Manhattan Community Board 4 (All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME			DOING BUSINESS AS (DBA)						
Pod TS F&B	LLC		TBD						
STREET ADDRESS			CROSS STREETS			ZIP CODE			
400 West 42r		W42nd St &	9th Ave		10036				
OWNER	NAME:	Pod TS F & B LLC		NAME:	Robert B	ookman, Esq.			
(Attach a list of all the people that will be associated/listed with the license)	PHONE:	646-277-0059	ATTORNEY/ REPRESENTAIVE	PHONE:	212-513	-1988			
	EMAIL	richard@bdhotels.com		EMAIL:	rbookma	n@pandblegal.com			
	NAME:	Major Management TCZ LLC		NAME:	400 Time	es Square Assoc LLC			
MANAGER	PHONE:	646-692-4732	LANDLORD	PHONE:	646-485	-6276			
	EMAIL:			EMAIL:					
APPLICATION	ON TYP	E (Check One)							
	Has applicar	t owned or managed a similar business?	·	<u>(1</u>	NO NO				
⊗ New	What is/was	the name and address of establishment?	***************************************	Pleas	Please see attached				
	What were th	e dates applicant was involved with this former premise	se?	Pleas	Please see attached				
	What is the p	rior license # and expiration date?		1	Name of the State				
O Transfer	is applicant r	naking any alterations or operational changes?	YE	YES NO					
	If alterations	or operational changes are being made, please descri	be/list all changes.		·····				
(Alteration	What is the c	urrent license # and expiration date?							
O	Please list/de	scribe the nature of all the changes and attach the pla	nns:						
METHOD OI	OPER	ATION							
TYPE OF ALCOHOL Siquor/Wine/Beer			O Beer		ı	○ Wine & Beer			
ESTABLISHMEN	г түре	O Restaurant O Cabaret O 1		<i>"</i> -	lar/Tavem	Catering Establishment			
Adult Entertainment Wine Ba			「 O Dance Club	O Spo	rts Bar O C	Club (Fratemal Organization – Members Only)			
you plan to file?			ves 👩	Imme	diately foli	lowing CB Approval			
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.			NO.						
	s the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.								
Has applicant/owner Location of Alcoholic	B4 Policy Regarding Concentration and stablishments?	O NO							

		MONDAY	TUESDA	Y	WE	DNESDAY	7330	IRSDAY	FRIDAY	SAT	URDAY	S	UNDAY
HOURS*	Operation	7am - 4aı	n 7am - 4	am - 4am		m - 4am	7am	- 4am	7am - 4am			7am	- 4am
(Indoor	Kitchen				ļ		SA		SAA				
Only)		SAA	SAA		SA						AA	SA	
If you plan to h	Music lave music, what	SAA type(s)?	SAA	X	SA		SA		SAA			SA	
(Circle all that			BACKGRO	BIND	1.1	VE MUSIC		DJ	JUKE BOX		KAI	RAOKI	C
sicase see	attacheune	71 ZOUI FIC		T	1	OCCUI'	AINC Y	3rd Flo	or only	T			
	Capac (Certifi of Occups	cate	Maximum # of Persons You Anticipate Occupying emises (Including Employees)	Num of Ta		Number of Scats		er of Servi nly Bars	ce Number Stand-Up I		Number of at Stand-Up		
INSIDE	136		130	26		101	i	0	1		13		
OUTSIDE (Other than sidewalk café)	152		# 100 (DQ)	18		60	()	1	10			
SIDEWALK CAFÉ	N/A										,		
How many floo	rs are there? Wh	nat is the capa	city for each floor	?			Floor	s: 3-28	For the 3rd	d FI: '	136 AI	lothe	ers: 50
How frequently	will the owner(s) be at the est	ablishment?		······································		Weel	кly			***************************************		
Will you be app there be dancin		g to apply for	a cabaret license	with DC	CA? If	yes, will	YES	(2)					
Will applicant h	ave bottle or tab	le service for	peverage alcohol	?		12 12 12 12 12 12 12 12 12 12 12 12 12 1	YES	69					
Will you be hosting private; promotional or corporate events?						(T)	NO						
Will outside promoters be used on a regular basis? If yes please describe.						YES	0						
Will you have a security plan? If, yes please attach.						2000	(ii)	NO					
Will security plan be implemented?					2	0	NO		······				
Will State certified security personnel be used?						<u> </u>	NO						
Will New York Nightlife Association and NYPD Best Practices be followed?						(T)	NO						
Will applicant be using delivery bicycles? If yes, how many?							YES	(NO)					
	ycles be clearly ly noting name		ne name of the re by NYC Law?	stauran	t and v	vill staff	YES	NO	N/A				
Where will delivery bicycles be stored during the day when not in use?						<u> </u>					•		

LOCATION & ZONING	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES 60
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES Currently under construction
Is a Public Assembly permit required?	⊕ NO
Are your plans filed with DOB?	€ NO

Community Notification/Relat	ions						
NOTIFICATION:	# 1	See Attached	See Attached				
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	# 2						
	# 3						
	# 4						
	# 5						
Please provide dates when applicant met w	ith the gro	ups listed above.	See At	tached	ı		
Who was your contact person at each group	you met	with?	See Attached				
When did applicant post the notice that was provided?			7/14/2016				
Where did applicant post the notice that was provided?			On Construction Fence				
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.)	Œ	NO	Manager's Cell # will be provided	
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?				(NO		

BUILDING DESIGN	
State the name and type of business previously located in the space.	New Building
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES 6
Do you plan any changes to the existing façade? If yes, please describe.	YES RO
Will applicant have a vestibule within the establishment?	(g) NO
Will applicant use a storm enclosure?	YES 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?	NO NO
Will applicant comply with the NYC noise code?	(I) NO
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS GARAGE DOORS 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?	YES OF
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES DY
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	ves 🔞
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?	(B) NO
Will the kitchen exhaust system extend to the roof?	NO NO
Will the establishment have an illuminated sign?	(B) NO
Will the establishment have a canopy extending over the sidewalk?	O No
Where will the air conditioner be located? What type is it?	Roof Chiller w/ fan coils
When was the air conditioner installed?	Currently being installed

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	0	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	0	NO	Terrace on the 3rd & 28th Floors
Are the floorplans for the outdoor space(s) included?	0	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	0	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	0	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	0	NO	
Will there be no amplified music, as per the law?	(T)	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	9	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	0	NO	
Will applicant agree to train staff to encourage a peaceful environment?	0	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	0	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	0	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 cafe?	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 21st and March 21st, 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	

There will be no music or amplified sound in the third floor or 28th floor outdoor spaces Third Floor outdoor space will be closed and vacated of patrons no later than 11:00p.m. Sunday throug Wednesday and midnight on Thursday, Friday & Saturday Capacity of third floor outdoor space will not exceed 80 patrons at any time 28th Floor outdoor space will not be open to the public
 Third Floor outdoor space will be closed and vacated of patrons no later than 11:00p.m. Sunday throug Wednesday and midnight on Thursday, Friday & Saturday Capacity of third floor outdoor space will not exceed 80 patrons at any time
Wednesday and midnight on Thursday, Friday & Saturday - Capacity of third floor outdoor space will not exceed 80 patrons at any time
- 28th Floor outdoor space will not be open to the public
the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on
ges 1 – 6 of this application, the stipulations on pages 7 and 8 control.
iness Licenses & Permits Committee 7 o

ADDITIONAL STIPULATIONS: (Office Use	Only), Continued		
To the extent any additional stipulation on page	es 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	l) recommends:	Denial unless all stipe operation Denial Appro		nt/owner are part of the method of
CB4 REPRESENTATIVES		2002-201-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		
Nelly Conzalds Nelly Gonzalds CB4 Assistant District Mahager	Frank Holozubicc CB4 BLP Committee Co-Chair		Burt Lazarin CB4 BLP Committee Co-Che	air
APPLICANT AGREEMENT W	TH THE COMMUNIT	Y		
Applicant agrees to these stipulations a stipulations are essential prerequisites stipulations incorporated in the method agreement between MCB4 and applica supersede any oral statements or representations.	to the MCB4 recommendation of operation of its liquor lice int and may only be altered it	on regarding this app nse. The stipulations n writing signed by N	olication. Applicant ag in this application co	rees to have these Institute the entire
SIGNHERE	Richard Born	SIGNATURE OF	PAPPLICANT	7/22/2016 DATE

Pod TS F&B, LLC Manhattan CB4 Liquor License Stipulations Application Additional Information

Owner Information

Richard Born Ira Drukier Robert Friedman Bernard Friedman Alan Landis

Occupancy - 28th Floor

o bodip dill	·,					·	,
	Capacity	Anticipated	Tables	Seats	Service	Stand	Bar
	<u>-</u>	Occupancy			Bar	up Bar	Seats
Indoor	20	15	3	14	1	0	0
Outdoor	20	15	2	15	0	0	0

Ownership's Similar Businesses

OWNER DIVINO DELINION SHOWN COSTS		
Elysee Management Inc	60 East 54th St	1992 – Present
35th Street Hotel Corp	45 West 35th St	1995 – Present
The Mercer I LLC	147 Mercer St	1999 – Present
Hotel Chandler, LLC	12 East 31st St	2000 - Present
BDC 56, LLC & M56 LLC	15 West 56th St	2001 - Present
Hudson River Inn, LLC	88 9th Ave	2002 - 2016
BD Stanhope, LLC	363 W. 16 th St	2002 - 2014
Maritime F&B, LLC	88 9th Ave	2002 - Present
BD Gorham LLC	136 W 55th St	2003 - Present
The Bowery Hotel, LLC	335 Bowery	2007 - Present
Bowery F&B, LLC	4 East 3rd St	2007 - Present
377 Greenwich, LLC	377 Greenwich St	2007 – Present
BD Hotels, LLC	230 East 51 St	2007 - 2015
Jane Street Hotel	113 Jane Street	2008 - Present
AGO (New York) LLC	377 Greenwich St	2008 - 2010
Greenwich Hotel Restaurant, LLC	377 Greenwich St	2009 - 2017
BD NY Hotels, LLC	230 E. 51st St	2010 - Present
Pod 39 Hotel, LLC	145 E. 39th St	2011 - Present
Marlton Hotel Operating, LLC	5 W. 8th St.	2013 - Present
Ludiow Hotel Food & Beverage, LLC	180 Ludlow St	2014 - Present

Community Outreach - Email sent 7/19/2016

West 43rd Street Block Association Manhattan Plaza Tenants Association West 44 Street Better Block Association West 44th Street (b. 9th/10th) Block Association

West 45th Street Block Association
West 45th Street Block Association (b. 9th/11th Aves)

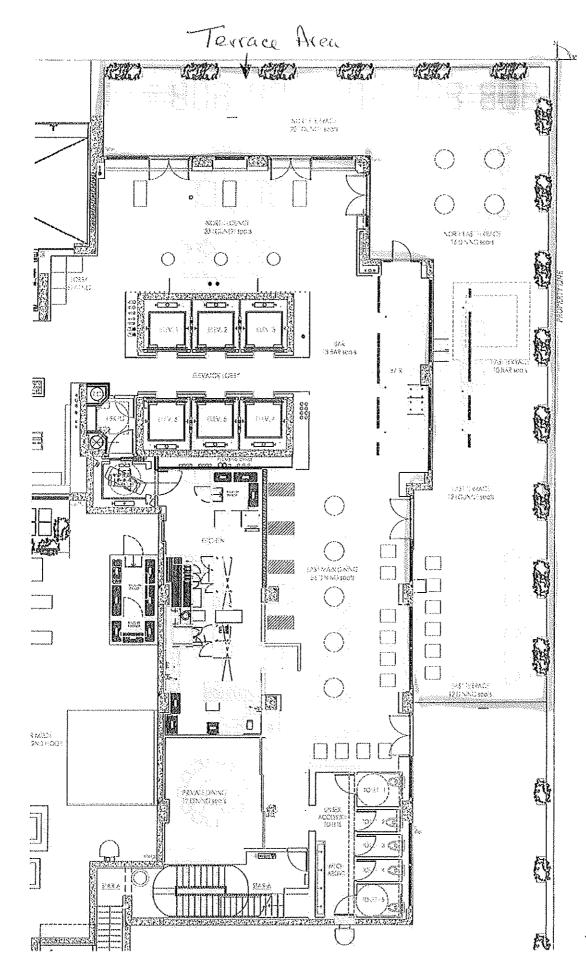
West 46th Street Block Association

Eduardo Zeiger Douglas Leland Linda Ashley

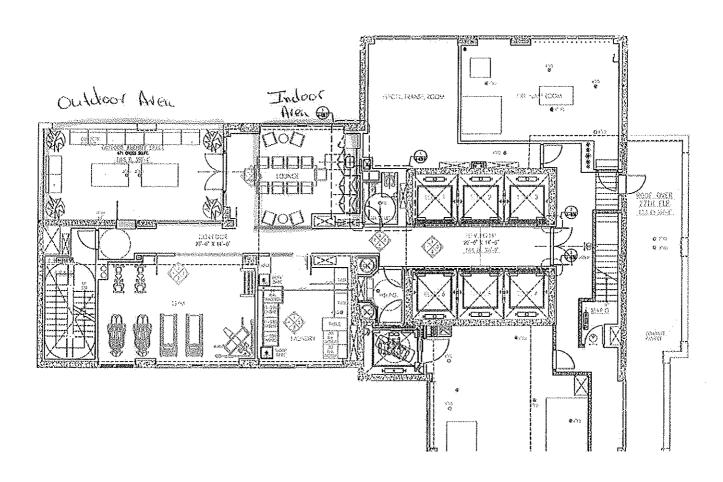
Renee & Gordon Stanley & Rudy Papiri

Tim Tanner Chana Widawsky

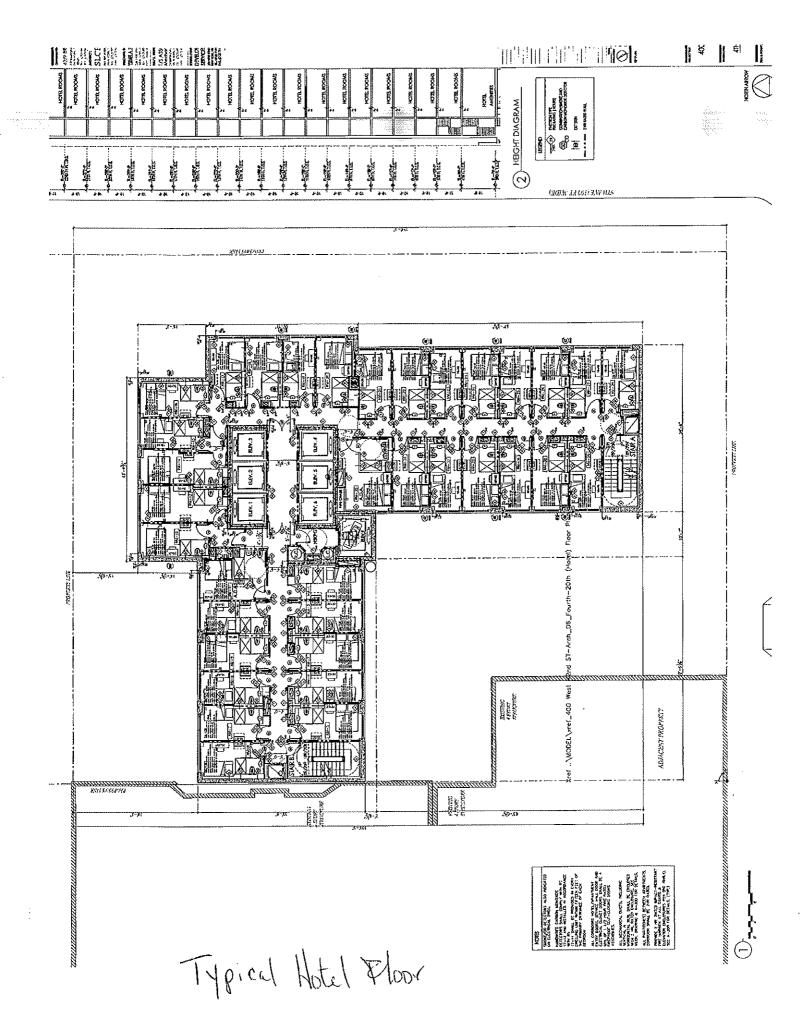
Allison Tupper & Steve Fanto



3rd Floor



28 tu Bloon



Breakfast

Appetizers

- Fruit bowl
- Pastry basket
- Parfait

Entrees

- Oatmeal
- Eggs Benedict
- Omelette
- Eggs any style
- Bagel sandwich
- French toast
- Pancakes
- Breakfast combo: Eggs any style, toast, home fries, bacon, coffee and juice

Sides

- Bacon
- Ham
- House salmon
- Home fries
- Mushrooms
- Avocado
- Green salad
- Toast
- Everything bagel
- English muffin

Lunch / Dinner

Appetizers

- Meatballs
- Fried zucchini
- Fried calamari
- Baked clams
- Fresh mozzarella
- · Stuffed artichoke hearts
- Prosciutto

Salads

- Caesar salad
- Cobb salad
- Iceberg salad
- Chopped salad
- Greek farro salad
- Arugula salad

Pasta

- Rigatoni in red sauce
- Penne scampi
- Bolognese pasta
- Linguine with clams

Main Course

- Roast beef sandwich with fries
- Ribs
- Whole fish
- Fried pork chop
- Half chicken with lemon vinaigrette



DELORES RUBIN

JESSE DODINE District Manager

MANHATTAN COMMUNITY BOARD No. 4

6142⁻⁻ Street, 25⁻⁺ floor, New York, NY, 10036 181212:735:4536, 1ax; 212-947-9512 WWW.flyttgov/ricb4

PUBLIC NOTICE

Business Licenses and Permits Committee will discuss an application submitted by

An Entity to be formed by Richard Born 400 W. 42nd Street

An application for an On-Premise Liquor License

DATE: TIME:

Tuesday, August 9, 2016

6:30 PM

PLACE:

Intercontinental NY Times Square - 300 W. 44th Street

We invite you to attend this meeting and give your comments on this application. Alternately, you may mail, fax or email us at the address listed above. For more information, please call 212-736-4536.



Proximity Report for Location:

400 W 42 St, New York, NY, 10036

* 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
589 NINTH AVENUE CORP	589 9TH AVENUE	115 ft
39TH STREET WINE INC	354 W 39TH ST	920 ft
42 & 10TH SPIRITS LTD	507 W 42ND STREET	940 ft
GRACE WINE & SPIRITS INC	610 10TH AVENUE	945 ft
GM & M RETAIL LIQUOR INC	302 W 40TH STREET	1095 ft
NINTH AVENUE VINTNER LTD	669 9TH AVENUE	1195 ft
SHILORI INC	486 9TH AVENUE	1225 ft

Churches within 500 Feet

Name	Approx. Distance
High Organ Daving Oathalla Obugat	420 ft

Schools within 500 Feet

I KI		A 1.1		
l Na	me	1 Address	:	Approx. Distance
110	,110	1/1001033	1	Approx. Distance

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
42ND STREET DEVELOPMENT CORP	410 WEST 42ND STREET	40 ft
407 WEST 42ND STREET CORP	407 W 42ND STREET	75 ft
CHEZ JOSEPHINE LTD	414 W 42ND STREET	85 ft
OLLIES 42ND LLC	411 W 42ND STREET	85 ft
SWEET CONCESSIONS INC	416 W 42ND ST	115 ft
574 9TH AVE REST CORP	574 9TH AVE	120 ft
WISE WIZ LLC	576 9TH AVENUE	140 ft
THEATRE REFRESHMENT CO OF NY INC &	422 W 42ND ST	185 ft
MIDSUMMER		
THEATRE ROW RESTAURANT INC	424 WEST 42ND STREET	210 ft
355 W 41ST TAVERN INC	355 WEST 41ST STREET	295 ft
PULPO LLC	402 W 43RD ST	325 ft
ZONEA FOOD & BEVERAGE INC	403 W 43RD ST	340 ft
MDDCAR CORP	401 W 43RD ST	345 ft
HORSHOES INC	611 9TH AVENUE	425 ft
SIGNATURE THEATRE COMPANY INC	450 W 42ND ST	445 ft
RACHEL ON NINTH CORP	608 9TH AVE	445 ft

Name	Address	Approx. Distance
Blue Ruin Inc	538 9TH AVENUE	505 ft
WESTWAY DINER INC	614 616 9TH AVENUE	550 ft
42ND KAVA AND KAVA MIMA ASSOCIATES LLC	470 W 42ND ST	580 ft
PORTICI RESTAURANT INC	621 9TH AVE	600 ft
CHIPOTLE MEXICAN GRILL OF COLORADO LLC	620 9TH AVE AKA 358 W 44 ST	605 ft
HOLLAND COCKTAIL LOUNGE INC	532 9TH AVENUE	605 ft
623 9TH AVE REST INC	623 9TH AVE	645 ft
NINTH AVENUE SALOON INC	627 9TH AVENUE	665 ft
PONENTE LLC	628 9TH AVENUE	700 ft
MORELAND INC	356 W 40TH STREET	715 ft
542 TACO LLC	524 9TH AVE	720 ft
DANAS LLC	630 NINTH AVE	725 ft
LA SCALA RESTAURANT LLC	630 NINTH AVE	725 ft
523 9TH AVENUE INC	523 9TH AVE	740 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
SIAM TALENT INC	592 9TH AVENUE	250 ft
460 WINE MARKET INC	460 W 42ND ST	510 ft
BKUK 6 CORP	400 402 W 44TH ST	570 ft
470 WEST 42 ST GOURMET FOOD INC	470 W 42ND ST	580 ft
NEW EAST WEST GROCERY INC	532 9TH AVE	645 ft

Unmapped licenses within zipcode of report location

- 1	Nomo	 	Address
	Name		Address
	L	 	

212-C BRF C.

> An Entity to be formed by Richard Born 400 W. 42" Street

Commence - with the without we

Buildings 212-669-7

To anonyr conditions

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