

**BROOKLYN COMMUNITY BOARD 6
PUBLIC SAFETY/ENV PROT/PERMITS/LICENSES COMMITTEE
FEBRUARY 28, 2011**

PRESENT:

P. BLAKE	M. KENTON	S. MILLER
T. MISKEL	G. REILLY	M. SCOTT
M. SHAMES	M. SILVERMAN	B. STOLTZ

EXCUSED:

T. ALEXANDER	M. DEPALMA	J. LODGE
L. SONES		

GUESTS:

H. REICHBACH – REP FOR HON. STEPHEN LEVIN, CITY COUNCIL MEMBER		
M. O’CONNELL	S. ETTLINGER	M. ROONEY
A. WILBEY	M. PINTCHIK	M. LEUCK
A. KAISMAN	P. BERESFORD-HILL	P. ZUMOFF
K. BERESFORD-HILL	F. CASELUCCIO	J. SOTO
Y. ROSAS	D. POLINSKY	S. JACOBS
R. HASID	B. AYOUR	F. SERRELL
R. CAHILL	C. CARVER	G. KARP
A. OFSHSTEIN	W. BAILEY	K. MCGRATH
G. KELLY	G. MACAYA	S. MACAYA
R. MACAYA	G. AUSTIN-LEON	H. LIPMAN
G. GARCIA	C. BERMAN	A. YARRINGTON

***** MINUTES *****

The meeting was called to order at 6:40pm. Gary Reilly, Mark Shames and Bette Stoltz were the only members in attendance at that time. The meeting was started without a quorum on less controversial issues.

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Liberty Events, LLC dba Liberty Warehouse at 175 Van Dyke Street (between Conover/Ferris Streets).

Application for a liquor license for restaurant. Operator runs River Café, etc. No residential users. Nobody from the community present to speak for or against.

A motion was made by Bette Stoltz and seconded by Gary Reilly to approve the application.

All in favor with quorum.

Presentation and review of a cabaret license application submitted to the Department of Consumer Affairs on behalf of SRB Brooklyn, LLC at 177 2nd Avenue (between 13th/14th Streets).

Cabaret application for a 5,000 square foot location - throwback to the 60's and 70's soul, rhythm and blues artists.

- Not close to residences
- No community comments
- Site is under construction, will be ready and open in 2 months

A motion was made by Bette Stoltz and seconded by Mark Shames to approve the application. All members present approved.

Marguerite Scott, Tom Miskel and Steve Miller arrived – so a quorum was present at 6:45pm.

Presentation and review of a renewal of an unenclosed sidewalk café permit application submitted to the Department of Consumer Affairs on behalf of Campo De Fiori, LLC at 187 5th Avenue (southeast corner Berkeley Place/5th Avenue), to permit 3 tables and 6 seats.

Ms. Rosas, Campo De Fiori, Italian restaurant is asking for three tables for sidewalk seating.

- New license at Berkeley Place and 5th Avenue.
- Has informed neighbors
- No complaints on file.
- Hours 11am to 10pm – Tuesday to Sunday.

A motion was made to approve the request by Bette Stoltz.

MOTION APPROVED: UNANIMOUSLY

Presentation and review of a renewal of an unenclosed sidewalk café permit application submitted to the Department of Consumer Affairs on behalf of the Holy Grail, Inc. dba Downtown Bar & Grill at 160 Court Street (northwest corner Court/Amity Streets), to permit 16 tables and 32 seats.

Owner requesting sidewalk seating for 16 tables and 32 seats.

- One neighbor wrote the committee asking for hourly restriction agreed to last year and operator agrees. The neighbor was in attendance and willing to support continuing agreement.
- Another resident spoke and said they have overextended hours on some occasions.

Mark Shames suggested that they contact CB6 to mediate if further disputes arise.

Bette Stoltz moved to approve with continued restrictions.

MOTION APPROVED: UNANIMOUSLY

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Rega & Dodly Wine, Inc. at 74 5th Avenue (between St. Marks Place/Warren Street).

Raphael Hasid, owner with attorney, is opening a wine bar where an old bar was.

- Small place – owner has a local restaurant (Miriam).
- Liquor license application – notified neighbors with letter.
- Small oval bar for about 35 people with small kitchen will have full liquor also.
- Hours from 4pm – 2 am
- No live music or outdoor space. Space is now vacant.

Motion made by Tom Miskel to approve request.

MOTION APPROVED: UNANIMOUSLY

Presentation and review of a renewal of an enclosed sidewalk café permit application submitted to the Department of Consumer Affairs on behalf of 345 Court Street Corp. dba Marco Polo Ristorante at 345 Court Street (southwest corner Court/Union Streets), to permit 10 tables and 30 seats.

Asking for renewal for sidewalk cafe. No complaints on file.

Motion was made by Tom Miskel to approve request.

MOTION APPROVED: UNANIMOUSLY

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of The Cherry Tree Corp. at 65 4th Avenue (between St. Marks Place/Bergen Street).

Rosen present for “Cherry Tree” wants to alter license.

- Wants to expand back area for more seating and to serve drinks.
- This included outdoors and indoor space and submitted to the Building Department that approved it.

Mark Shames said that in 2007, there were noise complaints. These were dealt with and there have been no complaints since 2009. Some were unverified via 311.

- He informed neighbors with letters.
- Closes garden at 11pm and respects neighbors.
- No community opposition present.
- Outdoor space is on the 2nd floor – rooftop terrace only.

Steve Miller asked when flyers were passed out and it was done this weekend. He is concerned that this was too late. Presenter had just found out late last week of this meeting and this is why notification was Friday. They are open for pizza now.

This and P. J. Hanleys are a combined entity. This is just for extra space for food seating not another bar. This adds 63 4th Avenue to the existing lease and “opens the space” up so it is one interior; it’s not additional outdoor space. Combines food and drink. Will add 16 tables to the facility-4 seat tables. No smoking in the backyard.

Gary Reilly asked. Can they close at 10pm weeknights? Yes.

- No outdoor music
- New outdoor space is on 2nd floor only.

Motion to adjourn was made by Steve Miller. All were in favor. The committee asked them to come back with more information including photos.

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Prime Six, Inc. at 242 Flatbush Avenue (southwest corner Flatbush/6th Avenues).

George Karp/Owner Alviva

- Filed for license and it was already approved.
- A “notice” was distributed claiming owner was of former Royal Video renting it as a gentlemen’s club. It is a restaurant and bar.
- He appeared before the liquor authority and nobody came and opposed. He notified CB6 of liquor license in November or December of 2010. This was a 500 foot hearing.
- Principal is also an attorney. Prepared public interest statement. Lunch, dinner and late night.
- Location contemplates local and out of town guests.
- Will be open until 4am.
- Large screens for Net games
- Outdoor/backyard dining areas
- Basement areas and private rooms.
- Main floor, French doors on Flatbush and 6th Avenues that open to the street.
- “Open air” dining and flowers on the street. Will be high-end restaurant style to Brooklyn.

Mark Shames said this is within the 500 foot rule and should have come to us. Attorney didn’t learn of CB6’s interest until February 23rd so didn’t think there was interest.

Mark asked how close are neighbors?

A. Two above on 6th Avenue and commercial neighbors on Flatbush Avenue. Three story buildings nearby on Flatbush. Has no neighbors other than brick wall on St. Marks Place. (Audience yelling that’s not true.) There are some backyards.

Basement lounge is closed off, though backyard is open.

Hope Reichbach from Councilman Levin’s office said there are concerns about communication. Concerned about it being for Atlantic Yards people, is different than community.

Matt Silverman – concerned with attitude that community missed SLA meeting and we're going forward. Need to work with community and accommodate its needs.

- Premises will hold up to 230 people.
- Outdoor occupancy is up to about 27.

The presenter said that outdoor hours are flexible and will work with the community.

Wayne Bailey – restaurants open to 4am is going to bring problems, already four bars in the area.

Mr. Littman – is strongly opposed. He has a window that overlooks the area. Has small kids. Bar has bad attitude and arrogance.

Michael Rooney lives on St. Marks Place. Website – 50% live entertainment and club music, is not billed as a restaurant. Many active licenses within 500 and 1,000 feet of site. Does not think outdoor space and current set-up will work.

Neighbor question - No entrance on St. Marks Place. Garage will be an emergency exit from garden. CB6 should look into why this went to SLA and approved without community input.

Presenter hours he can work with.

Presenter – no live music in backyard or basement - are considering some acoustics or “light singing”. Music will not be blasting. If garden music, it would be done with acoustic engineering.

Neighbor – How would he deal with parking issues? Any valet in plans?

A. Valet is a consideration, inclined to do this, if feasible. He thinks majority of neighbors will be patrons.

Glenn Kelly – music outdoors is not permitted.

Steve Miller – this is not close to appropriate and it is clear that SLA jammed this through and it is unacceptable

Pauline Blake – lives on St. Marks Place right next door. They have littered garbage on block and not removed snow and no dialogue with neighbors. People will double park since no valet space is available in the area. Insulting us by calling it a community restaurant. She wants CB6 to send a letter to the SLA to hold licenses like this until they hear from the community.

Neighbor next door on Flatbush Avenue and faces outdoor street. Sugarcane is other side and they already have noise issues. He works at home and construction has been loud. Ms. Fay Meadow tried to contact them by e-mail and did not hear back. Tried to walk in to talk and was told they were not interested in talking. Piles of garbage, not a good neighbor, dog slipped on ice. What will they put in place to hear feedback and complaints from the community.

Presenter: says he doesn't have website, doesn't know about site on their sign. He'll try to be open and available to community and take feedback. He wants us to "take a chance" and let him run the business.

Regina Cahill: Flatbush Avenue B.I.D. would like hours restricted – notification of community of their plans. We should support Joan Millman's legislation to restrict backyard space.

Glenn Kelly – impressed by community turn out and we need to control business use of backyard space. Her wants backyard abandoned and building insulated for noise.

Presenter: would consider not having backyard use.

Neighbor: His car has been blocked in by their dumpster, including when he needed to go to the hospital. Has called Police to help him get out. Lack of attention to community before they opened is bad sign for future.

Presenter: Any live entertainment would be inside and only light singing without instrument, without a band.

Neighbor: Many bars and restaurants ventilate noise into the triangle intersection and this goes over the top and would be hard to mitigate.

Presenter: SLA approved license February 16th and the application was in January. He doesn't know who is promoting Prime on Facebook and MySpace. He managed Tavern on the Green one year and worked in restaurants for over 10 years.

Neighbor: Concerned with Presenter's lack of knowledge about their own business issues and community complaints as well as their attitude.

Neighbor, St. Marks Avenue: Wants CB6 to work with neighbors to maintain the community as well as help businesses. We should send letter to SLA about process.

Presenter says it is not designed as a night club lounge but their application to CB6 references a "cellar lounge".

Presenter is the only owner and only investor. He said the application includes 3 bars. He might do bottle service. They plan to open in May.

Martha Kenton: Any ideas for mitigation or sound outside? Yard is for dining and not partying.

Neighbor: Should give up outdoor space and set up a contact for community complaints,

Presenter: He would set up 2nd number.

The full Community Board vote will be Wednesday, March 9, 2011.

Neighbor: rents apartment in these blocks and sound travels very easily. They will have to insulate everything or it can't work. They should throw out outdoor space. This will diminish property values. This is a family neighborhood and people will want to move.

A motion was made by Tom Miskel for owner to meet with the North Flatbush BID and neighbors between now and our next meeting to discuss issues.

Pauline Blake proposes amending motion to include letter to SLA expressing our concern with the lack of community input in their decision on this application and the information be placed on the CB6 website.

Matt Silverman – friendly amendment to invite SLA representative to the next meeting, amendment accepted.

Gary Reilly said that if no interaction between now and next meeting, we would vote this proposal down.