

1 **Business License & Permits Committee**

Item #: 06 REVISED

2  
3 January 6, 2016

4  
5 Vincent G. Bradley  
6 Chairman  
7 New York State Liquor Authority  
8 80 S. Swan Street, 9<sup>th</sup> Floor  
9 Albany, New York 12210

10  
11 **Re: WB Times Square, LLC**  
12 **d/b/a Wahlburgers**  
13 *725 8<sup>th</sup> Avenue (45/46)*

14  
15 Dear Chairman Bradley:

16  
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License  
18 application for WB Times Square, LLC d/b/a Wahlburgers – 725 8<sup>th</sup> Avenue (45/45), **unless** the  
19 attached stipulations, agreed to and signed by the applicant, are part of the method of operation for this  
20 establishment with a capacity of 141, 27 tables, 133 seats, 1 service-only bar and 1 stand-up bar with 18  
21 seats and no use of the rooftop, no lines outside of the establishment.

22  
23 Sincerely,

24  
25  
26  
Christine Berthet  
Chair

Burt Lazarin  
Co-Chair  
Business License & Permits  
Committee

Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee

27  
28

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
WB Times Square, LLC		Wahlburgers	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
725 8th Avenue, New York, NY		45th and 46th Street	10036
<b>OWNER</b> <i>(Attach a list of all the people that will be associated/involved with the license)</i>	<b>NAME:</b>	Brenda Giufurta, John Costare, and Robert Azinian	<b>ATTORNEY/ REPRESENTATIVE</b>
	<b>PHONE:</b>	Respectively (917) 693-7078, (516) 996-4383, (818) 795-9400	
	<b>EMAIL:</b>	bgiufuta@elliman.com, jstarrinc@gmail.com, bobby@ccafoods.com and kevin@conmacfunding.com	
<b>MANAGER</b>	<b>NAME:</b>	presently unknown	<b>LANDLORD</b>
	<b>PHONE:</b>		
	<b>EMAIL:</b>		
	<b>NAME:</b>	Mark B. Stumer & Associates, PC	
	<b>PHONE:</b>	(212) 633-2225	
	<b>EMAIL:</b>	mbstumer@gmail.com	
	<b>NAME:</b>	Thor 725 8th Avenue, LLC	
	<b>PHONE:</b>	212-529-7253	
	<b>EMAIL:</b>	jxenitelis@thorequities.com	

### APPLICANT INFORMATION

<input checked="" type="checkbox"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	Wahlburgers, 3015 Stillwell Ave, Brooklyn NY	
	What were the dates applicant was involved with this former premise?	Jan 2015 - Present	
<input type="checkbox"/> <b>Transfer</b>	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> 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:		

### METHOD OF OPERATION

<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 checked="" type="checkbox"/> Restaurant	<input type="checkbox"/> Cabaret	<input type="checkbox"/> Night Club
	<input type="checkbox"/> Adult Entertainment	<input type="checkbox"/> Wine Bar	<input type="checkbox"/> Dance Club
	<input type="checkbox"/> Hotel	<input type="checkbox"/> Bar/Tavern	<input type="checkbox"/> Sports Bar
	<input type="checkbox"/> Catering Establishment	<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="radio"/> YES	<input checked="" type="radio"/> NO	December 10, 2015
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.	<input type="radio"/> 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	

**OPERATIONAL DETAILS (\*Closing time will be when establishment is vacated of all patrons)**

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11am-12am	11am-12am	11am-12am	11am-12am	11am-2am	11am-2am	11am-12am
	Kitchen	11am-12am	11am-12am	11am-12am	11am-12am	11am-2am	11am-2am	11am-12am
	Music	11am-12am	11am-12am	11am-12am	11am-12am	11am-2am	11am-2am	11am-12am

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND   
  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
<b>INSIDE</b>	presently unknown	141	27	133	1	1	18
<b>OUTSIDE</b> (Other than sidewalk café)	presently unknown	30 31	4 8	16 32	0	1	presently unknown
<b>SIDEWALK CAFÉ</b>	N/A	N/A	N/A	N/A			

How many floors are there? What is the capacity for each floor? Two floors plus rooftop. Legal capacity is presently unknown

How frequently will the owner(s) be at the establishment? Daily

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing? YES

Will applicant have bottle or table service for beverage alcohol? YES

Will you be hosting private, promotional or corporate events? YES

Will outside promoters be used on a regular basis? If yes please describe. YES

Will you have a security plan? If, yes please attach. YES

Will security plan be implemented? YES  NO  N/A

Will State certified security personnel be used? YES  NO  N/A

Will New York Nightlife Association and NYPD Best Practices be followed?  YES  NO

Will applicant be using delivery bicycles? If yes, how many? YES

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?

## LOCATION & ZONING

Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/>	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	<input checked="" type="radio"/>	
Is a Public Assembly permit required?	<input checked="" type="radio"/>	NO	
Are your plans filed with DOB?	YES	<input checked="" type="radio"/>	

## 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	Applicant will reach out to Block Associations and provide proof to CB during meeting (or prior).
	# 2	
	# 3	
	# 4	
	# 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?		November 14, 2015
Where did applicant post the notice that was provided?		In front window of premises
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 <input type="radio"/> 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 <input type="radio"/> NO

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	DVD Depot and pop-up store		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	unknown
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/>	NO	Full renovation to the facade. See enclosed "after" frontal elevation
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/>	
Will applicant use a storm enclosure?	<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"/>	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/>	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="radio"/>	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="radio"/>	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="radio"/>	
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"/>	NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/>	NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/>	NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/>	NO	
Where will the air conditioner be located? What type is it?	Located on roof. Type is presently unknown		
When was the air conditioner installed?	To be installed during renovations		

**OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ**

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

## OUTDOOR ITEMS – SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/>	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	<input checked="" type="radio"/>	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	<input checked="" type="radio"/>	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/>	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
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	N/A
Will applicant use umbrellas?	YES	NO	N/A
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	N/A

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

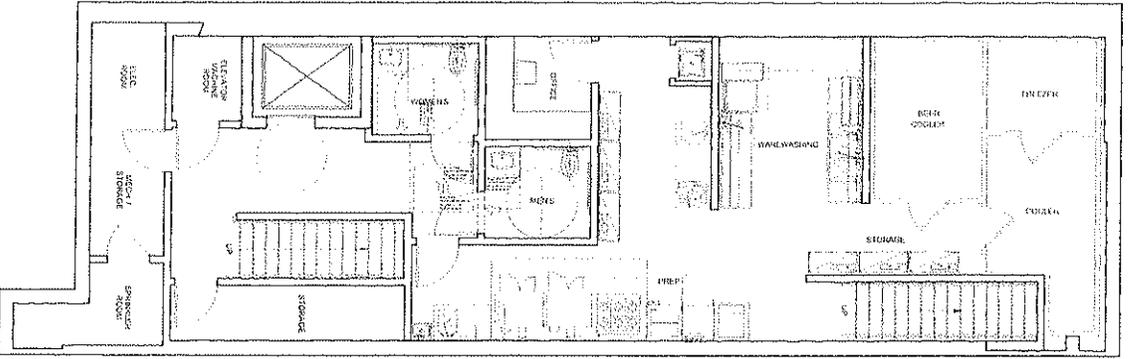
- Applicant agrees to no use of rooftop
- Applicant will submit by Full Board 1/6/16, specifics on the type & location of ventilation including filter
- Applicant agrees to no lines outside of the establishment.
- Applicant will provide contact information

*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.*

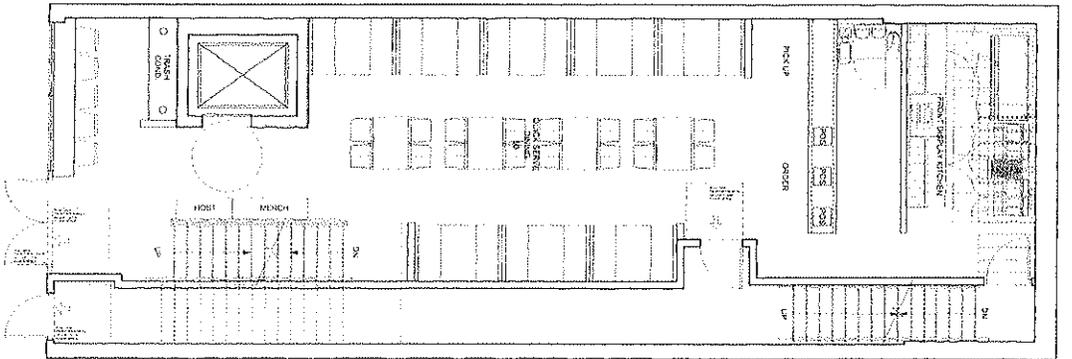
# Wahburgers (Times Square)

725 Eighth Avenue  
New York, NY 10036

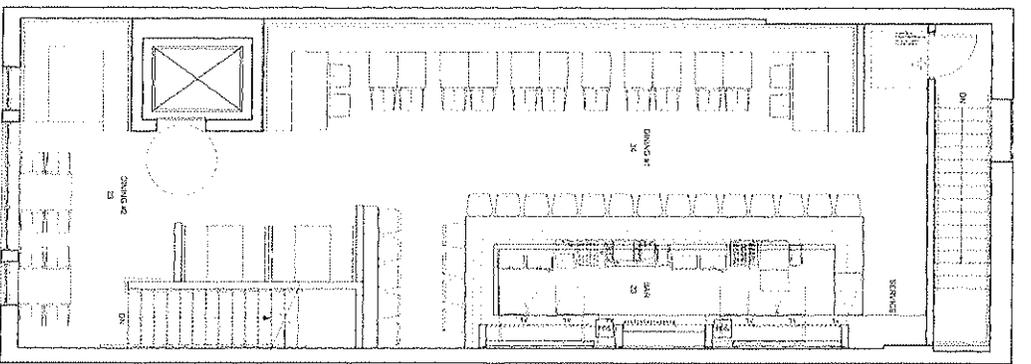
11.18.2015



1 PROPOSED BASEMENT PLAN  
Scale: 1/4" = 1'-0"



2 PROPOSED GROUND FLOOR PLAN  
Scale: 1/4" = 1'-0"



3 PROPOSED SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"

## PROPOSED FLOOR AREA

BASEMENT	1,518 SF
GROUND FLOOR	1,891 SF
SECOND FLOOR	1,891 SF
TOTAL FLOOR AREA	4,700 SF

## KITCHEN (27%)

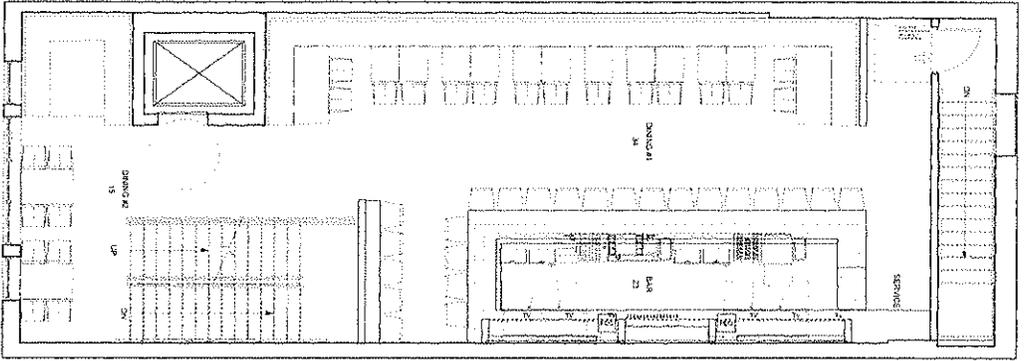
QUICK SERVICE DINING	381,000 SF
DINING #1	24,000 SF
DINING #2	21,000 SF
BAR	22,000 SF
TOTAL SEATING	133
EMPLOYEE COUNT	5
TOTAL OCCUPANCY	141

**SOUSA DESIGN**  
A R C H I T E C T S  
81 South Street, 2nd Floor  
Brooklyn, NY 11249  
718.378.3100

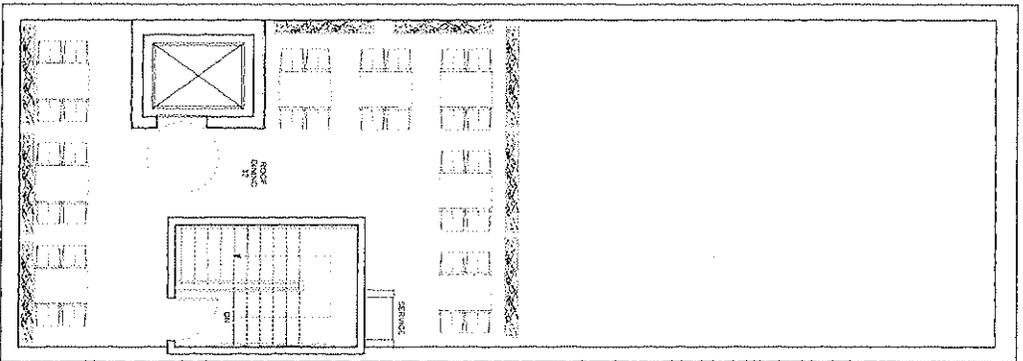
Wahburgers  
(Times Square)

728 Eighth Avenue  
New York, NY 10036

11.20.2018



3 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



4 PROPOSED ROOF PLAN  
SCALE: 1/8" = 1'-0"

PROPOSED FLOOR AREA

EASEMENT	1578 SF
GROUND FLOOR	1561 SF
SECOND FLOOR	1561 SF
TOTAL FLOOR AREA	4701 SF

ROOF	200 SF
KITCHEN (25%)	1200 SF

PROPOSED OCCUPANCY

QUICK SERVE DINING	51 (202) 40
DINING #2	15 (60) 40
BAR	15 (60) 40
ROOF DINING	22 (88) 40
TOTAL SEATING	103

EMPLOYEE COUNT	5
TOTAL OCCUPANCY	108

Sousa design  
ARCHITECTS

21 Bayshore Street, 2nd Floor  
Brooklyn, NY 11214  
646.979.8100