

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

Liquor License Stipulations Application

CORPORATION NAME <b>Fatbird LLC</b>		DOING BUSINESS AS (DBA) <b>Fatbird</b>	
STREET ADDRESS <b>44 Ninth Avenue</b>		CROSS STREETS <b>W. 14<sup>th</sup> + W. 15<sup>th</sup></b>	ZIP CODE <b>10011</b>
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: <b>Charissa Davidovici</b>	ATTORNEY/ REPRESENTATIVE	NAME: <b>Frank W. Palillo</b>
	PHONE: <b>(702) 335-1004</b>		PHONE: <b>212-227-1640</b>
	EMAIL: <b>ccaetz77@gmail.com</b>		EMAIL: <b>fwpalillo@gmail.com</b>
MANAGER	NAME: <b>Thomas Recine</b>	LANDLORD	NAME: <b>Mega Beauty LLC</b>
	PHONE: <b>(702) 236-3436</b>		PHONE: <b>(212) 518-4942</b>
	EMAIL: <b>Tomrecine@sugarfactory.com</b>		EMAIL:
APPLICATION TYPE <i>(Check One)</i>			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> YES <input type="radio"/> NO
	What was the name and address of establishment?		<b>See Rider</b>
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Transfer	What is the prior license # and expiration date?		<b>1163719 8/31/17</b>
	Is applicant making any alterations or operational changes?		<input type="radio"/> YES <input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input checked="" type="checkbox"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i> <b>Adding sidewalk cafe</b>		
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 checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		YES	<input checked="" type="radio"/> NO <b>within two weeks</b>
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		YES	<input checked="" type="radio"/> NO
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> YES	<input type="radio"/> NO

Rider – Fatbird I LLC

**Charissa Davidovici:**

Meatball Spot  
6605 Las Vegas Blvd, Las Vegas, NV 2012 – Present

Sugar Factory  
3663 Las Vegas Blvd, Las Vegas, NV 2012 – Present

Down & Dirty Tacos and Tequila Bar Meatpacking LLC  
835 Washington Street, New York, NY 2015 – Present

Le Gans Restaurant Inc  
46 Ganesvoort Street, New York, NY 2015 – 2016

**Thomas Recine:**

Down & Dirty Tacos and Tequila Bar Meatpacking LLC  
835 Washington Street, New York, NY 2015 – Present

Le Gans Restaurant Inc  
46 Ganesvoort Street, New York, NY 2015 – 2016

**OPERATIONAL DETAILS** (\*Closing times will be when establishment is closed to all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAUNDAY	SEUNDAY
HOURS (Kitchen Only)	Operative	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM
	Kitchen	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM
	Music	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM	7 AM - 1 AM
If you plan to have music, what type(s)? (If more than one apply)		MUSIC ONLY		LIVE MUSIC	NO	JAZZ BOYS	KARAOKE	

**OCCUPANCY**

	Capacity (Maximum Occupancy)	Maximum # of Persons You Anticipate Serving From (one if including Employees)	Number of Tables	Number of Seats	Number of Servers (Full Time)	Number of Sound-Top Bars	Number of Booths or Sound-Top Bars
INSIDE	150	145	71	108	10	1	8
OUTSIDE (Other than walk-out cafe)			05	103			
WALK-OUT CAFE			20	40			

How many floors are there? (What is the capacity for each floor?)  
 Ground floor (150) cellar (0)

How frequently will the owner(s) be at the establishment?  
 6-6 days per month

Will you be applying or intending to apply for a national license with DCA? If yes, will there be dancing?  
 YES NO

Will applicant have table or table service for beverages alcohol?  
 YES NO

Will you be having private, promotional or corporate events?  
 YES NO Private parties for special occasions

Will outside promotions be used on a regular basis? If yes please describe.  
 YES NO

Will you have a security plan? If yes please attach.  
 YES NO

Will security plan be implemented?  
 YES NO Restaurant

Will State certified security personnel be used?  
 YES NO

Will New York Highlife Association and NYFD Best Practices be followed?  
 YES NO

Will applicant be using delivery bicycles? If yes, how many?  
 YES NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear signs clearly marking name as described by NYFD Law?  
 YES NO

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

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?	<input checked="" type="radio"/> YES	NO
Are your plans filed with DOB?	YES	NO <i>not yet</i>

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	Community Board 4
	# 2	All specified by the CB in its
	# 3	letter of December 29th, 2016
	# 4	via email
	# 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?		January 4, 2017
Where did applicant post the notice that was provided?		front 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	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	The Diner - a diner		
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 checked="" type="radio"/> YES	<input type="radio"/> NO	new signage
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	currently exists
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 checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" 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 checked="" type="radio"/> YES	<input type="radio"/> NO	currently exist
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	currently exists
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	currently exists		
When was the air conditioner installed?	by prior operations, unknown		

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

## OUTDOOR ITEMS - SIDEWALK CAFE

Has the applicant/owner(s) read MC04 Sidewalk Cafe Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be applying for a sidewalk cafe now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is applicant in this application seeking to include a sidewalk cafe in its liquor license?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach applications and plans.	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant close and vacate the sidewalk cafe by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be serving alcohol in the sidewalk cafe? If so, will you have water service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the cafe have a 3 ft. wide serving area running the entire length of the sidewalk cafe?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant mark the perimeter of the cafe on the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the service and consumption of alcohol in the sidewalk cafe only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the sidewalk cafe not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DCBE & the Fire Department?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	<input type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use umbrellas?	<input checked="" type="radio"/> YES	<input type="radio"/> 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 cafe and the closest obstruction including construction barricades?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

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

- On Ninth Ave side, two northern-most tables will be removed
- Three additional tables on Ninth Ave side will be moved against building facade
- There will be no dividers/barriers on Ninth Ave side of cafe
- Revised plans will be submitted to CB4 by 4/26/17
- The current comment period ends before the next MCB4 Full Board meeting and this letter is subject to ratification by the Full Board members on Wednesday, May 3, 2017

***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.***



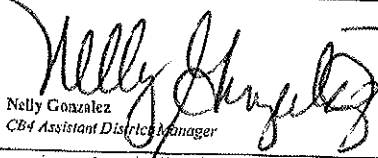
**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***

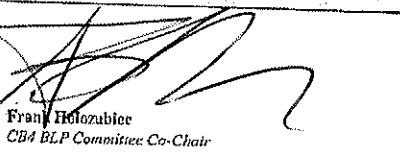
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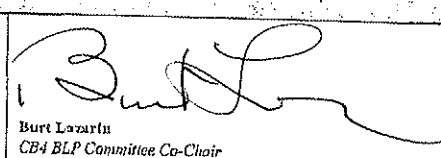
Manhattan Community Board 4 (MCB4) recommends:

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

  
Fran Holazabiec  
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 →

~~SONNY JOHN~~  
PRINT NAME OF APPLICANT

~~[Signature]~~  
SIGNATURE OF APPLICANT

~~3/17/17~~  
DATE

Thomas Recine Thomas Recine 4/18/17