

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>APPLICANT</b> Duckstar LLC		<b>DOING BUSINESS AS (DBA)</b> Pending		
<b>STREET ADDRESS</b> 503 West 43rd Street, New York, NY 10026		<b>CROSS STREETS</b> 10th Avenue and 11th Avenue		
<b>OWNER</b>	<b>NAME:</b> Starr Restaurants Catering Group	<b>ATTORNEY</b>	<b>NAME:</b> Donald M. Bernstein, Esq.	
	<b>PHONE:</b> 267 238 3645		<b>PHONE:</b> 212 486 6000	
	<b>FAX:</b> 215 923 2955		<b>FAX:</b> 212 486 8668	
<b>MANAGER</b>	<b>NAME:</b> Pending	<b>LANDLORD</b>	<b>NAME:</b> Forty Three Star Corp.	
	<b>PHONE:</b>		<b>PHONE:</b> 718 437 9270	
	<b>FAX:</b>		<b>FAX:</b>	
<b>DESCRIPTION OF BUSINESS</b>				
<b>Establishment Type:</b>	<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only) <input checked="" type="radio"/> Other (Explain): <u>Cafe</u>			
<b>Method of Operation:</b>	<input type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input checked="" type="radio"/> Cafe <input checked="" type="radio"/> Other (Explain): <u>Premises also to be used for off-site catering</u>			
<b>License Type:</b>	<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
<b>APPLICATION TYPE</b> (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	<b>YES</b>	<b>NO</b>
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1126744	
		What is the expiration date on the prior license?	05/31/2014	
		Are you making any alterations or operational changes?	<b>YES</b>	<b>NO</b>
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
<i>Please describe the nature of the alterations and attach the plans</i>				

OPERATION HOURS										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	10AM - 10PM	10AM - 10PM	10AM - 10PM	10AM - 10PM	10AM - 10PM	10AM - 10PM	10AM - 10PM	10AM - 10PM	
	Music	None								
	Kitchen	Will vary according to off-site catering schedule								
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 Bars	Number of Seats	Number of Tables	
	10*	30	2	10	1	None	N/A	N/A	N/A	
How many floors are there? What is the capacity for each floor? (please respond in space provided)								30 first floor and cellar		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	NO	N/A	No		
Will applicant have bottle service?					YES	NO	N/A	No		
Will you be hosting private parties and promotional events?					YES	NO	N/A	Yes		
Will outside promoters be used?					YES	NO	N/A	No		
Will the security plan submitted be implemented?					YES	NO	N/A	N/A		
Will State certified security personnel be used?					YES	NO	N/A	N/A		
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A	No		
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	N/A	No		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	N/A	No		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	N/A	N/A		
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A	Yes		
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?					YES	NO	N/A	Yes		
If you plan to have music, what type(s)?		None	BACKGROUND	<del>LIVE MUSIC</del>	<del>DJ</del>		N/A			
BUILDING DESIGN										
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					YES	NO	N/A	N/A		
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	No - Not necessary		
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					YES	NO	N/A	N/A		

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	<del>YES</del>	<del>NO</del>	<del>N/A</del>	No
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<del>YES</del>	<del>NO</del>	N/A	N/A
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	<del>YES</del>	<del>NO</del>	N/A	N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<del>YES</del>	<del>NO</del>	N/A	N/A
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	<del>YES</del>	<del>NO</del>	N/A	N/A
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	<del>YES</del>	<del>NO</del>	N/A	N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<del>YES</del>	<del>NO</del>	N/A	N/A

LOCATION & ZONING				
Primary Zoning District:	C2-5/R-8	Overlay (If Applicable):	R-8	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<del>NO</del>	<del>N/A</del>	Yes
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES*	<del>NO</del>	<del>N/A</del>	*Applicant will apply to the DOB for a Letter of No Objection
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	<del>NO</del>	<del>N/A</del>	Yes
Is a Public Assembly permit required?	<del>YES</del>	<del>NO</del>	<del>N/A</del>	No
Are your plans filed with DOB?	<del>YES</del>	<del>NO</del>	N/A	N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1	West 43rd Street Block Association: Eduardo Zeiger		
	# 2			
	# 3			

**ADDITIONAL INFORMATION (Applicant Use)**

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**ADDITIONAL STIPULATIONS (Office Use Only)**

Manhattan Community Board 4 (MCB4) recommends:

Approval  Denial unless all agreed to by applicant is part of the method of operation  Denial

**CB4 REPRESENTATIVES**

<p><i>Nelly Gonzalez</i> Nelly Gonzalez CB4 Community Associate</p>	<p>Lisa Daglian CB4 BLP Committee Co-Chair</p>	<p><i>Paul Soares</i> Paul Soares CB4 BLP Committee Co-Chair</p>
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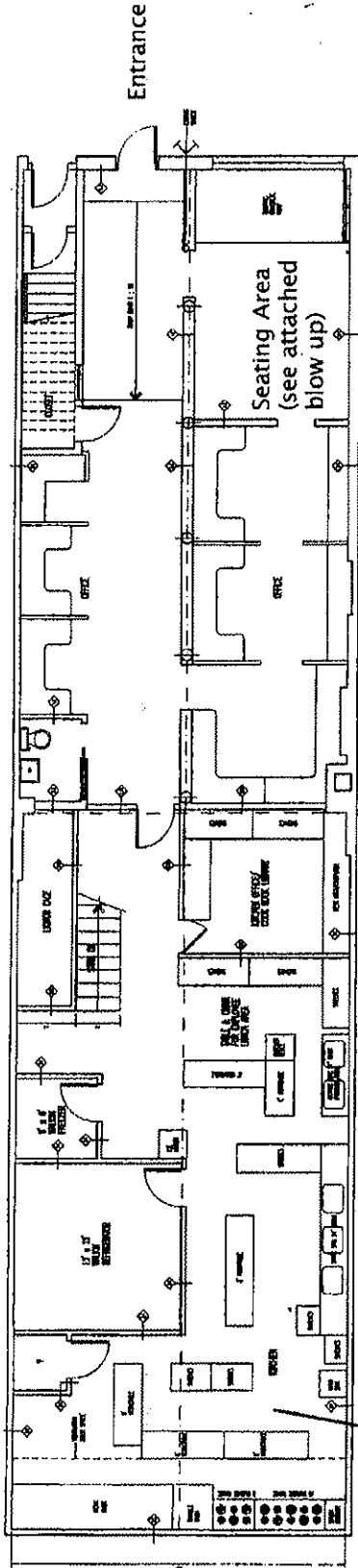
**APPLICANT AGREEMENT WITH THE COMMUNITY**

Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

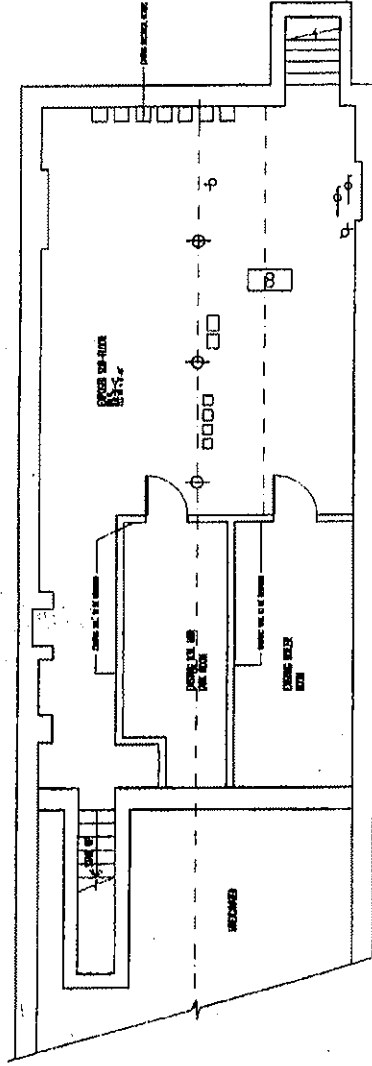
<p><b>SIGN HERE</b> →</p>	<p><i>Admiral Rusten, Esq. Attorney</i> <i>for Applicant</i> SIGNATURE OF APPLICANT</p>	<p><i>December 21, 2017</i> DATE <i>1/8/18</i></p>
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# Floor Plans

# Duckstar, LLC - Ground Floor and Cellar



FIRST FLOOR PLAN



CELLAR PLAN

**CANARD**

JOB: 10-17

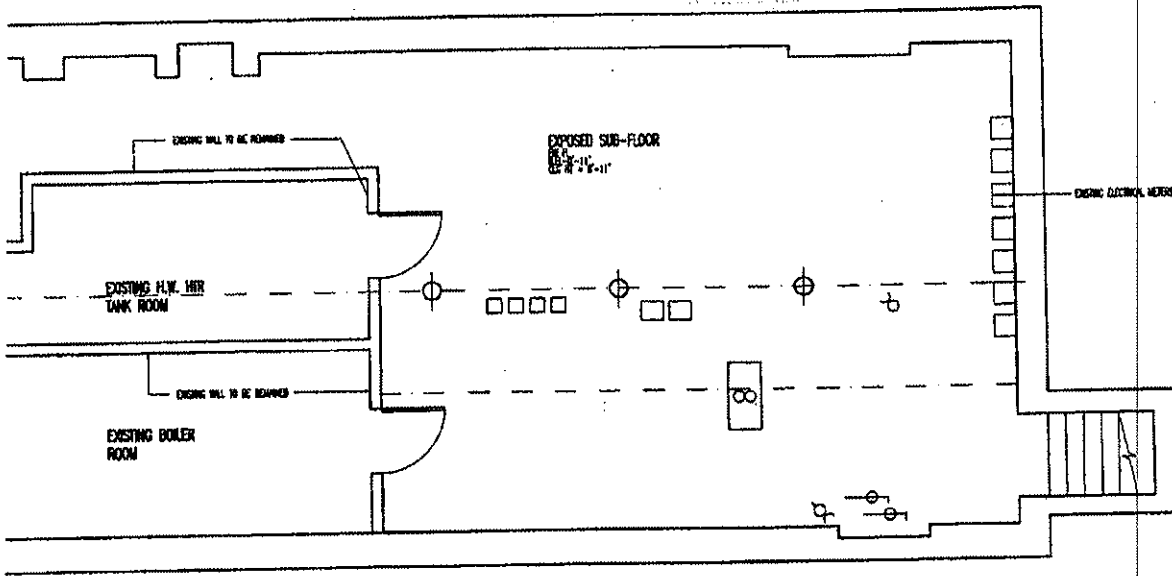
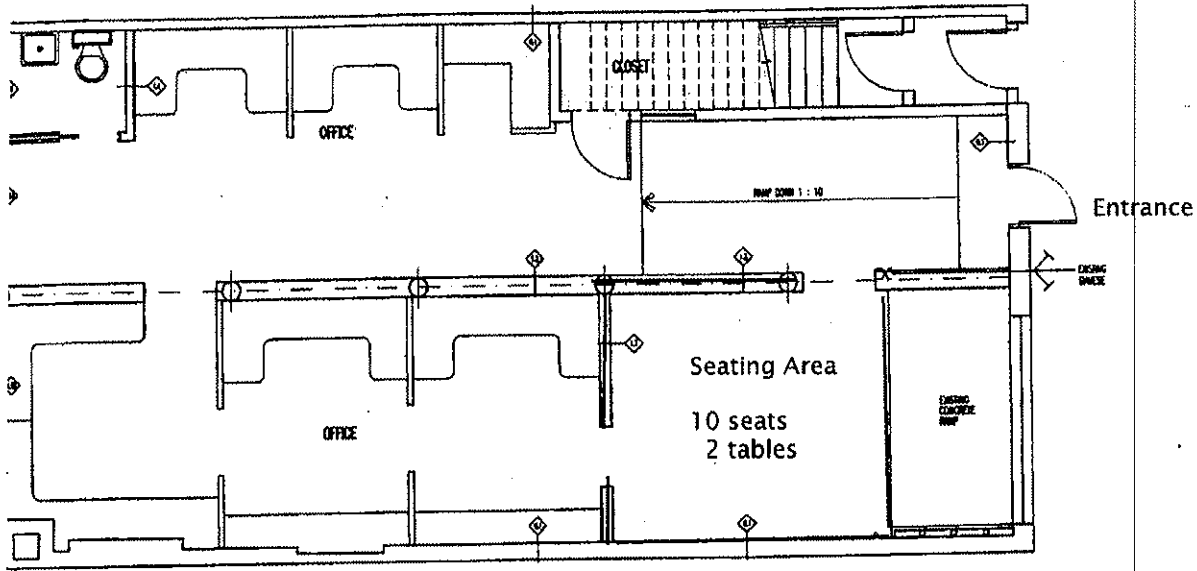
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TOBA + PAK  
 872 MADISON AVE #2B NEW YORK, NY 10021 212.737.8600  
 505 WEST 43RD STREET, NEW YORK  
 Design

PROPOSED FLOOR PLAN  
 A-1.C  
 SCALE: 1/4"=1'-0"  
 NOT FOR CONSTRUCTION  
 JULY 25, 20



# Duckstar, LLC - Ground Floor and Cellar - Blow Up of Seating Area



503 WEST 43RD STREET, NEW YORK

Design

NEW YORK, NY 10021

212.737.8600

PROPOSED FLOOR PLAN

scale: 1/4" = 1'-0"

A-1.01

NOT FOR CONSTRUCTION

JULY 25, 2001

# Proposed Menu

Duckstar, LLC / Proposed Menu



to begin

lobster salad

house made linguine with poached lobster, peas, tomato, corn and micro herbs

mango gazpacho

sweet and piquant mango gazpacho with papaya pepper confetti & micro herbs

salad 3 ways

salad of cucumber sorbet, black pepper and frisé avocado, tomato, heart of palm timbale, tomato vinaigrette  
baby romaine grilled with parmesan, caesar drizzle  
parmesan crisp

entrée

roasted arctic char

on summer puree artichoke, green pea, leek  
vegetable brunoise and fennel pollen, green herb sauce  
white asparagus in lemon zest butter

grilled breast of organic chicken

zucchini-ricotta stuffing; lemon aioli; green & wax beans, fingerling potatoes, tarragon vinaigrette

chilled filet of angus beef

with sundried cherry & tomato jam, potato gruyere tart and french beans with tomato basil concasse

dessert

strawberry "sandwich"

pistachio dacquoise sandwiched with strawberry sorbet,

summer sampler

chocolate dacquoise, key lime brûlé, rhubarb sorbetto, fresh berries

flourless dark chocolate torte

with earl grey white chocolate mousse, candied kumquats and orange rind

# bar



## premium liquors

ketel one, tanqueray, plymouth johnnie walker,  
maker's mark. don julio, bacardi \$15

## white wines

french, louis latour macon village chameroy '09 \$12

american, j. lohr arroyo seco chardonnay '10 \$10

new zealand, kim crawford sauvignon blanc '09 \$12-

## red wines

french, m. chapotier côtes du roussillon-villages '08 \$12-

american, parker station pinot noir '09 \$10-

## bubbles

french, gosset champagne, brut nv \$16

french, charles de frères sparkling blanc de blanc \$12

## bottled beers

heineken, amstel light, stella artoise \$7

with

sparkling and still mineral waters, mixers, sodas, orange and cranberry juices \$6

# Area Survey

1. The survey area is located in the northern part of the county, bounded by the town of [unclear] to the north, the town of [unclear] to the south, and the town of [unclear] to the west.

2. The survey area is approximately 10 miles long and 5 miles wide, covering a total area of approximately 50 square miles. The terrain is generally flat, with some low hills in the southern part of the area.

3. The population of the survey area is approximately 100,000 people, with a density of approximately 2,000 people per square mile. The population is concentrated in the southern part of the area, particularly in the town of [unclear].

4. The major roads in the survey area are [unclear] and [unclear]. There are also several smaller roads and highways that serve the area.

5. The survey area is primarily agricultural, with a mix of crops and livestock. There are also some small businesses and services located in the area.



Re: 503 West 43<sup>rd</sup> Street

1. 44 1/2 - 626 10th Avenue - (405')
2. Hallo Berlin - 626 10th Avenue - (375')
3. 44 & X - 622 10th Avenue - (345')
4. Pio Pio 8 - 604 10th Avenue - (260')
5. Mr. Biggs - 596 10th Avenue - (213')
6. Dotyo - 570 10th Avenue - (480')
7. Yotel - 570 10th Avenue - (480')
8. KTCHN - 508 West 42<sup>nd</sup> Street - (362')
9. The Out NYC - 510 West 42<sup>nd</sup> Street - (372')
10. XL - 512 West 42<sup>nd</sup> Street - (388')
11. All Stars Project - 529 West 42<sup>nd</sup> Street - (450')
12. River (McMenamins) - 500 West 43<sup>rd</sup> Street - (172')
13. West Side Steakhouse - 597 10th Avenue - (147')
14. Lansdowne Road - 599 10th Avenue - (170')
15. Signature Theatre - 480 West 42<sup>nd</sup> Street - (485')

Schools & Churches

1. P. S. 51 - 520 West 45th street - (485')
2. Croatian Church of Saints Cyril and Methodius - 502 W. 41<sup>st</sup> St. - (3612')

# Public Interest Statement



## PUBLIC INTEREST STATEMENT - 500' RULE STATEMENT

RE: Duckstar, LLC  
503 West 43<sup>rd</sup> Street  
New York, NY 10036

The subject premises will be a café located in the Clinton - Hell's Kitchen neighborhood on the far Westside of Manhattan at 503 West 43<sup>rd</sup> Street between 10<sup>th</sup> Avenue and 11<sup>th</sup> Avenue. The premises will also be used as a commissary for off-site catering.

The space is currently occupied by Canard Café and the applicant plans to continue off-site catering operation of Canard and upgrade the kitchen facilities.

The premises will occupy the first floor and cellar space of a four story residential building located at 503 West 43<sup>rd</sup> Street. The cafe will have two tables and ten seats. There will be no stand-up bar at the premises. Drinks will be prepared in a service bar in the kitchen area.

The establishment will not have any spaces outdoors.

The following sub-sections of section 64 of the ABC Law specifically address the statutory requirements for the public convenience and advantage when there are three or more establishments with full liquor licenses within 500 feet of the applicant:

**(a) The number, classes and character of licenses in proximity to the location and in particular municipality or subdivision thereof.**

There are fifteen locations within 500 feet of the applicant that hold full liquor licenses: Three of the fifteen locations include the following trendy style establishments with outdoor spaces - 44 ½ Restaurant, 44 X Restaurant and Hallo Berlin.

Pio Pio 8 is a Peruvian restaurant located 260' from the applicant. River Bar and Grill has a diner like atmosphere and is located 172' from the applicant; and West Side Steakhouse is a casual style steakhouse located 147' from the applicant.

Dohyo Restaurant and Lounge is located in the modern Yotel Hotel that boasts a rooftop bar as a destination for the young and hipster crowds. There is also another restaurant lounge in the hotel named, Four. The other trendy hotel and restaurants in the area are The Out Hotel and *Ktchn* Restaurant around the block on West 42<sup>nd</sup> Street.

XL Dance Club located in The Out Hotel is the only nightclub that is within 500' of the applicant; and Lansdowne Road is the only Irish Pub in the area located 170' from the applicant. There is also the Signature Theater located 485' from the applicant.

Duckstar, LLC plans to be a very small café and off-site catering establishment and therefore an alternative destination to the hotels and restaurants in the area.

**(b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies**

The applicant will apply to the New York City Department of Buildings for a Letter of No Objection to list occupancy of less than 75 and Use Group No. 6 for an Eating and Drinking Establishment.

The applicant will apply for Workers Compensation Insurance and Disability Insurance. The applicant will apply to New York State for a Certificate of Authority to Collect Sales and a Certificate of Assumed Name. Duckstar, LLC will apply for all the necessary licenses, permits and certifications including but not limited to a Department of Health and Mental Hygiene permit and a Fire Department inspection before opening in the winter season of 2012 -2013.

**(c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location**

The space is currently occupied by Canard Inc. dba Canard Café since 2002 and approval of the application and issuance of an on-premises license will therefore not negatively impact traffic patterns in and around the premises. Further, the location is easily accessible by New York City Transit buses and subways as well as New York City taxi cabs. There are also six parking garages/parking lots in the area.

**(d) The existing noise level at the location and any increase in noise level that would be generated by the proposed premises**

The space had been continuously licensed since 2002 and approval of the application and issuance of an on-premises license will therefore not cause an unusual increase in noise levels in this area. The space will be located on the ground floor of a small four story residential building and the premises do not plan to have any music at the premises.

**(e) The history of liquor violations and reported criminal activity at the proposed premises**

There are no violations for the current license at 503 West 43<sup>rd</sup> Street; and we also do not know of any history of criminal activity at the premises.

Issuance of the instant license will promote the public interest in that it will be a positive contribution to the economy by way of the jobs maintained, continued wages paid, income, sales and other taxes collected, state and local license revenues, and maintenance of the local real estate tax base.

Accordingly, we believe approval of this application and issuance of an on-premises license will promote the public interest and convenience and the Community Board should so find. We therefore request that the Community Board approve the application.