



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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www.nyc.gov/mcb4

COREY JOHNSON
Chair

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

August 5, 2013

Ms. Beverly Gotay
Assistant Director of Licensing
NYC Department of Consumer Affairs
42 Broadway, 8th floor
New York, New York 10004

Re: Betti Bar Inc.
d/b/a Hourglass Tavern
373 W. 46th Street (8/9)

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends **denial** of a new unenclosed sidewalk café license to **Betti Bar Inc. d/b/a Hourglass Tavern – 373 W. 46th Street (8/9)** **unless** the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with 2 tables and 4 seats.

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

Unenclosed Sidewalk Café Stipulations Application

APPLICANT BETTI Bar INC	ADDRESS 373 W 46TH ST
DOING BUSINESS AS (DBA) Hourglass Tavern	CROSS STREETS 8TH & 9TH Ave's
DESCRIPTION OF APPLICATION Sidewalk Cafe with 2 tables & 4 chairs	OWNER: Thomas Sullivan
	LAWYER: Michael Kelly
	DCA LICENSE NUMBER: 1465076
	SEA LICENSE NUMBER: 1220915
ON SITE CONTACT: (Name, position & phone number):	

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS	TABLES					
	4	2					

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> 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	<input type="radio"/> 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	<input type="radio"/> 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	<input type="radio"/> 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	<input type="radio"/> NO	N/A
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/> YES	<input type="radio"/> 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	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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A

SOUND ISSUES

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

CAFÉ DESIGN

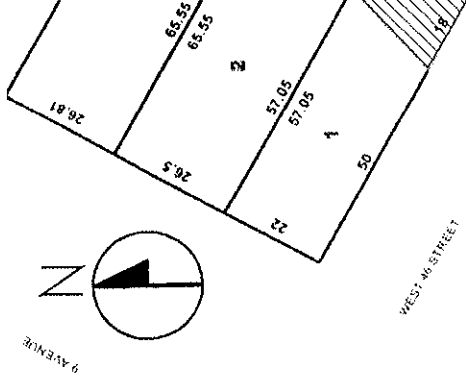
<p>Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
<p>Is there a minimum clearance of 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)?</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
<p>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)?</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
<p>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)</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
<p>Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?</p>	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
<p>Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
<p>Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?</p>	<input type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> N/A	
<p>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.</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

ADDITIONAL INFORMATION: (Applicant Use)

UNENCLOS
 BET
 373 W 46TH

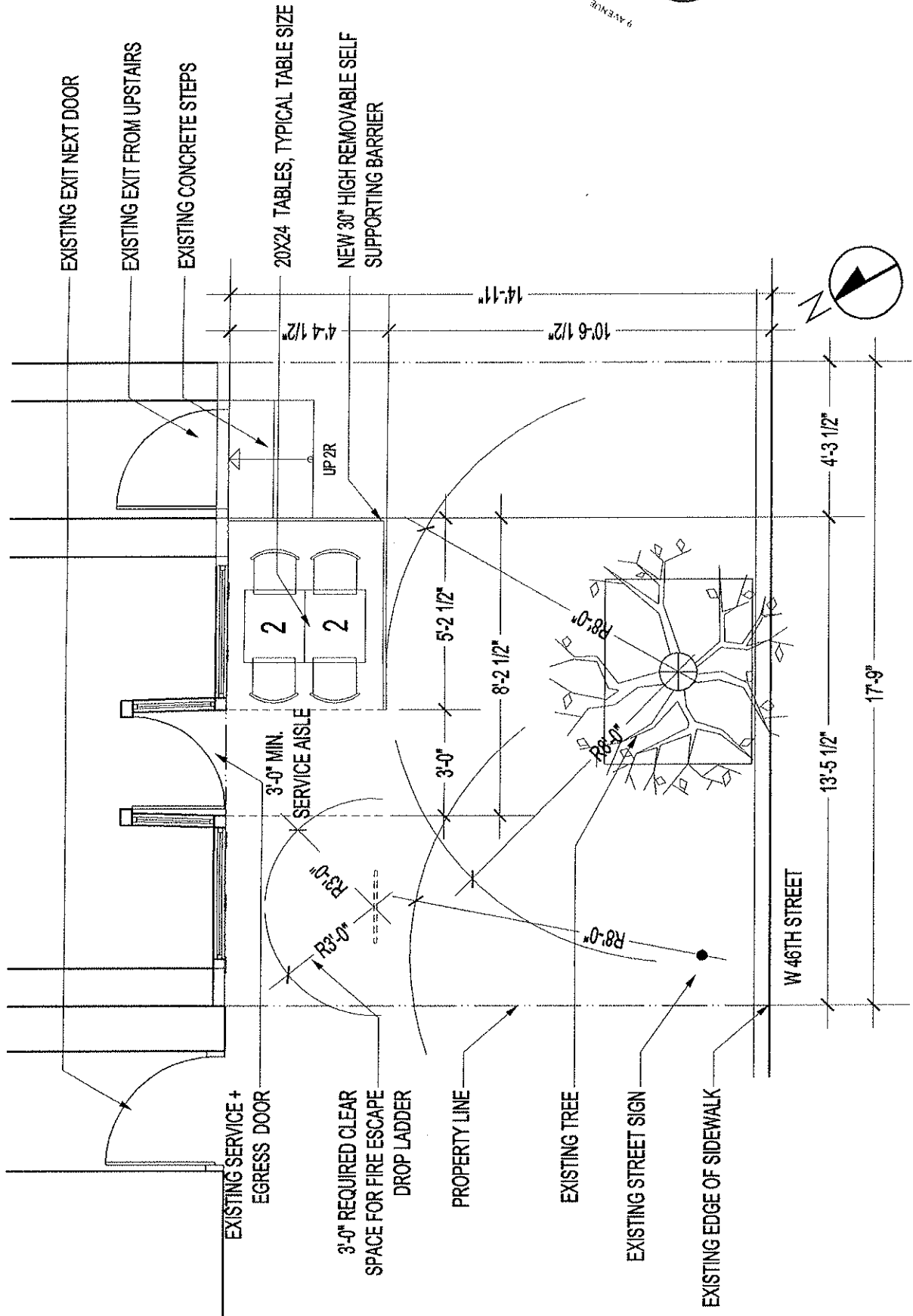
2 TABLE
 BLOCK#: 100

DEPARTMENT OF BLDG
 USE GROUP
 OCCUPANCY GROUP
 LANDMARKED
 CONSTRUCTION CLASS
 BUILDING HEIGHT
 NUMBER OF STORIES
 FILING TYPES



2
 PLOT PLAN
 NTS

APPROVED BY APPI
 PUBLIC REVIEW



1
 PROPOSED UNENCLOSED SIDEWALK CAFE - PLAN
 1/4" = 1'-0"