Manhattan Community Board 4
Liquor License Stipulations Application
(All Fields Must Be Completed)


OPERA TIONAL DETALMS (Ghosing time vill be when estahlishment is fincated of all pations )


## LOCATION \& ZONING

| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | yes | (vo) |  |
| :---: | :---: | :---: | :---: |
| Does the bulling have a Certificate of Occupancy (" C of O ") or a letter of no objection? | ves | (N) | Currently under construction |
| Is a Public Assembly permit required? | (3) | no. |  |
| Are your plans filed with DOB? | (\%) | no. |  |

## Community Notification/Relations



| BULLDING DESIGN |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| State the name and type of business previousily located in the space. | New Building |  |  |  |
| Has a liquor-ficensed establishment previousty occupied this space at any time? If yes, please provide the name of the business. | Jes | (c) |  |  |
| Do you plan any changes to the existing façade? If yes, please describe. | yes | (N) |  |  |
| Wili applicant have a vestibule within the establishment? | (\%) | no |  |  |
| Will applicant use a storm enclosure? | ves | (8) |  |  |
| 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? | (E) | no |  |  |
| Will applicant comply with the NYC noise code? | (\%) | no |  |  |
| Will the establishment have any of the following: (circle all that apply) | fr | nooors | garagedoolrs | 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? |  | 61 |  |  |
| Will appilicant 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? |  |  |  |  |
| Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings? | yxs |  |  |  |
| 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 fioor of the establishment? | (ES) | No |  |  |
| Will the kitchen exhaust system extend to the roof? | (E) | No |  |  |
| Will the establishment have an illuminated sign? | (E) | no |  |  |
| Will the establishment have a canopy extending over the sidewak? | (2) | no |  |  |
| Where will the air conditioner be located? What type is it? | Rof | oof Chille | w/ fan coils |  |
| When was the air conditioner installed? |  | urrently b | ing installed |  |


| OUTDOOR 1 TEMS- OTHER IHEN SIDIW |  |  |  |
| :---: | :---: | :---: | :---: |
| Has the applicantowner(s) read MCB 4 Rear Yard Rooftop Policy? | (E) | No |  |
| Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)? |  | No. | Terrace on the 3rd \& 28th Floors |
| Are the floorplans for the outdoor space(s) included? | (1) | no. |  |
| Will applicant close and vacate the outdoor space(s) by 11 PM on Friday \& Saturday and 10 PM on all other days? | yes | (Ni) |  |
| Will the service and consumption of alcohol in any outdoor space only be via seated food service? | yes | (v) |  |
| Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)? | O) | No. |  |
| Will there be no amplified music, as per the law? | (5) | no. |  |
| If amplified sound is played inside the establishment, will windows and doors be closed? | (e) | no. |  |
| Will applicant agree to post signs outside asking customers to respect the neighbors'? | SE | no. |  |
| Will applicant agree to train staff to encourage a peaceful environment? | (12) | no. |  |
| Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments) |  | No |  |
| Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors? |  | No |  |

## OUTDOOR ITEMS - SIDEWALK CATÉ: N/A

| Has the applicantowner(s) read MCB4 Sidewalk Café Policy? | IES | No |  |
| :---: | :---: | :---: | :---: |
| Will applicantibe applying for a sidewalk café now or in the future? | ves | No. |  |
| Is applicant in this application seeking to include a sidewalk café in its fiquor 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 aicohol in the sidewalk café? If so, will you have waiter service? | ves | No. |  |
| Will the cafe have a 3 ft . wide serving aisle running the entire length of the sidewatk cafe? | yes | no |  |
| Will applicant mark the perimeter of the café on the sidewalk? | IES | no |  |
| Will the service and consumption of alcohol in the sidewalk café only be via seated food service? | nes | 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 pian that will allow safe usage of the outdoor space without disrupting neighbors? | wes | 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 $21^{\text {st }}$ and March $21^{s \mathrm{~s}}$, and any other day when it rains or snows? | Tos | no |  |
| Will applicant use umbrelas? | JES | 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 closes obstruction including construction barricades? | ves | 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 through 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

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.


# 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-28 ${ }^{\text {th }}$ Floor

|  | Capacity | Anticipated <br> Occupancy | Tables | Seats | Service <br> Bar | Stand <br> up Bar | Bar <br> Seats |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| Indoor | 20 | 15 | 3 | 14 | 1 | 0 | 0 |
| Outdoor | 20 | 15 | 2 | 15 | 0 | 0 | 0 |

## Ownership's Similar Businesses

| Elysee Management Inc | 60 East 54 ${ }^{\text {th }}$ St | 1992-Present |
| :---: | :---: | :---: |
| $35^{\text {th }}$ Street Hotel Corp | 45 West 35 ${ }^{\text {d }}$ St | 1995 - Present |
| The Mercer I LLC | 147 Mercer St | 1999 - Present |
| Hotel Chandler, LLC | 12 East 31st ${ }^{\text {st }}$ | 2000-Present |
| BDC 56, LLC \& M56 LLC | 15 West $56^{\text {h }}$ St | 2001-Present |
| Hudson River Inn, LLC | 889 ch Ave | 2002-2016 |
| BD Stanhope, LLC | 363 W. $16^{\text {th }}$ St | 2002-2014 |
| Maritime F\&B, LLC | $889^{\text {min Ave }}$ | 2002 -Present |
| BJ) Gorham LLC | $136 \mathrm{~W} 55^{\text {th }} \mathrm{St}$ | 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. $51{ }^{\text {st }}$ St | 2010 - Present |
| Pod 39 Hotel, LLC | $145 \mathrm{E} .39^{\text {li }} \mathrm{St}$ | 2011 - Present |
| Marlton Hotel Operating, LLC | 5 W. $8^{\text {th }}$ St. | 2013 - Present |
| Ludlow Hotel Food \& Beverage, LLC | 180 Ludlow St | 2014 - Present |

## Community Outreach - Email sent 7/19/2016

West 43 rd Street Block Assoclation
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 46 th Street Block Association

Eduardo Zeiger
Douglas Leland
Linda Ashley
Renee \& Gordon Stanley \& Rudy Papiri
Tim Tanner
Chana Widawsky
Allison Tupper \& Steve Fanto


$28^{\text {an }}$ Floor

Typical hatel Eloor


## 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




## 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 | 5899 TH AVENUE | 1115 ft |
| $39 T H$ STREET WINE INC | 354 W 39TH ST | 920 ft |
| $42 \& 10 T H$ SPIRITS LTD | 507 W 42ND STREET | 940 ft |
| GRACE WINE \& SPIRITS INC | 61010 TH AVENUE | 945 ft |
| GM \& M RETAIL LIQUOR INC | 302 W 40TH STREET | 1095 ft |
| NINTH AVENUE VINTNER LTD | 6699 TH AVENUE | 1195 ft |
| SHILORI INC | 4869 TH AVENUE | 1225 ft |

## Churches within 500 Feet

| Name | Approx. Distance |
| :--- | :--- | :--- |
| Holy Cross Roman Catholic Church | 420 ft |

## Schools within 500 Feet

| Name | Address | 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 | 5749 TH AVE | 120 ft |
| WISE WIZ LLC | 5769 TH AVENUE | 140 ft |
|  <br> MIDSUMMER | 422 W 42ND ST | 185 ft |
| 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 | 6119 TH AVENUE | 425 ft |
| SIGNATURE THEATRE COMPANY INC | 450 W 42ND ST | 445 ft |
| RACHEL ON NINTH CORP | 6089 TH AVE | 445 ft |


| Name | Address | Approx. Distance |
| :--- | :--- | :--- |
| Blue Ruin Inc | 5389 TH AVENUE | 505 ft |
| WESTWAY DINER INC | 6146169 TH AVENUE | 550 ft |
| 42ND KAVA AND KAVA MIMA ASSOCIATES LLLC | 470 W 42ND ST | 580 ft |
| PORTICI RESTAURANT INC | 6219 TH AVE | 600 ft |
| CHIPOTLE MEXICAN GRILL OF COLORADO LLC | 6209 TH AVE AKA 358 W 44 ST | 605 ft |
| HOLLAND COCKTAIL LOUNGE INC | 5329 TH AVENUE | 605 ft |
| 623 9TH AVE RESTINC | 6239 TH AVE | 645 ft |
| NINTH AVENUE SALOON INC | 6279 TH AVENUE | 665 ft |
| PONENTE LLC | 6289 TH AVENUE | 700 ft |
| MORELAND INC | 356 W 40TH STREET | 715 ft |
| 542 TACO LLC | 5249 TH AVE | 720 ft |
| DANAS LLC | 630 NINTH AVE | 725 ft |
| LA SCALARESTAURANT LLC | 630 NINTH AVE | 725 ft |
| 523 9TH AVENUE INC | $5239 T H$ AVE | 740 ft |

## Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
| :--- | :--- | :--- |
| SIAM TALENT INC | 5929 TH AVENUE | 250 ft |
| 460 WINE MARKET INC | 460 W 42 ND ST | 510 ft |
| BKUK 6 CORP | $400402 \mathrm{~W} 44 T H$ ST | 570 ft |
| 470 WEST 42 ST GOURMET FOOD INC | 470 W 42 ND ST | 580 ft |
| NEWEAST WEST GROCERY INC | $5329 T H$ AVE | 645 ft |

## Unmapped licenses within zipcode of report location

| Name | Address |
| :--- | :--- | :--- |



