

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Times Square Retail LLC		DOING BUSINESS AS (DBA) Engine Room	
STREET ADDRESS 713 8th Avenue New York, NY		CROSS STREETS 44th and 45th Sts	ZIP CODE 10036
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: Mahyoub Marshed	ATTORNEY/ REPRESENTATIVE	NAME: George Karp
	PHONE: 917-907-1830		PHONE: 929-286-6400
	EMAIL: m.mahyoub@gmail.com		EMAIL: georgekarp22@aol.com
MANAGER	NAME: +16/d	LANDLORD	NAME: Hacels LLC
	PHONE:		PHONE: 212-492-2102
	EMAIL:		EMAIL:
APPLICATION TYPE (Check One)			
<input type="radio"/> New	Has applicant owned or managed a similar business?		YES <input type="checkbox"/> NO <input type="checkbox"/>
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		YES <input type="checkbox"/> NO <input type="checkbox"/>
	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?		Expires 7/31/17 - Ground Floor 1266255, 1266256
	Please list/describe the nature of all the changes and attach the plans: See attached statement		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liquor/Wine/Beer <input type="checkbox"/> Beer <input type="checkbox"/> Wine & Beer		
ESTABLISHMENT TYPE	<input type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input type="checkbox"/> Sports Bar <input type="checkbox"/> 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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	After CB4 meeting
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	Space to be altered basement location below existing bar, tavern on main floor which will be connected as one premise
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	

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

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	4 PM to		4 AM	- 7	Days		
	Kitchen	4 PM to		3 AM	- 7	Days		
	Music	5 PM to	3 AM	-	7	DAYS		

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 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
INSIDE	99	200	20	160	None	1	22
OUTSIDE (Other than sidewalk café)	None						
SIDEWALK CAFÉ	NONE						

How many floors are there? What is the capacity for each floor?

How frequently will the owner(s) be at the establishment?

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

Will applicant have bottle or table service for beverage alcohol?

Will you be hosting private, promotional or corporate events?

Will outside promoters be used on a regular basis? If yes please describe.

Will you have a security plan? If, yes please attach.

Will security plan be implemented?

Will State certified security personnel be used?

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

Will applicant be using delivery bicycles? If yes, how many?

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?

Where will delivery bicycles be stored during the day when not in use?

Alteration in basement space

Daily

YES NO

Will notify CB4 of cabaret filing

YES NO

YES NO

occasionally if requested

YES NO

YES NO

As needed to premises in orderly manner

YES NO

YES NO

YES NO

YES NO

YES NO

N/A

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> 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	<input type="radio"/> NO New CO to be obtained
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO Preliminary Filing

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	45 th Street Block Association to be
	# 2	contacted prior to Board meeting
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.	To be supplied	
Who was your contact person at each group you met with?	to be supplied	
When did applicant post the notice that was provided?	As of June 1, 2017	
Where did applicant post the notice that was provided?	On front of Main Floor bar - 8 th Ave and on 45 th Street window	
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 917-907-1830
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

BUILDING DESIGN

State the name and type of business previously located in the space.						
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			
Do you plan any changes to the existing façade? If yes, please describe.		<input type="radio"/> YES	<input checked="" type="radio"/> NO			
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 not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?		<input type="radio"/> YES	<input checked="" 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)		<table border="1"> <tr> <th>FRENCH DOORS</th> <th>GARAGE DOORS</th> <th>WINDOWS THAT CAN BE OPENED</th> </tr> </table>		FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
FRENCH DOORS	GARAGE DOORS	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 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 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 type="radio"/> YES	<input checked="" 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 type="radio"/> YES	<input checked="" type="radio"/> NO			
Where will the air conditioner be located? What type is it?		Below street level				
When was the air conditioner installed?		2016				

Added basement space - Engine Room

Unknown

In basement entry way

Below street level noise

N/A

N/A

Basement space noise will not extend to surround NYC streets

IF found to be needed

Food from upstairs bars

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ

Not APPLICABLE

	YES	NO
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?		
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

NOT APPLICABLE

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

ADDITIONAL STIPULATIONS: (Office Use Only)

- Cb4's recommendation of approval for licneseing of basement is conditioned on applicant obtaining all necessary regulatory approvals for use of the space, including from Department of Buildings and NY Fire Department.
- Capacity of basement space will not exceed 99 persons (including both patrons and staff)
- No public entrance to basement space on West 45th Street. Any doors on West 45th Street will be used solely as emergency egress and for deliveries
- No signage for basemnt venue on West 45th Street
- No outdoor speakers
- Applicant will not place an signs, sidewalk furniture, or other obstructions on any sidewalk
- Applicant will not permit queuing of patrons on sidewalks. Any queuing or waiting of patrons will occur inside the premises
- Applicant will submit full floor plans of basement space, showing placement of all tables, chairs and bars, no later than July 14, 2017 (recieved on 7/13/17)
- With respect to the method of operation, applicant represents and MCB4 recommendations of approval is conditioned on the following:
 - a) Music willbe limited to "quiet jazz and mood music",
 - b) live music limited to three to five musicians playing jazz
 - c) no dancing
- Applicant will not change this method of operation without community outreach and MCB4 approval

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*

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Manhattan Community Board 4 (MCB4) recommends:

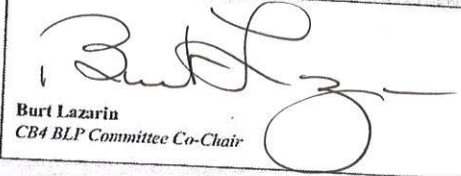
Denial unless all stipulations agreed to by applicant/owner are part of the method of operation

Denial Approval

CB4 REPRESENTATIVES


Nelly Gonzalez
CB4 Assistant District Manager


Frank Holozubiec
CB4 BLP Committee Co-Chair

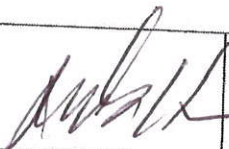

Burt Lazaria
CB4 BLP Committee Co-Chair

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 →

MAN-UB MURSHED


SIGNATURE OF APPLICANT

DATE 05-08 2017

THIMES SQUARE RETAIL LLC, d/b/a IRON BAR/IL FORNO HELL'S KITCHEN
713 8TH AVENUE, NEW YORK, NY 10036

ALTERATIONS AND METHOD OF OPERATION OF LOWER
LEVEL ON THE ABOVE LICENSE PREMISES

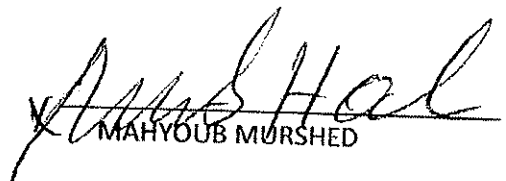
ALTERATION:

1. A NEW STAIRWAY WILL BE BUILT LEADING FROM THE EXISTING RESTAURANT AND BAR ON THE MAIN FLOOR TO THE LOWER LEVEL SPACE WHICH WILL BE A BAR AND LOUNGE TO BE CALLED THE ENGINE ROOM.
2. AN ADDITION BAR WILL BE ADDED TO THE LOWER LEVEL
3. THE EXISTING ELEVATOR IN THE BUILDING WILL BE GIVEN ACCESS TO THE EXISTING LICENSEE PREMISES DOWN TO THE LOWER LEVEL BAR AND LOUNGE.
4. THE PROPOSED 5000 SQUARE FOOT LOWER LEVEL BAR AND LOUNGE WHICH WILL HAVE A PERMITTED OCCUPANCY FOR THE NUMBER OF PERSON PERMITTED BY A PUBLIC ASSEMBLY PERMIT IS SHOWN ON THE ATTACHED SKETCH OF THE ADDED BASEMENT LEVEL.
5. NO CHANGE WILL BE MADE TO EXISTING PREMISES. EXCEPT AS SET FORTH HEREIN

METHOD OF OPERATION OF LOWER LEVEL

1. THE BAR AND LOUNGE WILL BE A LOW-KEY MEETING PLACE FOR MATURE MEN AND WOMEN TO MEET AND ENJOY SOPHISTICATED PEOPLE WHO SHARE THE ENJOYMENT OF QUIET JAZZ AND MOOD MUSIC, GOOD TAPAS STYLE FOOD AND INTERSTING COMPANY.
2. MUSIC WILL BE RECORDED LOW AND APPLIED TO ACCOMMODATE THE SIZE OF THE PREMISES. MOSTLY ON WEEKENDS LIVE MUSIC CONSISTING OR 3 TO 5 MUSICIANS WILL PLAY JAZZ.
3. SECURITY WILL BE ON SITE, AS NEEDED FOR CROWD CONTROL AND TO INSURE NO UNDERAGE DRINKING.
4. FOOD WILL BE BROUGHT FROM THE EXISTING BAR AND RESTAURANT ON THE MAIN FLOOR WITH A PREP AREA ON LOWER LEVEL TO PREPARE AND HEAT FOOD SERVED ON LOWER LEVEL.

DATED: MAY 19, 2017


MAHYOUB MURSHED

RIDER TO STIPULATION FOR BASEMENT SPACE

TIMES SQUARE RETAIL LLC d/b/a ENGINE ROOM
713 8TH AVENUE, NEW YORK, NY 10036

MAHYOUB (MIKE) MURSHED, SOLE MEMBER OF THE ABOVE LLC, IS REGRETFULLY, AND AFTER MUCH CONSIDERATION, UNABLE TO AGREE WITH THE PORTION OF THE PROPOSED STIPULATION WHICH WOULD REQUIRE THE ABOVE LLC TO STOP SERVING ALCOHOL ON SUNDAY TO THURSDAY AT 2:00 AM, RATHER THAN THE 4:00 AM CLOSING TIME PERMITTED ON FRIDAY AND SATURDAY NIGHT.

THE REASON FOR REQUESTING A 4:00 AM CLOSING ON ALL SEVEN (7) DAYS IS AS FOLLOWS:

THE ENGINE ROOM INTENDS TO CATER TO THE LATE NIGHT EMPLOYEES ENGAGED IN THE RESTAURANT AND THEATRE INDUSTRIES WHERE SUCH PERSONS, AFTER A LONG NIGHTS WORK, CAN JOIN TOGETHER IN COMRADEHIP FOR GOOD FOOD AND BEVERAGES, ACCOMPANIED BY CONTEMPORARY JAZZ AND THEATRE MUSIC. THE LATE NIGHT SCHEDULE OF MANY OF THESE WORKERS REQUIRE THE ABILITY OF THE ENGINE ROOM TO BE ABLE TO REMAIN OPEN BEYOND 2:00 AM TO CATER TO THEIR SCHEDULE.

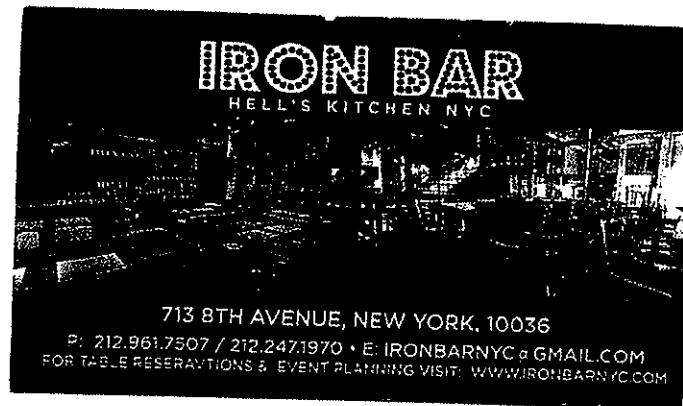
THE ENGINE ROOM WILL BE CONNECTED AND A PART OF THE CURRENT IRON BAR, WHICH HAS TWO CURRENT LICENSED STAND-UP BARS THAT ARE PERMITTED TO BE OPENED UNTIL 4:00 AM AND IT WOULD BE BETTER FOR THE COMMUNITY THAT THE LATE NIGHT CROWD VISITS THE BELOW GROUND VENUE, FROM WHICH LITTLE OR NO SOUND WILL ESCAPE INTO THE STREET, THEN ON THE GROUND FLOOR VENUE, WHICH PROXIMITY TO THE STREET IS MUCH MORE DIRECT.

MANY OF THE EIGHTH AVENUE RESTAURANTS AND BARS IN THE NEIGHBORHOOD OF THE ENGINE ROOM ARE 4:00 AM VENUES, WHICH WILL UNFAIRLY GIVE SAID VENUES A COMPETITIVE EDGE OVER THE ENGINE ROOM, AND WILL CAUSE THE ENGINE ROOM PATRONS TO SEEK THESE OTHER LOUDER AND STREET LEVEL VENUES, WHICH IS NOT IN THE PUBLIC INTEREST.

THE ENGINE ROOM INTENDS NOT TO ADMIT ANY NEW PATRONS SEEKING ENTRY INTO THE ENGINE ROOM AFTER 3:00 AM, SO AS TO REDUCE THE POSSIBLE CROWD SIZE LEAVING THE VENUE AT THE TIME OF CLOSING. IN ADDITION, FOOD WILL BE SERVED AT ALL TIMES THE BAR LOUNGE IS OPEN FOR BUSINESS.

THE ENGINE ROOM AGREES TO FOLLOW ALL OTHER ITEMS IN THE STIPULATION AND COMMITS ITSELF TO BE A GOOD AND CONSIDERATE NEIGHBOR IN THE AREA SURROUNDING THE ENGINE ROOM. THE ENGINE ROOM WILL ALSO PROVIDE THE COMMUNITY BOARD AND NEARBY BLOCK ASSOCIATIONS A CONTACT NUMBER FOR THE ENGINE ROOM AND THE IRON BAR TO PROMPTLY HANDLE ANY ISSUES OF CONCERN TO THE NEIGHBORHOOD.

IT IS RESPECTFULLY REQUESTED THAT THE ENGINE ROOM BE PERMITTED TO STAY OPEN TO 4:00 AM., AS REQUESTED HEREIN.



July 10, 2017

Members of Community Board 4, Manhattan
330 West 42nd Street
New York, NY 10036

Dear Members of Community Board 4:

I am a Manager and head of security for Times Square Retail LLC, doing business as the Iron Bar. I am a licensed as a Security Guard in New York State.

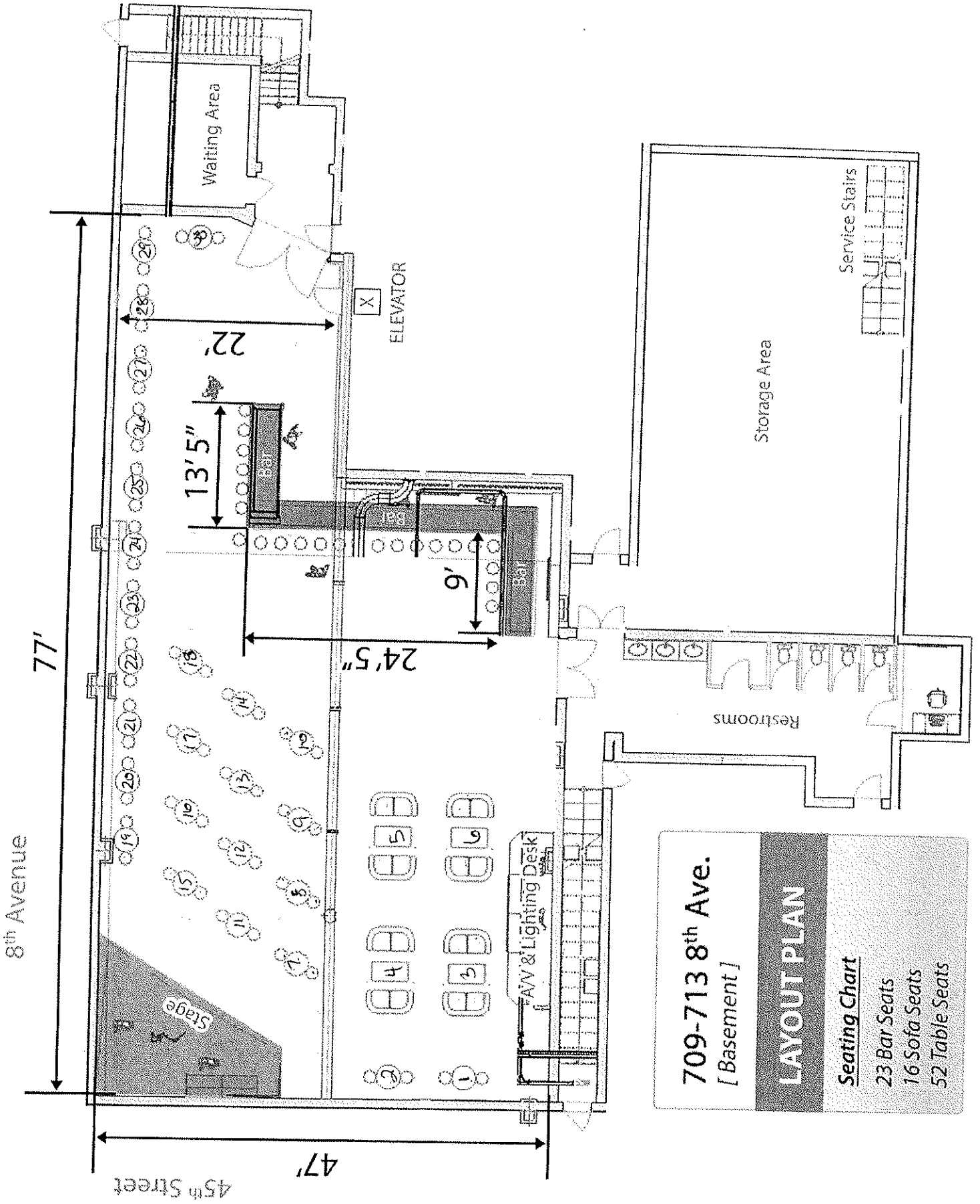
In reference to the proposed extension of the Iron Bar to include the basement area below the Iron Bar the following security plan will be used in the basement space which will be known as The Engine Room.

Depending on approved occupancy, we shall have 2 to 4 security guards on duty every Friday and Saturday night and at least 2 on weekdays and Sunday.

At least 2 security guard will be assigned to the front door and will also monitor the street outside the premises. At least 2 to 4 guards, as needed, will monitor the street at closing time, or at any time a large number of people will be departing from the premises. Similarly, 2 or more security guards will also be assigned to monitor the inside of the basement space to insure its orderly operation.

The Security Guards duties out-side the basement premises is to usher the people leaving the premises to move away from the front entrance, especially after 11:00 pm and together with the security at the Iron Bar, to see that no patrons who have left the premises are congregating on the 45th Street side near the Iron Bar, or making excessive noise or smoking adjacent to the restaurant, both on 45th Street and on 8th Avenue.

Cigarette disposal buckets will be provided outside the front door, as well as signage inside and outside the premises reminding patrons to be good neighbors and not to disturb the surrounding neighborhood with excessive noise and discarded cigarettes and other debris.



709-713 8th Ave.
[Basement]

LAYOUT PLAN

Seating Chart
 23 Bar Seats
 16 Sofa Seats
 52 Table Seats

Time Square Retail LLC 8th Avenue
Entrance to Basement Area
to be called Engine Room.
713 8th Avenue
New York, NY 10036



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

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