

Meeting Date: 11/2/21

**APPLICANT INFORMATION:**

Name of applicant(s): Tortinery W3 LLC

Trade name (DBA): Tortinery / Irving Farms / The Best Damn Breakfast Burrito

Premises address: 78 West 3rd Street

Cross Streets and other addresses used for building/premise: Corner of W. 3rd St ; Thompson St

**CONTACT INFORMATION:**

Principal(s) Name(s): Nicolas Dutko

Office or Home Address: 78 West 3rd Street

City, State, Zip: New York, NY 10012

Telephone #: [REDACTED] email: [REDACTED]

Landlord Name / Contact: [REDACTED]

Landlord's Telephone and Fax: [REDACTED]

**NAMES OF ALL PRINCIPAL(s):      NAMES / LOCATIONS OF PAST / CURRENT LICENSES HELD**

Nicolas Dutko      \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Briefly describe the proposed operation (i.e. "We are a family restaurant that will focus on..."):

Small French sandwich shop serving tortines and featuring Irving Farms specialties as well as the Best Damn Breakfast Burrito in a warm and inviting atmosphere

**WHAT TYPE(S) OF LICENSE(S) ARE YOU APPLYING FOR ( MARK ALL THAT APPLY):**

- a new liquor license (  Restaurant \_\_\_ Tavern / On premise liquor \_\_\_ Other )
- \_\_\_ an UPGRADE of an existing Liquor License
- \_\_\_ an ALTERATION of an existing Liquor License
- \_\_\_ a TRANSFER of an existing Liquor License
- \_\_\_ a HOTEL Liquor License
- \_\_\_ a DCA CABARET License
- \_\_\_ a CATERING / CABARET Liquor License
- \_\_\_ a BEER and WINE License
- \_\_\_ a RENEWAL of an existing Liquor License
- \_\_\_ an OFF-PREMISE License (retail)
- \_\_\_ OTHER : \_\_\_\_\_

If upgrade, alteration, or transfer, please describe specific nature of changes:  
(Please include physical or operational changes including hours, services, occupancy, ownership, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this is for a new application, please list previous use of location for the last 5 years:

Irving Farm

Is any license under the ABC Law currently active at this location? \_\_\_ yes  no

If yes, what is the name of current / previous licensee, license # and expiration date: \_\_\_\_\_

Have any other licenses under the ABC Law been in effect in the last 10 years at this location?

yes \_\_\_ no

If yes, please list DBA names and dates of operation:

Irving Farm

2017 - Present

**PREMISES:**

By what right does the applicant have possession of the premises?

Own  Lease  Sub-lease  Binding Contract to acquire real property  other: \_\_\_\_\_

Type of Building:  Residential  Commercial  Mixed (Res/Com)  Other: \_\_\_\_\_

Number of floor: 4 Year Built: 1900

Describe neighboring buildings: mixed use

Zoning Designation: R 7-2

Zoning Overlay or Special Designation (applicable) C 1-5

Block and Lot Number: 539, 21

Does the premise occupy more than one building, zoning lot, tax lot or more than one floor?  yes  no

Is the premise located in a historic district?  yes  no

(if yes, have all exterior changes or changes governed by the Landmarks Preservation Commission (LPC) been approved by the LPC?  yes  no, please explain: no exterior changes

Will any outside area or sidewalk café be used for the sale or consumption of alcoholic beverages? (including sidewalk, roof and yard space)  no  yes: explain COVID sidewalk; roadbar

What is the proposed Occupancy? 82

Does the premise currently have a valid Certificate of Occupancy (C of O) and all appropriate permits?

no  yes

If yes, what is the maximum occupancy for the premises? 70

If yes, what is the use group for the premises? 6

If yes, is proposed occupancy permitted?  yes  no, explain: \_\_\_\_\_

If your occupancy is 75 or greater, do you plan to apply for Public Assembly permit?  yes  no

Do you plan to file for changes to the Certificate of Occupancy?  yes  no  
(if yes, please provide copy of application to the NYC DOB)

Will the façade or signage be changed from what currently exist at the premise?  no  yes

(if yes, please describe: \_\_\_\_\_)

**INTERIOR OF PREMISES:**

What is the total licensed square footage of the premises? Approx 3500 sf

If more than one floor, please specify square footage by floors: 1st floor 1800 sf  
Basement - 1700 sf

If there is a sidewalk café, rear yard, rooftop, or outside space, what is the square footage of the area?  
Approx 1800 sf

If more than one floor, what is the access between floors? Interior stairwells

How many entrances are there? 1 How many exits? 1 How many bathrooms? 2

Is there access to other parts of the building?  no  yes, explain: \_\_\_\_\_

**OVERALL SEATING INFORMATION: (including exterior)**

Total number of tables? 50 Total table seats? 146 (interior 48)

Total number of bars? 1 Total bar seats? 10

Total number of "other" seats? \_\_\_\_\_ please explain: \_\_\_\_\_

Total OVERALL number of seats in Premises : 156

**BARS:**

How many \*stand-up bars / bar seats are being applied for on the premises? Bars 1 Seats 10

How many service bars are being applied for on the premises? -0-

Any food counters?  no  yes, describe : \_\_\_\_\_

**For Alterations and Upgrades:**

Please describe all current and existing bars / bar seats and specific changes: \_\_\_\_\_

\* A stand-up bar is any bar or counter (whether seating or not) over which a member of the public can order, pay for and receive food and alcoholic beverages.

**PROPOSED METHOD OF OPERATION:**

What type of establishment will this be? (check all that apply)

Bar  Bar & Food  Restaurant  Club/ Cabaret  Hotel  Other: \_\_\_\_\_

What are the Hours of Operation?

Sunday: 9 to 12 am to am Monday: 7 to 12 am to am Tuesday: 7 to 12 am to am Wednesday: 7 to 12 am to am Thursday: 7 to 12 am to am Friday: 7 to 12 am to am Saturday: 9 to 12 am to am

Will the business employ a manager?  no  yes, name / experience if known : TBD

Will there be security personnel?  no  yes ( if yes, what nights and how many?) \_\_\_\_\_

Do you have or plan to install French doors, accordion doors or windows that open?  no  yes

If yes, please describe : \_\_\_\_\_

Will you have TV's ?  no  yes ( how many? ) \_\_\_\_\_

Type of MUSIC / ENTERTAINMENT:  Live Music  Live DJ  Juke Box  Ipod / CDs  none

Expected Volume level:  Background (quiet)  Entertainment level  Amplified Music  
(check all that apply)

Do you have or plan to install soundproofing?  no  yes

IF YES, will you be using a professional sound engineer? \_\_\_\_\_

Please describe your sound system and sound proofing: \_\_\_\_\_

Will you be permitting:  promoted events  scheduled performances  outside promoters

any events at which a cover fee is charged?  private parties

Do you have plans to manage or address vehicular traffic and crowd control on the sidewalk caused by your establishment?  no  yes ( if yes, please attach plans)

Will you be utilizing  ropes  movable barriers  other outside equipment (describe) \_\_\_\_\_

Are your premises within 200 feet of any school, church or place of worship?  no  yes

**If there is a school, church or place of worship within 200 feet of your premises or on the same block, please submit a block plot diagram or area map showing its' location in proximity to your applicant premises ( no larger than 8 1/2 " x 11").**

Indicate the distance in feet from the proposed premise:

Name of School / Church: \_\_\_\_\_

Address: \_\_\_\_\_ Distance: \_\_\_\_\_


Name of School / Church: \_\_\_\_\_

Address: \_\_\_\_\_ Distance: \_\_\_\_\_

Name of School / Church: \_\_\_\_\_

Address: \_\_\_\_\_ Distance: \_\_\_\_\_


Please provide contact information for Residents / Community Board and confirm that if complaints are made you will address it immediately.

Contact Person: Nicolas Dutko Phone: 

Address: 78 West 3rd Street

Email: nicolas@tertiary.com

Application submitted on behalf of the applicant by:

  
Signature

Print or Type Name Nicolas Dutko

Title Managing Member

Thank you for your cooperation. Please return this questionnaire along with the other required documents as soon as you can. This will expedite your application and avoid any unnecessary delays. Use additional pages if necessary.





Community Board 2, Manhattan  
SLA Licensing Committee  
Carter Booth, Co-Chair  
Robert Ely, Co-Chair

19 Tables  
48 Seats  
10 Bar stools

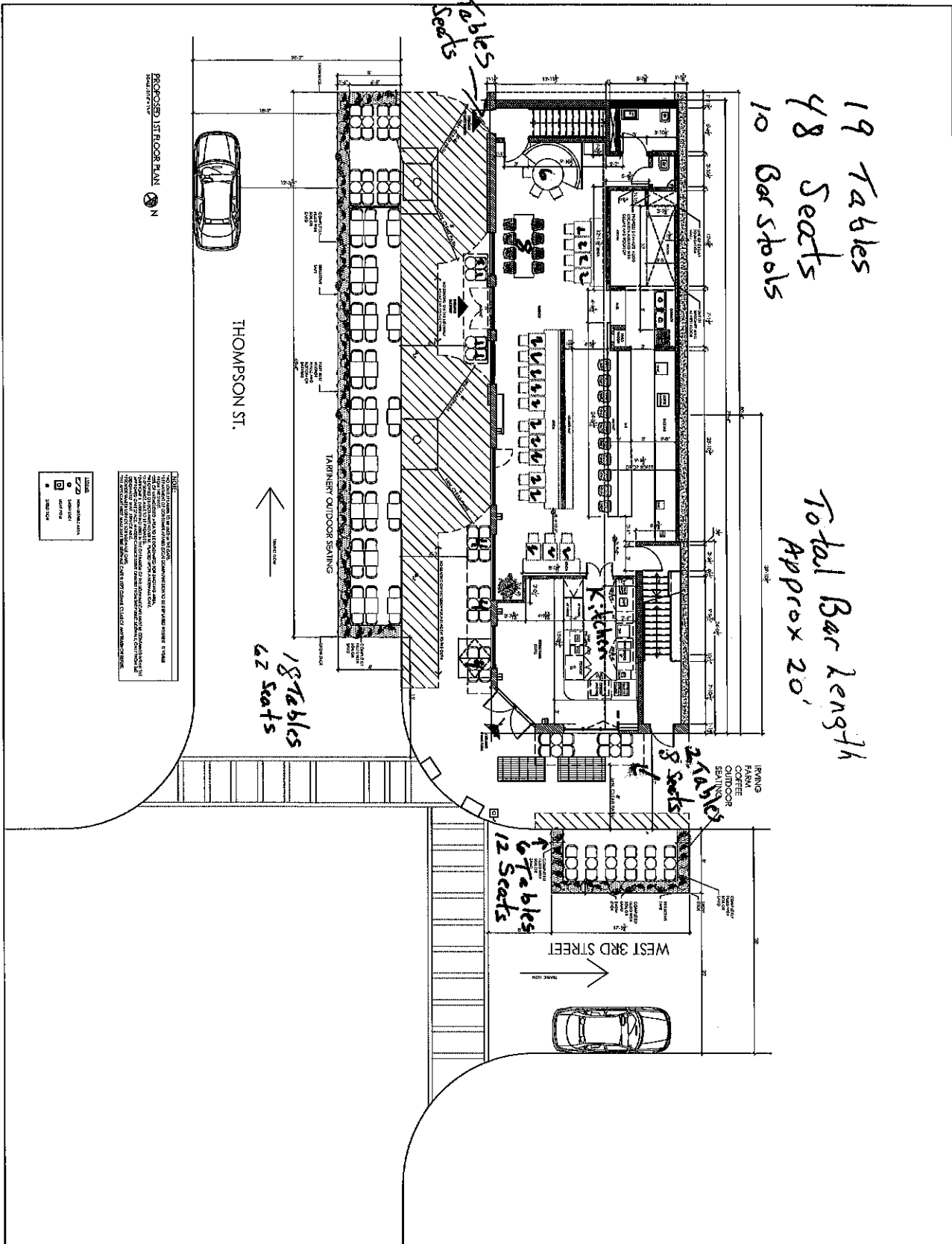
Total Bar Length  
Approx 20'

5 Tables  
16 Seats

18 Tables  
42 Seats

2 Tables  
8 Seats

6 Tables  
12 Seats



PROPOSED 1ST FLOOR PLAN

THOMPSON ST.

WEST 3RD STREET

**NOTES:**

- 1. THIS PLAN IS APPROVED ONLY FOR THE OPERATION OF THE RESTAURANT AND CAFE FUNCTIONS AS SHOWN ON THESE PLANS. ANY OTHER USES SHALL BE AT THE USER'S RISK AND WITHOUT LIABILITY TO THE ARCHITECT.
- 2. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND FOR COMPLYING WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS.
- 3. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
- 4. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS WITH SUPPLIERS AND VENDORS.
- 5. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH EMPLOYEES AND CONTRACTORS.
- 6. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH NEIGHBORS AND THE COMMUNITY.
- 7. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH THE LEASEE AND LANDLORD.
- 8. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH THE TENANTS AND CUSTOMERS.
- 9. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH THE SUPPLIERS AND VENDORS.
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- 19. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH THE SUPPLIERS AND VENDORS.
- 20. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS WITH THE EMPLOYEES AND CONTRACTORS.

**LEGEND:**

- 1. WALL
- 2. WINDOW
- 3. DOOR
- 4. FLOOR FINISH
- 5. CEILING FINISH
- 6. PARTITION WALL
- 7. STAIR
- 8. ELEVATOR
- 9. MECHANICAL ROOM
- 10. ELECTRICAL ROOM
- 11. PLUMBING ROOM
- 12. STORAGE ROOM
- 13. OFFICE
- 14. RECEPTION
- 15. RESTROOM
- 16. BREAK ROOM
- 17. SERVICE AREA
- 18. KITCHEN
- 19. BAR
- 20. SEATING

PROPOSED 1ST FLOOR PLAN

TARNIER/IRVING FARM/BDDB

78 WEST 3RD ST., NEW YORK, NY 10012

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DO NOT SCALE PLANS  
CONTRACTORS TO PROMPTLY NOTIFY ARCHITECT OF ANY MATERIAL VARIATIONS BETWEEN FIELD CONDITIONS AND EXISTING DOCUMENTS AS INDICATED IN CONTRACT DOCUMENTS.  
CONTRACTORS ARE TO VERIFY AND CHECK ALL DIMENSIONS AND CONDITIONS OF THE JOB BEFORE STARTING WORK, AND REPORT TO ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY DISCREPANCIES. ALL DIMENSIONS SHALL BE TAKEN TO THE CENTERLINE UNLESS OTHERWISE INDICATED.  
INSPECTION OF ANY KIND AND PROVIDED BY ARCHITECT SHALL NOT BE CONSIDERED AS AN INSURANCE AGAINST THE USER'S OBLIGATION TO COMPLY WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS.

DATE	NO. OF SETS	SCALE
10/15/98	3	AS SHOWN
DATE	NO. OF SETS	SCALE
10/15/98	3	AS SHOWN

A-002-00

120x2

ISHAC DESIGN ARCHITECTS, P.C.  
One Hermon Plaza, Suite 705  
Secaucus, NJ 07094 • Tel: 201-261-7200

THIS PLAN IS APPROVED ONLY FOR THE OPERATION OF THE RESTAURANT AND CAFE FUNCTIONS AS SHOWN ON THESE PLANS. ANY OTHER USES SHALL BE AT THE USER'S RISK AND WITHOUT LIABILITY TO THE ARCHITECT.

**ISHAC DESIGN ARCHITECTS, PC**  
 One Harmon Plaza, Suite 705  
 Secaucus, NJ 07094 • PH: 201/992-2800

THIS PLAN IS APPROVED ONLY FOR WORK INDICATED ON THE APPLICATION. PERMISSION SHALL BE OBTAINED BEFORE ANY OTHER WORK IS PERFORMED OR ANY MATERIALS ARE INSTALLED. SEE ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.

REVISION	DATE	DESCRIPTION

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 DO NOT SCALE PLANS

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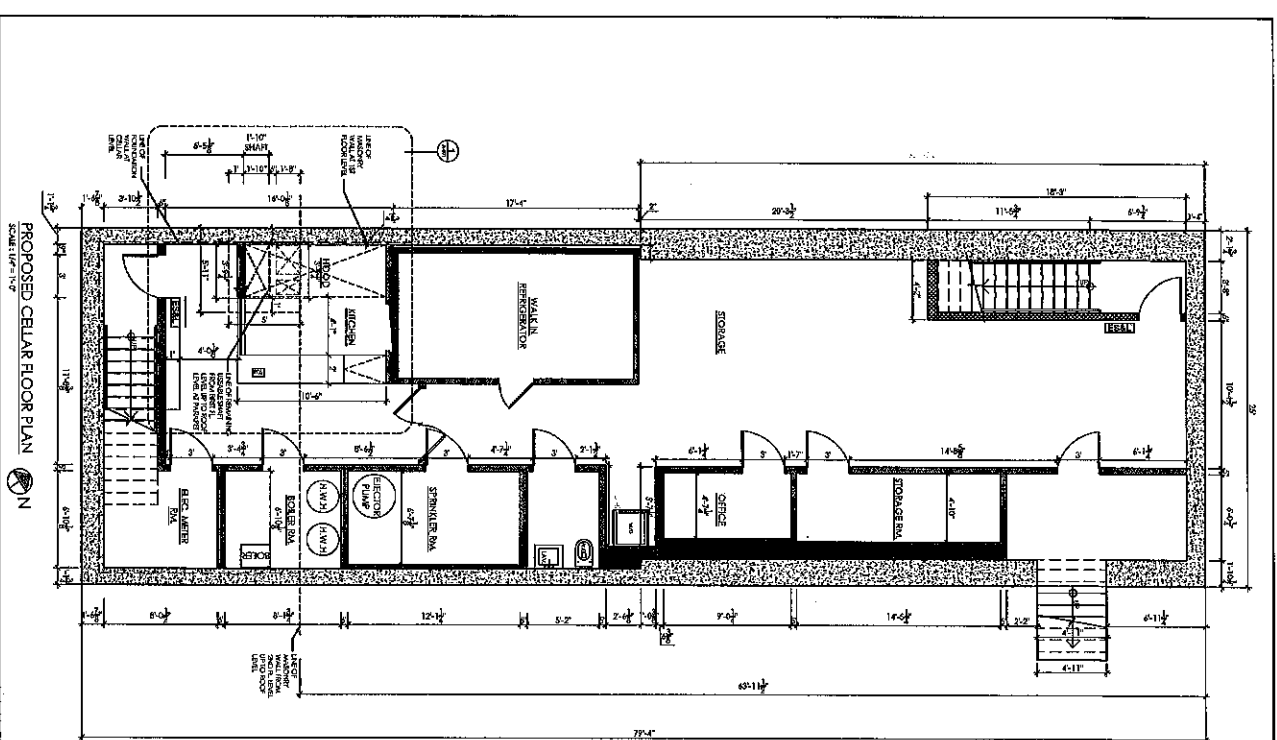
**TARTINERY/RIVING FARM/BD88**  
 78 WEST 88th ST., NEW YORK, NY 10012

**PROPOSED CELLAR PLAN**

DATE	NO.
REVISED BY	SCALE
DATE REVISION	BY
DATE	BY
DATE	BY
DATE	BY

**A-001.00**

5255 11th Ave. Secaucus, NJ 07094  
 201-992-2800



**PROPOSED CELLAR FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"