

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 28

2
3 July 25, 2012

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Bar Toro Restaurant NY LLC d/b/a Bar Toro**
12 *85 Tenth Avenue (15/16)*

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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 for **Bar Toro**
18 **Restaurant NY LLC d/b/a Bar Toro – 85 Tenth Avenue (15/16), unless** the following stipulation, agreed to by the
19 applicant, is part of the method of operation for this establishment with a capacity of 317, with 42 tables and 263
20 seats with three stand-up bar seating 43.

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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 Bar Toro Restaurant NY LLC		DOING BUSINESS AS (DBA) Bar Toro	
STREET ADDRESS 85 Tenth Avenue		CROSS STREETS West 15 th & 16 th Street	
OWNER	NAME: Bar Toro Restaurant NY LLC	ATTORNEY	NAME: Robert V. Ferrari
	PHONE: 646-649-2339		PHONE: 212-972-7040
	FAX:		FAX:
MANAGER	NAME: William Malnotti	LANDLORD	NAME: The Relates Companies LLP
	PHONE: 646-649-2339		PHONE: 212-801-3512
	FAX:		FAX:

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Eating Place Beer
 Cabaret
 Night Club
 Hotel
 Restaurant

Catering Establishment
 Club (Fraternal Organization – Members Only)

Other (Explain): _____

Method of Operation:

Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pizzeria
 Cafe

Other (Explain): _____

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer

APPLICATION TYPE <i>(check one)</i>	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		What is/was the name of establishment?	Tenjune	
		What is/was the address of the establishment?	26 Little West 12th Street	
		What were the dates the applicant was involved with this former premise?	2006-2008/2008-2012 Marketing	
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> Alteration	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		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	1030 a.m. – 4 a.m.	1030 a.m. – 4 a.m.	
	Music	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	11 a.m. – 4 a.m.	
	Kitchen	11 a.m. – 3 a.m.	11 a.m. – 3 a.m.	11 a.m. – 3 a.m.	11 a.m. – 3 a.m.	11 a.m. – 3 a.m.	11 a.m. – 3 a.m.	11 a.m. – 3 a.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
	317	317	42	263	0	3	43	N/A	N/A
How many floors are there? What is the capacity for each floor? (please respond in space provided)					<input checked="" type="checkbox"/> 1-2	3-4	5+	1 st Floor – 194 persons, cellar – 123 persons	
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?					<input checked="" type="checkbox"/> YES	NO	N/A	Only in the lounge area	
Will you be hosting private parties and promotional events?					<input checked="" type="checkbox"/> YES	NO	N/A	Corporate, no covers	
Will outside promoters be used?					YES	<input checked="" type="checkbox"/> NO	N/A		
Will the security plan submitted be implemented?					<input checked="" type="checkbox"/> YES	NO	N/A		
Will State certified security personnel be used?					<input checked="" type="checkbox"/> YES	NO	N/A		
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 Caf� 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 checked="" type="checkbox"/> LIVE MUSIC	<input checked="" type="checkbox"/> DJ	Live Music Occasionally			
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	<input checked="" type="checkbox"/> NO	N/A
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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A
The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke.	YES	NO	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> N/A
Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	<input checked="" type="checkbox"/> N/A

LOCATION & ZONING			
Primary Zoning District:	Commercial		Overlay (If Applicable):
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	<input checked="" type="checkbox"/> N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	NO	N/A
Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule.	<input checked="" type="checkbox"/> YES	NO	N/A
Is a Public Assembly permit required?	<input checked="" type="checkbox"/> YES	NO	N/A
Are your plans filed with DOB?	YES	NO	<input checked="" type="checkbox"/> N/A
Building Type	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other, describe: _____		
Adjacent Buildings	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other, describe: _____		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Council Chelsea Block Association: Wborock@hotmail.com	
	# 2		
	# 3		

ADDITIONAL STIPULATIONS: (Office Use Only)

- See attached capacity breakdown
- Applicant will erect smoking area on 11th Ave & 16th St.
- Applicant will have a strong door presence, avoid queuing when possible but when needed the queuing will be along 16th Street toward 11th Avenue
- Applicant will implement traffic plan
- Applicant will implement security plan
- Applicant will hold a job fair, neighborhood hiring preference, work with community



Method of Operations

BAR TORO

Dinner: will be served seven days a week from 5:30pm until 1am

Brunch: will be served Saturdays and Sundays from 10:30am-4pm

It is anticipated that weekday lunch service will begin mid-late 2013

Ground Floor

Main Dining Room: 89 seats

Main Bar: the full menu will be available at all times; 17 seats

Plancha Counter Seating: 6 seats

Total Seats: 112

Lower Level

Dining Room: 71 seats (including 46 Private Dining Room)

Bar: the full menu will be available at all times: 15 seats

Total Seats: 86

Porrón Room

Dinner (abbreviated lounge menu): will be served from 7pm -3am

Dining Room: 25 seats

Bar: the full menu will be available at all times; 9 seats

Total Seats: 34

Total Occupancy : 71

Staffing

It is expected that BAR TORO will bring approximately 100 new jobs to the area.