

Manhattan Community Board 4

(All Fields Must Be Completed)

CORPORATION NAME <i>Catered by Pergola LLC</i>		DOING BUSINESS AS (DBA) <i>Gardenia Terrace LLC</i>	
STREET ADDRESS <i>826 10th Avenue</i>		CROSS STREETS <i>55 St & 10th Av</i>	ZIP CODE <i>10019</i>
Applicant <small>(Attach a list of all individuals that will be listed/associated with the license)</small>	NAME: <i>Moutaz Ali</i>	ATTORNEY/ REPRESENTATIVE	NAME:
	PHONE: <i>917 8421800</i>		PHONE:
	EMAIL: <i>Moutaz@PropelNYC.com</i>		EMAIL:
MANAGER	NAME: <i>Hesham Schris</i>	LANDLORD	NAME: <i>Kate Eustac</i>
	PHONE: <i>97 754 5406</i>		PHONE: <i>917 509 6879</i>
	EMAIL: <i>Hesham@PropelNYC.com</i>		EMAIL: <i>K2Eustac@dot.com</i>
APPLICATION TYPE (<input type="checkbox"/> New York State Liquor License <input checked="" type="checkbox"/> Dept. of Transportation Dining Out)			
<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?		<i>Pergola / 36 West 28 St</i>
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Corp Change/Class Change/Method of Operation 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 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 filed with the SLA? If yes, when? If no, when does applicant plan to file?	<input checked="" type="radio"/> YES	<input 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 foot radius of the 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 within a 200 foot radius of the establishment.	<input checked="" type="radio"/> YES	<input 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)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS of Operation	Indoors	11-2	11-2	11-2	11-2	11-2	11-2	11-2
	Outdoors	11-10	11-10	11-10	11-10	11-10	11-10	11-10
	Kitchen	11-1A	11-1	11-1	11-1	11-1	11-1	11-1
	Music (indoors)	11-2	11-2	11-2	11-2	11-2	11-2	11-2

If yes, what type(s)?
(Circle all that apply)

BACKGROUND

LIVE MUSIC

DJ

JUKE BOX

KARAOKE

OCCUPANCY

	Capacity Pursuant to Certificate of Occupancy	Maximum Occupancy (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	32	64	0	1	5
OUTSIDE <i>(Rooftop/Rear Yard/Patio/Terrace /Garden; within the premises)</i>							
DOT Dining Out: Sidewalk Cafe	14	14					
DOT Dining Out: Roadway	24	24					

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

40 hrs/week

Will there be dancing?

YES NO

Will applicant have bottle or table service for alcohol beverages other than wine?

YES NO

Will applicant be hosting private promotional or corporate events?

YES NO

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

YES NO

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

YES NO

Will security plan be implemented?

YES NO

Will State certified security personnel be used?

YES NO

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

YES NO

Does applicant agree to notify MCB4 prior to making changes to its method of operation?

YES NO

Will applicant be using delivery bicycles? If yes, how many? Please describe where delivery bicycles will be parked when picking up deliveries?

YES NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly marked with the name as described by NYC Law?	YES	NO	NA
Where will applicants' own delivery bicycles be parked when not making deliveries?			
If applicant is using third party delivery service, where will third party delivery bicycles park?			
Where will applicant store its garbage containers when not in use?			
Where will applicant lay out garbage containers and at what time?			

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?	<input checked="" type="radio"/> YES	NO	
What is the zoning designation for this location?	M16		

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 Yard Hell's Kitchen Alliance	
	# 2	West 36 St	
	# 3	West 43rd St block Association	
	# 4	Kip Kottler Plaza Residence	
	# 5	11th Avenue Tenant Association	
When did applicant post the notice that was provided?	8/20/24		
Where did applicant post the notice that was provided?	on window facing out		
Please provide dates when applicant met with the groups listed above.			
Who was your contact person at each group you met with?			
Will applicant provide a cell phone number to neighbors and respond to complaints that arise? If yes, please provide.	<input checked="" type="radio"/> YES	NO	9178421800
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicant's jobs webpage?	<input checked="" type="radio"/> YES	NO	

MULTIPLE SPACES/FLOORS 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

BUILDING DESIGN			
State the name and type of business previously located in the space.	None		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Has the applicant/owner(s) read MCB4 ADA Guidelines Memo?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the entrance ADA Compliant?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> 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?	<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)	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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 p.m. Friday and Saturday and 10 p.m. 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 checked="" type="radio"/> YES	<input 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 checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a pole-supporting canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	Roof / Mitsubishi Split Units		
When was the air conditioner installed?	4 years ago		

OUTDOOR PRIVATE PROPERTY – ROOFTOP, REAR YARD, TERRACE

Has the applicant/owner(s) read MCB4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck, gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant prohibit patrons from drinking in any outdoor space(s)?	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	

DEPARTMENT OF TRANSPORTATION DINING OUT: SIDEWALK

Has the applicant read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for sidewalk seating now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<i>Now</i>
If you answered no to the question above, jump to the next page			
Did applicant submit an application and dimension site plan at scale to NYC Dept. of Transportation? Please attach a copy of application and plans.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk and roadway seating by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant respect trees and tree pits and insure the health of the tree?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant prohibit patrons from drinking in any outdoor space(s) or adjacent sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant permit NO wait lines or smoking outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a staff person responsible to ensure no loitering, noise or crowds outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree not to use propane heaters?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to abide by all applicable fire codes, including not blocking fire escapes?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the outdoor dining deposit its garbage in a container on the parking lane?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 foot-wide serving aisle running the entire length of the sidewalk seating?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the sidewalk seating have a platform?	<input checked="" type="radio"/> YES	<input type="radio"/> 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?	<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	
Will the sidewalk seating block subway grate, utility hardware or Siamese water connection?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> 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?	<i>yg</i>		

DEPARTMENT OF TRANSPORTATION DINING OUT: ROADWAY

Did applicant submit an application and dimension site plan at scale to NYC Dept. of Transportation? Please attach a copy of application and plans.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If you answered no to the question above, jump to the next page			
Will the roadway structure extend on top of the curb or pedestrian refuge? By how much?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the roadway structure have an ADA compliant ramp (not in the bike lane)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the roadway structure extend in the striped zone along the bike lane? By how much?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the electric wires be brought over at the roof level?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant dismantle and dispose of a shed that is no longer in use, along with its furniture?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no music or amplifies sound in any outdoor seating, as per law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk and roadway seating by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the Outdoor Dining Sidewalk & Roadway provide no standing space for drinking or smoking?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the service and consumption of alcohol in the Outdoor Dining Sidewalk/Roadway only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant prohibit patrons from drinking in any outdoor space(s) or adjacent sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
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 permit NO wait lines or smoking outside?	<input checked="" type="radio"/> YES	<input type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant respect trees and tree pits and insure the health of the tree?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant permit NO wait lines or smoking outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a staff person responsible to ensure no loitering, noise or crowds outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree not to use propane heaters?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the outdoor dining deposit its garbage in a container on the parking lane?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

To the extent any additional stipulation on pages 9 and 10 of this application conflicts with any response on pages 1 – 11 of this application, the stipulations on pages 9 and 10 control.

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Manhattan Community Board 4 (MCB4) recommends:
(MCB4's recommendation is based on a vote taken at its
October 1, 2024 full board meeting, with 38 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

MCB4 REPRESENTATIVES



Nelly Gonzalez
MCB4 Assistant District Manager



Frank Holozubiec
MCB4 BLP Committee Co-Chair



Burt Lazarin
MCB4 BLP Committee Co-Chair

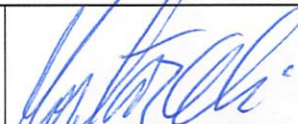
APPLICANT AGREEMENT WITH THE COMMUNITY

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 representatives and applicant. These stipulations supersede any oral statements, representations, or prior iterations in connection with this application.

SIGN HERE



PRINT NAME OF APPLICANT



SIGNATURE OF APPLICANT



DATE