Tables | Number of Seats | Number of Service Only Bars | Number of Stand-Up Bars | Number of Seats at Bars | Number of Seats | Number of Tables |
| | Under 75 | Under 75 | 20 | 58 | | 1 | 10 | 2 | 1 |

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a cabaret license? if yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)

Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?

If you plan to have music, what type(s)?

1-2 3-4 5+

YES NO N/A MAIN FL - Under 75
Basement - Storage

YES NO N/A Private Parties

YES NO N/A 1 table, 2 seats within building 1m

BACKGROUND LIVE MUSIC DJ

BUILDING DESIGN

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.

Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?

Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.

OUTDOOR ITEMS

| | | | | |
|--|--------------------------------------|-------------------------------------|--------------------------------------|----------------------------------|
| Will applicant use the rooftop, rear yard or any outdoor space? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | 2 seats, 1 table within building |
| If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke. | <input type="radio"/> YES | <input checked="" type="radio"/> NO | <input type="radio"/> N/A | |
| Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.). | <input type="radio"/> YES | <input type="radio"/> NO | <input checked="" type="radio"/> N/A | |
| Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | <input type="radio"/> YES | <input type="radio"/> NO | <input checked="" type="radio"/> N/A | |

during 1:10

LOCATION & ZONING

| | | | |
|---|--------------------------------------|-------------------------------------|--------------------------------------|
| Primary Zoning District: | | Overlay (If Applicable): | |
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A |
| Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A |
| Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A |
| Is a Public Assembly permit required? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | <input type="radio"/> N/A |
| Are your plans filed with DOB? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | <input checked="" type="radio"/> N/A |

Building Type Residential Commercial Mixed Use Other, describe: _____

Adjacent Buildings Residential Commercial Mixed Use Other, describe: _____

NOTIFICATION:
What organizations / community groups have you notified regarding your application?

| | |
|-----|--|
| # 1 | |
| # 2 | |
| # 3 | |

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

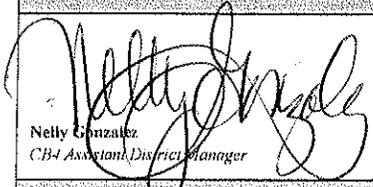
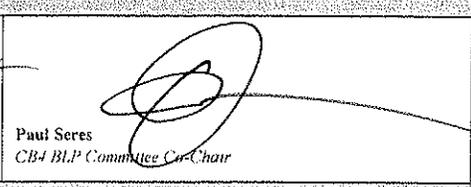
ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant agrees to background music only except they may have live mariachi band no more than 5 times a years. In all cases, all live music will end no later than 10pm

Manhattan Community Board 4 (MCB4) recommends:

Denial unless all agreed to by applicant is part of the method of operation
 Denial Approval

CB4 REPRESENTATIVES

| | | |
|---|--|---|
|  Nelly Gonzalez CB4 Assistant District Manager |  Lisa Taglian CB4 BLP Committee Co-Chair |  Paul Seres CB4 BLP Committee Co-Chair |
|---|--|---|

APPLICANT AGREEMENT WITH THE COMMUNITY

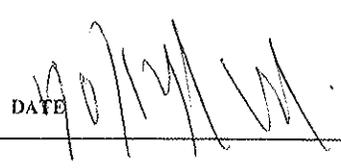
Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

SIGN HERE

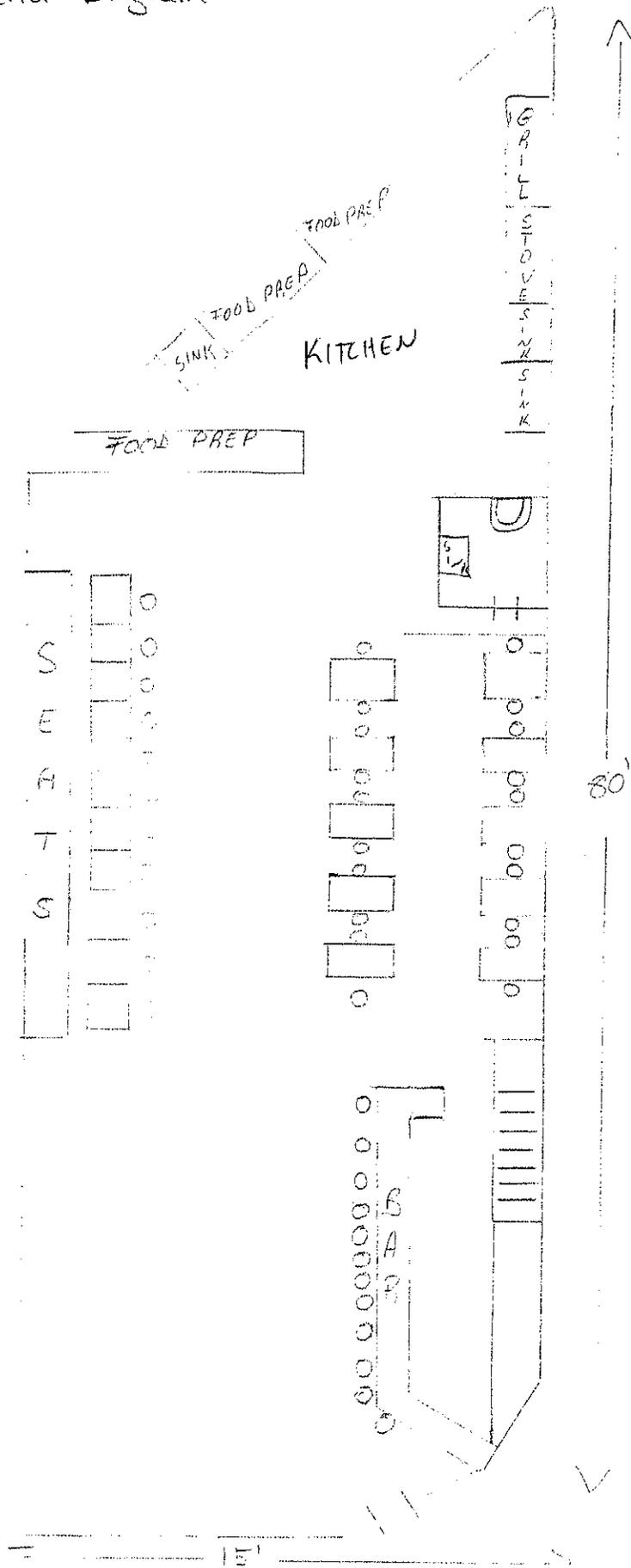


SIGNATURE OF APPLICANT

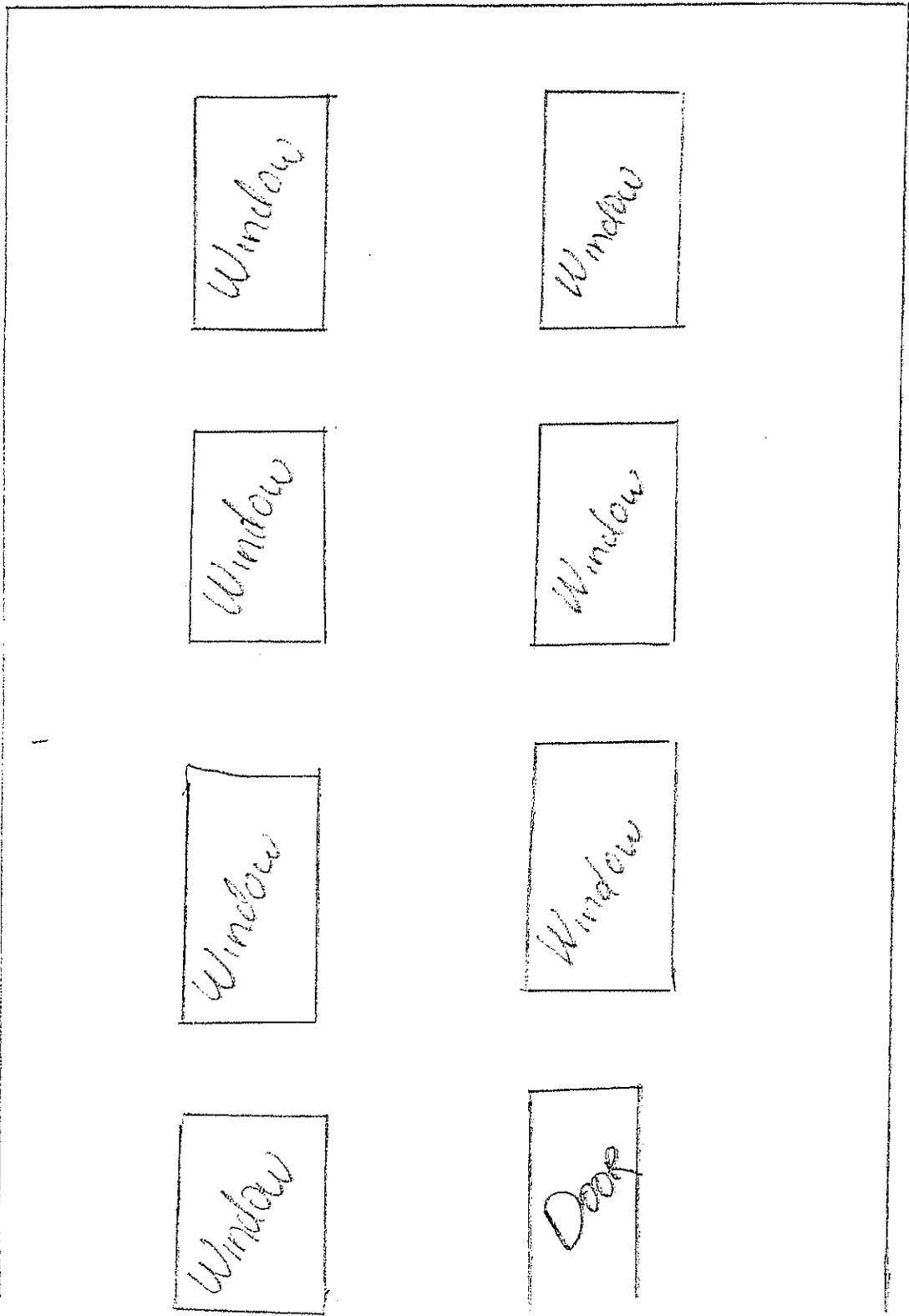
DATE



Tres Mosqueteros Corp.
d/b/a La Pulperia 46 NYC
371 W 46th Street
NY, NY 10036
Interior Diagram



Tres Mosqueteros Corp
d/b/a La Palperia 46 NYC
371 W 46th Street
NY, NY 10036
Front Elevation Diagram



Pulperia

500 FOOT STATEMENT
OF PUBLIC INTEREST

1.1 Mission

Plain and simple: good, quality Pan Latin food at a reasonable price matched with a pleasurable dining experience due to exemplary service and great ambiance. The vision is to not only create a great restaurant, but also a successful restaurant which can integrate itself into the Restaurant Row and Midtown West to become a fixture in the community.

Tres Mosqueteros
 46th St Pulperia 46 NYC
 371 W 46th Street
 NY, NY 10036
 Block Plot Diagram

8th AVE

Commercial Building
 Lot

Restaurant

Restaurant

Restaurant

Restaurant

Lot

Restaurant

BAR

Restaurant

Restaurant

Restaurant

Restaurant

Restaurant

BAR

Restaurant

BAR

X

BAR

Restaurant

9th AVE

Proposed
 Location

Restaurant

Residential

DVD Shop

Church

Restaurant

Union HQ

Restaurant

Restaurant

Restaurant

VACANT

Restaurant

Restaurant

BAR

Restaurant

Restaurant

Restaurant

Residential

VACANT

Restaurant

Residential

VACANT

Restaurant

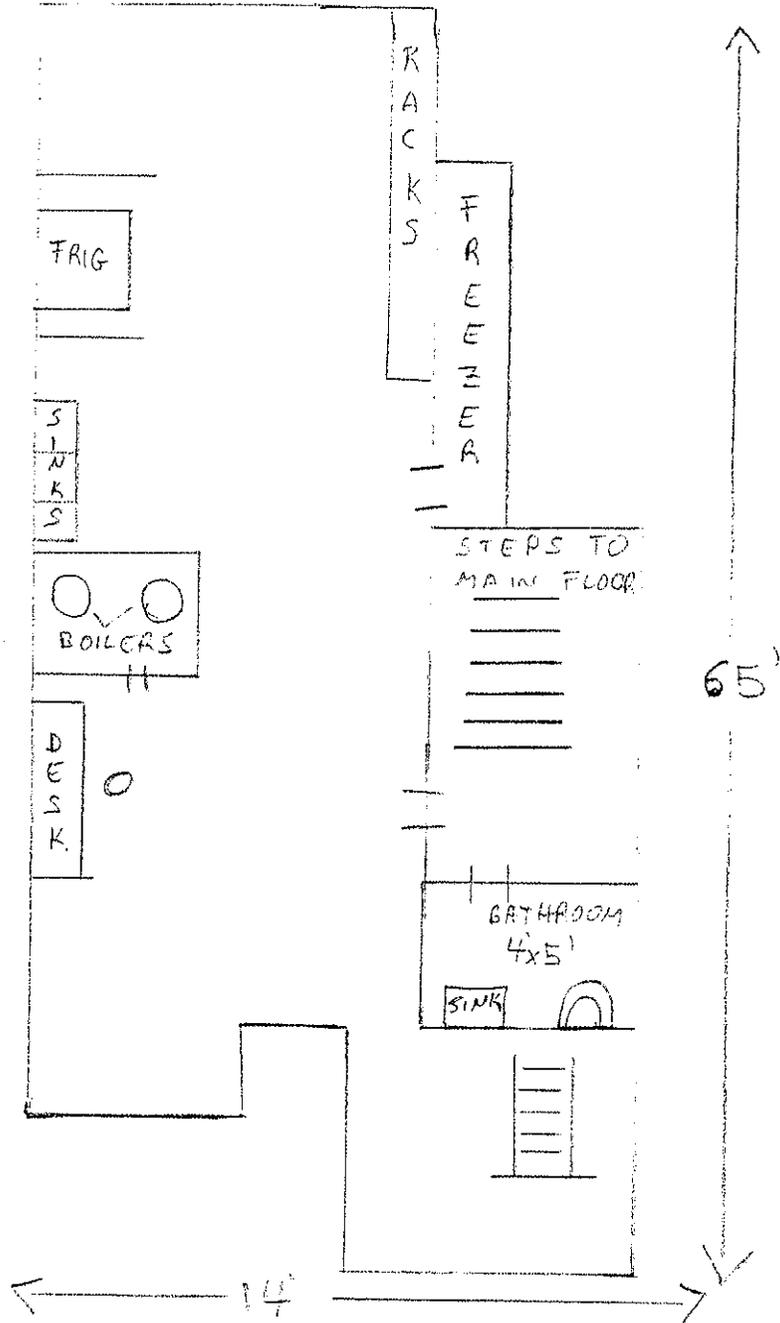
Restaurant

REAL ESTATE

Restaurant

Restaurant

TRES MOSQUETEROS CORP.
d/b/a LA POLPERIA 46 NYC.
BASEMENT DIAGRAM



Proximity Report for Location:

October 14, 2014

371 W 46TH ST, New York, 10036

* 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 |
|------------------------------|-----------------|------------------|
| NINTH AVENUE VINTNER LTD | 669 9TH AVENUE | 300 ft |
| RAY & FRANK LIQUOR STORE INC | 706 9TH AVENUE | 660 ft |
| REIDY WINE & LIQUOR CO INC | 762 8TH AVENUE | 675 ft |
| 589 NINTH AVENUE CORP | 589 9TH AVENUE | 1100 ft |
| GRACE WINE & SPIRITS INC | 610 10TH AVENUE | 1280 ft |
| SHON 45 LIQUORS INC | 840 8TH AVENUE | 1380 ft |
| ADRIATIC WINE & LIQUOR LLC | 714 10TH AVENUE | 1390 ft |

Churches within 500 Feet

| Name | Approx. Distance |
|----------------------------|------------------|
| Congregation Ezrath Israel | 330 ft |

Schools within 500 Feet

| Name | Address | Approx. Distance |
|------|---------|------------------|
|------|---------|------------------|

On-Premise Licenses within 750 Feet

| Name | Address | Approx. Distance |
|------------------------------------|----------------------|------------------|
| POMAIRES INC | 371 WEST 46TH STREET | 20 ft |
| KINSALE ROAD INC | 370 WEST 46TH STREET | 20 ft |
| BETTI BAR INC | 373 W 46TH STREET | 25 ft |
| G CUBED CORP | 369 W 46TH ST | 30 ft |
| BARE CITY THREE LLC | 366 W 46TH ST | 35 ft |
| 363 WEST 46TH STREET TAVERN INC | 363 W 46TH ST | 75 ft |
| CATHERINE (USA) GROUP INC | 360 W 46TH ST | 85 ft |
| ERMINIA RESTAURANT CORPORATION | 361 W 46TH STREET | 90 ft |
| POLA RESTAURANT INC | 355 W 46TH STREET | 140 ft |
| 353 LIVE LIMITED LIABILITY COMPANY | 353 W 46TH ST | 155 ft |
| LA BUCA REST CORP | 349 W 46TH ST | 195 ft |
| CDDF RESTAURANT INC | 346 348 W 46TH ST | 195 ft |
| MESON SEVILLA LTD | 344 WEST 46TH ST | 230 ft |
| DTM PB CORP | 343 W 46TH ST | 245 ft |
| WEST J & R INC | 342 W 46TH STREET | 245 ft |
| 656 NINTH AVENUE PUB CORP | 656 9TH AVENUE | 255 ft |
| 340 WEST 46TH STREET CORP | 340 W 46TH STREET | 265 ft |

| Name | Address | Approx. Distance |
|---|------------------------------|------------------|
| NINTH AVE KITCHEN CORP | 662 9TH AVE | 270 ft |
| JANDA LATINO 46 LLC | 338 W 46TH ST | 280 ft |
| BREEZE NYC RESTAURANT LLC | 661 9TH AVE | 290 ft |
| 667 9TH AVE REST CORP | 667 9TH AVE | 295 ft |
| TUM TUM BKK CORP | 650 652 9TH AVE | 295 ft |
| 659 REST INC | 659 9TH AVE | 295 ft |
| ROMCARGIO LLC | 653 9TH AVE | 300 ft |
| RESTAURANT & CAFE ON NINTH CORP | 653 9TH AVENUE | 320 ft |
| CONVO 47 LLC | 675A 9TH AVE | 325 ft |
| JPDT REST INC | 675B 9TH AVE | 345 ft |
| BRAZIL 46 RESTAURANT ROW INC | 328 330 W 46TH ST | 345 ft |
| PARADISO 679 INC | 679 9TH AVE | 350 ft |
| 647 NINTH AVE CORP | 647 9TH AVE | 360 ft |
| SHNY RESTAURANT GROUP LLC | 643 645 9TH AVENUE | 375 ft |
| 326 RESTAURANT CORP | 326 W 46TH STREET | 385 ft |
| CORNER 47TH RESTAURANT CORP | 683 9TH AVENUE | 395 ft |
| 683 NINTH AVENUE INC | 683 NINTH AVE AKA 401 W 47TH | 395 ft |
| BARBETTA RESTAURANT INC | 319 321 323 W 46TH STREET | 420 ft |
| W F RESTAURANTS INC | 322 W 46TH STREET | 420 ft |
| THREE TWENTY REST ROW CORP | 318 320 W 46TH STREET | 435 ft |
| SETA RESTAURANT CORP | 686 688 NINTH AVENUE | 440 ft |
| DARDURO LLC | 328 W 45TH ST | 450 ft |
| 689 JING RESTAURANT INC | 689 9TH AVE | 450 ft |
| NINTH AVENUE TOMATO INC | 635 9TH AVENUE | 460 ft |
| NAHM INC. | 690 9TH AVENUE | 465 ft |
| 317 RESTAURANT LLC | 317 WEST 46TH STREET | 470 ft |
| BALKAN BUREK LLC | 691 9TH AVE | 475 ft |
| DANAS LLC | 630 NINTH AVE | 480 ft |
| LA SCALA RESTAURANT LLC | 630 NINTH AVE | 480 ft |
| PONENTE LLC | 628 9TH AVENUE | 500 ft |
| ANNALISA ITALIA LTD | 313 W 46TH ST | 505 ft |
| AAM HOLDING CORP | 316 318 320 WEST 45TH STREET | 520 ft |
| JUJAMCYN THTRS LLC & SWEET HOSPITALITY GRP AS MGR | 302 W 45TH ST | 530 ft |
| HONO LLC | 356 W 44TH ST | 540 ft |
| NINTH AVENUE SALOON INC | 627 9TH AVENUE | 545 ft |
| THOMPSON REST INC | 358 W 44TH ST | 555 ft |
| ILURAS LLC | 358 W 44 ST 2ND FLOOR | 555 ft |
| PROGETTO INC | 352 W 44TH ST | 570 ft |
| LEO & EMMAS REST CORP | 700 9TH AVENUE | 585 ft |
| CHIPOTLE MEXICAN GRILL OF COLORADO LLC | 620 9TH AVE AKA 358 W 44 ST | 585 ft |
| PORTICI RESTAURANT INC | 621 9TH AVE | 605 ft |
| GAF WEST LTD | 401 W 48TH STREET | 615 ft |
| 300 WEST 46TH STREET CORP | 729 8TH AVENUE | 615 ft |
| GALLO NERO W44TH INC | 400 402 W 44TH ST | 625 ft |
| BMJ CORP | 307 W 47TH ST | 630 ft |
| WESTWAY DINER INC | 614 616 9TH AVENUE | 635 ft |
| DAEBAK SHINHWA INC | 301 W 45TH ST | 655 ft |

| Name | Address | Approx. Distance |
|------------------------------------|--------------------------------|------------------|
| 732 EIGHTH AVENUE CORP | 732 8TH AVENUE | 665 ft |
| 701 RESTAURANT LLC | 701 9TH AVE | 665 ft |
| NEW YORK BEER & BEVERAGE LLC | 321 W 44TH ST | 665 ft |
| REINS INTERNATIONAL NEW YORK INC | 321 W 44TH ST, SPACE 103 | 685 ft |
| 268 WEST 47TH REST INC | 760 766 8TH AVE AKA 268 W 47TH | 690 ft |
| 760 8TH AVE REST INC | 760 766 8TH AVE AKA 268 W 47 | 690 ft |
| JAYARVEE INC | 315 W 44TH STREET | 700 ft |
| TIMES SQUARE RETAIL LLC | 713 8TH AVE | 705 ft |
| RENDEZVOUS ON TIMES SQUARE INC | 709 8TH AVE | 720 ft |
| MARIA S MONT BLANC RESTAURANT CORP | 315 W 48TH STREET | 730 ft |
| RACHEL ON NINTH CORP | 608 9TH AVE | 740 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|----------------------|---------------|------------------|
| PIKL LLC | 364 W 46TH ST | 115 ft |
| STATION HOUSE LLC | 315 W 46TH ST | 375 ft |
| 623 9TH AVE REST INC | 623 9TH AVE | 575 ft |

Unmapped licenses within zipcode of report location

| Name | Address |
|-------------------------|--------------------------------|
| CLONMEL RESTAURANT CORP | W 44TH ST BLDG 557 12TH AVE |
| RAPER LLC | MTRPLTN OPR HOUSE AKA 1540 BWY |
| WORLD YACHT LLC | 41ST ST AT THE HUDSON RIVER |

RE: TRES MOSQUETEROS CORP
D/B/ A LA PULPERIA 46 NYC

We believe that the issuance of a license for this restaurant to be in the public interest for the following reasons:

The restaurant is applying for an On Premises Liquor License for its operations at 371 W 46th Street, New York, NY 10036. This is a very busy New York City restaurant Location and the restaurant is not located within 200 feet of any school, church or other place of worship. This location was previously licensed by the New York State Liquor Authority for the same type of License that its being applied for.

The restaurant at will be serving Latin food to its patrons. The Chef is a principal of the corporation and will be present at the restaurant cooking and managing the kitchen staff. He has over 20 year experience.

The restaurant will operate strictly as a restaurant serving food and beverages. There will only be TV's and background music, there will not be any live music or any dancing allowed except on special occasions.

The hours of operation to be Monday - Wednesday 11:00 am to Midnight, Thursday - Saturday 11:00 am to 2:00 am and Sunday 11:00 am to Midnight.

Acquiring an On Premises Liquor License will help the restaurant provide a better more complete dining experience to their clients and will allow the restaurant to better compete with all the other nearby restaurant.

Very Truly Yours,

Isauro Fernandez, Esq.