Community Board 12 Licensing Committee

Minutes, Wednesday, December 14, 2016

Committee Members Present: Isidro Medina Assistant Chair (IM), Jennifer Chung (JC), Robin Cruz (RC), Gerard Dengel (GD), Osi Kaminer (OK)

Committee Members Excused:

Committee Members Absent: Aldemar Diaz (Chair), Domingo Estevez, Angela Sanchez, Priscilla Mota-Willis

CB12 Members Present: Richard Lewis

CB12 Staff Members Present: Not present

Community Members Present: Victor Lee (Malecon), Cheryl Miller, Santiago Quezada (Euro El Tina), Reily Tarido (Floridita), Angel Toribo (Vapor Lounge & Bar), Nancy Preston (Moving Forward Unidos, MFU), Bernard Guzman (La Terraza), Jennifer Bristol (The Bully Project), Heidy Hernandez (Chamber of Commerce WH), Angilio Rodriguez, Max Bookman (La Casa Del Mofongo), PO Mathew Pena (NYPD 34th Precinct), Arelia Taveras (NY Business Licensing), Sylvia Chevere (Café Tabu), Raul Tomatrez, Jenny Hong (Yudyt), Carinova (Dyckman Billiards Café), Salma Lopez (Yummy Thai), Robert Callahan (Café Tabu), Wendy Hernandez (Café Tabu), Jairo De La Paz (Fat Pig), Laurie Tobias Cohen (NYS Senator Espaillat), Lior Dishi (La Casa Del Mofongo), Sarah Goler (Tannat Wine & Cheese), William Justice (Tannat Wine & Cheese)

33rd Precinct Representative: Not present

34th Precinct Representative: PO Matthew Pen

Minutes: Submitted by Osi Kaminer

The meeting was called to order at 7:23pm

- A. Welcome & Opening Remarks Isidro Medina, Assistant Chair
- B. State Liquor Authority Renewal Licenses

Corporate Change & Change to Method of Operation

1. Vapor Lounge & Bar Corp. – 4160 Broadway, (bet. W. 176th & W. 177th Streets.)

Owner/Representative	Angielo Toribio, Raul Acosta, Sonia Meriquez / Arelia Taveras
Type of Establishment	Bar lounge
Hours of Operation	Wed-Mon 11am – 4am close on Tue

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Tables/Chairs	12 tables of 4 seats, and 10 bar seats
Music	Jukebox and background music, adding DJ (Change of Method of
	Operation)
Security Cameras	15
Security Personnel	5-7 NYS licensed
ADA Compliant?	Yes
Employees	15
Capacity	74
Emergency Exits	2
Precinct	Not present
Community Comments	CB12 rejected the application twice before when the 33 rd Precinct
TABLE OF THE STREET	listed issues such as underage drinking violations and noise
	complaints.
	The establishment is near a church.
Stipulations	Proof of soundproofing
Notes	Per the Rep (Taveras): The proximity of the establishment to the
《新聞》	church (200-foot rule) was not established therefore the applicant
, 为是不是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一	stated that it is irrelevant and that United Palace does not qualify as
	a church. There are 4 on premise liquor licensed establishments
	across the street and the SLA is not concerned with that.
	As far as selling liquor to minors, the owner is addressing that with the SLA, and all the staff has been certified.
	Noise complaints have been substantially reduced because the applicant spent \$6,000 on soundproofing. The 34 th Precinct was satisfied with the changes made to address noise concerns.
	The initial application did not include a DJ but the SLA requires a Change of Method of Operation whenever an establishment would like to hire a DJ.
	A CB12 member voiced his concern about the applicant's request for a DJ a few doors up from his other establishment (applicant #2 on the agenda). The applicant stated that he does not seek to join the establishments but both will have DJ if approved. The member asked the applicant to produce the invoice for the soundproofing as a proof of installation. The applicant was willing to produce the soundproofing invoice.
	A motion to request the soundproofing invoice as a proof of installation failed (Yes: OK No: IM JC RC GD).

Committee Vote	Yes: IM JC RC GD
(include names)	No: OK
	Abstain:
	Not Voting:

2. Floridita Restaurant Uptown Inc. – 4162 Broadway, (bet. W. 176th & W. 177th Streets)

Owner/Representative	Jose Paris is selling 60% of the business to Reily Toribio (Corporate
	Change) / Arelia Taveras
Type of Establishment	Restaurant
Hours of Operation	24/7
Tables/Chairs	7 / 28, and 15 bar seats, and 5 counter seats
Music	Background, adding DJ (Change of Method of Operation)
Security Cameras	15
Security Personnel	1 on weekends only
ADA Compliant?	Yes
Employees	10
Capacity	74
Emergency Exits	2
Precinct	Not present
Community Comments	None
Stipulations	None
Notes	Restaurant in operation for 8 years
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

Class Change from Restaurant Wine to On-Premise Liquor License

3. Yudyt Restaurant Inc. doing business as Lulo Restaurant – 1626 St. Nicholas Ave, (bet. W. 191st & W. 192nd Streets.)

Owner/Representative	Erick Marte Reyboso / Jenny Hong
Type of Establishment	Restaurant (Change of method of operation from wine to full liquor
	license)
Hours of Operation	2am-10pm Mon-Sun
Tables/Chairs	13 / 36
Music	Jukebox
Security Cameras	1
Security Personnel	2 NYS licensed
ADA Compliant?	Representative is not sure if his establishment is ADA compliant
Employees	7

Capacity	45
Emergency Exits	1 in the basement
Precinct	The 34 th Precinct requested a meeting with the applicant. The establishment tends to attract a late crowd and since they anticipating receiving a full liquor license there is a concern that they may turn into a different place. The Precinct would like to know what security plans they have in place.
Community Comments	Congressman Elect Espaillat rep Laurie Tobias Cohen stated that this applicant was just approved for wine license a few months ago and requested a change to their license; in effect, then, this should be a new license application and should be classified under <i>New Licenses</i> since it is not a renewal but is instead a <i>Change of Class</i> .
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to December 20 th 2016 CB12M General Meeting
Notes	2 years in business No liquor served between 4am -8am
Committee Vote	Yes: IM JC RC GD
(Include names)	No: OK
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	Not Voting:

Class Change from Tavern Wine to On-Premises Liquor License

4. Dyckman Billiards Café Inc. – 100 Dyckman Street, (corner of Nagle Ave.)

Owner/Representative	Martin Jimenez / Carinova
Type of Establishment	Change of method of operation from wine to full liquor license
Hours of Operation	12 noon – 4am / 7 days a week
Tables/Chairs	30 / 52
Music	Jukebox
Security Cameras	14
Security Personnel	5 NYS licensed
ADA Compliant?	No
Employees	10
Capacity	125
Emergency Exits	2
Precinct	34 th precinct would like to meet with the applicant. There is a
	concern about the security operation and the request for a full liquor
	license after such a short time operating under wine license.

Community Comments	Effective date of the wine license for this establishment was November 9 ^{th,} 2016; this is a short time to be in operation before asking for a full liquor license.
	MFU: This applicant was just approved for wine license a few months ago and now requests a change in their license. This is, in effect, a new license and should not be granted per the moratorium.
	Congressman Elect Espaillat rep Laurie Tobias Cohen stated that the SLA turned down another applicant that requested a full liquor license on the basis of over concentration in exactly the same area.
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to December 20 th 2016 CB12M General Meeting
Notes	Committee members Isidro M. asked about parking locations for patrons and soundproofing
	Committee member Osi K. motioned to table the discussion for this application to January to allow the applicant to address the 34 th Precinct's concerns and to fulfill the Committee's stipulations before January meeting. The motion failed (Yes: OK No: IM JC RC GD).
Committee Vote	Yes: IM JC RC GD
(Include names)	No: OK
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	Not Voting:

On-Premises Liquor License

5. Euro El Tina Restaurant Lounge & Billiards Corp. – 500 W. 207th Street, (corner of 10th Ave.)

Owner/Representative	Santiago Quezada
Type of Establishment	Bar lounge
Hours of Operation	Fri, Sat 6:30pm-4am , Sun 4pm-4am
Tables/Chairs	40 / 120
Music	DJ, live music, recorded
Security Cameras	43
Security Personnel	8 on Fri, 12 on Sat, 8 on Sun. All NYC licensed
ADA Compliant?	No
Employees	15
Capacity	198
Emergency Exits	3
Precinct	History with numerous assaults and double-parking violations. This
	has been a problematic location for some time.

Community Comments	MFU stated that this establishment was on the 34 th Precinct's inspection list and after doing random inspections at this venue, there were enforcement issues.
Stipulations	None
Notes	None
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

6. Eskina 214 Corp. doing business as Café Tabaco & Ron – 501 W. 214th Street, (corner of 10th Ave.)

Owner/Representative	William Segura / Arelia Taveras
Type of Establishment	Restaurant
Hours of Operation	Mon-Sun 5pm-2am
Tables/Chairs	18 / 36, and 6 counter stools
Music	iPod , DJ
Security Cameras	12
Security Personnel	2 NYS licensed
ADA Compliant?	Yes
Employees	15
Capacity	74
Emergency Exits	2
Precinct	Issues with loud music emitting from the establishment that affects the people in the buildings right above and behind it, double parking, valet parking, 53 Noise complaints a year on average but none in the past 2 months
Community Comments	MFU stated that this establishment was on the 34 th Precinct's inspection list and that after doing random inspections at this venue had enforcement issues with parking, double-parking and loud music. There is a serious issue with valet parking. Per rep (Taveras): would like to meet with the 34 th to address some of the issues. Soundproofing was installed to mitigate noise issues.
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to December 20 th 2016 CB12M General Meeting and Install a <i>Good Neighbor</i> sign
Notes	Saturation of venues in the area contributes to the parking problem, the applicant agreed to consider parking solution

Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

Restaurant Wine License

7. 207 West Restaurant Corp. doing business as Yummy Thai – 4959 Broadway, (bet. W. 207th & Isham Streets.)

O ID	Calma Lanor
Owner/Representative	Salma Lopez
Type of Establishment	Restaurant
Hours of Operation	Sun-Thu 12pm-11pm, Fri-Sat 12pm-12am
Tables/Chairs	28 / 60
Music	iPod
Security Cameras	8
Security Personnel	None
ADA Compliant?	Yes
Employees	12
Capacity	74
Emergency Exits	2
Precinct	No concerns
Community Comments	MFU stated this is a wonderful business in the community and a very good neighbor
Stipulations	None
Notes	None
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

8. La Terraza Restaurant Inc. – 3881 Broadway, (corner of W. 162nd Street.)

Owner/Representative	Bernard Guzman
Type of Establishment	Restaurant
Hours of Operation	Mon-Fri 8am-11PM, Sat-Sun 11am-1am
Tables/Chairs	19
Music	Background music
Security Cameras	6
Security Personnel	None
ADA Compliant?	No
Employees	6
Capacity	75

Emergency Exits	Front door only
Precinct	Not present
Community Comments	None
Stipulations	None
Notes	None
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
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	Not Voting:

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

9. Malecon Restaurant Corp. doing business as Malecon Restaurant – 4141 Broadway, (bet. W. 176th & W. 177th Streets.)

Owner/Representative	Victor Lee
Type of Establishment	Restaurant
Hours of Operation	Mon-Fri 8am-1am, Sat-Sun 8am-2am
Tables/Chairs	11 / 34 outdoor, and 26 / 104 indoor
Music	Background music
Security Cameras	16
Security Personnel	No
ADA Compliant?	Yes
Employees	30
Capacity	Applicant doesn't know
Emergency Exits	3
Precinct	No objections
Community Comments	None
Stipulations	None
Notes	Asking for 2 years renewal
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

10. Il Posto Trattoria Rustica Corp. doing business as Café Tabu – 225 Dyckman Street, (corner of Seaman Ave.)

Owner/Representative	Carlotta Chevere, Wendy Hernandez / Robert Callahan
Type of Establishment	Restaurant
Hours of Operation	Mon-Thu 4pm-12am, Sat-Sun 2pm-2am
	Sidewalk: Mon-Thu 4pm-12am, Sat 2pm-1am, Sun 2pm-12am
Tables/Chairs	7 /14 outdoor, and 11 / 25 indoor

Music	iPod, background
Security Cameras	5
Security Personnel	1 weekend only
ADA Compliant?	No – restaurant, yes – café
Employees	5
Capacity	25
Emergency Exits	2
Precinct	The establishment was listed on the 34th's inspection list. No
	violations since September but the music is loud at times
Community Comments	MFU stated that there is a history of noise complaints since they opened and a letter was sent by one of the residents regarding noise. There are 10 noise complaints just in the past week and 444 noise complaints for the entire year for that address. MFU compared 343 noise complaints on the LES or Times Square compared to the 444 registered for this site. No <i>Good Neighbor</i> sign posted although it was requested in a 2014 stipulation. Originally, the establishment was approved for a wine license but the applicant changed their method of operation without requesting approval for a change from CB12. Congressman Elect Espaillat rep Laurie Tobias Cohen stated that we are doubling the number of liquor licenses from 2012. Congressman
	Elect requested that no new full liquor licenses be granted.
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to December 20 th 2016 CB12M General Meeting
	Install: Sound governor, soundproofing, and a <i>Good Neighbor</i> sign in English and Spanish
Notes	None
Committee Vote	Yes: IM JC RC GD
(Include names)	No: OK
	Abstain:
	Not Voting:

D. State Liquor Authority New Licenses

On-Premises Liquor License

11. Fat Pig Inc. – 120 Dyckman Street, (corner of Post Ave.)

Owner/Representative	Jairo De La Paz
Type of Establishment	Restaurant

Hours of Operation	Sun-Wed 4pm-1am
100.501	Thu-Sat 4pm-2am
Tables/Chairs	8 / 21, and 8 bar seats, and small counter w/ 2 seats
Music	Background music
Security Cameras	16
Security Personnel	None
ADA Compliant?	Yes
Employees	6
Capacity	74
Emergency Exits	2
Precinct	The 34 th Precinct requests a meeting with the applicant
Community Comments	Congressman Elect Espaillat rep Laurie Tobias Cohen stated that this is a residential block that is already extremely congested with liquor licenses. Granting the license will mean forgoing the 500-foot Rule. The back of the establishment faces a residential block and the SLA asked that the applicant find a different location due to the saturation of liquor licenses and proximity to a residential area. The Committee has a responsibility to consider the welfare of the families living near by that cannot be at the meeting today, not just the businesses that we are trying to promote. Community resident Jennifer B. indicated that there are too many liquor licenses on the block already. MFU stated that the SLA reviewed the application a month ago and
	they looked at the saturation (500-foot rule) and denied the argument of a moratorium but offered the applicant a wine license; the applicant refused. There is a large restaurant scheduled to open on Sherman Ave soon and there is no idea what the cumulative impact on the area will be.
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to December 20 th 2016 CB12M General Meeting No DJ, no live music, no hookah. Must install: sound governor,
	soundproofing and a Good Neighbor sign

Notes	Applicant stated that his application wasn't denied due to saturation This restaurant in intended to be a Memphis-style barbecue restaurant (with its own smoker). The owner has another successful, Michelin-reviewed restaurant in the East Village. He has appeared before the Board on prior occasions, and had requested guidance on how to navigate the concerns of the community. During the lengthy discussion between the applicant, the committee and the community regarding the nature of this restaurant, the proposed full-liquor license moratorium was raised as the sole reasoning for potentially rejecting this applicant.
Committee Vote (Include names)	Yes: IM JC RC GD No: OK Abstain: Not Voting:

12. La Casa Del Mofongo 207 LLC. – 546 W. 207th Street, (corner of Sherman Ave.) APPLICATION WILL BE REVIEWED IN JANUARY

Owner/Representative	Lior Dishi / Max Bookman
Type of Establishment	Restaurant
Hours of Operation	Sun -Sat 10am-4am
Tables/Chairs	60 / 200
Music	Recorded music, live music occasionally, DJ
Security Cameras	Unknown at this point
Security Personnel	4-8 will be NYS licensed
ADA Compliant?	Yes
Employees	40
Capacity	420
Emergency Exits	2
Precinct	The 34 th ask to meet with the applicant. They are concerned about the size of the establishment and whether that will bring a lot of problems to the precinct. There are a few establishments on the block that already cause problems for the precinct (E.g., double parking).
	The 34 th may not speak favorably for this establishment due to its size, as it will bring additional problems to the Precinct. The application might be denied due to the 500-foot rule

Community Comments	Congressman Elect Espaillat rep Laurie Tobias Cohen stated that there is a larger issue here beyond this establishment. When we have a massive amount of liquor licenses in a small concentrated area it's hard to identify which establishment is responsible for noise, parking or litter complaints (to name a few) and which are responsible establishments. Establishments with a similar style doing the same thing, selling the same product and creating the same challenges makes it very easy for a group mentality to take hold when some owners take less responsibility for the behavior of their patrons and start blaming one another for the issues created by this massive concentration. MFU stated that there are already 111 licenses under the 34 th Precinct's jurisdiction.
Stipulations	TBD in January
Notes	CB12 member Richard L. indicated that the bathrooms as drawn are too small to be ADA compliant. No real architectural rendering was presented and there is a concern about the size and total capacity of the venue. Committee member Jennifer C. asked for information about the
	availability of parking spots in the garage at the building.
	The applicant withdrew the application and agreed not to submit an application to the SLA until they come back in January after meeting with the 34 th Precinct to address all potential issues stated above and installing a sound governor.
Committee Vote (Include names)	Yes: NO VOTE TAKEN No: Abstain: Not Voting:

Restaurant Wine License

13. Tannat Wine & Cheese – 4736 Broadway, (corner of Thayer Street.)

Owner/Representative	Sarah Goler and William Justice
Type of Establishment	Meat and cheese boards, small plates
Hours of Operation	Sun-Thu 4pm-11pm, Fri-Sat 11am-3pm, 4pm-12am
Tables/Chairs	35-40 seats, and 11 bar stools, and 10 2-top tables

Music	None; the applicant does not plan to play music in any format - live or otherwise - inside the establishment, noting they wanted patrons
	to be able to converse.
Security Cameras	None
Security Personnel	None
ADA Compliant?	Yes
Employees	6-12
Capacity	45-50
Emergency Exits	2
Precinct	The 34 th Precinct requested a meeting with the applicant
Community Comments	MFU commended the owner for asking residents what the
	community would like to have in their neighborhood prior to
	opening the restaurant, specifically for deciding not to play music in
	the establishment at any time, in any form.
Stipulations	Meet with the 34 Precinct to discuss law enforcement issues prior to
	December 20 th 2016 CB12M General Meeting
Notes	None
Committee Vote	Yes: IM JC RC GD OK
(Include names)	No:
	Abstain:
	Not Voting:

E. New Business/Adjournment

Committee member Osi K. asked to review the application processes at the next Licensing Committee meeting. This was the $3^{\rm rd}$ request by the member.

The meeting was adjourned at 10:30pm