

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

| | | | |
|---|---|--|--|
| CORPORATION NAME <i>MC 137 Inc</i> | | DOING BUSINESS AS (DBA) <i>Offside Tavern</i> | |
| STREET ADDRESS <i>137 West 14th Street</i> | | CROSS STREETS <i>Blk 6th + 7th Avenue</i> | ZIP CODE <i>10011</i> |
| OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small> | NAME: <i>Michael McFarlane</i> | ATTORNEY/ REPRESENTATIVE | NAME: <i>Mitchell Segal, Esq.</i> |
| | PHONE: <i>239-986-3882</i> | | PHONE: <i>516-415-0100</i> |
| | EMAIL: <i>mikeequipmentservice@yahoo.com</i> | | EMAIL: <i>msegal@restaurantesq.com</i> |
| MANAGER | NAME: <i>Nicholas Costa</i> | LANDLORD | NAME: <i>Timothy McDonagh</i> |
| | PHONE: <i>516-502-5755</i> | | PHONE: <i>917-975-4415</i> |
| | EMAIL: | | EMAIL: <i>tmcDonagh@gmail.com</i> |
| APPLICATION TYPE (Check One) | | | |
| <input type="radio"/> New | Has applicant owned or managed a similar business? | | YES NO |
| | What is/was the name and address of establishment? | | |
| | What were the dates applicant was involved with this former premise? | | |
| <input type="radio"/> Transfer | What is the prior license # and expiration date? | | |
| | Is applicant making any alterations or operational changes? | | YES NO |
| | If alterations or operational changes are being made, please describe/list all changes. | | |
| <input checked="" type="radio"/> Alteration | What is the current license # and expiration date? | | <i>Serial # 1299652 Exp 5/31/19</i> |
| | Please list/describe the nature of all the changes and attach the plans: <i>Karaoke Sat 9pm-1^{am} Sun 8pm-11pm</i> | | |
| METHOD OF OPERATION | | | |
| TYPE OF ALCOHOL | <input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer | | |
| ESTABLISHMENT TYPE | <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? | | YES | <input checked="" type="radio"/> NO |
| 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 | NO |
| 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 checked="" type="radio"/> NO |
| Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments? | | <input checked="" type="radio"/> YES | NO |

| OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons) | | | | | | | | | |
|--|--|--|------------------|-----------------|--------------------------------------|-------------------------------------|---------------------------------|----------|----------|
| HOURS* (Indoor Only) | | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY | |
| | Operation | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am |
| | Kitchen | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am |
| | Music | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am | 12pm-4am |
| 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 | 74 | 74 | 5 | 40 | | 1 | 12 | | |
| OUTSIDE (Other than sidewalk café) | | | | | | | | | |
| SIDEWALK CAFÉ | | | | | | | | | |
| How many floors are there? What is the capacity for each floor? | | | | | 1 Floor 74 Capacity | | | | |
| How frequently will the owner(s) be at the establishment? | | | | | Daily | | | | |
| Will you be applying or intending to apply for a cabaret license with DCA? If yes, 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? | | | | | YES | <input checked="" type="radio"/> 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 | | | |
| Will security plan be implemented? | | | | | <input checked="" type="radio"/> YES | NO | | | |
| Will State certified security personnel be used? | | | | | <input checked="" type="radio"/> YES | 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 | | | | |

| 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? | <input checked="" type="radio"/> YES | NO |
| Is a Public Assembly permit required? | YES | <input checked="" type="radio"/> NO |
| 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 | <i>Canal Chelsea Block Association: Bill Borock</i> |
| | # 2 | <i>100/200 West 15th Street Block Association: Stanley Bulbach</i> |
| | # 3 | <i>100 West 16th St. Block Association: Paul Cronchi</i> |
| | # 4 | <i>200 West 16th St. Block Association: Will Rogers</i> |
| | # 5 | <i>100 West 17th St. Block Association: Craig Skolkin</i> |
| Please provide dates when applicant met with the groups listed above. | <i>TBD</i> | |
| Who was your contact person at each group you met with? | <i>TBD</i> | |
| When did applicant post the notice that was provided? | <i>7/3/17 7/3/17</i> | |
| Where did applicant post the notice that was provided? | <i>Front Door</i> | |
| 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 | 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 |

| BUILDING DESIGN | | | |
|---|---|-------------------------------------|--|
| State the name and type of business previously located in the space. | Bung's Den | | |
| 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 | Bung's Den |
| Do you plan any changes to the existing façade? If yes, please describe. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | Facade Updated |
| Will applicant have a vestibule within the establishment? | <input checked="" type="radio"/> YES | <input 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) <i>Future</i> | <input checked="" type="radio"/> FRENCH DOORS | <input type="radio"/> GARAGE DOORS | <input type="radio"/> 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? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | |
| 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 checked="" type="radio"/> YES | <input type="radio"/> NO | |
| Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings? | <input type="radio"/> YES | <input checked="" type="radio"/> 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? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | |
| Will the kitchen exhaust system extend to the roof? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | |
| Will the establishment have an illuminated sign? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | |
| Will the establishment have a canopy extending over the sidewalk? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | |
| Where will the air conditioner be located? What type is it? | On roof. Standard roof HVAC | | |
| When was the air conditioner installed? | 2009 | | |

| OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFE | | | |
|--|--------------------------------------|-------------------------------------|-----|
| 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 | N/A |
| 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 | N/A |
| 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 | N/A |
| Will there be no amplified music, as per the law? | <input type="radio"/> YES | <input type="radio"/> NO | N/A |
| If amplified sound is played inside the establishment, will windows and doors be closed? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | |
| Will applicant agree to post signs outside asking customers to respect the neighbors'? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | |
| 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) | <input checked="" 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 checked="" 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 | <i>No intention at the present time</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)

- Applicant agrees karaoke will be limited to 9 p.m. - 1 a.m. on Saturdays and 8 p.m. - 11 p.m. on Sundays

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)

- KARAOKE WILL BE LIMITED
TO 9 PM to ~~10~~ 1 AM
ON SATURDAYS + 5:00 PM
to 11 PM ON SUNDAYS.


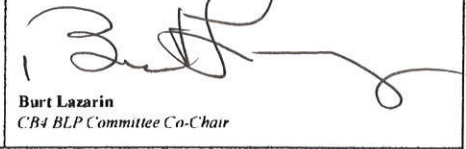
To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

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: | <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 |
|--|---|

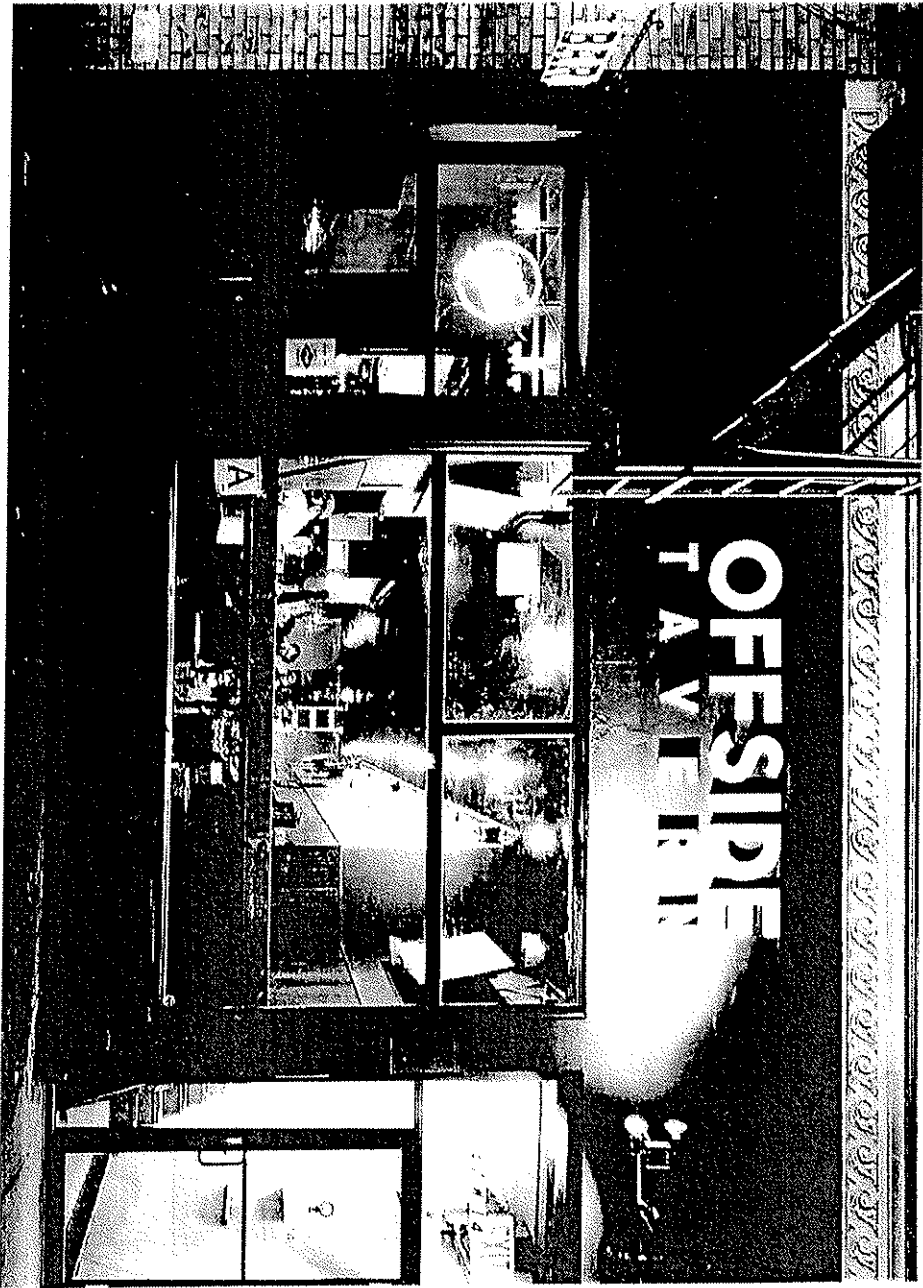
CB4 REPRESENTATIVES

| | | |
|---|--|---|
|  Nelly Gonzalez <i>CB4 Assistant District Manager</i> |  Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i> |  Burt Lazarin <i>CB4 BLP Committee Co-Chair</i> |
|---|--|---|

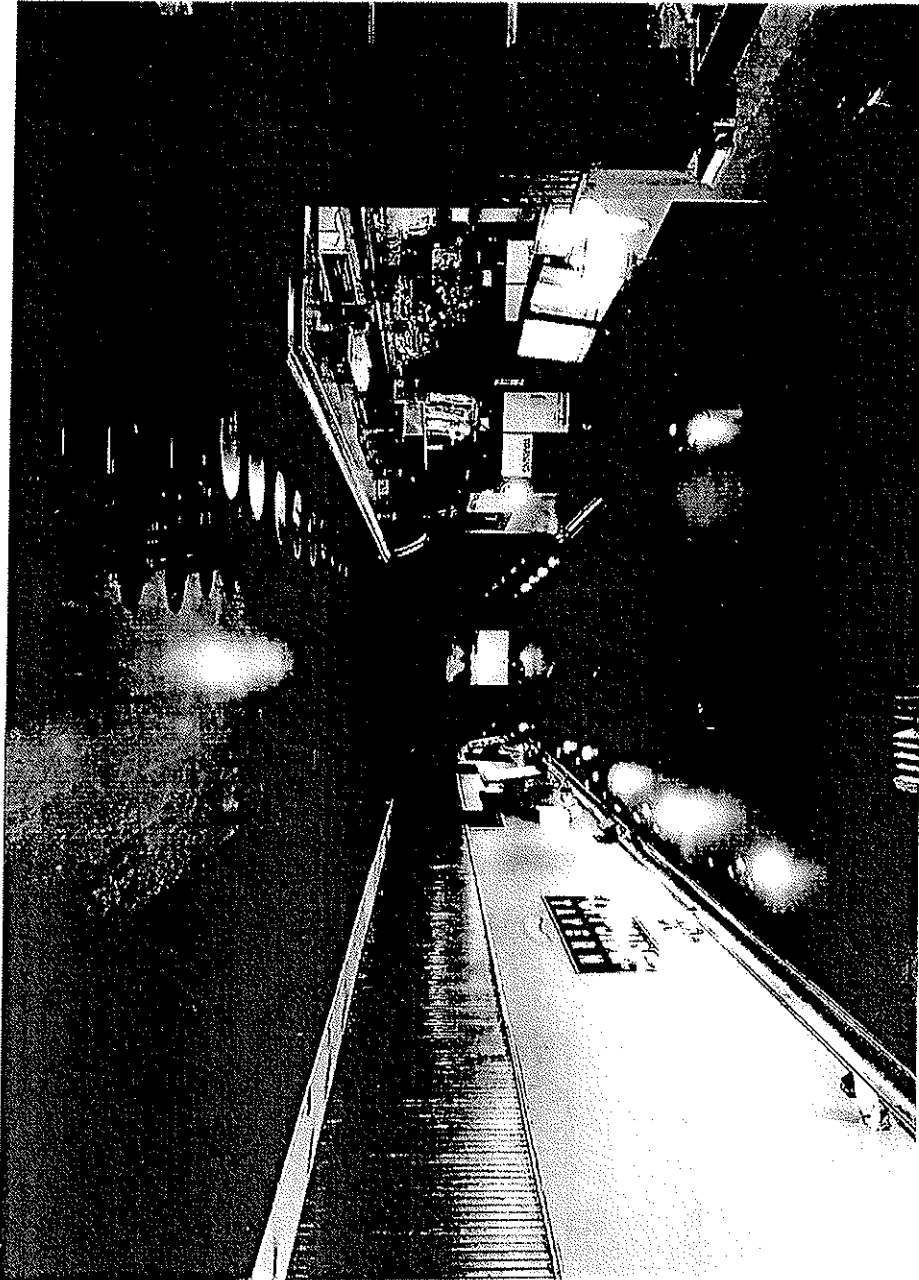
APPLICANT AGREEMENT WITH THE COMMUNITY

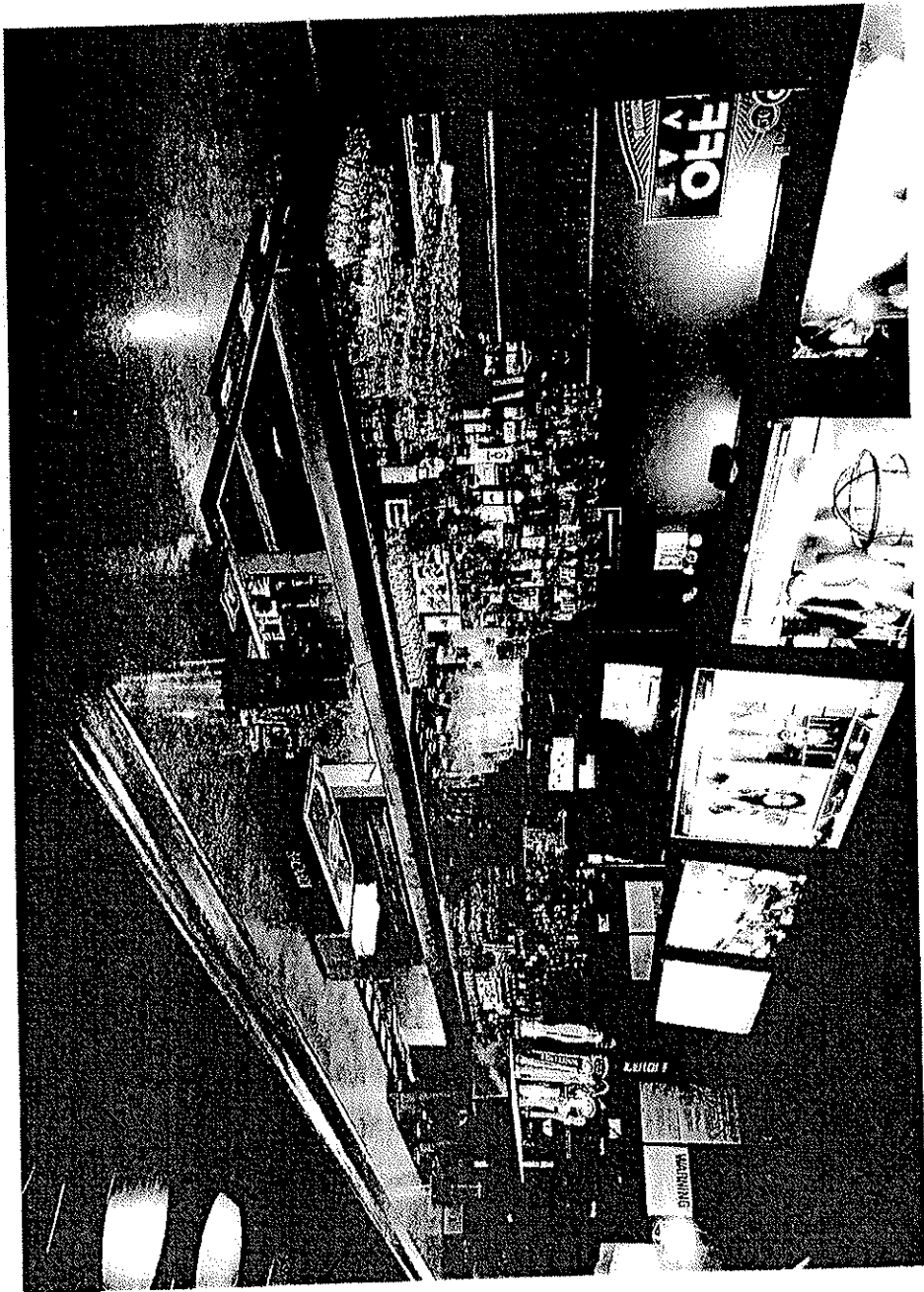
Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of 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 → |  PRINT NAME OF APPLICANT | <i>Mitchell Segal</i> SIGNATURE OF APPLICANT | <i>8/18/17</i> DATE |
|--------------------|---|--|-------------------------------|

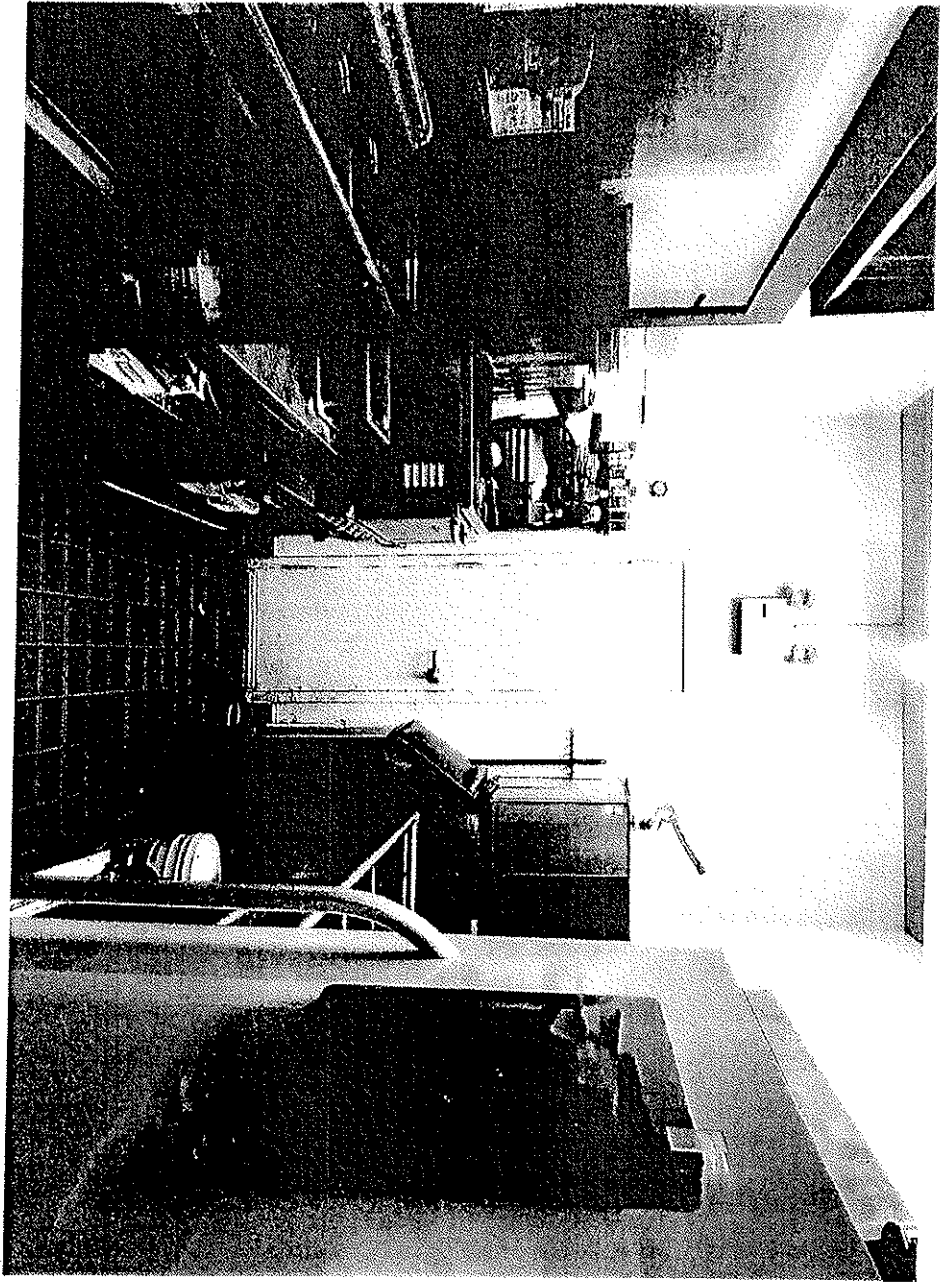


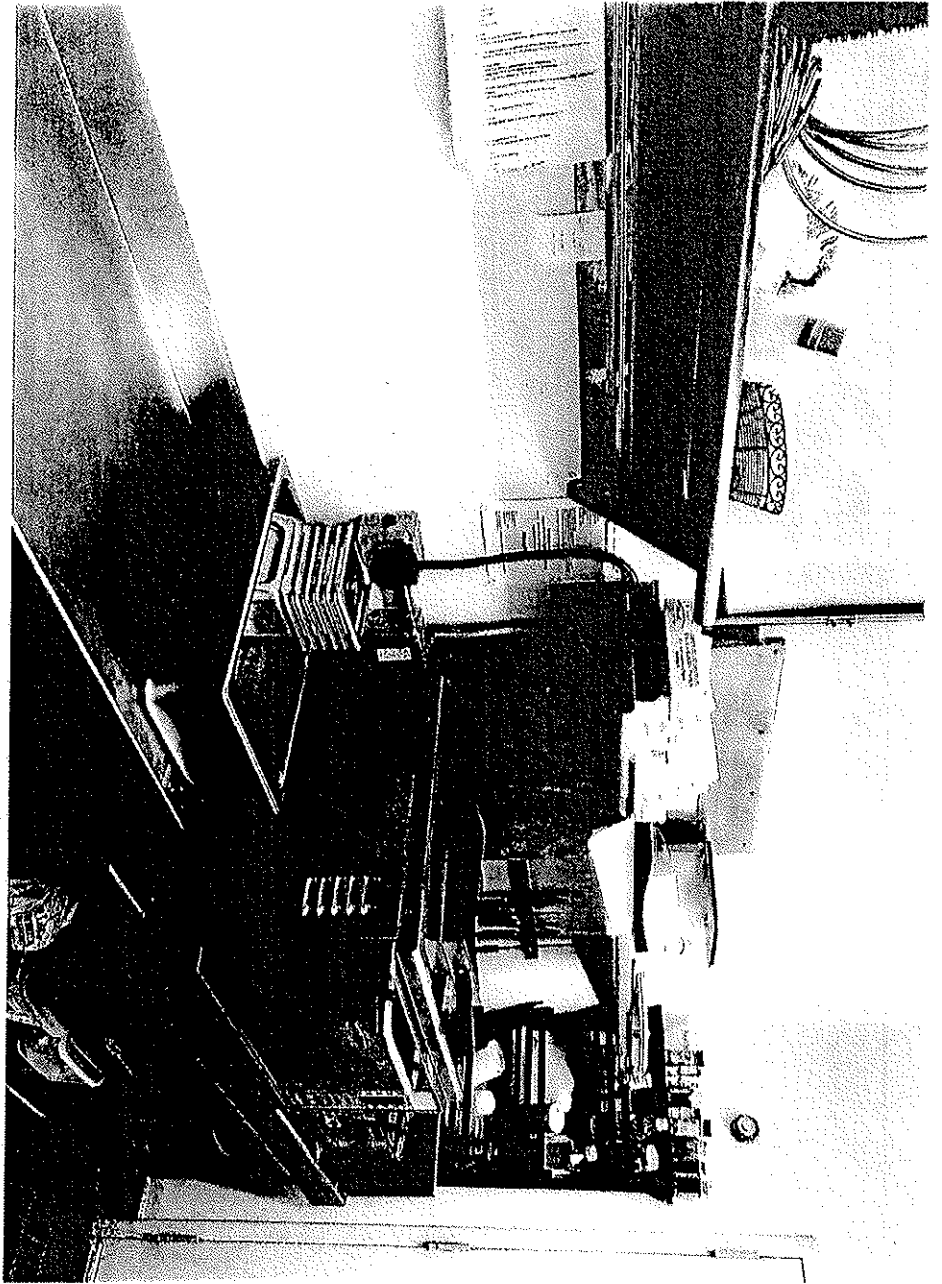
**OFFSIDE
TAVERN**

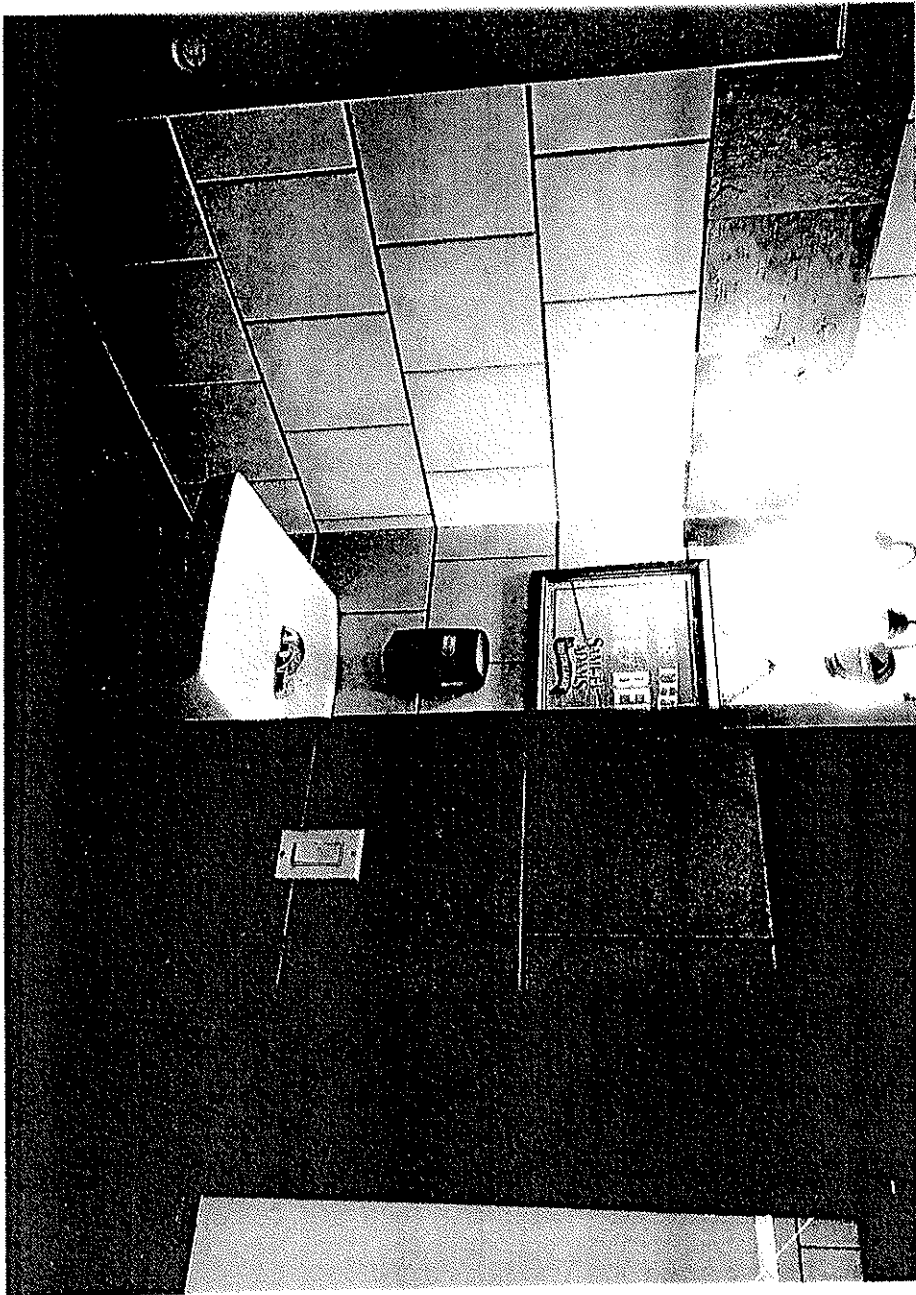


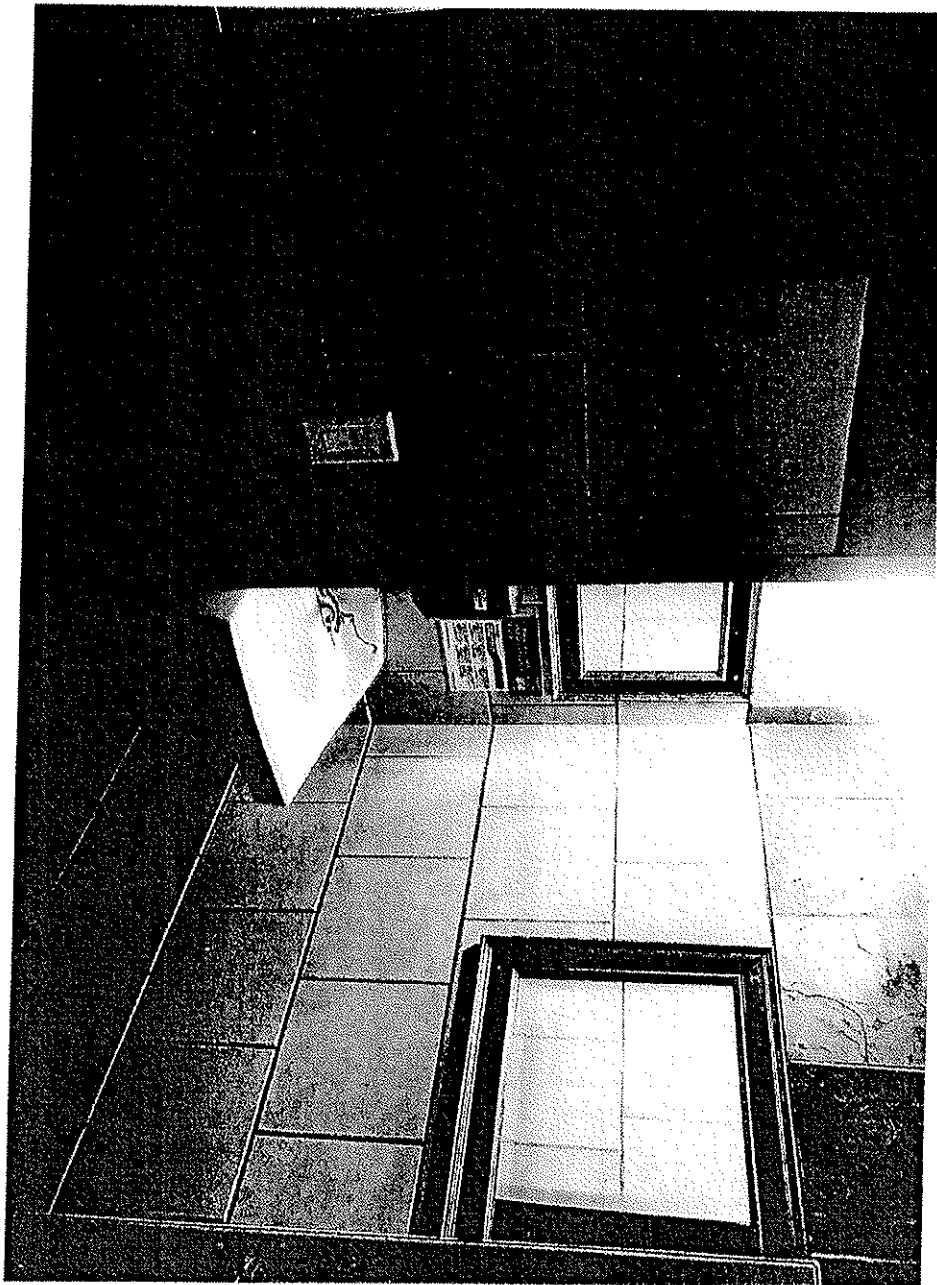




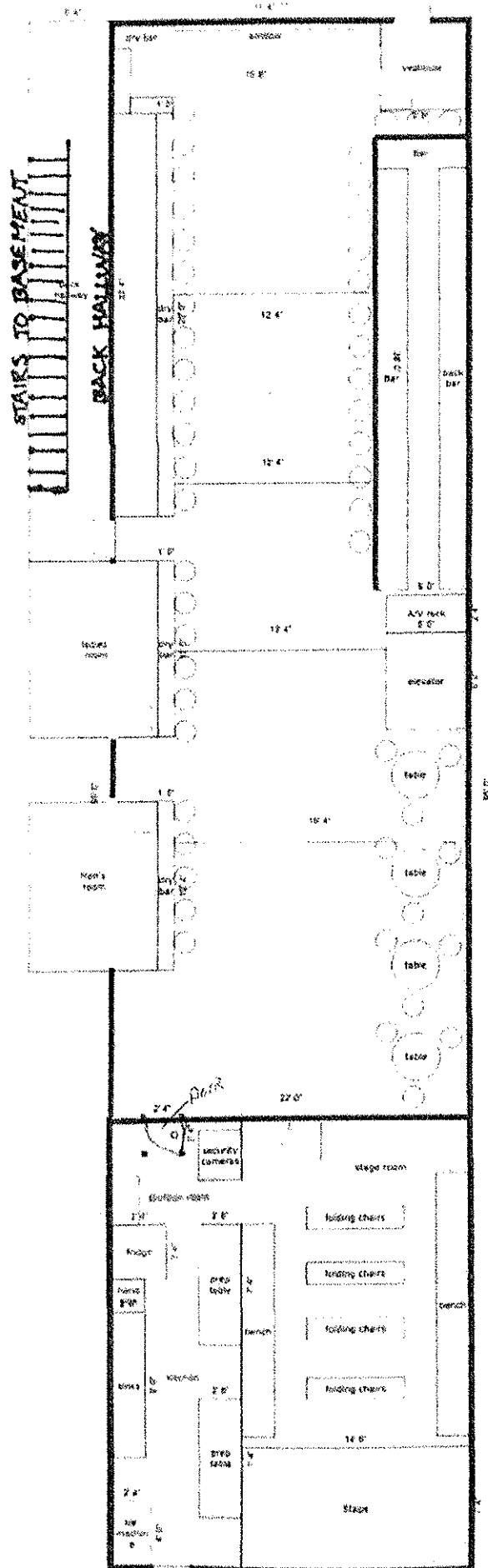




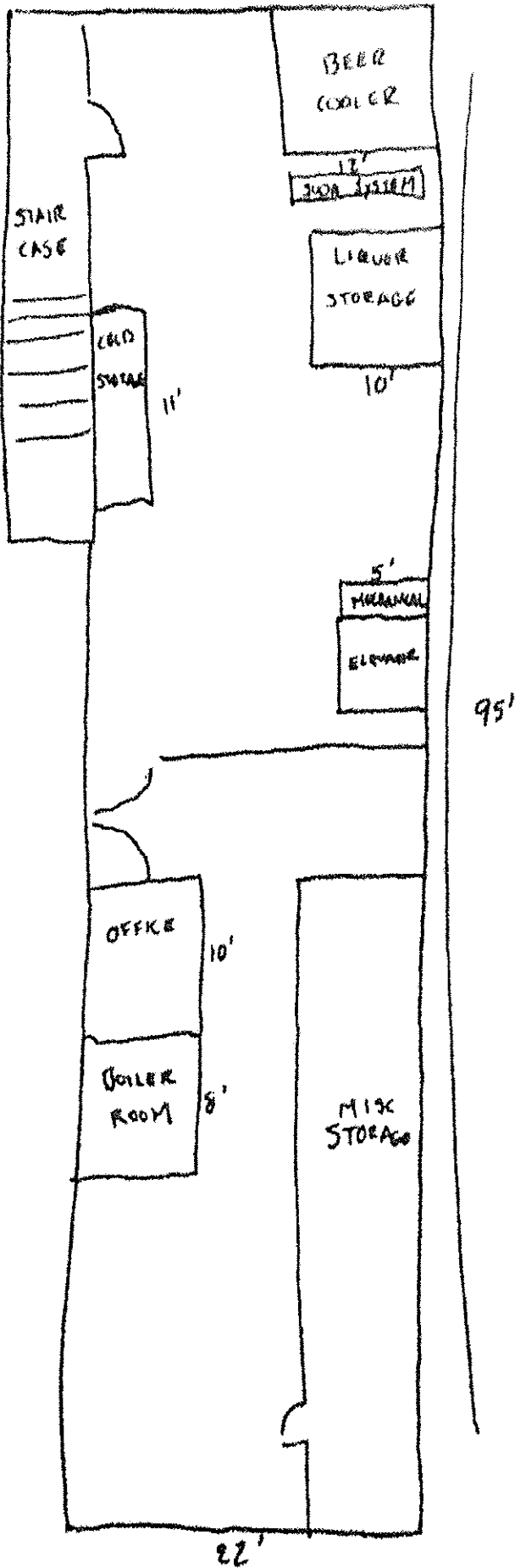




AME. NO 90



AMENDED



MC 137 INC. D/B/A OFFSIDE TAVERN
ESTABLISHMENTS WITHIN 500 FEET

1. 109 West 14 Rest Inc. Good Stuff Diner - 109 West 14th Street - Diner - 341 Feet
2. Con & Con Caterers Inc. d/b/a Flannerys - 205 West 14th Street, NY, NY - Irish Pub - 479 Feet.
3. De Armas Enterprises Corp., Copelia Diner - 207 West 14th Street, NY, NY - Diner - 499 Feet

500 FOOT HEARING PUBLIC INTEREST STATEMENT

MC 137 INC. doing business as OFFSIDE TAVERN

137 West 14th Street, New York New York 10010

1. The Premises: MC 137 Inc. d/b/a Offside Tavern is located at 137 West 14th Street, between 6th and 7th Avenues in Chelsea. It has been used as a bar/tavern for several years. The Applicant is a hands on operator with a lot of experience in the bar/tavern industry. In keeping with the residential and business makeup of the area the Applicant has made improvements to the Premises to run a better operation than existed in this location in the past and is committed to make it more neighborhood friendly establishment than it was before.

2. Positive Impact: Over its existence the businesses of Chelsea have had a positive impact on the community through the generation of additional revenue and employment of residents of the community. The variety of its businesses and particularly its bars/taverns, restaurants and retail establishments have had a positive impact on the quality of the neighborhood and its residents' quality of life. Applicant seeks an On Premises Liquor License to add to providing additional updated alternatives of entertainment and venues to the community and neighborhood. The prior owner of this location has had a full service On-Premises Liquor License for years.

3. The 500 Foot Standard: ABC Law 64(7)(f) states that no retail license for on-premises consumption may be granted to any establishment within 500 feet of three or more premises licensed and operating with on premises liquor licenses unless after consultation with the community board or municipality, it determines that the approval and issuance of said license is in the best interest of the public. Factors to be considered are (a) the number, classes and character of licenses in proximity to the location within the municipality or community board's geographic area; (b) evidence that all necessary permits have been obtained from the state and any governing bodies; (c) the effect the granting of the license would have on vehicular traffic and parking; (d) the effect the granting of the license would have on noise level at the premises; (e) the history of liquor violations and criminal activity reported at the proposed location; and (f) any other relevant factors emanating from laws or regulations affecting public convenience, advantage and interest in the community.

4. Explanation of Factors: (a). The number, classes and character of licenses in proximity to the location within the municipality or community board's geographic area: Applicants premises located at 137 West 14th Street is part of a mixed use building. This location has been operating as a bar/tavern with a full liquor license for years. As such Applicant is merely operating and has updated an existing establishment which will be operated more professionally than the prior establishment.

Applicant is east of Seventh Avenue. Measuring point of entry to point of entry by walking measurement and Google Maps walking directions' utility reveals that there are 3 on premises liquor license establishments within 500 feet of the Applicant's premises entrance to the respective establishments' entrances'. The establishments serving liquor within 500 feet of the Applicant are two diners and one bar/tavern which is west of Seventh Avenue. Consequently the Applicant is the only bar/tavern on 14th Street east from Seventh Avenue until east of Union Square. The three establishments are two diners one of which is west of Seventh Avenue of 14th Street and the other is east of Seventh Avenue on 14th Street. Obviously liquor is not a big part of the diners business and the other establishment is an Irish pub. Applicant promotes sporting events, plans on having alumni evenings of various universities, comedy evenings, trivia night and has a more expansive operation than the Irish pub located within 500 feet of the Applicant. It is more community relative as it provides additional sources of entertainment in addition to alcohol and food. Most of the other establishments located within two blocks of the Applicant are located on the avenues or on 14th Street and are primarily full service restaurants and are in excess of 500 feet from the Applicant using the above mentioned measurement methods. Although the GIS Mapping system located on the State Liquor Authority's site lists more on premises liquor licensed establishment within 500 feet from Applicant, the measurements are not from entrance to entrance, the Liquor Authority does not opine to the measurement and they are not within 500 feet of the Applicant using the above stated measurement methods.

The Community Board fully approved the Applicants application with no stipulations and welcomed the Applicants business and experience.

(b). Evidence that all necessary permits have been obtained from the state and any governing bodies: Applicant is a responsible businessman and property owner that complies with all laws and regulations. The Applicant's premises is compliant with an effective certificate of occupancy and has all necessary zoning, building department licenses, health department and business licenses.

(c). The effect the granting of the license would have on vehicular traffic and parking: West 14th Street between 6th and 7th Avenue is not saturated with retail establishments and in fact currently has only a couple of retail locations near the Applicant. Additionally there is a large parking lot situated near the Applicant's premises, in addition to other available parking establishments close by. Applicant's establishment is geared toward the neighborhood, is not a large establishment, has a maximum occupancy of 74 people and will not create any traffic or parking problems. The Applicant's premises expects similar volume of traffic that the former establishment has had and there is no reason to expect any change in traffic patterns, parking or noise level. It is expected that a majority of the patrons will come from the neighborhood. Additionally the Applicants premises can be easily accessed by subway or bus service.

(d). The effect the granting of the license would have on noise level at the premises: Applicants premises will not seek a sidewalk café permit and will have no outdoor dining/drinking for its patrons. Its noise level will be minimal as it only intends to play background music and have no live music. It will not have dancing nor will it seek a cabaret license. Patrons will not be allowed to hang out and loiter outside.

(e) The history of liquor violations and criminal activity reported at the proposed location; Applicant is a bar/tavern that seeks to service neighborhood adults and young professional adults interested in various sporting events that are televised. It does not intend to be a pub with loud music. The owners will spend 50 - 60 hours per week there and the Applicant's owner are experienced business operators. Applicant will follow industry best practices.

There is no disciplinary history reported from the prior licensee of this location.

(f). Any other relevant factors emanating from laws or regulations affecting public convenience, advantage and interest in the community: The area of Chelsea is diverse and Applicant's bar/tavern, desires to serve this diverse clientele with food and drinks that would appeal to the Residents while offering a desirable venue for the neighborhood.

For the above stated reasons we feel that a liquor license for Applicant's location is in the public interest and respectfully request and desire the State Liquor Authority's support in Applicant's application. Thank you.