

Amended - 12/22/15 288

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Top Brss LLC		DOING BUSINESS AS/DBA	
STREET ADDRESS 290 8th Avenue New York, NY		CROSS STREETS 24th And 25th	ZIP CODE 10036
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME Victor Guadagnino, MD	NAME Neil M. Visoky, Esq.	
	PHONE 718344-7732	PHONE 718 720-7600	
	EMAIL	EMAIL abclaw@aol.com	
MANAGER	NAME JUVENTINO AVLIA	NAME 290 Eighth Ave LLC Shelley Kaufman	
	PHONE 718-360-8469	PHONE 212 682 7250	
	EMAIL WWW.JUVENTINONYC.COM	EMAIL ikcpapc@aol.com	
APPLICATION TYPE			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?		
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="checkbox"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		YES NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liquor/Wine/Beer <input type="checkbox"/> Beer <input type="checkbox"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input 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)		
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the establishments within 500 ft. of your primary entrance 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 checked="" type="checkbox"/> YES <input 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 (Please print name of the business establishment and street address.)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS* (Indoor Only)	Operation	9-12	9-12	9-12	9-1am	9-1am	9-1am	9-12
	Kitchen	11-12	11-12	11-12	11-1am	11-1am	9-1am	9-12
	Music	11-12	11-12	11-12	11-1am	11-1am	9-1am	9-12

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

<input checked="" type="checkbox"/> BACKGROUND	<input checked="" type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> DISCO	<input type="checkbox"/> KARAOKE
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	Capacity (Certificate Occupancy)	Maximum Number of Seating Positions (Indoor Only)	Number of Tables	Number of Seating Positions (Outdoor)	Number of Seating Positions (Sidewalk Cafe)	Number of Seating Positions (Total)
INSIDE	285	175	36	118	0	1
OUTSIDE (Other than sidewalk cafe)	n/a					
SIDEWALK CAFE	n/a					

How many floors are there? What is the capacity for each floor? 2

How frequently will the owner(s) be at the establishment? full time, Hours will vary.

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will applicant have bottle or table service for beverage alcohol?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be hosting private, promotional or corporate events?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will outside promoters be used on a regular basis? If yes please describe.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will you have a security plan? If, yes please attach.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will security plan be implemented?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will State certified security personnel be used?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Will applicant be using delivery bicycles? If yes, how many?	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> N/A
Where will delivery bicycles be stored during the day when not in use?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> N/A

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

Community Notification/Response		
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.	# 1	see attached list of block associations
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.	No groups Requested so	
When did applicant post the notice that was provided?	October 6, 2015 and November 16, 2015, Dec. 19, 2015	
Where did applicant post the notice that was provided?	Block and behind the building	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		917-613-2734
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicant's job openings webpage?		

BUILDING OF SIGN		
Will applicant have a vestibule within the establishment?	<input checked="" type="checkbox"/>	
Will applicant use a storm enclosure?	<input type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/>	
Will the establishment have any of the following: (check all that apply) <i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>
Will applicant close all windows, French doors, and garage doors when any music or amplified sound (including televisions) is played?	<input checked="" type="checkbox"/>	<i>N/A</i>
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?	<input checked="" type="checkbox"/>	<i>N/A</i>
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	<input type="checkbox"/>
Will the kitchen exhaust system extend to the roof?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the establishment have an illuminated sign?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where will the air conditioner be located? What type is it?	<i>Central AC Unit on Roof</i>	
When was the air conditioner installed?	<i>Approx 15 yrs Ago</i>	

OUTDOOR SPACE (APPLICANT'S RESPONSIBILITY)

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

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OUTDOOR SPACE AND SIDEWALK CAFE		
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 st and March 21 st , and any other day when it rains or snows?	YES	NO
Will applicant not 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

N/A

Photo is included toward End of Stipulation

* Please see ATTACHED Interior Diagram
Prepared by LANDRESS-SIMON

Basement Diagram Included AND
Photo Included of Basement
which has kitchen, Offices,
Bq Throon and Utilities, storage

N/A

FLOOR PLAN – SIDEWALK CAFÉ (if applicable)

OTHER COMMENTS - STIPULATIONS – (office use only)

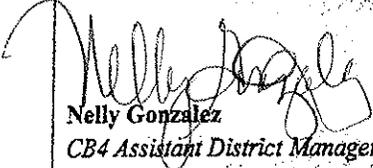
- There will be no more than three live musicians at any time
- Applicant acknowledges that applicable zoning does not permit entertainment at this location
- Applicant will minimize time garbage is left outside establishment
- Applicant will implement all recommendations of 1/4/16 acoustilog report
- As per acoustilog report, all sound levels will be kept below 90 dbl.
- Applicant will ensure compliance with the NYC Noise Code
- Applicant will hire acoustilog to certify that all recommendations of acoustilog report have been implemented. A copy of the certification will be submitted to the board office
- No use of outside equipment or sound system for augmentations/amplification purpose

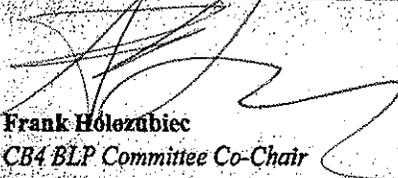
**Manhattan Community Board 4 (MCB4)
recommends:**

Denial unless all stipulations above are agreed to by
applicant and is part of the method of operation

Denial Approval

CB4 REPRESENTATIVES


Nelly Gonzalez
CB4 Assistant District Manager

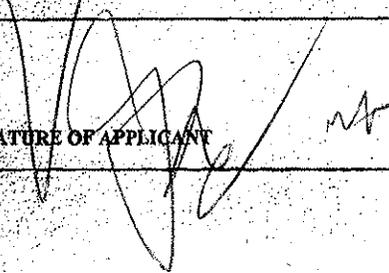

Frank Hólezubiec
CB4 BLP Committee Co-Chair


Burt Lazarin
CB4 BLP Committee Co-Chair

APPLICANT AGREEMENT

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 written stipulations above constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These written stipulations supersede any oral statements or representations in connection with this application.

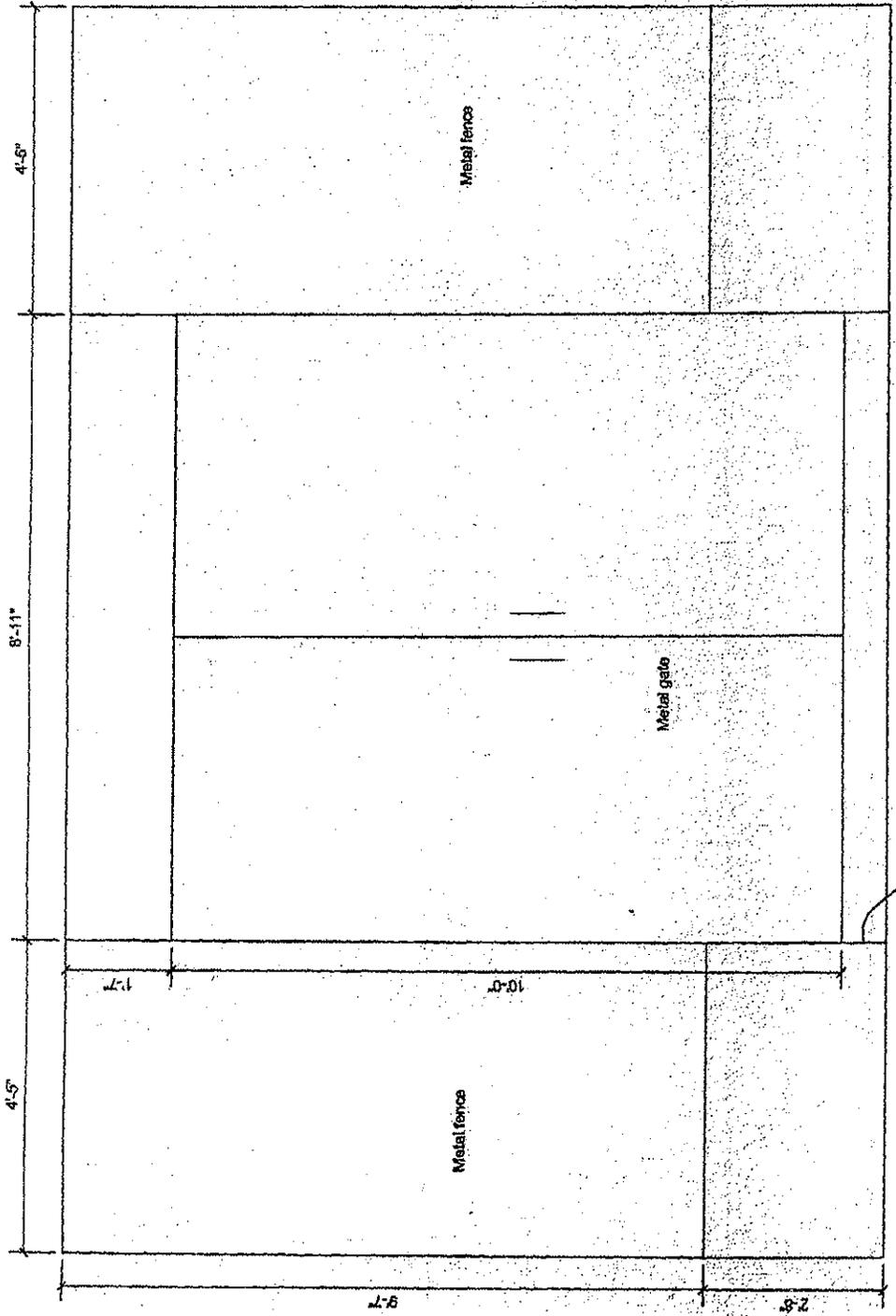
SIGN HERE →

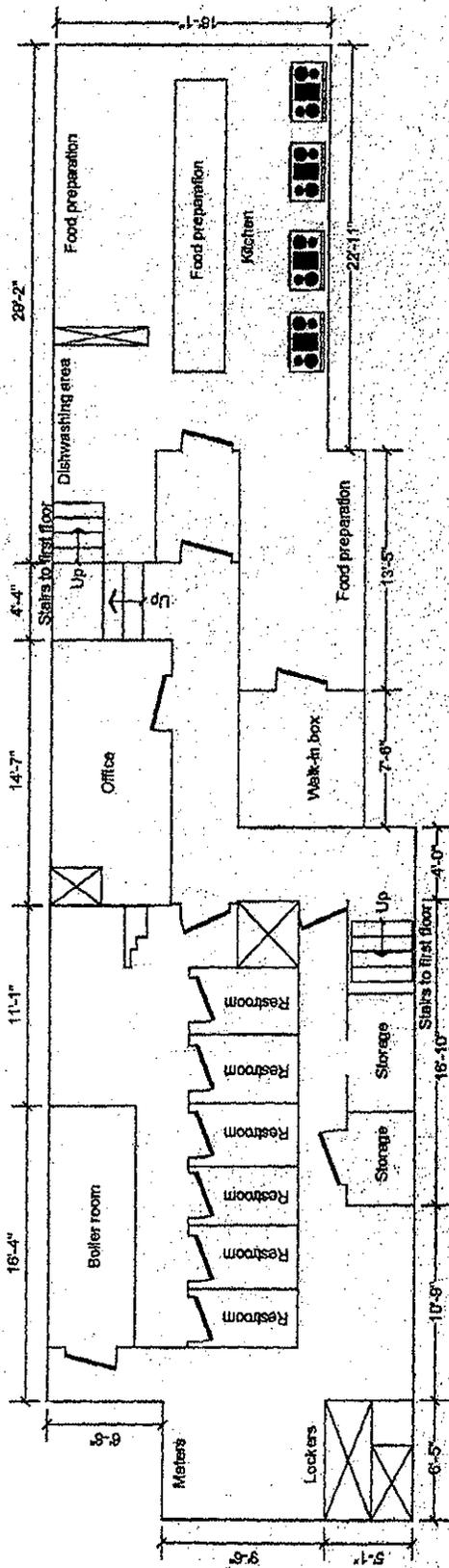

SIGNATURE OF APPLICANT

DATE

1/12/16

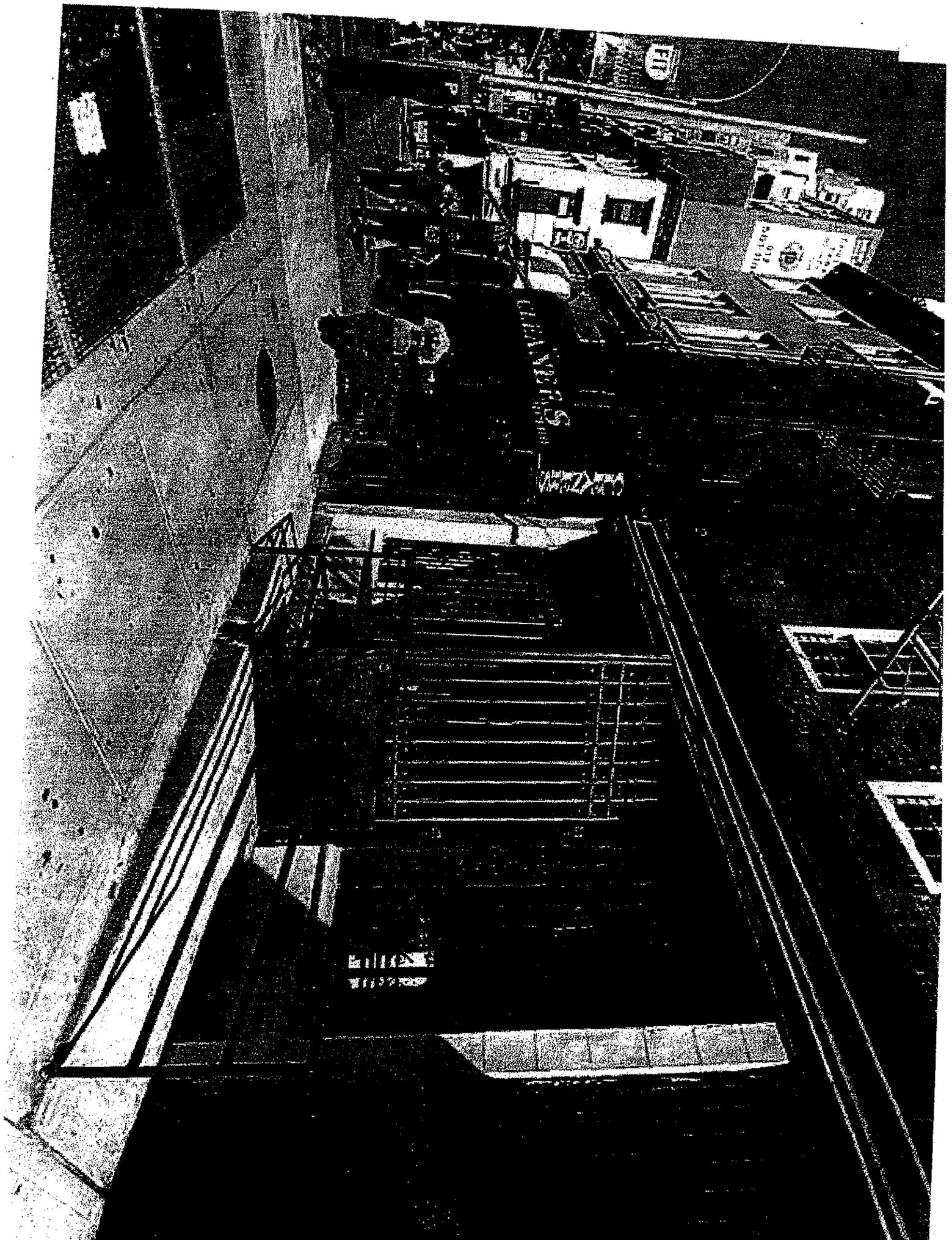
FRONT ELEVATION
290 8th Avenue
New York, NY
September 17, 2015
NOT TO SCALE





INTERIOR DIAGRAM - Basement
 290 8th Avenue
 New York, NY
 September 17, 2015

NOT TO SCALE



~Raw Bar~

Seafood Tower \$79/Royal \$119

Lobster, Mussels, Oysters, Jonah Crab, Clams, Prawns, Mignonette, Cocktail Sauce, Marie Rose

Iced Oysters on a Half Shell \$3.50/each

Grapefruit & Pink Peppercorn Mignonette

American Harvest Mussels \$10/dozen

Thai Green Curry Sauce

Little Neck Clams \$1.50/each

Jumbo Shrimp Cocktail \$20

House Made Cocktail Sauce

Maine Lobster \$29

Marie Rose Sauce

Jonah Crab Claws \$20

Mustard Aioli

~Cold Appetizers~

Beef Carpaccio \$17

Horseradish, Hon Shemeji, Pickled Squash, Pumpkin Seed

House Cured Salmon \$15

Trout Roe, Avocado, Citrus, Radish

Baby Beet Salad \$16

Brown Butter Lebane, Roasted Pear, Hazelnut

Kale & Pickled Apple Salad \$14

Parsnip, Walnuts, Mustard Vinaigrette

Duck Confit Salad \$17

Poached Egg, Smoked Bacon, Cranberries, Pecans

Charcuterie Board \$25

Chefs Selections of Cured Meats, Mousses & Pates

~Hot Appetizers~

Butternut Squash Bisque \$12

Maple Crème Fraiche, Pumpkin Seeds, Chives

Charred Portuguese Octopus \$17

Cannellini Beans, Piperade, Chorizo

American Harvest Mussels \$15

Nueske Bacon, Coconut Curry Broth, Cilantro

Berkshire Pork Belly \$17

Puy Lentils, Apple, Pickled Pepper Relish

Sea Scallops \$19

Parsnip, Leek, Pear, Prosciutto

~Compositions~

12oz Dry Aged NY Strip \$44
Pomme Puree, Wild Mushrooms, Au Poivre

Braised Short Rib \$32
Farro Butternut Squash, Hazelnut, Cranberry Jus

Niemen Ranch Pork Chop \$38
Creamy Polenta, Broccolini, Cherry Pepper Jus

Long Island Duck Breast \$32
Sweet Potato, Red Cabbage, Quince, Natural Jus

Wild Striped Bass \$29
Herbed Chowder, Little Neck Clams, Parsnip, Pearl Onion

Scottish Salmon \$26
Romanesco, Lacinato Kale, Olive Tapenade

Butternut Squash Risotto \$24
Oyster Mushroom, Sage, Truffle

~Sides~

Truffle Polenta \$13
Wild Mushroom, Madeira

Cauliflower \$10
Golden Raisins, Grapes, Caper Vinaigrette

Crispy Brussels Sprouts \$10
Honey, Chinese Mustard, Peanuts, Mint

Pomme Puree \$10
Chives

Creamed Kale \$10
Asiago, Nutmeg

Kennebec Fries \$10
Malt Aioli

* Most Recent E-mail for 1/12 nTb

Page 1 of 1

Subj: **Re: Application for on Premises Liquor Lic at 290 8th Ave NY NY 10/13 6:30 PM**
Date: 12/9/2015 4:18:01 P.M. Eastern Standard Time
From: ABCLAW@aol.com
To: pamela@angel.net, dfranco243@earthlink.net, fcmgt@me.com, merle.levine@gmail.com, cikupper@aol.com, laura14evans@gmail.com, eleanor@quiltedcorner.com, 300wba@gmail.com, phylliswaisman@gmail.com, zazeloven@yahoo.com, education@pennsouth.coop, west25thstreetproject@gmail.com, wborock@hotmail.com

Good Afternoon,

Please be advised that we are representing an applicant for an On Premises Liquor License for Top Brass, LLC located at 290 8th Ave, New York, NY. Community Board No 4 Business Licenses and Permits Committee will meet on January 12, 2016 at 6:30 PM at Intercontinental Hotel, 300 West 44th St, New York, NY Ballroom level.

You were previously notified of the prior meetings on Tues, October 13th, 2015 and Tues, December 8th, 2015 (see below). We were asked to re-notify the associations and to attend the January 12th meeting.

Please let our office know that you are in receipt of this notification. Thank you Grace Grande, Law office of Neil M. Visoky, Esq., 1110 South Avenue Suite 24, Staten Island, NY 10314

In a message dated 11/12/2015 5:33:25 P.M. Eastern Standard Time, ABCLAW@aol.com writes:

Good Afternoon,

Please be advised that we are representing an applicant for an On Premises Liquor License for Top Brass, LLC located at 290 8th Ave, New York, NY. Community Board No 4 Business Licenses and Permits Committee will meet on December 8th, 2015 at 6:30 PM at Intercontinental Hotel, 300 West 44th St, New York, NY Ballroom level.

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CC: nmv66@aol.com
Sent: 10/9/2015 1:42:52 P.M. Eastern Standard Time
Subj: **Re: Application for on Premises Liquor Lic at 290 8th Ave NY NY 10/13 6:30 PM**

Good Afternoon,

Please be advised that we are representing an applicant for an On Premises Liquor License for Top Brass, LLC located at 290 8th Ave, New York, NY. Community Board No 4 Business Licenses and Permits Committee will meet on Tuesday October 13th, 2015 at 6:30 PM at 353 W 30th Street - Community Room.

Please let our office know if there is anything that is required regarding this application. Thank you Grace Grande, Law office of Neil M. Visoky, Esq., 1110 South Avenue Suite 24, Staten Island, NY 10314

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phylliswaisman@gmail.com, zazelloven@yahoo.com, education@pennsouth.coop,
west25thstreetproject@gmail.com, wborock@hotmail.com
CC: ABCLAW@aol.com

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Re: 290 8th Avenue

1. Pars Grill House - 249 West 26th Street - (409')
2. World of Beer - 316 8th Avenue - (254')
3. Trailer Park - 271 West 23rd Street - (414')
4. Dallas BBQ - 261 8th Avenue - (372')

Schools & Churches

1. The High School of Fashion Industries - 225 West 24th St. - (335')
2. McCarton School - 331 West 25th Street - (474')
3. St. Columba Church - 343 West 25th Street - (~537')

500 ft rule statement

Top Brass LLC is the applicant and tenant of the commercial space at 290 8th Avenue, New York, NY. The applicant intends to create a space that is throwback to a bygone era. An opportunity to dine in an environment that will transport the diners to a sepia infused experience of old New York.

It is my intention to fully integrate the magnificent Art Deco appointments salvaged from the shuttered Biltmore Hotel with the modern convenience of service and style to create an atmosphere reminiscent of the speak easy days of prohibition.

The menu (forwarded previously), was created by Chef Jayson Margolis, formerly of Daniel and Dylan Prime. It will be replete with multiple dishes that are reflective of the décor and will be infused with a twist of the Mediterranean.

I am well aware of the concerns of both the neighbors and the Board, but in this instance they are unfounded. It is my intention to create a period, atmospheric restaurant that will be both a neighborhood staple and a destination dining experience. I will offer private parties to accommodate my patrons when the restaurant is available.

I welcome the opportunity to service the community as a restaurant. We hope to see you soon.

Residential

Block Plot
290 8th Avenue
New York, NY
September 17, 2015

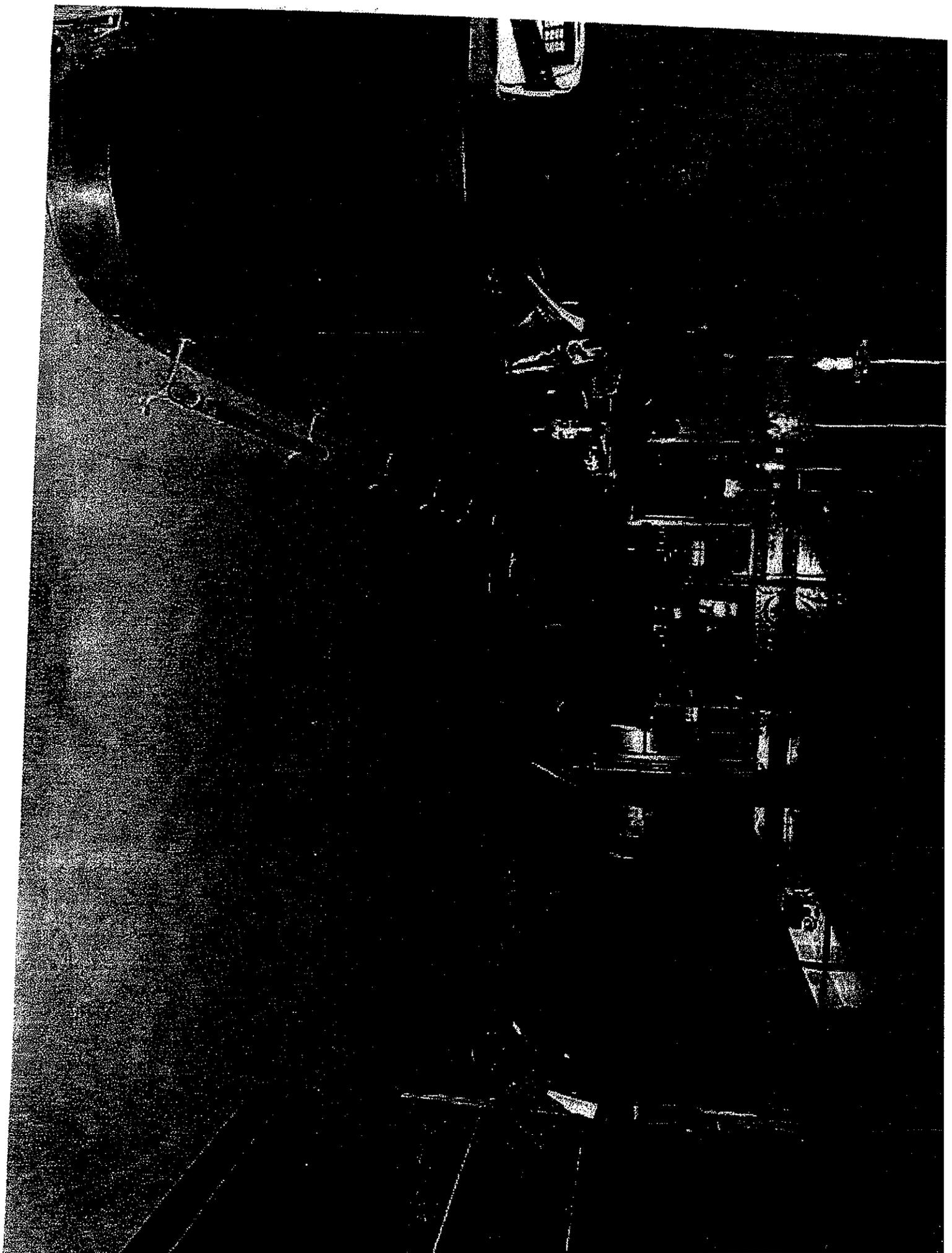
8th Avenue

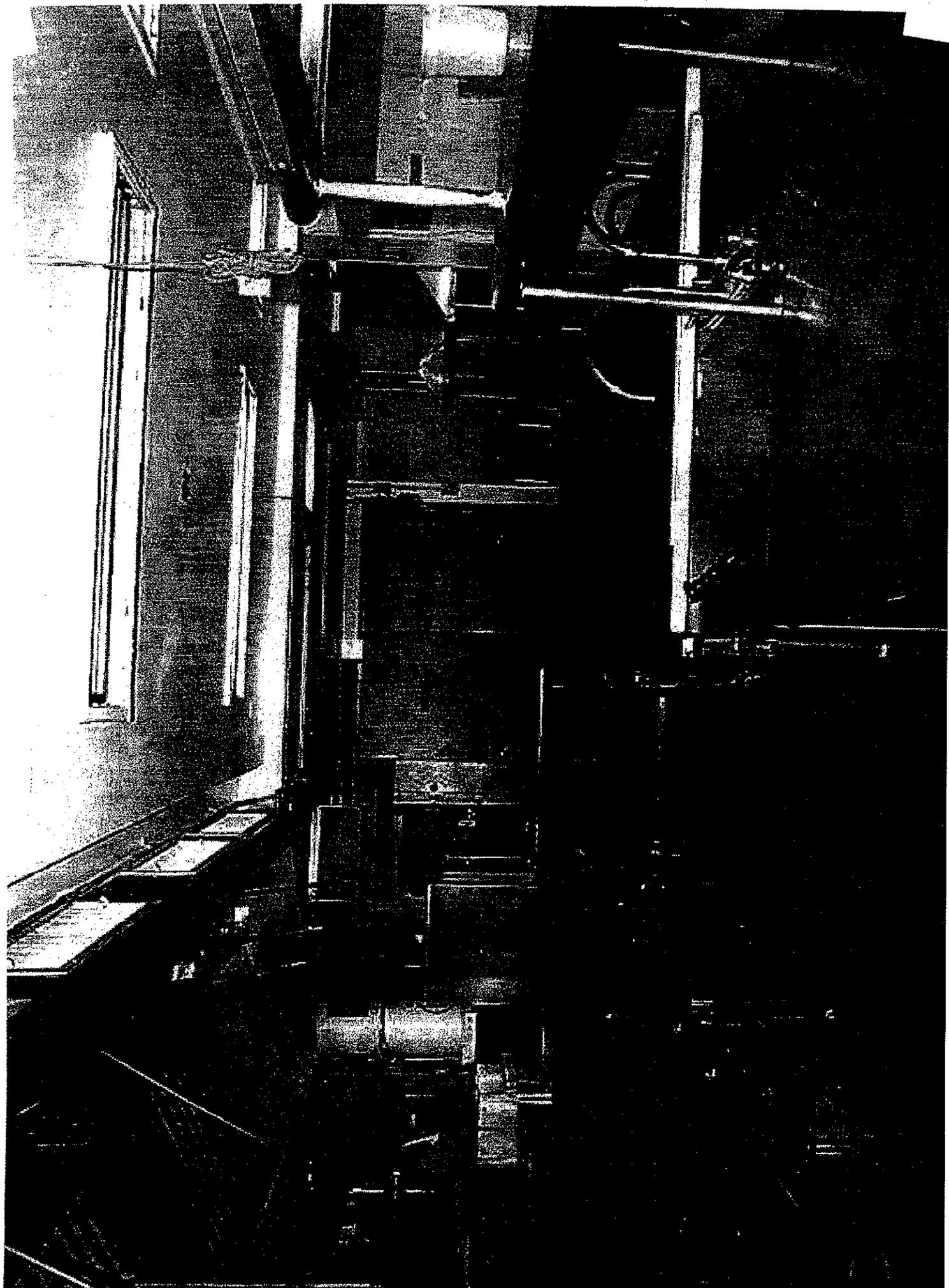
NOT TO SCALE

West 25th Street

Spa
Cleaners
Residential
APPLICANT
Residential
Pet Store
Fast Food
Residential
Residential
Spa
Bakery
Pharmacy

West 24th Street





America Avila**PROFILS**

Current owner of a popular restaurant in Park Slope since 2008. Of the nine Chef positions held, six were in the role of Opening Chef. Responsible for procuring equipment, vendors and maintaining licenses for kitchen operations. As the operating owner of Restaurant Juventino responsible for maintaining a high standard of food and service in an extremely competitive neighborhood.

CHEF EXPERIENCES

SOUS CHEF, DOUBLE CROWN (SAXON & PAROLE), NYC 2008
EXECUTIVE CHEF, BONITA, FORT GREENE/WILLIAMSBURG 2007
PROFESSIONAL INSTRUCTOR, INSTITUTE OF CULINARY EDUCATION, NYC 2004-2007
CHEF, AGOZAR, NYC 2002-2004
CHEF, ISLA, NYC 2001
CHEF CONSULTANT, TAMAYO, WEST PALM BEACH 2000
SOUS CHEF, CHICAMA, NYC 1999
CHEF. MOHO, COBBLE HILL 1998
SOUS CHEF, DROVERS TAP ROOM, NYC 1997

LINE COOK/STAGIERE EXPERIENCE

ESTATORIO MILOS, NYC
ASIA DE CUBA, NYC
GRAMERCY TAVERN, NYC
NORMANS, CORAL GABLES, FL
PATRIA, NYC
MAYA, NYC
DIANA KENNEDY
ERIC RIPERT
DANIEL BOULUD

EDUCATION

PETER KUMP'S COOKING SCHOOL - 1995

ACOUSTILOG INC.

19 Mercer Street, NY, NY 10013 (212) 925-1365 Fax: (212) 966-4216 www.acoustilog.com

January 4, 2016

Dr. Victor Guadagnino
Top Brass
290 Eighth Avenue
New York, NY 10001-4801

Dear Dr. Guadagnino,

Pursuant to your request, I have studied the noise issues at the above premises on December 30, 2015.

SUMMARY

If the recommendations provided in this report are taken, there will be no music noise from the new restaurant that will cause a violation of the Noise Code, nor will there be voice noise that will be detectable in the neighboring residences in nearby buildings.

DBA VS ONE-THIRD OCTAVE BAND MUSIC LEVELS

One way that the sound levels were measured was using the A-weighting decibel scale. The dB (A) decibel scale (see Noise Code Section §24-231 a1) is the most common type of sound measurement, which represents an overall measurement of all frequencies, but with a strong tendency to ignore the low-frequency "bass" sounds. The A-weighted decibels require only a simple sound level meter to measure them. They are shown in the dBA column on the right-hand side of the frequency graphs in this report. DBA is what the City DEP inspectors usually use, and they normally consider anything above 42 dBA to be unreasonable.

The C-weighted decibels or dBC (see Noise Code Section §24-231 a3) are also an overall measurement of all frequencies, but this measurement includes the important low-frequency "bass" sounds. However, dBC readings pick up so many frequencies at the same time that they usually do not distinguish between normal background noise and music beats.

One-third octave band sound level (see Noise Code Section §24-231 a2) readings were also taken with a complex spectrum analyzer. These are measured in decibels, or dB. The loudest sounds produced by music are in the low frequencies below 200 Hertz. This is commonly called bass, which sounds like thumping or vibration, and is the sound most likely to cause neighbor complaints. Bass and drums usually cause sounds in these frequency ranges. They are shown on the left-hand side of the graphs.

THE NOISE CODE - MUSIC

§24-231 Commercial music.

(a) No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music,

as measured inside any receiving property dwelling unit:

- (1) is in excess of 42 dB(A) as measured with a sound level meter; or
- (2) is in excess of 45 dB in any one-third octave band having a center frequency between 63 hertz and 500 hertz (ANSI bands numbers 18 through 27, Inclusive), in accordance with American National Standards Institute standard S1.6-1984; or
- (3) causes a 6 dBC or more increase in the total sound level above the ambient sound level as measured in decibels in the "C" weighting network provided that the ambient sound level is in excess of 62 dBC.

THE NOISE CODE - UNREASONABLE NOISE

§24-203 General definitions. When used in the New York city noise control code the following terms shall have the following meanings:

(62) Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business.

§24-218 General prohibitions.

(a) No person shall make, continue or cause or permit to be made or continued any unreasonable noise.

(b) Unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the following prohibited noise levels:

(1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.

The voices of customers in the restaurant are considered "other than impulsive sound" – see paragraph (1) and (2) above. These voice sounds are loudest in the midrange frequencies and thus, as explained above, are properly described using dBA readings. **Note that Section §24-218 prohibits "unreasonable noise", not all noise.**

TEST

I did not have access to the residential apartments at 278 West 25th Street. I utilized previous measurements of music sound transmission to analyze low frequencies. I performed new tests of midrange noise such as those caused by voices. In both cases, I measured the sound level in the north courtyard which separates your building from windows in those and other apartments. These outdoor tests were then extrapolated to determine the indoor sound levels in the nearby dwelling units.

I inspected the premises and noted that holes in the outside walls have been sealed up.

VOICE ANALYSIS

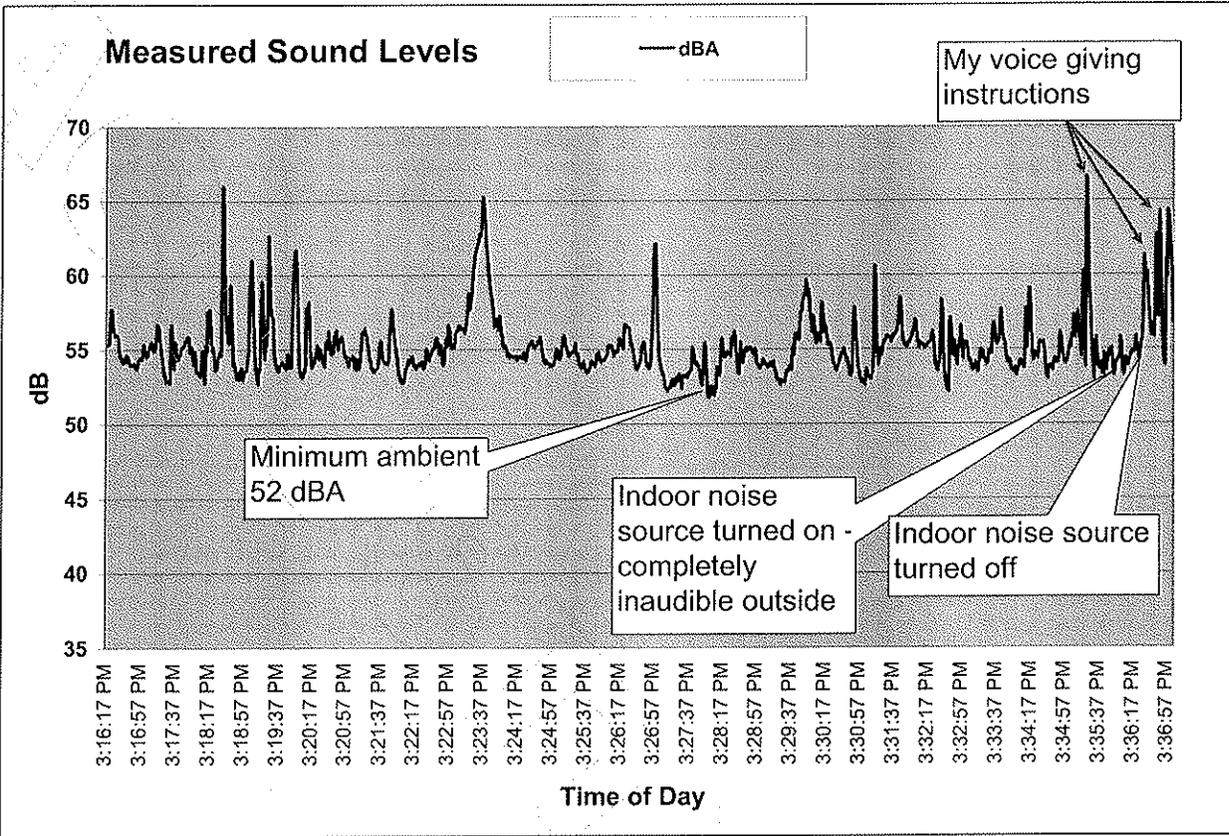
The noise level was analyzed assuming the total of 150 people in the restaurant as one sound source. This is a worst-case assumption acoustically as the occupancy would be split between the front and back half of the restaurant, and only the back half could influence the sound level outside. The total voice level in the restaurant from those people in the space would typically be 85 dBA.

The chart below shows the midrange noise levels. The indoor noise source was turned on while I was outside on the restaurant roof. The noise source was completely inaudible outside and did not change the sound level reading.

These are daytime readings, with a minimum level of 52 dBA only sporadically. Nighttime readings with all neighboring AC units off will be 3 dBA lower typically, or approximately a 49 dBA minimum. However, at night these minimum levels will occur for a much greater portion of the time. Night readings typically are 8-10 dBA lower with windows fully open, or 39 – 41 dBA.

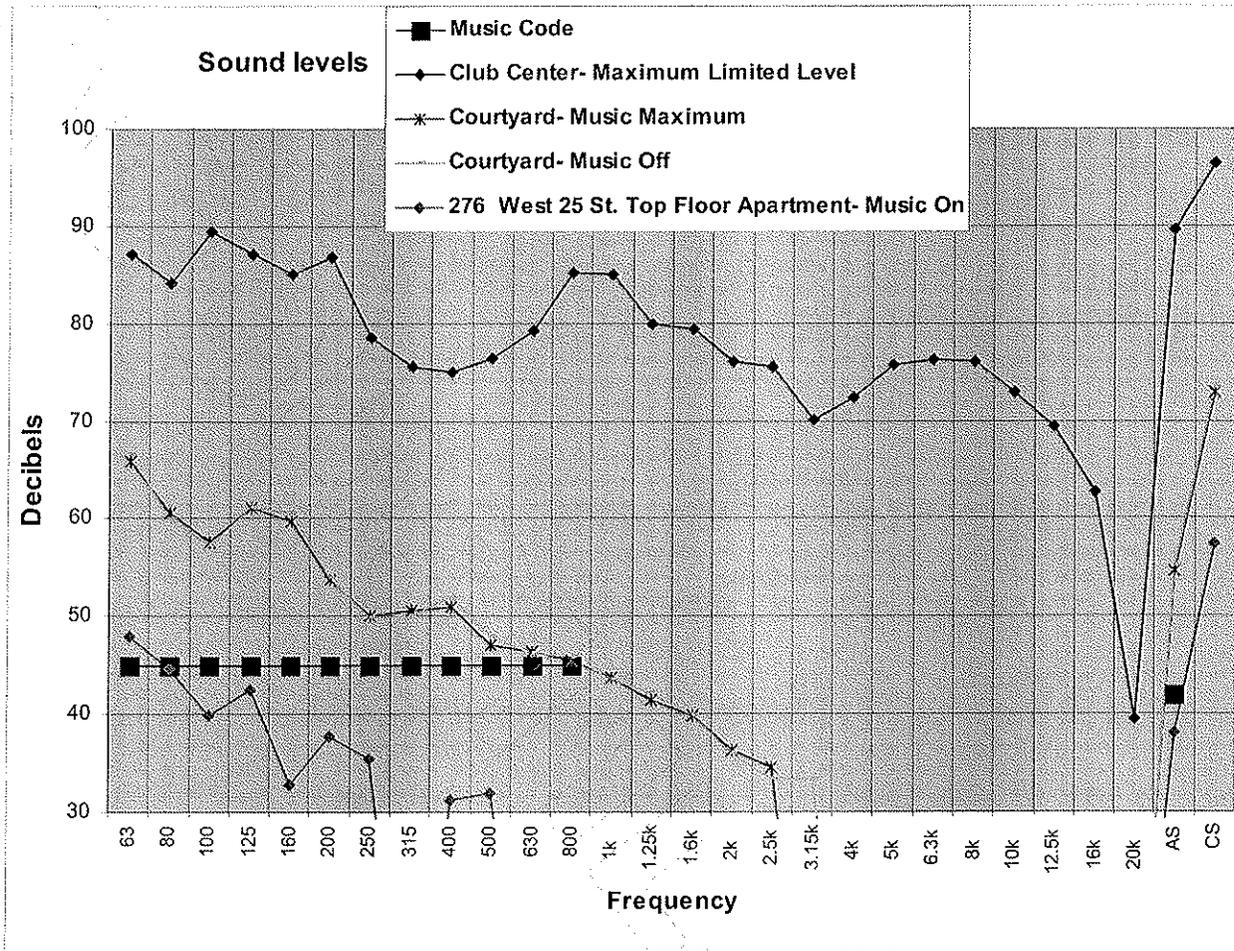
In order to meet Code requirements, the voice sound must not exceed the ambient by 7 or 10 decibels (night/day). Since the voice sound will be *below* the level of ambient noise, it will not exceed the ambient noise by either 7 or 10 decibels and will therefore meet Code requirements. Not only would the sound level meet the Code, it will be totally inaudible in the neighbors' apartments.

This does not take into account the noise from additional sources in the north and south courtyards outside the building, which include window air conditioners and central air systems, one of which is very large.



MUSIC ANALYSIS

Music was tested at a level of 96.5 dBC, using a previously-installed sound system with the subwoofers turned off. The tests were conducted in the top floor business of 276 West 25th Street, which is a building that actually touches your building. These tests show that the levels of "music on" in the top floor office were not caused by the music in the restaurant space, which was being operated as a club at that time, but are instead the result of mechanical noise in or outside the building. Therefore, a sound level of 96.5 dBC in the restaurant will not create a Noise Code violation, even for bass sounds, in the neighboring dwelling units.



RECOMMENDATIONS

I have previously recommended sealing holes in the walls on both the north and south sides of the building including a former window. This work has been completed.

The inside of the restaurant has walls which are covered with marble. Although reflective, these are no less sound absorbent than typical sheetrock or plaster walls. No additional treatment is required to reduce sound leakage outside of the building.

You wish to have a "background sound" system. Such a system, in order to reasonably be considered "background", should have a sound level no greater than 90 dBC. You may wish to keep the sound at that level or lower.

1. You have asked me to recommend specific equipment.
2. Use 2 sound system zones. Each system will be comprised of the following:
3. In the front area, 4 JBL Control 25 speakers should be used facing down at a 30 degree angle. Use 8 speakers in the rear, hanging in the ceiling coffers and facing straight down. These should be spread out around each area.

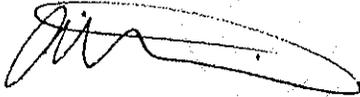
- a. The front speakers must be shock-mounted rather than hard-coupled to the walls. I suggest hanging the wall speakers with rubber mounts as shown in the diagram.
 - b. Speakers hanging from the ceiling should get springs with at least 1/2" deflection. I have provided data on a particular spring which can be doubled up or tripled up to provide the proper deflection, depending on the weight of the speaker.
 - c. Always provide a safety wire.
4. Audio inputs will feed into an Art zone mixer. This has 2 zone outputs. One zone will be the front bar area, and the other zone will be the rear dining area.
 - a. Each output will feed into a DBX DriveRack PA+, and then into a crown XLS 1000 Power Amplifier.
 - b. You will need 1 mixer, 2 DriveRacks, and 2 Amplifiers.
5. Each stereo power amplifier can easily handle all the speakers in each area. This is done using the series-parallel hookup arrangement shown in the diagram for the 8 speaker hookup. For the 4 speakers, connect 2 speakers in parallel to each of the stereo outputs. Run each speaker's wire back to its amplifier to simplify an otherwise complicated hookup. This is called "home run" wiring. Use #18 gauge zip cord for the speakers. Do not buy Monster cable.
6. Set the volume on the amplifiers to maximum to prevent employees from turning up the amps louder.
7. The system should be set up in stereo. Stereo sounds louder to people without actually increasing the sound level.
8. The sound system will incorporate an equalizer and a limiter. Both functions can be accomplished with a DBX DriveRack PA+. Installed in the system right before the amplifier and locked with a password, it will prevent the sound system from exceeding a pre-determined sound level, set by the sound installer.
 - a. Using the graphic equalizer section, attenuate (lower) all frequencies 80 Hertz and below by 3 decibels.
 - b. Using the unit's output level control, set the sound in the center of each room to a level of 90 dBC Slow. The sound installer can do this with a simple Radio Shack sound level meter. Set the meter to read "C", and "Slow". This will be a good starting point from which to operate the sound system.
 - c. To ensure accuracy of the meter, you can bring it to my office to be calibrated.
 - d. This unit would be set in conjunction with tests made of noise levels in the apartments.
 - e. Set the Stereo Output Limiters to COUPLE both channels together, which makes the Channel 1 controls affect both channels. The rest of the instructions are thus for the left channel only.
 - f. Set the limiter's Ratio control to infinity, the Peak Stop to off, the Attack and Release time to midway and Auto, Over-Easy to off, and the Threshold control so as to normally limit only 3 decibels during typical music playing. If the music tries to get louder for any reason, the sound will stay at the same volume.

If I can be of further assistance, please call.

It is strongly recommended that all complicated construction projects get regular inspection visits at critical times, to make sure the system performs properly. This is an optional service which I can provide. All Acoustilog, Inc.-designed information supplied is for the original client and may not be copied in any way for different projects by any architect, consultant, engineer or other party. Copyright Acoustilog, Inc. 2016. All rights reserved. No reproduction of any type permitted without written permission of Acoustilog, Inc.

Yours Truly,

Alan Fierstein



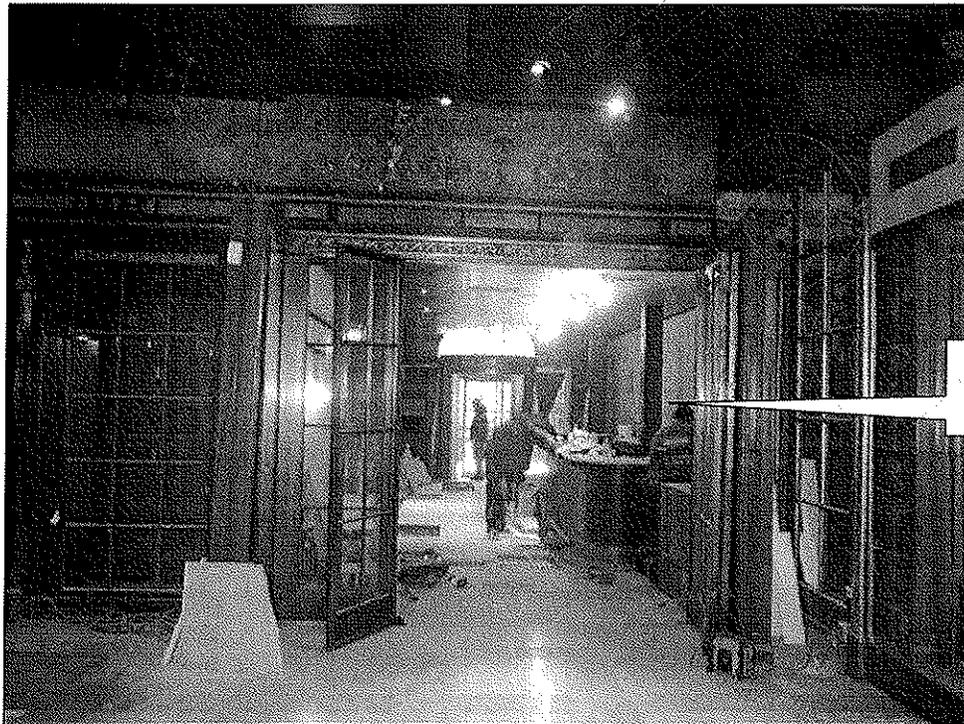
President

acoustilog1@verizon.net

All readings re: .0002 microbar. Readings taken with Bruel & Kjaer 2260/2270 Analyzer, Bruel & Kjaer 4135, 4145, 4165, 4189 or 4190 Microphone, Acoustilog 232A Reverberation Timer. Calibrated to Bruel & Kjaer 4220 Sound Source or Quest CA-15A.



The rear of the restaurant space



The front bar area of the restaurant space



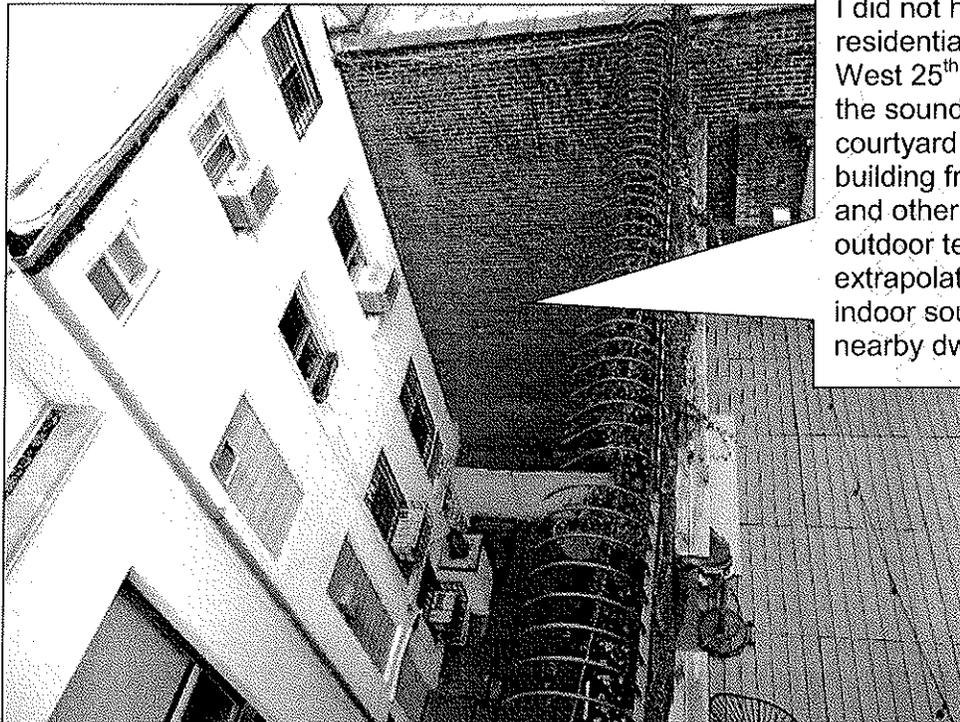
Use 8 speakers in the rear, hanging in the ceiling coffers and facing straight down. Speakers hanging from the ceiling should get springs with at least 1/2" deflection.



The inside of the restaurant has walls which are covered with marble. Although reflective, these are no less sound absorbent than typical sheetrock or plaster walls. No additional treatment is required to reduce sound leakage outside of the building. Holes in the outside walls have been sealed.



Do not place speakers within 8 feet of the front door.



I did not have access to the residential apartments at 278 West 25th Street. I measured the sound level in the north courtyard which separates your building from windows in those and other apartments. These outdoor tests were then extrapolated to determine the indoor sound levels in the nearby dwelling units.



Additional noise sources in the north courtyard outside the building include window air conditioners and central air systems, one of which is very large.



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Installed Sound

6100 Series : AB : AE Compact : AW & AWc All Weather : CB1 Series : Commercial Series Speakers : Control 1 Pro : Control 200 : Control 2P : Control 300 : Control 40 : Control 5 : Control 100 Series : Control Contractor : Control Contractor 50 Series SW/Bal : Control CRV : Custom Shop : CW1 Series : Marjole Dance Club : PD5000 Series : PD700 : VERTEC : VLA : VP : VRK

Control 25
Compact Indoor
Outdoor Background
Foreground Loudspeaker



- [Brochure](#)
- [Spec Sheet](#)
- [Owner's Manual](#)

The Control 25 is perhaps the most versatile of JBL Professional's Control Contractor Series indoor/outdoor loudspeakers.

Features :

- ▶ Components: 5.25 in Polypropylene coated woofer, .75 in Titanium coated horn loaded tweeter.
- ▶ Built-in InvisiBall® mounting hardware*.
- ▶ Weather resistant enclosure and transducers.
- ▶ Readily paintable.
- ▶ 90° x 90° high frequency horn.
- ▶ Overload Protection Circuitry.
- ▶ Sensitivity: 88 dB SPL, 1W, 1m
- ▶ *Patents pending worldwide

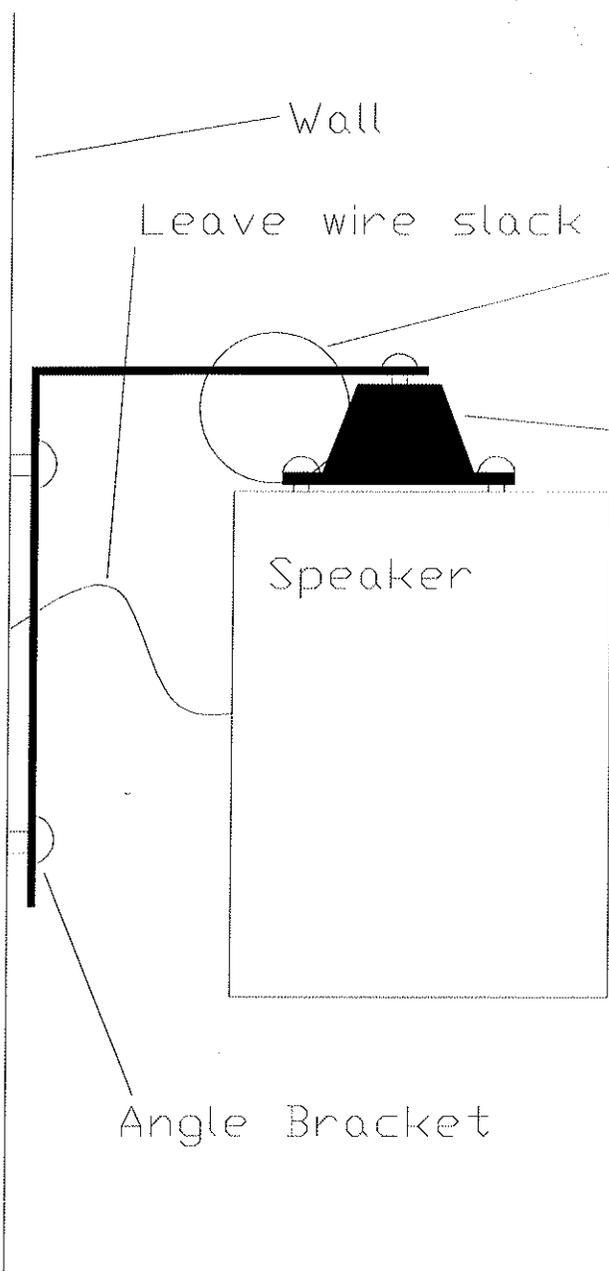
Specifications :

- Frequency Range :** 60 Hz to 16 kHz (-10 dB)
- Power Capacity :** 150 W Continuous Program Power
75 W Continuous Pink Noise
- Sensitivity :** 88 dB SPL, 1 W, 1m
- Directivity Factor (Q) :** 5.3 dB
- Directivity Index (DI) :** 7.2 dB
- Nominal Impedance :** 8 ohms
- Crossover Frequency :** 3.0kHz
- Frequency LF Driver :** 135mm (5.25 in) Polypropylene cone w/ WeatherEdge
- HF Driver :** 19mm (.75 in) Titanium coated polycarbonate
- Enclosure Material :** HIPS (High Impact Polystyrene)
- Overload Protection :** Full-Range power limiting to protect network and transducers
- Terminations :** Spring terminals, accepts banana plug
- Environmental :** Conforms to MIL Spec 810 for humidity, salt spray, temperature & UV. IEC 529 IP-3M splashproof rating
- Dimensions (H x W x D) :** 236 x 168 x 149 mm (9.3 x 7.4 x 5.8 in)
- Net Weight (ea) :** 2.3 kg (5 lb)
- Shipping Weight (ea) :** 5 kg (11 lb)
- Included Accessories :** InvisiBall Assembly
- Optional Accessories :** MTC-20V For vertical columnar orientation of up to 3 loudspeakers extension of the woofer surround that MTC-25/23H For horizontal splaying of two speakers. Three brackets array up to six loudspeakers in a 360° array
MTC-28/25CM: Ceiling-mount adaptor
MTC-25SSG: Stainless Steel Grille for harsh environments. Available in silver, black (-BK) or white (-WH) MTC-25WMO: WeatherMax™ Stainless Steel Grille protects against driving precipitation. Available in black or white (-WH) MTC-PC2: Input panel cover protects input terminals in outdoor environments.



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ACROUSTIC

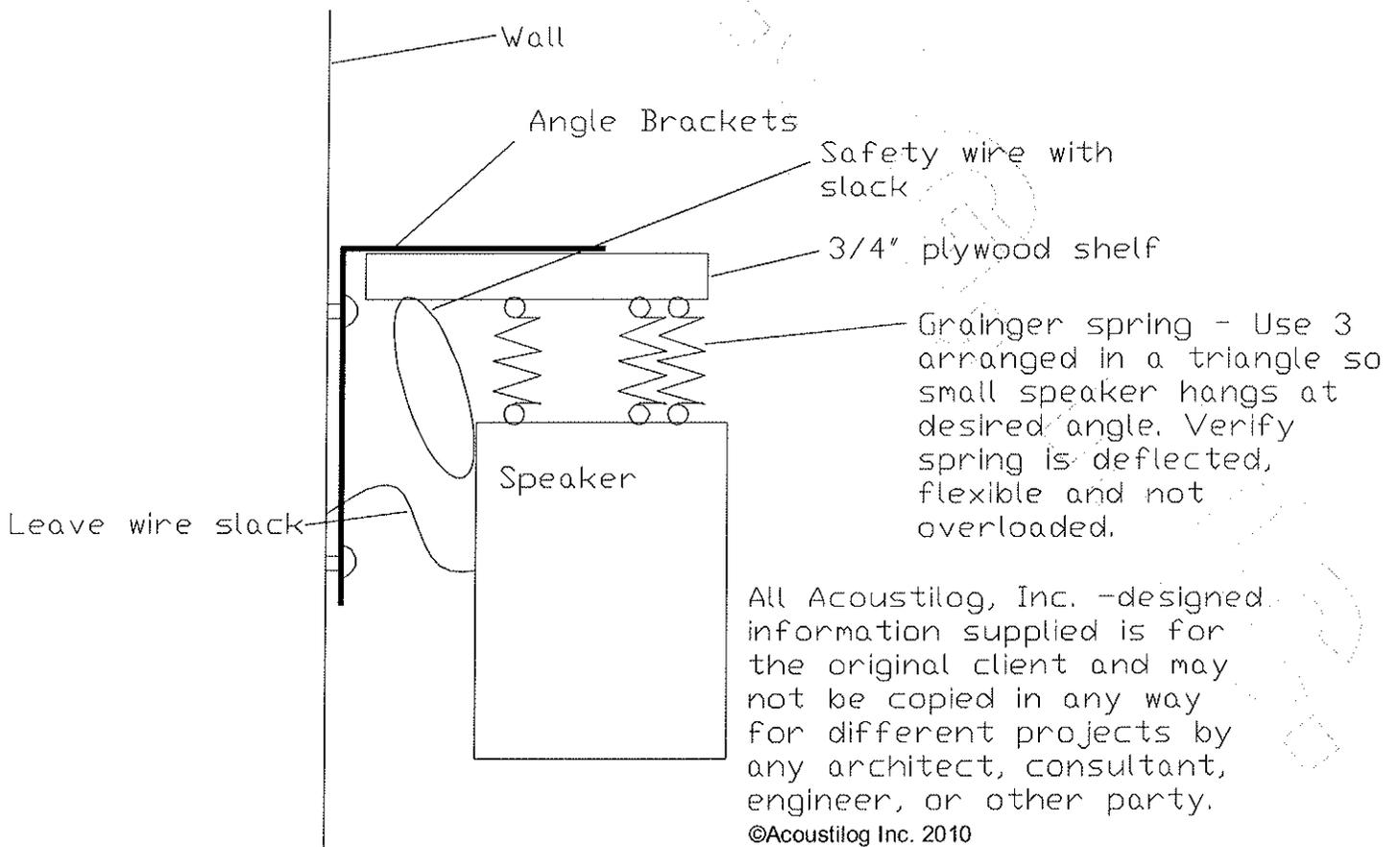


Safety wire with slack- This is necessary because the isolators are normally used under, not over, the device they are holding.

Grainger 4C875 Vibration Isolator - Use 1 for small speakers. Find exact center of gravity so speaker hangs at desired angle.

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SOULS



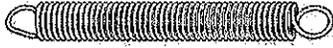
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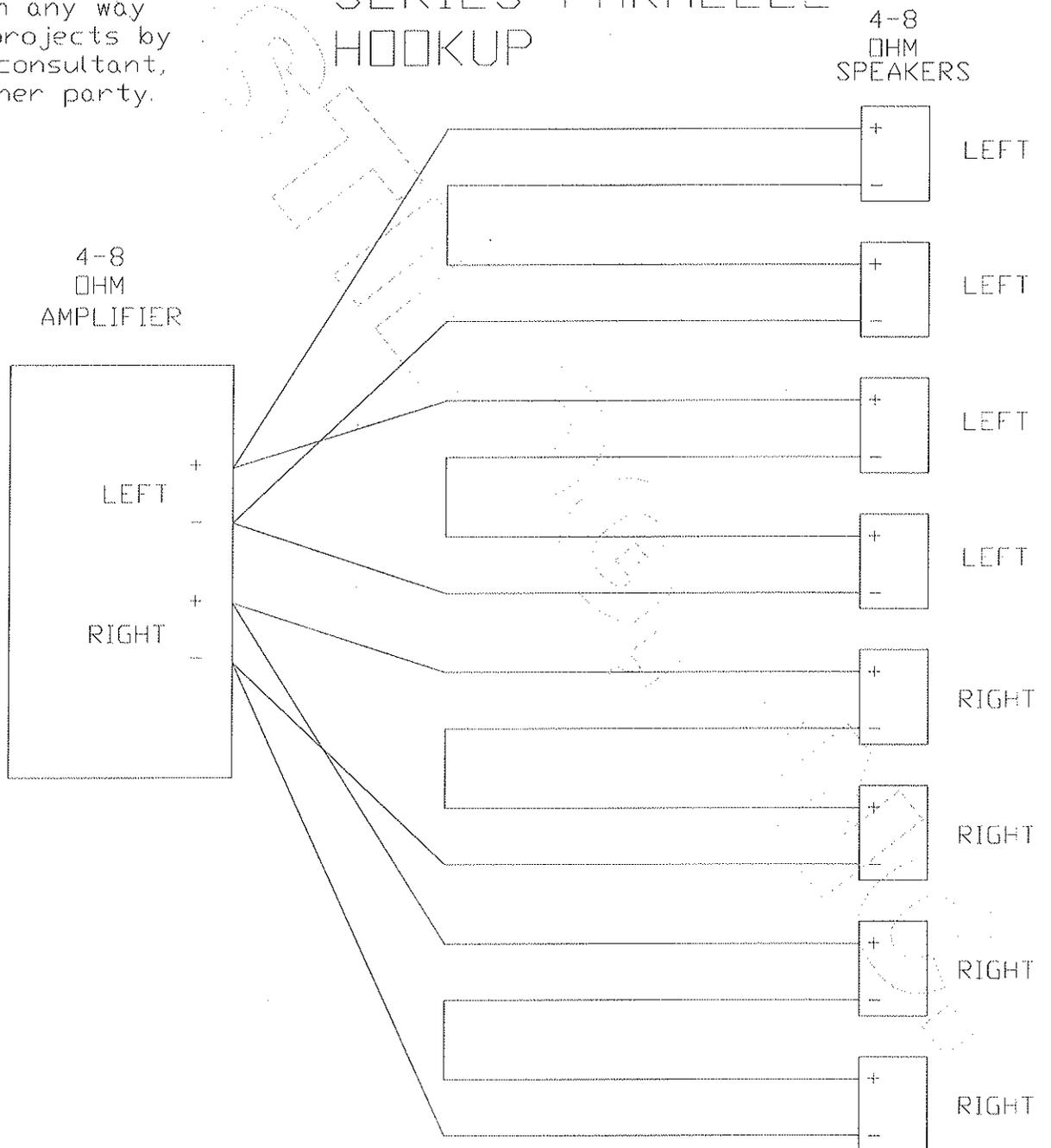
Country of Origin: United States Of America | Country of Origin is subject to change.

Technical Specs

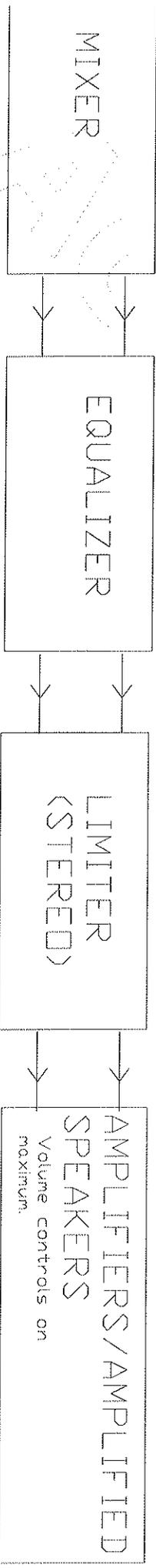
Item	Extension Spring	Wire Dia.	0.045"
Type	Ultra Precision	Load (Lbs.)	6.52
Material	302 Stainless Steel	Deflection @ Load	2.61"
Finish	Plain	Initial Tension (Lbs.)	0.01
End Type	Full Twist Loops	Spring Rate (Lbs./In.)	2.20
Overall Length	2"	Meets/Exceeds	ASTM A313 and AMS 5680
Outside Dia.	0.500"	Package Quantity	3

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ACOUSTILOG SERIES-PARALLEL HOOKUP

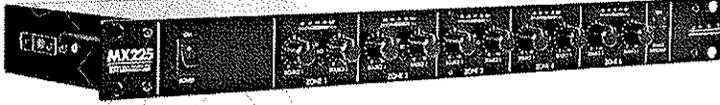


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NOTE - LIMITER AND EQUALIZER FUNCTIONS CAN BE COMBINED IN

ART MX225 - Zone Distribution Mixer



B&H # ARMX225 MFR # MX225 \$149.00

Product Highlights

- Two Stereo Inputs Routed to Five Zones
- Source 1 & 2 Volume Knob on Each Zone
- 5-Segment LED Meter on Every Zone
- All Inputs & Outputs Are Balanced XLR
- Sum to Mono Buttons with LED Indicator
- Internal Power Supply

The **MX225** from **ART** is a high-quality zone mixer with two stereo inputs and five stereo outputs. The two balanced XLR stereo inputs each get routed to all five zones. Every zone has balanced XLR stereo outputs. There are source 1 and 2 volume knobs on each of the 5 zones, with an LED audio level meter, and a button that sums the stereo signal to mono.

For an example of how the MX225 can be used, imagine you own a medium sized restaurant. You have an entrance area, a main dining room, a bar area, a kitchen, and an office. You want the same music playing in the entrance area and the dining room, but at different volumes (softer in the dining room, louder near the busy entrance). In the bar area you want a different style of music playing at a louder volume. The cooks in the kitchen like variety, so sometimes they want to hear the mellow dining room music, and other times they like the more rocking bar music.

With the MX225 hooked into your sound system in the office area, you can control who hears what, and at what volume they are hearing it. If a customer asks you to turn down the music, you can easily turn down the music in their zone only. You plug the two different audio sources into the MX225, and connect the outputs to the amplifiers or powered speakers that are set up in the separate parts of the restaurant. The operation of the MX224 couldn't be easier. You simply turn up or turn down the volumes of source 1 & 2 in each zone.

Left and right balanced source 1 and 2 inputs, accepts stereo or mono signals

Source 1 and 2 input channels are internally routed to all five zone channels

Five zone channels each feature source 1 and 2 level controls and left and right balanced output XLR connectors

Stereo/mono selector on each zone sums left and right into Mono mode when engaged

Mono indicator LED on each zone channel indicates that mono has been selected

Five LED level metering (-25, -20, -15, -10, Clip) on each zone channel indicate signal activity for each zone

Source 1 and 2 indicator LEDs show you when signal is present in each source channel



Installed ~~Portable~~ Tour Studio

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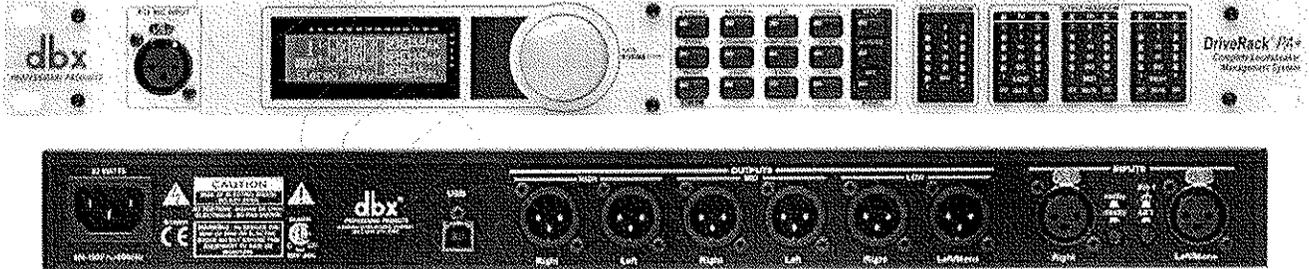
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FEATURES

- Setup Wizard Steps Through Speaker and Amp Selection and Levels
- Auto EQ™ Wizard with 28-Band RTA Tunes Your System For The Venue
- AFS™ Wizard Helps Eliminate Feedback
- Stereo Feedback Elimination with 12 feedback notch filters
- dbx 120A Sub-harmonic Synthesizer
- Classic dbx Input Compression
- JBL® Speaker and Crown® Power Amp Tunings Included
- USB Firmware and Speaker Tunings Field Updatable With Harman HiQnet™ System Architect
- Full time RTA function
- Front-Panel Output Mutes
- Pink Noise Generator (used with Auto EQ and Auto Level Wizards)
- Linked Stereo DSP Processing for ease of use
- 24-Bit ADC/24-Bit DAC, >113 dB Dynamic Range
- 2-Channel XLR Input and 6-Channel XLR Output
- 2x3, 2x4, 2x5, 2x6 Crossover Configurations
- Dual 28-band Graphic EQ-Linked or Dual Mono
- Stereo Multi-band Parametric EQ
- Stereo Output Limiters
- Output Alignment Delay
- Power on/off Mute Circuitry
- Front-panel RTA-M XLR input with phantom power
- 25 User Programs/25 Factory Programs
- Full Graphic LCD Display
- Front Panel Input and Output Meters

The best just got even better! The DriveRack PA, far and away the world's most popular loud speaker management system has now become the DriveRack PA+; the best has indeed gotten better. Showcasing all the features that users around the world have come to expect, including easy setup, rock-solid reliability and unparalleled sound quality, the new version has gone to great lengths to earn its "plus." With more settings, more control and enhanced circuitry, the sound you seek is right at your fingertips.

Although the DriveRack PA+ is loaded with functions and features, it is easy to set-up and use. The dbx exclusive Set Up Wizards walk you through system set up with easy to follow step-by-step instructions. Just pick your speakers and amps from the built-in list on the PA+ and then let the Auto Level Wizard™ fine tune the level settings of each speaker. You can then let the Auto EQ® Wizard help you further optimize your sound. Finish up by using the AFS Wizard, which automatically sets filters to eliminate any feedback during performances. Within minutes, your system will sound like it was tuned by a pro! No experience required. Get the most out of your PA with the DriveRack PA+, the worldwide standard in loudspeaker management.

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Features

Crown's XLS DriveCore Series amplifiers define the standard for portable PA systems with unmatched performance, technology and affordability. Its advantageous flexibility includes multiple inputs so you can plug in anything and play anywhere, along with several system setup configurations. Simply put, the XLS is the most reliable, versatile, efficient amplifier available today.

- High performance, lightweight class D amp weighs less than 11 lbs
- Integrated PureBand™ Crossover System for better performance and control
- Peak™ Limiters provide maximum output while protecting your speakers
- 1/4" inputs can be used as loop-thrus to distribute signal to additional amplifiers
- XLR, 1/4", RCA inputs provide outstanding flexibility
- Efficient forced-air fans prevent excessive thermal buildup
- Electronically balanced XLR inputs; touchproof binding post and Speakon outputs
- Precision detented level controls, power switch, power LED, and six LEDs which indicate signal, clip and fault for each channel

XLS DriveCore™ Series



XLS 1000, 1500, 2000, 2500

Power Matrix

Model	Channels	2Ω Dual	4Ω Dual	8Ω Dual	4Ω Bridged	8Ω Bridged
1000	2	550W	350W	215W	1100W	700W
1500	2	775W	525W	300W	1550W	1050W
2000	2	1050W	650W	375W	2100W	1300W
2500	2	1200W	775W	440W	2400W	1550W

*Maximum average power, with a 0.5% THD, 1Hz.

Performance Specifications

	XLS 1000	XLS 1500	XLS 2000	XLS 2500
Sensitivity	1.4Vrms	1.4Vrms	1.4Vrms	1.4Vrms
Frequency Response (at 1W, 20Hz to 20kHz)	+0dB, -1dB	+0dB, -1dB	+0dB, -1dB	+0dB, -1dB
Signal to Noise Ratio (rated as dB to full rated 8Ω power output; A-weighted)	>97dB	>103dB	>103dB	>103dB
Total Harmonic Distortion (THD)	<0.5%	<0.5%	<0.5%	<0.5%
Intermodulation Distortion (60Hz and 7kHz at 4:1) from full rated output to -30dB	<0.3%	<0.3%	<0.3%	<0.3%
Damping Factor (8Ω, 10Hz ~ 400Hz)	>200	>200	>200	>200
Crosstalk (below rated 8Ω power)	At 1kHz: >85dB At 20kHz: > 55dB			

Physical Specifications

Width	19 in. (48.3 cm)	19 in. (48.3 cm)	19 in. (48.3 cm)	19 in. (48.3 cm)
Height	3.5 in. (8.9 cm)	3.5 in. (8.9 cm)	3.5 in. (8.9 cm)	3.5 in. (8.9 cm)
Depth	7.7 in. (19.6 cm)	7.7 in. (19.6 cm)	10.7 in. (27.2 cm)	10.7 in. (27.2 cm)
Net Weight	8.6 lbs (3.9 kg)	8.6 lbs (3.9 kg)	10.8 lbs (4.9 kg)	10.8 lbs (4.9 kg)
Shipping Weight	13.6 lbs (6.2 kg)	13.6 lbs (6.2 kg)	15.8 lbs (7.2 kg)	15.6 lbs (7.2 kg)

Specifications subject to change without prior notice. Latest information available at www.crownaudio.com. Crown offers a three-year, no-fault, fully transferable warranty for every new Crown amplifier. With this unprecedented no-fault protection, your new Crown amplifier is warranted to meet or exceed original specifications for the first three years of ownership. During this time, if your amplifier fails, or does not perform to original specifications, it will be repaired or replaced at our expense. In most cases, the only things not covered by this warranty are those losses normally covered by insurance, and those caused by accidental abuse. Plus, the coverage is transferable should you sell your amplifier. See your authorized Crown dealer for full warranty details and details for customer service of the USA. Please contact your authorized Crown distributor for

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Digital Sound Level Meter
Model: 3034, 3035, 3036, 3037, 3038, 3039

Price: \$49.99

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Product Summary

Fine-tune your audio.

Fine-tune your PA or stereo systems audio response to match the acoustic environment with this Digital Sound Level Meter. It comes with a carrying case for travel and features an easy-to-read display.

- Carrying case protects the meter when traveling
- Easy-to-read display, sound range 30-130db, digit LCD display
- You can fine-tune your PA or stereo systems audio response to match the acoustic environment

Pricing and availability: Please note that all prices are subject to change without prior notice. Prices advertised on this site are for online orders only. Prices on some items may differ from those advertised in RadioShack stores. All merchandise may not be available at all stores, and all stores may not participate in all sales promotions. We recommend you contact the store to confirm product availability and price.

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- Parts: 12 month
- Labor: 12 month