



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

COREY JOHNSON
Chair

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

August 5, 2013

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

Re: 42 Chicken, LLC
d/b/a Chirping Chicken
587 9th Avenue (42/43)

Dear Chairman Rosen:

Manhattan Community Board 4 (MCB4) recommends denial of a new On-Premise Liquor License for 42 Chicken, LLC d/b/a Chirping Chicken – 587 9th Avenue (42/43) unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with a capacity of less than 75, with 4 tables with 25 seats, and 1 service bar with no seats.

- Adding precipitator to ventilation to mitigate food/cooking odors
- ID bike delivery
- Bike rack on W. 42nd Street

A signed copy of the questionnaire and stipulations are enclosed.

Sincerely,

Corey Johnson
Chair

[signed 7/31/13]
Paul Seres
Co-Chair
Business License & Permits
Committee

[signed 7/31/13]
Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT <i>42 CHICKEN LLC</i>		DOING BUSINESS AS (DBA) <i>CHIRPING CHICKEN</i>	
STREET ADDRESS <i>587 NINTH AVENUE</i>		CROSS STREETS <i>42nd & 43rd ST</i>	
OWNER	NAME: <i>DEMETRIUS K. PAPPAS</i>	ATTORNEY	NAME: <i>KATHLEEN E. NUGIEL STATHORAKIS</i>
	PHONE: <i>917-442-1861</i>		PHONE: <i>718-285-5675</i>
	FAX:		FAX: <i>718-567-2991</i>
MANAGER	NAME:	LANDLORD	NAME: <i>A PLAZA LLP</i>
	PHONE:		PHONE: <i>212-401-7650</i>
	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 (Protoma) 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 type="radio"/> On Premise <input type="radio"/> Wine <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer

APPLICATION TYPE <i>(check one)</i>	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO		
		What (s) was the name of establishment?	<i>CHIRPING CHICKEN</i>			
		What (s) was the address of the establishment?	<i>355 AMSTERDAM AVE NY NY</i>			
	<input type="radio"/> Transfer	What was the prior license #?	<i>CURRENT LICENSE AT LOCATION</i>	<i>RW 1246981</i>		
			What is the expiration date on the prior license?			
		Are you making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO		
		If alterations or operational changes are being made please attach the plans to this form.				
<input type="radio"/> Alteration	What is the current license #?					
	What is the expiration date on the current license?					
	Please describe the nature of the alterations and attach the plans.					

OPERATIONAL ISSUES

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS							
Operation	11-12	11-12	11-12	11-12	11-1AM	11-1AM	11-12
Music	11-12	11-12	11-12	11-12	11-1AM	11-1AM	11-12
Kitchen	11-12	11-12	11-12	11-12	11-1AM	11-1AM	11-12

John

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
	LESS THAN 75	50	4	25	1	0	0	N/A	

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

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)

Will the applicant be applying for a Sidewalk Cafe now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? (How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage?

KITCHEN/DINING

YES. APPLIED FOR BY LANDROED

BACKGROUND

LIVE MUSIC

DJ

SOFT IF ANY.

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.

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?

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.

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="radio"/> NO	N/A
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	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> 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 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	<input checked="" type="radio"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="radio"/> N/A

LOCATION & ZONING

Primary Zoning District:	Overlay (If Applicable)		
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?	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A <i>RW LICENSE ONLY</i>
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	N/A
Are your plans filed with DOB?	<input checked="" type="radio"/> 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)

PRESENTLY A RW LICENSE (#RW 1246981) UNDER NAME OF
587 REST. CORP d/b/a PETERS SINCE 1969.

ADDITIONAL NOTES: (Office Use Only)

- adding precipitator to ventilation to mitigate food/cooking odors.
- ID bike delivery
- bike rack on W. 42nd St.

SR


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

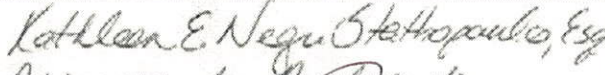

Lisa DiGillan
CB4 DLP Committee Co-Chair


Paul Seres
CB4 DLP 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 →


Kathleen E. Neagu Stathopoulos, Esq
Attorney for Applicant
SIGNATURE OF APPLICANT

6/21/13
DATE



587 9th Ave
N.Y. NY 10036
7/9/13