



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

June 5, 2013

Dennis Rosen
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

**Re: Sweet Concessions Inc.
d/b/a Atlantic Theater Company/Linda Gross Theater
336 W. 20th Street**

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of alteration for live theater concession counter license for Sweet Concessions Inc. d/b/a Atlantic Theater Company/Linda Gross Theater – 336 W. 20th Street unless the following stipulation, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of 200, with no tables, no seating, and one stand-up bar with no seating.

A signed copy of the questionnaire, stipulations and community agreements are enclosed.

Sincerely,

Corey Johnson
Chair

[signed 06/05/13]
Paul Seres
Co-Chair
Business License &
Permits Committee

[signed 06/05/13]
Lisa Daglian
Co-Chair
Business License &
Permits Committee

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

| | | | |
|--|--------|---|-----------------|
| APPLICANT | | DOING BUSINESS AS (DBA) | |
| Sweet Concessions Inc. | | | |
| STREET ADDRESS | | CROSS STREETS | |
| Atlantic Theater Company / Linda Gross Theater 336 West 20 th Street | | ON 20 th Between 8 th & 9 th | |
| OWNER | NAME: | Julie Rose | ATTORNEY NAME: |
| | PHONE: | 212-582-5472 | ATTORNEY PHONE: |
| | FAX: | 212-582-8470 | ATTORNEY FAX: |
| MANAGER | NAME: | | LANDLORD NAME: |
| | PHONE: | | LANDLORD PHONE: |
| | FAX: | | LANDLORD FAX: |
| | | St. Peter's Episcopal Church 212-929-2390 | |

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Eating Place Beer
 Cabaret
 Night Club
 Hotel
 Restaurant
 Catering Establishment
 Club (Fraternal Organization - Members Only)
 Other (Explain): Theater with Live performances

Method of Operation:

Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pizzeria
 Cafe
 Other (Explain): Live theater concession counter

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer
currently hold NYS Wine & Beer Permit #1268631

| | | | | |
|---|---|--|-----------|----|
| APPLICATION TYPE <i>(check one)</i> | <input type="radio"/> New | Has applicant owned or managed a similar business? | YES | NO |
| | | 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 type="radio"/> Transfer | What is the prior license #? | | |
| | | What is the expiration date on the prior license? | | |
| | | Are you making any alterations or operational changes? | YES | NO |
| | | <i>If alterations or operational changes are being made, please attach the plans to this form.</i> | | |
| | <input type="radio"/> Alteration <i>class change</i> | What is the current license #? | 1268631 | |
| | | What is the expiration date on the current license? | 1/31/2015 | |
| <i>Please describe the nature of the alterations and attach the plans</i> | | | | |

No physical or operational changes - change is to License only.

| OPERATIONAL ISSUES | | | | | | | | | | |
|--|---|---|---------------------|--------------------|-----------------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|--|
| HOURS | | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY | | |
| | Operation | 2 hours preceding opening of the theater to patrons | | | | | | | | |
| | Music | until 1/2 hour after show ends - Variable depending | | | | | | | | |
| | Kitchen | upon show | | | | | | | | |
| OCCUPANCY | INDOOR | | | | BAR | | | OUTSIDE | | |
| | 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 | |
| | 213 - See Attached | 200 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | |
| How many floors are there? What is the capacity for each floor? (please respond in space provided) | | | | | 1-2 | 24 | 54 | Bar is in Basement Lobby | | |
| 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 | | | |
| Will applicant have bottle service? | | | | | YES | NO | N/A | | | |
| Will you be hosting private parties and promotional events? | | | | | YES | NO | N/A | Theater related events | | |
| Will outside promoters be used? | | | | | YES | NO | N/A | | | |
| Will the security plan submitted be implemented? | | | | | YES | NO | N/A | | | |
| Will State certified security personnel be used? | | | | | YES | NO | N/A | | | |
| Will New York Nightlife Association recommendations and NYPD Best Practices be followed? | | | | | YES | NO | N/A | | | |
| 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 | | | |
| Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided) | | | | | YES | NO | N/A | | | |
| 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 | | | |
| Will applicant provide contact information to neighbors and respond to complaints that arise? | | | | | YES | NO | N/A | | | |
| If you plan to have music, what type(s)? | | | BACKGROUND | LIVE MUSIC | DJ | Theater Responsibility | | | | |
| 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 | | | |
| 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 | | | |
| 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 | | | |

| OUTDOOR ITEMS | | | |
|--|-----|-------------------------------------|--------------------------------------|
| Will applicant use the rooftop, rear yard or any outdoor space? | YES | <input checked="" type="radio"/> NO | N/A |
| 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. | YES | NO | <input checked="" type="radio"/> 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. | YES | NO | <input checked="" type="radio"/> N/A |
| The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke. | YES | NO | <input checked="" type="radio"/> 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.). | YES | NO | <input checked="" type="radio"/> 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. | YES | NO | <input checked="" type="radio"/> N/A |
| Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | YES | NO | <input checked="" type="radio"/> N/A |

| LOCATION & ZONING | | | |
|---|--|--------------------------|---|
| Primary Zoning District: | | Overlay (If Applicable): | |
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | YES | NO | <input checked="" type="radio"/> N/A |
| Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection? | <input checked="" type="radio"/> YES | NO | N/A <i>See Attached</i> |
| Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule. | <input checked="" type="radio"/> YES | NO | N/A <i>This operation is exempt from the 200' Rule, as it is non-profit</i> |
| Is a Public Assembly permit required? | YES | NO | <input checked="" type="radio"/> N/A |
| Are your plans filed with DOB? | YES | NO | <input checked="" type="radio"/> N/A |
| Building Type | <input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input 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: _____ | | |
| NOTIFICATION: What organizations / community groups have you notified regarding your application? | # 1 | | |
| | # 2 | | |
| | # 3 | | |

Manhattan Community Board 4 (MCB4) recommends:

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

CB4 REPRESENTATIVES

Nelly Gonzalez
CB4 Community Associate

Lisa Daglian
CB4 BLP Committee Co-Chair

Paul Seres
CB4 BLP Committee Co-Chair

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



April 22, 2013

Nelly Gonzalez, Community Associate
Manhattan Community Board #4
330 West 42nd Street, 26th Floor
New York, NY 10036

Re: Sweet Concessions Inc, Atlantic Theater, 336 West 20th Street,
Class Change From Tavern (Wine and Beer) License to On-Premise License

Dear Miss Gonzalez,

Thank you for your letter of April 12, 2013. I will attend the meeting of the Business Licenses & Permits Committee on May 14, 2013.

Please find attached the following documents that you had requested:

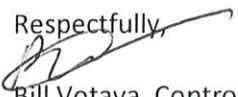
- Your completed Questionnaire.
- A floor plan of the Basement lobby area of The Atlantic Theater, showing the location of the concession counter.
- There will be no sidewalk café, so there are no plans attached.
- There are no establishments which would trigger the 500' rule, and since Atlantic Theater is a non-for-profit entity, it is exempt from the 200' rule, so no attachment is made regarding these issues.
- A proposed menu is included.
- We have included a printout showing the front of The Atlantic Theatre.
- To the best of our knowledge, there is no need for a 500' Rule Hearing Public Interest Statement.

Sweet Concessions Inc is a theater concession management company. We have no authority to pick shows given at the theater, and no involvement with noise standards required by the Community Board. These responsibilities fall to the theater operators. Our sole involvement is to provide management of the concession.

Sweet Concessions currently holds a valid NYS Tavern License at this location. We are filing this Class Change so that we may expand our menu and offer cocktails/mixed drinks to the theater patrons. Though the management of concession at other theaters where we hold a total of 32 On-Site Liquor Licenses, and 4 Tavern (Wine and Beer) Permits, we have learned that patrons of Broadway Theaters have come to expect expanded snack and beverage choices, and desire to have these options available to them. We believe, wholeheartedly, that we will be able to better serve patrons of the theater as well as the theater itself, by having Liquor based beverages available during pre-show and intermission periods.

I look forward to meeting you at the meeting on October 9th. If you have any questions in the interim, please feel free to contact me at (212) 582-5472.

Respectfully,


Bill Votava, Controller



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COREY JOHNSON
Chair

ROBERT J. BENFATTO
District Manager

April 12, 2013

Bill Votava
1650 Broadway, Suite 510
New York, NY 10019

**Re: Sweet Concessions Inc.
Atlantic Theater Co. 336 West 20th Street**

Mr. Votava,

Manhattan Community Board No. 4 invites you to present your application for an Alteration of On-Premise Liquor License at its next Business Licenses & Permits Committee meeting scheduled for:

Tuesday, May 14, 2013

6:30 pm

**Intercontinental New York Time Square,
300 W. 44th St., Ballroom Level**

Please post the enclosed public notice of this hearing in a highly visible window of your establishment. We ask that you complete and submit the enclosed questionnaire **no later than 11 am. Friday, April 26, 2013** **Failure to comply by April 26th, will result in a request to postpone to the following month's meeting (June 14th) or a denial recommendation from the committee.**

In addition, please provide copies of the following by April 26th and bring 16 copies to the meeting (Tuesday, May 14th):

- Floorplans
- Sidewalk Café plans *n/a*
- Diagram of Establishments that trigger either the 500 Foot Rule or 200 Foot Rule *n/a*
- Menu
- Photos of Exterior
- 500 Foot Hearing Public Interest Statement, IF REQUIRED *n/a*

If you wish to **POSTPONE** your application, please contact us. We will **REQUIRE** a letter stating that you will **NOT APPLY** to the **SLA UNTIL AFTER** appearing at our **NEXT MEETING**. If you do appear before the Committee with insufficient or questionable information, you may request a new hearing. In this case you must also submit a postponement letter.

Please contact the Board office if you have any questions. Thank you for your cooperation.

Sincerely,

Nelly Gonzalez
Community Associate



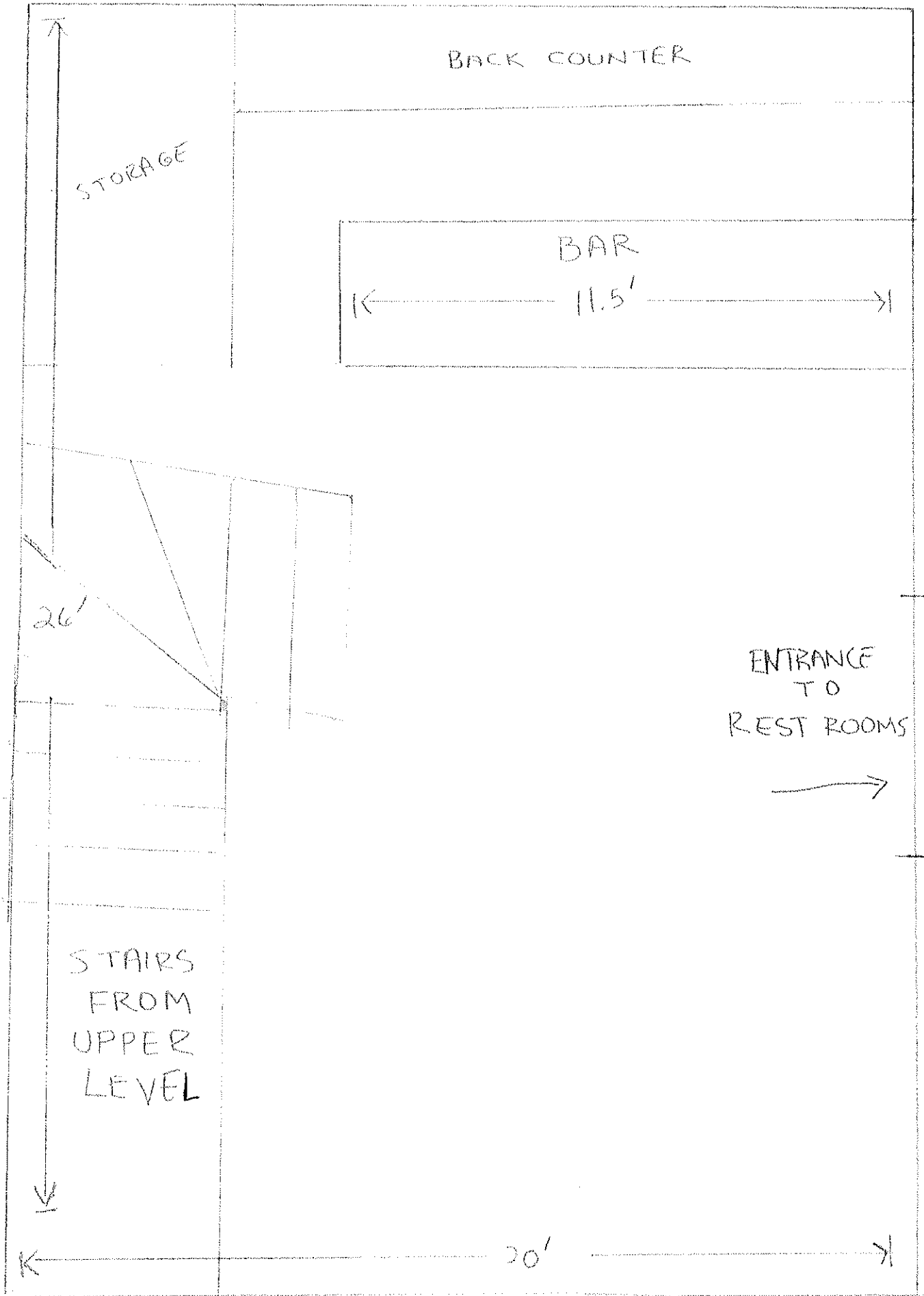
To Whom It May Concern:

When Atlantic Theater Company began renting our theater from St. Peter's Episcopal Church in 1990, an architect was sent to the Department of Buildings and was unsuccessful in finding a Certificate of Occupancy. We are legally covered by our Department of Buildings issued Permit of Assembly. Also, we have posted in our lobby a sign that reads: *Occupancy By More Than 213 Persons Is Dangerous And Unlawful-Commissioner Department of Buildings/City of New York.*

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Richardson', written over a horizontal line.

Christopher J. Richardson
Company Manager





Address **336 West 20th Street**

Address is approximate

