

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
NY Farm Brew LLC		TBD	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
261-271 11th Ave Building #9		27th b/t 11th & 12th	10001
<b>OWNER</b> <i>(Attach a list of all the people that will be associated/listed with the license)</i>	<b>NAME:</b> Andrew van Bark	<b>ATTORNEY/ REPRESENTATIVE</b>	<b>NAME:</b> Leonard Fogelman
	<b>PHONE:</b> 303-506-3815		<b>PHONE:</b> 212-370-1530
	<b>EMAIL:</b> andrew@lcfarmery.com		<b>EMAIL:</b> lmf@fogelmanlawfirm.com
<b>MANAGER</b>	<b>NAME:</b> Andrew van Bark	<b>LANDLORD</b>	<b>NAME:</b> WFNy
	<b>PHONE:</b> 303-506-3815		<b>PHONE:</b> 212-695-8090
	<b>EMAIL:</b> andrew@lcfarmery.com		<b>EMAIL:</b> fmas@wfnyc.com
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="checkbox"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?	Smashburger 10 W 33rd St.	
	What were the dates applicant was involved with this former premise?	4/10/14 - 12/1/14	
<input type="checkbox"/> <b>Transfer</b>	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.		
<input type="checkbox"/> <b>Alteration</b>	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="checkbox"/> Liquor/Wine/Beer <input type="checkbox"/> Beer <input type="checkbox"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<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?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	9/24/16
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"/> YES	<input type="checkbox"/> NO	
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	

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	12-12	12-12	12-12	12-12	12-2	12-2	12-12
	Kitchen	12-12	12-12	12-12	12-12	12-2	12-2	12-12
	Music	12-12	12-12	12-12	12-12	12-2	12-2	12-12
If you plan to have music, what type(s)? (Circle all that apply)			<del>BACKGROUND</del>	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	120	120	14	74	0	1	10	
OUTSIDE <i>(Other than sidewalk café)</i>	0	0	0	0	0	0	0	
SIDEWALK CAFÉ	0	0	0	0				
How many floors are there? What is the capacity for each floor?					2, 120 on main floor, 2 in basement used only for storage			
How frequently will the owner(s) be at the establishment?					Owner Operated; 5 days/wk			
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="checkbox"/>		
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="checkbox"/>		
Will you be hosting private; promotional or corporate events?					<input checked="" type="checkbox"/>	NO		
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="checkbox"/>		
Will you have a security plan? If, yes please attach.					<input checked="" type="checkbox"/>	NO		
Will security plan be implemented?					<input checked="" type="checkbox"/>	NO		
Will State certified security personnel be used?					<input checked="" type="checkbox"/>	NO		
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="checkbox"/>	NO		
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="checkbox"/>		
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	<input checked="" type="checkbox"/>		
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="checkbox"/> NO	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	NO	
Is a Public Assembly permit required?	<input checked="" type="checkbox"/> YES	NO	
Are your plans filed with DOB?	YES	<input checked="" type="checkbox"/> NO	

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	Penn South 8th Ave/9th Ave (23-29) Mario Mazzoni	
	# 2	West 25th Block Association: Carla Norstrom AVA Highline Community: Kristina Kizirian	
	# 3	Elliot-Chelsea Houses Tenant Association: Florence Dent & Darlene Waters	
	# 4	Hotel Americano: left a VM Highline 537: spoke with reception	
	# 5	Donna Langman Costumes: Donna Langman	
Please provide dates when applicant met with the groups listed above.		8/29/16	
Who was your contact person at each group you met with?		Andrew van Bark/Owner	
When did applicant post the notice that was provided?		8/31/16	
Where did applicant post the notice that was provided?		Garage door outside of establishment	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="checkbox"/> YES	NO 303-506-3815
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="checkbox"/> YES	NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	The space has always been for temp galleries		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="checkbox"/>	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="checkbox"/>	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="checkbox"/>	
Will applicant use a storm enclosure?	YES	<input checked="" type="checkbox"/>	
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?	YES	<input checked="" type="checkbox"/>	NO
Will applicant comply with the NYC noise code?	YES	<input checked="" type="checkbox"/>	NO
Will the establishment have any of the following: (circle all that apply)	<b>FRENCH DOORS</b>	<b>GARAGE DOORS</b>	<b>WINDOWS THAT CAN BE OPENED</b>
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="checkbox"/>	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 checked="" type="checkbox"/>	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="checkbox"/>	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="checkbox"/>	NO	
Will the kitchen exhaust system extend to the roof?	YES	<input checked="" type="checkbox"/>	
Will the establishment have an illuminated sign?	YES	<input checked="" type="checkbox"/>	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="checkbox"/>	
Where will the air conditioner be located? What type is it?	In the basement; 10 ton chilled water air handler connected to a 60 ton continental chiller		
When was the air conditioner installed?	2006		

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE</b>			<b>N/A</b>
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	

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ</b>			<b>N/A</b>
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), *Continued***

- Will submit floor plan by 9/30/16 to Board Office
- Will provide notice of this application to building at 540 W. 28th Street and 525 W. 28th by 9/17/16.

***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)**

*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**

 <b>Nelly Gonzalez</b> <i>CB4 Assistant District Manager</i>	 <b>Frank Holozubiec</b> <i>CB4 BLP Committee Co-Chair</i>	 <b>Burt Lazarin</b> <i>CB4 BLP Committee Co-Chair</i>
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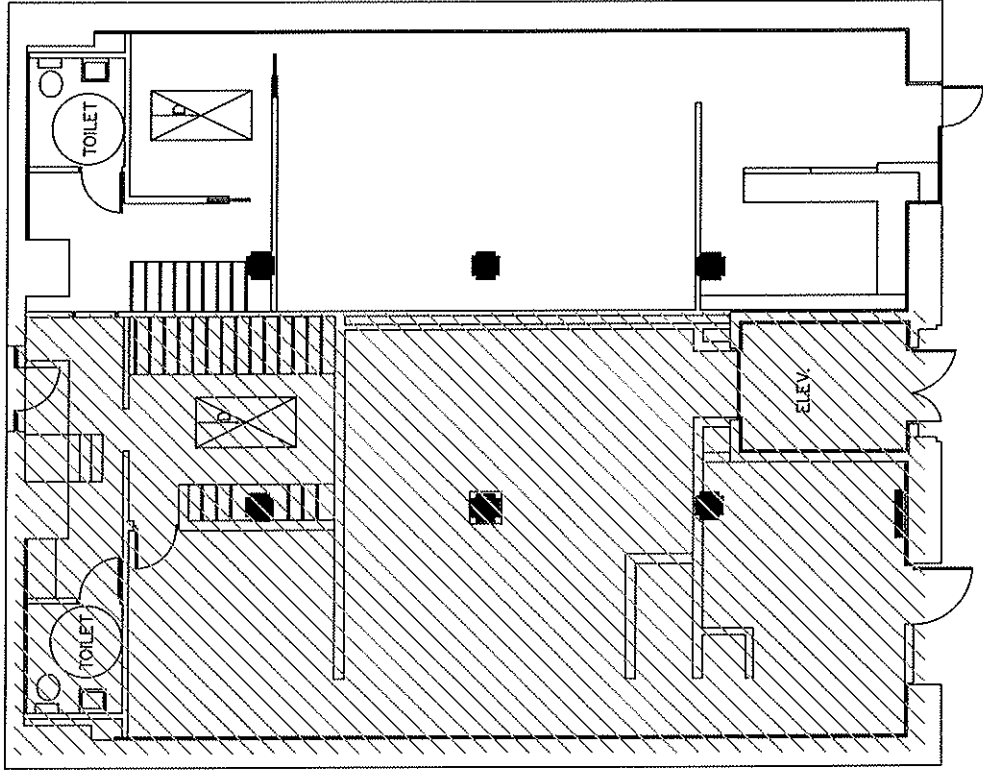
**APPLICANT AGREEMENT WITH THE COMMUNITY**

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.

SIGN HERE →	Andrew van Bark <small>PRINT NAME OF APPLICANT</small>	 <small>SIGNATURE OF APPLICANT</small>	8/31/16 <small>DATE</small>
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 9/13/16

TUNNEL



WEST 27TH STREET

BUILDING 9 - 1st Floor

## THE FARMER'S BOARD

Selection of Locally Sourced Cheese and Charcuterie, Seasonal Accoutrements

### BREAKFAST ALL DAY

Chicken, Biscuit, Gravy

Manchego, Country Ham, Fried Egg Baked into Artisan Bread

Egg White, Goat Cheese, Avocado, Sriracha Chutney

### COLD

Grilled Chicken, Brie, Granny Smith Apple, Artisan Bread

Mixed Greens, Heirloom Tomatoes, Mint, Summer Berries, Pistachios

Tomato Gazpacho, Parmesan Croutons

### HOT

Crab Wontons, Chili Lime Sauce

Grilled Mahi Mahi Fish Tacos, Scallion Pancake, Mango Salsa

Chipotle Chicken Flatbread, Fire Roasted Corn, Black Beans, Chipotle Lime Vinaigrette

Braised Pork Belly, Sharp Provolone, Spicy Greens, Artisan Roll

### SMALL BITES

“Brewers on Horseback” Blue Cheese Stuffed Dates, Pancetta, Beer Glaze

Fried Pickle and Jalapeno Spears, Horseradish Lime Cream

Baked Zucchini Chips, Parmesan Garlic Dip

Sweet Potato Fries, Tangy Chipotle Glaze

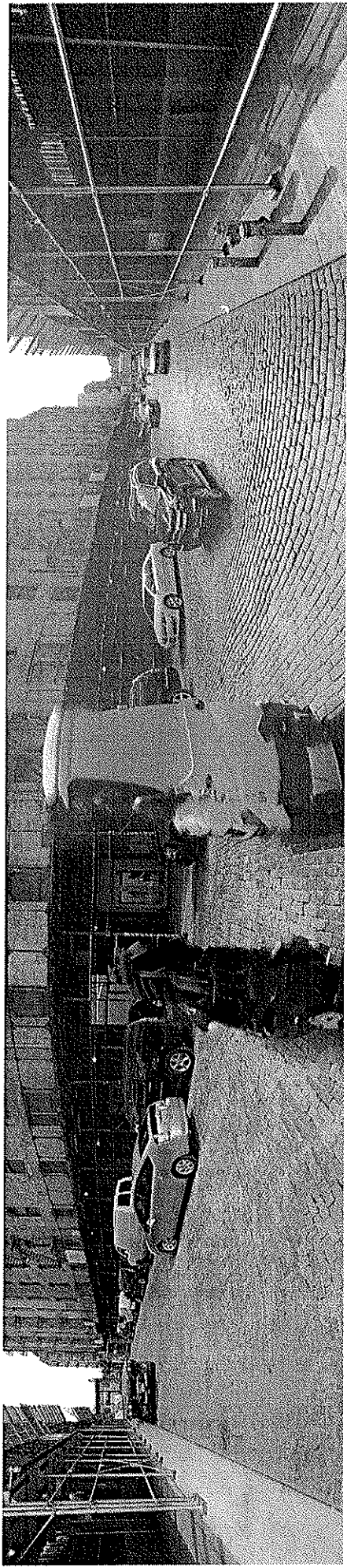
Toasted Artisan Biscuit, Rotating Selection of Jam



NO PARKING  
EXCEPT IN  
PARKING SPACES

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# L.C. Farmery Security Plan

## Number/Utilization of Security Personnel

There will be a minimum of one licensed and trained security guard on the premise when 75 or more patrons are present at the same time. Security guards will utilize both a hand counter and ID scanner. Personnel will regularly patrol both the women's and men's bathroom facilities. Personnel will ensure that patrons do not congregate to smoke outside of the establishment.

## Unruly patrons

When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, licensee will immediately contact the police and request that the police assist in keeping the peace of the neighborhood.

## Patrons who are intoxicated

Licensee, its agents, and employees may not sell dispense or give away alcohol to any person who is over intoxicated, nor shall such a person be permitted on the premises. When a customer has been "cut off," the server will notify the other employees. Management will support the server's decision to terminate service to any customer.

## Patrons Presenting False IDs

All bartenders/management personnel will be TIPS alcohol certified. In accordance with this training, the following procedures will be enforced. All identification cards used to prove age must be valid (i.e.) not expired, and must be government-issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating the their identification in order to verify the information. If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to police.

## Control/supervision of Patrons under 21

Licensee will request proof of age from any customer who appears to be 50 years of age or younger, and will refuse service to any customer who cannot produce adequate ID. When selling pitchers, ID will be requested for each person receiving a

glass. Separate types of glassware will be used to distinguish alcohol drinks from non-alcohol drinks.

### Circumstances under which the Police will be called

The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs on the premises or off premises in areas that would be considered in view or earshot of the establishment.

### Handling of Physical Disturbances, including Fights

Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.

### Additional Resources for Personnel and Management

All personnel and management will be required to read and know the location of the Best Practices for Nightlife Establishments publication in the establishment. This resource includes further information on developing a safe nightlife atmosphere, including intoxication, sexual assaults and police community relations. The publication also contains counterterrorism best practices, response to serious criminal incidents and incident reports. The publication will be stored in a well-known, accessible place at all times.

### Names and Dates of Birth of all employees in a management capacity

Andrew van Bark 2/24/1989  
Esther Paulsen 4/10/1990

Any Complaints, questions or suggestions can be directly shared with the owner.

Andrew van Bark  
(303) 506-3815  
[Andrew@lcfarmery.com](mailto:Andrew@lcfarmery.com)

This application is for an On-Premise License in West Chelsea, Manhattan.

Applicant proposes to operate a bar/restaurant. The premises will serve its locally-sourced food, beverages and provisions and be open seven days per week.

There will be 14 indoor tables and one bar.

The premises will be a benefit and welcome addition to the neighborhood and will not undermine the integrity of the community. There will be no entertainment, such as music or dancing at the proposed premises. With no sidewalk café or designated outdoor area, the noise level will not increase at the proposed location.

There will be a meeting with the Community Board on September 13<sup>th</sup> 2016 to discuss the matter.

Prior to operation of the premise, all necessary licenses and permits will be obtained.

The principals live in West Chelsea and recognize the need for an inviting and socially responsible food and beverage alternative in the neighborhood. As owner operators, they will diligently oversee the staff and all operations on the premise. There will be no entertainment beyond background music.

The applicant, once licensed, will increase city and state tax by increased revenue from sales, withholding, corporate and personal taxes. Further, the entity will create jobs by hiring several local employees, which will also benefit the community and provide economic stimulus in the immediate area.

In regard to the statutory requirements of Section 64 6-a of the ABC Law:

- a) The immediate neighborhood is West Chelsea. Currently there are three licenses in the immediate 500-ft. The premise is located within a non-residential building. Same with the buildings in front of and behind the proposed location.
- b) All necessary licenses and permits have been or are in the process of being obtained
- c) There are adequate parking facilities in the immediate neighborhood and there are subway stops nearby. There will be no negative effect on vehicular traffic.
- d) The premise is being built with appropriate sound proofing in mind; thus, there will be no "noise" issues at the site.
- e) To the best of our knowledge, there have been no previous liquor violations or criminal activity at the proposed premise.

Thus, for the above-mentioned reasons, the granting of an On-Premise License for this location would serve public convenience and further neighborhood development.





Services News Government Local

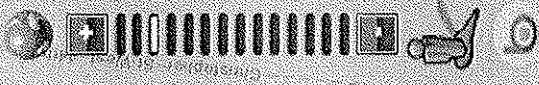
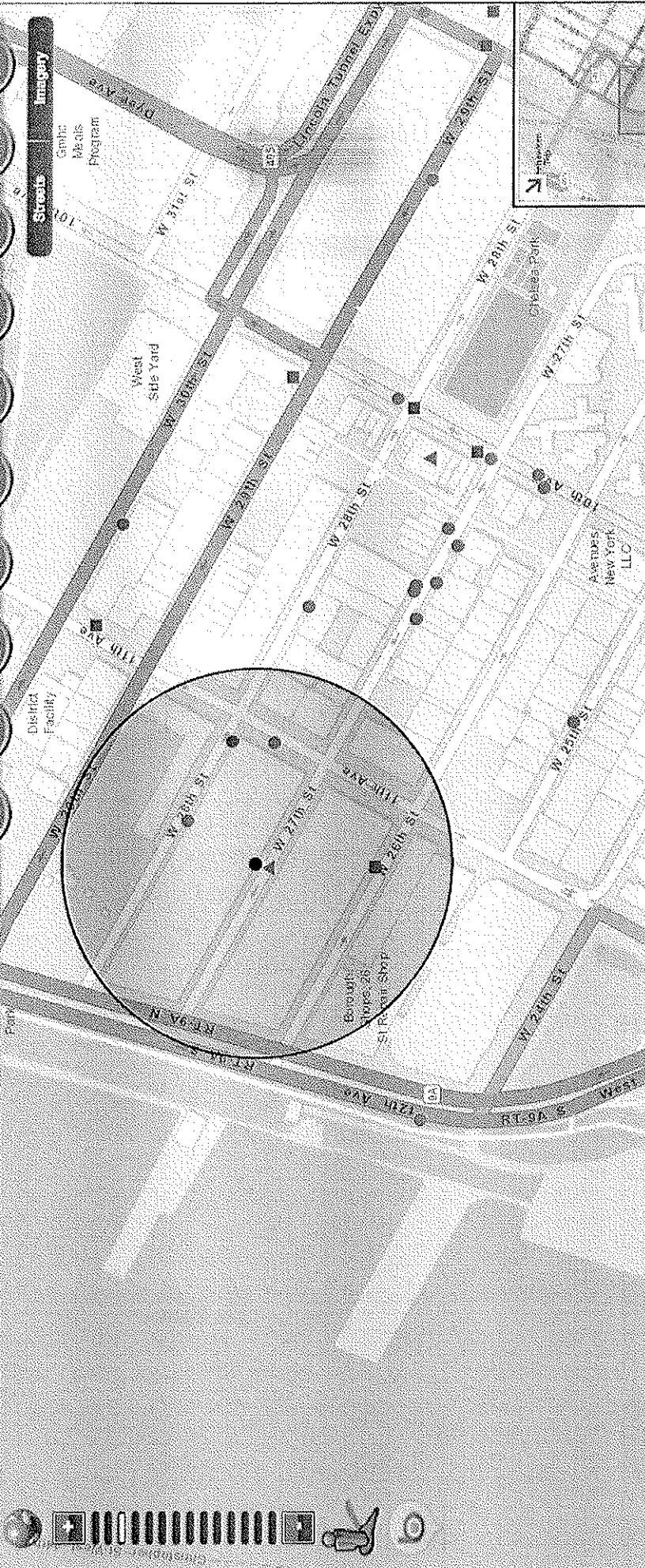
# NY State Liquor Authority Mapping Project - LAMP

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SCALE = 1:4,573

- Status
- Layers
- Go To
- Search
- History
- Search
- Draw
- Measure
- Report
- Print

Streets Imagery

Public  
Meals  
Program



## Proximity Report for Location:

August 25, 2016

Latitude: -74.0061059486222, Longitude: 40.7518588516426

\* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

### Closest Liquor Stores

Name	Address	Approx. Distance
MWC RETAIL LLC	606 W 28TH ST SUITE A	325 ft
ADB&SAB LLC	554 W 30TH ST	940 ft
ALGA WINES & SPIRITS LTD	221 9TH AVENUE	2275 ft
IN A GLASS LLC	156 10TH AVENUE, SOUTH STORE	2280 ft
MEENA SAMANI CORPORATION	460 W 34TH ST	2315 ft
MIDTOWN SPIRITS INC	177 9TH AVE UNIT C	2710 ft
ODYSSEY WINE & SPIRITS INC	490 10TH AVE	2965 ft

### Churches within 500 Feet

Name	Approx. Distance
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### Schools within 500 Feet

Name	Address	Approx. Distance
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### On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
HUDSON YARDS CATERING LLC	636 638 & 640 642 W 28TH ST	220 ft
WICHCRAFT OPERATING LLC	601 W 26TH STREET	290 ft
PORCHLIGHT WEST CHELSEA LLC	271 11TH AVE	310 ft
EAGLE OPEN KITCHEN LLC	554 WEST 28TH ST	670 ft
RHYTHMS OF CUBA LLC	544 W 27TH ST	735 ft

### Pending Licenses within 750 Feet

Name	Address	Approx. Distance
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### Unmapped licenses within zipcode of report location

Name	Address
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Services News Government Local

NY State Liquor Authority  
Marketing Project - LAMP

1002 Connect Up  
About Scale: 1 of 100

