

Community Board 12 Licensing Committee
Minutes, Wednesday, February 10, 2016

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

Committee Members Excused:

Committee Members Absent: Domingo Estevez, Luis Tapia, Angela Sanchez

CB12 Members Present: Richard Lewis

CB12 Staff Members Present: Paola Garcia

Community Members Present: Ariel Ferreira, Nancy Preston, Julia Batista, Michael Alberto, Dennis Liranzo, Vicky Sadoff, Tracy Kay, Jose Sierra, Christian Gaul, Jennifer Fox, Kiana Diaz

33rd Precinct Representative: Lieutenant Warren Tom

34th Precinct: Lieutenant Caraballo

Minutes: Priscilla Mota-Willis

A. Welcome and Opening Remarks – Aldemar Diaz, Chair

B. State Liquor Authority Renewal Licenses:

On-Premises Liquor License

1. Trustees of Columbia University in the City of NY, doing business as Faculty Club, located at 630 West 168th Street between Broadway & Fort Washington Avenue

New or Renewal? License Type	On-Premises Liquor License Renewal
Owner/Representative	Michael Alberto
Type of Establishment	American Fusion Catering Venue
Hours of Operation	Mon – Friday 10-8pm Sat - Sunday 10am – 8pm (Only for events, 1 weekend monthly)
Tables/Chairs	20 tables 100 chairs
Music	iPod
Security Cameras	3
Security Personnel	6 security guards conducting regular tours
ADA Compliant?	Yes

Employees	8
Capacity	150
Emergency Exits	3
Precinct	No objections
Community Comments	None
Stipulations	Meet with NYC Councilman Ydanis Rodriguez
Notes	The method of operation has not changed since the applicant last appeared before the Committee.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

2. La Rueda Restaurant Inc., doing business as Tu Sabor Latino Restaurant, located at 3862-3864 Broadway at the corner of West 161st Street

New or Renewal? License Type	On-Premises Liquor License Renewal
Owner/Representative	<i>No one appeared to represent this applicant. (Attendance is not required for renewal applications.)</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	
Emergency Exits	
Precinct	
Community Comments	
Stipulations	
Notes	The Board did not object to the previous renewal of this license.
Committee Vote	Yes: (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

3. Maja’s Tapas Restaurant Bar Inc., located at 229 Dyckman Street between Broadway & Seaman Avenue

New or Renewal? License Type	On-Premises Liquor License Renewal
Owner/Representative	<i>No one appeared to represent this applicant. (Attendance is not required for renewal applications.)</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	
Emergency Exits	
34th Precinct	This business was issued 3 summonses recently due to excessive noise.
Community Comments	<ul style="list-style-type: none"> Moving Forward Unidos informed the Committee that many local residents have complained to them since June 2015 that this establishment is one of the loudest on the block. Loud music is played frequently, even when the doors open, and the business appears to be operated as a night club rather than as a restaurant, which was the method of operation submitted to the SLA in the original application. A Committee member confirmed that she often walks by the restaurant and has noted on multiple occasions that the music is very loud.
Stipulations	
Notes	This establishment’s license expires on 2/28/16.
Committee Vote	Yes: No: 4 (Diaz, Medina, Mota-Willis, Schulman) Abstain: Not Voting:

4. Sports Zone Café Inc., doing business as Mimosa Café, located at 253-271 Sherman Avenue at the corner of Isham Street

New or Renewal? License Type	On-Premises Liquor License Renewal
Owner/Representative	Dennis Liranzo, Owner

Type of Establishment	Restaurant Bar American food
Hours of Operation	5pm – 4am Monday – Sat 1pm – 4am Sunday
Tables/Chairs	14 tables 24 Chairs 10 Bar Stools
Music	iPad and DJ (the latter from 10pm until closing time, 7 days a week)
Security Cameras	5 (4 inside, 1 outside)
Security Personnel	2, from 10pm to closing
ADA Compliant?	Yes
Employees	12
Capacity	74
Emergency Exits	1
34th Precinct	<ul style="list-style-type: none"> • The Precinct and Fire Department have issued multiple summonses to this establishment for excessive noise, not having a mounted fire extinguisher, inadequate fireproofing, unlicensed security guards (security training had not been renewed), and unauthorized fireworks. • Representatives of the 34th Precinct met with the owner, whom they found receptive to their concerns and willing to work with the Police.
Community Comments	
Stipulations	<ul style="list-style-type: none"> • Meet with Council Member Ydanis Rodriguez • Provide Board with copy of sound engineer work agreement • Provide Board with photo(s) of speakers in new locations • Use sound limiter at all times with all equipment • Install flood lights in front of establishment

Notes	<ul style="list-style-type: none"> • The applicant explained that a sound governor had been purchased and installed; a new, state-licensed security company, Global Security, has replaced the previous security contractor; the management is working with a sound engineer and, based on his recommendations, has installed a “window stopper” to insulate and prevent noise from escaping through the windows, moved the speakers so none are facing the windows and added padding to the walls and ceiling. • The owner noted that he had closed the business for 2 days because of a bad smell stemming from defective plumbing. The Precinct was under the impression that the business had been closed for a longer period of time, during which they did not observe activity indicating that the business was open. • A representative of Moving Forward Unidos noted that the owner had been summoned by the SLA because of violations. The owner explained that the changes mentioned above were meant to address those violations. • Miguel Acosta, who was not present, is a co-owner of this business.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

Restaurant Wine License

5. Las Palmas Restaurant Inc., located at 3891 Broadway at the corner of West 163rd Street

New or Renewal? License Type	Restaurant Wine License Renewal
Owner/Representative	<i>No one appeared to represent this applicant. (Attendance is not required for renewal applications.)</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	

Emergency Exits	
33rd Precinct	No objection
Community Comments	None
Stipulations	
Notes	
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

Tavern Wine License

6. D' Tony Sport Corp., doing business as Nagle Sports Associates, located at 258 Nagle Avenue at the corner of West 204th Street

New or Renewal? License Type	Tavern Wine License Renewal
Owner/Representative	Joe Cierra – Owner
Type of Establishment	Bar/tavern serving sandwiches
Hours of Operation	4pm – 4am Monday – Sunday
Tables/Chairs	8 tables 4 chairs each table
Music	iPad with sound governor
Security Cameras	8 (6 inside, 2 outside)
Security Personnel	1
ADA Compliant?	Yes
Employees	5
Capacity	74
Emergency Exits	1
34th Precinct	No complaints have been lodged against this business. No objections.
Community Comments	None
Stipulations	Meet with Councilman Ydanis Rodriguez
Notes	
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

Change to Method of Operation

7. 151 Dyckman Corp., doing business as Lotus Café, located at 151 Dyckman Street at the corner of Sherman Avenue

New or Renewal? License Type	Alteration to Method of Operation
Owner/Representative	Ana Rodriguez, Manager; Frank Palillo, Attorney (Daniel Gonzalez, Owner, not present)
Type of Establishment	Latin Restaurant
Hours of Operation	2pm – 1am weekdays 2pm-3am Friday & Saturday
Tables/Chairs	19 tables 57 seats
Music	iPod with small speaker system
Security Cameras	28 (26 interior & 2 exterior)
Security Personnel	4-5 Friday & Saturday night beginning at 10pm
ADA Compliant?	Yes
Employees	7-10
Capacity	74
Emergency Exits	1
34th Precinct	No objections.
Community Comments	None
Stipulations	None
Notes	<ul style="list-style-type: none"> The requested change to the method of operation is a new closing time of 4am every night of the week. The owner has met with Councilman Ydanis Rodriguez office and obtained his support.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

C. State Liquor Authority New Licenses:

On-Premises Liquor License

8. Blue Mountain Heights, LLC., located at 499 West 158th Street at the corner of Amsterdam Avenue

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	<i>This applicant failed to appear before the Committee, as is required for all new license applications.</i>

Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	
Emergency Exits	
33rd Precinct	
Community Comments	
Stipulations	
Notes	
Committee Vote	Yes: No: 4 (Diaz, Medina, Mota-Willis, Schulman) Abstain: Not Voting:

9. Marisco Caribeno Inc., located at 1490 St. Nicholas Avenue at the corner of West 185th Street

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	Julia Batista
Type of Establishment	Seafood Restaurant
Hours of Operation	10am – 2am, Sunday – Thursday 10am – 3:30am – Friday & Saturday
Tables/Chairs	35 tables, 120 chairs
Music	iPod; DJ on some nights for special events
Security Cameras	16
Security Personnel	None
ADA Compliant?	Yes
Employees	45
Capacity	45
Emergency Exits	3
34th Precinct	No objections
Community Comments	None
Stipulations	Meet with Councilman Ydanis Rodriguez

Notes	<ul style="list-style-type: none"> • The applicants are requesting a new license under a new corporate name - Marisco Caribeno - which will replace the existing corporate name, Marisco Centro. • Ms. Batista will become the sole proprietor. • The dba and method of operation will remain unchanged.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

10. Yudy Restaurant Inc., doing business as Lulo Restaurant, located at 1626 St. Nicholas Avenue between West 191st & 192nd Streets

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	<i>This applicant failed to appear before the Committee, as is required for all new license applications.</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	
Emergency Exits	
Precinct	
Community Comments	
Stipulations	
Notes	
Committee Vote	Yes: No: 4 (Diaz, Medina, Mota-Willis, Schulman) Abstain: Not Voting:

11. CINCO Inc., located at 5025 Broadway, store #3&4 between West 214th & 215th Streets

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	Ariel Ferreira, Representative (William Segura, Owner , not present)

Type of Establishment	Gastropub serving burgers, wings, chicken fingers and other American food items
Hours of Operation	5pm – 2am 7 days a week
Tables/Chairs	6 tables 20 chairs 6 Bar Stools
Music	iPad with sound limiter
Security Cameras	5 (4 inside, 1 outside)
Security Personnel	None needed
ADA Compliant?	Yes
Employees	5
Capacity	74
Emergency Exits	1
34th Precinct	No objection
Community Comments	<ul style="list-style-type: none"> • A member of the public expressed concern because Mr. Segura is a part-owner of Tabaco & Ron, which has aggravated the relative scarcity of parking in the area. • Another member of the public expressed concern about the method of operation at Tabaco & Ron, which he did not consider a good neighbor. Mr. Ferreira explained that the proposed method of operation (see Notes section below), is very different from that of Tabaco & Ron, and that Ernie Nunez, a former manager of Rebounds, is serving as a consultant to the management to ensure that the Rebounds philosophy is preserved. • Members of the public asked the Committee if the representative would agree to not offer valet parking or hookah. Mr. Ferreira agreed to the request regarding parking, but he had not been authorized by the owner of the business, who was not present, to remove hookah from the method of operation.
Stipulations	<ul style="list-style-type: none"> • Meet with Councilman Ydanis Rodriguez • Install sound limiter and use with any and all music equipment on the premises • No valet parking
Notes	The proposed method of operation is similar to that of Rebounds Sports Bar, which operated at this location in 2015. The only changes are the addition of delivery, catering and hookah.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

12. The Uptown Garrison Inc., located at 823 West 181st Street at the corner of Pinehurst Avenue

New or Renewal? License Type	New On-Premises Liquor License
Owner/Representative	<i>This applicant failed to appear before the Committee, as is required for all new license applications.</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	
Capacity	
Emergency Exits	
Precinct	
Community Comments	
Stipulations	
Notes	
Committee Vote	Yes: No: 4 (Diaz, Medina, Mota-Willis, Schulman) Abstain: Not Voting:

Restaurant Wine License

13. Tampopo LLC., doing business as Tampopo Ramen, located at 1 Bennett Avenue between West 181st & 182nd Streets

New or Renewal? License Type	New Restaurant Wine License
Owner/Representative	<i>This applicant failed to appear before the Committee, as is required for all new license applications.</i>
Type of Establishment	
Hours of Operation	
Tables/Chairs	
Music	
Security Cameras	
Security Personnel	
ADA Compliant?	
Employees	

Capacity	
Emergency Exits	
Precinct	
Community Comments	
Stipulations	
Notes	
Committee Vote	Yes: No: 4 (Diaz, Medina, Mota-Willis, Schulman) Abstain: Not Voting:

D. NYC Department of Consumer Affairs New of Unenclosed Sidewalk Café License:

14. Humberto's Rice and Beans LLC., located at 1318 St. Nicholas Avenue at the corner of West 176th Street

New or Renewal? License Type	New Unenclosed Sidewalk Café License
Owner/Representative	Ariel Ferreira, Representative (Candido Humberto De Leon, Owner, not present)
Type of Establishment	Latin Restaurant & Bar
Hours of Operation	Restaurant hours of operation: 24 hours, 7 days a week (Alcohol served from noon to 2am) Sidewalk café hours of operation: Sunday: 10am – midnight Monday-Thursday: 8am – midnight Friday & Saturday: 8am – 1am
Tables/Chairs	8 tables 32 chairs inside 26 tables 52 chairs outside
Music	Ipod music
Security Cameras	13 inside 3 outside
Security Personnel	No
ADA Compliant?	Yes
Employees	25 (part-time)
Capacity	73
Emergency Exits	2
33rd Precinct	No objections
Community Comments	Councilman Rodriguez supported this business' application for a restaurant wine license, but would like to meet with the applicant again regarding the present application.
Stipulations	<ul style="list-style-type: none"> • Meet with Councilman Rodriguez • Install sound limiter to be used on any and all sound equipment

Notes	<ul style="list-style-type: none"> • The majority of the seating will be on the 176th Street side of the location. • The trees planted along 176th Street will not be disturbed. 8 feet of space will be maintained between the sidewalk furniture and the tree pits at all times. • There will be no railings anywhere on the sidewalk.
Committee Vote	Yes: 4 (Diaz, Medina, Mota-Willis, Schulman) No: Abstain: Not Voting:

E. New Business/Adjournment

NYS Assembly Bill 08617/Senate Bill 06307 (Sunday Morning Alcohol Sales)

The SLA’s Industry Task Force on Amending the Alcoholic Beverage Control Law has requested the opinion of Community Board 12 regarding NYS Assembly Bill 08617/Senate Bill 06307. Chairman Diaz read the text of the bill, which will amend the alcoholic beverage control law to authorize the sale of alcoholic beverages on Sunday mornings between 8am and noon, which is currently prohibited. The legislation would create both a new annual permit and a one-time use permit, which may be granted only to current SLA licensees, and on which community boards will be afforded the opportunity to comment via the current practice.

The rationale offered by the crafters of this bill takes into account potential benefits such as allowing businesses greater flexibility in hosting social and sporting events and attracting out-of-state patrons. During a brief discussion of the bill, however, Committee members and members of the public expressed concern regarding the potential negative impact of this proposal on communities across the state. It was suggested that halving the current eight-hour “cooling off” period between 4am and noon – during which patrons who wish to consume alcohol on premises are forced to retire for the night or seek other forms of entertainment – would invite problem drinkers and other at-risk individuals to overindulge and suffer the consequences of alcohol addiction and other related health problems in greater numbers, and to a greater degree.

Concerns were also raised regarding the increased workload for the police department, which will be tasked with enforcing the current laws for an additional four hours per week, and for Community Boards, and their counterparts outside New York City, who will be tasked with considering applications for the new permits.

Members of the Committee wondered if the true goal of this legislation is to generate additional revenue for the state: The cost for the annual permit, which will have to be renewed twice as often as the standard licenses applicants must also possess to qualify for Sunday morning sales, is \$250 in New York City; the cost of the one-day permit is \$50.

Committee Vote: **In Favor: 0**
 Against: 4 (Diaz, Medina, Mota-Willis, Schulman)
 Abstaining: 0

NYS Assembly Bill 05423/Senate Bill 01922 (Street Level Entrance Requirement)

The SLA’s Industry Task Force on Amending the Alcoholic Beverage Control Law has requested the opinion of Community Board 12 regarding NYS Assembly Bill 05423/Senate Bill 01922. Chairman Diaz read the text of the bill, which will amend the alcoholic beverage control law to no longer require licensees selling alcohol at retail to have a street-level entrance.

The rationale behind this legislation is as follows: The current street level entrance requirement for businesses selling alcohol for *off premises* consumption was enacted after prohibition to help uncover and eliminate speakeasies and other illegal businesses which did not comply with the ABC Law. Since the problems this requirement addressed no longer exist, and since this requirement may in fact now interfere with current or future businesses that do not have an entrance at street level but wish to be SLA-licensed, that requirement has become expendable.

This legislation was referred to the Licensing Committee due to its potential impact on the SLA licensees which come before the Committee. However, given the bill’s focus on off-premises establishments – whose license applications are never considered by community boards, per the current ABC Law – it is not clear to the majority of the Committee members that that the bill warrants the Board’s support.

Committee Vote: **In favor: 1 (Diaz)**
 Against: 3 (Medina, Mota-Willis, Schulman)
 Abstaining: 0