

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Rise Bar NYC, LLC.		DOING BUSINESS AS (DBA) Rise Bar & Lounge		
STREET ADDRESS 859 Ninth Avenue		CROSS STREETS West 55th & West 56th Streets		ZIP CODE 10019
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: John Blair	ATTORNEY/ REPRESENTATIVE	NAME: Donald M. Bernstein Bernstein Redo, PC	
	PHONE: (914) 388-5139		PHONE: (212) 651-3100	
	EMAIL: Johnblairp@gmail.com		EMAIL: donald@brpclaw.com	
MANAGER	NAME: Ted Arenas	LANDLORD	NAME: Trevi Retail	
	PHONE: (917) 405-7905		PHONE: (646) 937-5094	
	EMAIL: theodorearenas@gmail.com		EMAIL:	
APPLICATION TYPE (Check One) Alteration & Change in Method of Operation				
<input type="radio"/> New	Has applicant owned or managed a similar business?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
	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?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		Change in Method of Operation, additional music types.	
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		#1278667 (10/31/2017)	
	Please list/describe the nature of all the changes and attach the plans. <small>See attached revised floor plan, as explained to CBA at previous meetings, the landlord altered the structure of the building and replaced structural beams resulting in relocated bathrooms, dj booth and platform, and additional space for 4 more barstools and three more tables. Also reduced chairs from 30 to 28.</small>			
METHOD OF OPERATION				
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)			
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	After Community Board meeting - January 2017	
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 type="checkbox"/> YES	<input type="checkbox"/> NO	N/A	
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"/> YES	<input checked="" type="checkbox"/> NO		
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO		

Rise Bar NYC LLC Owners:

John P. Blair

Theodore Shane Arenas

Luiz R. Sutter

Moises Lachman

OPERATIONAL DETAILS (* Closing time will be when establishment is vacated of all patrons)									
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	4:00pm-2:00am	4:00pm-2:00am	4:00pm-2:00am	4:00pm-4:00am	4:00pm-4:00am	4:00pm-4:00am	2:00pm-2:00am	
	Kitchen	4:00pm-2:00am	4:00pm-2:00am	4:00pm-2:00am	4:00pm-4:00am	4:00pm-4:00am	4:00pm-4:00am	2:00pm-2:00am	
	Music	4:00pm-2:00am	4:00pm-2:00am	4:00pm-2:00am	4:00pm-3:00am	4:00pm-3:00am	4:00pm-3:00am	2:00pm-2:00am	
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		<input checked="" type="checkbox"/> LIVE MUSIC		<input checked="" type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input checked="" type="checkbox"/> **KARAOKE	
OCCUPANCY <small>*live music limited to acoustic piano **limited karaoke, not a karaoke bar</small>									
	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	74	74	11	28	0	1	18		
OUTSIDE <i>(Other than sidewalk café)</i>	N/A	N/A	N/A	N/A					
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A					
How many floors are there? What is the capacity for each floor?					1-2 Ground Floor Basement				
How frequently will the owner(s) be at the establishment?					Regularly				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private, promotional or corporate events?					<input checked="" type="radio"/> YES	NO	Promotional events		
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					<input checked="" type="radio"/> YES	NO	Attached		
Will security plan be implemented?					<input checked="" type="radio"/> YES	NO			
Will State certified security personnel be used?					<input checked="" type="radio"/> YES	NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				

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	NO	N/A

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	TBD as provided by CB4	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		TBD	
Who was your contact person at each group you met with?		TBD	
When did applicant post the notice that was provided?		TBD	
Where did applicant post the notice that was provided?		TBD	
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 (917) 405-7905
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.	N/A-Currently Rise Bar, no change.			
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	Midtown Ninth Ave. Deli/Groc. Inc. Grocery Store Beer License.	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A Already operating	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Already existing	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input 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 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) N/A	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input type="radio"/> WINDOWS THAT CAN BE OPENED	
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input type="radio"/> YES	<input type="radio"/> NO	N/A	
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	N/A	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input 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	Already completed	
Will the kitchen exhaust system extend to the roof?	<input type="radio"/> YES	<input type="radio"/> NO	N/A	
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?	Inside			
When was the air conditioner installed?	October 2015			

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

OUTDOOR ITEMS – SIDEWALK CAFÉ		N/A	
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 st and March 21 st , 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)

- All live performances (including without limitation, karaoke, live singing, lip-syncing) will cease no later than 1 a.m. nightly
- Applicant will conduct a sound test by a licensed established acoustician to ensure no sound affects building residents. Applicant will present report to MCB4 and implement recommendations of report
- Premise will be cleared and vacated of patrons no later than 2 a.m. Sunday - Thursday and 4 a.m. Friday & Saturday & New Year's Eve.
- Applicant will not apply to the SLA to extend closing hours to 4 a.m. until after acoustical report and any necessary implementations is completed

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:

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 →

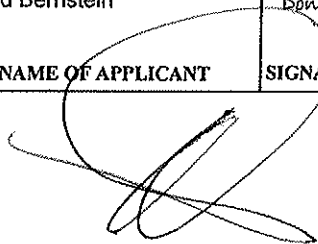
Donald Bernstein

Donald M. Bernstein

PRINT NAME OF APPLICANT

SIGNATURE OF APPLICANT

11/28/2016
DATE



12-13-16

Block Associations Contacted:

- West 47th/48th Streets Block Association: Elke Fears at aeffearshk@earthlink.net
- West 47th/48th Streets Block Association: Larry Roberts at larrymichaelroberts@gmail.com
- West 47th/48th Streets Block Association: Kim Bogues at jamesbogues@gmail.com
- West 47th/48th Streets Block Association: Chuck Vassallo at chasmv@hotmail.com
- West 47th/48th Streets Block Association: Steven Riedl at chluderemyc@yahoo.com
- West 47th/48th Streets Block Association: Nancy Roylance at nancyroylance@ymail.com
- West 50th/51st Streets Block Association: Steve Belida and Jeff Robins at hk5051@gmail.com
- Oasis Gardens I at 10th Ave (51/52) - Nancy Kyriacou at nkyriacou@yahoo.com
- Oasis Gardens II (52/10) Gary DiPasquale at gdclay@att.net
- The Aurora Association: Ellen Celnik at ecelnik@actorsfund.org, Derrick Sage at dsage@commonground.org
- The Colonade Association: Marjorie Kagen at buzany@rcn.com
- Midtown North Precinct Council: J.D. Noland at jeandaniel@aol.com
- Midtown North/South Precinct Council: John Mudd at john.mudd@usa.net
- Midtown North/South Precinct Council: William Otterson at bill@midtownsouthhcc.org
- Harborview Terrace Tenants Association: Maria Guzman at mariagnys@aol.com
- Housing Conservation Coordinators: Sarah Desmond at sdesmond@hcc-nyc.org
- West 55th Street Block Association: Christine Gorman at west55ba@gmail.com or cgormanhealth@gmail.com
- 300 West 55th Street Block Association: Paul Loeb at ploeb315@aol.com
- Hudson Hotel Residents: rlarios@hotmail.com
- Westmore Organization 333 W. 57th Street: Amanda Cernitz at acernitz@gmail.com
- Parc Vendome Organization 430 W. 57th Street: Anita McDonagh at awm3333@me.com
- Colonnade Organization 347 W. 57th Street: Jesse Bondy at jessbondy@aol.com



SANITARY INSPECTION GRADE

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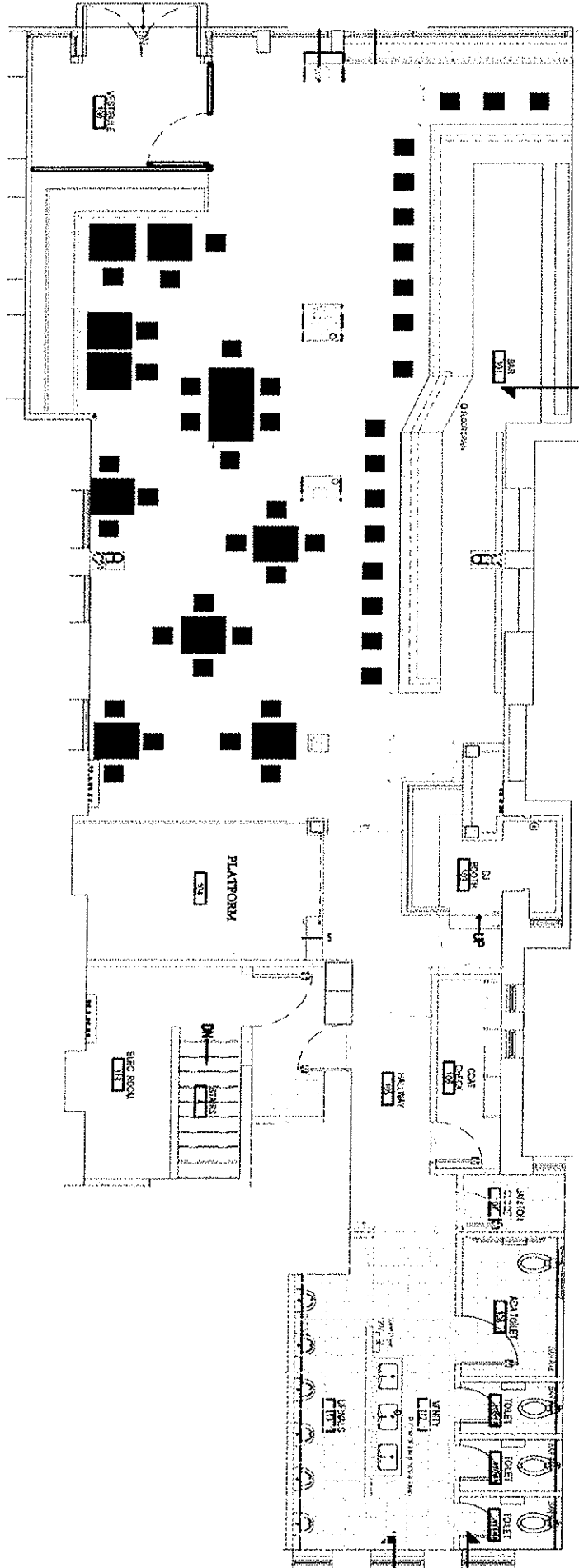
NYC
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

PUBLIC NOTICE

Rise Bar NYC, LLC
d/b/a Rise Bar & Lounge
859 9th Avenue

DATE: 12/15/2020
TIME: 10:30 AM
PLACE: 859 9th Avenue

Rise Bar NYC LLC dba Rise Bar & Lounge
859 Ninth Avenue, New York, New York 10019
PROPOSED ALTERATION

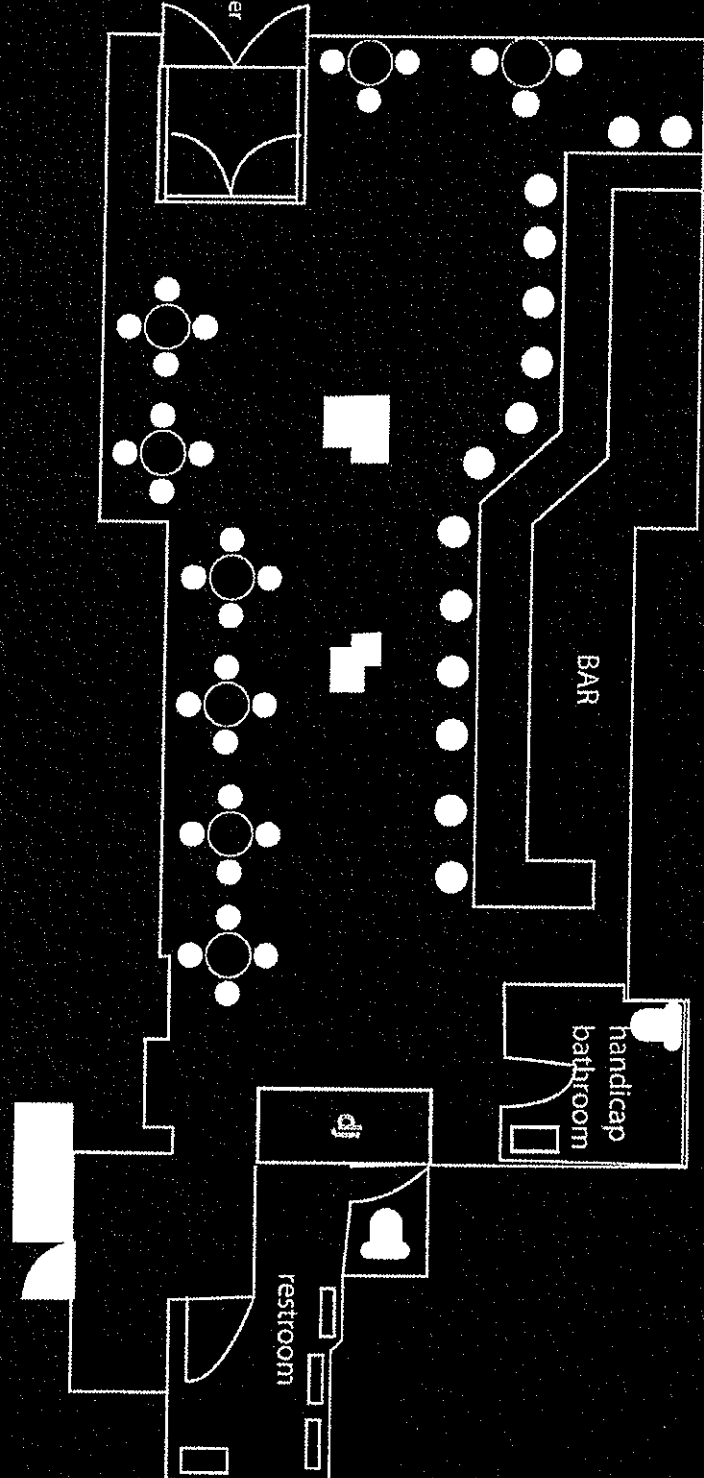


Rise Bar NYC LLC dba Rise Bar & Lounge
859 Ninth Avenue, New York, New York 10019
ORIGINAL FLOORPLAN

THE LAYOUT

9TH AVE

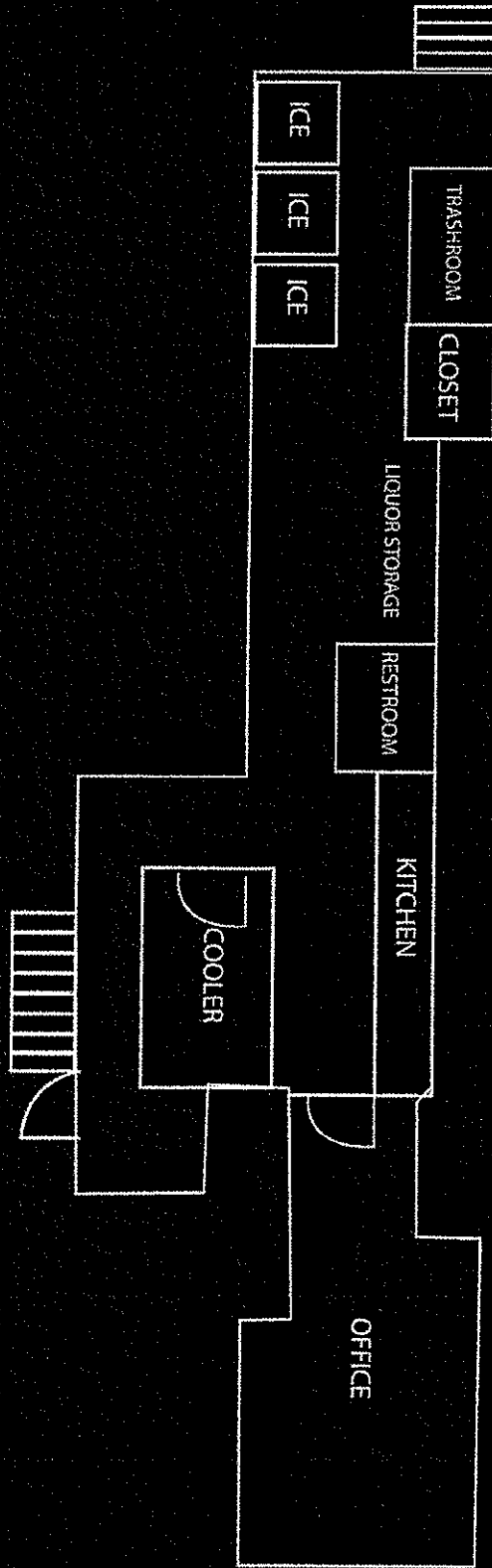
enter



MAIN ROOM

THE LAYOUT

9TH AVE



BASEMENT

RISE

SNACK MENU

SANDWICHES

Ham and Cheddar Biscuit

(Ham and Cheddar with a touch of butter on a Cheese Biscuit.) \$6

Turkey & Tomato

(On Whole Wheat bread with romaine lettuce, tomato and basil pesto mayonnaise.) \$9

Roasted Chicken Salad Sandwich

(Chicken salad with applewood smoked bacon, toasted walnuts, currants, mayonnaise on Rye.) \$9

SWEETS

Scones

Cherry Creme Scone \$4

Oatmeal Scone with dried fruits and nuts \$4

Cinnamon Walnut scone \$4

Olive Oil Cake \$5

Chocolate Twist \$3

Cookies

Chocolate Chip, Oatmeal Lime \$3

Sticky Bun \$5

Picholine Green Olive Sticks \$3

(ALL ITEMS ARE SENT FRESH DAILY FROM AMY'S BREAD)

RISE

Drink Menu

THE RISE

(ABSOLUT PEARS, ST GERMAIN, SPLASH OF PINEAPPLE,
3 DASHES OF BITTERS)

JALAPENO MARGARITA

(SAUZA CUCUMBER CHILI TEQUILLA, 2 SLICES OF LIGHTLY MUDDLED
JALAPENO WITH TRIPLE SEC, ROSES LIME AND A SPLASH OF SOUR)

CUCUMBER MARTINI

(PEARL CUCUMBER VODKA, SPLASH OF SOUR,
SPLASH OF TRIPLE SEC, SLICE OF CUCUMBER)

MOSCOW MULE

(ABSOLUT, GINGER BEER, SPLASH FRESH LIME JUICE, 2 DASHES OF BITTERS)

PICKLE MARTINI

(ABSOLUT, PICKLE JUICE, GANISHED WITH A DILL PICKLE)

LYCHEE MARTINI

(VODKA, SOHO LYCHEE, & LYCHEE JUICE)

Big Drinks

THE KNOCKOUT

(51OZ LIGHT RUM, DARK RUM, PINAPPLE, OJ SPLASH OF GRENADINE)

THE MEGA

(51OZ MARGARITA SPLASH OF BLUE CURACO)



ACOUSTILOG INC.

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

December 23, 2016

Mr. Ted Arenas
Mr. John Blair
Rise-Bar
859 Ninth Avenue
New York, NY

Re: Restaurant Soundproofing, 859 Ninth Avenue, Ground Floor

Dear Mr. Arenas and Mr. Blair,

I conducted acoustic tests on December 22, 2016 in the bar and in the apartment building above. The sound system complies with the Noise Code.

THE NOISE CODE - MUSIC

§24-231 Commercial music.

(a) No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music, as measured inside any receiving property dwelling unit:

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

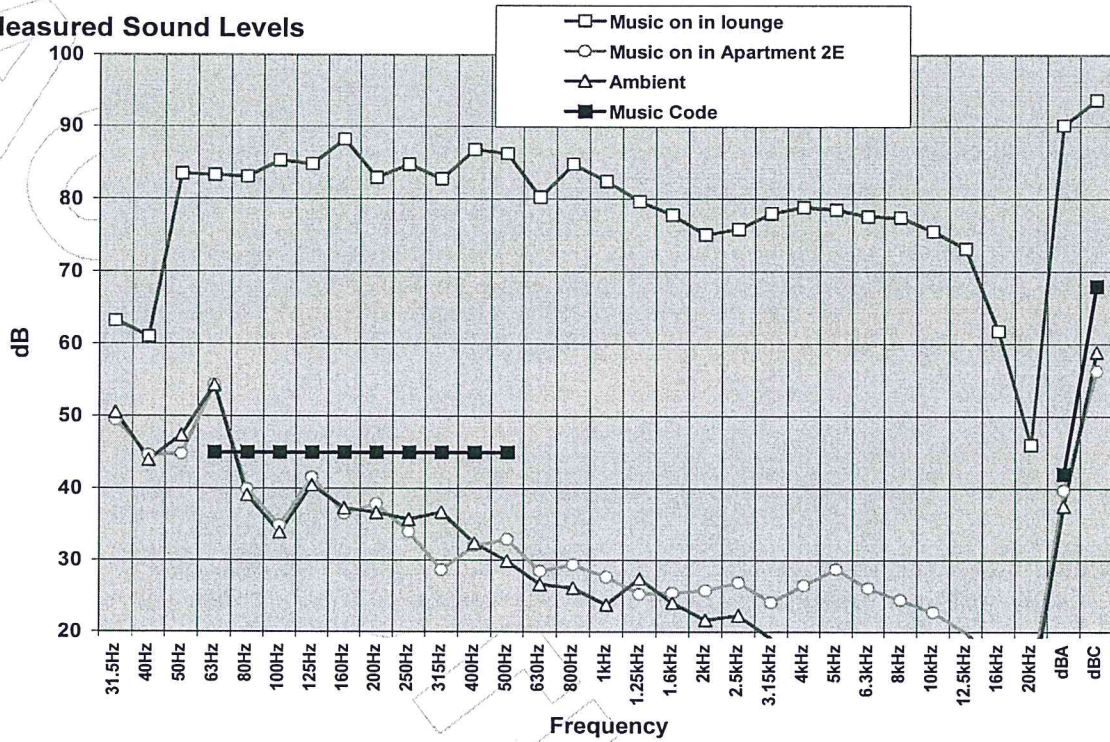
TEST

The test shows that the sound system, played at a maximum limited volume level of 93 decibels in the bar produced less than 45 decibels of music leakage at all Noise Code frequencies in 2E. The sound levels shown in the chart primarily represent ambient noise.

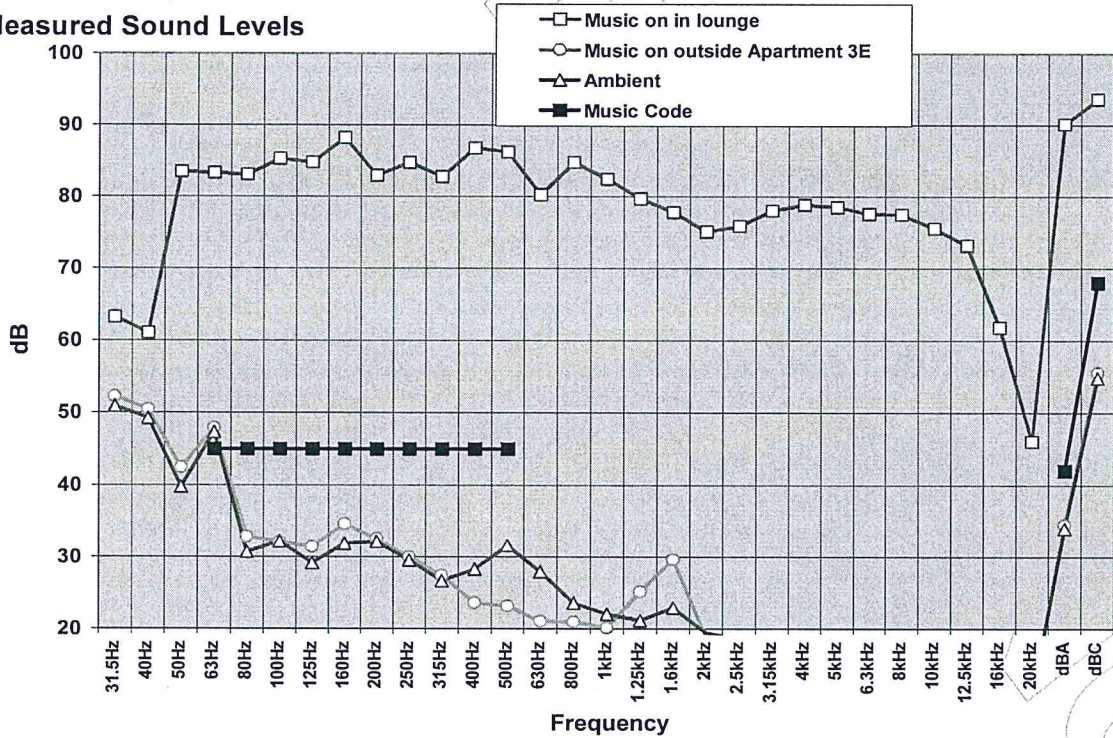
There was no access to Apartment 3E, but outside the front door to that apartment there was no audible sound and there was less than 45 decibels of music leakage at all Noise Code frequencies. However, the sound levels shown on the graph are from ambient noise not associated with the bar.

The music from the bar was not heard in the hallway even on the 1st floor. See the graphs below.

Measured Sound Levels



Measured Sound Levels



The limiter was installed and is operating properly.

You have locked the limiter with a security cover.

The music system is in compliance with the Noise Code provisions.

If I can be of further assistance, please call.

It is strongly recommended that all complicated construction projects get regular inspection visits at critical times, to make sure the system performs properly. This is an optional service which I can provide. All Acoustilog, Inc.-designed information supplied is for the original client and may not be copied in any way for different projects by any architect, consultant, engineer or other party. Copyright Acoustilog, Inc. 2016. All rights reserved. No reproduction of any type permitted without written permission of Acoustilog, Inc.

Yours Truly,

Alan Fierstein



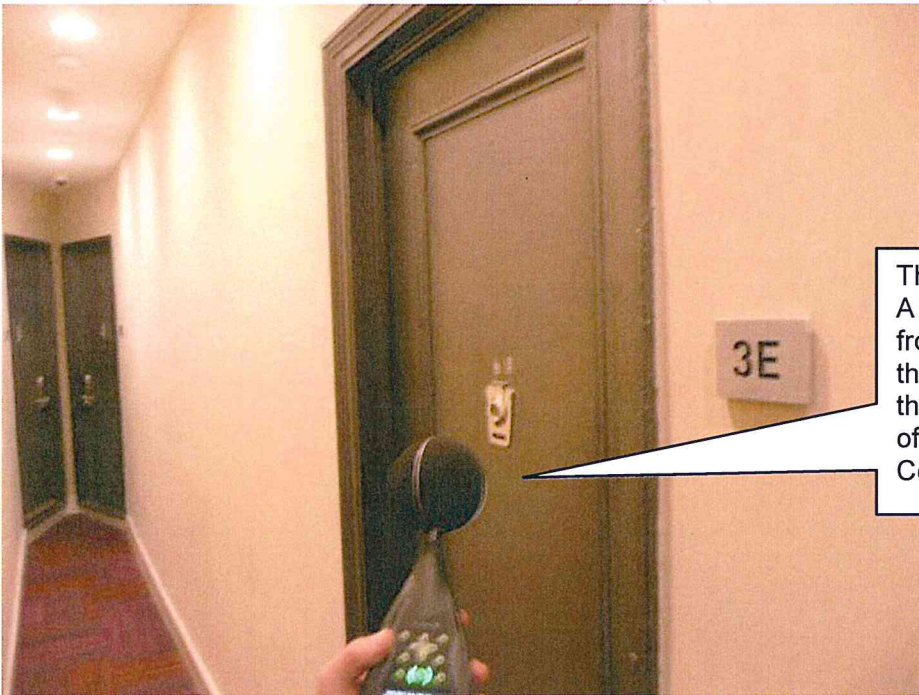
President

acoustilog1@verizon.net

All readings re: .0002 microbar. Readings taken with Bruel & Kjaer 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.



Apartment 2E - there was less than 45 decibels of music leakage at all Noise Code frequencies.



There was no access to Apartment 3E, but outside the front door to that apartment there was no audible sound and there was less than 45 decibels of music leakage at all Noise Code frequencies.