

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT DORIAN GASHI		ADDRESS 811 9TH AVENUE, NY NY 10019					
DOING BUSINESS AS (DBA) MEDI WINEBAR, LLC		CROSS STREETS BETWEEN W 53RD/W 54TH ST				OWNER: DORIAN GASHI	
DESCRIPTION OF APPLICATION UNENCLOSED SIDEWALK CAFE APPLICATION FOR MEDI WINEBAR LLC, LOCATED AT 811 9TH AVENUE						LAWYER: Frank Palillo 212-227-1640	
						DCA LICENSE NUMBER: 1457455	
						SLA LICENSE NUMBER: serial #1237983	
						ON SITE CONTACT: (Name, position & phone number): DORIAN GASHI, CO-OWNER/PRESIDENT - 212-586-1201	
Side-walk café hours of Operation	MONDAY 3-10	TUESDAY 11-10	WEDNESDAY 11-10	THURSDAY 11-10	FRIDAY 11-11	SATURDAY 10-11	SUNDAY 12-10
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS 3 *	TABLES 3	3 TABLES WITH BUILT-IN BENCHES, 2 PERSONS PER BENCH = 12 PERSONS TOTAL				
OPERATIONAL ISSUES							
Will you follow the rule prohibiting speakers for music in the outdoor space?				<input checked="" type="radio"/> YES	NO	N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?				<input checked="" type="radio"/> YES	NO	N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.				<input checked="" type="radio"/> YES	NO	N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?				<input checked="" type="radio"/> YES	NO	N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.				<input checked="" type="radio"/> YES	NO	N/A	
The sidewalk café will not provide standing space for drinking or smoking.				<input checked="" type="radio"/> YES	NO	N/A	
Will the outdoor furniture be removed when not in use?				<input checked="" type="radio"/> YES	NO	N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.				YES	NO	<input checked="" type="radio"/> N/A	
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?				YES	<input checked="" type="radio"/> NO	N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?				YES	NO	<input checked="" type="radio"/> N/A	

SOUND ISSUES


Will applicant 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.).	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will applicant 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.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

CAFÉ DESIGN

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A	
Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

ADDITIONAL INFORMATION: (Applicant Use)

On the days where the hours of operation for the sidewalk cafe begin at 11:00am, alcohol will be served after 12:00 noon, as per SLA guidelines. Petition to extend the liquor license to the sidewalk cafe is in process. Request to meet with the Community Board regarding this extension has been submitted on April 1st (see attached letter of attorney).



ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)



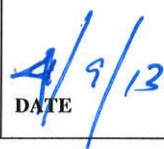
Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input checked="" type="radio"/> <u>Denial unless all agreed to by applicant is part of the method of operation</u> <input type="radio"/> Denial
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CB4 REPRESENTATIVES

 Nelly Gonzalez CB4 Community Associate	 Lisa Daglian CB4 BLP Committee Co-Chair	 Paul Seres CB4 BLP Committee Co-Chair
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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.

SIGN HERE 	 SIGNATURE OF APPLICANT	 DATE
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Frank W. Palillo
Counsellor at Law

299 Broadway, Suite 1820, New York, New York 10007
Tel: (212) 227-1640 Fax: (212) 349-1724

April 1, 2013

Community Board No.4
330 West 42nd Street
New York, New York 10036

Att: Lee Compton, Chairperson
Robert J. Benfatto, Jr., District Manager

Re: Medi Wine Bar LLC
Medi Wine Bar
811-13 9th Avenue
New York, New York

Dear Mr. Compton & Mr. Benfatto:

PLEASE BE ADVISED, that pursuant to the Alcoholic Beverage Control Law Section 64 (2-a), you are hereby notified that an application for alteration to an on premises liquor license to add a sidewalk café will be filed for the above location.

My client and I will be available to discuss this matter further, at your earliest convenience.

Thank you for your courtesy and cooperation.

Very truly yours,

FRANK W. PALILLO

Certified Return Receipt
Receipt No: 7012 1010 0000 0346 1448

STATE OF NEW YORK
 EXECUTIVE DEPARTMENT
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 STATE LIQUOR AUTHORITY

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board in connection with the admission to the State Liquor Authority of a (check one)

New Application Renewal Application Alteration Application
 Corporate Change for an On-Premises Alcoholic Beverage License

1. Date the original copy of this Notice was mailed to the Local Municipality or Community Board: 04 01 2013

THIS 30-DAY ADVANCE NOTICE IS BEING PROVIDED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD

2. Name of the Local Municipality or Community Board: Community Board #4

ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S LICENSE APPLICATION NOTED AS ABOVE FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE

3. Attorney's Full Name is: Frank W. Palillo

4. Attorney's Street Address: 299 Broadway, Ste 1820

5. City, Town or Village: New York State: NY Zip Code: 10007

6. Business Telephone Number of Attorney: (212) 227-1640

FOR NEW APPLICANTS, PROVIDE DESCRIPTION BELOW USING ALL INFORMATION KNOWN TO DATE
 FOR ALTERATION APPLICANTS, ATTACH COMPLETE DESCRIPTION AND DIAGRAM OF PROPOSED ALTERATION(S)
 FOR CURRENT LICENSEES, SET FORTH APPROVED METHOD OF OPERATION ONLY
 DO NOT USE THIS FORM TO CHANGE YOUR METHOD OF OPERATION

7. Type(s) of alcohol sold or to be sold under the license: (*X* One) Beer Only Wine and Beer Only Liquor, Wine and Beer

8. Extent of Food Service: (*X* One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily-meets legal minimum food availability requirements)

9. Type of establishment: (*X* all that apply) Hotel Live Music Disc Jockey Juke Box Patron Dancing (Small scale) Karaoke Bar Cabaret, Night Club, (Large Scale Dance Club) Capacity for 600 or more patrons Bed & Breakfast Restaurant Club (e.g. Golf/ Fraternal Org.) Catering Facility Stage Shows Topless Entertainment Recreational Facility (Sports Facility/Vessel)

10. Licensed outdoor area: (*X* all that apply) None Rooftop Patio or Deck Freestanding Covered Structure Garden/Grounds Sidewalk Cafe Other (Specify): None ALTERATION TO ADD SIDEWALK CAFE

11. Will the license holder or a manager be physically present within the establishment during all hours of operation? (*X* one) Yes No

12. License serial number: 1237983 Expiration Date: 1-31-15

13. The applicant's or license holder's full name, as it appears or will appear on the license: MEDI WINE BAR LLC

14. The Trade name, if any, under which the establishment conducts or will conduct business: MEDI WINE BAR

15. The establishment is located within the building which has the following street address: 811-13 9th Avenue

16. City, Town, or Village: New York NY Zip Code: 10019

17. The establishment is located on the following floor(s) of the building at the above address: Ground Floor & basement

18. Within the building at the above address, the establishment is located within the room(s) numbered as follows:

19. Business telephone number of applicant/licensee: (212) 586-1201 Business fax number of applicant/licensee: (212) 586-1203

20. Business e-mail address of applicant/licensee:

21. Does the applicant or license holder own the building in which the establishment is located? (*X* one) Yes (If "Yes", Skip items 22-25) No

OWNER OF THE BUILDING IN WHICH THE LICENSED ESTABLISHMENT IS LOCATED

22. Building owner's full name is: Hearst Communications Inc

23. Building owner's street address: 300 West 57th Street

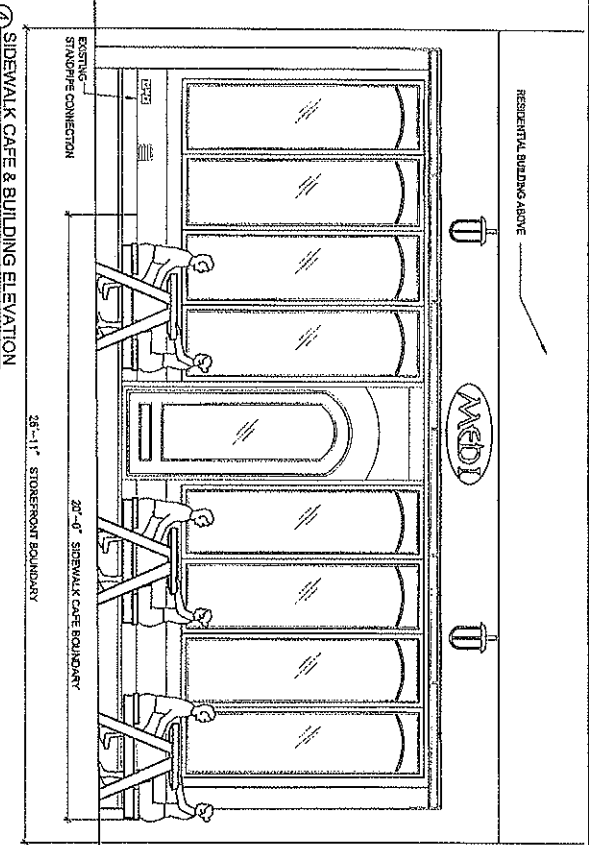
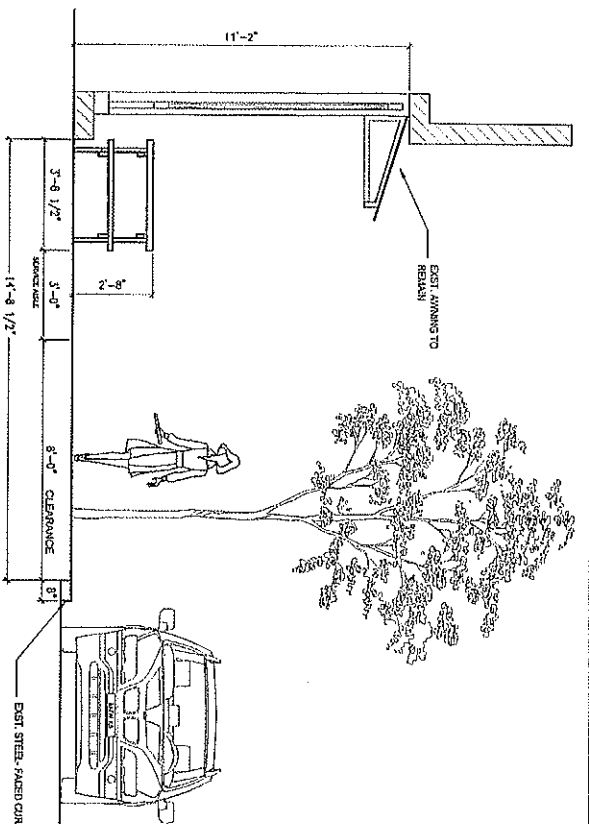
24. City, Town, or Village: New York State: NY Zip Code: 10019

25. Business telephone number of building owner: 212-649-2627

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

26. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

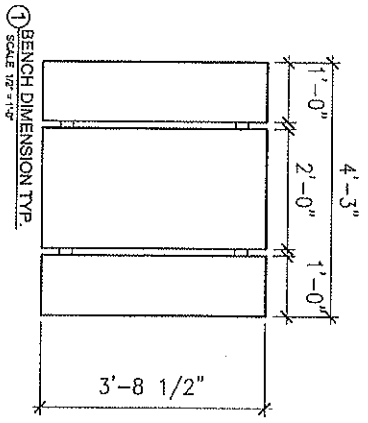
Printed Name: Dorian Gashi Title: Managing Partner Signature: [Signature]



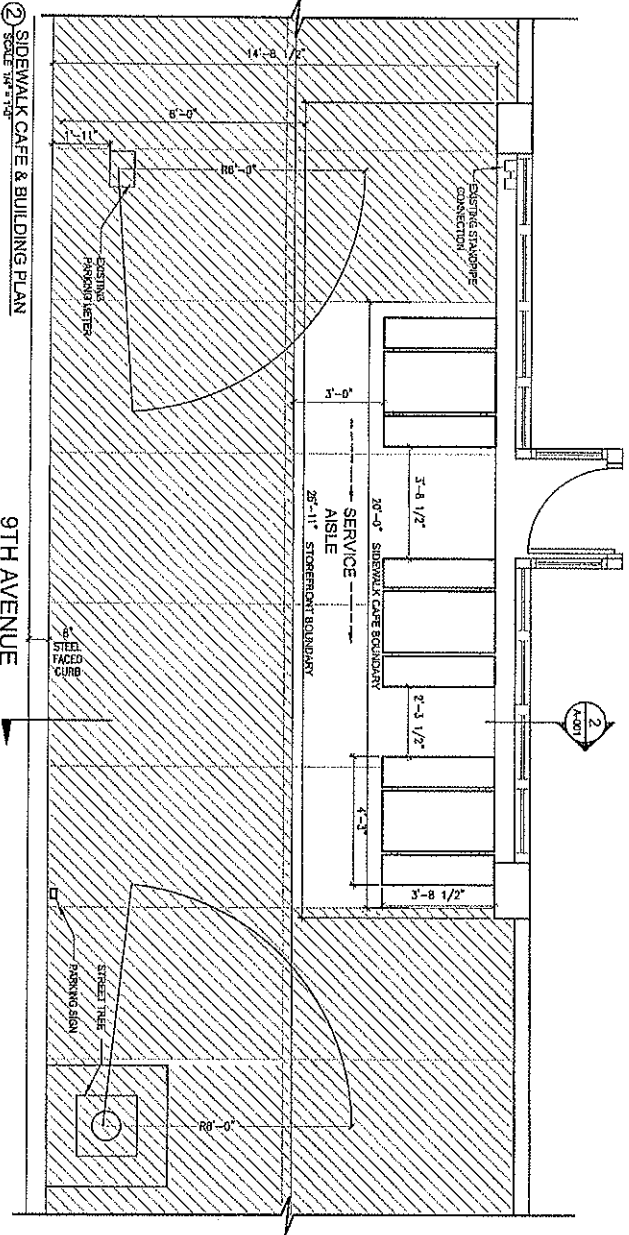
3 SIDEWALK CAFE SECTION
SCALE 1/4" = 1'-0"

4 SIDEWALK CAFE & BUILDING ELEVATION
SCALE 1/4" = 1'-0"

SMALL UNENCLOSED SIDEWALK CAFE
3 TABLES W/BUILT-IN BENCHES
2 PERSONS PER BENCH = 12 PERSONS TOTAL
AREA: 121 SF



2 SIDEWALK CAFE & BUILDING PLAN
SCALE 1/4" = 1'-0"



9TH AVENUE

TRIAD DESIGN
COLLABORATIVE, INC.

33 Pearl Street, 9th Floor
NEW YORK, NY 10004
TEL: 212.260.0000 FAX: 212.260.2001



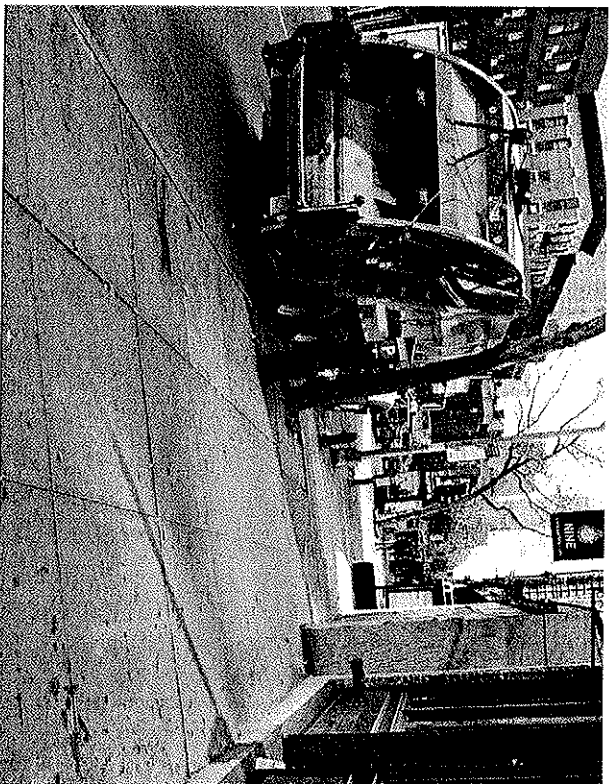
NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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PROJECT	SIDEWALK CAFE AT 811 9TH AVENUE NEW YORK, NY 10019
DATE	JAN 28, 2012
DESIGNER	WY S ARCHITECTS
TITLE	SIDEWALK CAFE AT 811 9TH AVENUE

PROJECT: SIDEWALK CAFE AT 811 9TH AVENUE NEW YORK, NY 10019
DATE: JAN 28, 2012
DESIGNER: WY S ARCHITECTS
TITLE: SIDEWALK CAFE AT 811 9TH AVENUE
SCALE: 1/4" = 1'-0"
DRAWN BY: CS
CHECKED BY: JUS
DATE: 12-13-11
APP: AS NOTED
A-001.00
2 OF 2



FRONT VIEW OF PROPOSED
SIDEWALK CAFE



LEFT VIEW OF PROPOSED
SIDEWALK CAFE

Medi Winebar
81 1 9th Avenue NY NY 10019

Block: 1063

Lot: 34

CB: 104

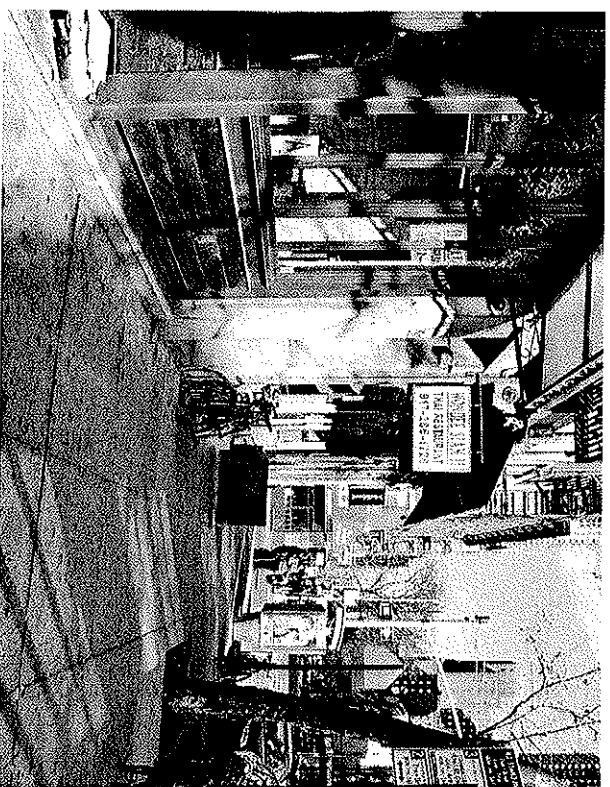
Sidewalk Cafe Application for Unen-
closed Sidewalk Cafe

3 Tables with built-in benches

2 persons per bench =

12 persons total

Area: 121 SF



RIGHT VIEW OF PROPOSED
SIDEWALK CAFE