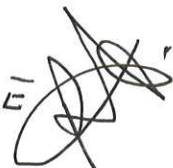


NO STORM ENCLOSURE 

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Sunrise Entertainment Group Inc.		44 1/2	
STREET ADDRESS		CROSS STREETS	ZIP CODE
626 A 10th Avenue , New York, NY		between 44 & 45 Streets	100036
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME:	Robert Facey	ATTORNEY/ REPRESENTATIVE
	PHONE:	917-805-4112	
	EMAIL:	RFacey@aol.com	
MANAGER	NAME:	Gregory Facey	LANDLORD
	PHONE:	347-844-1803	
	EMAIL:	gafacey@loyola.edu	
		NAME:	Mehler & Buscemi, Esqs. Francis R. Buscemi
		PHONE:	212-962-4688
		EMAIL:	Fbuscemi@aol.com
		NAME:	626 Emmute Properties LTD
		PHONE:	
		EMAIL:	
APPLICATION TYPE (Check One)			
<input type="radio"/> New	Has applicant owned or managed a similar business?		<input type="checkbox"/> YES <input type="checkbox"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Transfer	What is the prior license # and expiration date?		1158874
	Is applicant making any alterations or operational changes?		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization -- Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		<input type="checkbox"/> YES <input type="checkbox"/> NO	No- Within approximately 10 days
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input type="checkbox"/> YES <input type="checkbox"/> NO	Yes- See attached
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		<input type="checkbox"/> YES <input type="checkbox"/> NO	No
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input type="checkbox"/> YES <input type="checkbox"/> NO	Yes

Amended

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS+ (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11:00am 1:00 am	11:00 am 1:00 am	11:00am 1:00 am	11:00 am 1:00 am	11:00am 1:00 am	11:00am 2:00 am	10:00am 2:00 am	10:00 am 11:00 am
	Kitchen	11:00am 1:00 am	11:00 am 1:00 am	11:00am 1:00 am	11:00 am 1:00 am	11:00am 2:00 am	10:00am 2:00 am	10:00 am 11:00 pm	
	Music	11:00am 1:00 am	11:00 am 1:00 am	11:00am 1:00 am	11:00 am 1:00 am	11:00am 2:00 am	10:00am 2:00 am	10:00 am 11:00 Pm	
If you plan to have music, what type(s)? (Circle all that apply)		<input type="checkbox"/> BACKGROUND		<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Sevens Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	74	74	16	40	0	1	9		
OUTSIDE (Other than sidewalk café)	14	14	7						
SIDEWALK CAFÉ	14	14	7						
How many floors are there? What is the capacity for each floor? Ground Floor & Basement					2 (First Floor Seating) Basement-Kitchen & Storage				
How frequently will the owner(s) be at the establishment? Daily					30 hours per week				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	NO	No		
Will applicant have bottle or table service for beverage alcohol?					YES	NO	No		
Will you be hosting private, promotional or corporate events?					YES	NO	No		
Will outside promoters be used on a regular basis? If yes please describe.					YES	NO	No		
Will you have a security plan? If, yes please attach.					YES	NO	No		
Will security plan be implemented?					YES	NO	No		
Will State certified security personnel be used?					YES	NO	No		
Will New York Nightlife Association and NYPD Best Practices be followed?					YES	NO	N/A		
Will applicant be using delivery bicycles? If yes, how many?					YES	NO	No		
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?									

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	No
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	Yes
Is a Public Assembly permit required?	YES	NO	No
Are your plans filed with DOB?	YES	NO	N/A

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	See attached	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		No Meetings as of yet	
Who was your contact person at each group you met with?		See attached	
When did applicant post the notice that was provided?		10-30-17	
Where did applicant post the notice that was provided?		Front window of premises	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	44 1/2 restaurant		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	(YES)	(NO)	Yes- Hell's Kitchen Cream & Sugar Inc. d/b/a 44 1/2
Do you plan any changes to the existing façade? If yes, please describe.	(YES)	(NO)	No
Will applicant have a vestibule within the establishment?	(YES)	(NO)	No
Will applicant use a storm enclosure?	(YES)	(NO)	Yes
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	(YES)	(NO)	Yes
Will applicant comply with the NYC noise code?	(YES)	(NO)	Yes
Will the establishment have any of the following: (circle all that apply)	(FRENCH DOORS)	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	(YES)	(NO)	Yes
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	(YES)	(NO)	Yes
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	(YES)	(NO)	No- only background music
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
Will the kitchen exhaust system extend to the roof?	(YES)	(NO)	Extends to 1st floor roof
Will the establishment have an illuminated sign?	(YES)	(NO)	Yes
Will the establishment have a canopy extending over the sidewalk?	(YES)	(NO)	No
Where will the air conditioner be located? What type is it?	Rear yard		
When was the air conditioner installed?	2004		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	(YES)	NO	Yes
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	(YES)	NO	Yes
Are the floorplans for the outdoor space(s) included?	(YES)	NO	Yes
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	(YES)	NO	Yes
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	(YES)	NO	Yes
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	(YES)	NO	Yes
Will there be no amplified music, as per the law?	(YES)	NO	Yes
If amplified sound is played inside the establishment, will windows and doors be closed?	(YES)	NO	Yes
Will applicant agree to post signs outside asking customers to respect the neighbors?	(YES)	NO	Yes
Will applicant agree to train staff to encourage a peaceful environment?	(YES)	NO	Yes
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	(YES)	(NO)	No- no loud music
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	(YES)	NO	Yes

OUTDOOR ITEMS - SIDEWALK CAFE			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	(YES)	NO	Yes
Will applicant be applying for a sidewalk café now or in the future?	(YES)	NO	Yes - Already exists
Is applicant in this application seeking to include a sidewalk café in its liquor license?	(YES)	NO	Yes
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	(NO)	No
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	(YES)	NO	Yes
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	(YES)	NO	Yes- Waiter service
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	(YES)	NO	Yes
Will applicant mark the perimeter of the café on the sidewalk?	(YES)	NO	Yes
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	(YES)	NO	Yes
Will the sidewalk café not provide standing space for drinking or smoking?	(YES)	NO	Yes
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	(NO)	No
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	(YES)	NO	Yes
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	(YES)	NO	Yes
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	(YES)	NO	Yes
Will applicant use umbrellas?	(YES)	(NO)	No
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	N/A


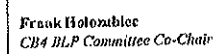
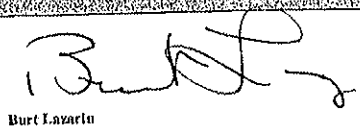
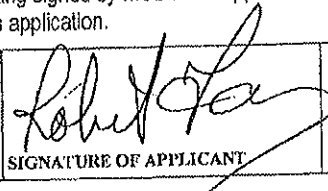
ADDITIONAL STIPULATIONS: (Office Use Only)

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

ADDITIONAL STIPULATIONS: (Office Use Only), Continued

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

MCB4's recommendation is based on a vote taken at its 12/6/17 full board meeting, with 44 members voting in favor of the recommendation, 1 members opposed, 0 members abstaining and 0 present but not eligible)

Manhattan Community Board 4 (MCB4) recommends:		<input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval	
CB4 REPRESENTATIVES			
 Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Holoublec <i>CB4 BLP Committee Co-Chair</i>	 Burt Lavarin <i>CB4 BLP Committee Co-Chair</i>	
APPLICANT AGREEMENT WITH THE COMMUNITY			
<p>Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.</p>			
SIGN HERE →	Robert Facey PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	11-2-17 DATE

Ra

500 FOOT STATEMENT

The applicant is purchasing the restaurant business of Hell's Kitchen Cream & Sugar Inc., which is already holds an on-premises liquor license.

The applicant intends on maintaining the same type of operation as the existing restaurant which is serving the community.

Thus, there will be no increase to the noise level to the area surrounding the restaurant premises nor, will there be any different impact on the vehicular traffic for the area

The restaurant has herein existence since 2004 serving an American food menu. It is in the interest of the community that the establishment continues as a full service establishment



starters

roasted fennel & pistachio bisque, crispy artichoke & Maryland crab salad
15

roasted short rib quesadilla, pepper jack cheese, melted onions,
roasted red and yellow peppers, guacamole, pico de gallo, chipotle drizzle
15

day boat scallops, lardon bacon, ginger maple reduction
16

fried calamari, spicy chipotle and sweet & sour duck sauce
15

house made toasted potato gnocchi,
parmesan black truffle emulsion, micro herb salad
16

slow roasted garnet beets, goat cheese, fines herbes, beet purée, chili oil
14

tuna tartare, fresh avocado mousse, pickled ginger, teriyaki drizzle
17

crispy duck ravioli, cranberry goat cheese, sun-dried tomatoes
15

jumbo Maryland crabcake, avocado corn relish, tempura garlic pickle,
pea shoots, sweet mango, Granny Smith apple, watermelon radish,
slow roasted golden beets, pickled ginger vinaigrette
17

salads

44.5 chopped salad
14

herbed breaded goat cheese medallion, green oak lettuce,
pine nuts, golden raisins, white balsamic vinaigrette
14

baby spinach salad, merlot poached pear, crispy pancetta, poached egg,
Maytag blue cheese, herb balsamic vinaigrette
14

Caesar salad, baby tango, garlic and anchovy emulsion,
focaccia croutons, shaved parmesan
13

house salad, baby beets, mesclun mix, dried ricotta,
champagne vinaigrette
12

Scott Hart & Bruce Horowitz
Proprietors



mains

- organic roasted chicken, creamy marscapone mashed potatoes,
wilted baby kale, shallots, pan juices
23
- lamb shank, Vermont white cheddar mashed potatoes, pan juices
26
- kobe burger, romaine lettuce, beefsteak tomato, grilled Vidalia onion,
toasted blue cheese, tempura asparagus, applewood smoked bacon,
white truffle essence, baby green salad
22
- house made lobster ravioli, spinach, reggiano, fresh sage, brown butter sauce
24
- lemon sole, potato gnocchi, wilted leeks, fava beans, ginger mustard seed reduction
30
- Long Island duck breast, caramelized pear, haricots verts, aged balsamic reduction
30
- whole grain penne, sweet and spicy hot Italian sausage, broccoli rabe,
pencil asparagus, vine-ripe tomatoes
26
- sage roasted pork loin, mascarpone polenta, apricot chutney, toasted cashews
32
- braised short ribs, Vermont white cheddar grits, baby spinach, morels,
black truffle & blue cheese reduction
31
- steak frites, crispy garlic fries, baby green salad,
buttermilk crispy Vidalia onions, port wine reduction
32
- sauteed halibut, artichokes, fire roasted tomatoes, haricots verts, asparagus,
fingerling potatoes, lemon truffle emulsion
33
- filet mignon, potatoes au gratin, melted blue cheese, tomato jam,
asparagus, port wine reduction
32
- Maryland crab stuffed red snapper, slow roasted golden beets,
caramelized Brussels sprouts, savoy cabbage, roasted shiitake mushrooms
33
- pan roasted North Atlantic salmon, braised haricots verts, organic kale,
hen of the woods, patty pan squash, caramelized Brussels sprouts,
spiced preserved green mango & coconut broth
31
- lobster pot pie, chanterelle mushrooms, fresh corn, artichokes, leeks,
fingerling potatoes, lobster saffron broth
34
- Maine lobster risotto, sweet peas, caramelized radicchio, lemon olive oil reduction
29



dessert

fall apple pie, vanilla macadamia gelato

13

warm molten chocolate cake, Tahitian vanilla gelato

12

caramelized pineapple upside down cake, coconut gelato, caramel drizzle

13

peanut butter mousse, chocolate cookie crust,
sugared peanuts, malted milk ball gelato, caramel sauce

12

butterscotch pudding, whipped cream, almond wafer cookies

12

44.5 cookies & petits fours

12

sorbets

royal raspberry ~ vine peach ~ lemon, meringues, raspberry soup

12

gelato

strawberry ~ cake batter ~ chocolate

12

dessert wines

Essensia Orange Muscat, Quaddy Vineyards, Madera, California

11

Blueberry Port, Duck Walk Vineyards, Southampton, New York

11

Moscato D'Asti, Garantita, Italy

12

Finest Reserve Porto, Fonseca Bin No. 27, Portugal

10

Distinction Porto, John Croft Special Reserve, Portugal

11

Taylor Fladgate, 10 Year Tawny Porto, Portugal

11

Taylor Fladgate, 20 Year Tawny Porto, Portugal

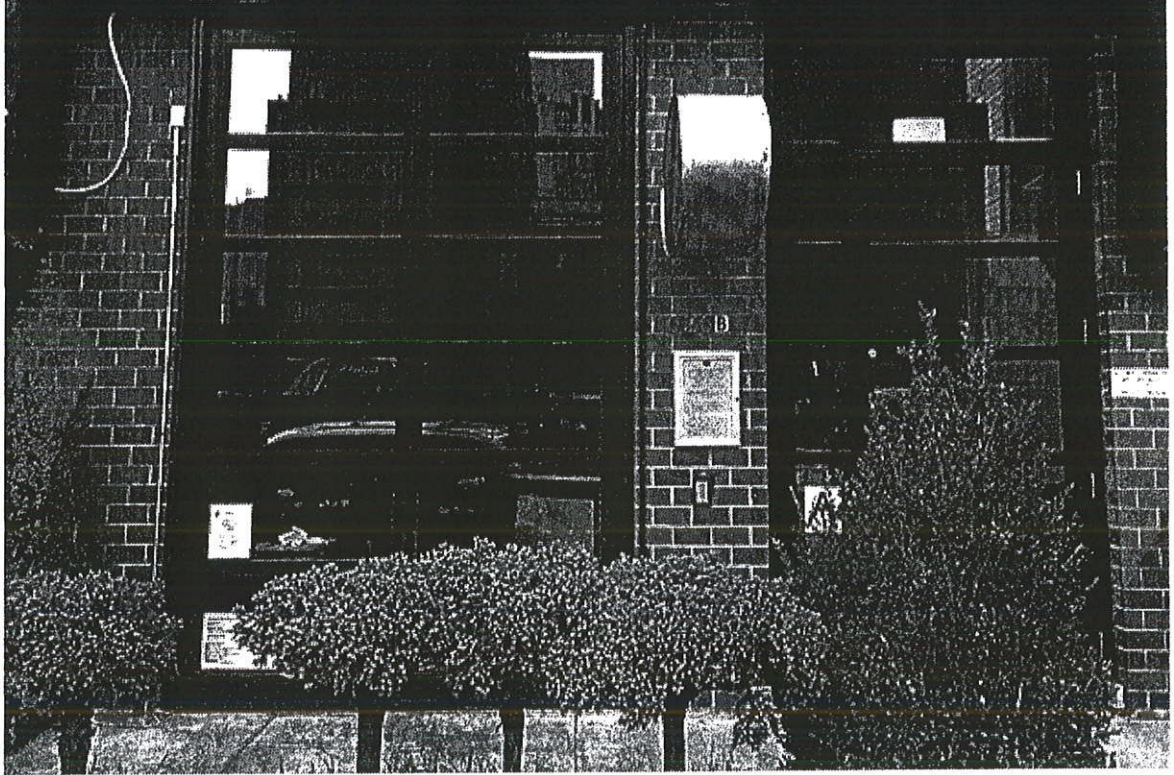
16

heaven & hell tee shirts

25

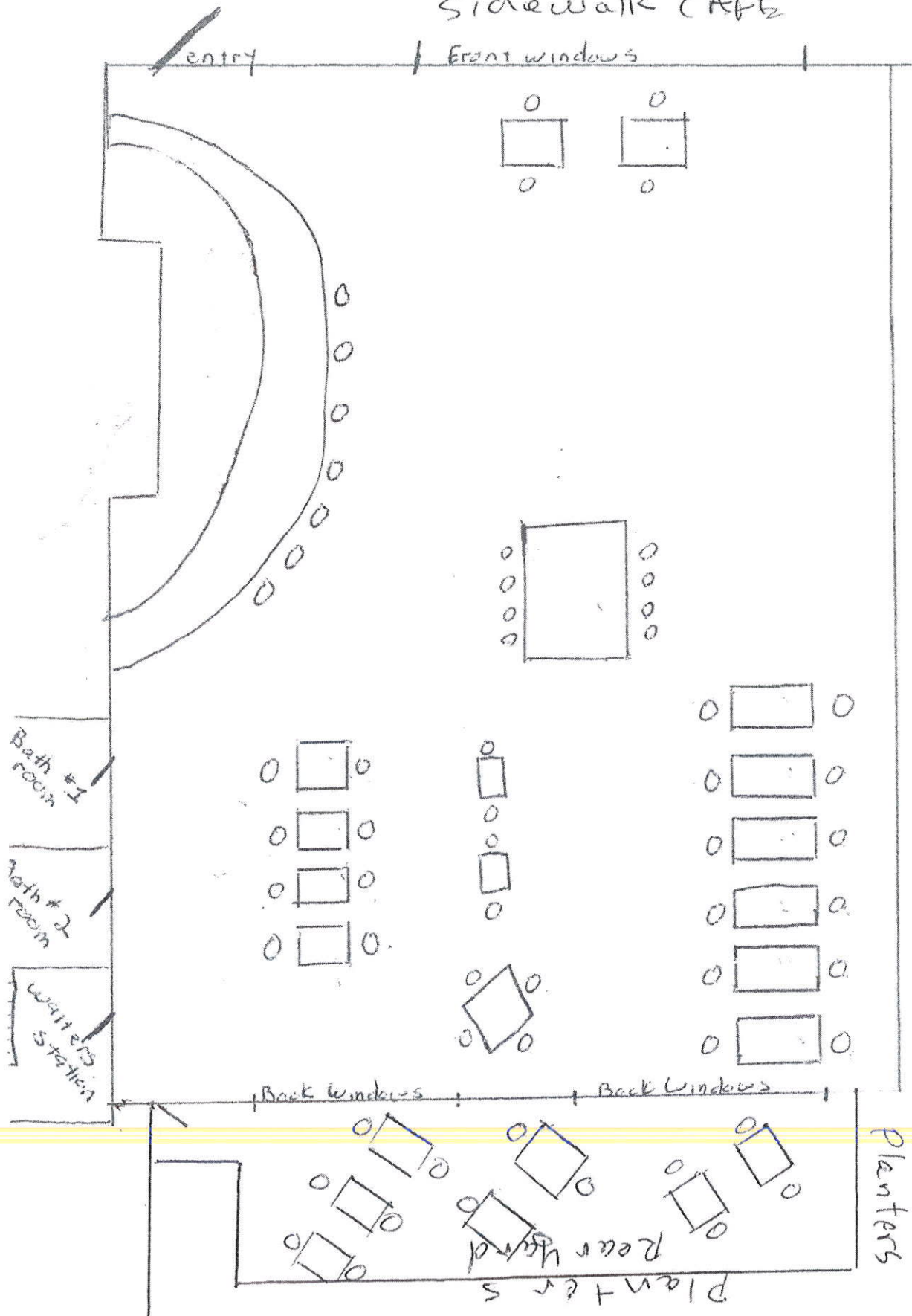
Visa, MasterCard, American Express
suggested gratuity of 20% added on parties of 6 or more

FORTY-FOUR AND A HALF • HELL'S KITCHEN • 626B 10 AVE.





Sidewalk CAFE



On-Premise Licenses within 500 Feet

Name	Address	Approx. Distance
KIWIS HISTORICAL BUILDING LTD	626B 10TH AVENUE	0 ft
10TH AVENUE GROUP INC	626 10TH AVE	15 ft
HELL'S KITCHEN CREAM & SUGAR INC	626A 10TH AVENUE, STORE C	15 ft
WMW RESTAURANT GROUP LLC	628 10TH AVE	20 ft
SD HOSPITALITY CORP	637 10TH AVENUE	120 ft
HELL'S CHICKEN LLC	641 10TH AVE	185 ft
KIABACCA REST CORP	639 10TH AVE	205 ft
TOR RESTAURANT LLC	607 10TH AVE	225 ft
WMW REST II LLC	644 10TH AVE	240 ft
SHEBA ETHIOPIAN RESTAURANT INC	650 10TH AVENUE	250 ft
PIO PIO OCHO INC	604 10TH AVE	290 ft
599 TENTH AVENUE CORP	599 10TH AVE	335 ft
WEST SIDE STEAKHOUSE LLC	597 10TH AVENUE	360 ft
CANARD INC	503 W 43RD STREET	410 ft
MR BIGGS BAR & GRILL INC	596 10TH AVE	415 ft
DIVISION ONE MANAGEMENT GROUP INC	500 W 43RD ST	440 ft

From: Robert Facey <rfacey@aol.com>
To: Buscemi Frank <frbuscemi@aol.com>
Subject: Fwd: Notification To Community Board
Date: Wed, Nov 1, 2017 7:52 pm

NOTICE TO ASSOCIATIONS

Sent from my iPhone

Begin forwarded message:

From: Robert Facey <rfacey@aol.com>
Date: November 1, 2017 at 7:44:38 PM EDT
To: ecelnik@actorsfund.org, rpimentel@commonground.org, dsage@commonground.org, buzany@rcn.com, nkyriacou@yahoo.com, gdclay@att.net, jeandaniel@aol.com, john.mudd@usa.net, bill@midtownsouthcc.org, plocb315@aol.com, west55ba@gmail.com, hk5051@gmail.com, rrlarios@hotmail.com, acernitz@gmail.com, awm3333@mc.com, jessbondy@aol.com, "rfacey@aol.com" <rfacey@aol.com>, Buscemi Frank <frbuscemi@aol.com>
Subject: Notification To Community Board

SUNRISE ENTERTAINMENT GROUP INC.
d/ba 44 ½
626A 10TH Avenue
New York, NY 10036

October 30, 2017

To Whom It May Concern:

Please be advised that Sunrise Entertainment Group Inc d/b/a: 44 1/2 has applied for a restaurant liquor license with Community Board 4, which hearing will be held on November 14, 2017.

It intends to purchase the restaurant business at 626A 10th Avenue from Hell's Kitchen Cream & Sugar Inc., the current licensee, and operate with the same menu as currently exists.

Any questions or concerns, please contact me at rfacey@aol.com

Very truly yours,

Robert Facey
rfacey@aol.com