

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License/Sidewalk Cafe Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
AGGIEPOLO INC		JASPERS TAPHOUSE + KITCHEN	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
761 9TH AVE		W 50TH + W 51ST STREETS	10019
<b>OWNER</b> <small>(Attach a list of all the people that will be associated/listed with the license)</small>	<b>NAME:</b>	PAUL KIERNAN	<b>NAME:</b> MICHAEL KELLY
	<b>PHONE:</b>	917-929-0363	<b>PHONE:</b> 347-256-7256
	<b>EMAIL:</b>	kiernanpaul@yahoo.com	<b>EMAIL:</b> KELLYMLK136@GMAIL.COM
<b>MANAGER</b>	<b>NAME:</b>		<b>NAME:</b> 748 NINTH AVE LLC
	<b>PHONE:</b>		<b>PHONE:</b>
	<b>EMAIL:</b>		<b>EMAIL:</b>
<b>APPLICATION TYPE</b> <i>(Check One)</i>			
<input type="radio"/> <b>New</b>	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 type="radio"/> <b>Corp</b> <b>Change/Class Change/Removal</b>	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input checked="" type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?	1274213 2/28/18 IS EXP DATE	
	<i>Please list/describe the nature of all the changes and attach the plans:</i> ALTERATION TO LIQUOR LICENSE TO ADD SIDEWALK CAFE AND SIDEWALK CAFE LICENSE		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="checkbox"/> Liquor/Wine/Beer & Cider <input type="checkbox"/> Beer & Cider <input type="checkbox"/> Wine/Beer & Cider		
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input type="checkbox"/> Sports Bar <input type="checkbox"/> 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 checked="" type="checkbox"/> NO	APPLICATION WILL BE FILED AFTER COMMUNITY BOARD HEARING
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	N/A
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	N/A
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	



OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)								
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	12PM - 2 AM	12PM - 2 AM	12PM - 2 AM	12PM - 4AM	12PM - 4AM	10AM - 4AM	10AM - 4AM
	Kitchen	12PM - 2 AM	12PM - 2 AM	12PM - 2 AM	12PM - 4AM	12PM - 4AM	10AM - 4AM	10AM - 4AM
	Music	12PM - 2 AM	12PM - 2 AM	12PM - 2 AM	12PM - 2AM	12PM - 2AM	10AM - 2 AM	10 AM - 2AM
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" 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 Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar	
INSIDE	74	55	14	36	0	1	11	
OUTSIDE (Other than sidewalk café)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
SIDEWALK CAFÉ	N/A	12	<del>5</del>	<del>12</del> 10				(12)
How many floors are there? What is the capacity for each floor?					2 (BASEMENT AND 1ST FLOOR) 55 PEOPLE FOR THE 1ST FLOOR, 0 PEOPLE FOR THE BASEMENT			
How frequently will the owner(s) be at the establishment?					OWNER WILL BE ON SITE DAILY			
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO		
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO		
Will you be hosting private; promotional or corporate events?					YES	<input checked="" type="radio"/> NO		
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO		
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO		
Will security plan be implemented?					YES	<input checked="" type="radio"/> NO		
Will State certified security personnel be used?					YES	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> 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?					N/A			

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

Community Notification/Relations			
<b>NOTIFICATION:</b> 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		
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.			
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?			
Where did applicant post the notice that was provided?			
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	917-929-0363
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	



<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	WE HAVE BEEN A RESTAURANT AT THIS LOCATION SINCE 2013		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	N/A
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	NO	
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?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	<b>FRENCH DOORS</b>	<b>GARAGE DOORS</b>	<b>WINDOWS THAT CAN BE OPENED</b> <input checked="" type="radio"/>
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
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?	<input checked="" type="radio"/> YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
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="radio"/> YES	NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	ON THE ROOF. EXISTING		
When was the air conditioner installed?	UNKNOWN		

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

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
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	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input type="radio"/> YES	<input checked="" type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	



**ADDITIONAL STIPULATIONS: (Office Use Only)**

- Will remove most southern table
- If FDNY says must go, remove second table under fire escape ladder
- Meet with the 50/51 Block Association before Dec 6th Full Board meeting
- Additional posting

***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***



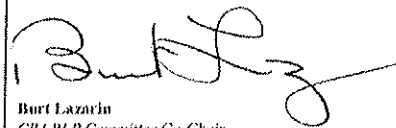
***To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.***



Manhattan Community Board 4 (MCB4) recommends:  
 MCB4's recommendation is based on a vote taken at its 12/6/17 full board meeting, with 45 members voting in favor of the recommendation, 0 members opposed, 0 members abstaining and 0 present but not eligible)

Denial unless all stipulations agreed to by applicant/owner are part of the method of operation  
 Denial  Approval

**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Assistant District Manager	 Frank Holozabiec CB4 BLP Committee Co-Chair	 Burt Lazzarin CB4 BLP Committee Co-Chair
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

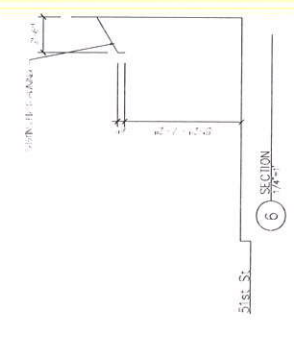
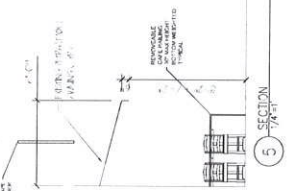
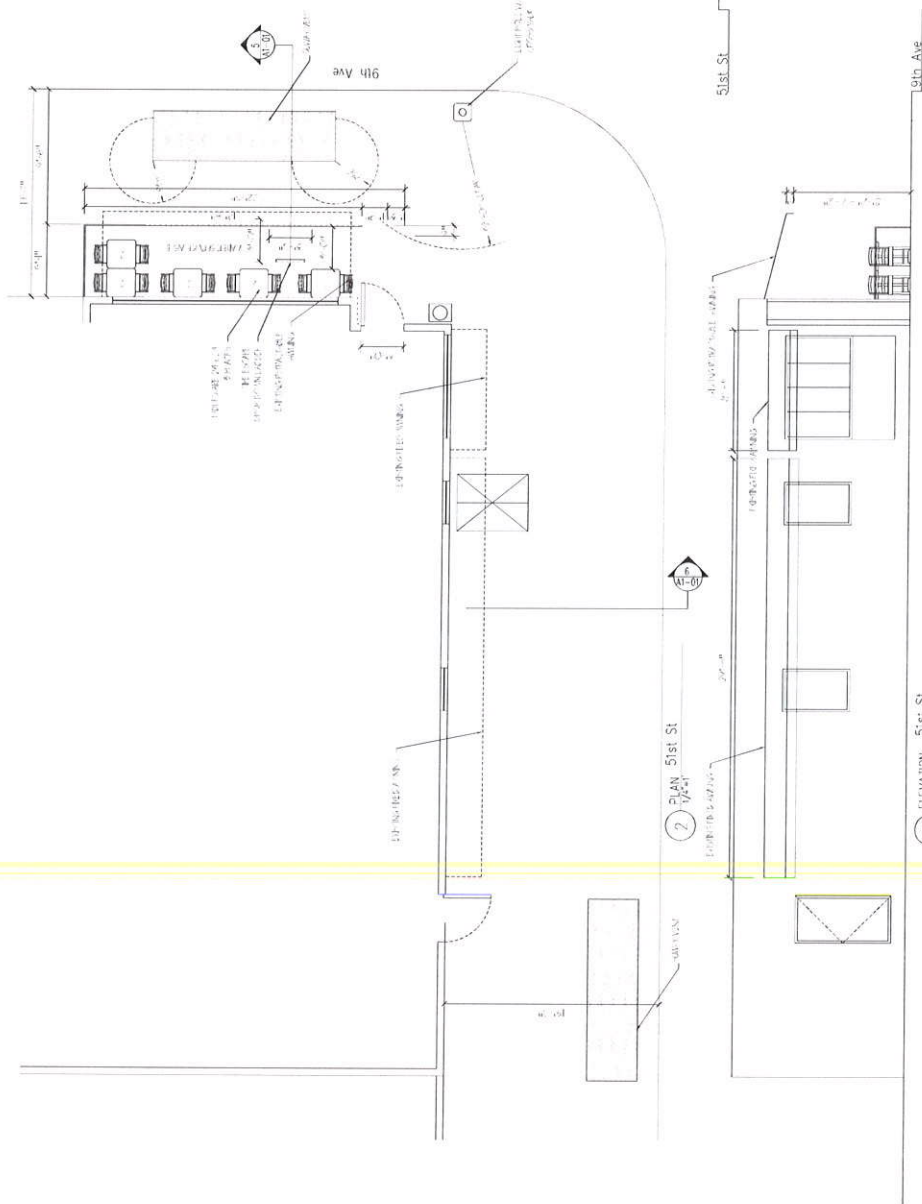
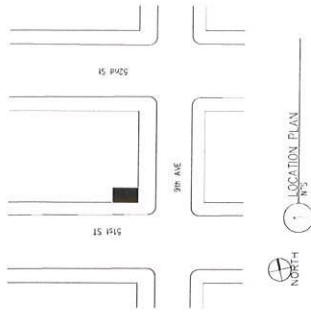
Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of 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><b>SIGN HERE</b> →</p>	 PAUL KIERNAN PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	 DATE
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*stips*

- remove most southern table
- if owner says must go, remove second table under fire escape
- ladder with the 50/51 before DEC 6 full
- board meeting
- additional posting

<sup>1</sup> Any Manhattan Community Board 4 (MCB4) recommendation on an application for a liquor license, whether for or against, should not be construed as an endorsement of, or precedent for, any group use that is not consistent with Board's preferred zoning. For example, 1). MCB4 supports R8, R8A and R9 zoning, and the underlining group uses associated with those zones, in the area bounded by Eleventh and Twelfth Avenues, and West 43rd and West 55th Streets. 2). MCB4 supports a text amendment to the Special Clinton District, Preservation Area, that limits group use for any vacant ground floor to Use Group 6.



DRAWING NAME	
SITE AND PLAN VIEW OF UNENCLOSED SIDEWALK CAFE	
PROJECT ADDRESS: 100 W. 9th Ave, NEW YORK, NY 10019	
APPLICATION DATA	
COMMUNITY BOARD # 4	BLOCK # 1061 LOT # 29
# OF TABLES: 5	# OF SEATS: 10
CAFE AREA: 120 SQ. FT.	
DRAWING NUMBER	
<b>A13</b>	
SCALE	DATE
1/4"=1'-0"	04/20/16
DRAWN BY: [Name]	
CHECKED BY: [Name]	
APPROVED BY: [Name]	