

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License/Sidewalk Cafe Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
350 W 46 Cafe LLC		Hell's Kitchen Pizza Bar	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
350 West 46th Street		8th and 9th Avenues	10036
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b> Nicholas Verses	<b>ATTORNEY/ REPRESENTAIVE</b>	<b>NAME:</b> Michael J. Paleudis, Esq.
	<b>PHONE:</b> (914) 907-7339		<b>PHONE:</b> (212) 835-6768
	<b>EMAIL:</b> versesna@gmail.com		<b>EMAIL:</b> mjp@paleudislaw.com
<b>MANAGER</b>	<b>NAME:</b> Kelly Bray	<b>LANDLORD</b>	<b>NAME:</b> Black Post Realty Corp.
	<b>PHONE:</b> (917) 365-7282		<b>PHONE:</b> (212) 472-9170
	<b>EMAIL:</b> Kellyisbraye@gmail.com		<b>EMAIL:</b> pdwyer@dfallied.com
<b>APPLICATION TYPE</b> ( <input checked="" type="checkbox"/> <i>Liquor License</i> <input type="checkbox"/> <i>Unenclosed Sidewalk Cafe</i> )			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	
	What is/was the name and address of establishment?	Fisherman's Warf, Daytona Beach	
	What were the dates applicant was involved with this former premise?	1976/77 Front of House Manager	
<input type="radio"/> <b>Corp</b> <b>Change/Class Change/Removal</b>	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
<b>ESTABLISHMENT TYPE</b>	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<b>Promptly after meeting with CB4</b>
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>See attached</b>
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

**OPERATIONAL DETAILS** (\*Closing time will be when establishment is vacated of all patrons)

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am
	Kitchen	↓	↓	↓	↓	↓	↓	↓
	Music	↓	↓	↓	↓	↓	↓	↓
If you plan to have music, what type(s)? (Circle all that apply)			<b>BACKGROUND</b>	LIVE MUSIC	DJ	JUKE BOX	KARAOKE	

**OCCUPANCY**

	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 Stand-Up Bar
<b>INSIDE</b>	<b>50</b>	<b>50</b>	<b>9</b>	<b>30</b>	<b>0</b>	<b>1</b>	<b>15</b>
<b>OUTSIDE</b> <i>(Other than sidewalk café)</i>	N/A →						
<b>SIDEWALK CAFÉ</b>	N/A →						

How many floors are there? What is the capacity for each floor?	2 Floors (50 persons on ground floor / cellar is for restrooms and storage only, no tables or bar)	
How frequently will the owner(s) be at the establishment?	6 days per week	
Will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	<input checked="" type="radio"/> YES	NO
Will you be hosting private, promotional or corporate events?	<input checked="" type="radio"/> YES	NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will you have a security plan? If, yes please attach.	<input checked="" type="radio"/> YES	NO Security camera on premises
Will security plan be implemented?	<input checked="" type="radio"/> YES	NO
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	NO N/A
Where will delivery bicycles be stored during the day when not in use?	N/A	

<b>LOCATION &amp; ZONING</b>			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
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	
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	

<b>Community Notification/Relations</b>			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	<b>West 46 Street Block Association</b>	
	# 2	<b>Allison Tupper &amp; Steve Fanto</b>	
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		<b>tbd</b>	
Who was your contact person at each group you met with?		<b>see above</b>	
When did applicant post the notice that was provided?		<b>10/01/18</b>	
Where did applicant post the notice that was provided?		<b>Front of store</b>	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	(914) 907-7339
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	Ocha Sushi, restaurant		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Ocha Sushi
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Minor, if any
Will applicant have a vestibule within the establishment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply) No	<b>FRENCH DOORS</b>	<b>GARAGE DOORS</b>	<b>WINDOWS THAT CAN BE OPENED</b>
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> <del>NO</del>	MA
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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	* will not use neon or flashing light
Will the establishment have a canopy extending over the sidewalk?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	*existing canopy will remain but does not extend over sidewalk
Where will the air conditioner be located? What type is it?	Indoor Mitsubishi units		
When was the air conditioner installed?	7-8 years ago		

**OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ**

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	↓

## OUTDOOR ITEMS – SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

***To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.***

**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***


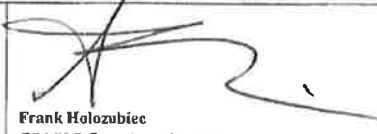
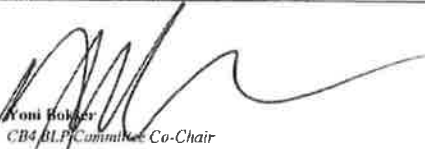
***To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.***



Manhattan Community Board 4 (MCB4) recommends:  
 (MCB4's recommendation is based on a vote taken at its  
 November 7, 2018 full board meeting, with 37 members voting in favor  
 of the recommendation, 0 members opposed, 0 members  
 abstaining and 0 present but not eligible)


Denial unless all stipulations agreed to by applicant/owner are part of the method of operation  
 Denial  Approval

**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Assistant District Manager	 Frank Holozubiec CB4 BLP Committee Co-Chair	 Roni Haber CB4 BLP Committee Co-Chair
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

SIGN HERE →	Nicholas Verses Member PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	10/9/18 DATE
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# Hell's Kitchen Pizza Bar Menu

*"Serving One Hell of a Pie"*

We Serve Super Thin Crust Pizza 12"-Inches in Diameter The  
Perfect Size For You!

Our Famous Cheese 12" Pizza Pie \$

Our Toppings \$

Infused Hot Pepper Oil, Pepperoni, Sausage, Irish Banger  
Sausage, Cured Irish Bacon, Meatball, Sauté Mushroom,  
Bermuda Onion, Calmat Olives, Jersey Cherry Peppers,  
Stingers, Smoked Bacon, Portuguese Anchovies, Irish  
Sausage.

Our Famous Irish Breakfast Pie \$

Topped with Imported Cured Irish Bacon, Sausage, Sliced  
Tomato, & Eggs with Cheese

Freshly Picked Field Green Salad Pie \$

Our Famous Pie Roasted with Extra Virgen Olive Oil,  
Premium Dead Sea Salt, California Field Greens, Jersey  
Tomatoes, Cucumbers, Bermuda Onions, Carrots Tossed  
with Aged Balsamic Vinegar,

Classic Caesar Pie \$

Our Super Thin Crust Topped with Romaine Hearts, Jersey Tomatoes, Shaved Parmesan, Radicchio, Roasted Shaved Brazillian Pine Nuts, Brandy Soaked Gorgonzola & Garlic Croutons

Warlfof Historia Kale Salad Pie \$

Our Super Thin Crust Pie Topped with Chared Tuscan Pancetta with Kale, Bayonne red Grapes, Vermont Green Apples & Honey, Brazilian Pine Nuts, Shaved Parmesan Cheese, Finished with Classic Vinaigrette & Lemon scented Bread Crumbs

To Cheese it or Not That's the?

Or Just Enjoy Our Delicious Salads

Without the Pie \$

Heavenly Dessert Pie \$

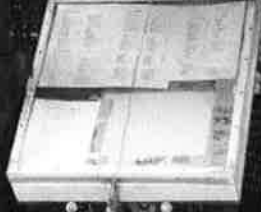
Canoli Filling, Nutella, Mint

Gluten Free Crust Available for Any Choice \$

350 *Ocha* Sush

Complete Dinner

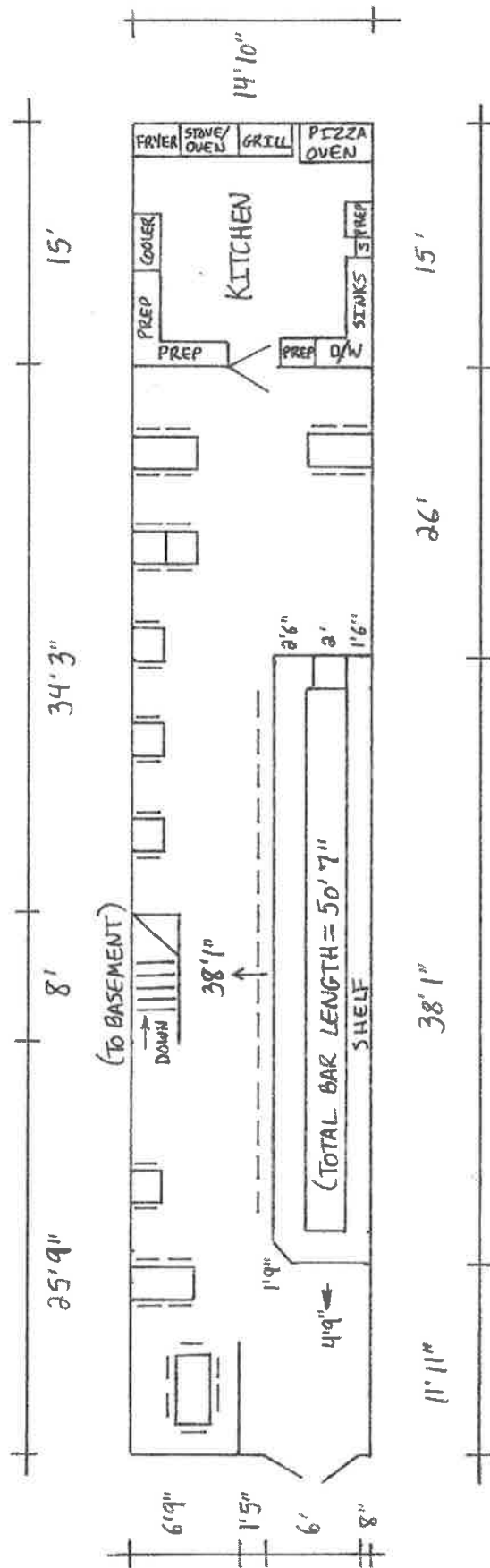
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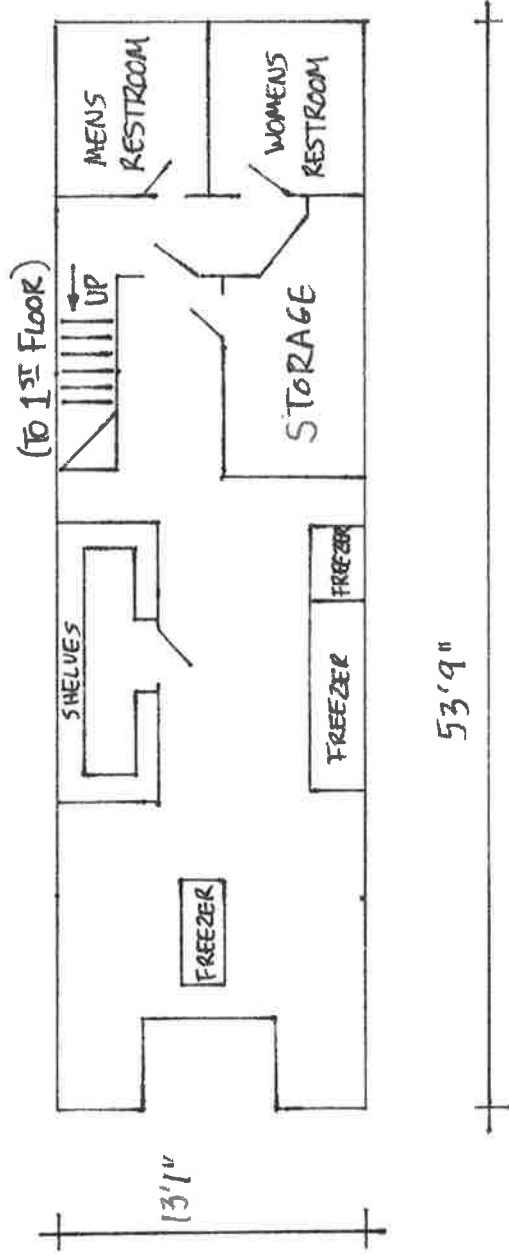
346



INTERIOR DIAGRAM - PROPOSED  
 350 WEST 46<sup>TH</sup> STREET  
 NEW YORK, N.Y.  
 OCTOBER 1, 2018  
 NOT TO SCALE



INTERIOR DIAGRAM - BASEMENT  
350 WEST 46<sup>TH</sup> STREET  
NEW YORK, N.Y.  
OCTOBER 1, 2018  
NOT TO SCALE





# Landess-Simon, Inc.

Legal & Commercial Photography

45 Lawlins Park  
Wyckoff, NJ 07481  
Phone: (201) 848-5652  
E-mail: landess@att.net  
landessphotographers.com

## RE: 350 West 46<sup>TH</sup> Street

1. Bareburger - 366 West 46<sup>TH</sup> Street - 158'
2. Deacon Brodies Tavern - 370 West 46<sup>TH</sup> Street - 176'
3. House Of Brews - 363 West 46<sup>TH</sup> Street - 127'
4. Latanzi - 361 West 46<sup>TH</sup> Street - 109'
5. The Ritz Bar & Lounge - 369 West 46<sup>TH</sup> Street - 198'
6. Hour Glass Tavern - 373 West 46<sup>TH</sup> Street - 216'
7. Saki Bar Hagi - 358 West 46<sup>TH</sup> Street - 95'
8. Becco - 355 West 46<sup>TH</sup> Street - 78'
9. Hold Fast - 364 West 46<sup>TH</sup> Street - 142'
10. Bourbon Street Bar & Grill - 346 - 348 West 46<sup>TH</sup> Street - 26'
11. Swing 46 - 349 West 46<sup>TH</sup> Street - 61'
12. Dim Sum Palace - 334 West 46<sup>TH</sup> Street - 147'
13. Meson Sevilla - 344 West 46<sup>TH</sup> Street - 49'
14. Don't Tell Mama Piano Bar/Theater - 343 West 46<sup>TH</sup> Street - 61'
15. Sushi - Seki - 365 - 367 - West 46<sup>TH</sup> Street
16. Cara Mia - 654 9<sup>TH</sup> Avenue - 281'
17. Flashdancer - 320 West 45<sup>TH</sup> Street - 359'
18. Broadway Joes Steakhouse - 313 West 46<sup>TH</sup> Street - 337'
19. Le Rivage - 340 West 46<sup>TH</sup> Street - 92'
20. La Pulperia - 371 West 46<sup>TH</sup> Street - 214'



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21. Shokudo - 658 9<sup>TH</sup> Avenue - 277'
22. Brazil Brazil - 328-330 West 46<sup>TH</sup> Street - 213'
23. Scarlatto - 317 West 46<sup>TH</sup> Street - 295'
24. Frankie & Johnnies Steakhouse - 320 West 46<sup>TH</sup> Street - 291'
25. 9<sup>TH</sup> Avenue Saloon - 656 9<sup>TH</sup> Avenue - 276'
26. Joe Allen - 326 West 46<sup>TH</sup> Street - 237'
27. Bottoms Up - 315 West 46<sup>TH</sup> Street - 306'
28. Yum Yum Too - 662 9<sup>TH</sup> Avenue - 285'
29. Yum Yum Bangkok - Closed - 650-652 9<sup>TH</sup> Avenue - 288'
30. Mercury Bar - 659 9<sup>TH</sup> Avenue - 389'
31. La Cavafe - Closed - 653 9<sup>TH</sup> Avenue - 392'
32. Orso - 322 West 46<sup>TH</sup> Street - 259'
33. Barbetta - 319-321-323 West 46<sup>TH</sup> Street - 230'
34. Samba - 661 9<sup>TH</sup> Avenue - 380'
35. Beer Culture - 328 West 45<sup>TH</sup> Street - 308'
36. Oboa - 647 9<sup>TH</sup> Avenue - 405'
37. SHNY Restaurant Group LLC - Construction/Closed - 643-645 9<sup>TH</sup> Ave. - 420'
38. O'Neil's - 675A 9<sup>TH</sup> Avenue - 420'
39. Lily's Craft Kitchen - 675 B 9<sup>TH</sup> Avenue - 430'
40. B Squared - 679 9<sup>TH</sup> Avenue - 445'
41. La Rivista - 313 West 46<sup>TH</sup> Street - 321'

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42. Al Hirschfeld Theater - 302 West 45<sup>TH</sup> Street - 493'
43. Nizza - 630 9<sup>TH</sup> Avenue - 422'
44. Five Napkin Burger - 628 9<sup>TH</sup> Avenue - 365'
45. RUI Plaza NY Times Square Hotel - 305 West 46<sup>TH</sup> Street - 422'
46. Kodam Sushi - 301 West 45<sup>TH</sup> Street - 481'

### CHURCHES & SCHOOLS

1. Congregation Ezrath Israel - 339 West 47<sup>TH</sup> Street - 321'
2. St. Luke's Church - 308 West 46<sup>TH</sup> Street - 332'

October 3, 2018

New York State Liquor Authority  
317 Lenox Avenue  
New York, NY 10027

Re: 350 W 46 Café LLC  
Premises: 350 West 46<sup>th</sup> Street, New York, New York

To Whom It May Concern:

My office represents 350 W 46 Cafe LLC doing business as Hell's Kitchen Pizza Bar (Applicant), a limited liability company formed for the purpose of establishing a business at 350 West 46<sup>th</sup> Street in Manhattan. For the reasons set forth below, the Applicant submits that its application should be granted under Section 64(7)(f) of the New York Alcoholic Beverage Control Law (ABC) because granting the on-premises liquor license creates "public convenience and advantage" and is "in the public interest" as contemplated by Section 64(6-a) of the ABC.

- (a) Applicant will be located within New York City's Restaurant Row, a bustling enclave of bars and restaurants appropriately named and designated by Mayor Lindsey in 1973. The Applicant will operate as a boutique gourmet pizza bar. Its menu will consist of a list of pre-designed gourmet pizzas and will also offer its guests the option of building their own gourmet pizza. Gluten free crusts will be available at the guest's request. Salad and dessert pizzas will be offered as perfect compliments to the heavier main course gourmet pizzas on the menu. For these reasons, the Applicant's method of operation is distinguishable from the traditional New York Pizza parlor model. This unique method of operation is not offered by other licensees within a five hundred foot radius of the premises.
- (b) Applicant will operate what, in common parlance, would be referred to as a restaurant, the regulations pertaining classification of a licensee as a restaurant, as opposed to a bar/tavern, notwithstanding. Applicant's business model depends on the success of its kitchen. Restaurant Row visitors and tourists will certainly view the establishment as a restaurant and bar offering pizza. Accordingly, a chef will be employed to ensure that the gourmet pizzas that are served on the premises will be of a premium quality and that their sale drives a large portion of the businesses overall revenue.
- (c) The Applicant has, or will, obtain all necessary state and local permits and licenses to operate the restaurant.

- (d) The Applicant is located a few short blocks from the subway trains and buses that service the midtown area. There are parking garages within walking distance of the premises. In light of the abundant parking and nearby public transportation, granting the instant application will not negatively impact vehicular traffic.
- (e) Applicant's premises is modest in size, accommodating only fifty persons. Applicant will offer **only** recorded music, **not** live music. There are restaurants directly to the East and West of Applicant. In light of the largely commercial nature of Restaurant Row, the size of the premises, and Applicant's intention to not offer live music, the issuance of the license will not increase the noise level within the community.
- (f) The establishment maintains much-needed jobs and promotes competitive pricing within the restaurant industry and generates additional City and State tax revenues.
- (g) As far as the Applicant is aware, there is no adverse history associated with the premises.
- (h) The Applicant has taken affirmative steps to notify Manhattan Community Board 4 (CB4). After meeting with CB4's Business Licenses & Permits Committee on October 9, 2018, the committee voted no objection to [include outcome].
- (i) In support of Governor Cuomo's Craft Act, and his desire to boost the agricultural and tourism industries in New York, Applicant will offer a selection of New York State labeled craft beer, wine, and spirits to its patrons. By offering New York State crafted products to its guests, Applicant will increase exposure to New York State brewed beer, fermented wine, and distilled spirits, thereby contributing to the overall success of what Governor Cuomo has recognized to be a crucial industry within our state.

For the reasons stated above, the undersigned respectfully submits that the instant application should be approved under Section 64(7)(f) of the ABC because the Applicant has demonstrated that granting the instant application is "in the public interest".

Respectfully submitted,

\_\_\_\_\_  
Michael J. Paleudis, Esq.