

BROOKLYN COMMUNITY BOARD 6
ENVIRONMENTAL PROTECTION/PERMITS & LICENSES
NOVEMBER 26, 2012

PRESENT:

P. BLAKE	D. BRAVO	N. DUTTA
S. GROSS	G. KELLY	S. LONIAL
S. MILLER	L. PINN	J. PORCELLI
G. REILLY	M. SHAMES	M. SILVERMAN
L. SONES	B. STOLTZ	D. YESKEL

EXCUSED:

E. ANDERSON	H. FEDER	T. MISKEL
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ABSENT:

H. LINK	R. MYERS	T. REEVES
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GUESTS:

R. LEVINE	S. DOWNES	C. MCCRAE
J. ALEXION	R. PUNTES	J. RAWSON
T. HERK	D. BOWLEY	R. VERNON
S. HEINEGG DE OROZCO	H. OROZCO CARRILLO	K. DURR
E. CAUSIL-RODRIGUEZ	B. CARR	C. TSIAMIS
C. MUSELLA	B. SULLIVAN	M. SOHNE
H. NATHAN KAYLYAN		

*****MINUTES*****

There is a quorum.

18 Commerce Street Application

A statement is read by Gary Reilly from the applicant's sound mitigation person regarding a sound treatment proposal that was not in the applicant's packet. The committee is made aware that the sound guy is running late, so the agenda is changed so that the EPA spokesperson can go first.

Rescheduled update from representatives of the Environmental Protection Agency on the Gowanus Canal Superfund process.

Christos Tsiamos of EPA starts off by speaking about how he is glad that the EPA finally has an opportunity to meet with Brooklyn CB6. He will give us an update on what the EPA has accomplished since taking over the clean-up of the Gowanus Canal.

- Their ambitious schedule has been met thus far.
 - o An investigation of the contaminants has been completed within a year

- Results: The risks are above acceptable levels. There is potential toxicity to humans and organisms. Thus, the EPA must act to mitigate the risks.
- The Feasibility Study which is an exploration of how to clean the canal, has also been completed within a year.
- The EPA then put together the mitigation plan, after meeting with some of the Responsible Parties (ex: National Grid, the City of NY), the community, etc. They then presented the plan to Washington.
- Now: The EPA has a draft proposed plan on how to clean the canal. They hope to present it to the community by the end of Dec/early Jan. They are still waiting on the comments from NY State. The plan will not be revealed until it is finalized.
- Once it's revealed, there will be a month long public comment period and a final decision will then be issued by the agency.

Q: (Dave Yeskel): How long will the entire process/clean-up take?

A: Probably about 9-10 years, including 3 years to do the studies.

Q: (Lou Sones): Is EPA testing for negative results from Sandy with respect to the adjacent properties?

A: There is an Emergency Response Team that sampled. Results: the chemical levels were not of concern, but the pathogens were very elevated. The results are on the EPA's website.

Q: (Pauline Blake): What will happen to the funding for the project over time?

A: The 3 dozen or so Potential Responsible Parties will have to pay, by law. The funding will come from them.

Q: (Bette Stoltz): Does a storm surge change anything?

A: Since there wasn't a lot of rainfall, the sediment didn't get disturbed and there was not an increase in volume. They hope to plan for future storms in the design phase.

Q: (Bette Stoltz): Can you talk about water flow/seawall dynamics?

A: It's not in his jurisdiction. But as an engineer, not as a spokesman for the EPA, he thinks that the only thing that would really prevent a surge is a seawall.

Q: (Steven Miller): What's the relationship in terms of the clean-up plan with both City and State agencies?

A: The City agencies are not privy to the plan yet because the City is considered a Potential Responsible Party. The State has met with the EPA many times and the State is considered a partner.

Q: (Sayar Lonial): Who holds the clean-up contract?

A: The Responsible Parties contract/subcontract, and then EPA approves the contractors.

Q: (Joseph Porcelli): Is it possible that toxic sediment spread but was washed away when the waters receded?

A: Yes, it's possible. If you were wading around in the water during the flood, you could have come into contact with the sediment.

Q: What about the oily sheen?

A: It's a breakdown of compounds and street runoff, not an oil spill.

Q: (Matt Silverman): How is the payment determined?

A: It's a government settlement, so hopefully the Responsible Parties figure it out amongst themselves and collectively. Some will pay more, depending on the amount of pollution.

Q: (Bette Stoltz): What about the Lightstone Group?

A: The EPA has let them know that they must be satisfied with their study, the same as any other developer.

Q: (Craig Hammerman): What about the possibility of a processing plant in Red Hook for the dredge spoils from the canal—what's the process for this getting set up?

A: It is a transparent process. The feedback has been that Red Hook wants more jobs and they have the space. If it's desirable for the community, they will see what they can do. It will be addressed during the design phase. Transport would be done by barges, not trucks. Permits are not needed.

Statement by Glenn Kelly: The SLA is changing their liquor license renewal process—going forward, applicants will only have to renew every 3 years, instead of the current 2 years. We should keep this in mind when we're reviewing applications. It is not being applied retroactively.

Continued review of a new on-premises liquor license application submitted to the State Liquor Authority and a new Cabaret license application submitted to the Department of Consumer Affairs, on behalf of Forty-Forty No More Enterprises, Inc. dba Con Amor Cabaret at 18 Commerce Street between (Columbia Street/Richards Street).

- Cynthia Thomas Dicks addresses the Committee: she just wants us to know that she met with Larry at Defontes, and there's an updated menu in the application packet.

Eamon, the sound guy

- He hasn't been able to get into the space yet, so he can't speak to money/costs and he has no exact plans drawn up yet.
- The plans ultimately would definitely include window plugs, which would greatly help to attenuate the sound. He believes most of the sound emanates from the windows.
- There are two more options beyond that, if necessary: laminate drywall with isolated studs, and then broadband absorption panels. All are feasible.

Q: (Lou Sones): These are just options, not a plan?

A: The hurricane prevented him from getting in, but any of these options would make a huge difference and there are cheap options. He's been contracted to do the work.

Sal (landlord): Also, the music is different than before—it's jazz, blues, R&B.

Q: (Glenn Kelly): Cost? \$10-20k?

A: Probably a lot less.

Q: (Matt Silverman): Who has retained you?

A: Sal, the landlord, not the tenants.

Q: (Steven Miller): This is the 3rd time this application has been submitted prematurely—there is still no plan!

A: He just told us the plan.

Q: (Pauline Blake): Idea of a preliminary cost?

A: That's something he'll figure out with the client.

Q: (Bob Levine): Is your contract to do the work, or just to be a consultant? We have three scenarios—we want to know if you've been hired and that you'll do the work.

A: (w/ Sal): Yes, he's been hired and it will be done.

Q: Are you committing? A: Sure, that's why he's here.

(Joe Porcelli): Discussion about including this as a stipulation.

(Matt Silverman): Why are we cross-examining the applicant's contractors? This isn't our place.

(Sayar Lonial): Concerned about the brick wall-will the sound attenuation work there?

A: It's not the brick, it's the windows. But gaps in the brick can be sealed.

(Joe Porcelli): Applicant has been a licensee without blemishes. He's presented his plan. The biggest problem is the noise, and they hired a sound guy. The issue now is just about credibility.

(Bette Stoltz): Went down today and spoke with Larry of Defontes—the only food arrangement he has with them is to deliver food to private parties the day before the party, because they're not open at night.

(Lou Sones): Knows Sal and trusts him. He has a problem about the brick. He knows that it does transfer bass and noise. Assuming sound is not an issue, we have to decide if we trust the applicant. The signatures in the application packet—there are now 27 more pages of Red Hook signatures that are dated in September that we were not previously given. This leads to a contentious debate about the signatures - the consensus is that they were there the last time.

(GlennKelly): Discussion of why they've had to come back three times. He's not confident in the applicant but is hopeful about the sound guy.

(Community Member: Marshall): Where's the sound plan/study/details? This is not serious, it's off the cuff.

(Community Member: Bill): He went through every signature and there are many not in Red Hook and none that are next to the club. That goes to the applicant's credibility. Is the 3rd application packet any more in depth than the earlier ones? The building could be something else, it doesn't have to be a nightclub.

MOTION: (Joe Porcelli): Approve the application with the stipulation that within 48 hours, the Board office receives a signed specific contract with "Studio Brooklyn" for sound attenuation. Seconded: by Matt Silverman.

Friendly amendment proposal (Dave Yeskel): To give more than 48 hours.

- Joe Porcelli: does NOT accept the friendly amendment.

Mark Shames: Wants Red Hook businesses. Will vote for.

Lou Sones: Speaking against the motion: not good for the residential community, there have been no positive comments from the residents.

Steven Miller: RH needs development, but what kind? Agrees with Lou. He's just not confident in the applicant.

Pauline Blake: Voting against, because of the food issue and the sound issue.

Sayar Lonial: In favor of the motion. Likes the strict timeline and has spoken with RH people who support it because they want more businesses in RH.

VOTE: 8.....YEAS 6.....NAYS 1.....ABSTENTION
MOTION CARRIES.

Presentation and review of a new on-premises liquor license application submitted to the State Liquor Authority on behalf of Chipotle Mexican Grill, at 140 Court Street between(Pacific Street/Atlantic Avenue).

Presentation: The restaurant (chain) will be opening about two doors down from Trader Joe's on Court Street, hopefully in January. Construction is happening now. They want to serve beer and margaritas, no take-out. He's worked for Chipotle for 7.5 years and liquor sales are nominal.

MOTION: (Glenn Kelly): Approve the application. Seconded: by Lou Sones.

VOTE: 14.....YEAS 0.....NAYS 1.....ABSTENTION
MOTION APPROVED

Presentation and review of a new on-premises liquor license application submitted to the State Liquor Authority on behalf of Perfect Brew LLC at 196A Flatbush Avenue between (Bergen Street/Dean Street).

Presentation: Wants an on-premises liquor license. They're opening a Caribbean Fusion restaurant on Flatbush Avenue. They plan to serve breakfast, lunch and dinner and open the bar at 4pm. The latest they'll be open is 1am on Friday and Saturday.

Q: Menu? A: There's none in the packet, they're waiting on the finalized one from the chef.

Q: 500 foot hearing will be triggered? Maybe. They're not sure.

There will be 29 tables, 10 people sitting at the bar. They don't have a liquor license lawyer, and the Committee thinks one would help them tremendously if they do have a 500 foot hearing.

(Joe Porcelli): Would be more comfortable if the focus is on food, not the bar.

(Matt Silverman): Any experience opening a bar or restaurant? A: Nope.

MOTION: (Sayar Lonial): To table the application until they submit more information. Seconded by Pauline. Blake.

VOTE: 6.....YEAS 9.....NAYS
MOTION FAILED.

Q: (Steve Miller): Would the applicant stipulate to the hours as presented in their application?

A: Yes.

Q: (Lou Sones): Any entertainment? A: No, just music from the sound system. And, yes, they signed the lease.

(Glenn Kelly): Discussion about the SLA 500 foot hearing.

(Matt Silverman): Would like to see a menu, but this is the type of place that we'd like to see near Barclay's, rather than another club,

(Pauline Blake): There's an oversaturation in that neighborhood, and she urges the applicant to withdraw and come back with more.

(Bette Stoltz): There's nothing else on that block.

MOTION: (Matt Silverman): To approve the application, subject to the applicant stipulating to the hours of operation in the application, and subject to the submission of a menu before the next General Board meeting. Seconded by Sayar Lonial and Bette Stoltz.

VOTE: 14.....YEAS 1.....NAY 0.....ABSTENTIONS
MOTION APPROVED.

Presentation and review of a new on-premises liquor license application submitted to the State Liquor Authority on behalf of Brewshank, Inc. dba La Slowteria at 548 Court Street between (Garnet Street/West 9 Street).

This is a class change applicant. The space was f/k/a Dubuque and is now called La Slowteria. The hours are 11am – 10pm and its' locally sourced Mexican food. They have expanded their kitchen offerings. There's a menu in the application book.

(Glenn Kelly): There's no floor plan. There is a backyard but they're not allowed to use it. If they want to use it, they have to come back before us. They plan to beautify it and put a garden out there but not use it for the restaurant.

(Steve Miller): This is the type of establishment the community wants in that neighborhood - as long as there's no backyard.

MOTION (Steven Miller): To approve - seconded by Sayar Lonial.

MOTION APPROVED: UNANIMOUSLY

Glenn Kelly: Discussion about the SLA Kemistry hearing—a great deal of deference was given to the CB and he thinks that it is unlikely to pass.

General discussion about the 500 foot rule. Maybe we should start requesting that applicants include a map in their application with the other nearby establishments? Or a Google street view map so we can get an idea of where the building is?

A motion was made by Lou Sones to approve the minutes from the last meeting held on October 22, 2012. The motion was seconded and approved.

There being no further business to come before the committee, the meeting was adjourned.

Minutes were submitted by Sara Gross.