

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

CORPORATION NAME		DOING BUSINESS AS (DBA)			
Pod TS F&B LLC		TBD			
STREET ADDRESS		CROSS STREETS	ZIP CODE		
400 West 42nd St		W42nd St & 9th Ave	10036		
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Pod TS F & B LLC	ATTORNEY/ REPRESENTATIVE	NAME: Robert Bookman, Esq.		
	PHONE: 646-277-0059		PHONE: 212-513-1988		
	EMAIL: richard@bdhotels.com		EMAIL: rbookman@pandblegal.com		
MANAGER	NAME: Major Management TCZ LLC	LANDLORD	NAME: 400 Times Square Assoc LLC		
	PHONE: 646-692-4732		PHONE: 646-485-6276		
	EMAIL:		EMAIL:		
APPLICATION TYPE (Check One)					
<input checked="" type="checkbox"/> New	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?		Please see attached		
	What were the dates applicant was involved with this former premise?		Please see attached		
<input type="radio"/> Transfer	What is the prior license # and expiration date?				
	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 type="radio"/> Alteration	What is the current license # and expiration date?				
	<i>Please list/describe the nature of all the changes and attach the plans:</i>				
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 type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input checked="" 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?		<input type="radio"/> YES	<input checked="" type="radio"/> NO	Immediately following 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.		<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* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	7am - 4am	7am - 4am	7am - 4am	7am - 4am	7am - 4am	7am - 4am	7am - 4am
	Kitchen	SAA	SAA	SAA	SAA	SAA	SAA	SAA
	Music	SAA	SAA	SAA	SAA	SAA	SAA	SAA
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE	

Please see attached for 28th Floor OCCUPANCY 3rd Floor only

	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	136	130	26	101	0	1	13
OUTSIDE <i>(Other than sidewalk café)</i>	152	80	18	60	0	1	10
SIDEWALK CAFÉ	N/A						

How many floors are there? What is the capacity for each floor?	Floors: 3-28 For the 3rd Fl: 136 All others: 50		
How frequently will the owner(s) be at the establishment?	Weekly		
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO	
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO	
Will you be hosting private; promotional or corporate events?	<input checked="" type="radio"/> YES	NO	
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO	
Will you have a security plan? If, yes please attach.	<input checked="" type="radio"/> YES	NO	
Will security plan be implemented?	<input checked="" type="radio"/> YES	NO	
Will State certified security personnel be used?	<input checked="" type="radio"/> YES	NO	
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	NO	
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO	
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?	N/A		

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?	YES	<input checked="" type="radio"/> NO	Currently under construction
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	

Community Notification/Relations			
NOTIFICATION: 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	See Attached	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		See Attached	
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.		<input checked="" type="radio"/> YES	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?		<input checked="" type="radio"/> YES	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	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	NO	
Will applicant use a storm enclosure?	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	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	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	<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?	YES	<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"/> 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	NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	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?	<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	Terrace on the 3rd & 28th Floors
Are the floorplans for the outdoor space(s) included?	<input checked="" type="radio"/> YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	<input checked="" type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	<input checked="" type="radio"/> 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 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 21 st and March 21 st , 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)

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*

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 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

Nelly Gonzalez <i>CB4 Assistant District Manager</i>	Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i>	Burt Lazarin <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 	Richard Born	 	7/22/2016
	PRINT NAME OF APPLICANT	SIGNATURE OF APPLICANT	DATE

Proximity Report for Location:

July 22, 2016

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
Holy Cross Roman Catholic Church	420 ft

Schools within 500 Feet

Name	Address	Approx. Distance
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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 & 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	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

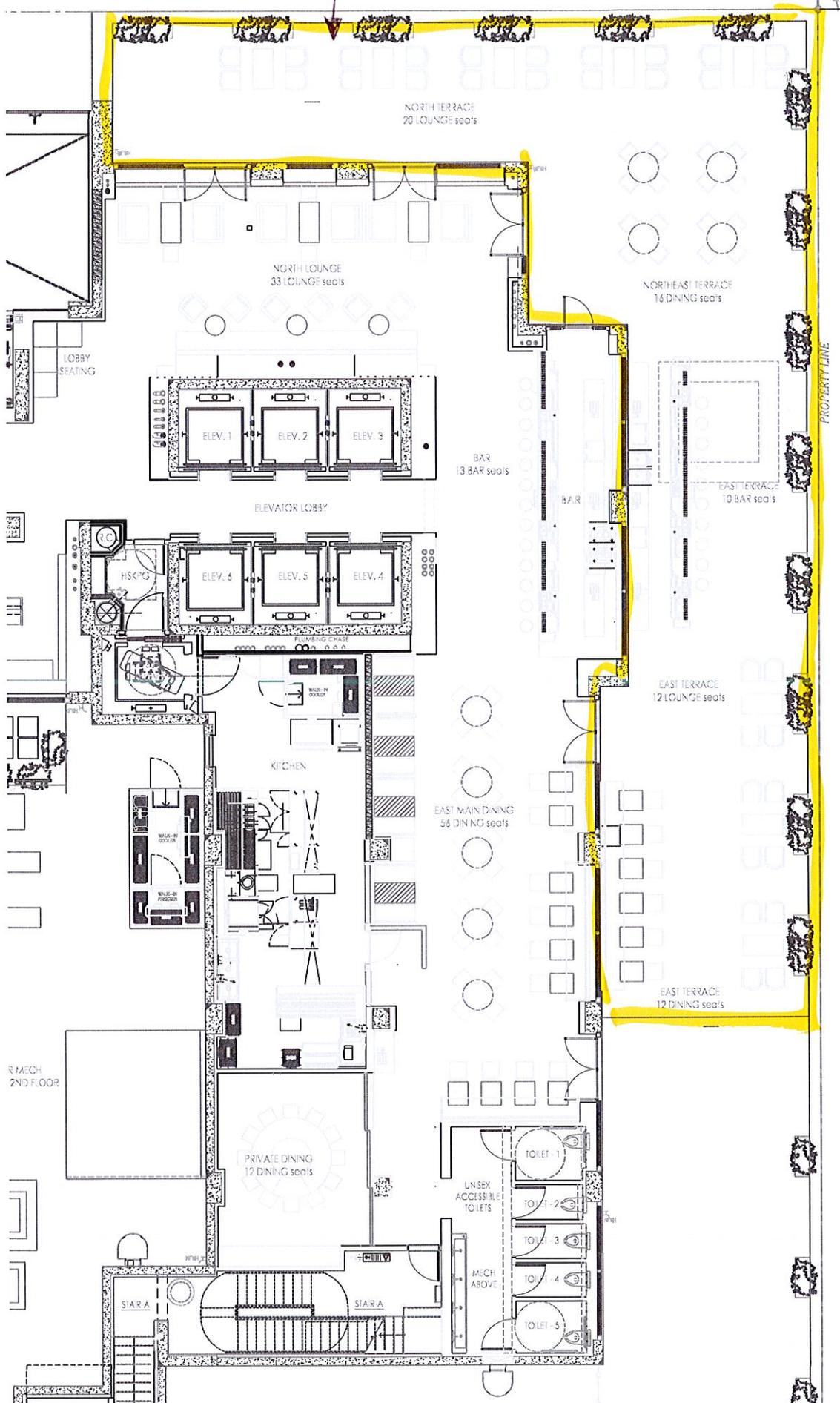
Pending Licenses within 750 Feet

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

Name	Address
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Terrace Area



3rd Floor

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

**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

	Capacity	Anticipated Occupancy	Tables	Seats	Service Bar	Stand up Bar	Bar 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 th St	1992 - Present
35 th Street Hotel Corp	45 West 35 th St	1995 - Present
The Mercer I LLC	147 Mercer St	1999 - Present
Hotel Chandler, LLC	12 East 31 st St	2000 - Present
BDC 56, LLC & M56 LLC	15 West 56 th St	2001 - Present
Hudson River Inn, LLC	88 9 th Ave	2002 - 2016
BD Stanhope, LLC	363 W. 16 th St	2002 - 2014
Maritime F&B, LLC	88 9 th Ave	2002 - Present
BD Gorham LLC	136 W 55 th St	2003 - Present
The Bowery Hotel, LLC	335 Bowery	2007 - Present
Bowery F&B, LLC	4 East 3 rd 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 st St	2010 - Present
Pod 39 Hotel, LLC	145 E. 39 th St	2011 - Present
Marlton Hotel Operating, LLC	5 W. 8 th St.	2013 - Present
Ludlow Hotel Food & Beverage, LLC	180 Ludlow St	2014 - Present

Community Outreach - Email sent 7/19/2016

West 43rd Street Block Association	Eduardo Zeiger
Manhattan Plaza Tenants Association	Douglas Leland
West 44 Street Better Block Association	Linda Ashley
West 44th Street (b. 9th/10th) Block Association	Renee & Gordon Stanley & Rudy Papiri
West 45th Street Block Association	Tim Tanner
West 45th Street Block Association (b. 9th/11th Aves)	Chana Widawsky
West 46th Street Block Association	Allison Tupper & Steve Fanto

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770 Lexington

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Buildings

212-669-7

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PUBLIC NOTICE
This notice, addresses and forms, concerning
the information submitted by
An Entity to be formed by
Richard Born
400 W. 42nd Street
DATE: _____
PLACE: _____



DELORES RUBIN
Chair

JESSE BODINE
District Manager

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036

tel: 212-736-4536 fax: 212-947-9512

www.nyc.gov/mcb4

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:	Tuesday, August 9, 2016
TIME:	6:30 PM
PLACE:	Intercontinental NY Times Square - 300 W. 44 th 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.

