

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
MILK AND HOPS 2 LLC			
STREET ADDRESS		CROSS STREETS	ZIP CODE
164 9th Ave		w 20 St. - w 21st	10011
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: G Hengong MA	ATTORNEY/ REPRESENTATIVE	NAME: Michael Kelly
	PHONE: 212 989-1999		PHONE: 914 632-6036
	EMAIL: ADMINISTRATOR@MILKNHOPS.COM		EMAIL: KELLYMLK136@GMAIL.COM
MANAGER	NAME: TRAVIS Winter	LANDLORD	NAME: WEINREB Management LLC
	PHONE: 212 989-1999		PHONE: 212 316-0045
	EMAIL: ADMINISTRATOR@MILKNHOPS.COM		EMAIL: JW@WEINREB.COM
APPLICATION TYPE (<u>Liquor License</u> <u>Unenclosed Sidewalk Cafe</u>)			
<input type="radio"/> New	Has applicant owned or managed a similar business?		YES NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Corp <u>Change Class</u> <u>Change/Removal</u>	What is the license # and expiration date? <u>Upgrading to a Full liquor license</u>		1289444 - 11/30/21
	Is applicant making any alterations or operational changes?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		1289444 11/30/21
	Please list/describe the nature of all the changes and attach the plans: <u>adding additional storefront</u>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <u>currently</u> <input checked="" type="radio"/> Beer & Cider <u>also applying for Full liquor</u> <input type="radio"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		YES	<input checked="" type="radio"/> NO
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.		<input checked="" type="radio"/> YES	<input type="radio"/> NO
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	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 11 ^P	12 ^P - 11 ^P	12 ^P - 11 ^P	12 ^P - 10 ^P
	Kitchen	12 ^P - 9 ^P	12 ^P - 9 ^P	12 ^P - 9 ^P	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 10 ^P
	Music	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 10 ^P	12 ^P - 11 ^P	12 ^P - 11 ^P	12 ^P - 11 ^P	12 ^P - 10 ^P
If you plan to have music, what type(s)? (Circle all that apply)		BACKGROUND		LIVE MUSIC	DJ	JUKE BOX	KARAOKE	

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons 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
INSIDE	applying for an LNO	62	24	46	0	2	8
OUTSIDE <i>(Other than sidewalk café)</i>	N/A						
DCA APPROVED UNENCLOSED SIDEWALK CAFÉ	N/A						

How many floors are there? What is the capacity for each floor?	
How frequently will the owner(s) be at the establishment?	
Will there be dancing?	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will applicant have bottle or table service for beverage alcohol?	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will applicant be hosting private, promotional or corporate events?	<input checked="" type="radio"/> YES <input type="radio"/> NO Birthdays etc
Will outside promoters be used on a regular basis? If yes please describe.	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will applicant have a security plan? If, yes please attach.	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will security plan be implemented?	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will State certified security personnel be used?	YES <input type="radio"/> NO <input checked="" type="radio"/>
Will New York Nightlife Association and NYPD Best Practices be followed?	Yes! <input type="radio"/> NO <input checked="" type="radio"/>
Does applicant agree to notify MCB4 prior to making changes to its method of operation?	<input checked="" type="radio"/> YES <input type="radio"/> NO
Will applicant be using delivery bicycles? If yes, how many?	YES <input type="radio"/> NO <input checked="" type="radio"/>
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 <input type="radio"/> NO <input checked="" type="radio"/> N/A
Where will delivery bicycles be stored during the day when not in use?	N/A

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

Community Notification/Relations		
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.		
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		
Where did applicant post the notice that was provided?		
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 NO
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 NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	Collino Gelato		
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	at our current location which is next door
Do you plan any changes to the existing façade? If yes, please describe.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	(Except change in signage)
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 type="radio"/> YES	<input checked="" type="radio"/> NO	(Except change in signage)
Will applicant have a vestibule within the establishment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as 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="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> 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	
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 type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO	NO Canopy
Where will the air conditioner be located? What type is it?			
When was the air conditioner installed?			

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

DCA APPROVED UNENCLOSED SIDEWALK CAFÉ

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

ADDITIONAL STIPULATIONS: (Office Use Only)

- There will be no sandwich boards, a-frame sign or other obstruction placed on sidewalk
- Applicant will keep an 8ft pedestrian clear path at all times
- There will be no roadway or sidewalk seating on West 20th Street
- In Open Restaurants outdoor seating all patrons must be seated in compliance with NYC & NYS Guidelines. No Stand patrons permitted
- Applicant will obtain an acoustical report from an NYC-approved, license acoustician covering both the old and new spaces and in consultation with nearby residents in the building. Applicant will submit report to MCB4 by 2/22/21 (attached). Applicant agrees to implement all recommendations in report.
- There will be no music or amplified sound after 10pm Sunday - Wednesday and after 11pm Thursday - Saturday
- There will be no outside seating beyond what is currently in place (i.e., as of 2/9/21, the date of the BLP Committee meeting)
- No microphones will be used at any time
- All outdoor seating will be cleared of all patrons and members of the public no later than 10pm nightly
- In this year's planting season, applicant will replace the tree that was knocked down in front of establishment

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

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

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

Manhattan Community Board 4 (MCB4) recommends:
 (MCB4's recommendation is based on a vote taken at its
 March 3, 2021 full board meeting, with 36 members voting in favor
 of the recommendation, 5 members opposed, 0 members
 abstaining and 0 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 Assistant District Manager



Frank Holozubiec
 CB4 BLP Committee Co-Chair



Burt Lazarin
 CB4 BLP Committee Co-Chair

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



Chenggong Ma
 PRINT NAME OF APPLICANT



SIGNATURE OF APPLICANT

11/2/2020
 DATE

Proximity Report for Location:

December 30, 2020

164 9 Ave, New York, NY, 10011

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

Closest Liquor Stores

Name	Address	Approx. Distance
MIDTOWN SPIRITS INC	191 9TH AVE	340 ft
FORAGERS WINES CHELSEA LLC	231 8TH AVE	885 ft
ALGA WINES & SPIRITS LTD	221 9TH AVENUE	890 ft
SUEBOB LIQUOR INC	312 W 23RD STREET	950 ft
CHELSEA WINERY LTD	75 9TH AVENUE	1190 ft
DELAUREN WINES INC	292 8TH AVE	1500 ft
HUDSON YARDS LIQUORS INC	557 C WEST 23RD ST	1645 ft

Churches within 500 Feet

Name	Approx. Distance
Saint Peter's Church	290 ft

Schools within 500 Feet

Name	Address	Approx. Distance
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On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
SAIGON FOOD CORP	158 NINTH AVE	130 ft
TASTY BISCUIT LLC	156 9TH AVE	155 ft
NOPRESSURE LLC	156 9TH AVE	155 ft
SPEAK INTEGRATED CORP	167 9TH AVE	160 ft
QANOON CORP	180 9TH AVE	245 ft
PASTAIAT INC	186 9TH AVE	320 ft
FONDA OF CHELSEA LLC	189 9TH AVE	320 ft
VIRCAN GROUP LLC	136 9TH AVE	395 ft
DLP GROUP LLC	134 9TH AVE	420 ft
DLP GROUP LLC	132 9TH AVE	440 ft
SWEET CONCESSIONS INC	336 W 20TH ST	510 ft
200 NINTH RESTAURANT LLC	200 9TH AVE	530 ft
TUAM NEW YORK INC	202 9TH AVENUE	555 ft
AROKA HOSPITALITY LLC	206 9TH AVE	600 ft
400 WEST 23RD STREET REST CORP	400 W 23RD STREET	700 ft
DT HOSPITALITY GROUP INC	110 9TH AVE	705 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
CHELSEA CONVENIENCE & MORE CORP	142 9TH AVE	335 ft

Unmapped licenses within zipcode of report location

Name	Address
505 REST CORP	505 507 W 23RD ST



Doc ID: 479ff257d2b999a88fd4847cb469bfc679b97469



MILK AND HOPS 2 LLC

166 9TH AVENUE
NEW YORK, NY 10011

November 2, 2020

Manhattan Community Board 4

Re: Milk and Hops 2 LLC; License Serial No. 1289444

PUBLIC INTEREST STATEMENT

Milk and Hops 2 LLC (“Milk and Hops”) operates as a craft beer and cheese shop, offering a carefully curated selection of craft beer, cheese and gourmet foods in a relaxed, neighborhood-friendly environment. Milk and Hops is licensed to sell beer & cider on the premises and now desires to expand its offerings to liquor, wine, beer & cider. This change is necessitated by, *inter alia*, the decimation of the hospitality industry in New York City on account of the COVID-19 pandemic and the willingness of Milk and Hops to serve the community through expansive offerings despite the current hardship.

Milk and Hops simply seeks to expand its offerings and does not seek to expand its hours or method of operations or offer any additional entertainment options besides existing background recorded music. Accordingly, we believe approval of this application and issue of the on-premises liquor license will promote the public interest and convenience.

Thank you for your consideration to the matters set forth herein.

Yours, etc.,

MILK AND HOPS 2 LLC



By: Chenggong Ma
Its: Managing Member



LOWELL D. KERN
Chair

JOSSE BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD No. 4
P.O. Box 2622 New York, NY 10108
tel: 212-736-4536
<https://cbmanhattan.cityofnewyork.us/cb4/>

PUBLIC NOTICE

Business Licenses and Permits Committee
will discuss an application submitted by

Milk and Hops 2 LLC
164 9th Avenue – Store#2

A Class Change application to Upgrade to On-Premise
Liquor License & Alteration Application to include
adjacent store front

DATE:	Tuesday, January 12, 2021
TIME:	6:30 PM
PLACE:	<u>Video/Phone Conference Registration:</u> <u>https://zoom.us/webinar/register/WN_66-6SX3vS_6HVC2bBstV3A</u>

We invite you to attend this meeting and learn more about this application.
Alternately, you may email your comments by 2 p.m. Friday, January 8th, 2021
or for more information, please email Assistant District Manager Nelly Gonzalez
negonzalez@cb.nyc.gov.

Posted according to the Administrative Code of the City of New York section 10-119. Please do not remove until after the above meeting date.



APPETIZERS

Black Edamame 5

topped with seaweed salt, served warm

Gyoza 7

choice of pork or vegetable, with chives, sesame seeds, dumpling sauce

M&H Cheesy Gyoza 10

choice of pork or vegetable with chives, sesame seeds, truffle cheese, truffle oil, parm

Pretzel Bun Sliders 5 each / 4 for 18

choose marinated mushroom or chashu with BBQ sauce, chives, crispy onion

Soft Pretzel 6

served with mustard /add house miso butter +2

Churro Pretzel 7

warm pretzel shaped donut tossed in cinnamon & sugar

Spinach Salad 11

baby spinach, goat cheese, fresh corn, heirloom tomatoes, avocado, crispy onion, black garlic, balsamic reduction

RAMEN

Milk & Hops Ramen 17

kurobuta pork broth, parm, pork belly, truffle cheese, pickled bamboo shoot, corn, truffle oil, wavy noodles

Tonkotsu Shoyu 16

kurobuta pork broth, pork belly, pickled bamboo shoot, kikurage, chives, mayu, straight noodles

Beer Miso 16

kurobuta pork broth, dashi, beer miso, pork belly, sweet corn, pickled bamboo shoot, green onion, wavy noodles / add house chili oil & chorizo 2

Vegan Ramen 16

house dashi, beer miso, kikurage, baby spinach, marinated shiitake, sweet corn, chives, straight noodles / add house chili oil + 1

Spinach Ramen Salad 14

baby spinach, goat cheese, fresh corn, heirloom tomatoes, avocado, crispy onion, black garlic, balsamic reduction, warm wavy noodles

*This kitchen uses nuts, eggs, dairy, seafood and soy products. Please inform your server of any allergies

EXTRA TOPPINGS

extra noodles 3

ramen egg 2

house chili oil 1

chashu 3

parm 1

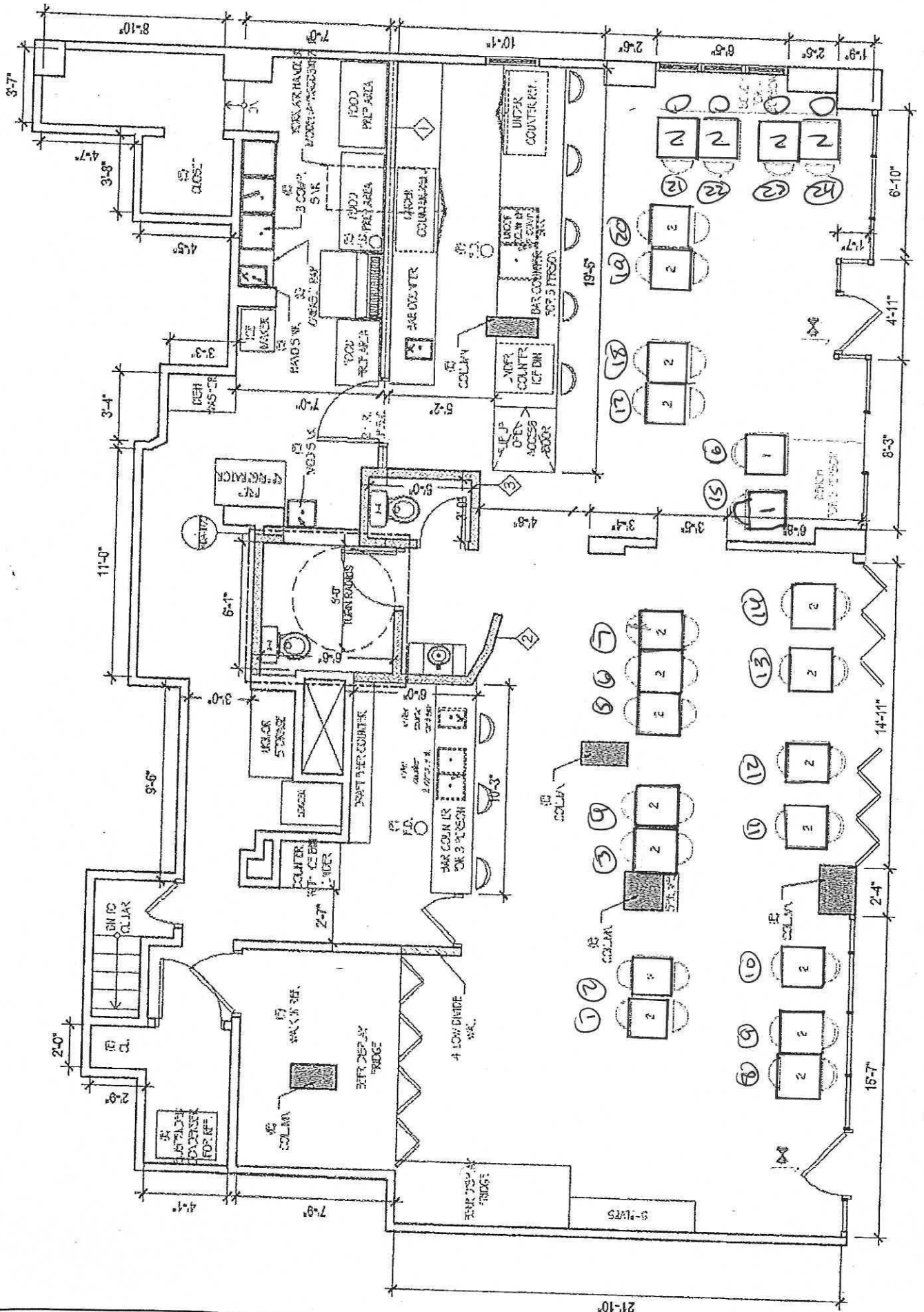
pickled bamboo 1

marinated mushrooms 1

chives 1

truffle cheese 3





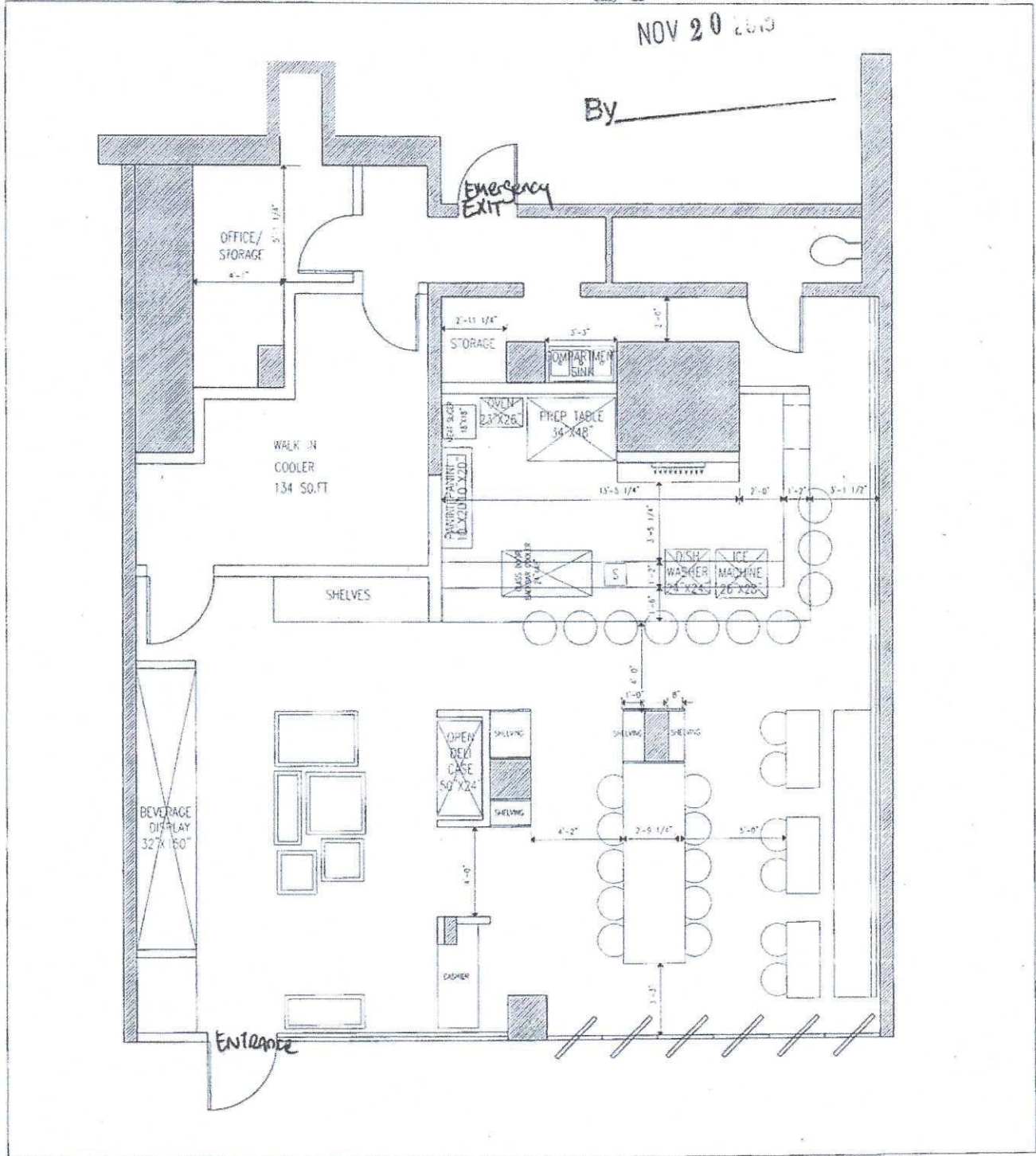
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164 9TH AVE
ly, ly

SCANNED

NOV 20 2013

By _____



Current

Hello Chelsea Community:

It has come to our attention that we have not fully let you all know that we hope to change our Beer and Cider License to Include Wine and Spirits. In doing so we hope to allow for more options for the community while maintaining the craft/welcoming/respectful and relaxing vibe Milk and Hops already offers. We in no way want to change the atmosphere here in Chelsea to a rowdy and wild one. We will respect the volume of our music as well as the capacity of our occupancy. Especially now during Covid with all of its regulations, we will continue to abide by and enforce every single one. This license will in no way change who we are and what we stand. We want to continue to be a part of this community and strengthen it. If you have any questions or concerns related to this change please don't hesitate to talk with the General Manager Travis Winter. He can be reached via email at administrator@milknhops.com or via cell at 914-330-4443. This License change will be voted on and we hope we can receive your support. Thanks

If you live in the area and want to support us, please sign this form inside at the bar or send an email to administrator@milknhops.com with your name, address and if you wish to support this change.

Milk and Hops

Name, Address, Decision of Support

- Tanner M222 West 20th St YES!
- Aaron Mittel 360 W 21st St #4C New York, NY 10011 YES!
- Brenna Deck 252 West 20th YES!!
- Ali Jenkins 222 W. 20th YES!
- D. Winters 445 W 23 St!
- Kevin Keating 360 W 20th Yes
- Andy Ping 440 W 21st yes!
- Anthony In 257 W 17th St Yes!
- PAUL O'HAMON 60 JUDY LN GRAFTON, CT 06106 Yes!!
- DEVIN MAGGIO 687th
- Joe Heffernan 69 Brook Manor Pville (Yes) NY
- Lee Isaacson 170 Parkside Ave #3A
- Paishill Lewis 360 W 22nd Ave #3A Yes please!
- Wm Wally 360 W 22nd St #12e
- Pye Run 107 Clinton Ave N5
- Spenser Heller 433 W 21
- Paul O'Donnell 421 W 22
- Chris Mandella WH/SKE
- Lauren Culler 200 W. 20th #715 10011 Yes
- Mike Medema 365 W 21st
- Brian Tobin YES
- Max Gold 62 W. 62 Yes
- Red Keating 327 W 19th
- Matt Mackenzie 400 W 25th St Yes
- Patricia Mann 411 W 24th St Yes!
- Austin Munder 289 11th Ave YUP
- Garland Page 620 W 24th St
- Eriz Magaz 404 W 22nd 4F
- MARJORIE MUNSON 430 W. 24th St Apt 10A Yes!
- Arthur Boon 319 W 18th St 6B
- Derek Tawber 360 W 21st Apt 4C YES
- ZAK PENLEY! YES!
- Sam Ambse 525 W 21st Yes!
- Chris Damico 321 W 21st Yes!
- STEVE KILIAN 340 W 19 YES
- Frank Krusch 89 Christopher English Yes 790 Concord Ave W Yes

Andrew Geery 535 W 23rd St NSG Yes!

Max Majore 311 W 21 #5E ~~Yes~~

Trey Black 421 W 22nd St PUS Yes

Shannon Maloney 112 W. 120th St 2B Yes

ELTON WELW 445 W 19th #5F YES

KARL KOTAS 445 W 19 #1E YES

DAMIAN MAHONEY 421 W 22nd PUS YES

Harry Seaver 303 W 21st 3D yes!

Pat O'Sullivan 342 West 21st Yes!

~~KARL KOTAS~~

Kance Fuller 274 W 19th yes

Anthony Avedisian 83rd Forest Glen YES

Danny Adams 248 W. 64th street Yes

Abbie Barnes 790 9th ave yes!

Kyra Assaad 412 W 25th Yes

Warren Tappe 412 W 25th Yes

Danny Genovese 411 W 18th Yes

Christina Genovese 411 W 18th Yes

Jessica Taborfata 364 W 19th yes

Jenny Rose 470 W 24 yes

Cristine Pute 200 W 24th yes

Debra Michel 242 W 24th yes



February 19, 2021

Travis Winter, General Manager
Milk & Hops
166 9th Avenue
New York, NY 10011

Executive Summary

I visited the site of a proposed expansion of Milk & Hops at 164 9th Avenue to observe existing conditions and to measure sound transmission into the adjacent apartments. Detailed results of the measurements are shown below.

In my professional opinion, Milk & Hops usage of 164 9th Avenue would be compliant with the NYC Noise Code part 24-231(a) for typical operations even without any significant leaseholder improvements.

I have included maximum allowable sound levels within the space based on the measurements taken on site. Based on my understanding of expected usage where the primary sound sources would be the installed background music system, noises level are expected to be less than these allowable levels.

Background

Andrew Morgan of Morgan Acoustics LLC, an NYC DEP Approved Noise Consultant for Commercial Music Mitigation, visited Milk & Hops Chelsea location on February 18, 2021 to observe existing conditions and carry out noise testing. The space was unoccupied during testing. A portable loudspeaker was utilized to produce test signals in both 164 and 166 9th Avenue. Noise

transmission was measured utilizing pink noise as a source. This report focuses on the results of the testing at 164 9th Avenue.

Measurements were taken in the apartments directly above the current and proposed Milk & Hops locations, Chelsea Court Tower apartments 2C, 2D and 2E. These apartments are understood to be the worst-case receiver property dwelling units for the purposes of commercial music noise mitigation from Milk & Hops. Other nearby apartments are on higher floors in the same building, where additional transmission loss is expected to lead to lower noise levels than these apartments directly above Milk & Hops.

Measurements were taken using an Audio Control SA-4100i Type 1 sound level meter. Calibration certificate is available on request.

Noise Measurements

Measurements were taken in the following locations

- Inside the commercial spaces at 164 and 166 9th Avenue
- Inside Chelsea Court Tower Apartment 2C
- Inside Chelsea Court Tower Apartment 2D
- Inside Chelsea Court Tower Apartment 2E

Ambient measurements were taken in all locations to establish representative background noise levels. Octave band levels are shown in Table 1.

Item / Description	Octave Band Centre Frequency, Hz							
	63	125	250	500	1k	2k	4k	8k
Retail Space (164 9 th Ave) Ambient	51	47	38	32	33	33	26	19
Apartment 2C Ambient	48	41	35	33	33	32	25	19
Apartment 2D Ambient	52	49	46	42	39	32	27	19
Apartment 2E Ambient	47	46	47	43	33	29	23	18

Table 1 Measured octave-band sound, dB_{Leq} re $20\mu Pa$

This report focuses attention on measurements taken in Apartments 2E and 2D as they are adjacent to the proposed fit-out location. No noise transmission was observed to apartment 2C from 164 9th Ave. Apartment 2C is over the north end

of 166 9th Ave. Transmission to apartments 2D and 2E, are more significant for the fit-out of 164 9th as they are adjacent.

The primary source of commercial music noise considered in this analysis is the installed background music system. The background music system in 166 9th Ave consists of 4 JBL Control 25 loudspeakers and I anticipate the background music system in the 164 9th Avenue will be similar.

The transmission loss of the ceiling/floor construction separating 164 9th Avenue and the apartments was determined by measuring the difference in level of pink noise played through a portable loudspeaker in the space and in the apartments. This was carried out in accordance with the methodology for measuring Noise Isolation Class (NIC) defined in ASTM E366. The transmission loss between the restaurant and apartments is shown below in Table 2.

There are currently 2 holes in the drywall ceiling of 164 9th Ave. I understand Milk & Hops anticipates closing those up for aesthetic reasons and I recommend these be closed up with an equivalent mass of material as the surrounding ceiling, which appears to be 2 layers of 5/8” drywall. These holes are likely creating significant “flanking paths” for noise transmission to apartment 2E. I estimate the transmission loss will be increased by approximately 5dB after those holes are closed. This estimate is reflected in the last row of Table 2.

	Octave Band Centre Frequency, Hz							
	63	125	250	500	1k	2k	4k	8k
Transmission Loss to Apt 2E	28	35	41	50	>50	>50	>50	>50
Transmission Loss to Apt 2D	35	44	47	48	50	>55	>55	>55
Expected TL to Apt 2E after repair of ceiling in 164 9 th Ave	33	40	46	55	>55	>55	>55	>55

Table 2 Measured octave-band sound transmission loss, dB re 20µPa. Transmission loss at 500Hz and above is estimated, but is not considered a determining factor for the purpose of commercial music noise mitigation.

Noise Code Compliance

The relevant noise code requirements are found in Section 24-231a as follows

§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 dB(C) 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 dB(C).*

Table 3 Excerpt from Noise Code

Music played from the background music system within the proposed 164 9th Ave fit-out at levels similar to that in the current space is not expected to be audible within the apartments. Apartments 2E and 2D were in excess of the permissible levels set out in Part (1) and Part (2) above in their ambient condition, however as long as these levels are not raised by the background music, the proposed background music system should be considered compliant with the Noise Code.

Description	1/3 Octave Band Centre Frequency, Hz									
	63	80	100	125	160	200	250	315	400	500
Code Maximum (in apartment)	45	45	45	45	45	45	45	45	45	45
Transmission Loss	24	25	28	30	32	38	42	42	48	50
Max Allowable Music Level	65	69	70	73	75	77	83	87	87	93

Table 4 Third-octave-band sound levels, dB re 20µPa

The recommendation above in Table 4 is made to comply with part (2) of Section 24-231a, which requires levels not to exceed “45 dB in any one-third octave band having a center frequency between 63 hertz and 500 hertz.” In this case, I have determined this to be the driving requirement. If this requirement is met, the requirements of part 1 and part 3 will also be met.

Background music levels observed within the current Milk & Hops space, and those expected within the future fit-out, are within the levels shown above. Music levels for any special use case not anticipated at this time should be restricted to the maximum allowable levels shown above in Table 4.

Sincerely,

A handwritten signature in black ink that reads "Andrew Morgan". The signature is written in a cursive, slightly slanted style.

Andrew Morgan
Principal Acoustic Consultant
Morgan Acoustics LLC