

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

| | | | | | |
|---|--|--------------------------------|-------------------------------------|---|-----------------------------------|
| CORPORATION NAME | | DOING BUSINESS AS (DBA) | | | |
| ERS Restaurant Inc. | | Zia Maria | | | |
| STREET ADDRESS | | CROSS STREETS | ZIP CODE | | |
| 312 West 23rd Street, New York, NY | | 8th & 9th Avenue | 10011 | | |
| OWNER <i>(Attach a list of all the people that will be associated listed with the license)</i> | NAME: | Iyad Hamsho | ATTORNEY/ REPRESENTAIVE | NAME: | James DiPasquale |
| | PHONE: | 347-528-4671 | | PHONE: | 646-383-4607 |
| | EMAIL: | ehamsho@gmail.com | | EMAIL: | james@dlgnyc.com |
| MANAGER | NAME: | TBD | LANDLORD | NAME: | Chelsea London Company, LLC |
| | PHONE: | | | PHONE: | 646-637-9025 |
| | EMAIL: | | | EMAIL: | |
| APPLICATION TYPE (Check One) | | | | | |
| <input type="radio"/> New | Has applicant owned or managed a similar business? | | YES | NO | Yes |
| | What is/was the name and address of establishment? | | La Bella Vita (163 Mulberry Street) | | |
| | What were the dates applicant was involved with this former premise? | | Presently operating | | |
| <input checked="" type="radio"/> Transfer | What is the prior license # and expiration date? | | 1103001 (April 30, 2017) | | |
| | Is applicant making any alterations or operational changes? | | YES | NO | Yes |
| | <i>If alterations or operational changes are being made, please describe/list all changes.</i> Enhanced Menu & hours reduction. Upgrade to full liquor | | | | |
| <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 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? | | YES | NO | No. Will file after appearing before Community Board 4. | |
| 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 | 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. | | YES | NO | No | |
| Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments? | | YES | NO | Yes | |

| 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 | Yes |
| Are your plans filed with DOB? | YES | NO | 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 | See attached list of associations. | |
| | # 2 | | |
| | # 3 | | |
| | # 4 | | |
| | # 5 | | |
| Please provide dates when applicant met with the groups listed above. | | February 1, 2016 | |
| Who was your contact person at each group you met with? | | See attached list of associations. | |
| When did applicant post the notice that was provided? | | February 1, 2016 | |
| Where did applicant post the notice that was provided? | | Front Window of Establishment | |
| Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided. | | YES | NO 347-528-4671 |
| Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage? | | YES | NO Yes |

Block and Community Associations

1. 200 West 19th/20th/21st/22nd/23rd Streets Block Association: Pamela Wolff at pamela@angel.net
2. 200 West 19th/20th/21st/22nd/23rd Streets Block Association: Dottie Francoure at dfranco243@earthlink.net
3. 200 West 19th/20th/21st/22nd/23rd Streets Block Association: Pat Cooke at fcmgt@me.com
4. 200 West 19th/20th/21st/22nd/23rd Streets Block Association: Merle Lister at merle.levine@gmail.com
5. 300 West 21st/22nd/23rd Streets Block Association: Eleanor Horowitz at eleanor@quiltedcorner.com
6. 300 West 21st/22nd/23rd Streets Block Association: Andra Gabrielle at 300wba@gmail.com
7. 300 West 21st/22nd/23rd Streets Block Association: Phyllis Waisman at phylliswaisman@gmail.com
8. 300 West 21st/22nd/23rd Streets Block Association: Zazel Loven at zazeloven@yahoo.com
9. 400 West 20th Street Block Association: Lesley Doyel at lesley@lyrichord.com
10. 400 West 21/22/23 St. Block Association: Eileen McElduff at emce33@aol.com
11. 400 West 21/22/23 St. Block Association: Jean Blair at jblair@bobchristianson.com
12. 400 West 21/22/23 St. Block Association: Karen Jacob at w400ba@gmail.com
13. 400 West 21/22/23 St. Block Association: Joanne Downes at jdownesnyc@yahoo.com
14. 400 West 21/22/23 St. Block Association: Allen Oster at aoster@earthlink.net
15. Bill Borock at wborock@hotmail.com

| BUILDING DESIGN | | | |
|---|---------------------|---------------------|-----------------------------------|
| State the name and type of business previously located in the space. | Patsy's Pizzeria | | |
| Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business. | YES | NO | Patsy's Pizzeria |
| Do you plan any changes to the existing façade? If yes, please describe. | YES | NO | New Signage |
| Will applicant have a vestibule within the establishment? | YES | NO | No |
| Will applicant use a storm enclosure? | YES | NO | Not yet determined |
| 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 |
| 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 | Yes |
| Will the establishment have an illuminated sign? | YES | NO | No |
| Will the establishment have a canopy extending over the sidewalk? | YES | NO | No |
| Where will the air conditioner be located? What type is it? | Central Air | | |
| When was the air conditioner installed? | | | |

| OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ | | | |
|--|-----|----|-----|
| 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 | 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 | Yes |
| Will applicant be applying for a sidewalk café now or in the future? | YES | NO | Yes |
| Is applicant in this application seeking to include a sidewalk café in its liquor license? | YES | NO | No |
| 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 |
| Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe? | 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 | Yes |

***Applicant plans to apply for a small sidewalk cafe in a future application, but in the interests of full disclosure, is advising the CB about the proposed cafe at this time.

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.

| | |
|--|---|
| 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 |
|--|---|

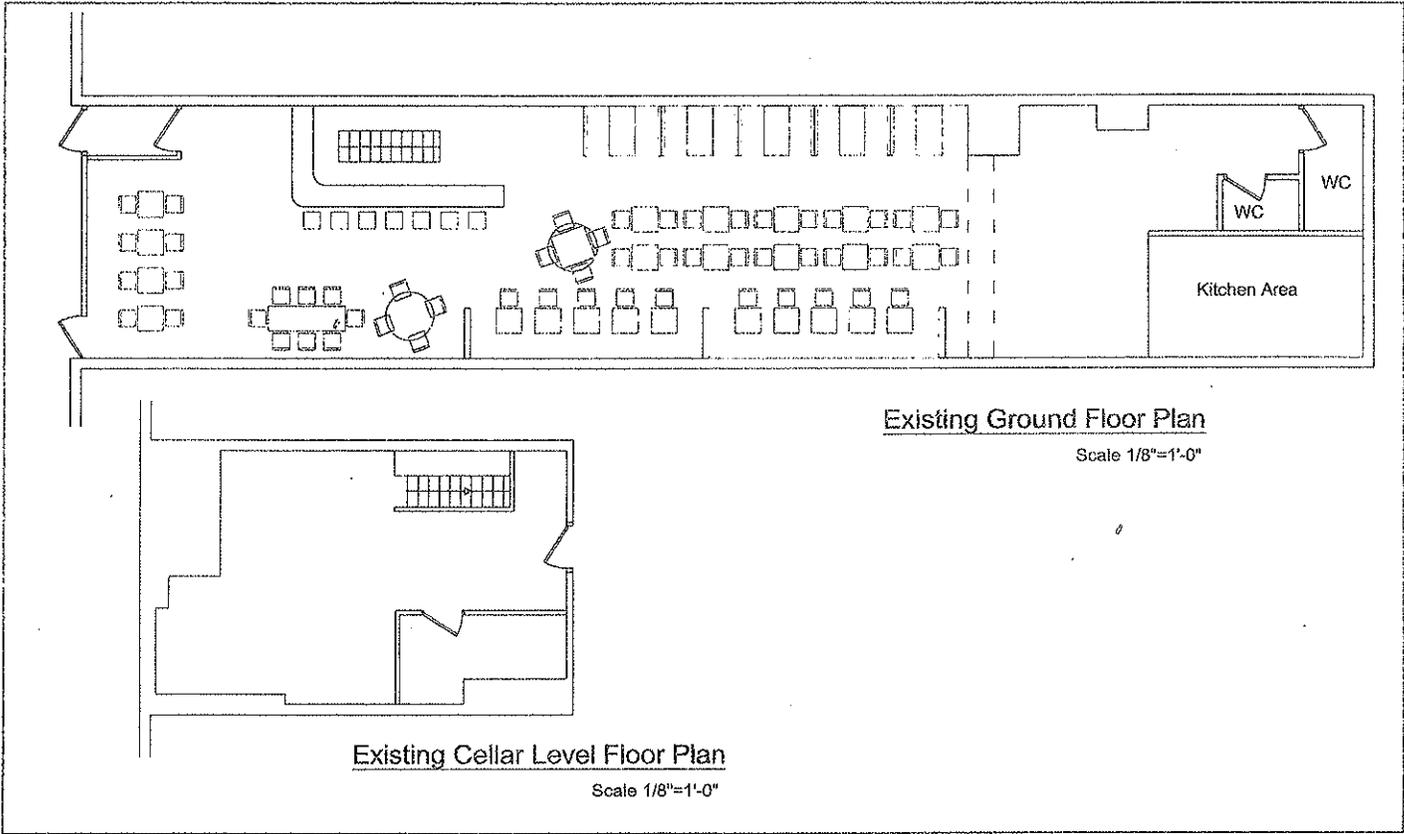
CB4 REPRESENTATIVES

| | | |
|--|---|--|
|  Nelly Gonzalez <i>CB4 Assistant District Manager</i> | Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i> |  Burt Lazarin <i>CB4 BLP Committee Co-Chair</i> |
|--|---|--|

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 → | Iyad Hamsho PRINT NAME OF APPLICANT |  SIGNATURE OF APPLICANT | February 9, 2016 DATE |
|--------------------|--|--|--------------------------|



Existing Ground Floor Plan

Scale 1/8"=1'-0"

Existing Cellar Level Floor Plan

Scale 1/8"=1'-0"

Antipasti

Fried Calamari 13

Flour semolina dusted and flash fried served with marinara sauce

Cracked Pepper Lemon Mussels 13

P.E.I. mussels served in a cracked pepper and lemon broth

Mussels Oreganata 13

Jumbo mussels topped with seasoned bread crumb

Baked Clams 13

Mozzarella Caprese 11

Buffalo mozzarella, tomato and basil drizzled with aged balsamic glaze

Beef Carpaccio 11

Tender filet thinly sliced served with arugula salad, shaved parma & truffle dressing

Eggplant Rollatini 11

Eggplant stuffed with ricotta cheese, topped with marinara and melted mozzarella

Bruschetta 11

Toasted bread topped with fresh tomato, basil garlic salsa

Buffalo Mozzarella Prosciutto 13

in balsamic reduction

Hot Antipasto 24 (2 people)

Mussels, clams, shrimp, calamari, eggplant rollatini, mushroom,

Soup of the Day 7

Insalata

Mixed Seafood Salad 18

Calamari, shrimp, scallops, celery, cherry tomato, and toasted garlic served cold or warm

Watercress salad 9

Watercress, truffle infused goat cheese, roasted beets

Bella Vita Salad 13

Mixed greens, balsamic vinaigrette topped with salami, prosciutto, sopressata

Arugula Salad 13

Arugula, mixed greens, sliced apple, candied walnuts, gorgonzola cheese, lemon vinaigrette

House Salad 9

Mixed greens, tomato, sliced onions, balsamic vinaigrette

Spinach Salad 13

walnuts, gorgonzola cheese, red onion, balsamic vinaigrette dressing

Caesar salad 11

Pasta Lovers

Pappardelle Bolognese -15

Spaghetti Garlic and Olive Oil -13

Penne Vodka 15

Risotto Funghi-18

Fettuccine Alfredo-15

Fettuccine Meatballs-18

Cheese Ravioli -17

Lobster Ravioli- 19

Spaghetti Carbonara 19

Shrimp Scampi 21

Gnocchi Napoletana 19

Garganelli Boscaiola 19

Gnocchi Pesto with Mussels 21

Linguini Frutti Di Mare 29

Tagliatelle Pescatore 25

Spaghetti Vongole 24

Home made Lasagna 19

“Pasta substitution Whole Wheat and Gluten Free”

Secondi

Grilled Siriloin Steak 34

Grilled Rib Eye Steak 37

Branzino Modena 34

Grilled Salmon 29

Bella Vita Chicken 25/ Veal 26

stuffed with mozzarella, prosiutto, parmigiano, gorgonzola creamy sauce

Chicken Florentine/Francese 25/ Veal 26

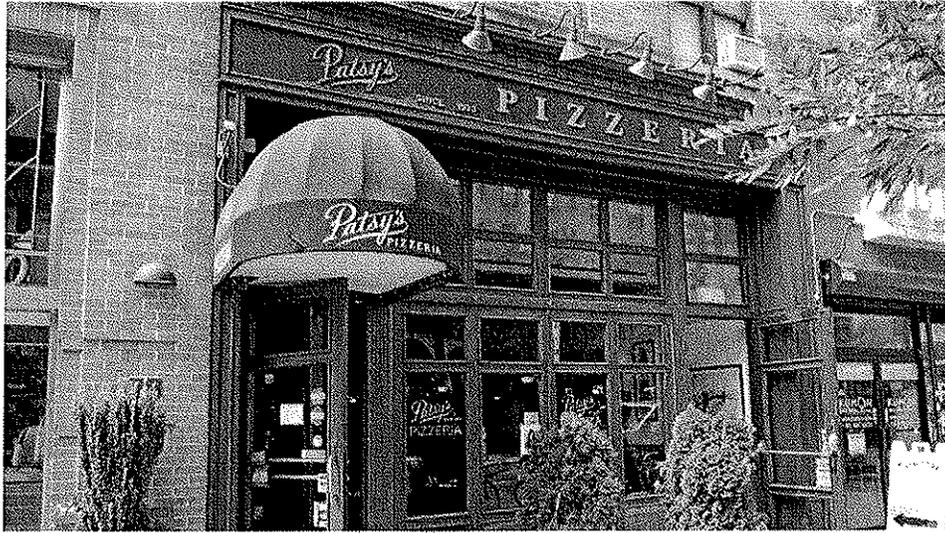
lemon sauce, topped with spinach and mozzarella

Chicken allo Scarpariello 25
potato, pepper, lemon brown sauce

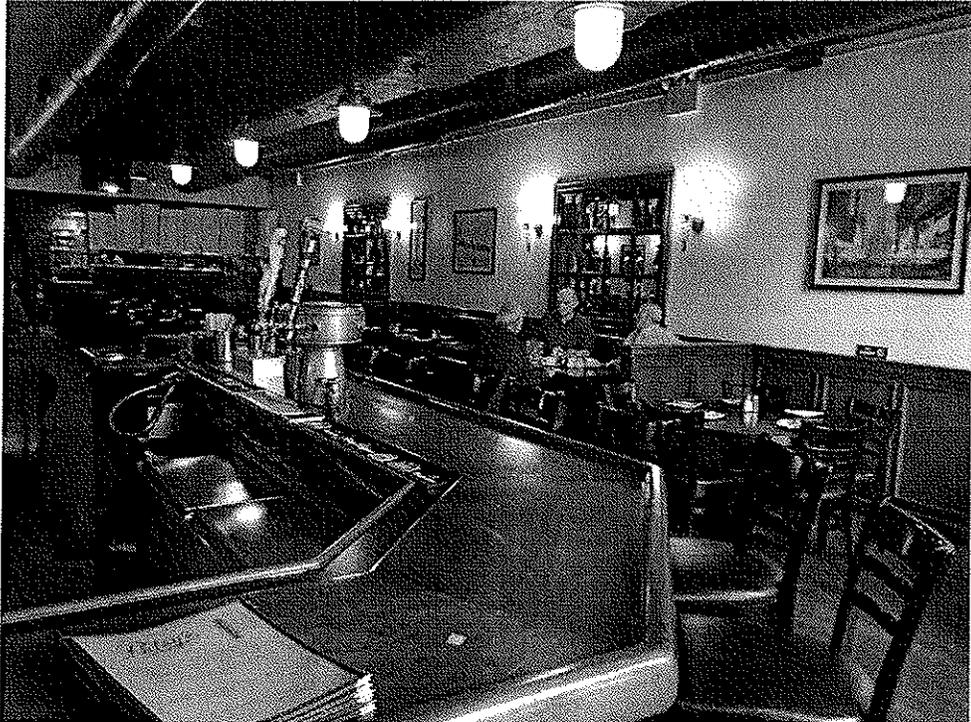
Veal Picatta 26
lemon caper sauce

Chicken Marsala 25
Chicken Cacciatore 25
Chicken alla Parmigiana 25
Chicken Limone 25

Veal Spiedini 26
Veal Cacciatore 26
Veal Sorrentina 26
Veal Milanese 26









Applicant: ERS Restaurant Inc.
Address: 312 W. 23rd Street, New York, NY 10011

- ▲ = Beer & Wine Establishment
- = Full Liquor Establishment
- = Applicant's Location

Proximity Report for Location:

February 1, 2016

312 W 23 St, New York, NY, 10011

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

| Name | Address | Approx. Distance |
|-----------------------------|--------------------|------------------|
| SUEBOB LIQUOR INC | 312 W 23RD STREET | 135 ft |
| FORAGERS WINES CHELSEA LLC | 231 8TH AVE | 355 ft |
| ALGA WINES & SPIRITS LTD | 221 9TH AVENUE | 745 ft |
| MIDTOWN SPIRITS INC | 177 9TH AVE UNIT C | 930 ft |
| DELAUREN WINES INC | 332 8TH AVE | 1035 ft |
| CHELSEA WINE CELLAR INC | 200 W 21ST STREET | 1195 ft |
| LANDMARK WINE & SPIRITS INC | 167 W 23RD STREET | 1420 ft |

Churches within 500 Feet

| Name | Approx. Distance |
|------|------------------|
|------|------------------|

Schools within 500 Feet

| Name | Address | Approx. Distance |
|------|---------|------------------|
|------|---------|------------------|

On-Premise Licenses within 750 Feet

| Name | Address | Approx. Distance |
|-----------------------------------|----------------------|------------------|
| GOLDEN BEACH INC | 300 W 23RD ST | 200 ft |
| TEQUILA CHITO'S MEXICAN GRILL INC | 358 W 23RD ST | 205 ft |
| 23RD & 8TH LLC | 261 8TH AVENUE | 220 ft |
| LILLY COOGANS INC | 360 WEST 23RD ST | 230 ft |
| SPICE CORNER 236 INC | 236 8TH AVE | 315 ft |
| 23RD & 9TH RESTAURANT CORP | 368 W 23RD STREET | 320 ft |
| FORAGERS HOLDINGS LLC | 233 8TH AVE | 335 ft |
| MOMOFUKU 232 EIGHTH AVENUE LLC | 232 8TH AVE | 430 ft |
| ZENITH CORPORATION | 271 WEST 23RD STREET | 485 ft |
| BARRACUDA LOUNGE INC | 275 W 22ND STREET | 490 ft |
| 254 WEST 23RD ST REST CORP | 254 W 23RD STREET | 620 ft |
| TUAM NEW YORK INC | 202 9TH AVENUE | 680 ft |
| DISH RESTAURANT CORP | 201 8TH AVENUE | 685 ft |
| B & R SORRENTO CORP | 202 8TH AVE | 690 ft |
| 200 NINTH RESTAURANT LLC | 200 9TH AVE | 710 ft |
| 400 WEST 23RD STREET REST CORP | 400 W 23RD STREET | 720 ft |
| SWEET CONCESSIONS INC | 336 W 20TH ST | 735 ft |
| BE TEMERARIO GROUP LLC | 198 8TH AVE | 750 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|------|---------|------------------|
|------|---------|------------------|

Unmapped licenses within zipcode of report location

| Name | Address |
|------|---------|
|------|---------|



Certificate of Occupancy

CO Number: 110311564F

| Permissible Use and Occupancy | | | | | | |
|---|---------------------------|---------------------------|-------------------------------|---------------------------|------------------|--|
| All Building Code occupancy group designations below are 2008 designations. | | | | | | |
| Floor From To | Maximum persons permitted | Live load lbs per sq. ft. | Building Code occupancy group | Dwelling or Rooming Units | Zoning use group | Description of use |
| CEL | | OG | S-2 | | | BOILER ROOM, STORAGE AND LAUNDRY FOR TENANTS |
| 001 | | | R-2 | 1 | 2 | ONE (1) SUPERINTENDENTS APARTMENT |
| 001 | 30 | 100 | M | | 6 | THREE (3) STORES U.G. 6 |
| 001 | 15 | | A-2 | | 6, 6 | EATING AND DRINKING PLACE |
| 001 | 100 | 100 | A-2 | | 6 | EATING AND DRINKING PLACE |
| 001 | 50 | 100 | E | | 3 | ONE (1) LEARING CENTER |
| 002 | | 40 | R-2 | 20 | | TWENTY (20) APARTMENTS |
| 003 005 | | 40 | R-2 | 19 | | NINETEEN (19) APARTMENTS PER FLOOR |
| NOTE: FUEL OIL INSTALLATION APPROVED BY FIRE DEPARTMENT ON JULY 29, 1948 | | | | | | |
| END OF SECTION | | | | | | |

Borough Commissioner

Commissioner

END OF DOCUMENT