

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Catered by Pergola LLC		Gardenia Terrace	
STREET ADDRESS		CROSS STREETS	ZIP CODE
826 10th Avenue		W. 54th and W. 55th	10019
OWNER <i>(Attach a list of all the people that will be associated listed with the license)</i>	NAME: Magdy Aziz	ATTORNEY/ REPRESENTATIVE	NAME: Kathleen E. Negri Stathopoulos, Esq.
	PHONE: 646-506-5957		PHONE: 718-567-2990
	EMAIL: magdy.aziz@live.com		EMAIL: negriesq@aol.com
MANAGER	NAME: Hesham Edris	LANDLORD	NAME: 826 Tenth Avenue Company LLC
	PHONE: 917-754-5406		PHONE: 917-952-1825
	EMAIL: hesham@propelnyc.com		EMAIL: wsm822@aol.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?	Pergola	
	What were the dates applicant was involved with this former premise?	2013 - Present	
<input type="radio"/> Transfer	What is the prior 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 type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input 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?	YES	NO	N/A
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.	YES	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.	YES	NO	N/A
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	NO	N/A

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM
	Kitchen	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM
	Music	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM	11AM - 2 AM

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
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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	Less than 75	50	14	32	0	1	6
OUTSIDE <i>(Other than sidewalk café)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SIDEWALK CAFE			12	27			

How many floors are there? What is the capacity for each floor?
1

How frequently will the owner(s) be at the establishment?
DURING ALL OPERATING HOURS

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	NO ✓
Will applicant have bottle or table service for beverage alcohol?	YES	NO ✓
Will you be hosting private; promotional or corporate events?	YES	NO ✓
Will outside promoters be used on a regular basis? If yes please describe.	YES	NO ✓
Will you have a security plan? If, yes please attach.	YES	NO ✓
Will security plan be implemented?	YES	NO ✓
Will State certified security personnel be used?	YES	NO ✓
Will New York Nightlife Association and NYPD Best Practices be followed?	YES ✓	NO
Will applicant be using delivery bicycles? If yes, how many?	YES	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
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 ✓	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES ✓	NO	
Is a Public Assembly permit required?	YES	NO ✓	
Are your plans filed with DOB?	YES ✓	NO	

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		
	# 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.		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.			
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	NO	
Will applicant have a vestibule within the establishment?	YES	NO	
Will applicant use a storm enclosure?	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?	YES	NO	
Will applicant comply with the NYC noise code?	YES	NO	
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	
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	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	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?	YES	NO	
Will the kitchen exhaust system extend to the roof?	YES	NO	
Will the establishment have an illuminated sign?	YES	NO	
Will the establishment have a canopy extending over the sidewalk?	YES	NO	
Where will the air conditioner be located? What type is it?	On the roof. Fujitsu.		
When was the air conditioner installed?	October 2016		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES ✓	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	N/A
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?	YES	NO	N/A
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?	YES	NO	N/A
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

OUTDOOR ITEMS – SIDEWALK CAFÉ		
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES ✓	NO
Will applicant be applying for a sidewalk café now or in the future?	YES ✓	NO
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES ✓	NO
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES ✓	NO
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES ✓	NO
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES ✓	NO
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES ✓	NO
Will applicant mark the perimeter of the café on the sidewalk?	YES ✓	NO
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES ✓	NO
Will the sidewalk café not provide standing space for drinking or smoking?	YES ✓	NO
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO ✓
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES ✓	NO
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES ✓	NO
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
Will applicant use umbrellas?	YES	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

ADDITIONAL STIPULATIONS: (Office Use Only)

- No sidewalk cafe until phone booth is removed
- If phone booth is replaced by another obstruction, DCA clearances for that obstruction must be satisfied
- Seven eastern-most tables on 55th St. will be eliminated
- All remaining tables on 55th St. must clear 8' from tree pit (and service aisle)
- Applicant will explore additional tables on western end of 55th St., observing all clear path and obstruction resolutions
- Applicant will submit revised plans by 5/31/17
- No dividers and barriers on 55th St. side of sidewalk cafe
- Any raised areas/platforms, if necessary, will be confined to width of tables and will not extend to service aisle. Any raised areas/platforms will be removed nightly and when cafe is not in use.

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*

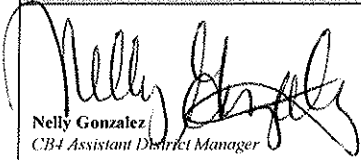
To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

Manhattan Community Board 4 (MCB4) recommends:

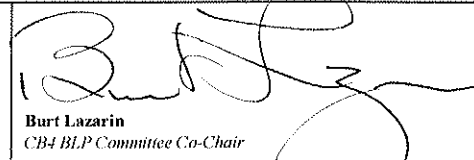
Denial unless all stipulations agreed to by applicant/owner are part of the method of operation

Denial Approval

CB4 REPRESENTATIVES


Nelly Gonzalez
CB4 Assistant District Manager


Frank Holozubiec
CB4 BLP Committee Co-Chair

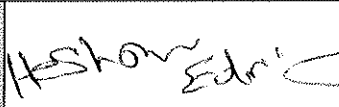

Burt Lazarin
CB4 BLP Committee Co-Chair

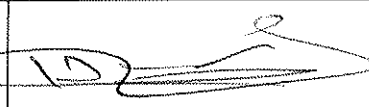
APPLICANT AGREEMENT WITH THE COMMUNITY

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.

SIGN HERE




Hesham Edris
PRINT NAME OF APPLICANT


SIGNATURE OF APPLICANT

5/9/17
DATE



LICENSING CENTER
42 Broadway, 5th floor
New York, NY 10004
Monday-Friday: 9:00 a.m.-5:00 p.m.
Wednesday: 8:30 a.m.-5:00 p.m.
www.nyc.gov/consumers

SIDEWALK CAFÉ COMPLIANCE CHECKLIST

Applicants must answer a series of questions to demonstrate that the café meets City requirements. Please answer all questions and sign the Checklist.

1. Is there a minimum of 12 feet of sidewalk space for the entire length of the property? Yes No
2. Will your café be at an address zoned for the type of sidewalk café you plan to operate? Yes No

If you answered "No" to question 1 or 2, you cannot apply for a Sidewalk Café license and must stop the application process.

3. Sidewalk Café Business Name: Pergola
4. Sidewalk Café Type:
Check all that apply. Enclosed Small Unenclosed Unenclosed
5. Application Type: New
 Renewal
 Assignment (*Consent assigned by previous owner more than 90 days before expiration date*)
 Modification (*Changes to an existing consent*)
6. Maximum number of tables in your café: 12
7. Maximum number of chairs in your café: 27
8. Block Number: 61
9. Lot Number: 1064
10. Community Board Number: _____
11. Will your café be on the same level as the adjoining sidewalk? (*Unenclosed and Small unenclosed only*) Yes No

12. Is your café in a historic district or in or adjacent to a landmarked building or district? Yes No
- a. *If Yes, have you applied to the Landmarks Preservation Commission (LPC) for approval to operate your café?* Yes No
- i. *If Yes, have you received approval from LPC to operate your café?* Yes No

Sidewalk Café Business Information

13. Sidewalk Café Business Address: 826 10th Avenue
New York, N.Y. 10019

14. Is there an alternate entrance to your sidewalk café with a different address than your business address? Yes No

If Yes, please enter address: _____

Sidewalk Café Architect or Engineer Information

15. Full Name of Architect or Engineer: Thomas Gizis

16. Business Name of Architect or Engineer: Theta Designs

17. Address: 39-35 Bell Blvd., 2nd Fl.
Bayside, N.Y. 11361

18. Telephone Number: 718-224-6240
618-224-6245

19. Fax Number (optional): _____

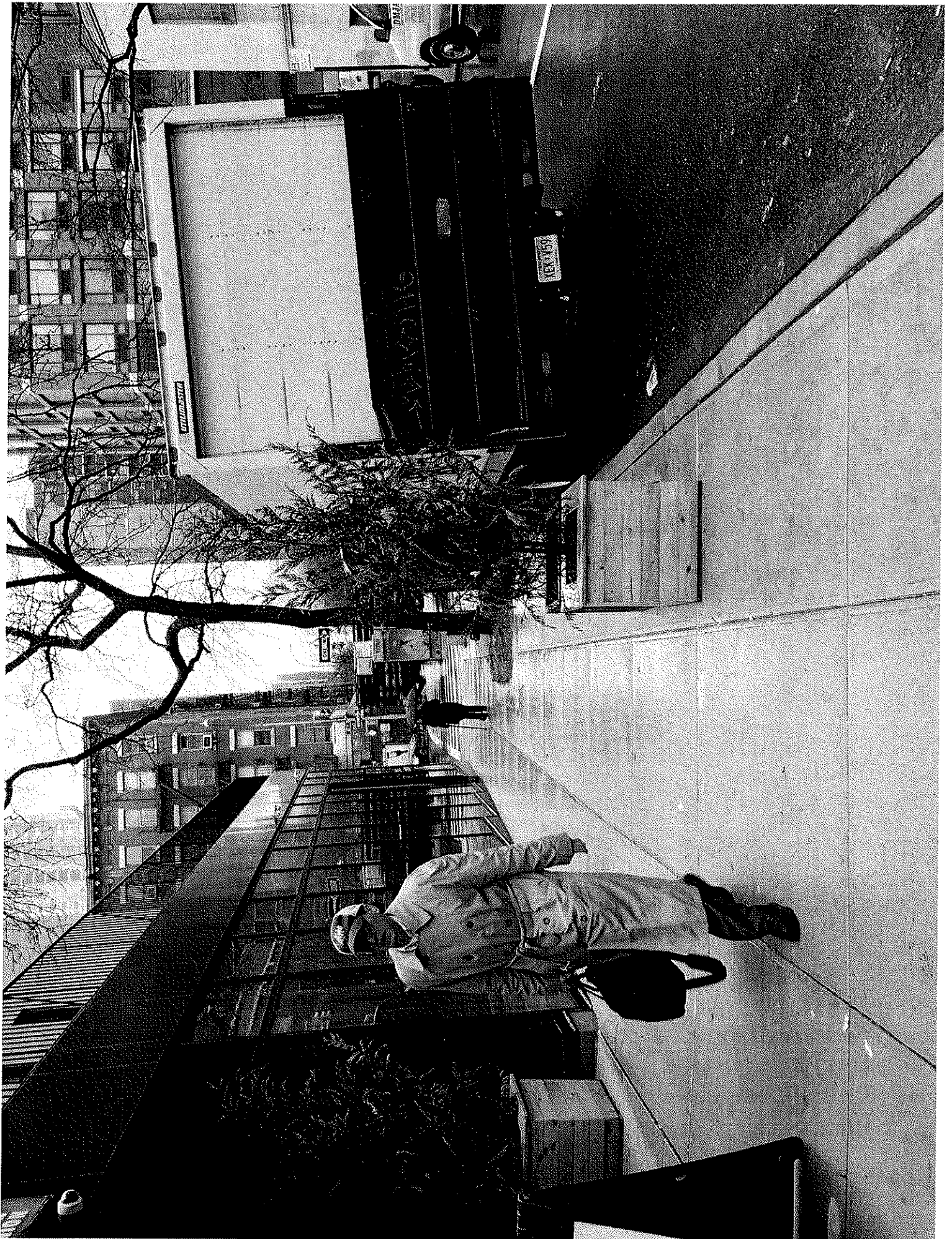
20. E-mail Address: thetadesignsny@gmail.com

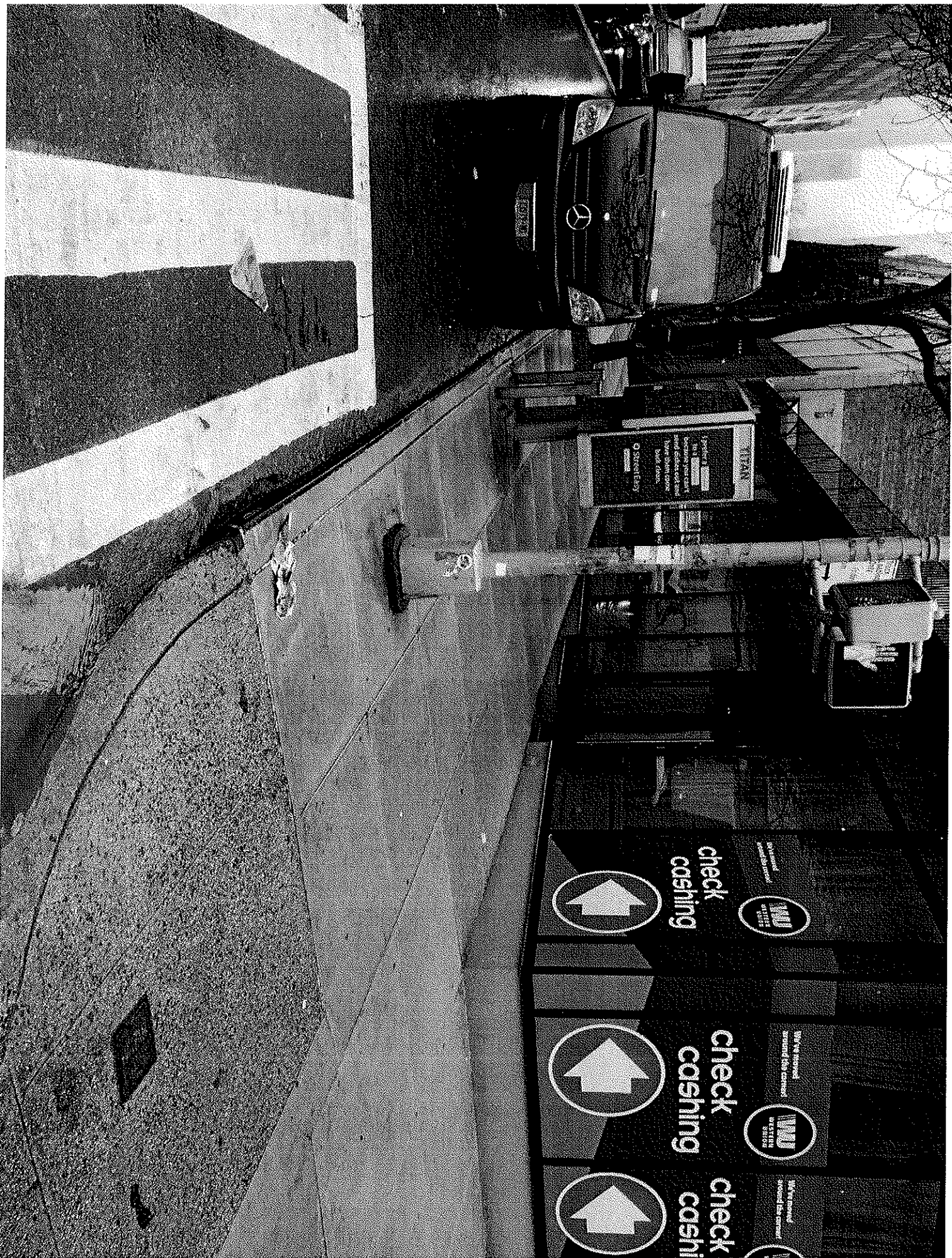
Sidewalk Café Applicant's Signature

Hesham A. Edris
Print Name

Member
Title (if any)

04/05/2017
Date



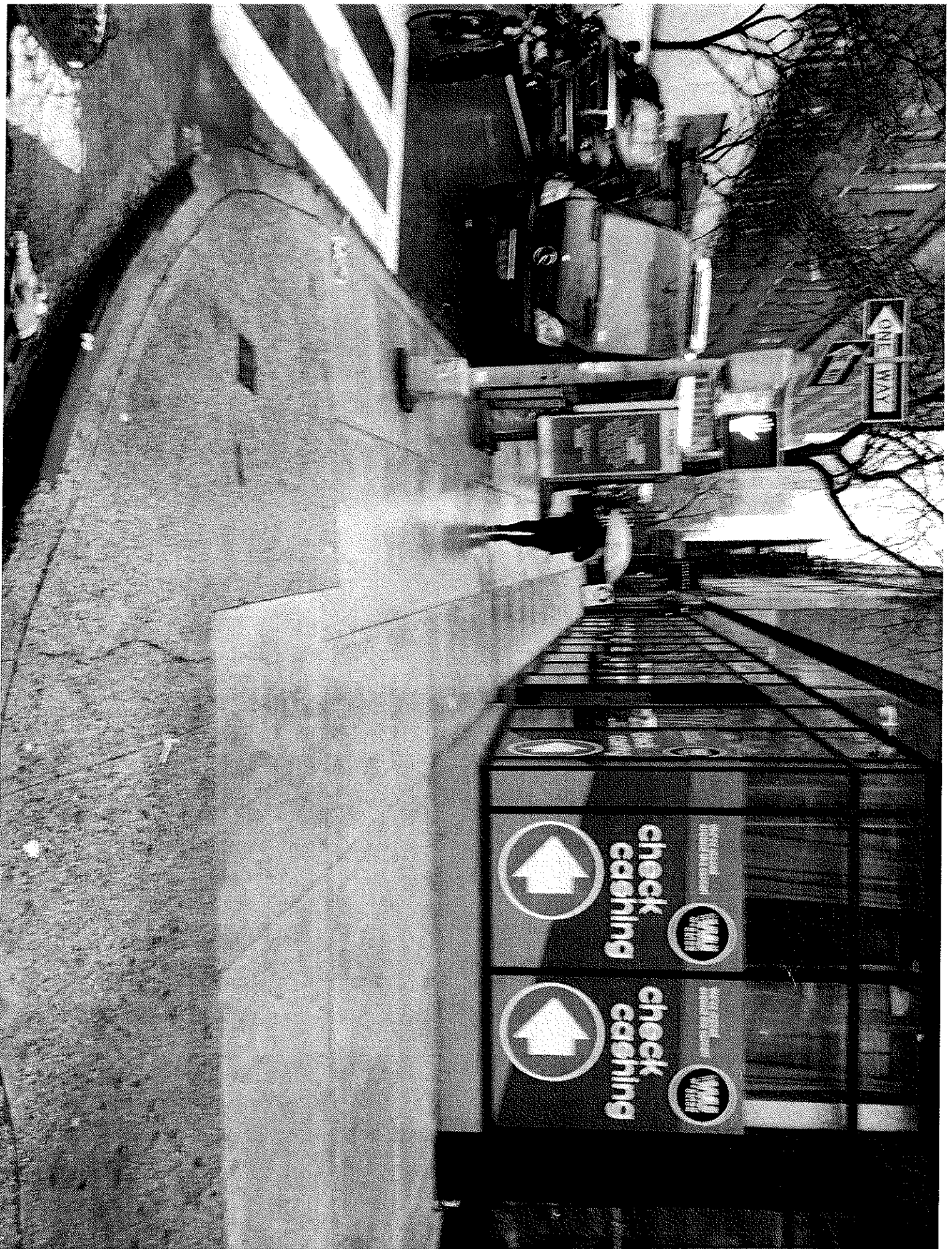


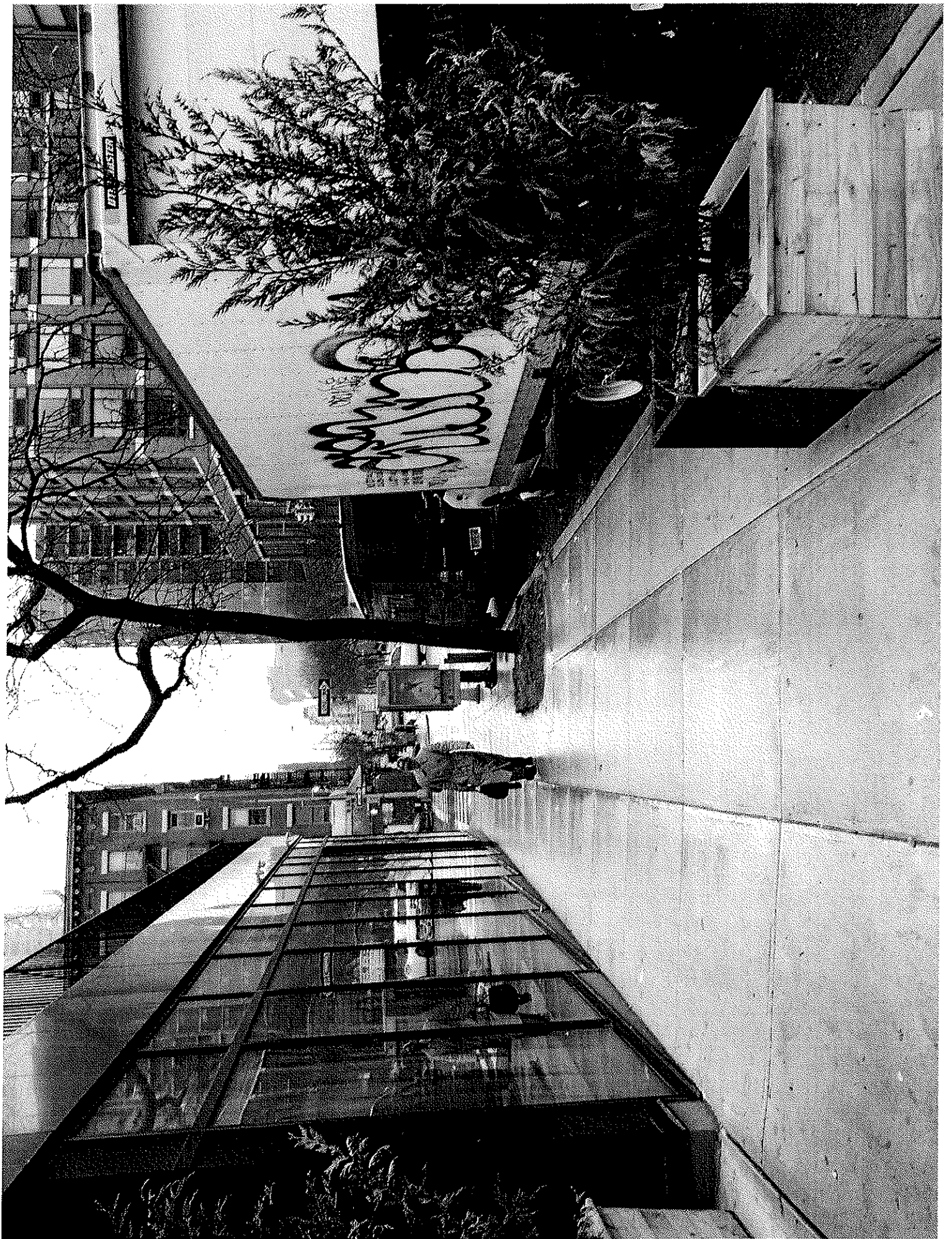


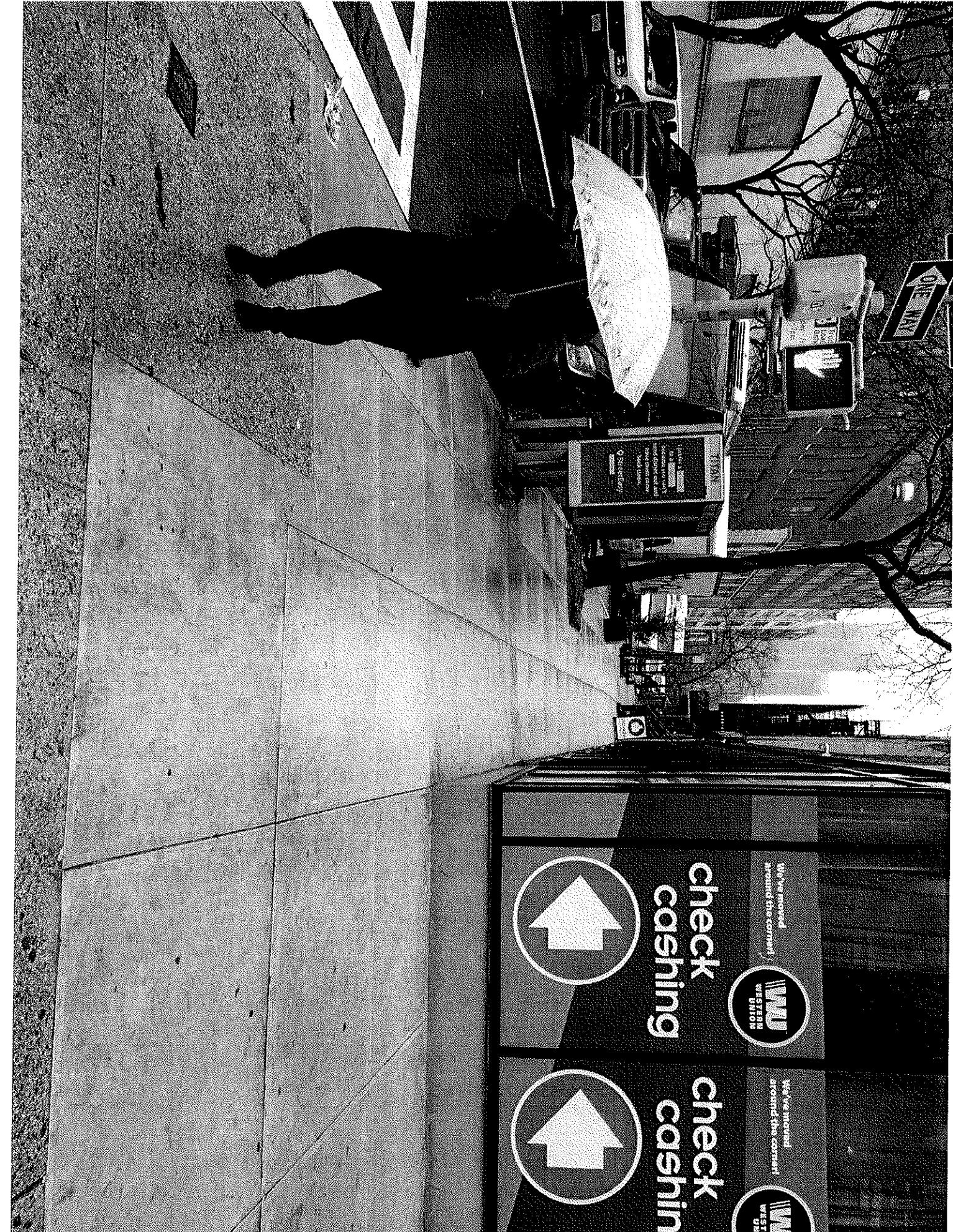
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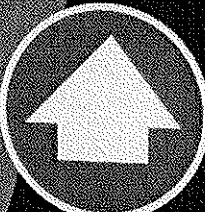


check
cashing



We've moved
ahead of the corner!

check
cashing

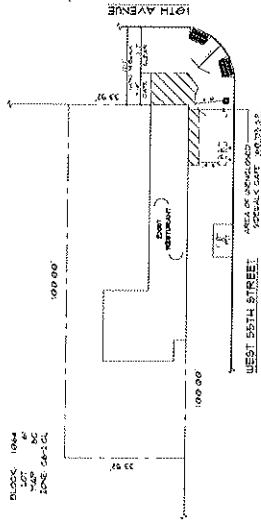


We've moved
ahead of the corner!

new plans

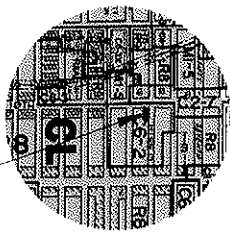


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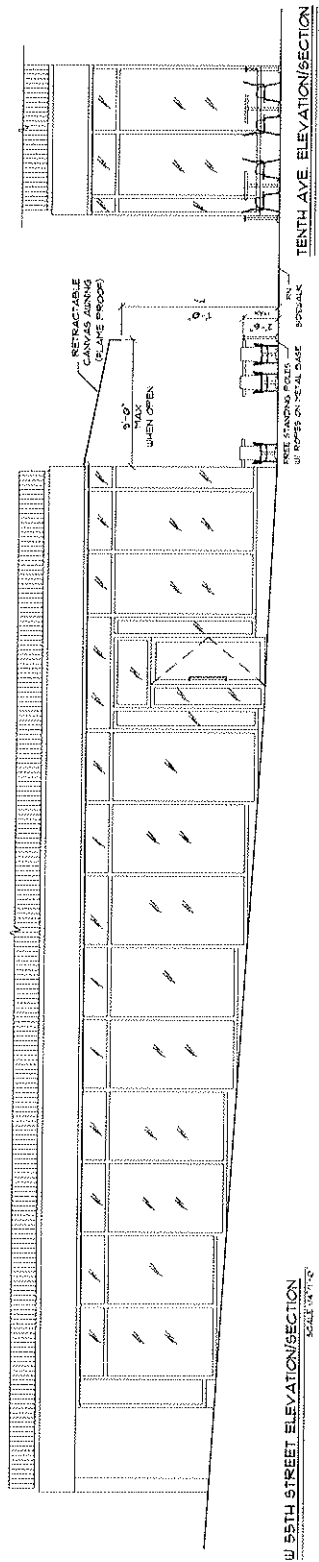


PLOT PLAN
SCALE 1/8" = 1'-0"

SITE LOCATION



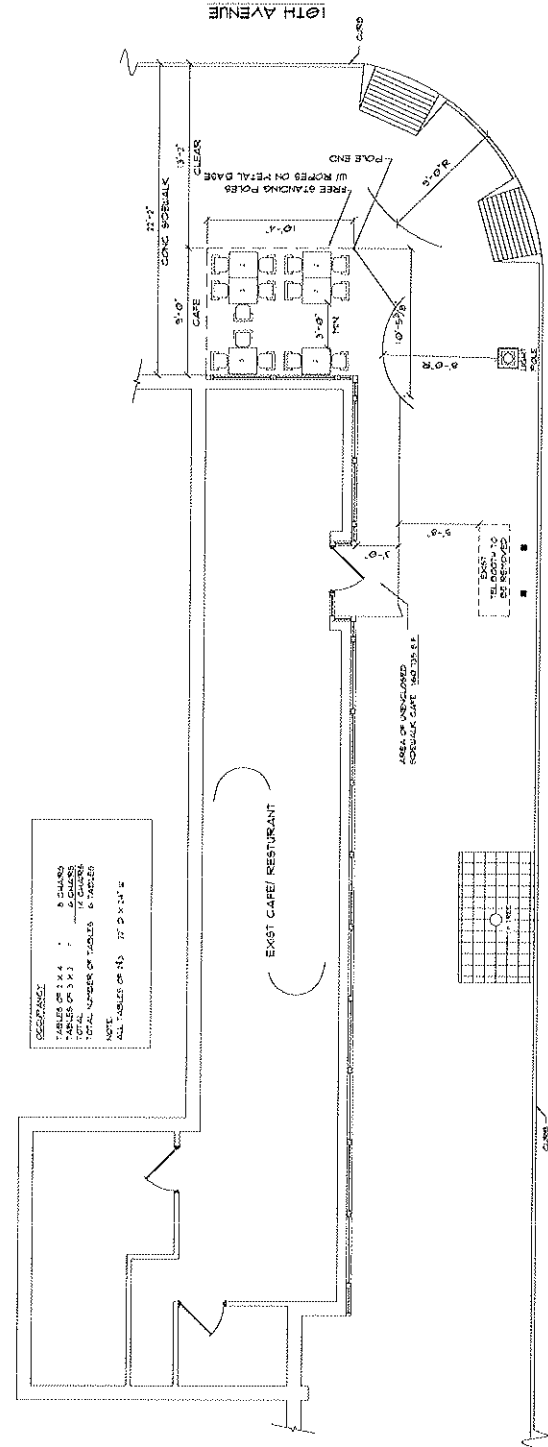
ZONING MAP
NOT TO SCALE



W 55TH STREET ELEVATION/SECTION
SCALE 1/4" = 1'-0"

TENTH AVE ELEVATION/SECTION
SCALE 1/4" = 1'-0"

REFERENCE
 1 2 CHAIRS
 2 TABLES OR 1 X 4
 4 TABLES OR 2 X 4
 TOTAL NUMBER OF TABLES 6 TABLES
 TOTAL NUMBER OF CHAIRS 12 CHAIRS
 NOTE: ALL TABLES OR 15" D X 30" L"



PLAN
SCALE 1/4" = 1'-0"

WEST 55TH STREET

10TH AVENUE

REVISION	DATE	BY	DESCRIPTION
08/13/13		ELM	ON WEST SIDE
			REWORKS
PROJECT: 826 10TH AVE NEW YORK CITY, NY 10019 OWNER: CATERED BY PERGOLA, LLC ARCHITECT: FINEA DESIGN 70-33 40TH AVE, BAYROSE NY 11361 (718) 274-6140 FIRM: ARCHITECTURE/PERGOLA, LLC			
DATE: 08/13/13 JOB#: 07103 DRAWN BY: K.C. CHECK BY: DRUGER UNENCLOSED SIDEWALK CAFE			
A-10100 (L) (P)			

LEGEND
 LF FINE
 T TABLE
 PB PHONE BOOTH

LIGHT PALE
 FINE
 PHONE BOOTH