

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
TWO GUYS & TOM INC		PENDING	
STREET ADDRESS		CROSS STREETS	ZIP CODE
683 NINTH AVENUE		4TH STREET	10036
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME:	ATTORNEY/ REPRESENTATIVE	NAME:
	PHONE:		PHONE:
	EMAIL:		EMAIL:
JOHN DEMPSEY			
917.577.1827			
john@chowdowninc.com			
MANAGER	NAME:	LANDLORD	NAME:
	PHONE:		PHONE:
	EMAIL:		EMAIL:
BRANDON DUFF		JOYCE ISKANDER	
602.524.2172		646.520-7712	
btduff@gmail.com		jiskander@ultraholdings.net	
APPLICATION TYPE (<input checked="" type="radio"/> Liquor License <input type="radio"/> Unenclosed Sidewalk Cafe)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What is/was the name and address of establishment?		PLEASE ATTACHED
	What were the dates applicant was involved with this former premise?		PLEASE ATTACHED
<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="radio"/> YES <input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
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?	YES	<input checked="" type="radio"/> NO	WITHIN NEXT TWO 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 checked="" type="radio"/> YES	<input type="radio"/> 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	<input type="radio"/> 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	7:30 AM - MIDNIGHT	7:30 AM - MIDNIGHT	7:30 AM - 1:30 AM	7:30 AM - 1:30 AM	7:30 AM - 1:30 AM	7:30 AM - 1:30 AM	7:30 AM - MIDNIGHT
	Kitchen	↓	↓	↓	↓	↓	↓	↓
	Music	↓	↓	↓	↓	↓	↓	↓

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
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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	UNDER 75	UNDER 75	16	38	N/A	1	14
OUTSIDE (Other than sidewalk cafe)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DCA APPROVED UNENCLOSED SIDEWALK CAFE	N/A	N/A	N/A	N/A	N/A		

How many floors are there? What is the capacity for each floor? UNDER 75
 GROUND FLOOR PLUS BASEMENT STORAGE

How frequently will the owner(s) be at the establishment?
 EVERYDAY

Will there be dancing?	YES	<input checked="" type="checkbox"/>	
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="checkbox"/>	
Will applicant be hosting private, promotional or corporate events?	YES	<input checked="" type="checkbox"/>	
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="checkbox"/>	
Will applicant have a security plan? If, yes please attach.	YES	<input checked="" type="checkbox"/>	
Will security plan be implemented?	YES	<input checked="" type="checkbox"/>	
Will State certified security personnel be used?	YES	<input checked="" type="checkbox"/>	
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	<input type="checkbox"/>	NO
Does applicant agree to notify MCB4 prior to making changes to its method of operation?	YES	<input checked="" type="checkbox"/>	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="checkbox"/>	
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	<input type="checkbox"/>	NO
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?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	CLINTON
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	LETTER OF NO OBJECTION
Is a Public Assembly permit required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Are your plans filed with DOB?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	NOT YET

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	47th STREET BLOCK ASSOCIATION	
	# 2	EMAIL CBA REQUIRED LIST 4.27.22	
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.	5.3.22		
Who was your contact person at each group you met with?	JOHN DEMPSEY IS CONTACT PERSON		
When did applicant post the notice that was provided?	5.2.22		
Where did applicant post the notice that was provided?	FRONT WINDOW		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	917.577.1827
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	DOWN THE ROAD - BAR		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	DOWN THE ROAD
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	REPLACING FLOOR TO CEILING ACCORPION DOORS WITH WINDOWS
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Is the entrance ADA Compliant?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	NEW STOREFRONT W/WINDOWS
Will applicant have a vestibule within the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	
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?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED <input checked="" type="checkbox"/>
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="checkbox"/> YES	<input type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> 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="checkbox"/> YES	<input checked="" type="checkbox"/> 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="checkbox"/> YES	<input type="checkbox"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	EXISTING EXHAUST SYSTEM
Will the establishment have an illuminated sign?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Where will the air conditioner be located? What type is it?	EXISTING AC LOCATED ON ROOF		
When was the air conditioner installed?	W/IN LAST FOUR YEARS		

OUTDOOR ITEMS - OTHER THAN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
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	IF WE APPLY FOR OUTDOOR SEATING
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s) or on the sidewalk?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	
If open dining in the parking lane, will applicant agree to leave the sidewalk free of any furniture?	YES	NO	
If open dining, will you comply with all NYC DOT guidelines?	YES	NO	
If open dining, will the installation be year-round?	YES	NO	

DCA APPROVED UNENCLOSED SIDEWALK CAFE

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="checkbox"/>	NO	
Will applicant be applying for a sidewalk café now or in the future?	<input checked="" type="checkbox"/>	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	<input checked="" type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="checkbox"/>	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input checked="" type="checkbox"/>	NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="checkbox"/>	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="checkbox"/>	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="checkbox"/>	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	<input checked="" type="checkbox"/>	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="checkbox"/>	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="checkbox"/>	NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input checked="" type="checkbox"/>	NO	
Will applicant use umbrellas?	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	NO	
If open dining is in the parking lane, will applicant agree to remove its sidewalk café?	YES	<input checked="" type="checkbox"/>	

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.


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Manhattan Community Board 4 (MCB4) recommends:
 (MCB4's recommendation is based on a vote taken at its
 June 1, 2022 full board meeting, with 44 members voting in favor
 of the recommendation, 0 members opposed, 2 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

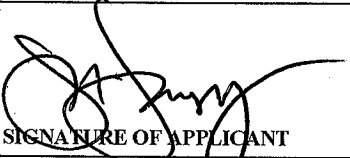

 Nelly Gonzalez
 CB4 Assistant District Manager


 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 →	JOHN DEMPSEY PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	4.25.22 DATE
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47th Street

50'

BATHROOM

BATHROOM &
HANDICAP
ACCESSIBLE

REFRIGERATION

9' COOKING LINE

STAIRS TO BASEMENT

11 two-top tables

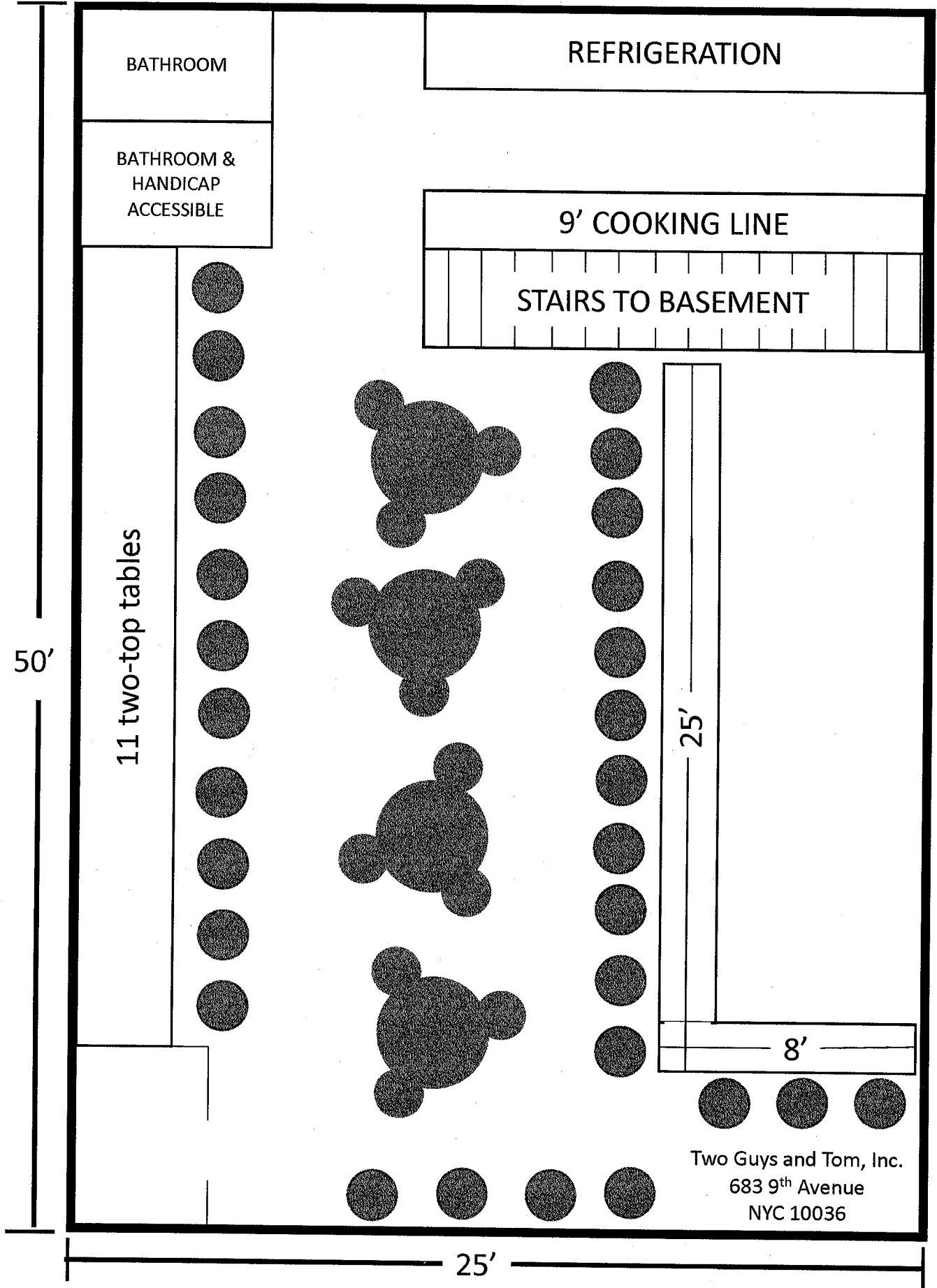
25'

8'

Two Guys and Tom, Inc.
683 9th Avenue
NYC 10036

25'

9th Avenue



47th Street

50'

LOCKERS

OFFICE

ICE
MACHINE

STAIRS TO BASEMENT

SECURED LIQUOR ROOM STORAGE

DRY GOODS
STORAGE

LOCKERS

Two Guys and Tom, Inc.
683 9th Avenue
NYC 10036

25'

9th Avenue

Sidewalk
hatch





EST. 2010
DOWN THE ROAD

Wellness
Please Wear
a Mask
Upon Entry



55

BACON, EGG & CHEESE

hardwood smoked bacon, cage-free over medium egg, cheddar cheese and chipotle ketchup in a warm brioche bun

SAUSAGE, EGG & CHEESE

house-made turkey sausage, cage-free over medium egg, cheddar cheese and honey mustard aioli in a warm brioche bun

EGG SALAD

cage-free hard cooked eggs and thinly sliced chives mixed in honey mustard aioli with dressed arugula in a warm brioche bun

SHAKSHOUKA

cage-free poached eggs in tomato, olive oil, peppers, caramelized onions and garlic

BEET BURGER

grains, muenster cheese, butter lettuce, russian dressing

MUSHROOM BURGER

black garlic bbq, kraut, muenster cheese

KATSU BURGER

cage-free, crispy fried ground angus beef with flakey japanese panko bread crumbs

CHEESEBURGER

ground angus beef, cage-free over medium egg, caramelized onions, bread and butter pickles, cheddar cheese in a warm brioche bun

DOUBLE TROUBLE

two grass fed patties, cheddar cheese, caramelized onion, b&b pickles, russian dressing

FRIED CHICKEN SANDWICH

crispy thigh, pimento cheese, b&b pickles, martin's sesame potato roll

SIDES:

BUTTERMILK BISCUIT

house-made buttermilk biscuit served with honey butter

POTATO LATKES

potato pancake, caramelized onion, egg & matzo meal

500 FOOT LAW STATEMENT

Applicants for on premises liquor licenses must complete this section (Not required for on premises beer or wine applicants)

If the location is subject to the 500 Foot Law, and no other exception applies, the license cannot be issued unless the State Liquor Authority makes an affirmative finding that it is in the public interest to issue the license.

The provisions of Section 64, 64-a, 64-b, 64-c and 64-d of the ABC Law require the Authority to consult with the municipality or community board prior to granting a license for **ANY ON PREMISES LIQUOR ESTABLISHMENTS** where such premises is located within a 500 foot radius of three or more on premises liquor establishments and the population of the municipality is 20,000 or more. The Authority is further required to conduct a public hearing, upon notice to the applicant and the municipality or the community board.

The Proposed Premises (*check the appropriate box below*):

- IS NOT WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS HOLDING ON PREMISES LIQUOR LICENSES.
- IS WITHIN A 500 FOOT RADIUS OF THREE OR MORE ESTABLISHMENTS SELLING LIQUOR FOR ON PREMISES CONSUMPTION. (IF SO, YOU MUST COMPLETE THE WRITTEN STATEMENT BELOW AND SUBMIT THE NAMES AND ADDRESSES OF THE ESTABLISHMENTS WITHIN THE 500 FOOT RADIUS, *UNLESS THE PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993.*)
- NOT APPLICABLE - PREMISES HAS BEEN CONTINUOUSLY LICENSED ON OR PRIOR TO NOVEMBER 1, 1993.
- NOT APPLICABLE - POPULATION OF CITY, TOWN OR VILLAGE IS UNDER 20,000
- NOT APPLICABLE - BEER, WINE AND CIDER ONLY

IMPORTANT:

YOU MUST PROVIDE THE NAMES OF ALL ON PREMISES LIQUOR ESTABLISHMENTS LOCATED WITHIN A 500 FOOT RADIUS OF THE PROPOSED PREMISES

For assistance, use the "GIS Maps - LAMP" (Liquor Authority Mapping Project) system, which is available on our website.

If a premises is within a 500 foot radius of three or more establishments holding on premises liquor licenses and has not been continuously licensed since November 1, 1993 and the population is over 20,000 you must **ATTACH A WRITTEN STATEMENT EXPLAINING IN DETAIL WHY YOU BELIEVE ISSUANCE OF THE LICENSE WOULD BE IN THE PUBLIC INTEREST.**

FAILURE TO SUBMIT THIS INFORMATION MAY RESULT IN DISAPPROVAL OF THE LICENSE APPLICATION.

Dear State Liquor Authority,

As a resident and owner and operator of businesses in the Hell's Kitchen neighborhood for 30 years, I'm excited to bring a novel concept to the 683 9th Avenue location. I am seeking to open an upscale and moderately priced venue that focuses on coffee and espresso based drinks with all day breakfast with a focus on artisanal egg sandwiches. In the evening, our venue will transition to a cocktail lounge, continuing our all day breakfast menu.

I believe we will be a welcome addition to our neighborhood by taking a space that has been vacant for 6 months, providing employment for people in our community, and contributing to our city via sales and real estate taxes.

Additionally, businesses have long been operating with a full liquor license at this location -- I remember dining at *Pietrasanta* over 25 years ago.

Thank you,
John Dempsey

Pizza

Chinese takeaway

46th Street

662 - Restaurant (full liquor license) *

665 - Diner (full liquor license) *

662 - Cellular store

667 - Barber shop

664 - Barber shop

669 - Wine store

666 - Glass store

671 - Vacant

668 - Deli

673 - Restaurant (full liquor license) *

670 - Laundromat

675 - Restaurant (full liquor license) *

672 - Bakery

677 - Beer & cheese shop

674 - Vacant

679 - Restaurant (full liquor license) *

676 - Eyeglass framer

681 - Deli

678 - Kiehl's

47th Street

684 - Vacant

683 - Proposed premises

686 - Restaurant (full liquor license) *

685 - Vacant

688 - Hardware store

687 - Pharmacy

690 - Pending restaurant

689 - Restaurant (full liquor license) *

692 - Vacant

691 - Bagel shop

694 - Vacant

693 - Vacant

696 - Vacant

695 - Donut shop

696 - Pizza store

697 - Bakery

698 - Restaurant (full liquor license) *

699 - Chinese take-away

Vacant

Ninth Avenue

48th Street

702 - Art Gallery

701 - Restaurant (full liquor license) *

STATEMENT OF AREA PLAN 200 Foot Law

THIS QUESTION MUST BE ANSWERED BY ALL APPLICANTS REGARDLESS OF LICENSE TYPE

1. List the name, address and distance from the premises to ANY SCHOOL, CHURCH or PLACE OF WORSHIP WITHIN 300 FEET

2. Is the premises within 200 feet of **ANY SCHOOL, CHURCH or PLACE OF WORSHIP?**
 (exclusive use as a church or place of worship will be determined by this agency)
 (please respond "YES" if ANY school, church or place of worship is within 200 feet)

Yes
 No

3. Submit a BLOCK PLOT DIAGRAM (aerial view of the building, with nearby businesses and residences labeled) showing the location of any school, church or place of worship (8-1/2" x 11")

Indicate the distance in feet from the entrance of the proposed premises to the closest entrance of any school, church or place of worship.

Attach additional sheets if necessary.

ATTACH A STATEMENT INDICATING HOW THESE MEASUREMENTS WERE TAKEN

1. Name of church/school:	
Address:	
Distance:	
2. Name of church/school:	
Address:	
Distance:	
3. Name of church/school:	
Address:	
Distance:	

For assistance use the "GIS MAPS - LAMP" (Liquor Authority Mapping Project) system, which is available on our website.

If applying for a full liquor license (beer, wine and liquor) and the premises is within 200 feet of a school, church or place of worship, the application may be denied.

If any discrepancy in the measurements is brought to the attention of the Authority during the examination of the application, it may be necessary for the applicant to supply a certified survey showing the actual measurement from the premises to the closest school, church or place of worship.