

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME <i>Sweet Hospitality Group</i>		DOING BUSINESS AS (DBA)	
STREET ADDRESS <i>The Barrow Theater Space 312 West 36th St.</i>		CROSS STREETS <i>ON 36th Between 8th + 9th Ave.</i>	ZIP CODE <i>10019</i>
OWNER <small>Attach a list of all the people that will be associated listed with the license.</small>	NAME: <i>Julie Rose</i>	REPRESENTATIVE	NAME: <i>Bill Votava</i>
	PHONE: <i>212-582-5472</i>		PHONE: <i>212 582-5472</i>
	EMAIL: <i>JRose@SweetHospitalityGroup.com</i>		EMAIL: <i>BVotava@SweetHospitalityGroup.com</i>
MANAGER	NAME:	LANDLORD	NAME: <i>The Barrow Group Theater</i>
	PHONE:		PHONE: <i>212 760 2615</i>
	EMAIL:		EMAIL: <i>Robert@Barrowgroup.org</i>
APPLICATION TYPE <input checked="" type="checkbox"/> <i>Liquor License</i> <input type="checkbox"/> <i>Unenclosed Sidewalk Cafe</i>			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What is/was the name and address of establishment?		<i>See Attached list</i>
	What were the dates applicant was involved with this former promise?		
<input type="checkbox"/> Corp Change/Class Change/Removal	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?		YES <input type="radio"/> NO <input checked="" type="radio"/>
	If alterations or operational changes are being made, please describe all changes		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans.		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input 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) <i>Legislature Live Broadway Theater</i>		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES <input type="radio"/>	NO <input checked="" type="radio"/>	<i>9/23/18</i>
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.	YES <input checked="" type="radio"/>	NO <input type="radio"/>	<i>Statement copy attached</i>
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES <input type="radio"/>	NO <input checked="" type="radio"/>	<i>Statement attached</i>
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES <input checked="" type="radio"/>	NO <input type="radio"/>	

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

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAURDAY	SUNDAY
	Operation	12-11	12-11	12-11	12-11	12-11	12-11	12-11
	Kitchen							
	Music							
If you plan to have music, what type(s)? (Circle all that apply)		BACKGROUND		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
INSIDE	345 seats patrons	300-450	∅	∅	∅	∅	∅
OUTSIDE (Other than sidewalk café)	N/A						
SIDEWALK CAFÉ	N/A						

How many floors are there? What is the capacity for each floor? Bar will be in first floor lobby

How frequently will the owner(s) be at the establishment? when Henter is operating

Will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> 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.	YES	<input checked="" type="radio"/> NO provided by Henter Security
Will security plan be implemented?	YES	<input checked="" type="radio"/> NO N/A
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO N/A
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	NO N/A
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

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	<input checked="" type="radio"/> NO <i>Thirteen has applied for COO</i>
Is a Public Assembly permit required?	YES	NO <i>N/A</i>
Are your plans filed with DOB?	YES	NO <i>N/A</i>

Community Notification/Relations		
NOTIFICATION: 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	
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.		
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		<i>9/5/18</i>
Where did applicant post the notice that was provided?		<i>Location Agent desk</i>
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided	YES	<input checked="" type="radio"/> NO
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	NO <i>please contact Bill Vetrano</i>

to discuss

BUILDING DESIGN

State the name and type of business previously located in the space.		Unknown	
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	Unknown
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	N/A
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	NO	yes
Will applicant use a storm enclosure?	YES	NO	N/A
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?	YES	NO	N/A
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS		GARAGE DOORS
			WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	N/A - we do not play music
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?	YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	
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?	YES	NO	
Will the kitchen exhaust system extend to the roof?	YES	NO	N/A - no kitchen
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	N/A - Theater responsibility		
When was the air conditioner installed?	N/A - "		

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)?	YES	<input checked="" type="radio"/> NO
Are the floorplans for the outdoor space(s) included?	YES	NO N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO N/A
Will there be no amplified music, as per the law?	YES	NO N/A
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO N/A
Will applicant agree to post signs outside asking customers to respect the neighbors?	YES	NO N/A
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO N/A

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 type="radio"/> NO <i>UNKNOWN</i>
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 <i>N/A</i>
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 <i>N/A</i>
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>
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 <i>N/A</i>
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>
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 <i>N/A</i>
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>
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 <i>N/A</i>
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 <i>N/A</i>
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 <i>N/A</i>
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>
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 <i>N/A</i>

ADDITIONAL STIPULATIONS: (Office Use Only)

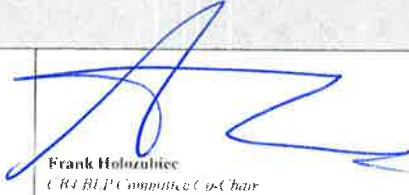
To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

Manhattan Community Board 4 (MCB4) recommends:
(MCB4's recommendation is based on a vote taken at its
October 3, 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 Holozhnic
CB4 BLDP Committee Co-Chair


Yoni Dukser
CB4 BLDP Committee Co-Chair

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 →

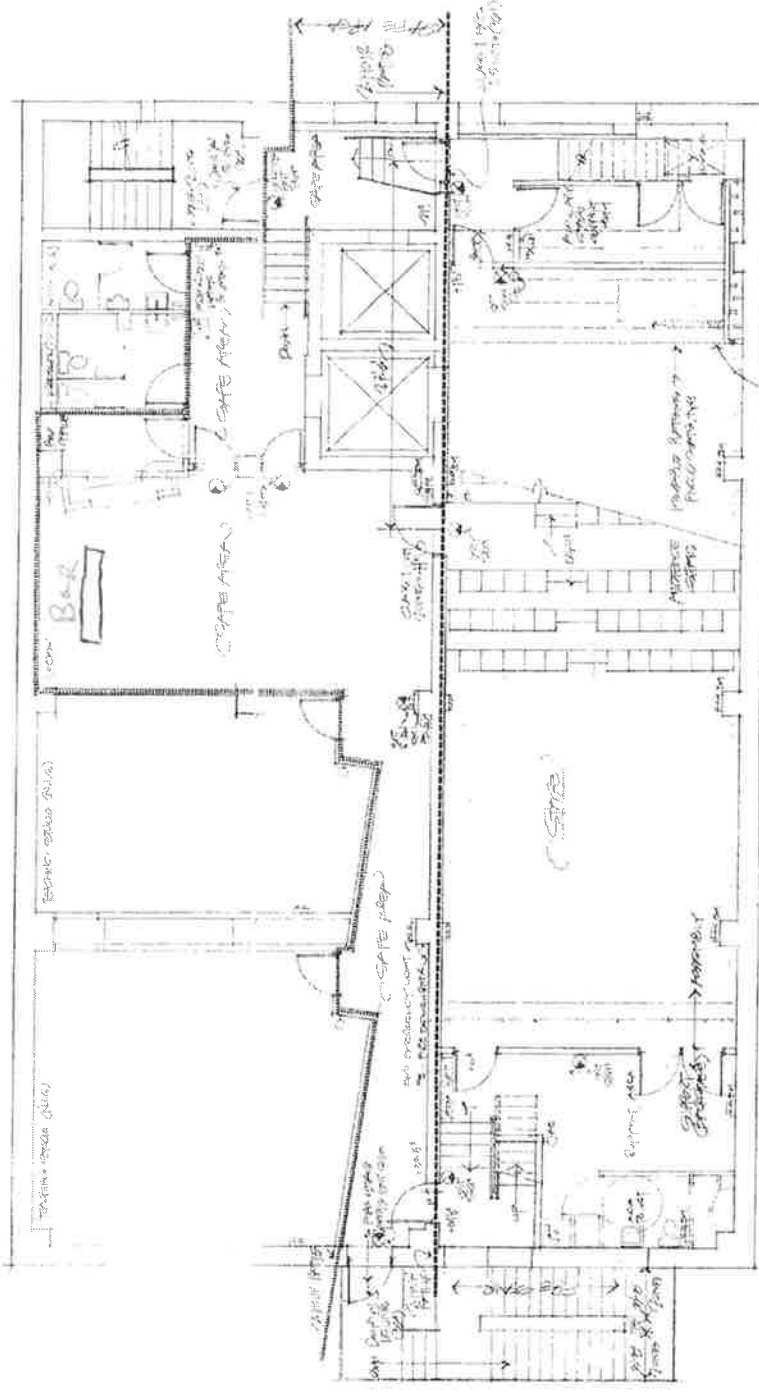

Bill Utevica
PRINT NAME OF APPLICANT


SIGNATURE OF APPLICANT

9/6/18
DATE

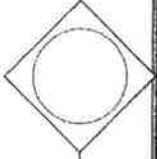
 9/17/18

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.



OVER EXPRESS + COMPLIANCE PLAN
 7/5/04

THE DESIGN GROUP THEATRE
 212 WEST 80TH ST
 NEW YORK CITY
 PLAN - MAIN LEVEL



R. MOON ASSOCIATES
 ARCHITECTS
 300 PARK AVENUE SOUTH #1401 NEW YORK NY 10023
 TEL 212 546 6422 FAX 212 246 1310



7-5-04
 DATE

Proximity Report for Location:

September 6, 2018

312 W 36 St, New York, NY, 10018

* 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 |
|-------------------------------|-------------------|------------------|
| 36TH STREET WINE & LIQUOR INC | 270 W 36TH STREET | 475 ft |
| 474 9TH AVE INC | 474 9TH AVENUE | 645 ft |
| SHILORI INC | 486 9TH AVENUE | 695 ft |
| CAMBRIDGE WINES & LIQUORS INC | 594 8TH AVENUE | 800 ft |
| 39TH STREET WINE INC | 354 W 39TH ST | 830 ft |
| GM & M RETAIL LIQUOR INC | 302 W 40TH STREET | 1055 ft |
| BARRELMORE WINE & SPIRITS INC | 488 7TH AVE | 1065 ft |

Churches within 500 Feet

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

Schools within 500 Feet

| Name | Address | Approx. Distance |
|--------------|-------------|------------------|
| WEST SIDE HS | 500 8TH AVE | 415 ft |

On-Premise Licenses within 750 Feet:

| Name | Address | Approx. Distance |
|--|-----------------------|------------------|
| STAG HORN STEAKHOUSE LLC | 315 W 36TH STREET | 95 ft |
| TGANYC LLC | 320 W 36TH ST | 125 ft |
| EVEN HOTEL 35 LLC & IHJ MANAGEMENT MARYLAND LLC | 321 W 35TH ST | 175 ft |
| 505 HP LLC | 505 8TH AVE | 220 ft |
| 520 ASIAN RESTAURANT CORP | 520 8TH AVENUE | 240 ft |
| 520 HAPPY TIMES INC | 520 8TH AVENUE | 240 ft |
| 324 37TH STREET LLC | 320-324 WEST 37TH ST | 285 ft |
| SBCO NYC LLC & 365 MANAGEMENT COMPANY LLC | 307 W 37TH ST | 310 ft |
| BARRYDALE SM LLC, BARRYDALE TRS LLC CM 36 MGMT LLC | 341 343 W 36TH STREET | 310 ft |
| BALLINTEER CORP | 326 W 37TH ST | 325 ft |
| SNRP WEST 37 LLC & BALLINTEER CORP | 326 330 W 37TH ST | 355 ft |
| EROS MGMNT & REALTY LLC & WYNDHAM HOTEL MGMNT INC | 345 W 35TH ST | 365 ft |

| Name | Address | Approx. Distance |
|---|-------------------|------------------|
| NEW YORKER HOTEL MANAGEMENT COMPANY INC | 481 8TH AVENUE | 385 ft |
| PISCES BAR & TAVERN INC | 543 8TH AVE | 390 ft |
| MANHATTAN CENTER STUDIOS INC | 311 W 34TH STREET | 490 ft |
| WWUPD INC | 252 W 37TH ST | 510 ft |
| GOGI 37 INC | 252 W 37TH ST | 530 ft |
| CASA NONNA NYC LLC | 310 W 38TH ST | 535 ft |
| CHIPOTLE MEXICAN GRILL OF COLORADO LLC | 304 W 34TH ST | 545 ft |
| TOTUMA LLC | 302 W 38TH ST | 560 ft |
| MUSES 35 BAR & KARAOKE INC | 248 W 35TH ST | 585 ft |
| NORA ON 9TH INC | 460 9TH AVE | 640 ft |
| ZZ 460 INC | 460 9TH AVE | 640 ft |
| BACI DA ROMA LLC | 331 W 38TH STREET | 660 ft |
| TM 358 CORP | 237 W 35TH ST | 670 ft |
| PROJECT X VENTURES LTD | 339 W 38TH ST | 710 ft |
| IMDN HOLDINGS LLC AND EDJD PROPERTIES INC | 585 8TH AVE | 715 ft |
| EDJD PROPERTIES INC | 585 8TH AVE | 715 ft |
| 325 WEST 33RD LLC AND LODGING CONCESSIONS LLC | 325 W 33RD ST | 730 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|-------------------------------|---------------|------------------|
| TB CANTINA LLC | 500 8TH AVE | 290 ft |
| PROJECT X VENTURES LTD | 240 W 37TH ST | 655 ft |
| MIDTOWN CONVENIENCE STORE INC | 454 9TH AVE | 670 ft |

Unmapped licenses within zipcode of report location

| Name | Address |
|------|---------|
|------|---------|

Google Maps 312 W 36th St



312 W 36th St
New York, NY 10018

Q234+FM New York





SWEET HOSPITALITY GROUP

A DRAMATIC DEPARTURE FROM ORDINARY

License Examiner, NYS State Liquor Authority
317 Lenox Avenue, 5th Floor
New York, NY 10027

Re: **Application for new OP license at 312 West 36th Street - 500 Foot Rule – Statement of Public Interest**

Good afternoon,

Sweet Hospitality Group is a leader in the live-theater concession operation industry. We currently oversee the concessions at 18 Broadway and Off-Broadway venues. During our 30+ years in business we have assisted numerous theaters in finding new avenues to entertain patrons and increase profits through innovative use of their concessions.

The patrons of live Broadway performances have become accustomed to and anticipate a high level of service from all phases of their theater experience, from ticketing, to parking, to checking their coats and even the items they order from concessions. Consumers have come to expect a wide variety of food and beverage choices from the theaters they patronize, including a full selection of cocktails and mixed drinks.

Having the ability to serve the needs of these customers is also beneficial for the theater who profit from the additional revenues generated.

In this time of economic change, we wish to assist the success of this theater and its multitude of backstage, cast and front-of-house staff by doing our best to provide them with all the support we can muster. This includes being prepared to serve a full range of alcoholic beverages to their patrons.

In order to provide our services to Broadway Theater patrons, and to do our small part to assist in the strengthening of the currently faltering economic outlook, we humbly implore the NYS Alcoholic Beverage Authority to use all speed and influence to quickly process our application for a full Liquor License at the Barrow Theater Group theater space at 312 West 36th Street, NYC.

Thank you for your kind consideration of our request. If I can provide any information which may assist you in making your determination or speed the application process along, please feel free to contact me at (212) 582-5472.

Respectfully,

Bill Votava, VP – Business Affairs

Disney
FROZEN
THE BROADWAY MUSICAL

REFRESHMENTS

| | | REFILL |
|-------------------|---------|---------|
| Water | \$5 | |
| Sparkling Water | \$6 | |
| Cold Brew Coffee | \$7 | |
| Soft Drinks | \$9 | \$4 |
| Mocktail | \$10 | \$5 |
| Beer | \$12-14 | \$7-9 |
| Liquor | \$16-21 | \$11-16 |
| Double | \$24-34 | \$19-29 |
| Featured Cocktail | \$21 | \$16 |
| Double | \$34 | \$29 |
| Wine | \$15-18 | \$10-13 |
| Double | \$22-28 | \$17-23 |
| Champagne | \$33 | \$28 |
| Ice Cream | \$5 | |
| Candy & Snacks | \$4-7 | |

FEATURED SHOW COCKTAILS

FORCE OF NATURE

Let the storm rage on with this powerful blend of flavors so good you won't want to let it go!

HERRADURA TEQUILA,
BLUE CURAÇAO, LIME,
GINGER, MINT, AGAVE

HEART OF ARENDELLE

Only a *drink* of true love can melt a frozen heart and you're sure to love this one!

BELVEDERE VODKA,
ELDERFLOWER LIQUEUR, LEMON,
CANE SYRUP, CITRUS SHRUB

FIXER UPPER

Don't hold back your fondness for this cocktail - we'll gladly fix you up another!

BACARDI RUM, COCONUT PUREE,
LIME, LYCHEE SYRUP, TIKI BITTERS

FEATURED MOCKTAIL

IN SUMMER

Some things are worth melting for and this non-alcoholic sparkler is one of them!

LEMONADE &
BLUE RASPBERRY SYRUP



JUJAMCYN THEATERS



BOND IN SUPPORT OF APPLICATION FOR LICENSE OR PERMIT
UNDER THE NEW YORK ALCOHOLIC BEVERAGE CONTROL LAW

| | | | |
|--------------------|-------------------------|------------------------------|---|
| Application Number | Bond Number
63469397 | This bond expires in
2002 | Penal Sum of Bond
\$1000.00 Plus Costs |
|--------------------|-------------------------|------------------------------|---|

KNOW ALL MEN BY THESE PRESENTS, that we

| | |
|--|--|
| Name of Applicant
SWEET HOSPITALITY GROUP THE
BARROW GROUP THEATER | Address of Place of Business
of 312 WEST 36TH STREET, NEW YORK |
| in the county of NEW YORK | State of New York 10018 |
| Name of Insurance Company
WESTERN SURETY COMPANY | Address of Office or usual Place of Business
P.O. BOX 5072,
211 W. 111th St. NYC 10019 |

a surety company approved by the Superintendent of Insurance of New York State as to solvency and responsibility and authorized to transact business in New York State, as Surety, are held and firmly bound unto the People of the State of New York in the penal sum set forth above and for the payment of any costs taxed or allowed in any action or proceeding to the extent of One Thousand Dollars (\$1,000.00) for the payment of which sum or sums, well and truly to be made, we, the said principal and surety bind ourselves, successors, and assigns, respectively, jointly and severally, firmly by these presents

WHEREAS, the above bounden principal is making application to the New York State Liquor Authority, for a license or permit under the Alcoholic Beverage Control Law and the said State Liquor Authority, by Part 81 of Subtitle B of Title 9 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (Rule 9 of the Rules of the Authority), having required the principal to file with it a bond to the People of the State of New York, as provided in said Law aforesaid.

NOW, THEREFORE, the conditions of this obligation are such that if the said license or permit applied for, which expires on the date designated in said license or permit, is granted to the said principal and the principal will not, during the license or permit period, suffer or permit any violation of the provisions of the Alcoholic Beverage Control Law, or of any of the rules now or hereafter issued by said State Liquor Authority, or give cause, as provided in the Alcoholic Beverage Control Law or Part 53 of Subtitle B of Title 9 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (Rule 53 of the Rules of the Authority), for the cancellation, revocation or suspension of said license or permit or the issuance of an order of warning, and will pay all fines and penalties which shall accrue thereunder, together with all costs taxed or allowed in any action or proceeding brought or instituted for a violation of any of the provisions of said Alcoholic Beverage Control Law, or of any of the rules now or hereafter issued by said State Liquor Authority, or for cause for the cancellation, revocation or suspension or issuance of an order of warning as provided in the Alcoholic Beverage Control Law or Rules of the Authority, or costs taxed or allowed in any review pursuant to Section 124 of the Alcoholic Beverage Control Law, then this obligation shall be void; otherwise to remain in full force and effect; subject, however, to the following conditions:

1. An action for the breach of any condition of this bond may be maintained without previous conviction or prosecution for the violation of any provision of said Alcoholic Beverage Control Law, or of any of the rules now or hereafter issued by the State Liquor Authority, or for cause as provided by the Alcoholic Beverage Control Law or Part 53 of Subtitle B of Title 9 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (Rule 53 of the Rules of the Authority)
2. The aggregate liability of the surety on account of any and all defaults hereunder shall in no event exceed the penal sum of this bond plus costs taxed or allowed in any action or proceeding to the extent of One Thousand Dollars (\$1000.00).
3. Upon the payment of any loss arising under this bond, the surety shall be subrogated to the rights and remedies of the obligee against the principal to recover from the principal any amount so paid.
4. Any action brought for the penal sum of this bond shall be commenced within twenty-four months after the expiration of the license or permit period aforementioned, or for costs within one year after final disposition of any action or proceeding. In the event of the institution of any action or proceeding to review the Authority's determination, the period of 24 months shall not commence until the final determination of the proceeding or litigation.
5. This bond shall be effective during the time the aforementioned license or permit shall be in effect and during any extension thereof.
6. A breach of any condition of this bond shall be deemed to have been established by the revocation, cancellation or suspension of the aforesaid license or permit or the issuance of an order of warning by the State Liquor Authority unless said revocation, cancellation, suspension or order of warning shall have been reversed or annulled by a Court of competent jurisdiction.
7. In any action or proceeding to recover on this bond, the principal and the company named herein as Surety waive any defense based upon any defect in the bond, including but not limited to, an erroneous, improper or defective insertion or omission to insert or apparent alteration of the expiration year and/or amount of the penal sum of the bond and further waive any objection that the bond bears a printed, typewritten or facsimile signature. Any bond filed with the State Liquor Authority shall be admissible as evidence in any court on application of the State Liquor Authority or People of the State of New York without further proof of due execution thereof by or on behalf of the principal and surety and shall be conclusively presumed to have been duly executed by and on behalf of the principal and surety. Any bond filed with the State Liquor Authority and bearing the printed or facsimile name of the surety or the typewritten or facsimile signature of its representative shall be conclusively presumed to be the duly issued bond of the surety company and binding on it, its successors and assigns for the amount specified in Part 81 of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Rule 9 of the Rules of the State Liquor Authority).

IN WITNESS WHEREOF the parties hereto have caused these presents to be signed and sealed on
1st day of September, 1978

Name of issuing agency ROLBERT L. LEE Agency, Inc. Address Hamburg, NY 14075-1091
Phone # (716) 648-6200

SWEET HOSPITALITY GROUP THE BARROW GROUP THEATER, L.S. Principal (Applicant) (lessor)
Western Surety Company

BY: Paul T. Bruffa, Vice President, L.S.