

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 4

2
3 September 5, 2012

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5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

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11 **Re: Project X Ventures Ltd. d/b/a Project X**
12 *339 W 38th Street (8/9)*

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15 Dear Chairman Rosen:

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17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new on premise liquor license (catering
18 establishment) for **Project X Ventures Ltd. d/b/a Project X**, **unless** the following stipulation, agreed to by the
19 applicant, is part of the method of operation for this establishment with a capacity of 150, with 0 tables and 0 seats
20 with one service bar and one stand-up bar seating 0.

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23 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

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26 Sincerely,

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29 Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

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Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

APPLICANT Project X Ventures, Ltd		DOING BUSINESS AS (DBA) Project X		
STREET ADDRESS 339 W 38 th St		CROSS STREETS 8 th Ave		
OWNER	NAME: Thomas Lee	ATTORNEY	NAME: Joseph Levey	
	PHONE: 917-426-1866		PHONE: 212-219-1193	
	FAX: 415-680-1689		FAX: 212-226-7554	
MANAGER	NAME: Thomas Lee	LANDLORD	NAME: Girja Prashad	
	PHONE: 917-426-1866		PHONE: 212-279-2383	
	FAX: 415-680-1689		FAX:	
DESCRIPTION OF BUSINESS				
Establishment Type:		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Restaurant <input checked="" type="radio"/> <u>Catering Establishment</u> <input type="radio"/> Club (Fraternal Organization – Members Only) <input type="radio"/> Other (Explain)		
Method of Operation:		<input type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe <input checked="" type="radio"/> <u>Other (Explain): Catering Establishment</u>		
License Type:		<input checked="" type="radio"/> <u>On-Premise (Caterer's Permit)</u> <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
APPLICATION TYPE <i>(check one)</i>	<input checked="" type="radio"/> <u>New</u>	Has applicant owned or managed a similar business?	YES	NO
		What is/was the name of establishment?		
		What is/was the address of the establishment?		
		What were the dates the applicant was involved with this former premise?		
	<input type="radio"/> <u>Transfer</u>	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	YES	NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> <u>Alteration</u>	What is the current license #?		
		What is the expiration date on the current license?		
<i>Please describe the nature of the alterations and attach the plans</i>				

OPERATIONAL ISSUES									
HOURS (Hours will vary by event)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 11p.m.	
	Music	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 11p.m.	
	Kitchen	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 11p.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 12a.m.	830 a.m. – 11p.m.	
OCCUPANCY	INDOOR				BAR			OUTSIDE	
	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 Bars	Number of Seats	Number of Tables
	150	160	0	0	1	1	0	0	0
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="checkbox"/> 1-2	<input type="checkbox"/> 3-4	<input type="checkbox"/> 5+		
Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided)					YES	<input checked="" type="checkbox"/> NO	N/A		
Will applicant have bottle service?					YES	NO	N/A		
Will you be hosting private parties and promotional events?					<input checked="" type="checkbox"/> YES	NO	N/A	Private Parties: Yes; Promotional events: NO	
Will outside promoters be used?					YES	<input checked="" type="checkbox"/> NO	N/A		
Will the security plan submitted be implemented?					YES	NO	<input checked="" type="checkbox"/> N/A		
Will State certified security personnel be used?					<input checked="" type="checkbox"/> YES	NO	N/A	If necessary	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> YES	NO	N/A		
Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)					YES	<input checked="" type="checkbox"/> NO	N/A		
Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided)					YES	<input checked="" type="checkbox"/> NO	N/A		
If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)					YES	NO	<input checked="" type="checkbox"/> N/A		
Will applicant provide contact information to neighbors and respond to complaints that arise?					<input checked="" type="checkbox"/> YES	NO	N/A		
If you plan to have music, what type(s)?			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input checked="" type="checkbox"/> DJ	Background/DJ (depending on event)			
BUILDING DESIGN									
Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.					<input checked="" type="checkbox"/> YES	NO	N/A		
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"/> YES	NO	N/A		
Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.)					YES	NO	<input checked="" type="checkbox"/> N/A		

OUTDOOR ITEMS				
Will applicant use the rooftop, rear yard or any outdoor space?	YES	NO	N/A	No
If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A	n/a
The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service.	YES	NO	N/A	n/a
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	N/A	n/a
Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	YES	NO	N/A	n/a
Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	YES	NO	N/A	n/a
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	n/a

LOCATION & ZONING				
Primary Zoning District:		Overlay (If Applicable):		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A	n/a
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	N/A	In process
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	YES	NO	N/A	200 Ft Rule: No 500 Ft Rule: Yes
Is a Public Assembly permit required?	YES	NO	N/A	Yes
Are your plans filed with DOB?	YES	NO	N/A	Yes
Building Type	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
Adjacent Buildings	<input type="radio"/> Residential <input checked="" type="radio"/> Commercial <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____			
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Notified community members of pending application by posting signs in and around establishment one week in advance of meeting		
	# 2	Met with individual residents		
	# 3	Letters of support		

ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant will not use outside/club promoters
- Applicant will not rent out the space to outside organizations/entities to operate
- Applicant will add traffic handler/DOT Fluorescent Vest
- Applicant will clean the sidewalk before opening and after closing in front of the establishment and the sidewalk of the two adjacent storefronts on either side of the property
- Applicant will submit a new menu with no prices on alcohol by Full Board Meeting September 5th
- Applicant will not apply for a DCA Cabaret License
- Applicant will stage exits of patrons
- Applicant will have no more than 4 DJs per month
- Applicant may return 6 months from day of opening and start of operation for alterations
- Applicant will have no outside queuing