

Community Board 12 Licensing Committee

Minutes, December 9, 2015

Committee Members Present: Aldemar Diaz, Chair; Isidro Medina, Assistant Chair; Arlene Schulman; Priscilla Mota-Willis

Committee Members Excused: Domingo Estevez, Angela Sanchez

Committee Members Absent: Luis Tapia

CB12 Members Present: None

CB12 Staff Members Present: None

Community Members Present: Angelo Garcia, Neil Weisbard, Cheryl Miller, Bennie Ramirez, Claudia Polanco, Nancy Preston, Jimmy Marine, Joel Yoffie, Aliyan Laureano, Arelia Taveras, Eddie (Maranello), Jhorman Garcia, Jade Marte

33rd Precinct: Lieutenant Freddy Chalen

34th Precinct: Officer Matthew Pena

Minutes: Arlene Schulman

A. Welcome & Opening Remarks – Aldemar Diaz, Chair at 7:17 pm

B. State Liquor Authority Renewal Licenses:

On-Premise Liquor License

1. Inversiones Diversas Inc., doing business as Abu Dhabi Lounge, located at 151 Nagle Avenue at the corner of Thayer Street

New or Renewal? License Type	Renewal
Owner/Representative	Jhorman Garcia, owner/Arelia Taveras, representative
Type of Establishment	Restaurant serving fusion food
Hours of Operation	4pm to 4 am 7 days a week
Tables/Chairs	12 tables with 4 chairs each/11 seats at the bar
Music	iPod, D.J.
Security Cameras	24 cameras: 3 outside, 10 by the bar, 3 inside kitchen area, 6 dining area, 2 bathroom area
Security Personnel	4 from Thursday through Sunday; 2 from Monday through Wed.
ADA Compliant?	Yes

Employees	6
Capacity	74
Emergency Exits	2
34th Precinct	OBJECTION: The 34 th Precinct noted that 85 noise complaints were logged into 311 with the complaints noting large crowds and valet parking, and noted constant traffic congestion from this location. The 34 th Precinct issued a disorderly summons on December 5 th , September 13 and September 2 of this year. On October 23, 2015, the precinct was notified by Con Edison that the establishment was running an illegal electrical hookup to an apartment upstairs. The premises, as noted by the owner and his rep, was \$18,000 behind on payments to Con Ed, so Con Ed turned off the electricity as a result of non-payment. The midnight platoon commander was on the scene and he found electrical wires running from the apartment to the premises downstairs, bypassing the meter. Con Edison was notified and made an emergency shutdown, stating that they were shocked that the building didn't catch fire because the wires were hot and overloaded with electrical current. The shutdown lasted several days until the owner settled with Con Ed. The owner was arrested on October 24 th for felony reckless endangerment and theft of service. Payment was made in full to Con Ed and a fine of an undisclosed amount paid. The owner and rep said that he had made a mistake and learned his lesson.
Community Comments	An email from a neighborhood resident noted crowds gathering outside of the establishment, fights, a stabbing outside, traffic issues, loud music and noise. The precinct confirmed that a slashing outside of the establishment occurred on September 2 and this resulted in an arrest and a disorderly conduct summons.
Stipulations	
Notes	Council Member Rodriguez requests a meeting.
Committee Vote	Yes: 2 (Medina, Mota-Willis) No: 2 (Diaz, Schulman) Abstain: 0 Not Voting: 0

2. Vida Les LLC., doing business as Maranello Trattoria, located at 1 Nagle Avenue at the corner of Hillside Avenue

New or Renewal?	Renewal
License Type	
Owner/Representative	Edwardo Camano, part-owner/Jose de la Cruz, manager
Type of Establishment	Italian restaurant

Hours of Operation	Monday through Thursday 4 pm to 2 am Friday and Saturday 4pm to 4 am Sunday 12 pm to 2 am Kitchen open until midnight
Tables/Chairs	34 tables, 52 chairs
Music	iPod, D.J.
Security Cameras	11 in total: 3 outside, 8 inside
Security Personnel	4 max, depends on day and capacity
ADA Compliant?	Yes
Employees	18
Capacity	Not clear
Emergency Exits	2 - 1 on Nagle, one on Hillside
34th Precinct	OBJECTION: The precinct noted that this establishment is one of the top three in terms of 311 calls, logging in 245 calls since the beginning of the year. However, Officer Pena acknowledged that the majority of calls have come in as “anonymous” so he cannot ascertain where the calls were made from. He noted that the noise complaints have come from Bennett Avenue, which is across Broadway. No complaints have come from residents in the building. The premise was issued an unreasonable noise summons on November 25 th and disorderly premises summonses on December 6 th , March 15 th , and on February 15 th due to intoxicated persons fighting in front of the premises. Officer Pena said that he entered the premises as part of an undercover operation and noted an area of the restaurant that “could” be used for dancing but he was not sure and saw no evidence of dancing at that time. A summons for underage drinking was given on February 27 th and an arrest for assault in the third degree was made on February 20 th .
Community Comments	An email from a neighborhood resident called this establishment a nightclub and complained that the large glass windows enable the music to be heard from “hundreds of yards away.” The complaint also noted valet parking causing traffic issues at this intersection and that this establishment offers dance parties with D.J.s He indicated that this establishment should apply for a cabaret license. Another neighbor commented that because chairs were not nailed down this meant that there was dancing.
Stipulations	

Notes	<p>The owner of the restaurant noted that he conducts meetings twice a year with building residents to discuss their concerns. No residents living in the building that houses this establishment attended the Licensing meeting. The owner also noted that he made an adjustment in soundproofing and has had zero complaints from the neighbors upstairs. He also noted that his establishment was receiving 311 complaints when his establishment hadn't yet opened for business in June of 2014.</p> <p>One committee member noted that the establishment was closed at one point. The owner noted that there was an issue with their Sanitation permit, which was resolved.</p> <p>A committee member noted that moving furniture on a regular basis, as appears to be the case here, is often an indication of dancing, which is prohibited without a cabaret license from the NYC Department of Consumer Affairs.</p> <p>Another committee member noted that she and friends attempted to enter the restaurant and each were charged a \$20 cover fee. She noted a dance floor. The owner initially stated that there were absolutely no charges at the door, as far as he knew, but then changed his story upon further questioning by the Committee Chair, admitting that his own brother had told him that the staff at the door were charging patrons. He said that the security person operated on his own without permission or knowledge of management and is no longer employed by the establishment.</p> <p>Council Member Rodriguez requests a meeting.</p>
Committee Vote	<p>Yes: 0 No: 3 (Diaz, Medina, Mota-Willis) Abstain: Schulman Not Voting: 0</p>

3. Hallacas Corp., doing business as Juniors Taco, located at 253-257 Sherman Avenue at the corner of Isham Street

New or Renewal?	Renewal
License Type	
Owner/Representative	Maria I. Taveras
Type of Establishment	Mexican/Spanish
Hours of Operation	3pm to 3 am

Tables/Chairs	12 tables and 26 chairs (2 more than before)/3 couches (one more than before)
Music	iPod
Security Cameras	4 cameras – 1 kitchen, 2 in the dining room, 1 outside
Security Personnel	No
ADA Compliant?	Yes
Employees	4
Capacity	40
Emergency Exits	1
34th Precinct	No objection
Community Comments	No comment
Stipulations	
Notes	Council Member Rodriguez requests a meeting.
Committee Vote	Yes: 4 (Diaz, Medina, Schulman, Mota-Willis) No: 0 Abstain: 0 Not Voting: 0

Alteration to Existing Method of Operation

4. Agua Roja Bar & Restaurant Corp., doing business as Agua Roja Bar & Restaurant, located at 220 Nagle Avenue at the corner of Academy Street

New or Renewal? License Type	Alteration to Existing Method of Operation
Owner/Representative	Cynthia and Jose Marte, owners/Arelia Taveras, Representative
Type of Establishment	Restaurant Bar and Lounge
Hours of Operation	Closed Mondays/Tuesday through Sunday 5 pm to 4 am
Tables/Chairs	11 chairs, 22 chairs, 11 bar stools
Music	D.J., iPad
Security Cameras	Total of 6: 5 inside and 1 outside
Security Personnel	2 to 3 licensed security personnel – Wed –Sat 8 pm to close, Sundays starting at 2 pm
ADA Compliant?	Yes
Employees	8
Capacity	74 (currently capped at 55)
Emergency Exits	2 located at the front of the premises
34th Precinct	The 34 th Precinct requested to meet with the applicant to discuss the new method of operation and to conduct a walk-through.
Community Comments	None
Stipulations	Meet with the 34 th Precinct

Notes	Construction to expand from 700 to 1100 square feet by occupying the beauty salon next door. I.D.s are currently being scanned, as per the owner and rep. Council Member Rodriguez requests a meeting.
Committee Vote	Yes: 4 (Diaz, Medina, Schulman, Mota-Willis) No: 0 Abstain: 0 Not Voting: 0

C. NYC Department of Consumer Affairs Renewal of Unenclosed Sidewalk Café License:

5. Broadway & 166th LLC. doing business as Dallas BBQ, located at 3956 Broadway at the corner of West 166th Street

New or Renewal?	Renewal
License Type	
Owner/Representative	Neil Weisbard, Representative
Type of Establishment	Restaurant, Barbecue
Hours of Operation	Sunday through Thursday – 11 am to 11 pm/ Friday and Saturday 11 am to 1 am
Tables/Chairs	Unenclosed café: 12 tables and 48 chairs Enclosed café: 19 tables and 48 chairs Inside: 52 tables and 174 chairs
Music	Pandora radio through stereo system
Security Cameras	16 in total: 11 main floor, 4 basement, 1 outside
Security Personnel	One licensed security person on Friday, Saturday, and Sunday
ADA Compliant?	Yes
Employees	105 employees
Capacity	270
Emergency Exits	4 in total: 3 on the main floor, one in the basement
33rd Precinct	No comment
Community Comments	One compliment from a resident about the business.
Stipulations	N/A
Notes	None
Committee Vote	Yes: 4 (Diaz, Medina, Schulman, Mota-Willis) No: 0 Abstain: 0 Not Voting: 0

D. State Liquor Authority New Licenses:

On-Premise Liquor License

6. Sylvia L. Duran, doing business as Grito Mexican Grill, located at 1555 St. Nicholas Avenue at the corner of West 188th Street

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	Arelija Taveras, representative
Type of Establishment	Mexican Restaurant
Hours of Operation	11 am to 2 am Monday to Saturday 11am to midnight on Sundays
Tables/Chairs	Inside: 7 tables, 4 chairs, 4 bar stools Sidewalk café: 4 tables, 8 chairs
Music	iPod, Live music
Security Cameras	Total of 12: 2 outside and 8 inside
Security Personnel	None
ADA Compliant?	Entrance: yes. Bathroom: no.
Employees	3
Capacity	45
Emergency Exits	1
34th Precinct	No objection
Community Comments	No comments
Stipulations	None
Notes	<p>This business currently holds restaurant wine and sidewalk café licenses.</p> <p>This applicant returned to the Committee this month due to missing paperwork. The application was approved at the November meeting pending confirmation of the representative's claim that the required paperwork had been delivered to the Board office. However, the Committee Chair checked with the office staff and learned that no paperwork has been submitted. At the General Meeting, the Board voted to return this application back to the Committee.</p>
Committee Vote	<p>Yes: 4 (Diaz, Medina, Schulman, Mota-Willis)</p> <p>No: 0</p> <p>Abstain: 0</p> <p>Not Voting: 0</p>

7. 238 Restaurant & Lounge Corp., doing business as Fantastic Kitchen & Lounge, located at 238 A Sherman Avenue between West 207th and Isham Streets

New or Renewal? License Type	On-premises Liquor
Owner/Representative	Jade Marte, owner/Arelija Taveras, Representative

Type of Establishment	Fusion
Hours of Operation	Sunday 12 pm to 2 am/Monday, Wednesday, Saturday and Sunday 12 pm to 4 am/Tuesday and Thursday 5 pm o 2 am
Tables/Chairs	47 tables, 94 chairs
Music	iPad/D.J. beginning at midnight: Monday, Wednesday, Friday, and Saturday
Security Cameras	32 total: 28 inside, 4 outside
Security Personnel	12 – 15 licensed security guards, depending on the day
ADA Compliant?	Yes
Employees	20
Capacity	200
Emergency Exits	3: front, side, and back of establishment
34th Precinct	The Precinct requests a meeting with the application to discuss this new license and to conduct a walk-through. Council Member Rodriguez also requests a meeting.
Community Comments	None
Stipulations	<ol style="list-style-type: none"> 1. Meet with the 34th Precinct 2. Install soundproofing 3. Post a good neighbor notice in English and Spanish
Notes	The owner was formerly employed by 809 Restaurant and Bar. She purchased this establishment and the sale was completed last month. The representative and a committee member noted that no tenants live above the establishment, although there are apartments directly behind it. The management has installed a secondary door to prevent sound from emanating from the rear exit. It was noted by a committee member that a neighborhood resident complained at a Health and Environment Committee meeting last year to complain about the noise from this establishment. He has not been heard from since that time. Council Member Rodriguez requests a meeting.
Committee Vote	Yes: 4 (Diaz, Medina, Schulman, Mota-Willis) No: 0 Abstain: 0 Not Voting: 0

8. Entre Amigo Restaurant Bar Corp., located at 2244 Amsterdam Avenue at the corner of West 172nd Street

New or Renewal?	New On-premises Liquor License
License Type	
Owner/Representative	Jimmy Marine, owner/Angelo Garcia, manager
Type of Establishment	Bar and restaurant, Latin menu

Hours of Operation	Restaurant: 8 am to 8 pm/Bar: 1 pm to 2am Sunday through Thursday, to 3 am on Friday and Saturday
Tables/Chairs	15 tables/60 chairs/ 8 stools at the food counter/8 stools at the bar
Music	Juke box/D.J. on Fridays and Saturdays
Security Cameras	12 in total: 4 outside, 6 main floor, 2 storage area
Security Personnel	None
ADA Compliant?	Yes
Employees	5 in bar area/5 in restaurant
Capacity	75
Emergency Exits	2: one on Amsterdam, the other on 172 nd Street
33rd Precinct	No objection
Community Comments	None
Stipulations	<ol style="list-style-type: none"> 1. Close at 2 am Sunday through Thursday and 3 am on Friday and Saturday 2. Employ one licensed security person Friday and Saturday 8 pm to closing (3 am) 3. Install soundproofing 4. Contact the 33rd Precinct's Neighborhood Coordinating Officer via email on a monthly basis to establish communication, discuss any 311 calls and address outstanding issues. 5. Post a good neighbor sign in front of the premises.
Notes	<p>This establishment is on the ground floor of a six-story residential building.</p> <p>He noted that he would be hiring (or has hired) a licensed bartender with TIPS (responsible alcohol service) training.</p>
Committee Vote	<p>Yes: 4 (Diaz, Medina, Schulman, Mota-Willis)</p> <p>No: 0</p> <p>Abstain: 0</p> <p>Not Voting: 0</p>

E. New Business/Adjournment

1. Licensing Committee member Arlene Schulman recommended a resolution requested that the SLA supply the Community Board with copies of licenses issued by them. Once licenses and their respective stipulations are approved, the SLA sends copies to the NYPD's Legal Department. They, in turn, send copies of the licenses to the local precincts. But, it appears that they do not receive copies. So if the SLA has altered or added stipulations, CBs have no record of this. The SLA's Web site does not list stipulations. All agreed this was a good idea but requires further research. Chairman Diaz said that he will contact the SLA. Outreach to other Community Boards was recommended.
2. Senator Adriano Espaillat's proposed legislation regarding moratoriums on new on-

premises liquor licenses was redirected for discussion at the next General Meeting on December 22nd, at which a resolution passed by the Executive Committee will be considered and voted on by the Board.