

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)		
Eagle Open Kitchen LLC		Eagle		
STREET ADDRESS		CROSS STREETS	ZIP CODE	
554 West 28th Street		10th & 11 Aves.	10001	
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME:	Robert Berk	ATTORNEY/ REPRESENTATIVE	
	PHONE:	917-913-3907		
	EMAIL:	robertberknyc@aol.com		
MANAGER	NAME:	Martin P. Mehler	LANDLORD	
	PHONE:	212-962-4688		
	EMAIL:	mehlerbuscemi@aol.com		
NAME:		same as above	NAME:	
PHONE:			PHONE:	
EMAIL:			EMAIL:	
APPLICATION TYPE (<input checked="" type="checkbox"/> <i>Liquor License</i> <input type="checkbox"/> <i>Unenclosed Sidewalk Cafe</i>)				
<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"/> 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 checked="" type="radio"/> Alteration	What is the current license # and expiration date?		116210; 8/31/2021	
	<i>Please list/describe the nature of all the changes and attach the plans:</i> addition of space on ground floor			
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 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	NO	no. after cb 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	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am
	Kitchen		same as above						
	Music		same as above						
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input checked="" type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons 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	1st-455;2nd-124	same	15	26	0	2	20 1st fl 20 2nd fl		
OUTSIDE <i>(Other than sidewalk café)</i>	roof 150	same	5	bench		1	0		
DCA APPROVED UNENCLOSED SIDEWALK CAFÉ	n	/	a						
How many floors are there? What is the capacity for each floor?					3; 1st-455 2nd-124 roof-150				
How frequently will the owner(s) be at the establishment?					either owners or manager present when open				
Will there be dancing?					YES	NO	no		
Will applicant have bottle or table service for beverage alcohol?					YES	NO	no		
Will applicant be hosting private; promotional or corporate events?					YES	NO	once a month		
Will outside promoters be used on a regular basis? If yes please describe.					YES	NO	no		
Will applicant have a security plan? If, yes please attach.					YES	NO	yes		
Will security plan be implemented?					YES	NO	yes		
Will State certified security personnel be used?					YES	NO	yes		
Will New York Nightlife Association and NYPD Best Practices be followed?					YES	NO	yes		
Does applicant agree to notify MCB4 prior to making changes to its method of operation?					YES	NO	yes		
Will applicant be using delivery bicycles? If yes, how many?					YES	NO	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	no
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	none in the area	
	# 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?			
Where did applicant post the notice that was provided?			
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	YES	NO	yes
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	NO	yes

BUILDING DESIGN			
State the name and type of business previously located in the space.	Eagle has been there since 2001		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	yes Eagle Open Kithen LLC
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	no
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
Will applicant have a vestibule within the establishment?	YES	NO	no
Will applicant use a storm enclosure?	YES	NO	no
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as 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	n/a
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?	roof train unit		
When was the air conditioner installed?	2001		

OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	yes
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck, gazebo or open dining in the parking lane? If yes, which one(s)?	YES	NO	rooftop
Are the floorplans for the outdoor space(s) included?	YES	NO	yes
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	has been opento 4am since inception
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	only during Covid restrictions
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s) or on the sidewalk?	YES	NO	There will be no smoking
Will there be no amplified music, as per the law?	YES	NO	yes
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	yes
Will applicant agree to post signs outside asking customers to respect the neighbors?	YES	NO	yes
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	yes
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	landscaping enclosure
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	yes
If open dining in the parking lane, will applicant agree to leave the sidewalk free of any furniture?	YES	NO	n/a
If open dining, will you comply with all NYC DOT guidelines?	YES	NO	n/a
If open dining, will the installation be year-round?	YES	NO	n/a

DCA APPROVED UNENCLOSED SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	yes
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	no
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	no
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	
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 closest obstruction including construction barricades?	YES	NO	n/a
If open dining is in the parking lane, will applicant agree to remove its sidewalk café?	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.


Manhattan Community Board 4 (MCB4) recommends:
 (MCB4's recommendation is based on a vote taken at its
 May 5, 2021 full board meeting, with 36 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 →

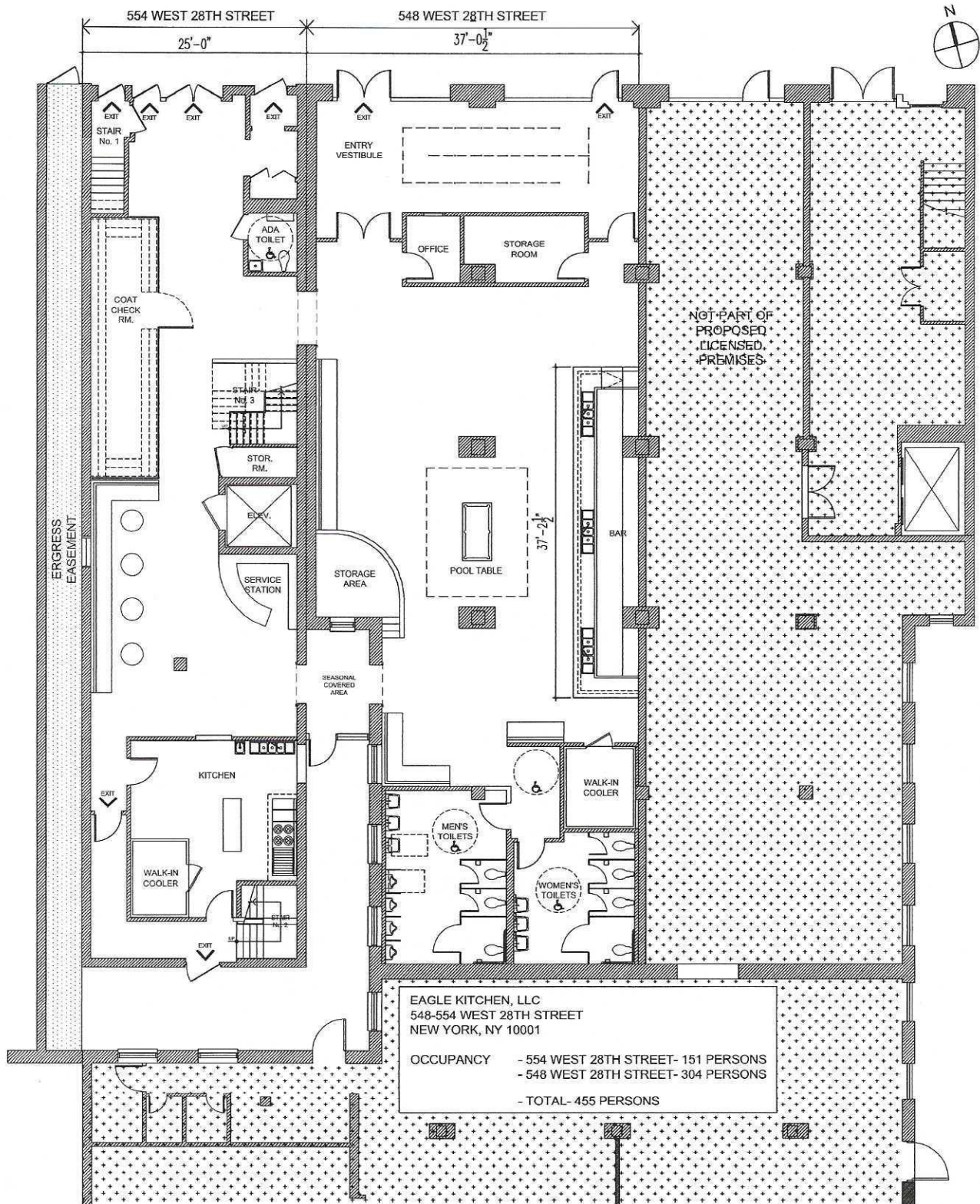
Robert Berk



PRINT NAME OF APPLICANT

SIGNATURE OF APPLICANT

DATE



247 WEST 37TH STREET
NEW YORK, NY 10018
TEL. (212) 221-1986 FAX. (212) 221-3218

PROJECT: EAGLE BAR
548-554 WEST 28TH STREET

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TITLE: GROUND FLOOR PLAN

PROJ. No.: 01955

SCALE: 1/16"=1'-0"

DATE: 3/13/21

A01



EXISTING ENTRANCE TO THE EAGLE

PROPOSED
ADDITIONAL
ENTRANCE



EXISTING
ENTRANCE



From: robert@eagle-ny.com,
To: mehlerbuscemi@aol.com,
Date: Wed, Mar 31, 2021 1:09 pm

Eagle Open Kitchen Menu

Burgers

Eagleburger

Single	8.00
Double	10.00

Eagle Cheese burger

Single	9.00
Double	11.00

Impossible Burger

Double	8.00
	10.00

Impossible cheese burger.

Double	9.00
	11.00

Grilled chicken sandwich	12.00
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Eagle Hot Dog.	6.00
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Eagle chili dog	8.00
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Fries

Small	7.00
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Large	9.00
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Chicken Fingers	12.00
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From: robert@eagle-ny.com,
To: mehlerbuscemi@aol.com,
Subject: Fwd: Eagle NYC
Date: Wed, Mar 31, 2021 1:10 pm
Attachments: Public Announcement.pdf (1368K)

Begin forwarded message:

From: Robert Berk <robert@eagle-ny.com>
Subject: Eagle NYC
Date: March 23, 2021 at 11:50:13 AM PDT
To: wborock@hotmail.com, education@pennsouth.coop, john.mudd@usa.net,
andrew@gushp.org, jeremy.camel@gmail.com, "Tiny@nakedeyeproductions.com"
<Tiny@NakedEyeProductions.com>, susanb1011@gmail.com, omar.fattal@gmail.com,
donna@donnalangman.com, juliacampanelli@gmail.com, brianscottweber@gmail.com,
mcgee79@aol.com, west25thstreetproject@gmail.com



554 W 28th Street
New York, NY 10001
646-473-1866
theeaglenyc@aol.com

NOTICE OF ALTERATION
First floor of Eagle Bar
554 W 28th Street

CB 4 meeting April 13, 2021