



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

Delores Rubin
Chair

Jesse R. Bodine
District Manager

August 8, 2016

Paul Kiernan
Shean Hayden
& Michael Kelly
Alfies
800 9th Avenue
New York, NY 10019

Re: Alfies Bar and Restaurant 800 9th Avenue (West 53rd Street)

Dear Mr. Kiernan, Mr. Hayden, and Mr. Michael Kelly:

Manhattan Community Board 4 (“MCB4”) writes to acknowledge that Mr. Paul Kiernan and Mr. Michael Kelly appeared before its Quality of Life Committee (“QOL”) on July 11th, 2016. The meeting was held as a result of numerous requests received from the residents of HK 50-51 Block Association, which is the neighborhood block association whose residents live in the surrounding blocks from Alfies. Approximately half a dozen residents and representatives from HK 50-51 Block Association appeared at the meeting.

MCB4 goal is to work with the both the residents and small business owners to find a balanced and productive approach when quality of life issues arise. MCB4 appreciates and acknowledges Owner and Management’s expressed good faith and willingness to take immediate action to rectify the issues raised by the residents. These particular complaints are summarized as follows:

- Improper use of amplified music;
- Exceeding the number of patrons permitted on sidewalk café as per their Certificate of Occupancy;
- Exceeding the hours of operation on sidewalk café as per their previously agreed Hours of Operation; and
- Moving the sidewalk trash basket away from the corner

EXISTING STIPULATIONS

Occupancy and Use

It is MCB4's understanding that Alfies has a public assembly permit from the Department of Buildings ("DOB") for 74 people and a sidewalk café occupancy of no more than 8 tables and 16 seats. Residents are very concerned that more than 16 people may be permitted access to the sidewalk café premises at any one time.

Description and Operation of Business

Accordingly, Alfies is not permitted to have any outdoor speakers, and must adhere to "Background Music" regulations. Background music is commonly understood to be amplified music/sound intended as an unobtrusive accompaniment to an activity, such as, in your case, dining in a restaurant. In any event, Alfies must comply with all relevant New York City codes and regulations as they relate to sound emanating from your establishment.

PROPOSED REMEDIATION

Communication with the Block Association

During the Quality of Life July 2016 meeting, Alfies Management expressed a willingness to create a positive working relationship with their neighbors and attend the HK 50\51 Block Association meetings regularly. In addition, Mr. Michael Kelly agreed to be Alfies's "point person" to address constituents' concerns. Mr. Kelly agreed to work with complainants and offered his cellphone number (917) 523-4972 as the point of contact when issues arise. Finally Alfies agreed to return to the Quality of Life Committee in October.

Sanitation

Alfies stated they had already begun the process with the Department of Sanitation to participate in the adopt-a-basket program. Alfie's management will monitor and empty the corner trash basket when it begins to overflow.

Noise

Management indicated that it intends to remove all outdoor speakers and keep all windows and doors closed when utilizing amplified sound.

CONCLUSION

MCB4 takes requests and complaints from both residents and business owners seriously. For your convenience a copy of the signed stipulations have been included in this letter. MCB4 appreciates both the block association and your willingness to work together and look forward to your attendance at the October 2016 meeting to discuss the results of your efforts.

Sincerely,



Delores Rubin
Chair
Community Board 4



David Pincus
Co-Chair
Quality of Life Committee



Tina DiFeliciano
Co-Chair
Quality of Life Committee

cc: HK50\51 Block Association

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT		DOING BUSINESS AS (DBA)		
Stokes & McGinley Inc.				
STREET ADDRESS		CROSS STREETS		
800 9 th Avenue		West 53 rd Street		
OWNER	NAME: Paul Kiernan	REPRESENTATIVE	NAME: Michael Kelly	
	PHONE: 917-929-0363		PHONE: 914-632-6036	
	FAX:		FAX: 914-632-6034	
MANAGER	NAME: Paul Kiernan	LANDLORD	NAME: Antonio Romano	
	PHONE: 917-929-0363		PHONE: 917-509-5978	
	FAX:		FAX:	
DESCRIPTION OF BUSINESS				
Establishment Type:	<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant			
	<input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only)			
	<input type="radio"/> Other (Explain): _____			
Method of Operation:	<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe			
	<input type="radio"/> Other (Explain): _____			
License Type:	<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer			
APPLICATION TYPE (check one)	<input type="radio"/> New	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input checked="" type="radio"/> Transfer	What is the prior license #?	1244555	
		What is the expiration date on the prior license?	September 30, 2012	
		Are you making any alterations or operational changes?	YES	NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
<i>Please describe the nature of the alterations and attach the plans</i>				

OPERATIONAL ISSUES										
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
	Operation	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	
	Music	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	
	Kitchen	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	12 p.m. – 4 a.m.	10 a.m. – 4 a.m.	10 a.m. – 4 a.m.	
OCCUPANCY	INDOOR				BAR			OUTSIDE		
	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 Bars	Number of Seats	Number of Tables	
	74	74	14	58	0	1	8	16	8	
How many floors are there? What is the capacity for each floor? (please respond in space provided)					1-2	3-4	5 +	Basement: 0; 1 st Floor: 74		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	NO	N/A			
Will you be hosting private parties and promotional events?					YES	NO	N/A			
Will outside promoters be used?					YES	NO	N/A			
Will the security plan submitted be implemented?					YES	NO	N/A			
Will State certified security personnel be used?					YES	NO	N/A			
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	NO	N/A			
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	NO	N/A			
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	NO	N/A	We will apply for assignment of 8 tables & 16 seats		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	N/A	8 tables & 16 seats		
Will applicant provide contact information to neighbors and respond to complaints that arise?					YES	NO	N/A			
If you plan to have music, what type(s)?			BACKGROUND	LIVE MUSIC	DJ					
BUILDING DESIGN										
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 on all other days.					YES	NO	N/A			
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			
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 project more than 18 inches from the store front.)					YES	NO	N/A			

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	Unenclosed 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	
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 baffling 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 apartments (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 amplified music, as per the law, and windows and doors to areas that play amplified 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?	YES	NO	N/A	

LOCATION & ZONING				
Primary Zoning District:	R8	Overlay (If Applicable):	C1-5	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	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.	YES	NO	N/A	
Is a Public Assembly permit required?	YES	NO	N/A	
Are your plans filed with DOB?	YES	NO	N/A	
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1			
	# 2			
	# 3			

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- **Sidewalk Café to follow after it is filed with DCA**

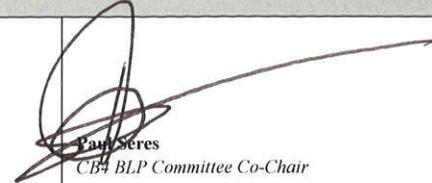
Manhattan Community Board 4 (MCB4) recommends:

Approval Denial unless all agreed to by applicant is part of the method of operation Denial

CB4 REPRESENTATIVES


Nelly Gonzalez
CB4 Community Associate

Lisa Daglian
CB4 BLP Committee Co-Chair


Paul Seres
CB4 BLP Committee Co-Chair

APPLICANT AGREEMENT WITH THE COMMUNITY

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.

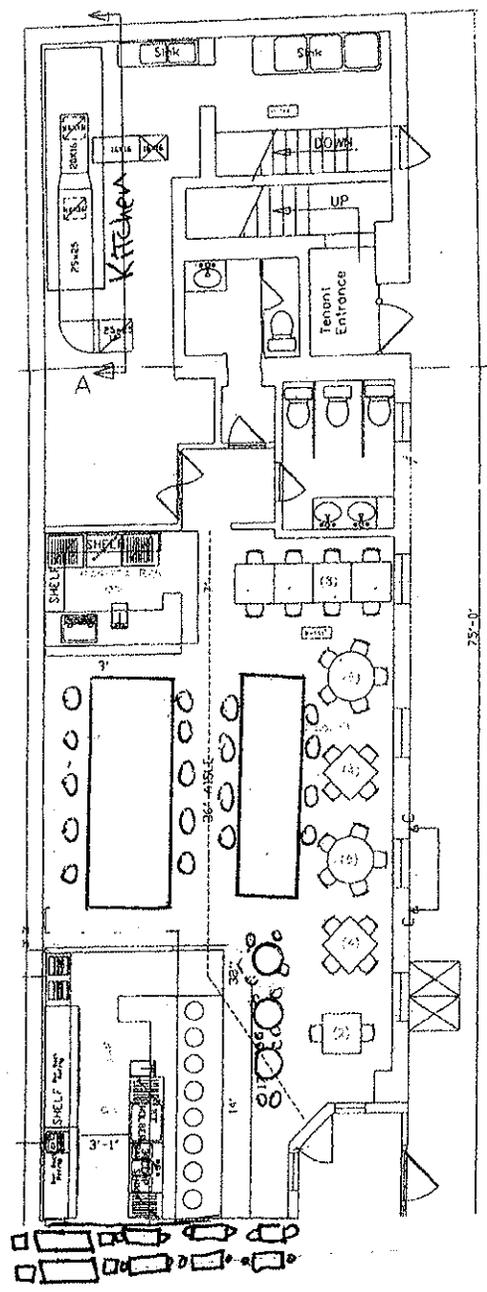
SIGN HERE →


SIGNATURE OF APPLICANT

4/10/12
DATE

Stokes & McGinley Inc
800 9th Ave
NY NY 10019

1st Floor



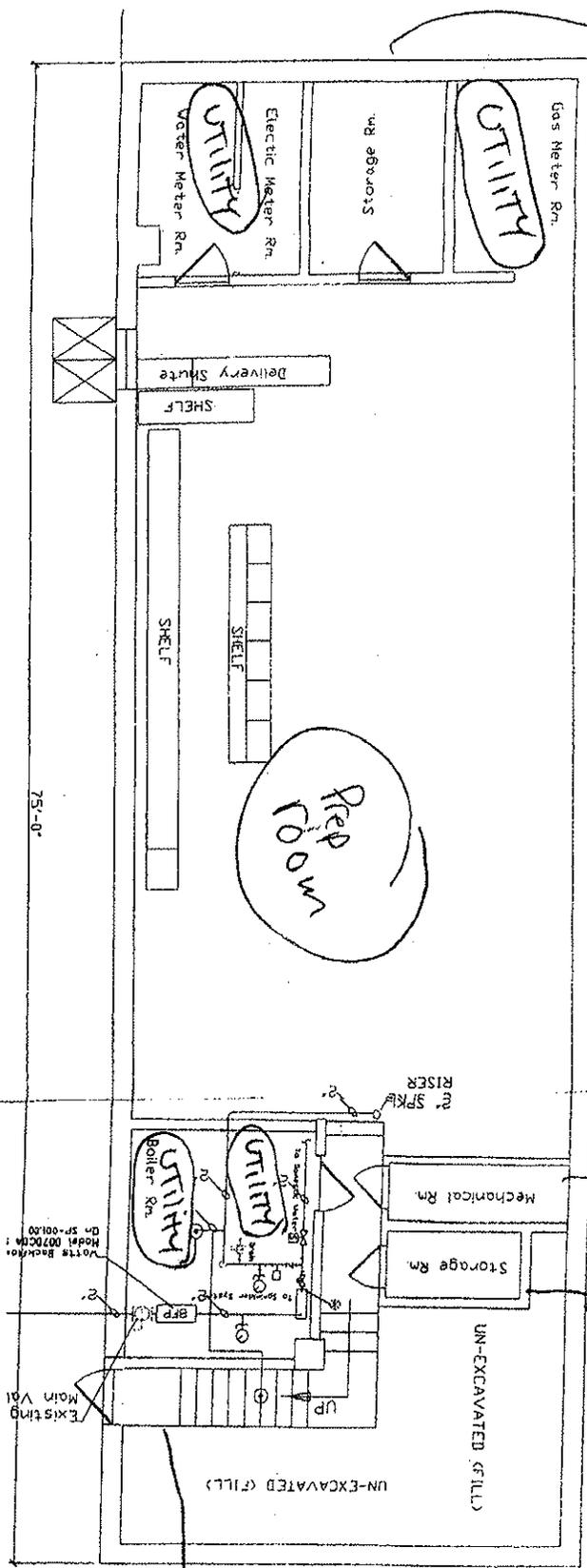
Storage

Basement

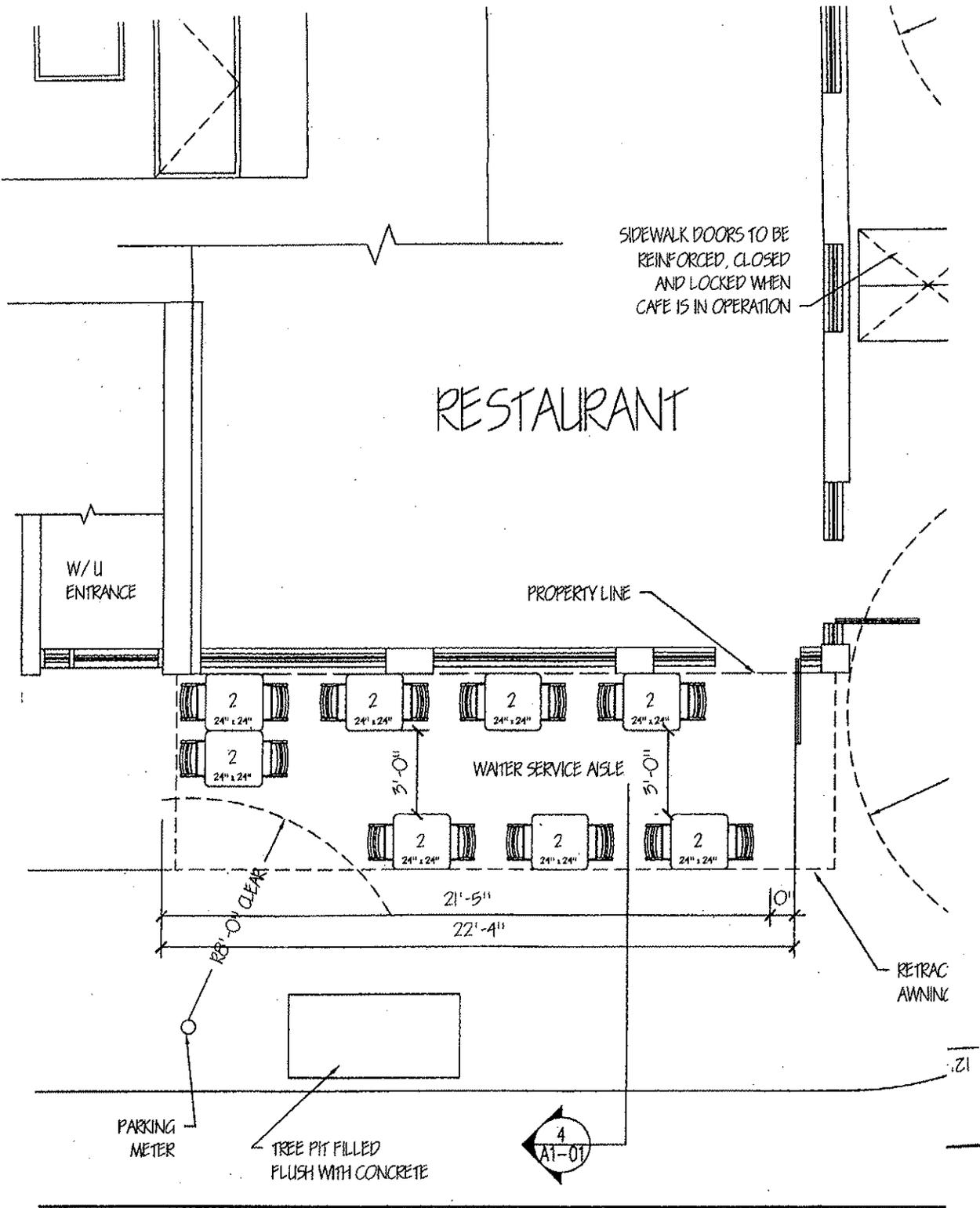
Stokes & McGinley Inc
800 QTR Ave
Ks, Mo 64619

UTILITY

Storage



STAIRS
TO
1st
Floor



SIDEWALK DOORS TO BE REINFORCED, CLOSED AND LOCKED WHEN CAFE IS IN OPERATION

RESTAURANT

W/U ENTRANCE

PROPERTY LINE

WATER SERVICE AISLE

RETRAC AWNING

PARKING METER

TREE PIT FILLED FLUSH WITH CONCRETE

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A1-01

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