

# Manhattan Community Board 4

# Liquor License Stipulations Application

(All Fields Must Be Completed)

<b>CORPORATION NAME</b> Barneys Inc.		<b>DOING BUSINESS AS (DBA)</b> Fred's	
<b>STREET ADDRESS</b> 161 W. 16th St., aka 101 7th Avenue, Third Floor		<b>CROSS STREETS</b> 6th and 7th Avenues	<b>ZIP CODE</b> 10011
<b>OWNER</b> <i>(Attach a list of all the people that will be associated listed with the license)</i>	<b>NAME:</b> Marc Perlowitz	<b>ATTORNEY/ REPRESENTAIVE</b>	<b>NAME:</b> Robert Skene and Richard Nasca
	<b>PHONE:</b> 212-450-8606		<b>PHONE:</b> 732-727-5030
	<b>EMAIL:</b> Lfarina@skenelawfirm.com		<b>EMAIL:</b> Lfarina@skenelawfirm.com
<b>MANAGER</b>	<b>NAME:</b> tbd	<b>LANDLORD</b>	<b>NAME:</b> Equity One Inc.
	<b>PHONE:</b>		<b>PHONE:</b> 212-796-1760
	<b>EMAIL:</b>		<b>EMAIL:</b>
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
	What is/was the name and address of establishment?	Fred's and Gene's - 660 Madison Ave., NYC	
	What were the dates applicant was involved with this former premise?	both are currently open and operating	
<input type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<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?	<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	We will file after meeting with CB 4
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="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="checkbox"/> <b>YES</b>	<input checked="" type="checkbox"/> <b>NO</b>	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	

**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	10-8	10-8	10-8	10-8	10-8	10-8	10-8
	Kitchen	same						
	Music	same						
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> 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
<b>INSIDE</b>	150	150	15	138	0	1	12
<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?

1 floor - 3rd level - capacity of approx. 150

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

infrequently

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

YES NO

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

store security will be engaged  
tbd

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

n/a

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

YES NO

3

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

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

inside the store on the ground level

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

Community Notification/Relations			
<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	Manhattan Community Board 4	
	# 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?		yes - November 9	
Where did applicant post the notice that was provided?		outside of the building entrance	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES <input checked="" type="checkbox"/>	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES <input checked="" type="checkbox"/>	NO

<b>BUILDING DESIGN</b>																											
State the name and type of business previously located in the space.	unknown																										
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	unknown																								
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="checkbox"/> YES	NO	signage will be updated																								
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="checkbox"/> NO	vestibule on ground level																								
Will applicant use a storm enclosure?	YES	<input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> YES	NO																									
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/> YES	NO																									
Will the establishment have any of the following: (circle all that apply) none	<table border="1"> <thead> <tr> <th>FRENCH DOORS</th> <th>GARAGE DOORS</th> <th>WINDOWS THAT CAN BE OPENED</th> </tr> </thead> <tbody> <tr> <td>YES</td> <td>NO</td> <td></td> </tr> <tr> <td>YES</td> <td>NO</td> <td></td> </tr> <tr> <td>YES</td> <td>NO</td> <td>n/a</td> </tr> <tr> <td>YES</td> <td>NO</td> <td>n/a</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td>NO</td> <td></td> </tr> <tr> <td>YES</td> <td><input checked="" type="checkbox"/> NO</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td>NO</td> <td>on ground level of building</td> </tr> </tbody> </table>			FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED	YES	NO		YES	NO		YES	NO	n/a	YES	NO	n/a	<input checked="" type="checkbox"/> YES	NO		YES	<input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> YES	NO	on ground level of building
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Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	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?	YES	NO																									
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	n/a																								
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?	YES	NO	n/a																								
Will the kitchen exhaust system extend to the roof?	<input checked="" type="checkbox"/> YES	NO																									
Will the establishment have an illuminated sign?	YES	<input checked="" type="checkbox"/> NO																									
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="checkbox"/> YES	NO	on ground level of building																								
Where will the air conditioner be located? What type is it?	located on roof - cooling tower																										
When was the air conditioner installed?	unknown																										

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ</b>		n/a - no outdoor areas	
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES X	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 X	
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	

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			
n/a - no outdoor areas			
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)**

Please see attached stipulations

*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.*

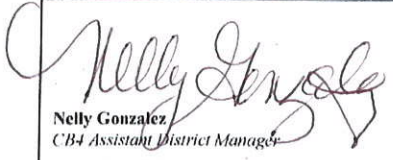

**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***

*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:	<input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval
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**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Assistant District Manager	Frank Holozubiec CB4 BLP Committee Co-Chair	 Burt Lazarin CB4 BLP 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.

<b>SIGN HERE</b> →	 PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	12-8-05 DATE
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WITH ALL STIPS  
EXCEPT DELIVERIA

## DRAFT OF LIQUOR LICENSE STIPULATIONS

Barney's, Inc. - 161 W. 16<sup>th</sup> Street

The undersigned, Marc Perlowitz, hereby agrees, on behalf of Barney's, Inc. (the "Operator"), that an approval of an on-premises liquor license by the New York State Liquor Authority shall be subject to compliance by the Operator with respect to its operation of a full-service restaurant called "Fred's" to be located on the Third Floor of the commercial unit at *161 W. 16<sup>th</sup> Street*, and with catering events to be held on the Basement, First and Second Floors (the "Premises") with the following stipulations. These stipulations are subject to and conditioned upon the recommendation of Manhattan Community Board 4 to approve this application:

### Hours of Operation

7 Days: \*10am – 8pm (all catering events shall end by 10pm)

The Operator of the Premises agrees that every patron must be out of the Premises within thirty minutes after the closing time specified above in Hours of Operation.

### Certificates, Permits and Related Documents

The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy.

### Number of Staff/Managers on Duty

During all hours of operation of the Premises, the Operator will ensure that there will be at least one restaurant manager on duty.

### Doors and Windows

The Premises shall not have any open doors or windows. Doors and windows will be of double paned glass so as to ensure the mitigation of noise from within the Establishment.

### Music and Containment of Noise

The Operator shall permit background only music and shall not permit DJs or live music in the Premises.

Per the Operator's agreement with the residential co-op board above the Premises (the "Co-Op Agreement"), the Operator shall not use a loud speaker or other sound or advertising device as to create an unreasonable noise level outside of the Premises.

The Operator shall retain a professional HVAC contractor to ensure that all air HVAC equipment systems on the roof shall be within DEP guidelines as to not cause unreasonable noise levels outside of the premises. The Operator shall use commercially reasonable efforts to minimize the sound level of such HVAC equipment.

### Ventilation

The Operator shall retain a professional contractor to install the kitchen ventilation system, which shall eliminate fumes from the roof of the Commercial Unit only. The Operator shall use commercially reasonable efforts to eliminate or otherwise minimize any fumes or odors emanating from the kitchen ventilation system.

### Signage and Sidewalk Café

The Operator shall not post signage on discounted drink promotions of any kind by the windows of the Premises or on the exterior of the Premises or attempt to steer the public from the sidewalk into the Premises. The Operator shall not distribute any fliers on the sidewalk or street. The Operator shall not install signage on or within the Premises that will be lit by neon lighting so as to not disturb residents living across from the Premises and residents adjacent to and across the street.

There are no plans for a sidewalk café or outdoor area.

**Sanitation**

The Operator shall arrange trash pick up with a licensed refuse collector and will use commercially reasonable efforts to try to limit the noise from trucks that collect trash on the block.

Per the Co-Op Agreement, the Operator shall cause the trash from the store to be located within the Premises to be brought to a location by the refuse collector on Seventh Avenue and shall not be placed on 16<sup>th</sup> Street. Any obligation on the part of Barneys in the above regard shall be subject to the requirements of applicable law.

**Traffic and Crowd Management**

The Operator shall at all times work with the community to determine and address traffic congestion and noise issues that are identified as the Premises commences operations.

Per the Co-Op Agreement, the Operator agrees to exercise reasonable efforts to restrict its employees from congregating, for the purposes of smoking or otherwise, in the immediate area of the service entrance to the Premises located on 16<sup>th</sup> Street. The Operator agrees not to use the service entrance for entry into the Premises by its customer other than in extraordinary and exceptional situations and will not use 16<sup>th</sup> Street for a waiting line for entry of its customers into the Premises.

**Events**

The Operator shall not host third party promoted events.