

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME MGTS Corp.		DOING BUSINESS AS (DBA) Merchants Gate		
STREET ADDRESS 1000S Eighth Avenue, Store #1 a/k/a Retail Concourse (59th Street /Columbus Circle Subway Station)		CROSS STREETS West 57th St & West 58th St		ZIP CODE 10018
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Brian Stapleton, Dieter Seelig, Josh Friedman	ATTORNEY/ REPRESENTATIVE	NAME: Kimberly A. Summers	
	PHONE: 646-526-7262		PHONE: 646-383-4607	
	EMAIL: DSeelig@gmail.com		EMAIL: Kimberly@DS-LawOffices.com	
MANAGER	NAME: Brian Stapleton	LANDLORD	NAME: Columbus Turnstyle LLC	
	PHONE: 917-575-0469		PHONE: 774-262-6095	
	EMAIL: BSPluguglies@aol.com		EMAIL: TBD	
APPLICATION TYPE (Check One)				
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?		See Addendum	
	What were the dates applicant was involved with this former premise?			
<input type="radio"/> Corp Change/Class Change/Removal	What is the license # and expiration date?			
	Is applicant making any alterations or operational changes?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>			
<input type="radio"/> Alteration	What is the current license # and expiration date?			
	<i>Please list/describe the nature of all the changes and attach the plans:</i>			
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 checked="" 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)			
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	To be submitted in the coming weeks	
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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO		
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="checkbox"/> YES	<input checked="" type="checkbox"/> NO		
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> 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-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am
	Kitchen	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am
	Music	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> 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	Pending	TBD	2	14	0	1	11		
OUTSIDE <i>(Other than sidewalk café)</i>	N/A								
SIDEWALK CAFÉ	N/A								
How many floors are there? What is the capacity for each floor?					1 floor- subway retail concourse				
How frequently will the owner(s) be at the establishment?					50% of the hours of operation, the remaining time a well-trained manager will be on the premises.				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="checkbox"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="checkbox"/> NO			
Will you be hosting private, promotional or corporate events?					YES	<input checked="" type="checkbox"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="checkbox"/> NO			
Will you have a security plan? If, yes please attach.					<input checked="" type="checkbox"/> YES	NO			
Will security plan be implemented?					<input checked="" type="checkbox"/> YES	NO			
Will State certified security personnel be used?					<input checked="" type="checkbox"/> YES	NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="checkbox"/> 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	NO <input checked="" type="checkbox"/>	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	Pending
Is a Public Assembly permit required?	YES	NO <input checked="" type="checkbox"/>	
Are your plans filed with DOB?	YES	NO <input checked="" type="checkbox"/>	

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	All required block associations/organizations have been notified	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		To be provided at Community Board Meeting	
Who was your contact person at each group you met with?		To be provided at Community Board Meeting	
When did applicant post the notice that was provided?		To be provided at Community Board Meeting	
Where did applicant post the notice that was provided?		To be provided at Community Board Meeting	
Will applicant provide owner call phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES <input checked="" type="checkbox"/>	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES <input checked="" type="checkbox"/>	NO

BUILDING DESIGN

State the name and type of business previously located in the space.		Subway Station Food Concourse	
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO X	
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO X	
Will applicant have a vestibule within the establishment?	YES	NO	N/A
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 X	NO	
Will applicant comply with the NYC noise code?	YES X	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS X	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 X	
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	N/A- the space is located within a subway station retail concourse
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO X	
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 X	
Will the kitchen exhaust system extend to the roof?	YES	NO X	
Will the establishment have an illuminated sign?	YES X	NO	
Will the establishment have a canopy extending over the sidewalk?	YES	NO X	
Where will the air conditioner be located? What type is it?			
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?	YES <input checked="" type="checkbox"/>	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	N/A
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?	YES	NO	N/A
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?	YES	NO	N/A
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	N/A
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	N/A
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	N/A
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?	YES	NO	N/A

ADDITIONAL STIPULATIONS: (Office Use Only)


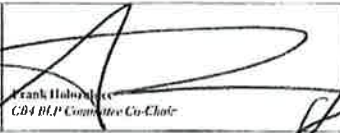

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

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.


<p>Manhattan Community Board 4 (MCB4) recommends: (MCB4's recommendation is based on a vote taken at its <u>4/4/18</u> full board meeting, with <u>34</u> members voting in favor of the recommendation, <u>0</u> members opposed, <u>0</u> members abstaining and <u>0</u> present but not eligible)</p>	<p><input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval</p>
---	--

CB4 REPRESENTATIVES

 Kelly Gonzalez CB4 Assistant District Manager	 Frank Halasz CB4 DLP Committee Co-Chair	 Paul Polivy CB4 DLP 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.

<p>SIGN HERE →</p>	<p>BRINN SIMPLETON PRINT NAME OF APPLICANT</p>	<p> SIGNATURE OF APPLICANT</p>	<p>2/28/2018 DATE</p>
--------------------	--	---	------------------------------------

 3/17/2018

ADDENDUM- APPLICANTS SIMILAR ESTABLISHMENTS

Applicant: MGTS Corp.

Premises Name: HUZDAH LLC

Trade Name: Finnerty's Irish Pub

Address of Premises: 221 2nd Avenue, New York, NY 10003

Date of Filing: 3/9/2009

Serial Number: 1222474

Disposition: License is Active

Premises Name: 256 THIRD AVE INC

Trade Name: Plug Uglies

Address of Premises: 256 3rd Avenue, New York, NY 10010

Date of Filing: 4/27/2015

Serial Number: 1285693

Disposition: License is Active

Premises Name: 488 ALBEE CORP

Trade Name: Craft and Carry

Address of Premises: 445 Gold Street, Brooklyn, NY 11201

Date of Filing: 5/26/2017

Serial Number: 1302985

Disposition: License is Active

Premises Name: 445 ALBEE CORP

Trade Name: Brooklyn Wine Cellar

Address of Premises: 445 Gold Street, Space 42, Brooklyn, NY 11201

Date of Filing: 3/9/2009

Serial Number: 1305316

Disposition: License is Active

Proximity Report for Location:

March 7, 2018

1000 8th Ave, New York, NY, 11215

* 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
342 350 LIQUOR CORP	342 7TH AVE	805 ft
PROSPECT WINE SHOP LTD THE	322 7TH AVE	895 ft
SLOPE CELLARS INC	436 7TH AVENUE	1445 ft
WINDSOR WINES & SPIRITS INC	216 PROSPECT PARK W	1805 ft
PRIMETIME LIQUORS CORP	427 5TH AVE	2330 ft
ACME SPIRITS BROOKLYN LLC	487 5TH AVE	2340 ft
PARK SLOPE WINE AND LIQUOR INC	539 541 5TH AVE	2540 ft

Churches within 500 Feet

Name	Approx. Distance
Church of Gethsemane	150 ft

Schools within 500 Feet

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

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
SOLTONE INC	1114 1116 8TH AVENUE	300 ft
HOOKEED RESTAURANT & BAR LLC	1123 8TH AVE	485 ft
ONE MEATBALL LLC	367 7TH AVE	710 ft
SFIZI INCORPORATED	347 7TH AVENUE	735 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
ELEVENTH STREET MINI MART INC	1021 8TH AVE	65 ft

Unmapped licenses within zipcode of report location

Name	Address
------	---------

FOOD

SMALL PLATES

SPICED MOROCCAN NUTS 7

Toasted Almonds, Pecans, Brazil nuts

OLIVE PLATE 8

Olive oil & Lemon

BAKED PRETZEL 7

Beer Cheese & Grain Mustard

PICKLED VEGGIE JAR 8

Seasonal Vegetables

FRIED SHISHITO PEPPERS 8

Maldon Salt

TOASTS

AVOCADO 9

Toasted Pumpkin Seeds & Smoked Olive oil

DEVILED EGG MASH 8

Smoked Paprika & Double Smoked Bacon

BOARDS

CHOICE OF THREE 14

CHOICE OF FIVE 18

CHEESES

Maytag Blue
Melkbus Gouda
Lincet St. Nuage
Pecorino Toscano
Manchego

MEATS

Coppa
Prosciutto
Saucisson Seco
Country Pate
Soppressata

