## Manhattan Community Board 4 (All Fields Must Be Completed)

Liquor License Stipulations Application

APPLICANT				DOING BUSINESS AS (DBA)						
Briciola Ll	LC			Briciola						
STREET ADI	DRESS			CROSS STRE	ETS					
370 W 51st	Street			8 <sup>th</sup> & 9 <sup>th</sup> Avenue						
	NAME:	Robert Passon	THE PROPERTY OF THE PROPERTY O		NAME: Frank Palillo					
OWNER	PHONE:	646-201-8640		ATTORNEY	PHONE: 212-227-1640					
	FAX:				FAX: 212-349-1724					
	NAME:	Robert Passon			NAME: 118-25 Associates LLC					
MANAGER	PHONE:			LANDLORD	PHONE:					
	FAX:	<u>6</u> 2 3 4 5		-	FAX:					
DESCRIPT	I FION OF BUS	SINESS								
<u> (2000)</u>	20000	Bar/Tavern C	) Bed & Breakfast	ng Place Beer (	Cabaret Night Club Hotel Restaurant					
Establishmen	nt Tvoe:	Catering Establ	ishment Club (Fraternal	1 Organization	Members Only)					
Mr ar san ar 1.			<u> </u>							
		Other (Explain):	Other (Explain):							
Method of Op	peration:	O Restaurant	Restaurant Dance Club Sports Bar Adult Entertainment Wine Bar Pizzeria Cafe							
		Other (Explain):	Explain):							
License Type:		On-Premise	Wine Beer Win	ne & Beer						
		Has applicant owned or managed		a similar business?	YES NO					
		O Non	What is/was the name of establish	iment?						
		O New	What is/was the address of the est	tablishment?	·					
			What were the dates the applicant	was involved with th	nis former premise?					
			What is the prior license #?							
APPLICAT	ION TYPE		What is the expiration date on the prior license?							
(check one)		O Hansier	Are you making any alterations or o	operational changes	YES NO					
			If alterations or operational changes are being made, please attach the plans to this form.							
			What is the current license #?		126118					
		Alteration	What is the expiration date on the o	current license?	February 28, 2013					
		1	Please describe the nature of the alterations and attach the plans Extend Hours of Operation							

OPERATIO:	NAL ISSUI	ES												
		MOND	DAY	TUESDA	Y	WE	DNESDAY	THU	RSDAY	FRIDA	AY SAT	URDAY	SUNDAY	
HOURS	Operation	11an 12a	-	11am – 12ar		11am – 12am		11am – 1am		11am - 130am	1	11am — 130am		
	Music	11am – 12am		11am – 12an	1   11am 12am			11an 12an		11am – 12am	11am 12am	- 1	11am — 12am	
	Kitchen	11am 12am		11am – 12am		11am — 12am		11am – 12am		11am - 130am		11am – 130am		
		T		INDOOR	ı					BAR	T	OU	TSIDE	
OCCUPANCY	Capacit (Certificat Occupan	c of	You Occup	um # of Persons a Anticipate bying Premises ling Employees)	Num of Tal		Number of Scats		per of vice Bars	Number of Stand-Up Bars	Number of Seats at Bars	Number of Seats	Number of Tables	
22		22 1			13	0		1	9	0	0			
How many floors ar provided)	e there? What i	s the capa	city for	each floor? (plea	ise resp	ond i	n space	1-2	3-4	5+				
Will you be applying (please respond in			a cabar	et license? If yes	, will th	ere be	e dancing?	YES	NO	N/A				
Will applicant have	bottle service?							Yes	NO	N/A				
Will you be hosting	private parties a	and promot	tional ev	/ents?			***************************************	YES	NO	N/A				
Will outside promote	ers be used?							YES	NO	N/A				
Will the security pla	n submitted be i	mplemente	ed?					YES	NO	N/A				
Will State certified s	ecurity personn	el be used	?					YES	NO	N/A				
Will New York Night followed?	life Association	recommen	ndations	and NYPD Bes	t Practi	ces be	9	YES	NO	N/A				
Will the applicant be rack? Delivery bicyc wear attire clearly no	les are to be cle	early marke	ed with t	the name of the				YES	NO	N/A				
Will the applicant be space provided)	applying for a S	Sidewalk C	afé nov	v or in the future	? (pleas	se res	pond in	YES	NO	N/A				
If yes to the above, a (please respond in s		ed and sub	bmitted	to DCA? How m	any tat	oles/se	eats?	YES	NO	N/A				
Will applicant provid	e contact inform	ation to ne	eighbors	and respond to	compla	aints ti	hat arise?	YES	NO	N/A			·	
Will you inform the C to your jobs webpag		d office of	your jol	o openings and/o	or provi	de a h	yperlink	YES	NO	N/A				
If you plan to have music, what type(s)?  BACKGROUND LIVE MUS							MUSIC	r	) J					
BUILDING D	ESIGN													
Doors and windows a event of no amplified on all other days.	will be closed will sound, will be o	hen any ar closed by 1	mplified 11 PM F	music is played riday and Satur	and in day and	the i 10 P	M YES	NO	N/A					
Will applicant follow to tential noise disturplacing speakers on	bance to the ne	ighboring r	resident	d sound enginee s and buildings,	er to mit includii	igate ng	YES	NO	N/A					
Do you agree to com enclosures can be us project more than 18	sed between No	vember 15	and Ap				YES	NO	N/A					
Business License	e & Permite	Committ	lee				10-2000000		<u> </u>	<u> </u>			2 of 6	

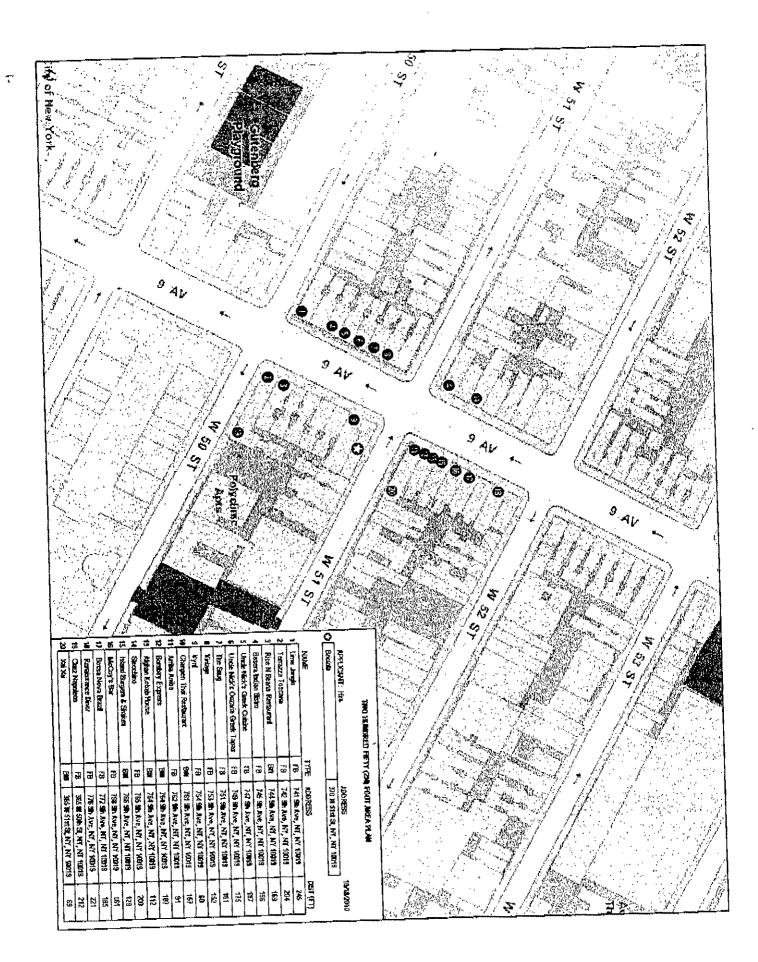
					28.04538.0382
OUTDOOR ITEMS					
Will applicant use the rooftop	,	YES	NO	N/A	
If yes to the above, the rear y vacated by 11 PM on Friday 8	and y	YES	NO	N/A	
The service and consumption other outdoor space will be or	, s	/ES	NO	N/A	
The rear yard, rooftop, and ar patrons to drink or smoke.	e for	⁄ES	NO	N/A	
Applicant will do everything in sound controlled environment possible; provided they do not includes possibly working with as installing soundproofing with	nere y	es.	NO	N/A	
Applicant will enforce a quiet of nearby residents (e.g. there we and doors to areas that play a every effort possible to limit the and also on menus asking for will also encourage a peaceful	ws make side	TS	NO	N/A	
Applicant will have a lighting p without disrupting neighbors?	Y	ES	NO	N/A	
LOCATION & ZON	ING				
Primary Zoning District:	Business District	Overlay (	Overlay (If Applicable):		
Is this a Special District? If yes	, is it Clinton, West Chelsea or Hudson Yards?	Yi	ES.	NO	N/A
Does the building have a Certifolic objection?	ficate of Occupancy ("C of O") or a letter of no	Ţ	ES	NO	N/A
,		153.555		25105-00000	

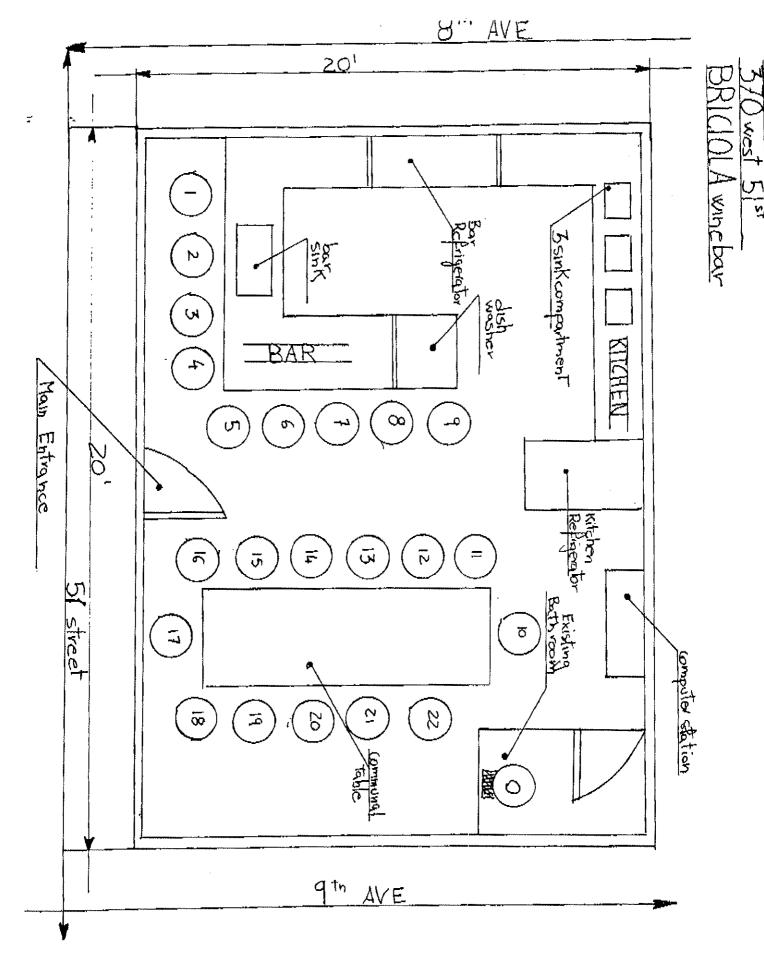
Primary Zoning District:	Business District (				Overlay (If Ap	pplicable	<b>)</b> :	
Is this a Special District? If yes	s, is it Clinton	i, West Ch	ielsea or Hudso	on Yards?	YES	NO	N/A	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?					[VES]	NO	N/A	
is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.					YES	NO	N/A	
Is a Public Assembly permit required?					YES	NO	N/A	
Are your plans filed with DOB?					YES	NO	N/A	 ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Building Type			e Other	, describe	: Hotel			
Adjacent Buildings Residential Commercial Mixed Use			e O Other,	, describe				
NOTIFICATION:		# 1						***************************************
What organizations / community groups have you notified regarding your application?		# 2						
		# 3						 

ADD	ITIONAL STIPULATIONS: (Office Use Only)					
•	Applicant will provide sound report & implementation proof of reading from upstairs apartments					
•	Applicant will correct exhaust isssues with down draft report					
•	Applicant agreed to close & vacate by 12am Sunday – Thursday, 130am Friday & Saturday as wel alcohol service 15 minutes before closing time	l as stop				
•	Applicant will return in six months					
siness	Licoppos & Pounits Committee					
	ss Licenses & Permits Committee 5 of 6					

ADDITIONAL INFOR	RMATION: (Applicant	t Use)		
ADDITIONAL NOTES	S: (Office Use Only)	PROTOSAN SINARES. Applicación de Per		
·				
	· ·			

Manhattan Community Board 4 (MCB4) recommends:	Denial unless all agreed to by applicant is part of the method of operation  Denial O Approval
CB4 REPRESENTATIVES	
Nelly Gonzalez CB4 Community Associate  APPLICANT AGREEMENT WITH THE COMM	12.21 Committee Co Citali
Pursuant to these stipulations, this applicant agrees to have license. Additionally, the applicant agrees to the community	these provisions incorporated in the method of operation of their liquor agreements as the basis for the community supporting this application.
SIGN HERE SIGNATURE OF APPL	Tuesday, February 12, 2013 DATE





Housensde Italian Susage with Spinsch Salsiccia e Provola

Maccheroni e Tartufo

06/22/2012 13:38 FAX

Truffle Mac n Cheese

Caprino alle Erbe

Hyrbed Goar cheese in warm. Tomato Sance

# Cicchetti:\$9×

Bruschetta ai Funghi e Montasio Barbeque Pork Ribe Seemed Asparages & Posched Egg Staring Scampi with Oxclic & Olive OH Jurdo Shrimp Shower with Maximum Articholus Mined Marinaged Olives & Fern Chees Smaked Speck& Gozgozola Cheese Mozzarella Pomodoro Basilico House made Breadsticks & Promittin di San Decick Asparagi e Uovo Gamberi e Aglio e Olio Uamberoni e Carciofi Bruschetta Speck e Gognzola Baffalo Mozzarella, Heirloom Tomatoes & Fresh Bad Crissini Prosciutto Costicine di Porco Olive Miste e Feta

> Provolone Arugula e Pomodoro Provolence Cheese, Arugula & Heirloom Touasto Jumbo Shrimp, Marinated Onions & Artichokes Spinaci Capperi e Caprino Bulialo Mozzaella & Prosciuto di San Dentek Salami Peperoni e Carciofi Salami, Articlokes, Peppera & Fonzina Gamberoni e Carciofi Polpette e Mozzarella Spinach, Capers & Cost Cheese

Hell's Kitchen, NYC

Gailed Eggplants Staffed with Goat Cheese

Datteri e Gorgonzola

Book Meathalls & Own Rossed Toman

Melanzane e Caprino

Orilled Lamb Chops in Balsanic Sauce

osticine d'Agnello

Polpette al Pomodoro

Spicy Sauteed Anticheles & Greta Olive

Mushrouza Bruschetta & Montasio Cheese

Carciofi e Olive

Congramable Staffed Dates Wrapped in Speek

### Prosciutto di San Daniele Salumi: \$6° Sopressata Bresaola Coppa Speck

Mozzarella e Prosciutto

Panini:\$10s

Frank Pollila

Formaggi: \$4<sup>30</sup>

Cacciatorini Mortadella

Old Chatham Farm Camembert Sartori Stravecchio Parmiggiano Vermont Clothbound Cheddar Humbolt Fog Ashed Goat Valsassina Hills Tallegio Lively Run Cayuga Blue Pasteurized Goat's Milk-California Pasteurized Cow's MilkNewYork Pagestized Cost's Milk Veryon Raw Mored Rend Milk-California Pasteurand Con/s Milk-Italy Pastenized Cow's Mikelph

Tortino di Ricotta Dolci: \$7×

Moleon Chocober Cake with Tahitian Vanilla Ice Cream Traditional Chemeaks & Sussiberry Sauce Souffle di Cioccolato Tiramisu

Cassic Turantel



19 Mercer Street, NY, NY 10013 (212) 925-1365 Fax: (212) 966-4216 www.acoustilog.com

February 23, 2013

Ms. Tanya Hira Briciola 370 West 51st Street New York, NY 10019

Re: Wine Bar Noise Complaint

Dear Ms. Hira,

I conducted acoustic tests on February 22, 2013. These tests were designed to determine the typical sound levels that are heard in the upstairs apartment due to music playing in the first-floor wine bar space. I am providing soundproofing recommendations designed to protect the residential neighbors.

#### **SUMMARY**

The tested sound levels were loudest in the bed area of the second floor 1D apartment which is located over the wine bar space. The sound is primarily transmitted through the floor. Soundproofing recommendations for the ceiling and the sound system are provided.

#### **TEST AND INSPECTION**

Sound testing was done in the recently-soundproofed wine bar with approximately 5 people present. The residential floor above was tested by measuring sound in the 2<sup>nd</sup> floor 1D apartment.

The test sound system played music at a level of 88 dBC, slow response, measured in the center of the space. This loud sound was played such that the sound level in the apartment was high enough to override any extraneous noise, although an acceptable level for actual wine bar use would be approximately 76 dBC, 12 decibels lower than the test level. The dBC reading was used because it is a measurement you can easily test later as described in the recommendations.

The test music from the sound system was clearly audible in the apartment. The sound was primarily coming through the wood floor; very little sound came up through the walls.

The recent soundproofing consisted of the following work: The existing wine bar sheetrock ceiling was removed, exposing the old wood joists. There was no insulation in between the joists, so R-19 Fiberglas insulation was installed as necessary to fill the space. Homasote 440 Sound Barrier and 5/8" Sheetrock were installed on the bottom of the joists, cut to fit around the pipes leading up to the 2nd floor apartment. Finally, a ½" thick wood beadboard layer was attached to the sheetrock for decorative purposes.

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#### DBA VS OCTAVE BAND SOUND LEVEL READINGS

One way that the sound levels were measured was using the A-weighting decibel scale. The dB (A) decibel scale 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 sounds. The A-weighted decibels require only a simple sound level meter to measure them. They are shown in the dBA column on the right-hand side of the graph in this report.

dBA is what the City DEP inspectors use, and they normally compare the music level to the 42 dBA Code limit. However, they typically use a 3 dBA safety margin and do not issue violations unless the sound level is greater than 45 dBA.

C-weighted decibels (dBC) are also an overall measurement of all frequencies, but include the important low frequency "bass" sounds. However, the dBC reading is rarely used because it also picks up outside traffic noise, making it hard to determine the contribution of the music to the measured level.

One-third octave band sound level readings were also taken which are measured in decibels, or dB. 31.5 - 200 Hertz frequencies are called low frequencies, which sound like thumping or vibration. Bass and drums usually 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 low-frequency bands are shown on the left-hand side of the graph, while the middle and high frequencies are in the middle and on the right-hand side respectively.

#### THE NOISE CODE - MUSIC

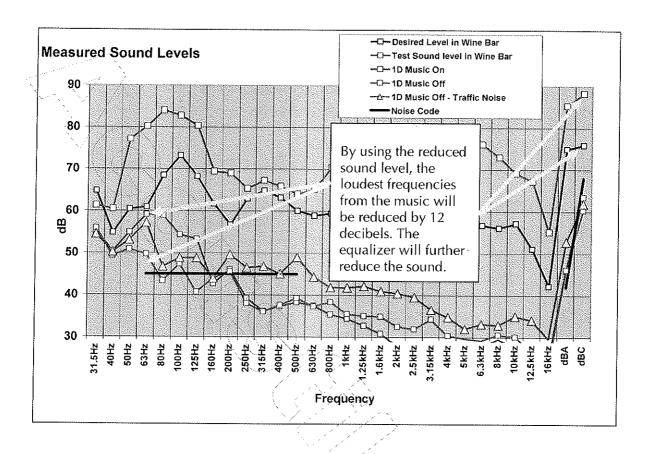
§24-231 Commercial music.

- (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.

email: af1@acoustilog.com

The sound levels are shown in the graph below.

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The graph shows that the low frequency sound caused by the test music was excessive upstairs, measuring 59 decibels at 63 Hertz. This was expected due to the high sound level which was used for the test. The dBA and dBC levels were not excessive however.

The Noise Code prohibits low frequency bass sounds in excess of 45 dB in any one-third octave band between 63 Hertz and 500 Hertz. Therefore, the test sound level was 14 decibels too loud.

By using the reduced and limited sound level, the loudest frequencies from the music will be reduced by 12 decibels, to 47 decibels. With a reduced bass level using the equalizer described below, along with sound system modifications, the sound will be reduced further to comply with the legal limit.

Since the actual sound level desired in the wine bar is only 2 decibels higher than the Noise Code limit in the apartment, meeting the limit is not difficult to do. The sound system modifications along with the reduced bass level will easily satisfy that requirement. The soundproofing recommendations will also reduce the sound transmission of people's voices.

Note that the minimum level of ambient sound from 51<sup>st</sup> Street and 9<sup>th</sup> Avenue range from 50 - 57 decibels at 63 Hertz, both significantly above the Noise Code limit. Therefore, while it is expected that sound levels in the apartment will often exceed 45 decibels, even at night, this will be from traffic, not from music.

#### **RECOMMENDATIONS**

- 1. In the wine bar, domestic and waste piping should be caulked to the ceiling using wood and Silicone 1.
- 2. In the wine bar, the beams should also be caulked airtight as well to the ceiling.
- 3. In the apartment, the cracks in the floor in 1D should be caulked airtight. This is especially true around and near the bed. Also, all radiator and other pipes which come up through the floor should be caulked.
- 4. This caulking is very simple but is important in reducing voice and music sounds.
- 5. Lower the 5 small satellite speakers by the height of 2 shelves to get them closer to the customers heads and farther from the ceiling.
- 6. The system should continue to be set up in stereo. Stereo sounds louder to the customers without actually increasing the sound level.
- 7. The sound system will incorporate an equalizer. The equalizer will then feed into a limiter. Both functions can be accomplished with a DBX Driverack PA, which will protect against louder songs. 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. If the sound system is turned up too high, the limiter will activate and guarantee that the actual sound never exceeds the desired maximum.
  - a. Using the graphic equalizer section, attenuate (lower) all frequencies 125 Hertz and below by 4 decibels. This is designed to provide a safety margin.
  - b. Using the unit's output level control, set the sound level 6 feet from the subwoofer, and 5 feet off the floor at the end of the long table, to a level of 76 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.
  - c. To ensure accuracy of the meter, you can bring it my office to be calibrated.
  - d. This unit would be set in conjunction with tests made of noise levels in the apartments.
  - e. Set the Stereo Output Limiters to COUPLE both channels together, which makes the Channel 1 controls affect both channels. The rest of the instructions are thus for the left channel only.
  - f. 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:
- 8. The amplifier has to be set to maximum level during this initial adjustment process so it cannot be turned up further at a later time. During actual use, you can use the level control to bring the volume down if you wish.

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

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Yours Truly,

Alan Fierstein

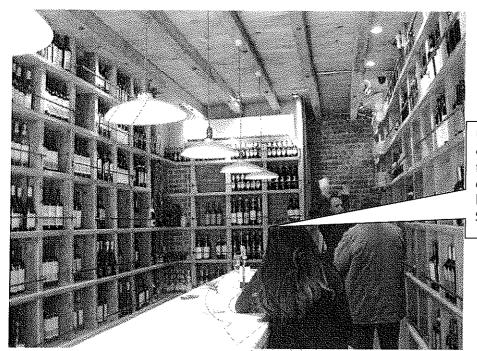
President

acoustilog1@verizon.net

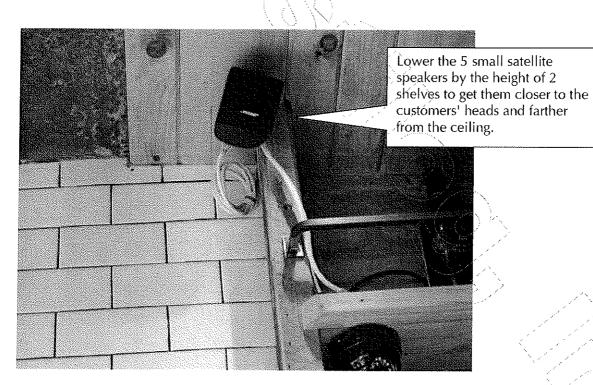
All readings re: .0002 microbar. Readings taken with Bruel & Kjaer 2260/2270 Analyzer, Bruel & Kjaer 4135, 4145, 4165, 4189 or 4190 Microphone, Acoustilog 232A Reverberation Timer. Calibrated to Bruel & Kjaer 4220 Sound Source or Quest CA-15A.



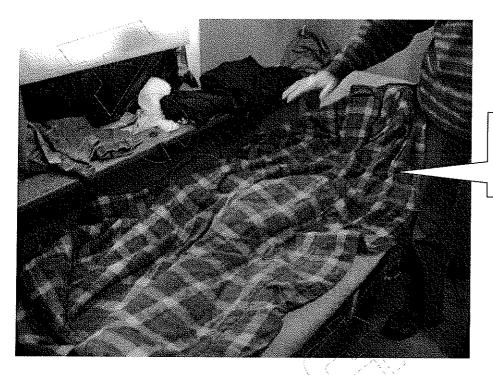
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Using the unit's output level control, set the sound level 6 feet from the subwoofer, and 5 feet off the floor at the end of the long table, to a level of 76 dBC Slow.



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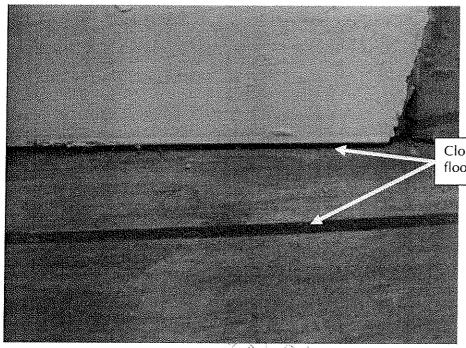


The cracks in the floor in 1D should be caulked airtight using Silicone 1. This is especially true around and near the bed.

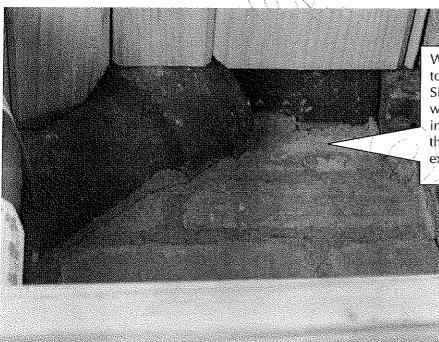


Caulking the cracks in the floor in 1D will also reduce the sound transmission of people's voices.

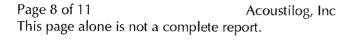
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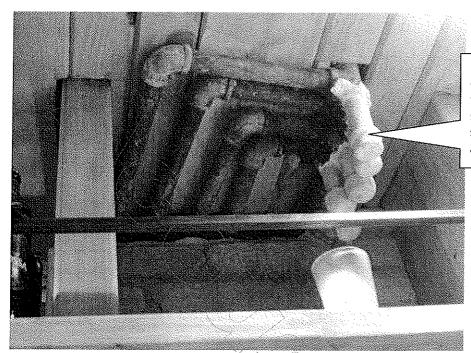


Close-up of the cracks in the floor.

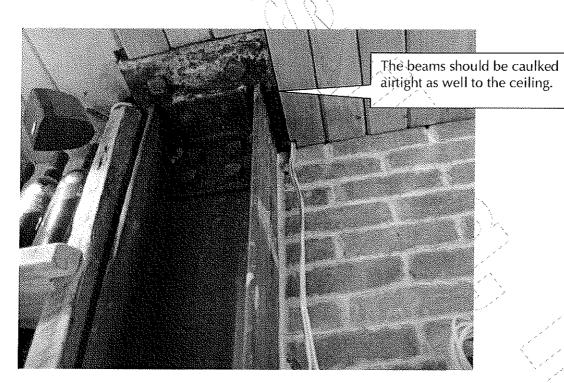


Waste piping should be caulked to the ceiling using wood and Silicone 1. Cover this pipe with a wood box, put fiberglass insulation inside, and then caulk the box to the brick and the existing wood.

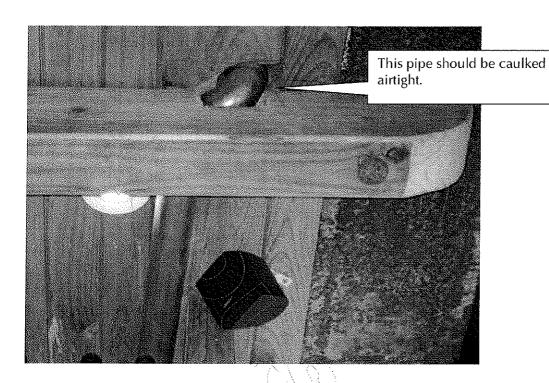


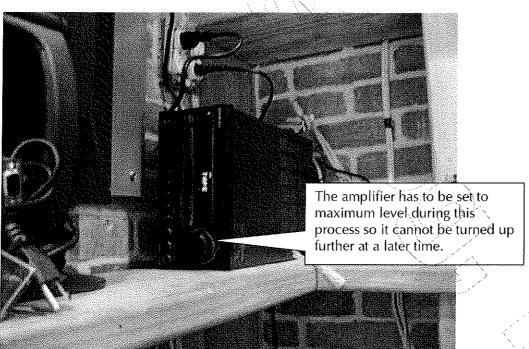


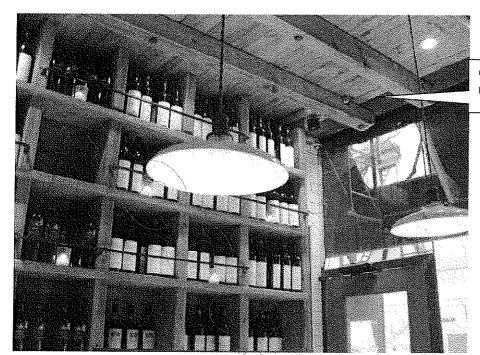
Domestic piping should be caulked to the ceiling using wood and Silicone 1. I would suggest boxing in this entire 1 square foot area with solid wood and caulk.



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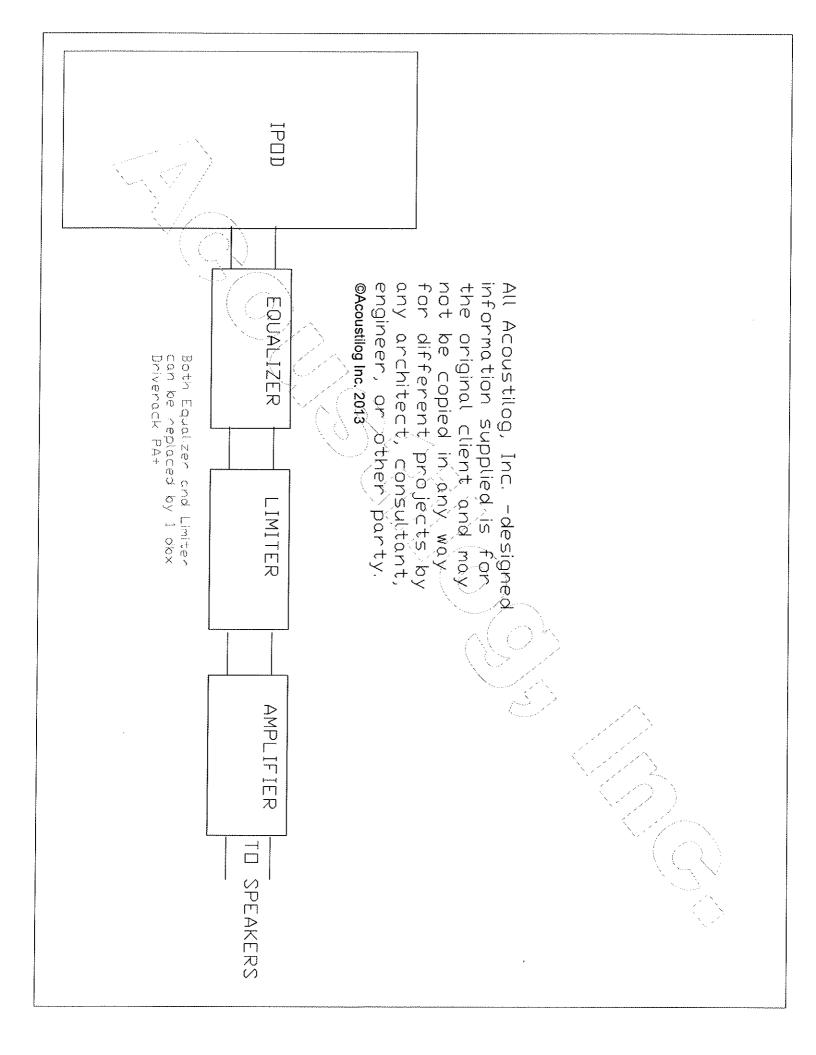






Caulk where the storefront steel meets the wood.





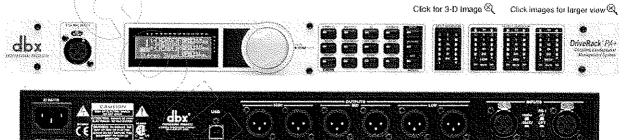
dbx Home > DriveRack® > DriveRack® PA+



#### ORIVERACK

#### DriveRack® PA+

Complete Loudspeaker Management System



#### FEATURES

- · Setup Wizard Steps Through Speaker and Amp Selection and Levels
- Auto EQ™ Wizard with 28-Band RTA Tunes Your System For The Venue
- AFS™ Wizard Helps Eliminate Feedback
- Stereo Feedback Elimination with 12 feedback notch filters
- dbx 120A Sub-harmonic Synthesizer
- Classic dbx Input Compression
- JBL® Speaker and Crown® Power Amp Tunings included
- USB Firmware and Speaker Tunings Field Updatable With Harman HiQnet™ System Architect
- Full time RTA function
- Front-Panel Output Mutes
- Pink Noise Generator (used with Auto EQ and Auto Level Wizards)
  Linked Stereo DSP Processing
- for ease of use
- 24-Bit ADC/24-Bit DAC, >113 dB Dynamic Range 2-Channel XLR Input and
- 6-Channel XLR Output
- 2x3, 2x4, 2x5, 2x6 Crossover Configurations
- Dual 28-band Graphic EQ-Linked or Dual Mono
- Stereo Multi-band Parametric EQ
- Stereo Output Limiters
- Output Alignment Delay
- Power on/off Mute Circuitry
- Front-panel RTA-M XLR input with phantom power
- 25 User Programs/25 Factory Programs
- Full Graphic LCD Display
- Front Panel Input and Output Meters

The best just got even better! The DriveRack PA, far and away the world's most popular loud speaker management system has now become the DriveRack PA+; the best has indeed gotten better. Showcasing all the features that users around the world have come to expect, including easy setup, rock-solid reliability and unparalleled sound quality, the new version has gone to great lengths to earn its "plus." With more settings, more control and enhanced circuitry, the sound you seek is right at your fingertips.

Although the DriveRack PA+ is loaded with functions and features, it is easy to set-up and use. The dbx exclusive Set Up Wizards walk you through system set up with easy to follow step-by-step instructions. Just pick your speakers and amps from the built-in list on the PA+ and then let the Auto Level Wizard™ fine tune the level settings of each speaker. You can then let the Auto EQ® Wizard help you further optimize your sound. Finish up by using the AFS Wizard, which automatically sets filters to eliminate any feedback during performances. Within minutes, your system will sound like it was tuned by a pro! No experience required. Get the most out of your PA with the DriveRack PA+, the worldwide standard in loudspeaker management.



Click here to download plugin.

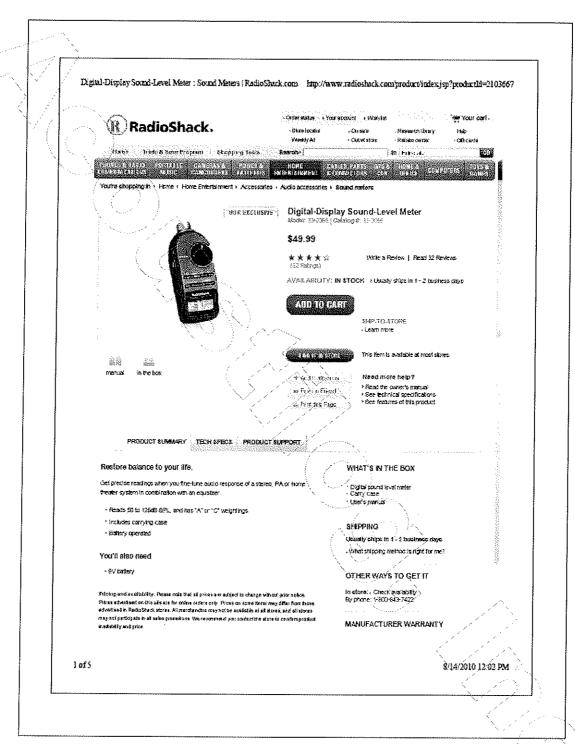
#### PAUDUUT MARKETS

- INSTALLED SOUND
- PORTABLE SOUND JOUR SOUND
  - STUDIÓ SQUAD

For product availability and pricing please contact your local dealer

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**Disclaimer**: This meter should be used for home/hobbyist use only. This meter does not meet the requirements set forth by the American National Standards Institute (ANSI), Standard S1.4.