

# Manhattan Community Board 4

## Liquor License/Sidewalk Cafe Stipulations Application

(All Fields Must Be Completed)

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>					
Otani Inc		Aquihto					
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>		<b>ZIP CODE</b>			
359		West 39th Street		10018			
<b>OWNER</b> <i>(Attach a list of all the people that will be associated/listed with the license)</i>	<b>NAME:</b>	Akihito Otani		<b>ATTORNEY/ REPRESENTAIVE</b>	<b>NAME:</b>	Guy T. Parisi	
	<b>PHONE:</b>	1-917-364-8132			<b>PHONE:</b>	1-914-921-5533	
	<b>EMAIL:</b>	aotani@aquihito.com			<b>EMAIL:</b>	guytparisi@aol.com	
<b>MANAGER</b>	<b>NAME:</b>	Akihito Otani		<b>LANDLORD</b>	<b>NAME:</b>	359 West 39th Street Realty LLC	
	<b>PHONE:</b>	1-917-364-8132			<b>PHONE:</b>	1-212-776-4581	
	<b>EMAIL:</b>	aotani@aquihito.com			<b>EMAIL:</b>	mkahn@hexagonib.com	
<b>APPLICATION TYPE</b> ( <input checked="" type="checkbox"/> <i>Liquor License</i> _____ <i>Unenclosed Sidewalk Cafe</i> )							
<input type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?			<b>YES</b>	<b>NO</b>		
	What is/was the name and address of establishment?						
	What were the dates applicant was involved with this former premise?						
<input checked="" type="radio"/> <b>Corp</b> <b>Change/Class</b> <b>Change/Removal</b>	What is the license # and expiration date?			#1316493	June 30, 2023		
	Is applicant making any alterations or operational changes?			<b>YES</b>	<input checked="" type="radio"/> <b>NO</b>		
	If alterations or operational changes are being made, please describe/list all changes.						
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?						
	Please list/describe the nature of all the changes and attach the plans:						
<b>METHOD OF OPERATION</b>							
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider		<input type="radio"/> Beer & Cider		<input type="radio"/> Wine/Beer & Cider		
<b>ESTABLISHMENT TYPE</b>	<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?				<b>YES</b>	<b>NO</b>	YES July 6, 2021	
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.				<b>YES</b>	<b>NO</b>	YES	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.				<b>YES</b>	<b>NO</b>	NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?				<b>YES</b>	<b>NO</b>	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	
	<b>Operation</b>	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am
	<b>Kitchen</b>	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am
	<b>Music</b>	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am	8am-2am
If you plan to have music, what type(s)? (Circle all that apply)			BA <b>K</b> GROUND	LIVE MUSIC	DJ	JUKE BOX	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	
<b>INSIDE</b>	74	74	4	9	0	1	8	
<b>OUTSIDE</b> <i>(Other than sidewalk café)</i>	0	0	0	0	0	0	0	
<b>DCA APPROVED UNENCLOSED SIDEWALK CAFÉ</b>	0	0	0	0				

How many floors are there? What is the capacity for each floor?	1 Floor		
How frequently will the owner(s) be at the establishment?	All the time business is open		
Will there be dancing?	YES	NO	NO
Will applicant have bottle or table service for beverage alcohol?	YES	NO	YES
Will applicant be hosting private; promotional or corporate events?	YES	NO	NO
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	NO
Will security plan be implemented?	YES	NO	NO
Will State certified security personnel be used?	YES	NO	N/A
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		

**MULTIPLE SPACES/FLOORS CAPACITY BREAKDOWN**

Space/Floor	Description/Use of Space	Capacity	Hours	# of Tables	# of Seats	# of Service Only Bars	# of Stand-Up Bars/Seats at Bar	Music

**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	NO
Are your plans filed with DOB?	YES	NO	YES

**Community Notification/Relations**

<b>NOTIFICATION:</b> 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	Manhattan Community Board #4	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.	January 11, 2022		
Who was your contact person at each group you met with?	Nelly Gonzalez		
When did applicant post the notice that was provided?	12/22/2021		
Where did applicant post the notice that was provided?	Posted on front window of our establishment and one of light poles on the block		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	YES	NO	YES 1-917-364-8132
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	NO	YES

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	The Juice Shop, Health food restaurant		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	NO
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)	<b>FRENCH DOORS</b>		<b>GARAGE DOORS</b>
	<b>WINDOWS THAT CAN BE OPENED</b>		
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	N/A
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?	Wall mounted, Individual Unit		
When was the air conditioner installed?	2015		

## OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	N/A
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	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) or on the sidewalk?	YES	NO	YES
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	N/A
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	N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
If open dining in the parking lane, will applicant agree to leave the sidewalk free of any furniture?	YES	NO	YES
If open dining, will you comply with all NYC DOT guidelines?	YES	NO	YES
If open dining, will the installation be year-round?	YES	NO	YES

<b>DCA APPROVED UNENCLOSED SIDEWALK CAFÉ</b>			
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	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 <sup>st</sup> and March 21 <sup>st</sup> , 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 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	YES

**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  
 February 2, 2022 full board meeting, with 41 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

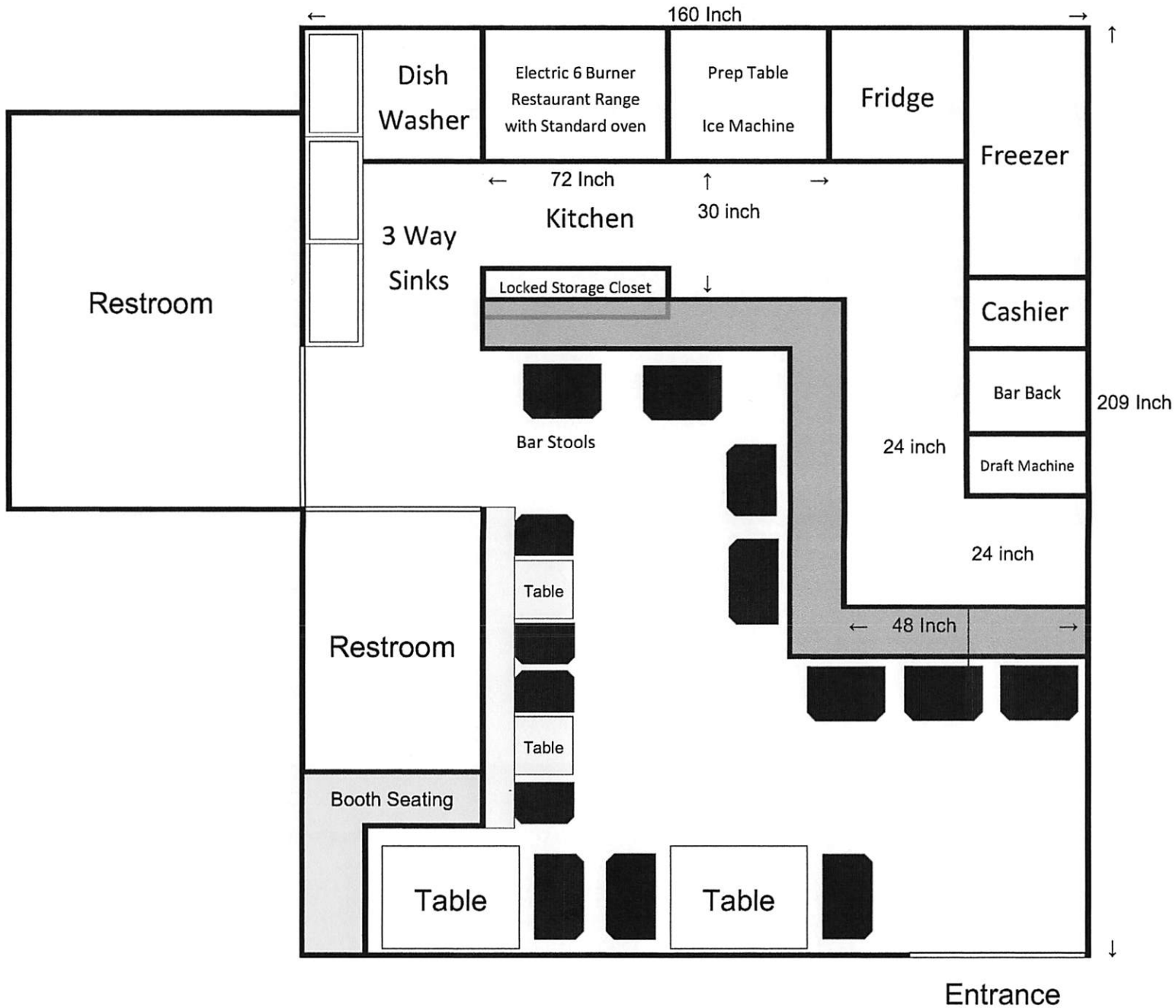
**CB4 REPRESENTATIVES**

 Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i>	 Burt Lazarin <i>CB4 BLP Committee Co-Chair</i>
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**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><b>SIGN HERE</b> →</p>	<p>Akihito Otani</p> <p><b>PRINT NAME OF APPLICANT</b></p>	<p><i>Akihito Otani</i></p> <p><b>SIGNATURE OF APPLICANT</b></p>	<p>01/03/2022</p> <p><b>DATE</b></p>
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# Aquihito

359 West 39th Street  
New York, NY 10018

## Apero

All served with Mochi Toast

Choice of 4 for \$16.25      Each individual \$5.25

Anchovy Enokitake  
Cheese Salami  
Chikuwa Mushroom Paradise  
Miso Garlic Shrimp  
Young Young Crab

## Queen of Heart

Choice of 2 for \$18.75      Each individual \$12.25

Magical Rice Ball (4pcs)  
Nagaimo Yam Galette (4pcs)  
Taramosalata Roll (4pcs)  
Pincho Parade (4pcs)

## Home Platter

Tofu Hamburger Steak \$14.75  
Bean Sprouts Curry \$16.75  
World Ajillo \$17.25

## Tomorrow's Energy

Sugar-free Non alcohol Amazake Ice cream \$5.00

East

8th Avenue

Sandwitch shop
Hotel
Meican Restaunat
Hotel
Irish Pub
Office
Chocolate Shop
Office
Hardware Store
Restaurant
Office
Hotel
Hotel
Hotel
Electrical Supply Store
Association (DialogueDirect)
Coffee Shop
Office
Vacant
<b>**Proposed Premises**</b>
Meican Restaunat

West 39th Street

Convenience Store
Café
Bar & Grill
Laboratory
Office
Parking
Deli
Sushi Restaunat
Fashion Store
Café
Office
Residence
Vacant
Italian Restaurant
Liquor Store
Deli

9th Avenue

West

**Aquihito  
Restaurant  
Public Interest Statement**

The combination of hospitality and tourism is a rare find. The uniqueness would be one of the reasons to visit a place, even if it needs extra money in this area. Overall market analysis indicates the business has a higher probability of promoting repeated customers, making this restaurant more outstanding among competitors.

The restaurant will have paintings and drawings from some of the area's most notable Japanese traditional culture. This will give the art community an opportunity to show their work in a friendly and exciting atmosphere. The customers will have a valuable experience at the site through these encouragements.

Aquihito will be unique to the Hell's Kitchen area. International creative food, and a style of service that will make everyone feel welcome and special. Our food products will be of the finest quality and prepared with sensitivity and care. We will 'go all the way' to satisfy their guests. We will change our menu every seasons representing countries unique cultures especially Japanese, but we'll keep 'your favorite.' Portions will be modestly sized with an attractive presentation.



Akihito Otani

