

UNCLE BIAGIO, LLC
235 W 12TH STREET
NEW YORK, NY

MANHATTAN COMMUNITY BOARD 2
Meeting Date: APRIL 2022

***THIS APPLICATION CAME BEFORE CB2 IN APRIL 2021 AND SIGNED STIPULATIONS (ATTACHED, LAST PAGE OF PDF). THE PROJECT WAS DELAYED AND THEREFORE WE NEEDED TO RE-NOTIFY THE BOARD. THERE ARE NO CHANGES AND WE AGREE TO THE SAME STIPULATIONS AS SIGNED IN 2021.

Terri Cude, *Chair*
Daniel Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

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COMMUNITY BOARD 2 APPLICATION FOR A LIQUOR LICENSE

Please fill out this questionnaire and return to the Community Board 2 office by fax or mail to arrive at least **5 business days** before the Committee meeting. In addition, bring **10 copies** plus supporting material requested to the SLA committee meeting.

Failure to complete and return the questionnaire and supporting materials on time will result in your item being removed from the agenda.

Failure to provide a completed questionnaire or failure to present before CB2 will result in notifying the State Liquor Authority (SLA) of your noncompliance with the community review process.

If you need to reschedule, please notify the Community Board 2 office no later than the Friday prior to the following month's meeting. Speak to Florence Arenas at the Board Office. **A maximum of 1 layover request** will be granted per application. **Failure to reappear without notification will result in a recommendation to deny this application.**

The following supporting materials are **required** for this application:

1. A list of all other licensed premises within 500 ft. of this location including Beer and Wine.
2. Floor plans of the premise, including all tables and chairs and kitchen lay out to be licensed. Please also include any schematics for sidewalk café, backyard garden space and/or rooftop areas if applicable.
3. Provide any plans filed or to be filed with the Buildings Department.
4. Proposed menu, if applicable.
5. Certificate of Occupancy or Letter of No Objection for the premises.
6. Letter of Understanding or Letter of Intent from the Landlord.
7. Provide proof of community outreach with signatures or letters from Residential Tenants at location and from surrounding buildings. (i.e. a letter from the neighborhood block association or petition in support.)
8. A copy of your NYS Liquor Authority application as it will be submitted to the SLA. (excluding financial information)

Meeting Date: _____

APPLICANT INFORMATION:

Name of applicant(s): UNCLE BIAGIO, LLC

Trade name (DBA): TBD

Premises address: 235 WEST 12TH STREET NEW YORK, NY 10014

Cross Streets and other addresses used for building/premise:
GREENWICH AND WEST 4TH

CONTACT INFORMATION:

Principal(s) Name(s): MICHAEL STILLMAN

Office or Home Address: [REDACTED]

City, State, Zip: [REDACTED]

Telephone #: [REDACTED] email : [REDACTED]

Landlord Name / Contact:
235 WEST 12TH STREET LLC

Landlord's Telephone and Fax: _____

NAMES OF ALL PRINCIPAL(s): NAMES / LOCATIONS OF PAST / CURRENT LICENSES HELD

<u>PLEASE SEE ATTACHED</u>	_____
_____	_____
_____	_____

Briefly describe the proposed operation (i.e. "We are a family restaurant that will focus on..."):
SMALL PLATE ITALIAN RESTAURANT

Fourth Wall Restaurants, LLC (d/b/a Quality Branded) is owned as follows:

Michael J. Stillman Discretionary Trust –

Kevin Dillon –

Steven Jolton –

Craig Koketsu –

Alan Stillman –

Michael Stillman –

Nathaniel Young –

Licenses:

MANHATTAN OCEAN CLUB ASSOCIATES LLC, THE	57 W 58TH STREET NEW YORK, NY 10019	252	OP	12/31/2022	License is Active
OFF CUTS LLC	19 GREENWICH AVE NEW YORK, NY 10014	252	OP	11/30/2021	License is Active
BAKED ZITI LLC	57 W 57TH ST GROUND AND 2ND FL NEW YORK, NY 10019	252	OP	06/30/2021	License is Active
BACON & BAGELS LLC	1496 2ND AVE NEW YORK, NY 10075	252	OP	09/30/2021	License is Active
UNCLE BIAGIO LLC	103 GREENWICH AVE NEW YORK, NY 10014	252	OP	10/31/2021	License is Active

FRENCH ONION SOUP LLC	1345 AVENUE OF THE AMERICAS GROUND FLOOR NEW YORK, NY 10105	252	OP	11/30/2021	License is Active
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WHAT TYPE(S) OF LICENSE(S) ARE YOU APPLYING FOR (MARK ALL THAT APPLY):

a new liquor license (Restaurant Tavern / On premise liquor Other)

an UPGRADE of an existing Liquor License

an ALTERATION of an existing Liquor License

a TRANSFER of an existing Liquor License

a HOTEL Liquor License

a DCA CABARET License

a CATERING / CABARET Liquor License

a BEER and WINE License

a RENEWAL of an existing Liquor License

an OFF-PREMISE License (retail)

OTHER : _____

If upgrade, alteration, or transfer, please describe specific nature of changes:

(Please include physical or operational changes including hours, services, occupancy, ownership, etc.)

N/A

If this is for a new application, please list previous use of location for the last 5 years:

PREVIOUSLY A RESTAURANT - WALLFLOWER

Is any license under the ABC Law currently active at this location? yes no

If yes, what is the name of current / previous licensee, license # and expiration date: _____

Have any other licenses under the ABC Law been in effect in the last 10 years at this location?

yes no

If yes, please list DBA names and dates of operation:

WALLFLOWER - 2013/14 - END OF 2019

PREMISES:

By what right does the applicant have possession of the premises?

Own Lease Sub-lease Binding Contract to acquire real property other: _____

Type of Building: Residential Commercial Mixed (Res/Com) Other: _____

Number of floor: 6 Year Built : 1907

Describe neighboring buildings:
SOME MIXED USE, RESIDENTIAL AND COMMERCIAL

Zoning Designation: C1-6

Zoning Overlay or Special Designation (applicable) _____

Block and Lot Number: 615 / 81

Does the premise occupy more than one building, zoning lot, tax lot or more than one floor? yes no

Is the premise located in a historic district? yes no

(if yes, have all exterior changes or changes governed by the Landmarks Preservation Commission (LPC) been approved by the LPC? yes no, please explain : WILL FILE IF NEEDED

Will any outside area or sidewalk café be used for the sale or consumption of alcoholic beverages? (including sidewalk, roof and yard space) no yes : explain SIDEWALK CAFE

What is the proposed Occupancy? <74

Does the premise currently have a valid Certificate of Occupancy (C of O) and all appropriate permits?

no yes

If yes, what is the maximum occupancy for the premises? <75

If yes, what is the use group for the premises? USE GROUP 6

If yes, is proposed occupancy permitted? yes no, explain : _____

If your occupancy is 75 or greater, do you plan to apply for Public Assembly permit? yes no

Do you plan to file for changes to the Certificate of Occupancy? yes no
(if yes, please provide copy of application to the NYC DOB)

Will the façade or signage be changed from what currently exist at the premise? no yes
(if yes, please describe: NAME CHANGE, MINOR COSMETIC CHANGES THAT WILL BE FILED WITH AND APPROVED BY THE LPC FIRST

INTERIOR OF PREMISES:

What is the total licensed square footage of the premises? 1200 SQ FT

If more than one floor, please specify square footage by floors: GRND FL 800; BASEMENT 400

If there is a sidewalk café, rear yard, rooftop, or outside space, what is the square footage of the area?
100 SQ FT

If more than one floor, what is the access between floors? SIDEWALK HATCH & STAIRCASE (1)

How many entrances are there? 1 How many exits? 1 How many bathrooms? 1

Is there access to other parts of the building? ___ no yes, explain: THERE IS A DOOR IN THE BASEMENT THAT OPENS INTO A COMMON STAIRWELL

OVERALL SEATING INFORMATION:

Total number of tables? 7 Total table seats? 24

Total number of bars? 1 Total bar seats? 4

Total number of "other" seats? 8 please explain: 4 TABLES ON SIDEWALK, 8 SEATS
6 TABLES IN CURBLANE, 12 SEATS

Total OVERALL number of seats in Premises : 28 INSIDE

BARs:

How many *stand-up bars / bar seats are being applied for on the premises? Bars 1 Seats 4

How many service bars are being applied for on the premises? 0

Any food counters? no ___ yes, describe : _____

For Alterations and Upgrades:

Please describe all current and existing bars / bar seats and specific changes: N/A

* A stand-up bar is any bar or counter (whether seating or not) over which a member of the public can order, pay for and receive food and alcoholic beverages.

PROPOSED METHOD OF OPERATION:

What type of establishment will this be? (check all that apply)

___ Bar ___ Bar & Food Restaurant ___ Club/ Cabaret ___ Hotel ___ Other: _____

What are the Hours of Operation?

Sunday: Monday: Tuesday: Wednesday: Thursday: Friday: Saturday:

11AM to 12AM 11AM to 12AM 11AM to 12AM 11AM to 12AM 11AM to 1AM 11AM to 1AM 11AM to 1AM

Will the business employ a manager? no yes, name / experience if known : _____

Will there be security personnel? no yes(if yes, what nights and how many?) _____

Do you have or plan to install French doors, accordion doors or windows that open? no yes

If yes, please describe : _____

Will you have TV's ? no yes (how many?) _____

Type of MUSIC / ENTERTAINMENT: Live Music Live DJ Juke Box Ipod / CDs none

Expected Volume level: Background (quiet) Entertainment level Amplified Music
(check all that apply)

Do you have or plan to install soundproofing? no yes

IF YES, will you be using a professional sound engineer? _____

Please describe your sound system and sound proofing: NORMAL BACKGROUND MUSIC WITH WALL MOUNTED SPEAKERS

Will you be permitting: promoted events scheduled performances outside promoters

any events at which a cover fee is charged? private parties

Do you have plans to manage or address vehicular traffic and crowd control on the sidewalk caused by your establishment? no yes (if yes, please attach plans)

Will you be utilizing ropes movable barriers other outside equipment (describe) _____

Are your premises within 200 feet of any school, church or place of worship? no yes

If there is a school, church or place of worship within 200 feet of your premises or on the same block, please submit a block plot diagram or area map showing its' location in proximity to your applicant premises (no larger than 8 ½ " x 11").

Indicate the distance in feet from the proposed premise:

Name of School / Church: _____

Address: _____ Distance: _____

Regarding Plan to Manage Cleanliness of the Sidewalk Space:

- No smoking will be allowed in front of premise
- Owner/manager will ensure that deliveries occur quickly and efficiently to prevent congestion. Boxes are not left sitting at the curb, brought straight in to premise.
- If trash is not picked up in a timely manner, staff will bring trash bags/debris back into premise until pickup can occur.
- Will use garbage bags that will not allow liquids to spill out onto the sidewalk.
- Sidewalk space will be swept and kept clean of food waste and debris throughout the shift and upon closing.

Regarding Plan to Manage Noise:

- There will be a manager and/or owner on duty at all times, who will be able to make sure that there is no excessive noise coming from the premises. This person will make sure that the premises does not become disorderly.
- The business plays background music only, with no amplified music, live music or DJ.
- The owner/manager are the only people with access to operate/change the sound system.
- Will provide contact information to local residents in case there are complaints or concerns.
- Façade will not be open.

Regarding Plan to Manage Foot Traffic:

- No lines will be formed outside.
- The business is a short walk from multiple subway and bus routes and the majority of their guests arrive on foot, public transportation or taxi.

Jeanine Kiely, Chair
Susan Kent, First Vice Chair
Valerie De La Rosa, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Eugene Yoo, Secretary
Ritu Chatterjee, Assistant Secretary

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COMMUNITY BOARD 2 APPLICATION FOR A STATE LIQUOR AUTHORITY LICENSE ADDENDUM FOR OUTDOOR SEATING

For a Liquor License Application that includes any outdoor areas, please complete the following:

- Submit a diagram of outdoor seating indicating length and width of area(s) and location of all tables and chairs. Include all obstructions (trees, fire hydrants, proximity to bus stops, bike racks, signs, etc.).
- Submit photos of the premises where the sidewalk café and/or roadbed will be located. Required photos show one frontal, one left and one right side view of proposed sidewalk café and/or roadbed.
 - Photos must show complete sidewalk and/or roadway area where sidewalk café and/or roadbed will be including views to curb and neighboring properties.
 - If seating is in a rear yard show photos of yard and surrounding area, including upper view of adjacent buildings.

Sidewalk café will have no more than *(If premises is located on a corner please indicate for both streets):*

4 _____ tables and 8 _____ seats on w 12th street _____ Street

_____ tables and _____ seats on _____ Street

Hours of sidewalk café: 11am _____ to 11pm _____ .

Describe any obstructions (trees, fire hydrant, proximity to bus stop, etc): _____

Roadbed will have no more than *(If premises is located on a corner please indicate for both streets):*

6 _____ tables and 12 _____ seats on w 12th street _____ Street

_____ tables and _____ seats on _____ Street

Hours of roadbed: _____ to _____ .

Describe any obstructions (trees, fire hydrant, proximity to bus stop, etc): _____

Rear yard will have no more than _____ tables and _____ seats

Hours of rear yard: _____ to _____ .

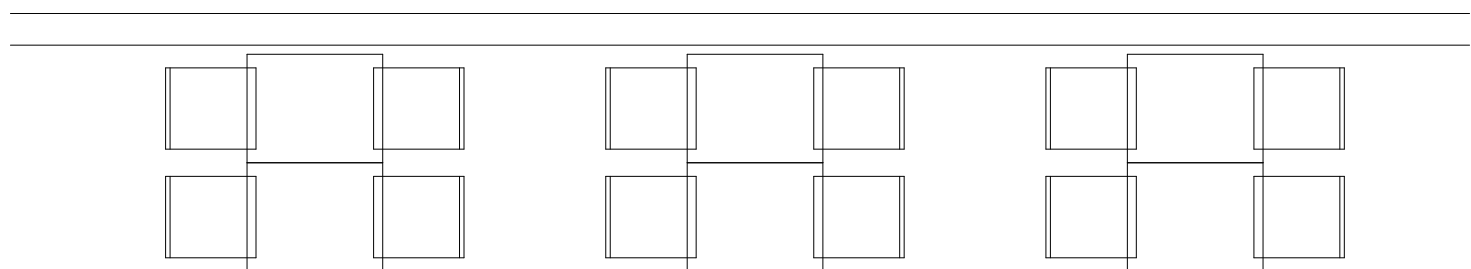
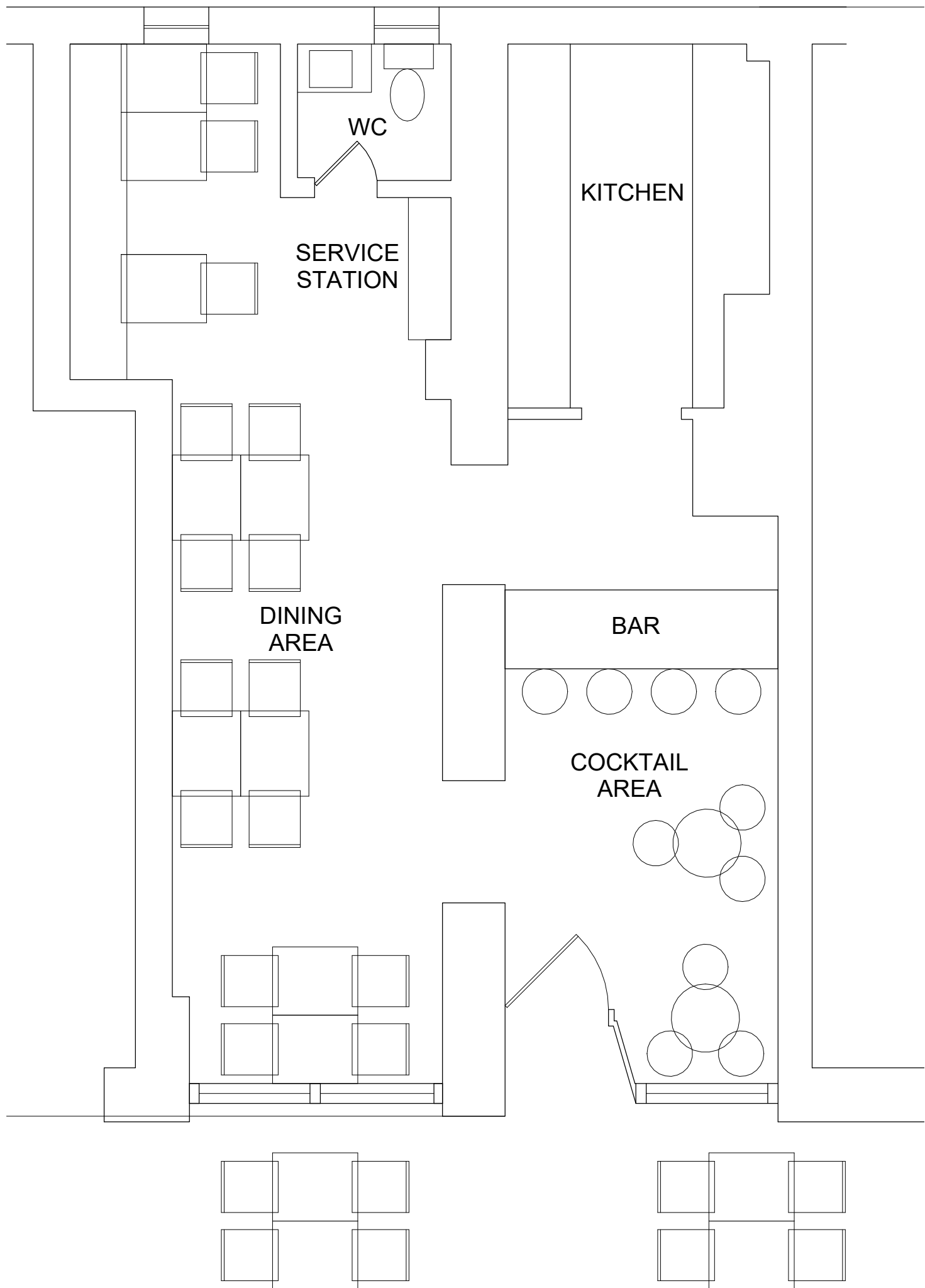
Does seating extend beyond the business frontage? No Yes

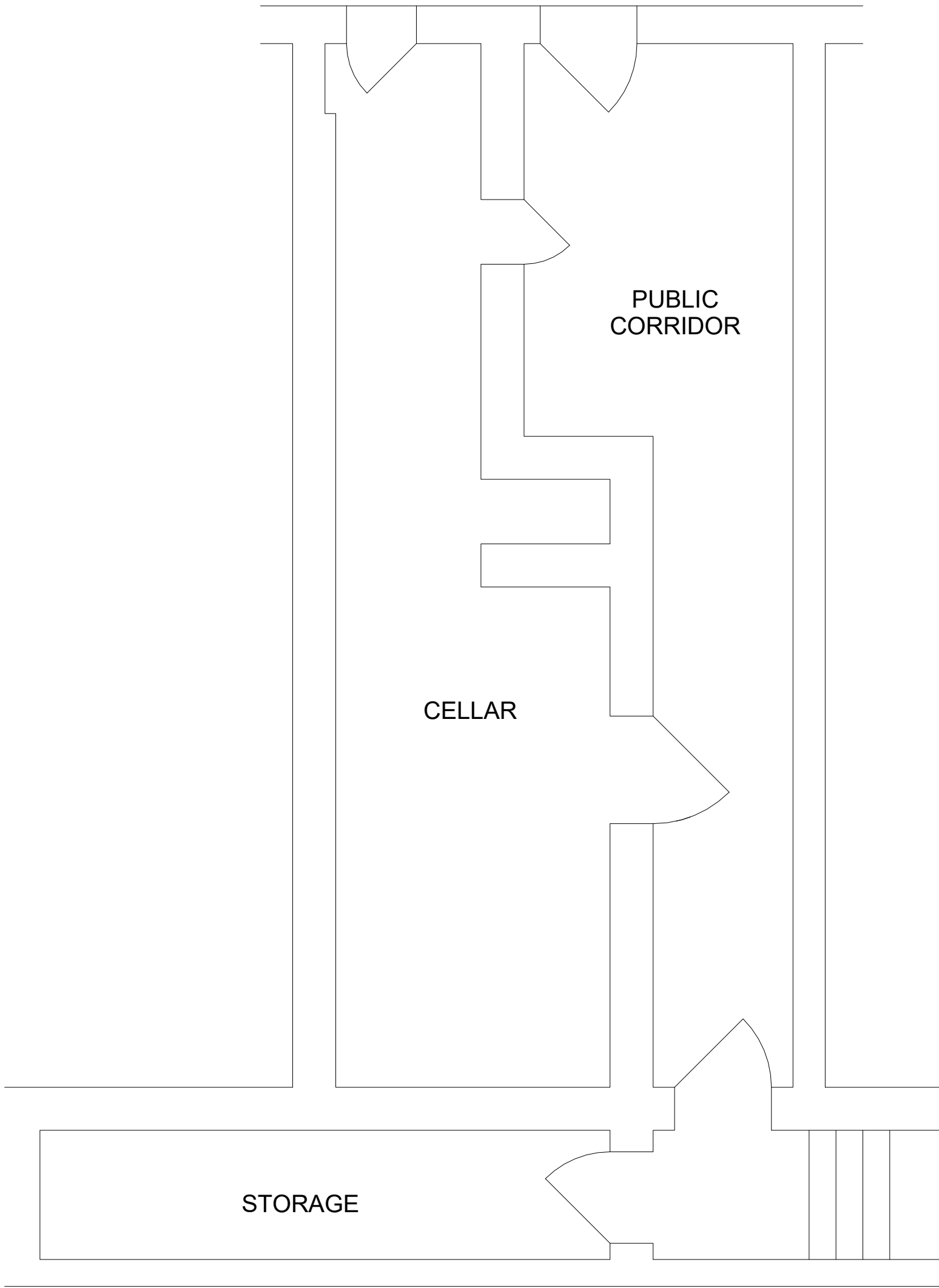
Will outdoor dining structures **on the sidewalk** be enclosed on three (3) or more sides? No Yes

Will outdoor dining structures **on the roadbed** be enclosed on three (3) or more sides? No Yes

Is there any outdoor music, speakers or TVs? No Yes, please describe: _____

Will heating elements be used? No Yes, please describe: _____







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Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by April 16, 2021

I, Michael Stillman, as a qualified representative of Uncle Biagio LLC d/b/a t/b/a located at 325 West 12th Street, New York, New York 10014 agree to the following stipulations:

Application Type: [X] OP Restaurant/Tavern [] RW [] TW [] Alteration [] Other: _____

[X] Premise will be advertised and operated as a Italian Restaurant.

[X] Hours of operation:

Sunday: 11 AM to 12 AM Thursday: 11 AM to 1 AM
Monday: 11 AM to 12 AM Friday: 11 AM to 1 AM
Tuesday: 11 AM to 12 AM Saturday: 11 AM to 1 AM
Wednesday: 11 AM to 12 AM

(Premises will open no later than stated opening time and NO patrons will remain after stated closing time.)

- [X] Will operate full service restaurant, specifically an Italian restaurant with the kitchen open and full menu items available until closing every night.
[X] Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
[X] Will not have televisions. [] Will have no more than ___ television(s) no larger than ____ (there will be no projectors)
[X] Will not operate a backyard garden or other outdoor area for commercial purposes (not including pandemic-related, temporary sidewalk or roadbed seating).
[X] Licensed Sidewalk cafe is not included in this application.
[X] Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
[X] Will close all doors and windows at all times, allowing only for patron ingress and egress.
[X] Will not make changes to the existing facade except to change signage or awning.
[X] Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
[X] Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
[X] There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
[X] Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
[X] Will not change any principals prior to submission of original application to SLA.

Will not have: [X] Dancing [X] DJs [X] Live Music [X] Promoted Events [X] Any event where cover fee is charged
[X] Scheduled Performances [X] Velvet ropes or metal barricades [X] Security Personnel/Doorman.

- [X] Any pandemic-related, temporary sidewalk or roadbed seating ends by 11PM (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no interior speakers positioned to face outside.
[X] All pandemic-related, temporary sidewalk and/or roadbed seating will be removed once the program authorizing it expires. This location is located in a residentially zoned area.
[X] Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: _____ Phone Number: _____

Signed [Signature] Michael Stillman 4/23/21
Print Name Dated

Sworn to this 23rd day of April 2021 Maria A. Chang
Notary Public

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license.

MARIA A. CHANG
Notary Public, State of New York
No. 01CH6093157
Qualified in New York County
Commission Expires June 2, 2023