

# Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
Bar Fluid LLC		To be determined	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
795 Eighth Avenue		West 48th and West 49th Streets	10019
<b>OWNER</b> <small>(Attach a list of all the people that will be associated listed with the license)</small>	<b>NAME:</b>	Robert Fluet	<b>NAME:</b> Donald M. Bernstein, Esq.
	<b>PHONE:</b>	917 299 8800	<b>PHONE:</b> 212 651 3100
	<b>EMAIL:</b>	bobfluet@gmail.com	<b>EMAIL:</b> donald@brpclaw.com
<b>MANAGER</b>	<b>NAME:</b>	To be determined	<b>NAME:</b> Bright Management LLC
	<b>PHONE:</b>		<b>PHONE:</b> 212 265 8199
	<b>EMAIL:</b>		<b>EMAIL:</b> David.townhouse@gmail
<b>ATTORNEY/ REPRESENTAIVE</b>			
<b>LANDLORD</b>			
<b>APPLICATION TYPE</b> ( <input checked="" type="checkbox"/> Liquor License <input type="checkbox"/> N/A Unenclosed Sidewalk Cafe )			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What is/was the name and address of establishment?		See attached list
	What were the dates applicant was involved with this former premise?		
<input type="checkbox"/> Corp <b>Change/Class Change/Removal</b>	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?		<input type="radio"/> YES <input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
<b>ESTABLISHMENT TYPE</b>	<input type="radio"/> Restaurant <input checked="" type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" 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	<input checked="" type="radio"/> NO	December 2019
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	<input type="radio"/> NO	**To be determined - the premises have held a liquor license since 1959
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

**OPERATIONAL DETAILS (\*Closing time will be when establishment is vacated of all patrons )**

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY***
	Operation	11AM-2AM	11AM-2AM	11AM-2AM	11AM-4AM	11AM-4AM	11AM-4AM	11AM-2AM
	Kitchen	11AM-2AM	11AM-2AM	11AM-2AM	11AM-4AM	11AM-4AM	11AM-4AM	11AM-2AM
	Music	11AM-2AM	11AM-2AM	11AM-2AM	11AM-4AM	11AM-4AM	11AM-4AM	11AM-2AM
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="radio"/> BACKGROUND		<input checked="" type="radio"/> LIVE MUSIC*	<input checked="" type="radio"/> DJ	JUKE BOX	<input checked="" type="radio"/> KARAOKE	

**\*Piano**

**OCCUPANCY**

	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 Stand-Up Bar
<b>INSIDE</b>	239**	308**	26	63	One	Three	30
<b>OUTSIDE</b> <i>(Other than sidewalk café )</i>	N/A						
<b>SIDEWALK CAFÉ</b>	N/A						

How many floors are there? What is the capacity for each floor? Cellar= 5 First Floor= 98 Second Floor= 86  
Third Floor= 50\*\*

How frequently will the owner(s) be at the establishment? **3 to 4 times a week**

Will there be dancing?  YES  NO **Only on the Third Floor**

Will applicant have bottle or table service for beverage alcohol?  YES  NO

Will you be hosting private; promotional or corporate events?  YES  NO

Will outside promoters be used on a regular basis? If yes please describe. YES  NO

Will you have a security plan? If, yes please attach.  YES  NO **See attached**

Will security plan be implemented?  YES  NO

Will State certified security personnel be used?  YES  NO

Will New York Nightlife Association and NYPD Best Practices be followed?  YES  NO

Will applicant be using delivery bicycles? If yes, how many? YES  NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law? YES  NO **N/A**

Where will delivery bicycles be stored during the day when not in use? **N/A**

\*\*The Certificate of Occupancy will be amended for an increase in occupancy to 308.

\*\*\*see additional stips

<b>LOCATION &amp; ZONING</b>			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>Clinton</b>
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>Certificate of Occupancy to be amended for an increase in occupancy to 308</b>
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	

<b>Community Notification/Relations</b>			
<b>NOTIFICATION:</b> 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 lists and email to groups	
	# 2	Contacted and meet with Steve Belida of the 50/51 Street Block Association	
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.	12/03/2019 Meeting with West 47th/48th Streets BA		
Who was your contact person at each group you met with?	Elke Fears, Larry Roberts and Jean Danie		
When did applicant post the notice that was provided?	Yes		
Where did applicant post the notice that was provided?	At establishment and neighboring residential buildings		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>212 768 0026</b>
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	<b>Social - Bar and Grill and Lounge</b>		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>See attached list</b>
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>New signage</b>
Has the applicant/owner(s) read MCB 4 ADA Guidelines Memo?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the entrance ADA Compliant?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>New signage</b>
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant agree not to place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input checked="" type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="radio"/> YES	<input checked="" type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<b>Will continue to follow the recommendations of the previous tenant**</b>
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	On the existing roof in the middle of the property. There will be 3 packed units for heating and air conditioning		
When was the air conditioner installed?	2 from 2003 and a 3rd will be new		

**\*\*Limiters will be placed on the new sound equipment installed. The previous recommendations to limit noise from the air conditioner are in place.**

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ</b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

## OUTDOOR ITEMS – SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	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	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

\*\*\*When a Monday is a Federal Holiday, applicant may be open until 4 a.m. on the preceeding Sunday


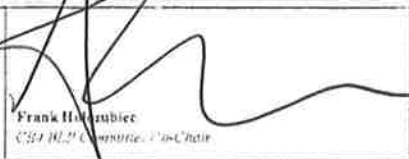
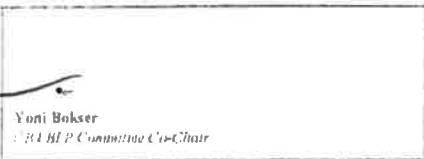
- Live music will be limited to one piano
- Applicant will obtain sound & structural report (including building vibrations) from a city recommended licensed engineer and submit report to CB4 office by 1/31/20
- Applicant agreed to implement all recommendations of report and adhere to them operationally
- There will be no outdoor space. Existing Terrace will be fully enclosed or not used
- There will be no windows or door on rear wall opening to outside
- There will be no patron lines outside on the sidewalk. Applicant will provide a staging aread inside establishment for checking IDs, security, etc.
- Applicant agrees to attend regular meetings of the 47/48th Street Block Association
- Six months after establishment is fully open and if there have been any noise complaintst, to MCB4, applicant agrees to conduct additional acoustical analysis and implement the recommedations

***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  
 (MCB4's recommendation is based on a vote taken at its  
 January 2, 2020 full board meeting, with 33 members voting in favor  
 of the recommendation, 1 members opposed, 0 members  
 abstaining and 1 present but not eligible)


Denial unless all stipulations agreed to by applicant/owner are part of the method of operation  
 Denial  Approval

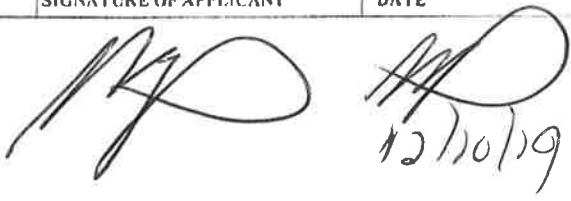
**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Executive District Manager	 Frank H. Rubiec CB4 BIP Committee Co-Chair	 Yoni Bokser CB4 BIP Committee Co-Chair
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**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 →	Robert Fluet PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	November 12, 2019 DATE
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12/10/19



## List of Licenses for Robert Fluet

### Current Licenses

Boxers NYC LLC  
dba Boxers NYC  
37 West 20<sup>th</sup> Street  
New York, New York 10011  
Serial #1236724  
April 2010 to present

Boxers Enterprises LLC  
dba Boxers HK  
742 Ninth Avenue  
New York, New York 10019  
Serial #1266990 and #1266991  
January 2013 to present

Boxers Washington Heights LLC  
dba Boxers  
3820 Broadway  
New York, New York 10032  
Serial No: 1311635  
September 2018 to present

Previously Held Licenses

215 Bar LLC

dba Shadow Boxers

215 West 40<sup>th</sup> Street

New York, New York 10018

Serial #1236724

November 2012 to September 2015

Boxers Hospitality Group LLC

dba Boxers

1664 Third Avenue

New York, New York 10128

Serial #1306202

January 2018 to March 2019

First name	Last name	ORGANIZATION	E-MAIL
Bob	Benfatto	Hudson Yards Hell's Kitchen Alliance	rjbenfatto@hyhkalliance.org
Patty	Gouris	Hudson Yards Hell's Kitchen Alliance	pgouris@hyhkalliance.org
Kathleen	Treat	HKNA (incl. Dog Run)	kathleentreat123@gmail.com
Frank	Strock	West 36th Street	mcgee79@aol.com
Christine	Berthet	Chekpeds	cbertthet@me.com
Joe	Restuccia	CHDC (incl. Bob's & bird parks)	info@clintonhousing.org; jrestuccia2@clintonhousing.org
Ryan	Marcano	CHDC (incl. Bob's & bird parks)	rmarcano@clintonhousing.org
Brian	Kehoe	500-506 West 42nd Street T.A.	eduardozeiger@compuserve.com
Eduardo	Zeiger	West 43rd Street (b. 9th/10th)	mpa@mpptenants.com
Linda	Ashley	Manhattan Plaza T.A. (400 W. 43rd St.)	ashleyll@aol.com
Renee & Gordon	Stanley	West 44 Street Better Block Association	twocatsfd@worldnet.att.net
Rudy	Papiri	West 44th Street (b. 9th/10th)	rapapiri@aol.com
Fischer	John	West 45 <sup>th</sup> Street (b. 8 <sup>th</sup> /9 <sup>th</sup> )	block45@hellskitchen.net
Tim	Tanner	West 45th Street BA	tango Tanner@gmail.com; west45ba@gmail.com
David C.	Stuart	West 45th Street BA	west45ba@gmail.com
Chana	Widawski	West 45th Street (b. 9th/12th)	chanawid@gmail.com
Steve	Fanto	West 46 Street Block Association (8th Ave to 12th Ave)	stephentanto@gmail.com
Eike	Fears	West 47th/48th Streets	aefearshk@earthlink.net
Larry	Roberts	West 47th/48th Streets	larrymichaelroberts@gmail.com
Jim	Bogues	West 47th/48th Streets	jamesbogues@gmail.com
Chuck	Vassallo	West 47th/48th Streets	chasmy@hotmail.com
Stefan	Rydel	West 47th/48th Streets	chluderernyc@yahoo.com
Nancy	Roylance	West 47th/48th Streets	nancyroylance@ymail.com
Karen	Nightengale	Flats Tenants Association	
Maria	Guzman	Harborview Terrace T.A. (525 W. 55th St.)	mariaagnys@aol.com
Ellen	Celnik	The Aurora	ecelnik@actorsfund.org
Richard	Pimentel	The Aurora	rpimentel@commonground.org
Derrick	Sage	The Aurora	dsage@commonground.org
Marjorie	Kagen	The Colonade	buzany@rcn.com
Nancy	Kyriacou	Oasis Gardens I 10th Ave., b. 51/52	nkvyriacou@yahoo.com
Gary	Dipasquale	Oasis Gardens II 52nd St/10th Ave.	gdclay@att.net
J.D.	Noland	Midtown North Pct. Council	jeandaniel@aol.com
John	Mudd	Midtown North/South Pct. Council	john.mudd@usa.net
William	Otterson	Midtown North/South Pct. Council	bill@midtownsouthhcc.org
		Housing Conservation Coordinators [10th Ave., b.52/53]	(212) 541-5996
Paul	Loeb	300 W 55th St	ploeb315@aol.com
Christine	Gorman	West 55th Block Association	west55ba@gmail.com
Steve	Belida	50/51st Street Block Association	hk5051@gmail.com
Jeff	Robins	50/51st Street Block Association	hk5051@gmail.com
Raul	Larios	Hudson Hotel Residents	rriarios@hotmail.com
Amanda	Cernitz	Westmore 333 W 57	acernitz@gmail.com
Anita	McDonagh	Parc Vendome 340 W 57th Street	awm3333@me.com
Jesse	Bondy	Colonnade 347 W 57th Street	jessbondy@aol.com

**From:** Jules Vigh <Jules@brpclaw.com>

**Sent:** Tuesday, November 19, 2019 8:43 AM

**To:** Jules Vigh <Jules@brpclaw.com>

**Cc:** Donald Bernstein [Donald@brpclaw.com](mailto:Donald@brpclaw.com)

**Bcc:** 'rjbenfatto@hyhkalliance.org'; 'pgouris@hyhkalliance.org'; 'kathleentreat123@gmail.com'; 'mcgee79@aol.com'; 'cberthet@me.com'; 'info@clintonhousing.org'; 'info@clintonhousing.org'; 'rmarcano@clintonhousing.org'; 'eduardozeiger@compuserve.com'; 'mpta@mptenants.com'; 'ashleyll@aol.com'; 'twocatsltd@worldnet.att.net'; 'rapapiri@aol.com'; 'tangotanner@gmail.com'; 'west45ba@gmail.com'; 'chanawid@gmail.com'; 'stephenfanto@gmail.com'; 'aefearshk@earthlink.net'; 'larrymichaelroberts@gmail.com'; 'jamesbogues@gmail.com'; 'chasmv@hotmail.com'; 'chluderernyc@yahoo.com'; 'nancyroylance@ymail.com'; 'mariagnys@aol.com'; 'ecelnik@actorsfund.org'; 'rpimentel@commonground.org'; 'dsage@commonground.org'; 'buzany@rcn.com'; 'nkyriacou@yahoo.com'; 'gdclay@att.net'; 'jeandaniel@aol.com'; 'john.mudd@usa.net'; 'bill@midtownsouthcc.org'; 'sdesmond@hcc-nyc.org'; 'ploeb315@aol.com'; 'west55ba@gmail.com'; 'hk5051@gmail.com'; 'rrlarios@hotmail.com'; 'acernitz@gmail.com'; 'awm3333@me.com'

**Subject:** Bar Fluid LLC / 795 Eighth Avenue

Good Morning:

We wanted to contact your organizations in connection with the on-premises liquor license application for Bar Fluid LLC for the establishment located at 795 Eighth Avenue between West 48<sup>th</sup> and West 49<sup>th</sup> Streets.

The application will be heard at the Community Board on December 10, 2019.

The space was previously occupied by Blarney Stone from 1959 to 2003. 795 8<sup>th</sup> Ave Corp occupied the space from 2003 to 2012 and then Social 8<sup>th</sup> Ave Corp dba Social operated the space from 2012 until April 2019.

The new establishment will be a bar/lounge with a menu serving light fare including but not limited to chicken wings, empanadas and cheese burgers. The premises will occupy the cellar, ground floor, second floor and the third floor of a stand-alone building. The premises will not have any exterior spaces. The proposed occupancy is 300.

The premises will have recorded music, a DJ, karaoke and live music consisting of a piano. Patron dancing will only be on third floor. The proposed hours of operation are 11:00AM to 4:00AM seven days a week. These are the closing hours approved by the Community Board and the NYS Liquor Authority for the former licensee Social 8<sup>th</sup> Ave Corp dba Social.

Please contact us if you would like additional information on the application.

Thank you,

Jules

**Jules Vigh, Paralegal | BERNSTEIN REDO, P.C.**

1177 Avenue of the Americas, 5<sup>th</sup> floor

New York, NY 10036

Tel. 212.651.3100 \ Cell Phone 646 358 0653

[jules@brpclaw.com](mailto:jules@brpclaw.com) \ [www.brpclaw.com](http://www.brpclaw.com)

## Emails that bounced back for Bar Fluid LLC

**mx01.rcn.cmh.synacor.com rejected your message to the following email addresses:**

[buzany@rcn.com](mailto:buzany@rcn.com) ([buzany@rcn.com](mailto:buzany@rcn.com))

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

**mx01.rcn.cmh.synacor.com gave this error:  
[R2] Recipient [buzany@rcn.com](mailto:buzany@rcn.com) does not exist here.**

**Delivery has failed to these recipients or groups:**

[sdesmond@hcc-nyc.org](mailto:sdesmond@hcc-nyc.org)

Your message wasn't delivered due to a permission or security issue. It may have been rejected by a moderator, the address may only accept email from certain senders, or another restriction may be preventing delivery.

Message from yahoo.com.

Unable to deliver message to the following address(es).

<[chluderernyc@yahoo.com](mailto:chluderernyc@yahoo.com)>:

This user doesn't have a yahoo.com account ([chluderernyc@yahoo.com](mailto:chluderernyc@yahoo.com)) [-9]

**box5381.bluehost.com rejected your message to the following email addresses:**

[bill@midtownsouthcc.org](mailto:bill@midtownsouthcc.org) ([bill@midtownsouthcc.org](mailto:bill@midtownsouthcc.org))

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

**box5381.bluehost.com gave this error:  
Mailbox is full / Blocks limit exceeded / Inode limit exceeded**

**us-smtp-1.mimecast.com rejected your message to the following email addresses:**

[ecelnik@actorsfund.org](mailto:ecelnik@actorsfund.org) ([ecelnik@actorsfund.org](mailto:ecelnik@actorsfund.org))

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

**us-smtp-1.mimecast.com gave this error:  
Invalid Recipient - <https://community.mimecast.com/docs/DOC-1369#550>  
[4fM2wFn5Oz2vnKlocAAvSg.us157]**



OFFICE OF THE COMPTROLLER  
100 Nassau Street, 10th Floor, New York, NY 10038  
Tel: 212-312-1234 Fax: 212-312-1234  
www.finance.nyc.gov

### PUBLIC NOTICE

Business Licenses and Permits Committee  
will discuss an application submitted by:

**Bar Fluid LLC**  
**795 8<sup>th</sup> Avenue**

An application for a liquor, wine, beer & cider license for a  
Bar/Tavern Establishment with DJ, Recorded Music,  
Karaoke, Live Music (guitar, piano, dancing) only on 3<sup>rd</sup>  
Floor & Security Personnel.

DATE	Tuesday, December 10, 2019
TIME	8:30 PM
PLACE	Fountain House 425 W 47 <sup>th</sup> Street, Lower Level

We invite you to attend this meeting and give your comments on this application.  
Alternately, you may mail, fax or e-mail us at the address listed above.  
For more information, please call 212-312-4222.

Printed according to the Administrative Code of the City of New York unless otherwise  
indicated. All notices will remain valid after the above meeting date.

STAPLES

**am** THURSDAY November 21, 2019 **NEWYORK**



HI 52° LO 48°  
A bright sunny day

## List of Residential Addresses Where Meeting Notices Were Left

311 48th St

315 48th St

317 48th St

337-339 48th St

341 48th St

351 48th St

359 48th St

367 48th St

369 48th St

326 49th St

324 49th St

322 49th St

320 49th St

318 49th St

312 49th St

310 49th St

308 49th St

300 49th St

## License History for 795 Eight Avenue

Blarney Stone Restaurant Inc  
dba Blarney Stone  
Serial No. 1028489  
From 1959 to 2003

795 8<sup>th</sup> Ave Corp  
Serial No. 1136695  
From 2003 to 2012

Social 8<sup>th</sup> Ave Corp  
dba Social  
Serial No. 1261550  
From 2012 to 2019 – closed in 2019

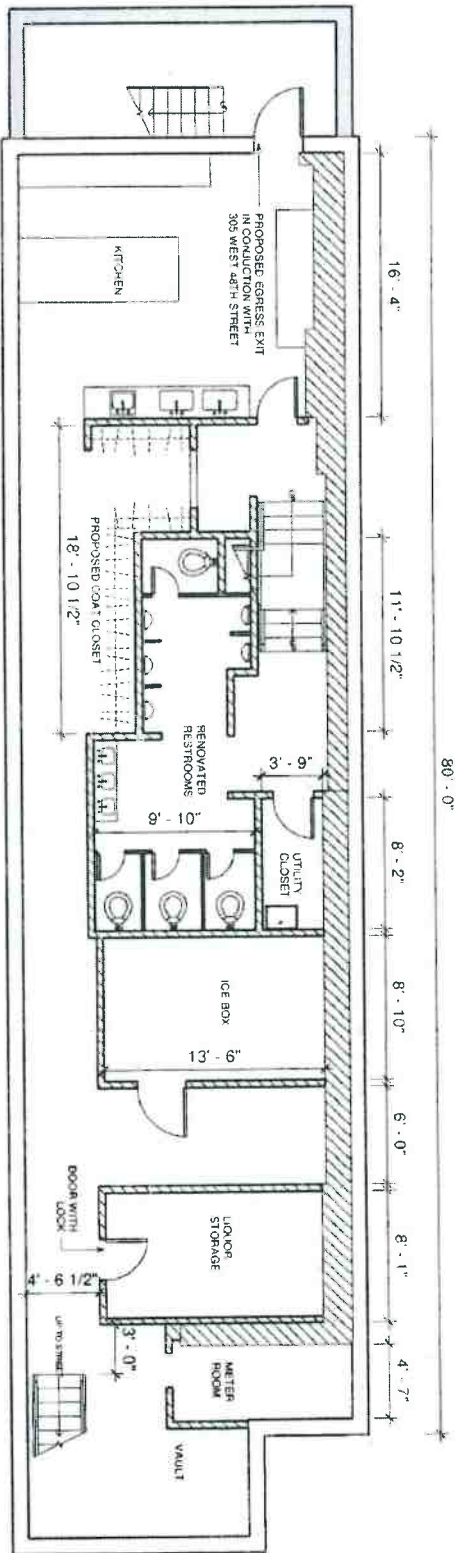


*Bar Fluid LLC*

Diagrams and Photographs

Bar Fluid LLC / 795 Eighth Avenue / New York, New York 10019

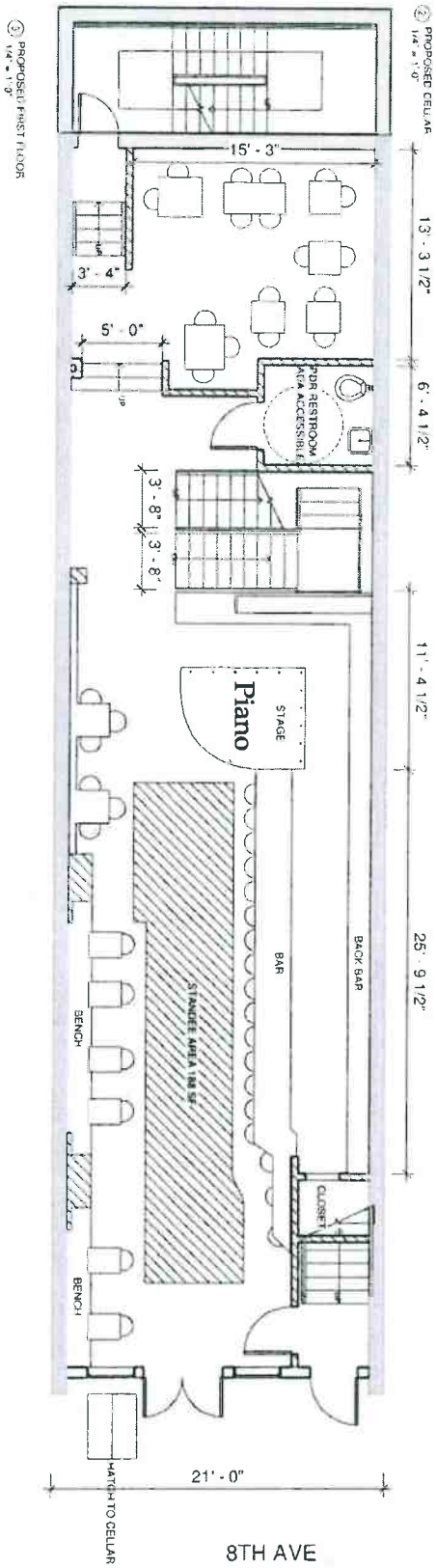
Cellar



Bar Fluid LLC / 795 Eighth Avenue / New York, New York 10019

First floor tables = 15 with 35 seats and one customer bar with 18 bar stools.

Total first floor seating = 53

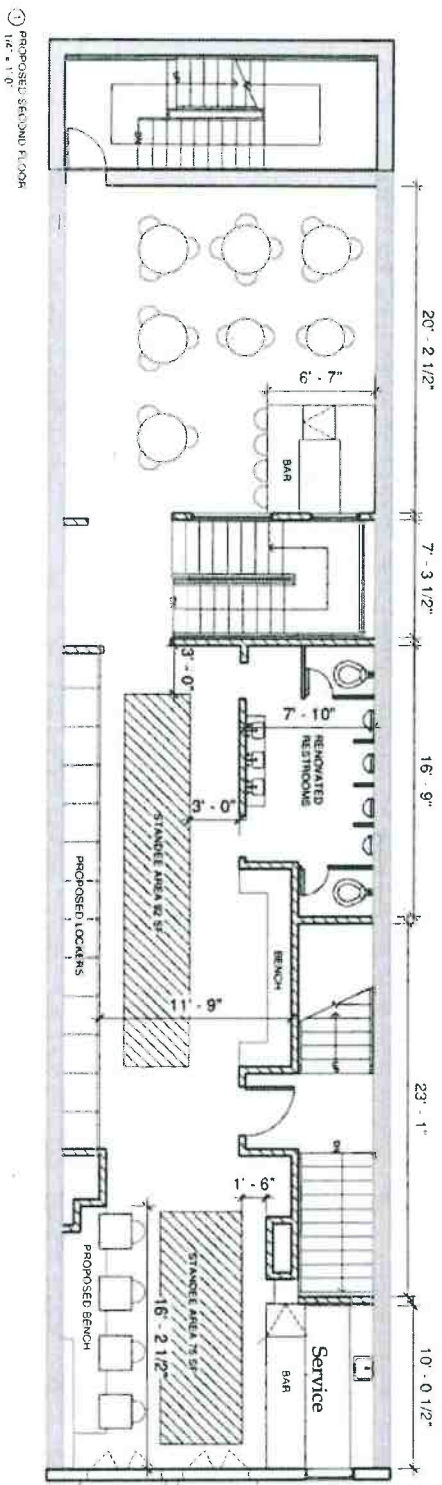


PROPOSED FIRST FLOOR  
1/4" = 1'-0"

Bar Fluid LLC/795 Eighth Avenue /New York, New York 10019

Second floor tables= 11 with 28 seats. Customer bar with 4 bar stools.

Total second floor seating= 32

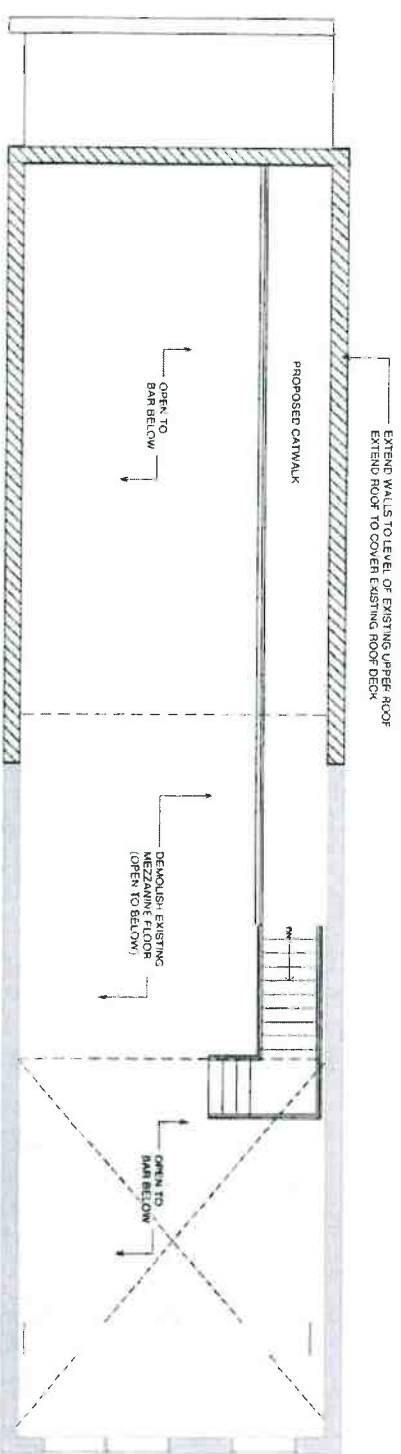
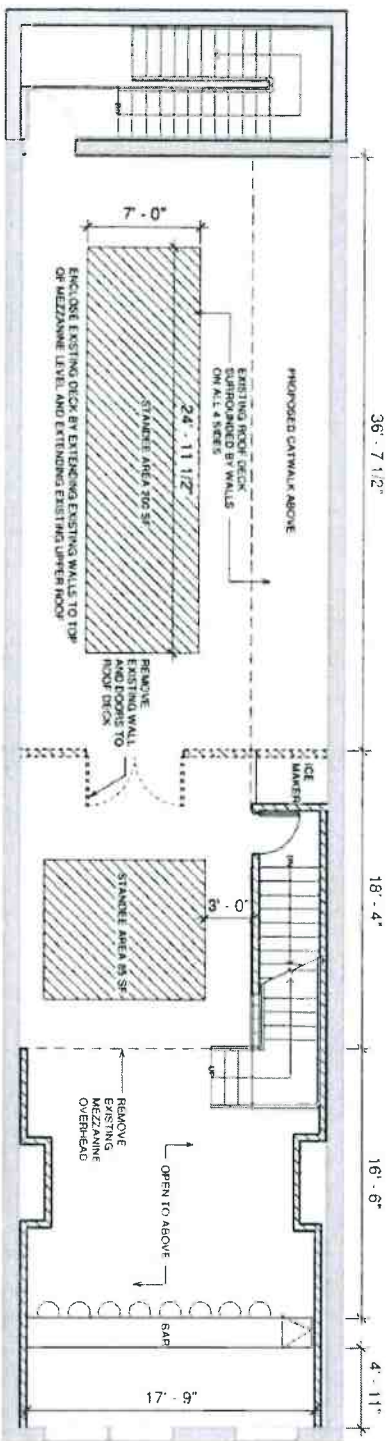


PROPOSED SECOND FLOOR  
1/4" = 1'-0"

Bar Fluid LLC / 795 Eighth Avenue / New York, New York 10019

Third floor customer bar with 8 bar stools

Grand total tables=26 and seats= 63 and bar stools= 30. Grand total seating= 93



Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Ground Floor

Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Ground floor

Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



SecondFloor



Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Second Floor

Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Third Floor Mezzanine

Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Bar Fluid LLC  
795 Eighth Avenue  
New York, New York 10019



Exterior Roof to be enclosed

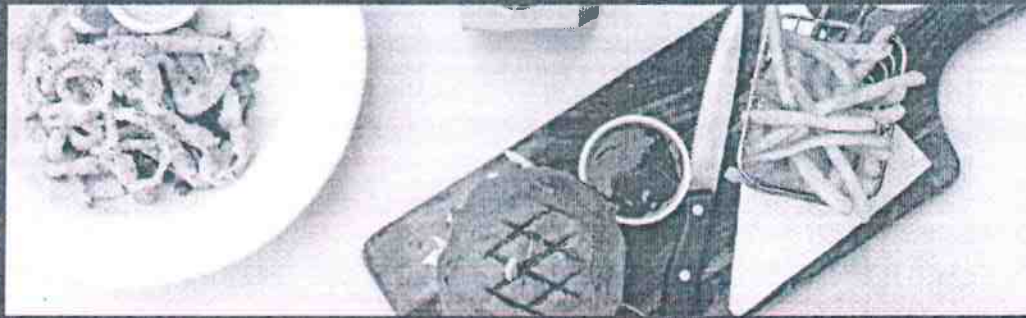
# *Bar Fluid LLC*

## Menu



## BAR FLUID

HAPPY HOUR 5PM-7PM



### ONION RINGS

Onions, deep fried in beer batter,  
glazed with honey \$8.00

### LIME PRAWNS

with lemongrass, kafir lime leaves &  
spring onions \$12.00

### CHICKEN QUESADILLA

with caramelized onions, poblano  
guacamole, chipotle  
\$10.00

### EMPANADAS

three varieties: chicken, beef,  
vegetable  
\$4.00 each

### FRIED CALAMARI

with house-made marinara and  
salad greens  
\$12.00

### CHICKEN WINGS

buffalo, barbecue, Asian  
6 for \$ 10.00

### DISCO FRIES

with Gruyere and cheddar cheese,  
brown gravy and bacon  
\$ 11.00

### CHEESE BURGER

6 oz angus beef with tomatoes,  
onion, pickle on brioche bun  
\$11.00

MUST HAVE  
menus

*Bar Fluid LLC*

Security Plan

# **S E C U R I T Y   P L A N**

## **Titanium Investigations, Inc**

**Bar Fluid, LLC.  
d/b/a TBD  
795 8th Avenue  
New York, New York**

### **Definition of security:**

- Freedom from exposure to danger, safety or a place of safety.
- Feelings of or the assurance of safety or certainty.
- That which secures a means of protection and defense.

### **Goals:**

- To create a safe and secure environment within Bar Fluid LLC for all patrons.
- To provide a level of control and safety for all arriving and departing guests of Boxers HK.
- To mitigate any noise or inappropriate conduct directed at the immediate neighbors and leaseholds by patrons upon entry or departure from Boxers HK.
- To diffuse all situations as they occur. Boxers HK Security Staff will provide a strong presence by blending integrity and professionalism with advanced techniques of physical security, protection and detection. Current practices of the industry will be augmented with law enforcement strategies and tactics.

### **Introduction:**

A strategy of deterrence will be adopted as to minimize the impact of additional traffic to the community while ensuring the benevolent effects of revenue and business. A policy of zero tolerance will be enacted against narcotics and other contraband. Proactive measures will be utilized (as training is available and techniques are safe). A policy of full disclosure/full cooperation will be in effect towards law enforcement personnel and other city officials. Additionally, full cooperation and coordination with neighboring businesses will act as a force multiplier of security for the community, businesses, patrons and employees.



## **Uniform for all Security**

Security Uniforms: All Security staff will be required to wear

Black Trousers

A Black Polo Shirt

All Security will be easily identifiable to Guests, Law enforcement, and Emergency Services, etc.

## **Structure:**

Hours of Operation:     4PM to 4AM, Monday Thru Wednesday  
                                  4PM to 4 AM, Thursday, Friday  
                                  11AM to 4AM, Saturday and Sunday

**Security listed below is when venue is at full capacity. This plan is augmented based on nightly capacity per the calendar of events booked.**

## **General Security Staff**

Security Requirement: **Up to 5 for peak hours as listed below**

### **Peak Hours:**

-On Thursday, Friday and Saturday nights between the hours of 9PM- 4AM We will have a 2 security members monitoring the entry area to control the crowd and assure there will not be overcrowding.

-On Thursday, Friday and Saturday, we will have up to 3 additional Security Members to monitor the venue from 9PM to 4AM based on crowd size.

### **Off Peak Hours:**

Sunday through Saturday one Security guard will monitor the entry from 6Pm on.

### **Responsibilities:**

Each staff member will be trained to set up and control cueing, adhering to the staging request of New York Police Department/Vice Unit in coordination with any requests from Rapid Transit.

All Security shall maintain order within the Venue and its immediate surroundings and prevent any activity, which would interfere with the quiet enjoyment of their property by nearby residents.

All staff will be knowledgeable to all security positions and the requirements each different position entails.

**IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES FROM ANY AND ALL PERCEIVED AND REAL THREATENING SITUATIONS.**

### **Stationary Security - Guard 1**

**Controls front door per hours above, monitors entry of all patrons.**

- Controls access to the venue
- Checks for proper identification
- Enforces zero tolerance policy towards narcotics and contraband
- Counts all persons entering the club
- Controls Exit Count on Clicker-Fire Assemblage
- Maintains CPR certification

### **Stationary Security - Guard 2 (When Necessary)**

- Same as above

### **Communication:**

Each security staff member will carry a hand held Motorola radio. Surveillance attachments (ear piece/microphone) will be utilized as warranted. Management of the Venue will constantly monitor all radio traffic.

### **Electronic Security:**

The Venue will always use an extensive CCTV (Closed Circuit Television) system integrated with an alarm network, which will feed into the control room. This camera system will provide coverage of all interior areas, including all entrances and exits to the premises. The camera system will be activated and in use during any business activity. Advanced digital recording will store all data from the CCTV and alarm systems. All data will be maintained for no less than a 24-day period. All tapes shall be made available to the police department upon demand.

## **Security Personnel Agreement**

Verbal skills and proper utilization of force will be our primary tools of conflict resolution. Calm, exacting and professional behavior will give our neighbors and clientele the strong perception of a good positive security presence, while retaining the ability to use the strength of our bodies **only** when presented with extreme situations.

Each Security Staff Member will be required to obtain a pass in Res Cross training for Basic First Aid. This class will be In addition to completing all seminars and work shops.

The Venue will educate all Security Guards in the basic response skills necessary to assist in the event of a drug overdoes, natural disaster, bomb threat, etc.

*Bar Fluid LLC*

Area Survey



## Landess-Simon, Inc.

Legal & Commercial Photography

45 Lawlins Park  
Wyckoff, NJ 07481  
Phone: (201) 848-5652  
E-mail: landess@att.net  
landessphotographers.com

Re: 795 8<sup>th</sup> Avenue

1. Lillie's - 249 West 49<sup>th</sup> St. - (303')
2. Cielo Ristorante (Myfair Hotel) - 240-242 West 49<sup>th</sup> St. - (332')
3. Eugene O'Neill Theatre - 230 West 49<sup>th</sup> St. - (404')
4. Serafina - 224 West 49<sup>th</sup> St. - (443')
5. The Time NY - 224 West 49<sup>th</sup> St. - (461')
6. Da Marino NYC - 220 West 49<sup>th</sup> St. - (497')
7. Walter Kerr Theatre - 219 West 48<sup>th</sup> St. - (463')
8. Longacre Theatre - 220 West 48<sup>th</sup> St. - (432')
9. Hurley's Saloon - 232 West 48<sup>th</sup> St. - (359')
10. Ding - 234 West 48<sup>th</sup> St. - (334')
11. An'nam - 234 West 48<sup>th</sup> St. - (276')
12. Pongsri - 244 West 48<sup>th</sup> St. - (254')
13. P.S. Kitchen - 246 West 48<sup>th</sup> St. - (229')
14. Samuel J. Friedman Theatre - 261-265 West 47<sup>th</sup> St. - (381')
15. Buffalo Wild Wings - 253 West 47<sup>th</sup> St. - (469')
16. Glass House Tavern - 252 West 47<sup>th</sup> St. - (496')
17. Trecolori - 254 West 47<sup>th</sup> St. - (466')
18. Brooks Atkinson Theatre - 256 West 47<sup>th</sup> St. - (445')
19. The Mean Fiddler - 264-266 West 47<sup>th</sup> St. - (405')
20. Copacabana - 760-766 8<sup>th</sup> Ave. AKA 266 West 47<sup>th</sup> St. - (396')
21. Dutch Fred's - 307 West 47<sup>th</sup> St. - (317')
22. Roy Arias Stages - 777 8<sup>th</sup> Ave. - (245')
23. Latitude - 783 8<sup>th</sup> Ave. - (164')
24. Brazil Grill - 787 8<sup>th</sup> Ave. - (99')
25. Sombreiro - 303 West 48<sup>th</sup> St. - (63')
26. Patzeria Family & Friends - 311 West 48<sup>th</sup> St. - (161')
27. Times Square Diner - 807 8<sup>th</sup> Ave. - (123')
28. West End Bar & Grill - 813 8<sup>th</sup> Ave. - (162')
29. Churrascaria Plataforma - 316 West 49<sup>th</sup> St. - (333')
30. Blue Dog Kitchen Bar - 308 West 50<sup>th</sup> St. - (494')
31. La Masseria - 235-237 West 48<sup>th</sup> St. - (251')

### Schools & Churches

1. P.S. 212 Professional Performing Arts High School - 328 West 48<sup>th</sup> St. - (400')
2. St. Malachy's The Actors Chapel - 239 West 49<sup>th</sup> St. - (325')

West End Bar & Grill  
813 8<sup>th</sup> Ave.

Real Kung Fu  
(Food only)

Smoke Shop

Times Square Diner  
807 8<sup>th</sup> Ave.

Tea Store

Deli

Gift Store

Gift Store

Commercial

APPLICANT

Deli

West 49<sup>th</sup> St.

Parking  
Garage

Hilton  
Garden  
Inn

(Wine only)

Gift  
Shop

8<sup>th</sup>  
Avenue

NOT TO SCALE

BLOCK PLOT  
795 8<sup>th</sup> Avenue  
New York, NY  
November 14, 2019

West 48<sup>th</sup> St.

# *Bar Fluid LLC*

NYC Department of Buildings Property  
Profile Page and Certificate of  
Occupancy





[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings  
Property Profile Overview

795 8 AVENUE  
8 AVENUE

795 - 795

MANHATTAN 10019

Health Area : 4700  
Census Tract : 127  
Community Board : 104  
Buildings on Lot : 1

BIN# 1025142

Tax Block : 1039  
Tax Lot : 30  
Condo : NO  
Vacant : NO

[View DCP Addresses...](#) [Browse Block](#)

[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

Cross Street(s): WEST 48 STREET, WEST 49 STREET  
 DOB Special Place Name:  
 DOB Building Remarks:  
 Landmark Status: **Special Status:** N/A  
 Local Law: NO **Loft Law:** NO  
 SRO Restricted: NO **TA Restricted:** NO  
 UB Restricted: NO  
 Environmental Restrictions: N/A **Grandfathered Sign:** NO  
 Legal Adult Use: NO **City Owned:** NO  
 Additional BINs for Building: NONE

Special District: CL - CLINTON

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: K2-STORE BUILDING

**Please Note:** The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	<u>Elevator Records</u>
<u>Complaints</u>	6	0	<u>Electrical Applications</u>
<u>Violations-DOB</u>	4	0	<u>Permits In-Process / Issued</u>
<u>Violations-ECB (DOB)</u>	2	0	<u>Illuminated Signs Annual Permits</u>
<u>Jobs/Filings</u>	23		<u>Plumbing Inspections</u>
ARA / LAA Jobs	0		<u>Open Plumbing Jobs / Work Types</u>
Total Jobs	23		<u>Facades</u>
<u>Actions</u>	74		<u>Marquee Annual Permits</u>
OR Enter Action Type:			<u>Boiler Records</u>
OR Select from List: <input type="text" value="Select..."/>			<u>DEP Boiler Information</u>
AND <input type="text" value="Show Actions"/>			<u>Crane Information</u>
			<u>After Hours Variance Permits</u>

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



# CERTIFICATE OF OCCUPANCY

Job Number ALT 103340065

Borough: MANHATTAN Date: DECEMBER 17, 2004 No: 103340065

This certificate superceded C.O. No 103340065-T-3 ZONING DISTRICT C6-4

This certifies that the new-altered-existing-building-premises located at  
795 EIGHTH AVENUE

Block: 1039 Lot: 30

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

## PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	OGI	5				COM	KITCHEN ACCESSORY TO RESTAURANT, STORAGE
1ST FLOOR	100	98				COM	EATING AND DRINKING ESTABLISHMENT
2ND FLOOR	100	86				COM	EATING AND DRINKING ESTABLISHMENT
3RD FLOOR	100	40				COM	EATING AND DRINKING ESTABLISHMENT
3RD MEZZ.	100	10				COM	LOFT  COMMERCIAL

### OPEN SPACE USES

(SPECIFY-PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

**NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS  
A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED**

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE.

*Lama V. Denis*

*[Signature]*

Borough Commissioner

Commissioner

ORIGINAL

OFFICE COPY - DEPARTMENT OF BUILDINGS

COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING AT A POINT ON THE	WEST	side of	EIGHTH AVENUE
-----------------------------	------	---------	---------------

distant 25 NORTH \_\_\_\_\_ feet from the corner formed by the intersection of  
EIGHTH AVENUE and WEST 48TH STREET

running thence	<u>WEST 100'</u>	feet; thence	<u>NORTH 50'</u>	feet;
thence	<u>EAST 19'</u>	Feet; thence	<u>SOUTH 29'</u>	feet;
thence	<u>EAST 81'</u>	Feet; thence	_____	feet;
thence	_____	feet; thence	_____	feet;
thence	_____	feet; thence	_____	feet;

To the point or place of beginning

N.B. or Alt. No ALT 103340065  
 N.B. or Alt. No \_\_\_\_\_ Date of completion 12/14/04 Construction classification CLASS 1 FIREPROOF

Building occupancy group classification COMM Height \_\_\_\_\_ Stories 3 Feet 42

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	AUTOMATIC SPRINKLER SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
YARD HYDRANT SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			
SMOKE DETECTOR	<input type="checkbox"/>	<input type="checkbox"/>			
FIRE ALARM AND SIGNAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			

STORM DRAINAGE DISCHARGES INTO:

A) STORM SEWER  B) COMBINED SEWER  C) PRIVATE SEWAGE DISPOSAL SYSTEM

SANITARY DRAINAGE DISCHARGES INTO:

A) SANITARY SEWER  B) COMBINED SEWER  C) PRIVATE SEWAGE DISPOSAL SYSTEM

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO	
--	--

CITY PLANNING COMMISSION CAL. NO	
----------------------------------	--

OTHERS:

December 24, 2019

Mr. Robert Fluet  
Interior Building Services  
247 West 37th Street - 12th Floor  
New York, NY 10018

Re: Bar/Restaurant Noise, 795 Eighth Avenue, New York, NY 10019

Dear Mr. Fluet,

I conducted acoustic tests on December 18, 2019 in the bar/restaurant.

## SUMMARY

**This report will provide soundproofing recommendations to protect neighbors from excessive noise and to comply with Noise Code limits.**

## DBA VS ONE-THIRD OCTAVE BAND MUSIC LEVELS

One way that the sound levels were measured was using the A-weighting decibel scale. The dB (A) decibel scale (see Noise Code Section §24-231 a1) is the most common type of sound measurement, which represents an overall measurement of all frequencies, but with a strong tendency to ignore the low-frequency “bass” sounds. The A-weighted decibels require only a simple sound level meter to measure them. DBA is what the City DEP inspectors usually use and they normally consider anything above 42 dBA to be unreasonable.

C-weighted decibels or dBC (see Noise Code Section §24-231 a3) are also an overall measurement of all frequencies, but this measurement includes the important low-frequency “bass” sounds. However, dBC readings pick up so many frequencies at the same time that they usually do not distinguish between normal background noise and music beats.

One-third octave band sound level readings (see Noise Code Section §24-231 a2) were also taken, which are measured in decibels, or dB. Sounds with frequencies below 250 Hertz are called bass or low frequencies, which sound like thumping or vibration. This range of low frequencies is addressed in the Noise Code regulations and is the sound most likely to cause neighbor complaints. Bass and drums cause sounds in these frequency ranges. These sounds require a complex spectrum analyzer to measure them.

The loudest sounds produced by music are in the low frequencies. The loudest sounds produced by voices are in the middle frequencies, so they can be described using dBA levels.

## THE NOISE CODE - MUSIC

*§24-231 Commercial music.*

(a) *No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music,*

as measured inside any receiving property dwelling unit:

- (1) is in excess of 42 dB(A) as measured with a sound level meter; or
- (2) is in excess of 45 dB in any one-third octave band having a center frequency between 63 hertz and 500 hertz (ANSI bands numbers 18 through 27, Inclusive), in accordance with American National Standards Institute standard S1.6-1984; or
- (3) causes a 6 dBC or more increase in the total sound level above the ambient sound level as measured in decibels in the "C" weighting network provided that the ambient sound level is in excess of 62 dBC.

### TEST AND INSPECTION

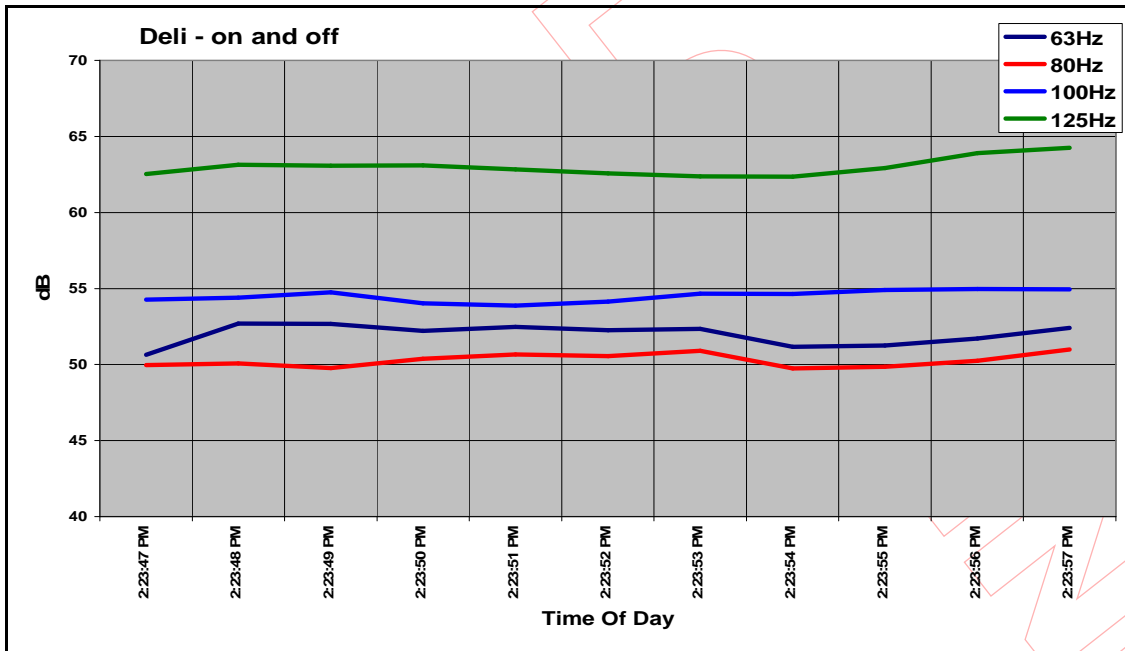
Your existing sound system was set to a level of 106 dBC / 98 dBA as measured in the center of the ground floor. This is louder than the sound level you plan to use in the bar, and the upper floors will be using smaller speakers.

I measured the sound levels in various locations with the music on and off.

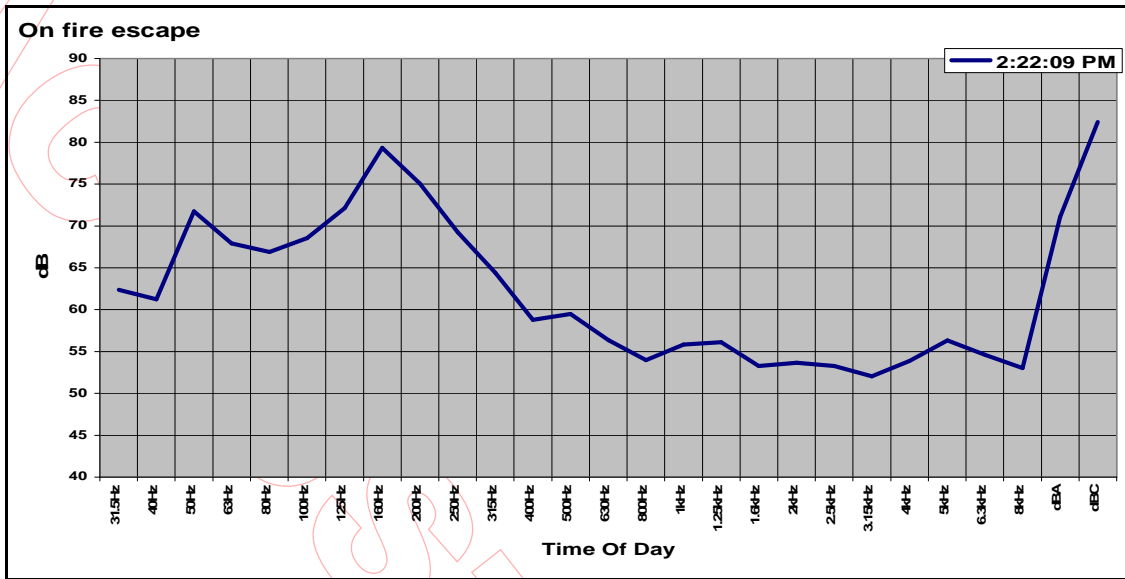
The music was audible on the fire escape and in various locations in the nearest residential building at 301 West 48<sup>th</sup> Street.

I listened as one resident of the 301 West 48<sup>th</sup> Street building stated that the previous establishment caused loud music and vibrations. Although this person refused to provide access to the building, another resident did.

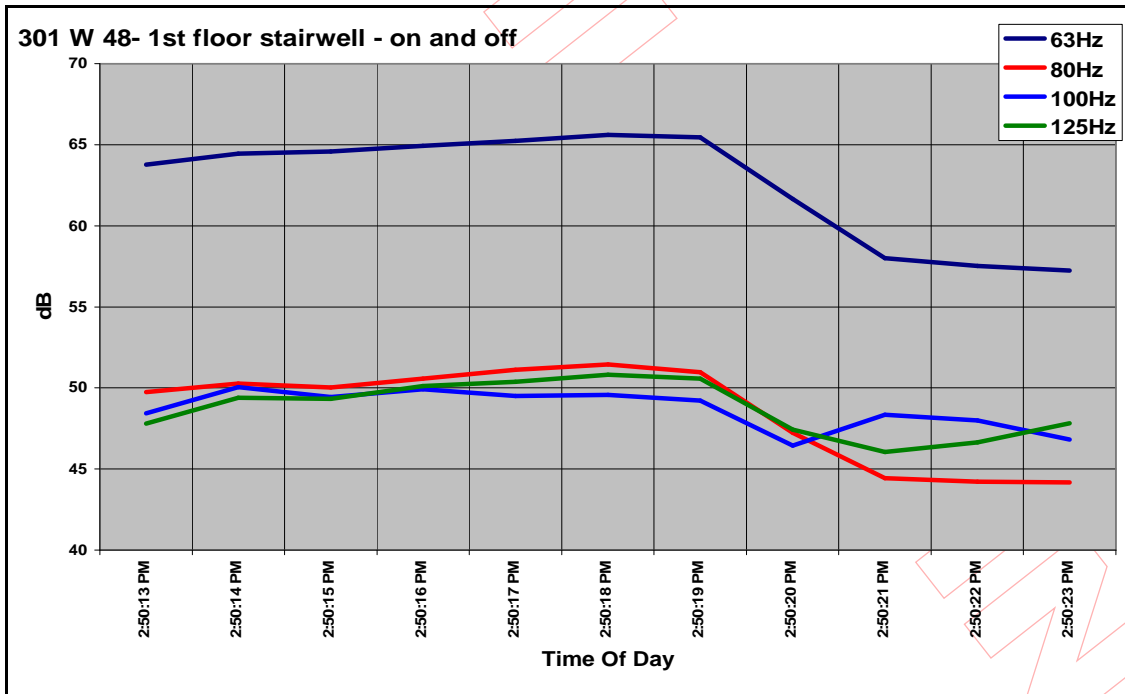
In the first chart below, the sound level inside the deli is shown. The sound in this store directly adjacent to the south of the bar/restaurant was faintly audible and well within Code requirements for unreasonable noise. Note that the low frequencies did not significantly change (less than 1 decibel) as the sound was turned off for the last 5 seconds.



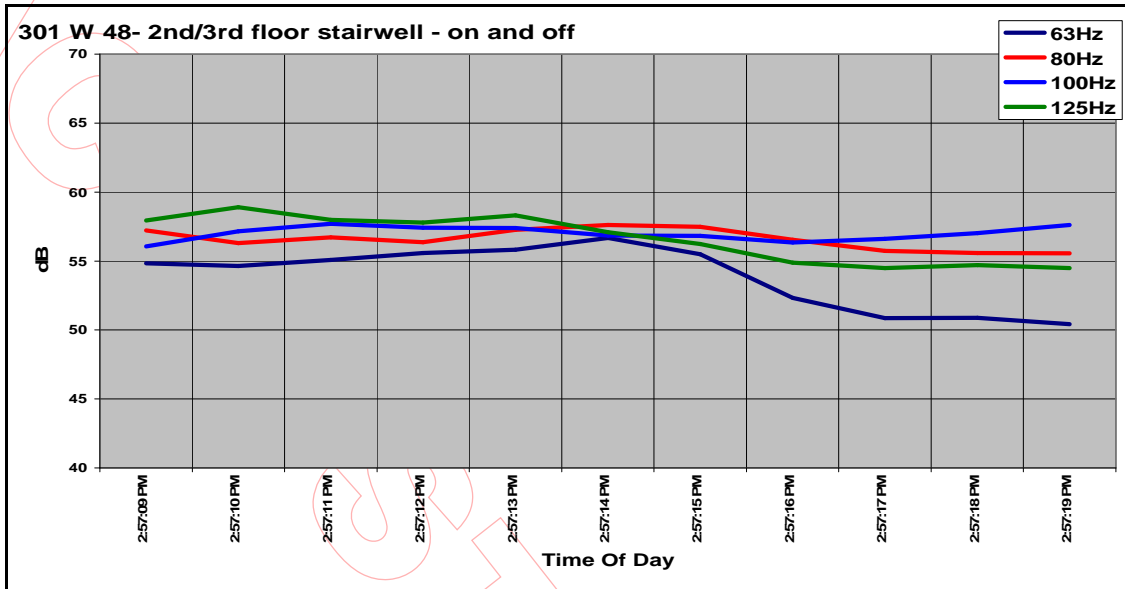
The chart below shows the sound level 3 feet outside the back door on the fire escape, as high as 79 decibels at 160 Hertz. These doors are not sound-rated and do not close properly.



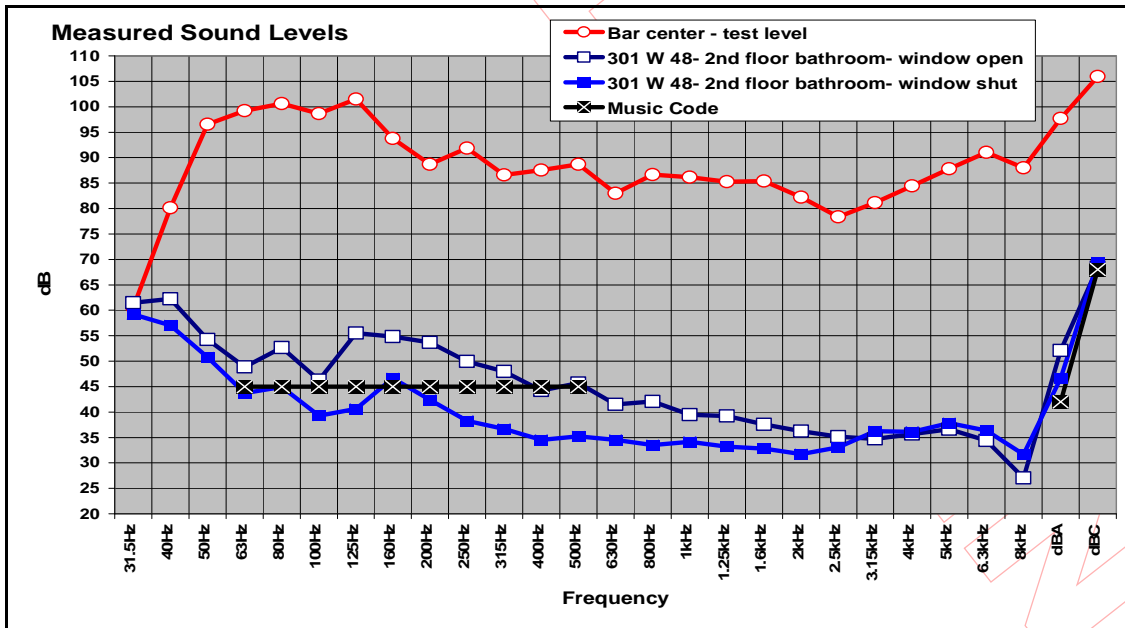
In the chart below, the sound level in the 1st floor residential stairwell landing reaches 66 decibels in the low frequencies. When the music was turned off, the level dropped to 57 decibels. This is audible but there is no Noise Code requirement governing stairwell noise. While some of the noise may be structure-borne, access to the apartments would be needed to confirm this. Your building and the adjacent building to the south touch each other.



In the chart below, the sound level in the 2<sup>nd</sup>/3<sup>rd</sup> floor residential stairwell is lower. This shows that the sound level decreases as one ascends the staircase. When the music was turned off, the 63 Hertz level dropped from 59 to 46 decibels.



In the chart below, the sound level 3 feet inside the bathroom window (which was open when I first saw the room) reached 56 decibels in the 125 Hertz band. This sound leakage is due to the airborne sound coming through the back fire escape doors which are not sound-rated and do not close properly. When the window was shut, the loudest low-frequency sound was 47 decibels at 160 Hertz. When the back doors and windows of the bar are soundproofed, this noise will be adequately reduced.



## ANALYSIS

While the Noise Code requirements pertain to apartments, not to shared hallway bathrooms, the bathroom measurement location was relevant as there is considerable noise in the fire escape alley and this bathroom window was closest to the back door. Also, because access to the complainant's apartment was not provided, it is presumed that the worst case noise transfer occurs through any apartment windows facing the same rear fire escape courtyard as the bathroom windows do.

In addition to the sound coming through the back door of the bar, sound is also coming through the bar's rear fire escape windows. Since low frequencies can penetrate thin glass, the windows will be completely sealed up. In addition, the windows and door will be enclosed in a masonry shaft. This concrete block shaft will eliminate the direct leakage into the rear courtyard.

The speakers in the bar/restaurant/lounge will have to be electronically limited to a maximum volume. Details are provided below.

In all cases, the only leakage is from the low frequencies, so voices are not going to be loud enough to cause unreasonable noise in any neighboring apartment.

## RECOMMENDATIONS

### STOREFRONT

1. To reduce noise leakage from the storefront area, seal up the storefront by adding a new pane of glass behind the existing windows. This will do a very good job of containing sound.
  - a. The existing storefront windows are thin, allowing unnecessary sound transfer.
  - b. To reduce noise coming through the storefront to the sidewalk, add an additional layer of ½" laminated glass spaced at least 6" (larger spacing is better) from the existing glass. Laminated glass is a very heavy single sheet comprised of 2 pieces of glass glued together with a piece of plastic sandwiched between them. Do not confuse this with insulated glass which has its own tiny airspace between two thin pieces of glass.
  - c. The glass should be mounted properly in the frame, to prevent unnecessary sound transfer and "ringing". It must be mounted in a "channel" comprised of sponge rubber weatherstripping, 1/4" thick, which forms a U around each edge of the glass. This can be easily accomplished by attaching a piece of weatherstripping to a fixed inner stop of the frame, another piece right on the frame, and a third piece to a removable outer stop of the same blocking (or 1/4-round, for a curved look). The outer stop is screwed into the frame, squeezing the glass between the inner and outer weatherstripping. No silicone is to be used at all on the stops or glass.
  - d. Sponge rubber for the window is available from Canal Rubber Supply, 329 Canal St, phone number (212) 226-7339. Ask for Marty, and say you want the Black SCE42 Closed Cell Neoprene Sponge.
2. The entry would be the right-hand door, creating a vestibule with a second door inside.



## 2ND AND 3RD FLOOR WALLS

3. Add a new wall on the south side of the 2<sup>nd</sup> and 3<sup>rd</sup> floor.
  - a. Use 3 staggered-seam layers of 5/8" sheetrock screwed to the bar side of the studs.
  - b. The studs can be heavy-gauge metal 2x4, with a 1/2" gap to the existing walls.
  - c. These new walls can rest on the floor and attach to the existing ceiling structure.
  - d. Laterally brace the wall studs, only if necessary, with Kinetics KWSB sway braces. These braces will not be on every stud and should be spaced apart as far possible, as needed to keep the wall from swaying. Data attached.
  - e. Kinetics products are available from Vibration Products, 201 569 7400. The Kinetics website is [www.kineticsnoise.com](http://www.kineticsnoise.com), where there are links to their products and ratings.
  - f. 3" of Thermafiber SAFB should used in the cavity. The Thermafiber can touch both the new walls and existing walls because it is not a rigid material.

## REAR WINDOWS

4. The rear windows will have to be sealed up from the inside.
  - a. Silicone caulk the existing windows completely so that there are no air gaps or cracks. This includes the horizontal seam between the upper and lower sashes.
  - b. Use 3 staggered-seam layers of 5/8" sheetrock on new independent 2x4 metal studs. The studs will mount on the interior of the existing window with as large an air space as is practical to the existing frame and glass. The air space should be lightly filled with Thermafiber insulation.

## REAR FIRE ESCAPE DOORS

5. Replace each existing back door with a gypsum-filled steel door. Because the entire fire escape is in the process of being enclosed in a masonry shaft, it is not necessary to use sound-rated doors in the back.
6. For these doors, contact Howard Levine at Capitol Fireproof Doors Corp. 529C Worthen Street, Bronx, NY 10474. (718) 542-7048. [mercurydoor@gmail.com](mailto:mercurydoor@gmail.com).
7. Add weatherstripping on three sides and a rubber floor seal to the bottom of each door. The Zero Weatherstripping Company, whose distributor is AAA at 212 840-3939, supplies excellent acoustical door seals. Data attached.
  - a. For the metal doors, you could use Model 370A Magnetic seals for the top and sides, which would make your door seal as well as a refrigerator.
  - b. For the bottom of the door, use Automatic Closing Drop Seal model number 367A. This is a surface-mounted aluminum sealing mechanism with a jamb button to drop the seal when the door closes. The drop seal closes against a smooth hard floor.
  - c. They can be ordered by calling AAA and giving them the dimensions of your door. Allow for the height of the drop seal when specifying the side seals. Add these seals to your doorframe right on the existing stops. If a new frame is purchased, these seals can actually form the stops.

- d. The seals must be silicone-caulked to prevent small installation gaps.
- e. The seals should be installed to a close, almost perfect fit, but not so tightly that the door is hard to close.

## SOUND SYSTEM

8. The subwoofers are not presently isolated from the building structure. Mount these on four pairs of stacked Mason Super-W pads. Data attached.
9. Mount the speakers in each room on the north wall, using isolators. Data attached, showing one possible way to do this using Mason neoprene isolators.
10. The sound system will incorporate an equalizer. The equalizer will then feed into a limiter. Both functions can be accomplished with a sound system processor. Installed in the system right before the amplifier and locked with a password, it will prevent the sound system from exceeding a pre-determined sound level, set by the sound installer.
  - a. Using the high pass filter section, attenuate (lower) all frequencies 63 Hertz and below by setting the filter to 63 Hertz and a rolloff rate of 18 dB/octave.
  - b. Tune the system to avoid large peaks at any bass frequencies.
  - c. Set the limiter's Ratio control to infinity, the Peak Stop to off, the Attack and Release time to midway and Auto, Over-Easy to off, and the Threshold control so as to normally limit only 3 decibels during typical music playing. If the music tries to get louder for any reason, the sound will stay at the same volume.
  - d. Using the unit's output level control, set the sound in the center of each room to a level of 96 dBC Slow. The sound installer can do this with a simple Radio Shack sound level meter. Set the meter to read "C", and "Slow". This will be a good starting point from which to operate the sound system.
  - e. To ensure accuracy of the meter, you can bring it to my office to be calibrated.
  - f. The processor unit could be set more accurately in conjunction with tests made of noise levels in the neighboring units.

If I can be of further assistance, please call.

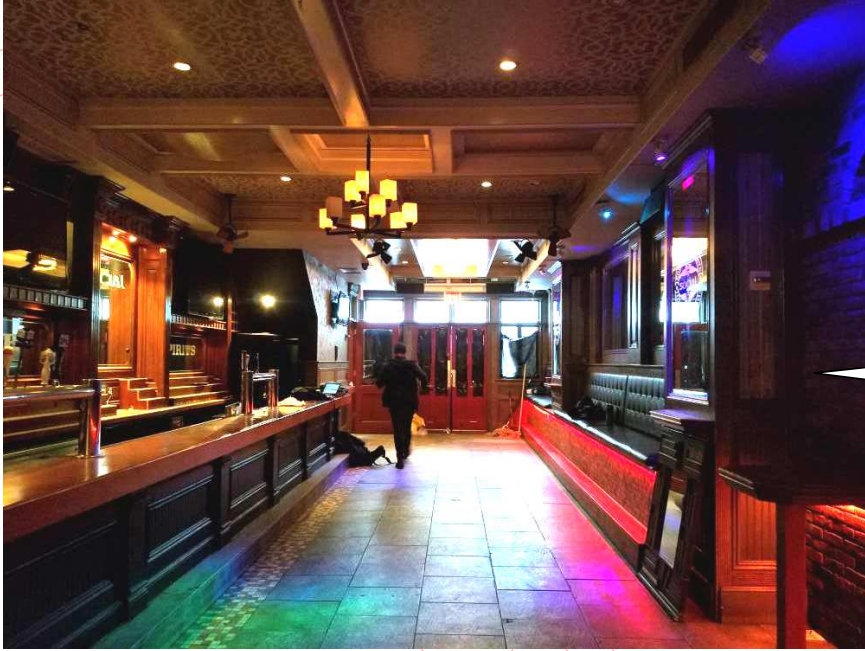
It is strongly recommended that all complicated construction projects get regular inspection visits at critical times, to make sure the system performs properly. This is an optional service which I can provide. All Acoustilog, Inc.-designed information supplied is for the original client and may not be copied in any way for different projects by any architect, consultant, engineer or other party. Copyright Acoustilog, Inc. © 2019. All rights reserved. No reproduction of any type permitted without written permission of Acoustilog, Inc.

Yours Truly,  
Alan Fierstein



President  
acoustilog1@verizon.net

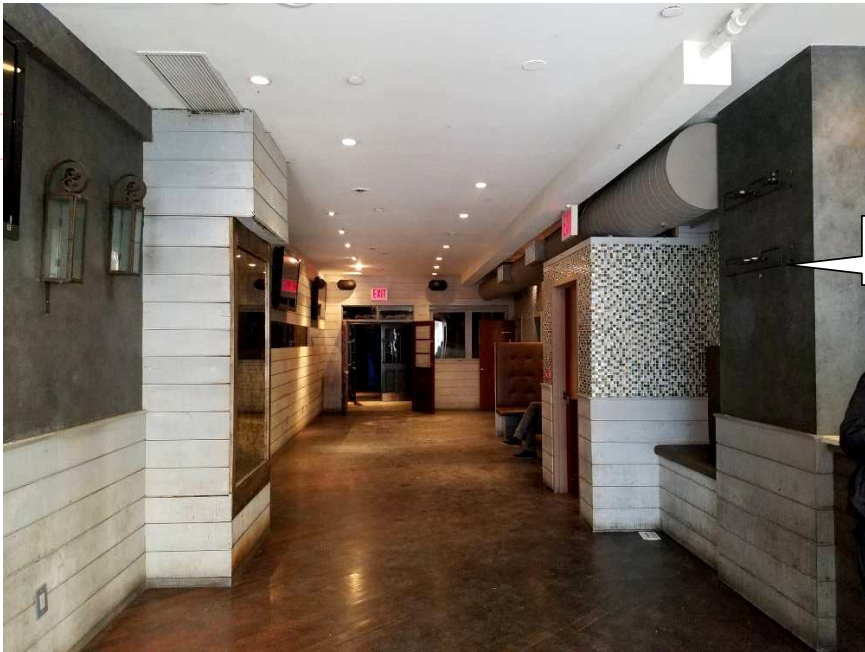
*All readings re: .0002 microbar. Readings taken with Bruel & Kjaer 2250/2260/2270 Analyzer, Bruel & Kjaer 4135, 4145, 4165, 4189 or 4190 Microphone, Acoustilog 232A Reverberation Timer. Calibrated to Bruel & Kjaer 4220 Sound Source or Quest CA-15A.*



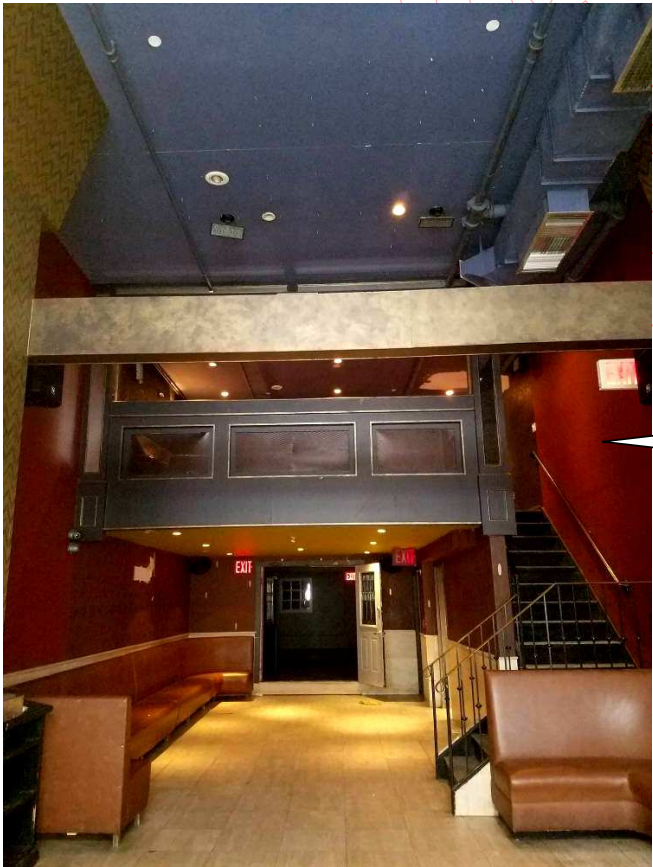
1st floor



Rear of 1<sup>st</sup> floor



2<sup>nd</sup> floor



3<sup>rd</sup> floor



The existing sound system was used to produce loud music in all floors of the existing space.

The speakers are presently mounted rigidly to the building structure.



The subwoofers are not currently isolated from the building structure.

CONFIDENTIAL



There are small gaps to the adjoining buildings but these gaps are bridged by debris in spots.



Viewed from the rear air shaft, the bridged gaps to the adjoining building to the south can be seen.



These doors on the fire escape are not sound-rated and do not close properly.

CONFIDENTIAL



1<sup>st</sup> floor stairwell landing, with window to courtyard shut.



2<sup>nd</sup>/3<sup>rd</sup> floor residential stairwell

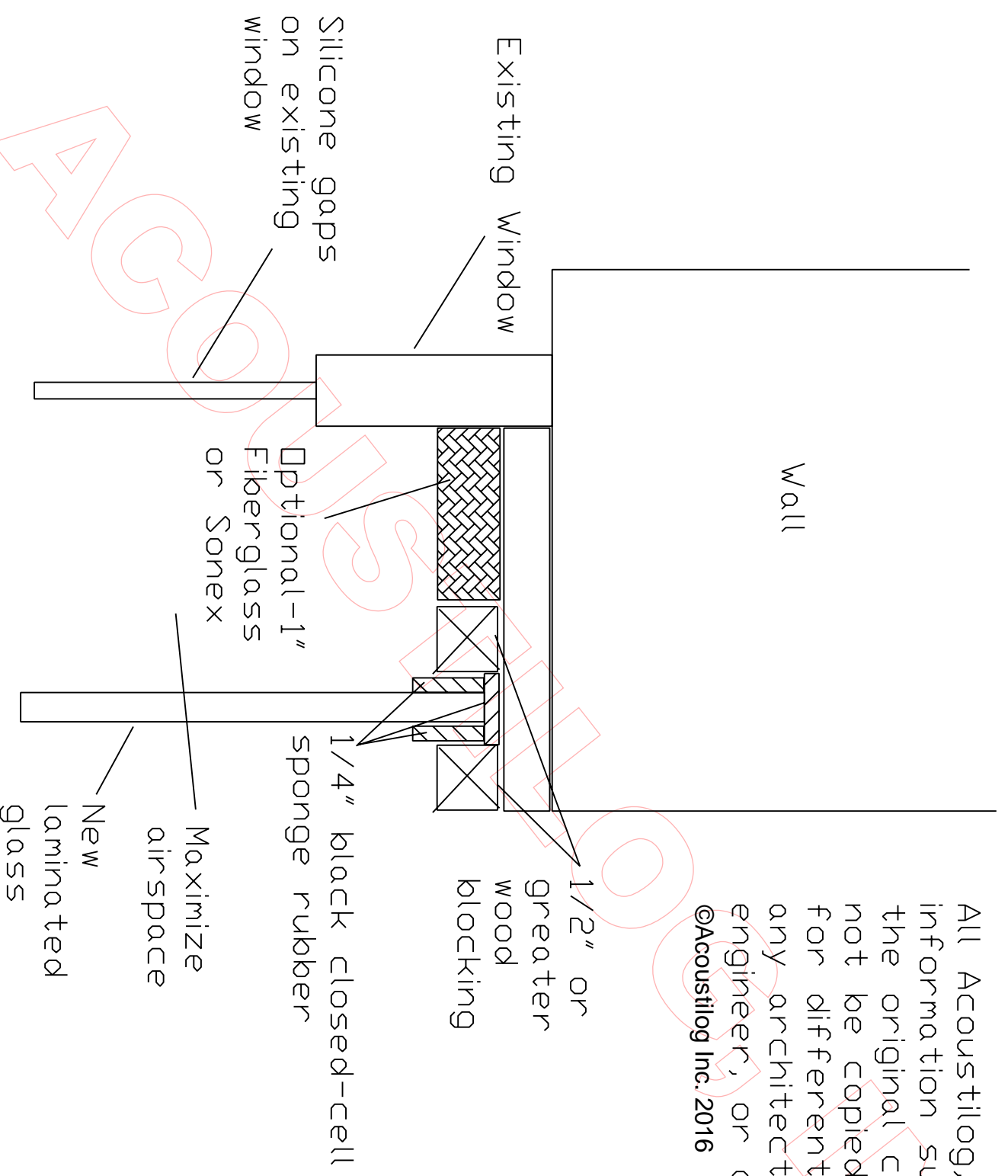




View of the window in the shared bathroom

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PLAN VIEW

GAP - LEAVE  
WALL  
FLODATING

EXISTING WALL

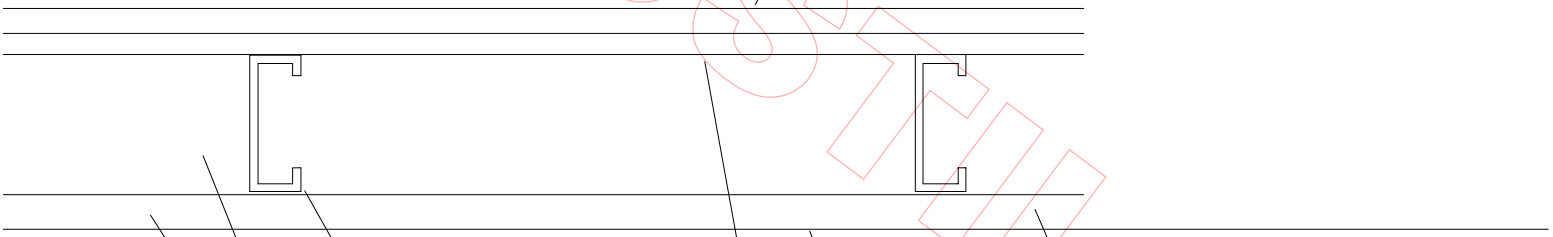
SHEETROCK  
LAYERS - SEE  
TEXT. STAGGER  
SEAMS

WALL STUD

LOOSELY PACKED  
THERMAFIBER  
THROUGHOUT VOID

Caulk perimeter  
airtight at  
each layer

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## Sound Control Insulation


# Thermafiber® SAFB™

(Sound Attenuation Fire Blankets)

- + Exceptional sound and noise absorption
- + Excellent Thermal Performance (R-value of 3.7 per inch!)
- + Adds STC value to wall and floor-ceiling assemblies
- + Provides life saving fire protection in rated assemblies
- + Fire resistant to temperatures above 2,000°F (1,093°C)
- + Conserves energy, reduces Greenhouse gas and carbon emissions
- + Mold Resistant



Thermafiber SAFBs, FireSpan™, and Safing insulation contributed to the energy conservation, fire protection, and life safety of the #7 World Trade Center building in New York City. Thermafiber insulation also contributed to the building's LEED® Gold Rating.



### LEED® Green Building Credits

Energy & Atmosphere	Materials & Resources	Indoor Environmental Quality	Innovation in Design
1	2.1, 2.2 3.1, 3.2 4.1, 4.2 5.1, 5.2	3.1, 3.2 9	1

Up to **90%** Recycled Content

Contributes to 33 LEED credits across 4 categories.

**Thermafiber**®  
THE NAME IN MINERAL WOOL™



Thermafiber SAFBs are installed into an interior steel stud wall cavity.

# Thermafiber® SAFB™ (Sound Attenuation Fire Blankets)

## Description:

THERMAFIBER Sound Attenuation Fire Blankets (SAFB) are mineral wool batts designed to stop sound, conserve energy, and provide life saving fire protection. These products are noncombustible, moisture-resistant, noncorrosive, nondeteriorating, mildew-proof and vermin-proof. Thermafiber SAFBs provide acoustical control, thermal insulation, and fire protection in many different UL fire rated wall and floor-ceiling assemblies. SAFBs resist temperatures over 2000°F as compared to fiberglass insulation that melts around 1000°F. SAFBs add STCs to wall and floor-ceiling assemblies. See Thermafiber's SAFB Brochure (TF885) for more detail on STC and fire ratings for multiple wall and floor-ceiling assemblies.

## Product Options:

- Standard SAFB
  - Creased SAFB – Made 1" wider than standard stud spacing to bow in the stud cavity for increased sound absorption.
  - Recycled Content Options<sup>1</sup>:
    - Special "Green" Fiber ..... 90%
    - EPA Choice Fiber (US Government Buildings)..... 75%
    - Standard Fiber ..... 70%
- <sup>1</sup>Recycled content options other than standard must be specified at time of order.

## Installation:

- Interior Stud Cavity – Friction fit SAFBs securely between studs. Butt ends of blankets closely together and fill all voids.
- Creased SAFB – Bow the blankets slightly to fit into stud cavity. Slit the blankets vertically 1" deep with a utility knife.
- Floor-Ceiling – Friction fit SAFBs securely between floor joists.
- Ceiling Overlayment – Lay SAFBs over ceiling panels extending 48" beyond all partitions. Tightly fit around all hangers, obstructions, and penetrations.

## Standard Sizes:

	Thickness*	Widths**	Lengths**
SAFB 2.5 pcf	1-1/2" - 6"	16", 17", 24", 25"	48"
SAFB 4.0 pcf	1"	16", 17", 24", 25"	48"
Tolerances	+1/4" - 1/8"	±1/8"	±1/2"

\*Thicknesses are available in 1/2" increments. \*\*Custom sizes are available upon request.

## Technical Data:

Product Designation	Nominal Density	Tested to ASTM C 518		Tested to ASTM E 84	
		"k" @ 75° [24°C] BTU.in/hr.sq. ft. °F	"R" value per inch of thickness***	Flame Spread	Smoke Developed
SAFB	2.5 pcf	0.27	3.7	0	0
SAFB	4.0 pcf	0.24	4.2	0	0

\*\*\*R = thickness divided by 'k'

## Acoustical Performance:

Thickness	Coefficients at Frequencies Per ASTM 423							NRC
	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz		
SAFB 2.5 pcf	0.34	0.61	1.07	1.09	1.07	1.10	0.95	
Density	0.51	0.99	1.18	1.03	0.99	0.96	1.05	
4"	0.83	1.19	1.27	1.12	1.12	1.13	1.20	
6"	1.37	1.32	1.23	1.16	1.12	1.12	1.20	

## Standards Compliance:

- SAFB Insulation meets the following:
- NFPA 101** Class A rated interior finish
  - ASTM C 665** Type I, per Federal Specification HH-I-521F
  - ASTM E 136** Rated Non-combustible per NFPA Standard 220
  - ASTM C 1104** Absorbs less than 1% by volume

SAFB products are approved by: New York City Board of Standards & Appeals – (under BSA 35-66-SM, 173-77-M, 249-74-SM, 34-66-SM, & accepted by MEA 207-82-M, Vol. 2)

## Thermafiber Insolutions™:

Thermafiber offers industry leading technical and engineering assistance to architects, specifiers, and contractors. These services include CAD drawings, engineering judgments, LEED Credit Information, and product recommendations. Contact our technical services department at 1-888-834-2371, or email [technicalservices@thermafiber.com](mailto:technicalservices@thermafiber.com).

## For Further Information:

For additional information about these or other Thermafiber products contact us at 1-888-834-2371 or visit our website [www.thermafiber.com](http://www.thermafiber.com).

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## Submittal Approvals:

Job Name	
Contractor	Date





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[Home](#) > [Architectural Noise Separation](#) > [Sound Control Wall Systems](#) > Model KWSB2

## Kinetics™

### Anti-Buckling Resilient Partition Brace Model KWSB2



#### Application

For use when wall isolation is desired for wood-and steel-frame studwall construction, Model KWSB2 Anti-Buckling Brace will eliminate the "give" felt when leaning on a wall that is acoustically isolated. Model KWSB2 is especially useful when construction requires that the vertical framing channels/studs be split. The Model KWSB2 can be implemented in many construction situations, as it is seismically rated, and allows for a

narrow airspace between two walls.

#### Benefits

- 10-ga galvanized steel bracket
- Standoff not more than 1-3/4" between studs
- Capable of withstanding a seismic generated force of 50 lbs.
- 1/4" thru hole for easy installation

#### Model KWSB2 Partition Brace

- [Submittal Drawing](#)
- [Isolated Wall 11'-6" tall and up with RIM, KWSB2 and IPRB-48](#)
- [Isolated Wall 11'-6" tall and up with IPRB-48, Wallmat and KWSB2](#)
- [Isolated Wall 11'-6" tall and up with Wallmat and KWSB2](#)
- [LEED Analysis: Model KWSB2](#)

#### Additional Information

Need a quote? Click [here](#) to access local contact information.

#### Tell a Friend

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Existing window

SHEETROCK  
LAYERS - SEE  
TEXT, STAGGER  
SEAMS

Thermafiber fill

Stud



Window sill

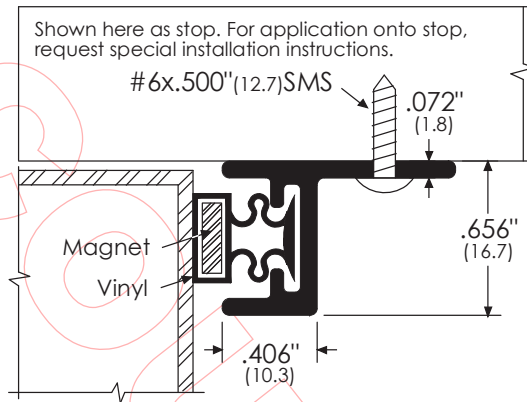
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A

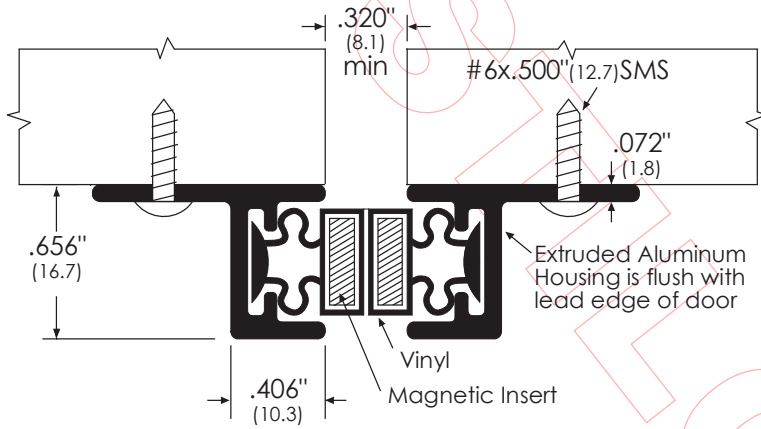
**SMOKE PERFORMANCE**



The rubber seal in this gasket provides protection from smoke infiltration in accordance with provisions of NFPA 101 Life Safety Code and NFPA 80 Standard for Fire Doors and Other Opening Protectives



**Head and Jamb Protection  
- Magnetic**



**Surface Mounted Meeting Stile  
- Both Doors Active  
- Magnetic**

**ANSI/BHMA**

**Legend:**

A = Aluminum  
D = Dark Bronze Anodized

Head & Jamb	#370A / 370D	R3L165
		R3L105
Meeting Stiles	#370A / 370D	R3L735



415 Concord Avenue tel: 718.585.3230  
Bronx, NY 10455 fax: 718.292.2243  
email: zero@zerointernational.com  
web site: www.zerointernational.com

**Part No:**  
370

**Notes:**

**Part Description:**

See above for options

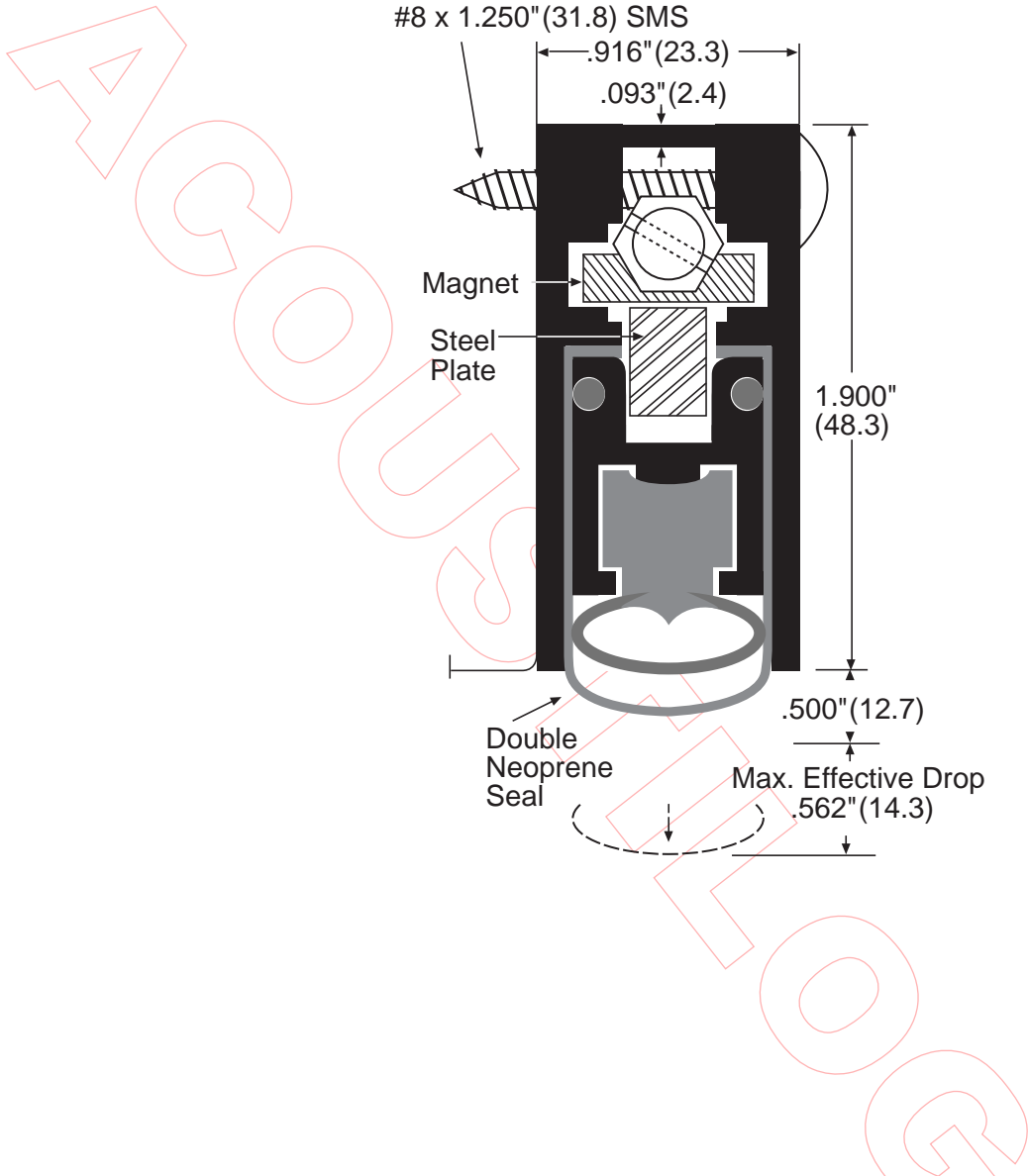
**Provided By:**

**Customer Name:**

**Job No:**

**Date:**





415 Concord Avenue tel: 718.585.3230  
 Bronx, NY 10455 fax: 718.292.2243  
 email: zero@zerointernational.com  
 web site: www.zerointernational.com

**Part No:**  
367

**Notes:**

**Part Description:**

Automatic Door Bottom

- High Sound
- Surface Mounted/Heavy Duty

**Provided By:**  
Acoustilog, Inc

**Customer Name:**

**Job No:**

**Date:**  
3/23/06

ALL PRODUCTS

Enter keyword, item, model or replacement part number.

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Material Handling | Mounts and Vibration Control | Vibration Isolator Pads | Pad,Anti Vibration

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MASON

# Pad,Anti Vibration

Item # 5XR47 Mfr. Model # 5XR47 Catalog Page # 1223 UNSPSC # 23153130



Web Price **\$100.50** / each

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1 **ADD TO CART**  
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Expected to arrive **Tue, Jul 31**.  
Ship To **07058** ([Change](#))

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Shipping Weight **8.68 lbs.**

Country of Origin **Thailand** | *Country of Origin is subject to change.*

*Note: Product availability is real-time updated and adjusted continuously. The product will be reserved for you when you complete your order. More*

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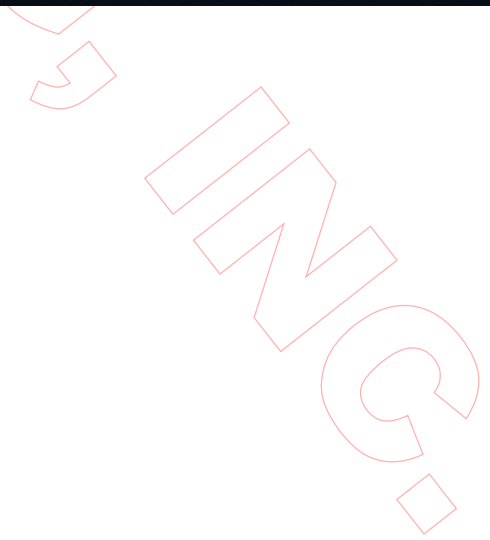
Compare

## PRODUCT DETAILS

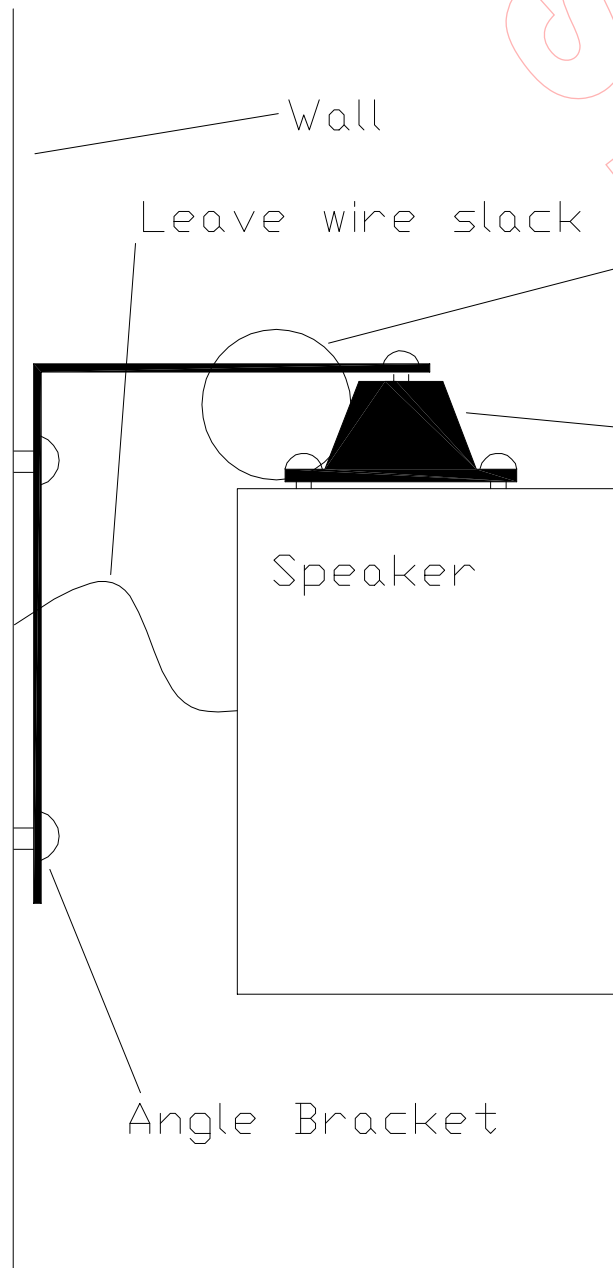
Pads protect equipment from shaking and are designed to be used when machines are bolted to the floor.

### TECHNICAL SPECS

Item	Vibration Isolation Pad	Width	18"
Material	Neoprene	Height	3/4"
Max. Steady Load	180 per 2x2	Design	Waffle
Length	18"		



ACOUSTILOG

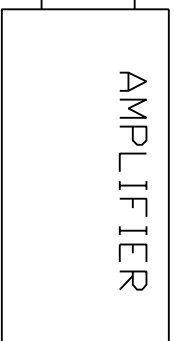
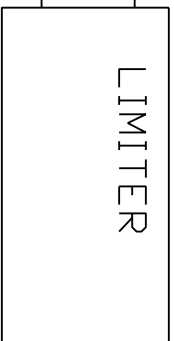
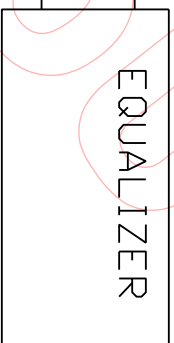


Safety wire with slack- This is necessary because the isolators are normally used under, not over, the device they are holding.

Grainger 4C875 Vibration Isolator - Use 1 for small speakers. Find exact center of gravity so speaker hangs at desired angle.

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TO SPEAKERS

Both Equalizer and Limiter  
can be replaced by 1 dbx  
Driverack PA+

The screenshot shows the RadioShack website interface. At the top, there's a navigation bar with the RadioShack logo, customer service contact info, store location, language options, and account/shopping cart links. Below this is a search bar and category tabs for 'CELL PHONES & ACCESSORIES', 'ELECTRONICS & ACCESSORIES', 'HOBBY & DO-IT-YOURSELF', 'BATTERIES & POWER', and 'SHOP ALL PRODUCTS'. A promotional banner for 'R CASH' offers a \$10 reward on a \$30 spend. The main product area features a 'Digital Sound Level Meter' with a price of \$49.99, a 4-star rating from 6 reviews, and an 'ADD TO CART' button. Shipping benefits like 'Free Shipping' and 'Free Ship to Store' are highlighted. A 'FIND IT NEARBY' button and social media sharing options are also visible.

## Product Summary

### **Fine-tune your audio.**

Fine-tune your PA or stereo systems audio response to match the acoustic environment with this Digital Sound Level Meter. It comes with a carrying case for travel and features an easy-to-read display.

- Carrying case protects the meter when traveling
- Easy-to-read display, sound range 30-130db, digit LCD display
- You can fine-tune your PA or stereo systems audio response to match the acoustic environment

**Pricing and availability:** Please note that all prices are subject to change without prior notice. Prices advertised on this site are for online orders only. Prices on some items may differ from those advertised in RadioShack stores. All merchandise may not be available at all stores, and all stores may not participate in all sales promotions. We recommend you contact the store to confirm product availability and price.

### **Shipping**

**Usually ships in 1 - 2 business days**

**In store:** [Check availability](#)

By phone: 1-800-843-7422

### **Manufacturer Warranty**

- Parts: 12 month
- Labor: 12 month