



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> 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

August 5, 2013

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

Re: CPS Enterprises LLC  
d/b/a Marston's  
310 W. 53<sup>rd</sup> St. (8/9)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new On-Premise Liquor License for CPS Enterprises LLC d/b/a Marston's – 310 W. 53<sup>rd</sup> St. (8/9) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a capacity of 90 people, 15 tables, 44 seats, 1 stand-up bar and 1 service bar with 10 seats and 6 tables with 12 seats outside within building property line.

- Live music only in cellar
- Will follow recommendations of acoustician
- Does not include outdoor space
- Windows and doors in front of restaurant will be closed at 10PM Sunday-Thursday and 11PM Friday & Saturday or whenever there is amplified sound
- Rear door will be closed at all times
- Come back in 6 months to consider alteration after operation

A signed copy of the questionnaire and stipulations are enclosed.

Sincerely,

Corey Johnson  
Chair

[signed 7/31/13]  
Paul Seres  
Co-Chair  
Business License & Permits  
Committee

[signed 7/31/13]  
Lisa Daglian  
Co-Chair  
Business License & Permits  
Committee

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>APPLICANT</b> CPS Enterprises, LLC		<b>DOING BUSINESS AS (DBA)</b> Marston's - working name		
<b>STREET ADDRESS</b> 310 W. 53rd Street		<b>CROSS STREETS</b> 8th & 9th Avenues		
<b>OWNER</b>	<b>NAME:</b> Shelley Clark	<b>ATTORNEY</b>	<b>NAME:</b> David Korngut	
	<b>PHONE:</b> 646-489-8582		<b>PHONE:</b> 212-566-5021	
	<b>FAX:</b> 206-888-6217		<b>FAX:</b> 212-766-2628	
<b>MANAGER</b>	<b>NAME:</b> Patrick O'Sullivan	<b>LANDLORD</b>	<b>NAME:</b> Midtown Equities, LLC / East West Realty	
	<b>PHONE:</b> 646-245-4104		<b>PHONE:</b> 212-957-9444 / 201-681-5799	
	<b>FAX:</b> none		<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 checked="" type="radio"/> Restaurant <input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization - Members Only) <input type="radio"/> Other (Explain): _____			
<b>Method of Operation:</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input checked="" type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input type="radio"/> Other (Explain): _____			
<b>License Type:</b>	<input type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer			
<b>APPLICATION TYPE</b> (check one)	<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
		What is/was the name of establishment?	CPS Managing Partner Patrick O'Sullivan has managed and/or owned successful restaurants; most recently managed Seppi's.	
		What is/was the address of the establishment?	123 W. 56th Street, New York City at the Parker Meridien Hotel	
		What were the dates the applicant was involved with this former premise?	10/2001 to 2/2009	
	<input type="radio"/> <b>Transfer</b>	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> <b>Alteration</b>	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>				

PAC

**OPERATIONAL ISSUES**

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
<b>HOURS</b>	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.	1:30 7 a.m. to 3 a.m.	1:30 7 a.m. to 3 a.m.	12:30 7 a.m. to 3 a.m.
<b>Music</b>	Occasionally, in basement Any hours TBD	See Monday	See Monday	See Monday	See Monday	See Monday	See Monday
<b>Kitchen</b>	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.	7 a.m. to 2 a.m.

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
	90	74	15	44	1	1	10	12	6

How many floors are there? What is the capacity for each floor? (please respond in space provided)	<input checked="" type="checkbox"/>	3-4	5 +	Ground floor - 32 inside, 12 outside Cellar - 22			
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)	YES	<input checked="" type="checkbox"/>	N/A				
Will applicant have bottle service?	YES	<input checked="" type="checkbox"/>	N/A				
Will you be hosting private parties and promotional events?	<input checked="" type="checkbox"/>	NO	N/A				
Will outside promoters be used?	YES	<input checked="" type="checkbox"/>	N/A				
Will the security plan submitted be implemented?	YES	NO	<input checked="" type="checkbox"/>				
Will State certified security personnel be used?	YES	NO	<input checked="" type="checkbox"/>				
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	N/A				
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)	<input checked="" type="checkbox"/>	NO	N/A	Plan to apply Dec. 20013			
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)	YES	<input checked="" type="checkbox"/>	N/A	When plans are submitted, number of tables/seats will follow DCA and Community Board 4 guidelines.			
Will applicant provide contact information to neighbors and respond to complaints that arise?	<input checked="" type="checkbox"/>	NO	N/A				
Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?	<input checked="" type="checkbox"/>	NO	N/A				
If you plan to have music, what type(s)?	<input checked="" type="checkbox"/>	BACKGROUND	<input checked="" type="checkbox"/>	LIVE MUSIC	<input checked="" type="checkbox"/>	DJ	Any occasional live music will be jazz, blues.

**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.	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	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.)	<input checked="" type="checkbox"/>	NO	N/A	

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	Ground floor patio will be used for herb garden and intimate dining area.
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.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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.).	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	Low wattage hanging lanterns and floor lighting.

LOCATION & ZONING				
Primary Zoning District:	C6-4	Overlay (If Applicable):	C1-5	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	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	<input type="checkbox"/> N/A	
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	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	However, we have addressed the 500 Foot Rule with the attached statement.
Is a Public Assembly permit required?	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	
Are your plans filed with DOB?	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	Currently there is only one bathroom in a space with a CFO of 90; our architect, Garth Hayden will file plans with the DOB for the addition of at least one bathroom.
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____			
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="radio"/> Other, describe: _____			
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1	18th Precinct of New York Police Department, known as Midtown North - Community Affairs		
	# 2	The Manhattan School, PS 35		
	# 3	Hartley House - where our Swiss native chef participated in adult education programs to learn English  It is one of a number of community oriented charities and organization - including The Manhattan School - to which we will offer the restaurant as a resource for fundraising initiatives, programming, etc.		

### ADDITIONAL INFORMATION: (Applicant Use)

By upgrading an existing space, which housed a wine and beer licensed restaurant for ten years, with an additional bathroom, as well as decorative enhancements, CPS Enterprises, LLC plans to establish a new neighborhood dining asset serving breakfast, lunch and dinner daily in relaxed and inviting atmosphere. Our experienced, European trained chef will direct a kitchen that will use make the vast majority of all menu items from scratch, including many of the breakfast baked goods.

The restaurant's menus, characterized as contemporary American with an international culinary melting pot sensibility, will be seasonally inspired, drawing from locally sourced ingredients, including herbs from a garden in the outdoor patio of the space. The food menus will be complemented by a comprehensive selection of non-alcoholic beverages, as well as by wine and beer.

We envision the restaurant providing a comfortable environment in which neighborhood residents, area employees and visitors can enjoy a variety of dining options day and night.

### ADDITIONAL NOTES: (Office Use Only)

- live music only in cellar
- ~~cellar~~ will follow recommendations of acoustician
- Does not include out door space
- Windows + Doors in front of restaurant will be closed at 10PM Sun - Thurs and 11PM Fri + Sat or whenever amplified sound.
- Rear door will be closed at all times.
- Come back in 6 months to consider alteration. after operation



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

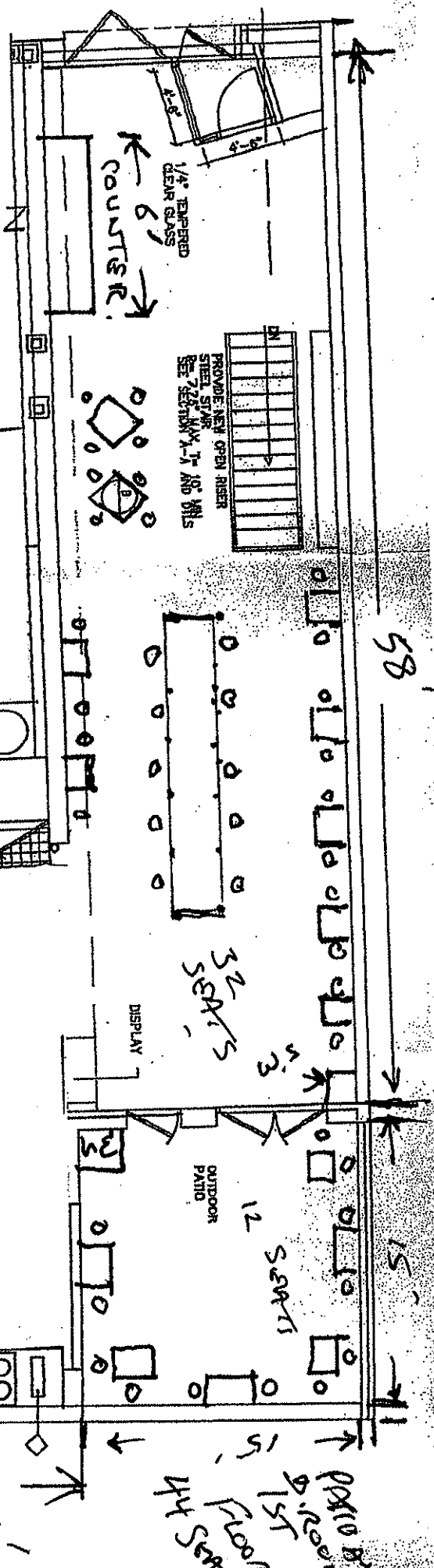
DATE

*[Handwritten Signature]*

May 20, 2013

7/9/13

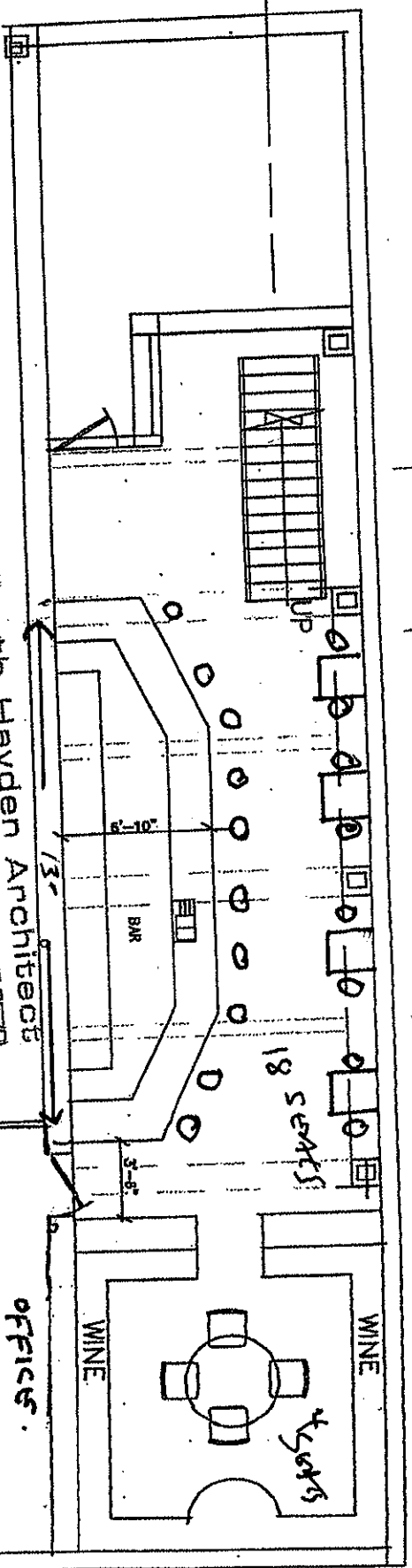
FIRST FLOOR PLAN 1/4"=1'-0"



*66 SEATS*

HOPE CLOD  
WATER WATER LINE  
2" DIRECT WASTE

HOOD AND FIRE SUPPRESSION  
SYSTEM TO BE FILED UNDER  
SEPARATE APPLICATION  
BY SUPPLIER / INSTALLER



*22 SEATS  
CELLAR*

Barth Hayden Architect  
 architects  
 planning  
 interior design  
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