

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT New York Beer & Beverage LLC	ADDRESS 321 West 44th Street, New York,		
DOING BUSINESS AS (DBA) The New York Beer Company	CROSS STREETS 8th Avenue and 9th Avenue		OWNER: Brian Connell Tony Doyle
DESCRIPTION OF APPLICATION Alteration application to add unenclosed sidewalk cafe.			LAWYER: Michael J. Paleudis
			DCA LICENSE NUMBER: License No.: 1451137 Camis No.: 41704218
			SLA LICENSE NUMBER: 1256000
			ON SITE CONTACT: (Name, position & phone number): Brian Connell, Member and Manager, (212) 245-2337

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	8-12	8-12	8-12	8-12	8-1	8-1	12-12
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS 20	TABLES 10					

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	Applicant seeks a 12 / 1 am license - see above.
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

SOUND ISSUES

<p>Will applicant 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.).</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	<p>Premises is directly below a soundproofed recording studio in a largely commercial area.</p>
<p>Will applicant 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.</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	

CAFÉ DESIGN

<p>Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	
<p>If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>	

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

Applicant agrees to ^{use} MCO 4 Sidewalk Cafe Hour of operation 10PM during the week 11PM - Friday - Saturday

Applicant agrees to use the Southside Tables

Closer to the tables against the Front. of the property

Device Aisle on the outside no Banner

X 

Manhattan Community Board 4 (MCB4) recommends:	<input checked="" type="radio"/> Approval <input type="radio"/> Denial unless all agreed to by applicant is part of the <u>method of operation</u> <input type="radio"/> Denial
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CB4 REPRESENTATIVES

 Nelly Gonzalez CB4 Community Associate	 Lisa Daglian CB4 BLP Committee Co-Chair	 Paul Seres CB4 BLP Committee Co-Chair
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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 01/08/13 
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