COREY JOHNSON Chair

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

June 5, 2013

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

### Re: 210 Tenth Avenue, LLC d/b/a The Diner 210 10<sup>th</sup> Avenue (22/23)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends <u>denial</u> of transfer restaurant license for 210 Tenth Avenue d/b/a The Diner – 210  $10^{\text{th}}$  Avenue (22/23) <u>unless</u> the following stipulation, agreed to by the applicant, is part of the method of operation for this establishment with a capacity of about 100, with 22 tables and 64 seats, one stand-up bar with 11 seats and 80 seats with 28 tables outside within building property line.

A signed copy of the questionnaire, stipulations and community agreements are enclosed.

Sincerely,

Corey Johnson Chair [signed 06/05/13] Paul Seres Co-Chair Business License & Permits Committee [signed 06/05/13] Lisa Daglian Co-Chair Business License & Permits Committee

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

## Manhattan Community Board 4 (All Fields Must Be Completed)

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APPLICANT				DOING BUSINESS AS (DBA)					
2	10 Tei	the love me	<u> </u>	460.					
STREET AD	DRESS			CROSS STREETS					
21	) Tend	7 brenn	l	22h	d & Z3rds	streets			
	NAME:	Mark	Amadei		name: R	Book	nan		
OWNER	PHONE:	917-2	07-0374	ATTORNEY		12-513-			
	FAX:	646-80	51-6541		fax: 2	12-38	5-0564		
	NAME:	A.G.a	ssberg		name: C	Leviv	ison		
MANAGER	PHONE:	917-71	14-6676	LANDLORD	PHONE: 51	6-313-9	929		
	FAX:	646-86	1-6541		FAX: 217	1-619-	1358		
DESCRIP	TION OF BUS	SINESS							
		O Bar/Tavern O	Bed & Breakfast O Eating Pl	iace Beer 🔿 C	abaret O Night Club C	) Hotel 😿 Reslau	rant		
Esteblishme	nt Type:	Calering Establishment C Club (Fraternal Organization – Members Only)							
Method of Op	peration:		Dance Club O sports Bar O Aduli Entertainment O Wine BaiO Pizzeria O Cafe						
		O Other (Explain)							
License Type	:	On-Premise O	Wine 🔿 Beer 🔿 Wine &	Веег					
			Has applicant owned or managed	a similar business?		YES	NO		
			What is/was the name of establishmon/?			LIDN			
		New New	What is/was the address of the establishment?			W2W 9	THAT J		
			What were the dates the applicant was involved with this former premise?						
			What is the prior license #?		······	- <u> </u>			
	FION TYPE		What is the expiration date on the prior licenso?						
(check one)		O Transfer	Are you making any alterations or	operational changes	?	YES	NO		
			If alterations or operational change	as aro being made, p	lease attach the plans to this fo	xm			
			What is the current license #?						
		Alteration	What is the expiration date on the	current license?					
			Please describe the nature of the r	alterations and attach the plans					
Business L	Business Licenses & Permits Committee				(2)T	Elicate.	ssen 1 of 6 cl & f f DRINK h & f.		
					2121	IN frond	5 DENK		
					(3) DI	C CIII	nlt		
					5	L. 5411	101.		

OPERATION	NAL ISSUI	3S		····										
		м	MONDAY TUESDAY WEDNESDAY			EDNESDAY	THURSDAY		F	FRIDAY S.		SATURDAY SUNDAY		
HOURS	Operation	6a.	m-YAM	6.4m	-Ym	6.	m-Ym	6.N	n- <i>4/</i> 1	m 6.tr	n-Ym	6m	-Ym	6m-Ym
	Music	bact	ground	•		••-				_				$\rightarrow$
	Kitchen	GA.	n-YAM	6sm-	. YAIM	61	m-41m	Gtm	-44	<u>-611</u>	n-YA	N6m.	-4m	6m-4m
			INDO	)R		•	· . · ·			BAR			0	UTSIDE
OCCUPANCY	Copacit (Certificat Occupant	e of	Maximum # o You Antic Occupying P (Including En	ipate remises	Numi of Tel		Number of Seats	Numt Ser Only	vice	Numbe Staad Rer	Up (	Number of Seats at Bars	Number of Seats	
	NI	4	N100		22	2_	64	P	5	١		//	8D	28
How many floors ar provided)	e there? What i	s the cap	acity for each f	oor? (ple	ase resp	ondi	in space	1-2	3-4	5+				
Will you be applying (please respond in s			a cabaret licer	ise? If ye	s, will th	ere b	e dancing?	YES	NO	N/A				
Will applicant have I	bottle service?							YES	NO	N/A				
Will you be hosting	private parties a	and prom	otional events?	_				(YES)	NO	N/A.				
Will outside promote	ers be used?							YES	NO	N/A				
Will the security plan	n submitted be i	mplemer	ted?					YES	NO	N/A				
Will State certified s	ecurity personn	el be use	d?					YES	NO	N/A				
Will New York Night followed?	life Association	recomme	endations and I	VYPD Bea	st Practi	ces b	0	YES	NO	N/A				
Will the applicant be rack? Delivery bicyc wear attire clearly no	les are to be cle	arly mar	ked with the na	me of the				VES	NO	N/A				
Will the applicant be space provided)	applying for a	Sidewalk	Café now or in	the future	e? (plea	se res	spond in	YES	NŰ	N/A				
If yes to the above, a (please respond in s	are plans attach pace provided)	ed and s	ubmitted to DC	A? How n	nany tab	les/s	eats?	YES	NÜ	N/A				
Will applicant provid	e contact inform	ation to i	neighbors and i	respond to	o comple	aints	that arise? 🌘	YES	NO	N/A				
Will you inform the C to your jobs webpag		d office c	of your job oper	ings and/	'or provi	de a	hyperlink	YES	) NO	N/A				
If you plan to have m	usic, what type	(s)?		K	BACKG	ROU	ND LIVE	MUSIC	ľ	Ŋ				
BUILDING D	ESIGN													
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 YES NO N/A on all other days,														
Vill applicant follow the recommendations of a certified sound engineer to mitigate otential noise disturbance to the neighboring residents and buildings, including lacing speakers on the floor of the establishment?       VES       NO       NA														
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 YES NO N/A project more than 18 inches from the store front.)														

Business Licenses & Permits Committee

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OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	Sidewalk cafe
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.	YES	NO	N/A	Sidewalk cafe askny fer /oga/ cupe hours (12 An/ 1Am)
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.	YES	) NO	N/A	
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A	
Applicant will do everything in their power to provide an effective sound baffting 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 apertments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	NO	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 emplified music, as per the law, and windows and doors to areas that play emplified 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.	YES	NO	N/A	
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	VES	NO	N/A	

LOCATION & ZON	ING								
Primary Zoning District:					pplicable	):	C2, WR8		
is this a Special District? If yes	, is it Clinton,	West Ch	elsea or Hudson Yards?	YES	NO	N/A			
Does the building have a Certi objection?	icate of Occu	ipancy ("C	C of O') or a letter of no	YES	NO	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.				NO	N/A	500'		
Is a Public Assembly permit rec	quired?			YES	$\bigcirc$	N/A.			
Are your plans filed with DOB?				YES	NO	N/A			
Building Type	O Reside	ential 🗙	Commercial O Mixed Us	æ 🔿 Other	describe:				
Adjacent Buildings	O Reside	ential 🕅	Commercial O Mixed Us	e 🔿 Other,	describe;				
NOTIFICATION:		#1	11 CONSIST Chelsen Block Assocrations						
What organizations / community groups have you notified regarding your application?		#2							
		#3					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		

Business Licenses & Permits Committee

ADDITIONAL INFORMATION	: (Applicant Use)
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ADDITIONAL NOTES: (Office Use Only)

No dranges to perior owner without of apresta

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**Business Licenses & Permits Committee** 

Manhattan Community Board 4 (MCB4) re	ecommends:	O Approval O Denial unless all agreed to by applicant is part of the method of operation O Denial				
CB4 REPRESENTATIVES	<u>_</u>					
Nelly Gonzalez CB4 Community Associate	Lisa Daglian CB4 BLP Committee Co-Chair		Paul Seres CB4 BLP Conmittee Co-Chair			
APPLICANT AGREEMENT WITH	H THE COMMUNIT	Y				
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 $\longrightarrow$	MATURE OF APPLICAN	· ·	5/14/13 DATE			

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CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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

## **PUBLIC NOTICE**

Business Licenses and Permits Committee will discuss an application submitted by

# Entity to be formed by Mark T. Amadei & Andrew Glassberg d/b/a The Diner 210 10<sup>th</sup> Avenue

An application for an On-Premise Liquor License

DATE:	Tuesday, May 14, 2013
TIME:	6:30 PM
PLACE:	Intercontinental NY Time Square -
	300 West 44 <sup>th</sup> Street

We invite you to attend this meeting and give your comments on this application. Alternately, you may mail, fax or email us at the address listed above. For more information, please call 212-736-4536. DINER (210 10<sup>th</sup> ave) BREAKFAST

CHEF'S SCRAMBLE

grains, greens, fresh cheese, roasted tomato & homemade hot sauce \$11

THE PERFECT OMELETTE herbed omelette, lemon crème fraiche, 'smashed Yukon potatoes \$12

"JERSEY EGG SANDWICH' imported Taylor ham, fried egg, melted leeks, cheddar, English muffin \$11

POACHED EGGS PARMESAN Perfectly poached eggs, marinara, crostini, mozzarella, basil \$13

HUNGRY BEAR BREAKFAST 3 eggs anyway you want it, breakfast sausage, potato cakes, Texas toast, popeye spinach, bottomless coffee \$12

MIKE'S "MEXICAN" OATMEAL Steel cut oats, cinnamon, sweet cream, dried mango, toasted pepitas \$8

> FLUFFY BUTTERMILK PANCAKES Maple butter, fresh ricotta, apricot puree \$10

CRISPY BAGEL CHIPS & GRAVLAX Hummus cream cheese, pickled red onions, caperberries \$13

> ACCESSORIES Gooey grits \$4 Kale porridge \$5 Fruit salad \$7

Bacon, bacon, bacon \$7 BREAKFAST BEVERAGES

Cup of "joe" \$3 Cappuccino, latte, espresso, etc.... \$5 Orange Pekoe black tea \$3 Ice cold chocolate milk \$3 Arnold Palmer \$4 Mellow Mint tea \$3

Fresh OJ \$4 Kale, apple, lime juice \$6 Carrot, beet juice \$6 Dairy free smoothies \$5 Morning Honey Yogurt shake \$6

## MID MORNING BACK UP PLAN (take away)

AMANDA'S NUT-FREE GRANOLA BAR \$4 URBAN RANGER COOKIES (3) \$6 HOMEMADE CHEDDAR CHIVE BISCUIT \$3 PEANUT BUTTER BACON BARS \$5 LUNCH **SOUPS** MATZOH BALL MARROW SOUP Double chicken broth, marrow bone, parsley, schmaltz \$9 FRENCH ONION Swiss cheese bread pudding croutons \$8 SOUP OF THE DAY \$8

SALADS

"CHOPPED" SALAD romaine, bacon, poached turkey, eggs, green olives \$16 "MEAN GREENS SALAD" kale, preserved lemon, aged goat cheese, farro, roasted garlic \$15 "VINNIE'S SALAD" salami, provolone, celery, oregano, peppers, arugula \$17 "UNIQUE"BEET SALAD raw beet, watercress, pistachio, mascarpone, sourdough

crouton

\$14

STUFFED AVOCADO

Crab salad, old bay mayo, lemon supremes, saltines \$22

SANDWICHES

"THE BURGER"

brioche bun, special sauce, pickles & tomato \$19

"CLOSET VEGETARIAN"

oven roasted vegetables, parsley pesto, grilled flatbread \$17

CLASSIC GRILLED CHEESE

butter bathed with your choice of tomato, bacon or straight up

\$13

HOT BROWN OPEN FACED TURKEY

Turkey bacon, mornay sauce, turkey gravy, herb salad \$18

CRISPY FISH FILET "OLD SCHOOL"

Half roasted chicken, ricotta, carrots, charred lemons \$23 STEAK AND POTATOES Butcher's cut, marrow butter, fries, beef jus p/a PORK ON PORK CHOP crispy pancetta, white beans, collards \$22 NEW YORK BROOK TROUT ALMONDINE brown butter, almonds, green beans \$21 RIGATONI MARINARA Fresh ricotta, basil, garlic, chili flake \$18 RABBIT STEW GERMAN STYLE spactzle, bacon, pearl onions, rosemary \$22 MEATBALL HERO Tomato soaked garlic bread, the best balls, provolone \$17 DAVID'S VEGETABLE LASAGNA Spinach, zucchini, peppers, portobellos, extra cheese \$17 "THE BURGER" brioche bun, special sauce, pickles & tomato \$19 FISH AND CHIPS Haddock, spiced potato chips, malt vinegar aioli \$20 VEAL PICCATA capers, lemon, butter, rice porridge \$28

#### SIDES

SALT N PEPPER FRIES \$8 CREAMY ORZO \$9 MASHED POTATOES & GRAVY &6 BROCCOLINI & LEMON GARLIC \$8 AMANDA'S COLE SLAW \$5 YELLOW & GREEN BEAN PESTO \$6

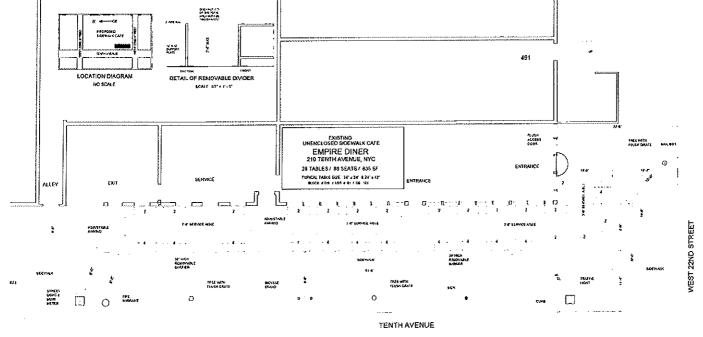
EGGPLANT CAPONATA & CHICKPEA PANCAKE \$7 CREAMED SWISS CHARD \$8 Sweet treats A PIECE OF THE "PIE" Find out todays flavor and add some ice cream p/a SKYSCRAPER CHEESECAKE Ocey gooey fruit topping \$8 BANANA SPLIT wet walnuts, chocolate sauce, strawberries, cherry on top \$6 CHOCOLATE CHALLAH BREAD PUDDING butterscotch chips, crème fraiche \$6 GRANDMA'S ORANGE CHIFFON CAKE orange curd, crystallized buttercream \$5 STRAWBERRY MOUSSE rhubard jam, shortbread cookie \$7 COOKIES TO GO OR TO STAY priced per piece SOFT SERVE SUNDAE OF CONE Flavor of the day or a swirl of 2 \$5 HOT DONUT HOLES Salted caramel

\$6

CAULIFLOWER TOMATO STEW \$6

Chief Architect 9.54\_E\_Cafe\_0CafeBaseI\_Cafe\_Cafe210TenthAve...

https://doc-0k-8k-docsviewer.googleusercontent.com/viewer/secured ...



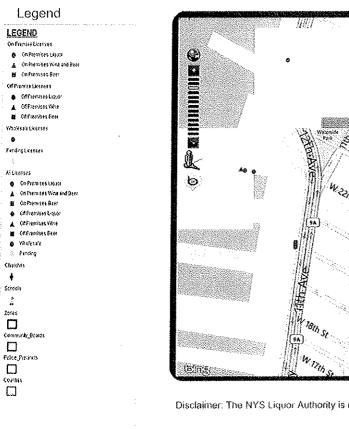
## SITE PLAN

JAMES GARRETSON ARCHITECT AIA	EXISTING UNENCLOSED SIDEWALK CAFE	DATE: 04/21/13	1
38 BROADWAY, SUITE 1110, NEW YORA, NY 10000 212-316-3882 TAX 212-316-9419	210 TENTH AVENUE, NYC	SCALE:1/8"=1'-0"	l



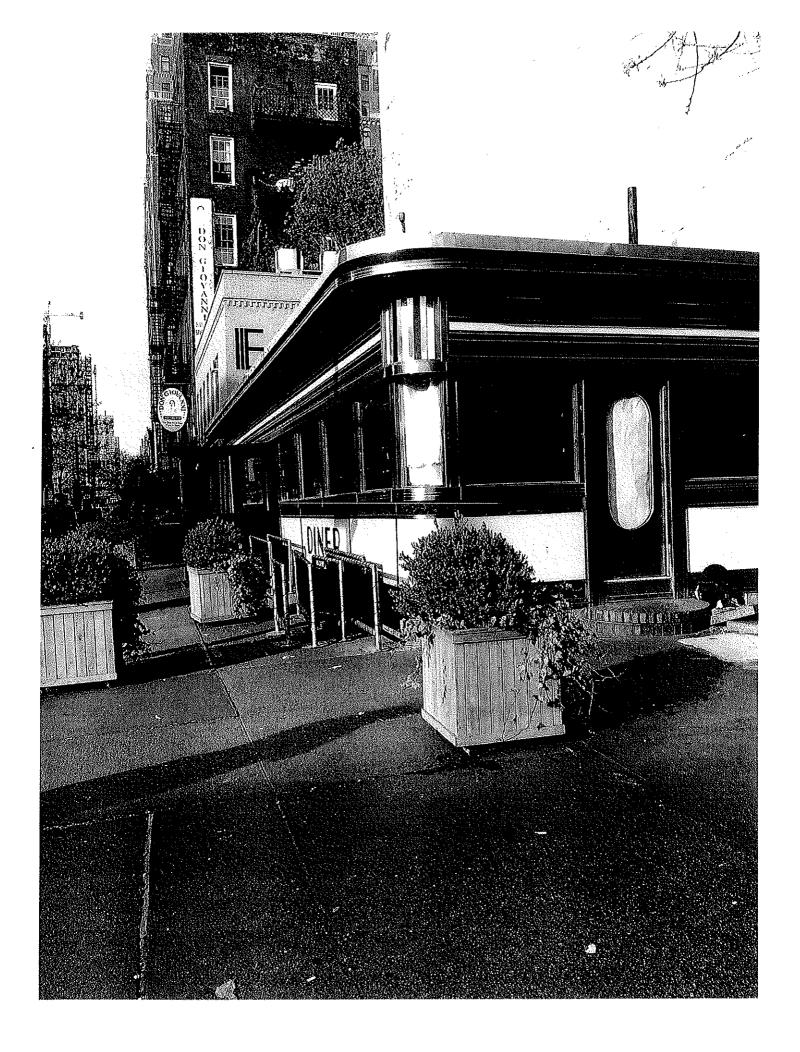
JAMES GARRE		RESTAURANT SEATING LAYOUT PLAN	DATE: 04/21/13	1	
	FAX 212-316-9410	210 TENTH AVENUE, NYC	SCALE:1/8"=1'-0"		

## **PREMISES WITHIN 500 FEET**





Disclaimer: The NYS Liquor Authority is not responsible for the accuracy of maps or data obtained from third party sources.





PESETSKY and BOOKMAN ATTORNEYS AT LAW 325 BROADWAY, SUITE 501 NEW YORK, N.Y. 10007

WARREN B. PESETSKY ROBERT S. BOOKMAN\*

RANDYE F. BERNFELD Of counsel (212) 513-1988 FAX: (212) 385-0564

April 2, 2013

### Via Certified Mail

Community Board No. 4 330 West 42<sup>nd</sup> Street, Suite 2618 New York, NY 10036

> Re: An Entity to be formed by Mark T. Amadei & Andrew Glassberg d/b/a "The Diner" 210 10<sup>th</sup> Avenue New York, NY 10011

Dear Sir/Madam:

This letter is to serve as notification that the above referenced entity is filing for an on premise liquor license at the above referenced address.

Thank you for your attention to this matter.

ery truly yours.

Robert S. Bookman

RSB:dm

STATE OF NEW YORK	
EXECUTIVE DEPARTMENT	
DIVISION OF ALCOHOLIC BEVERAGE CO	NTROL
STATE LIQUOR AUTHORITY	

7.

Standardized	NOTICE FORM	for Providing a 30-Day Advance Notice to a Local Municipality or
1	Community Board in	a connection with the submission to the State Liquor Authority of a (check one)

	ISION OF ALCOHOLIC BEVERAGE C TE LIQUOR AUTHORITY	ONTROL	New Ap	and the second division of the second divisio	Renewal Application	Alteration Application	
1.	Date the original copy of this Notice was ma	iled to the Local Municipality	or Communit	y Board:	Nenth Month Dey	2 0 j <sup>ver</sup> 3 <sup>ver</sup>	
1	THIS 30-DAY ADVANCE NOTICE I	<b>S BEING PROVIDED TO THE</b>	CLERK OF	THE FOLLOWING	OCAL MUNICIPALITY OR	COMMUNITY BOARD	
2.	Name of the Local Municipality or Commun			Com	MUNITY BOK	rans t	
	ATTORNE LICENSE APPLIC	Y REPRESENTING THE AP CATION NOTED AS ABOVE	PLICANT IN FOR THE E	ICONNECTION W	identified in this no	DTICE	
3.	Attorney's Full Name is:		1	Kolert Br	NEMAN		
4.	Attorney's Street Address:	32	SE	SMADWA	1. Suite 50	51	
5.	City, Town or Village:	NEW Yor	K	, ,	State: NM	Zip Code: (USU 7	
6.	Business Telephone Number of Attorney:			212.	513.1988		
	FOR ALTERATION API FOR C	ICANTS, PROVIDE DESCRIP PLICANTS, ATTACH COMPLE URRENT LICENSEES, SET F DO NOT USE THIS FORM TO	TE DESCRIP ORTH APPRO	TION AND DIAGR. OVED METHOD OF	AM OF PROPOSED ALTER OPERATION ONLY	re Ation(5)	
7.	Type(s) of alcohol sold or to be sold under the license: ("X" One) Beer Only Wine and Beer Only Liquor, Wine and Beer						
8.	Extent of Food Service: ("X" One) ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily- meets legal minimum food availability requirements)						
	Hotel	Live Music Disc Jo	ockey	Juke Box	Patron Dancing (Small sc	ale) Karaoke Bar	

8.	Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef)
9.	Type of establishment:       Hotel       Live Music       Disc Jockey       Juke Box       Patron Dancing (Small scale)       Karaoke Bar         Cabaret, Night Club, (Large Scale Dance Club)       Capacity for 600 or more patrons       Bed & Breakfast       Restaurant         Club (e.g. Golf/ Fraternal Org.)       Catering Facility       Stage Shows       Topless Entertainment       Recreational Facility (Sports Facility/Vessel)
10.	Licensed outdoor area: ("X" all that apply) None Rooftop Patio or Deck Freestanding Covered Structure Garden/Grounds Sidewalk Café Other (Specify):None
11.	Will the license holder or a manager be physically present within the establishment during all hours of operation? ("X" one)
12.	License serial number: Expiration Date:
13.	The applicant's or license holder's full name, as it appears or will appear on the license: AN ENHIPIO. Which MACK AMACIE'SAND GIASSBE The Trade name, if any, under which the establishment conducts or will conduct business: The Direct are principal
14.	The Trade name, if any, under which the establishment conducts or will conduct business:
15.	The establishment is located within the building which has the following street address: 210 127 Avenue
16.	City, Town, or Village: NY Zip Code: / DS(/
17.	The establishment is located on the following floor(s) of the building at the above address: Cloud Sper & beservert
18.	Within the building at the above address, the establishment is located within the room(s) numbered as follows:
19.	Business telephone number of applicant/licensee: 9/7-207-0374 Business fax number of applicant/licensee:
20.	Business e-mail address of applicant/licensee:
21.	Does the applicant or license holder own the building in which the establishment is located? ("X" one) Yes (If "Yes", SKIP items 22-25) No
	OWNER OF THE BUILDING IN WHICH THE LICENSED ESTABLISHMENT IS LOCATED
22.	Building owner's full name is: Charles Leuhuso N
23.	Building owner's full name is: Charles Lewison Building owner's street address: 210 10 PAJE
24.	City, Town, or Village: NY State Zip Code:
25.	Business telephone number of building owner: $5/6 - 763 - 1107$
26.	I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license. By my signature, I affirm – under <b>Penalty of Perjury</b> – that the representations made in this form are true.  Printed Name HARVTAMADI M.M. XHARUTA
Re	MARKT, HMADEI M.M. X THE HOY HO
ne	