

Manhattan Community Board 4

(All Fields Must Be Completed)

CORPORATION NAME		DOING BUSINESS AS (DBA)			
Time Square 46 Restaurant Corp.		Puttanesca			
STREET ADDRESS		CROSS STREETS	ZIP CODE		
328-330 W 46th St., NY NY 10036		Between 8th and 9th Avenues	10036		
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME:	Diego Enrico Malta	ATTORNEY/ REPRESENTAIVE	NAME:	Martin Mehler, ESQ
	PHONE:	917.418.2677		PHONE:	212.962.4688
	EMAIL:	emalta@aol.com		EMAIL:	mehlerbuscemi@aol.com
MANAGER	NAME:	(Diego Enrico Malta)	LANDLORD	NAME:	328-330 West 46th Street Corp.
	PHONE:			PHONE:	917.559.1916
	EMAIL:			EMAIL:	escarza19@hotmail.com
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?		YES	NO	Yes
	What is/was the name and address of establishment?		Puttanesca, located at 859 9th Avenue, NY NY		
	What were the dates applicant was involved with this former premise?		1995 - 2010		
<input type="checkbox"/> Corp Change/Class Change/Removal	What is the license # and expiration date?				
	Is applicant making any alterations or operational changes?		YES	NO	
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>				
<input type="checkbox"/> 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="checkbox"/> Liquor/Wine/Beer & Cider <input type="checkbox"/> Beer & Cider <input type="checkbox"/> Wine/Beer & Cider				
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input type="checkbox"/> Sports Bar <input type="checkbox"/> Club (Fraternal Organization – Members Only)				
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?			YES	NO	No. Will do so after CB4 meeting
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	NO	Yes
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.			YES	NO	No
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?			YES	NO	Yes

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	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am
	Kitchen	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am	12pm - 2am
	Music	----- Background music on during hours of operation -----						

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND	LIVE MUSIC	DJ	JUKE BOX	KARAOKE
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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	120	100?	40	120	0	1	8
OUTSIDE <i>(Other than sidewalk café)</i>	n/a		10	20	0	0	0
SIDEWALK CAFÉ	n/a						

How many floors are there? What is the capacity for each floor? One

How frequently will the owner(s) be at the establishment? 50 hours a week

Will there be dancing?

YES	NO	No
-----	----	----

Will applicant have bottle or table service for beverage alcohol?

YES	NO	No
-----	----	----

Will you be hosting private; promotional or corporate events?

YES	NO	Yes
-----	----	-----

Will outside promoters be used on a regular basis? If yes please describe.

YES	NO	No
-----	----	----

Will you have a security plan? If, yes please attach.

YES	NO	No
-----	----	----

Will security plan be implemented?

YES	NO	No
-----	----	----

Will State certified security personnel be used?

YES	NO	No
-----	----	----

Will New York Nightlife Association and NYPD Best Practices be followed?

YES	NO	Yes
-----	----	-----

Will applicant be using delivery bicycles? If yes, how many?

YES	NO	Yes
-----	----	-----

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	Yes
-----	----	-----

Where will delivery bicycles be stored during the day when not in use? Basement

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	Yes, Theater District / Restaurant Row
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	Yes
Is a Public Assembly permit required?	YES	NO	Yes
Are your plans filed with DOB?	YES	NO	Yes

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	Hudson Yards Hell's Kitchen Alliance (Ben Benfatto, Patty Gouris)	
	# 2	West 45th Street BA (Tim Tanner, David C. Stuart)	
	# 3	Midtown North Pct. Council (Larry Roberts)	
	# 4	HK49-53 Block Alliance (Steve Belida)	
	# 5	Hell's Kitchen Block Association (Julia Campanelli)	
Please provide dates when applicant met with the groups listed above.		Provided notification on 9/23/2020	
Who was your contact person at each group you met with?		(Contact names provided above, next to each group)	
When did applicant post the notice that was provided?		September 23, 2020	
Where did applicant post the notice that was provided?		Front window of restaurant, as requested by CB4	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	"Brazil Brazil" / Restaurant Business		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	Yes
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	No, aside from simple awning with new name
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	YES	NO	Yes
Is the entrance ADA Compliant?	YES	NO	Yes
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	No, aside from simple awning with new name
Will applicant have a vestibule within the establishment?	YES	NO	Yes
Will applicant use a storm enclosure?	YES	NO	Yes
Will applicant agree not to place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	NO	Yes
Will applicant comply with the NYC noise code?	YES	NO	Yes
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	Yes
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	Yes
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	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	Yes
Will the kitchen exhaust system extend to the roof?	YES	NO	Yes
Will the establishment have an illuminated sign?	YES	NO	No
Will the establishment have a canopy extending over the sidewalk?	YES	NO	No
Where will the air conditioner be located? What type is it?	Located on the Roof, air cooled		
When was the air conditioner installed?	Pre-existed with previous tenant		

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

OUTDOOR ITEMS – SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
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	
Will applicant use umbrellas?	YES	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?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

- There will be no music of any kind in any outdoor space
- Any outdoor seating will be located in the roadway or private-property front yard; there will be no outdoor seating on the sidewalk
- All doors to rear yard will be kept closed at all times
- There will be no use of rear yard by partons; any use of rear yard by staff will cease no later than 11 p.m. nightly

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 4, 2020 full board meeting, with 44 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



Burt Lazarin
CB4 BLP 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



Diego Enrico Malta

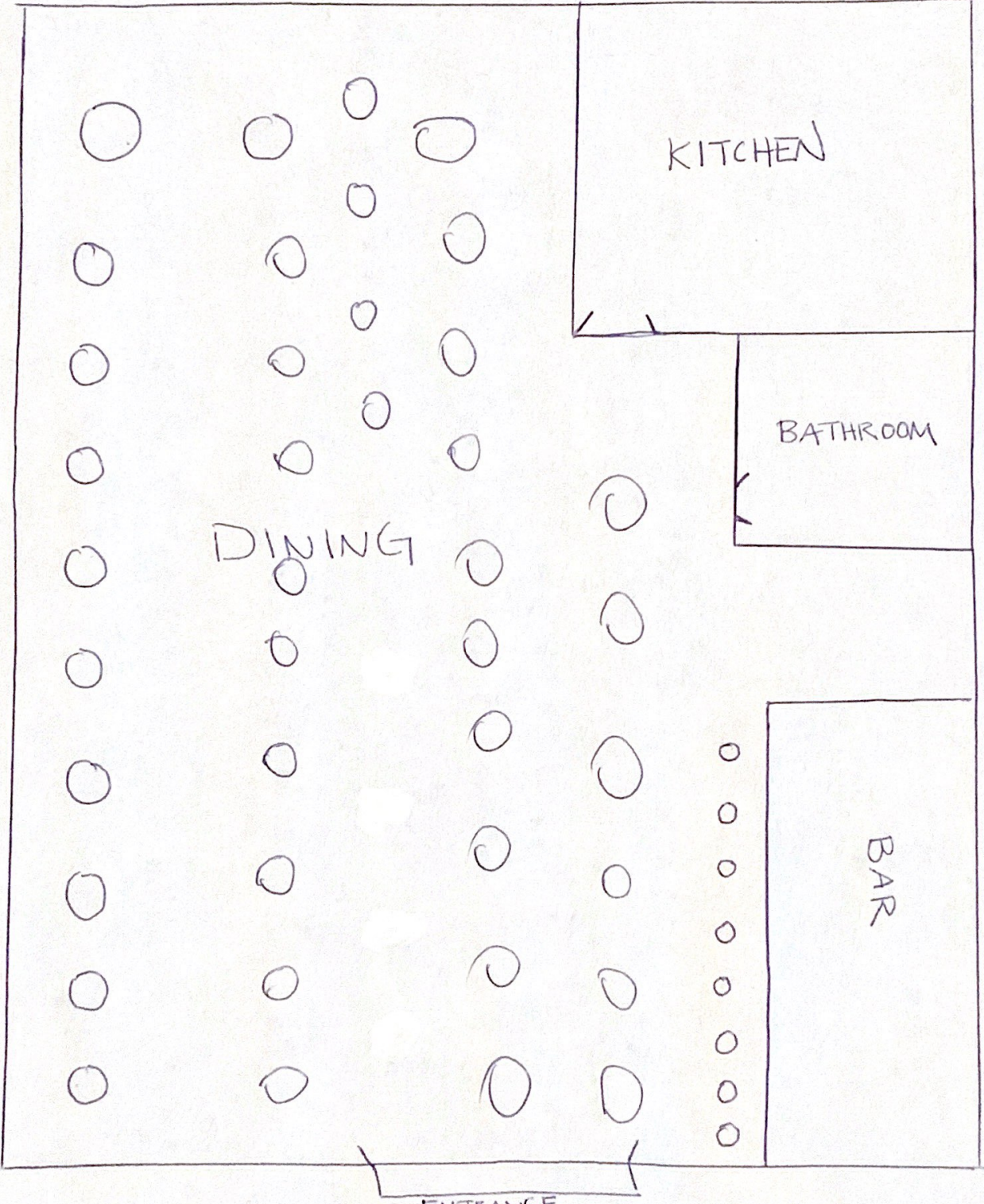
PRINT NAME OF APPLICANT



SIGNATURE OF APPLICANT

~~September 28, 2020~~

DATE October 13, 2020



328-330 W 46th St.
Frontage

Irene O'Halloran
Times Square 46 Restaurant Corp.
ohalloran.irene@gmail.com
917.208.6422

September 24, 2020

Manhattan Community Board No. 4
PO Box 2622
New York, New York 10108
212.736.4536

Re: 500 Foot Hearing Public Interest Statement for Times Square 46 Restaurant Corp.

Dear Ms. Gonzalez:

As you know, we are applying for a liquor license at 328-330 W 46th Street, under Times Square 46 Restaurant Corp., DBA Puttanesca.

At your request, I am providing you with this statement for the 500 Foot Public Interest Rule. We have every intention of happily complying with the safety and great value of this Special District of Restaurant Row.

Warmly,

A handwritten signature in black ink, appearing to read 'Irene O'Halloran', with a long horizontal flourish extending to the right.

Irene O'Halloran







Employees Must Wash
Hands Before Returning
To Work



Employees Must Wash
Hands Before Returning
To Work.









328

SPRINKLER SYSTEM
SHUT OFF VALVE
LOCATED 10 FEET
FROM THIS SIGN



NO STANDING
Anytime
←

3 hour
metered
parking
**COMMERCIAL
VEHICLES ONLY**
7am - 6pm
Except Sunday
→

6 hour
metered
parking
6pm - Midnight
Except Sunday
→

Sea Food

BRAZIL Restaurant

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PUBLIC NOTICE
The City of Seattle
Department of Planning & Development
1500 4th Avenue, 4th Floor
Seattle, WA 98101
Phone: 206.386.3100
www.seattle.gov/plandev

No Smoking

ARTUAL
V

sharebite

WELCOME TO THE
CITY CARD

PUBLIC NOTICE
The City of Seattle
Department of Planning & Development
1500 4th Avenue, 4th Floor
Seattle, WA 98101
Phone: 206.386.3100
www.seattle.gov/plandev

ENTRANCE

tripadvisor







CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD No. 4
P.O. Box 2622, New York, NY 10108
Tel: 212-738-4536
<https://nyc.gov/html/mc4/cityofnewyork.usinfo/>

LOWELL D. KERN
Chair

JESSE BOONE
District Manager

PUBLIC NOTICE

Business Licenses and Permits Committee
will discuss an application submitted by

**Times Square 46 Restuarnt
Corp.
328-330 W 46th Street**

A New Liquor, Wine, Beer & Cider Application for a
Restaurant Establishment with Recorded Music and
Patio/Deck (Enclosed glass area in backyard & front
patio)

DATE: Tuesday, October 13, 2020
TIME: 6:30 PM
PLACE: **Video/Phone Conference Registration:**
https://zoom.us/webinar/register/WN_66-6SX3vS_6HVC2bBstV3A

We invite you to attend this meeting and learn more about this application.
Alternately, you may email your comments by 2 p.m. Friday, October 9, 2020 or
for more information, please email Assistant District Manager Nelly Gonzalez
nelgonzalez@cb.nyc.gov.

Posted according to the Administrative Code of the City of New York section 104-119. Please do not remove until after the above meeting date.



Irene O'Halloran <ohalloran.irene@gmail.com>

Liquor License Application Notice - 328 330 W 46th St.

1 message

Irene O'Halloran <ohalloran.irene@gmail.com>

Wed, Sep 23, 2020 at 2:58 PM

To: rjbenfatto@hyhkalliance.org, kathleentreat123@gmail.com, mcgee79@aol.com, pgouris@hyhkalliance.org, jrestuccia2@clintonhousing.org, info@clintonhousing.org, cberthet@me.com, rmarcano@clintonhousing.org, eduardozeiger@compuserve.com, mpta@mptenants.com, Linda Ashley <ashleyll@aol.com>, twocatsltd@worldnet.att.net, Rudi_Papiri@timemagazine.com, west45ba@gmail.com, tangotanner@gmail.com, chanawid@gmail.com, block45@hellskitchen.net, stephenfanto@gmail.com, info@west46streetblockassociation.org, andrewbegg@yahoo.com, AllisonTupper@verizon.net, hudson62747@hotmail.com, aefearshk@earthlink.net, Larry Roberts <larrymichaelroberts@gmail.com>, jamesbogues@gmail.com, mariagnys@aol.com, ecelnik@actorsfund.org, rpimentel@commonground.org, dsage@commonground.org, nkyriacou@yahoo.com, gdclay@att.net, john.mudd@usa.net, info@hcc-nyc.org, ploeb315@aol.com, west55ba@gmail.com, HK5051 <hk5051@gmail.com>, tenants350west51st@gmail.com, rrlarios@hotmail.com, acernitz@gmail.com, awm3333@me.com, jessbondy@aol.com, john.waldman@redcross.org, juliacampanelli@gmail.com

Cc: "Gonzalez, Nelly (CB)" <negonzalez@cb.nyc.gov>, Martin Mehler <mehlerbuscemi@aol.com>, Rico Malta <emalta@aol.com>

Bcc: Bob Malta <Rmalta@aol.com>

Good afternoon everyone -

I hope this email finds you all very well, and staying safe and healthy.

We are applying for a liquor license at 328-330 West 46th Street, under the corporation "Times Square 46 Restaurant Corp". Per the application request, I am kindly sending a notice out to everyone to advise of our intention. Our CB4 Zoom Meeting is scheduled for October 13th, 2020, at 6:30pm.

I would be more than happy to answer any questions you may have. I'm available to speak on the phone, meet via Zoom, or meet in person, any time if you may like.

Thank you so kindly,

Irene O'Halloran

Irene O'Halloran

ohalloran.irene@gmail.com

917.208.6422