

BROOKLYN COMMUNITY BOARD 6
PUBLIC SAFETY/ENV PROT/PERMITS/LICENSES COMMITTEE
MARCH 26, 2012

PRESENT:

P. BLAKE	N. DUTTA	H. FEDER
S. LONIAL	S. MILLER	T. MISKEL
J. PORCELLI	G. REILLY	M. SCOTT
M. SHAMES	L. SONES	T. VAZQUEZ
J. WOLFE		

EXCUSED:

G. KELLY	B. STOLTZ
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ABSENT:

T. ALEXANDER	H. LINK	M. SILVERMAN
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GUESTS:

B. PETOK – REP. FOR HON. STEVEN LEVIN, CITY COUNCIL MEMBER		
L. SWAGAT	P. ADELMAN	B. KURKA
H. GRUBER	P. FLORES	J. MARVEL
G. HOMATAS	A. GILBERT	E. GOETZE
A. MARGIE	R. SION	B. FLETCHER
E. ADAMS	C. MASSIAH	K. JOHNSON
B. MANNON	V. KARASZ	F. STEPHENS
Z. LUCAS	E. NONKO	C. MURRAY
R. UNDERWOOD	M. NAGINS	W. DASBACH
K. GALANER	K. BAER	C. SPINELLA
M. KUSMARK	E. TEMPLETON	J. GAUTIER
A. LOVATO	T. PERRY	N. WIGGINS
S. HUBERT	A. RING	C. GUERRA

*****MINUTES*****

The meeting was called to order by Gary Reilly at 6:43 PM

An amendment to the minutes from the last meeting (2/27/12) was put forth by Harry Feder to reflect the approved resolution pertaining to Brooklyn Social that was passed at the Full Board of Community Board 6, Brooklyn held on March 14, 2012.

Lou Sones commented that the resolution passed by the board was in fact not the resolution he intended to have put forth to the full board regarding Brooklyn Social.

Gary Reilly asked to amend the minutes from the last meeting (2/27/12) to reflect that Sayar Lonial is on the committee and was present at that meeting

Mark Shames made a motion to approve the minutes as amended above. Tom Miskel seconded the motion. Gary Reilly called to question.

VOTE: 12.....YEAS 0.....NAYS 1.....ABSTENTION
MOTION APPROVED

Presentation and review of an unenclosed sidewalk café permit application renewal submitted to Department of Consumer Affairs on behalf of Taurasi Inc. dba Sotto Voce at 225 7th Avenue (between 3rd/4th) to permit 9 tables and 17 seats.

To clarify, this is technically not a renewal as Sotto Voce allowed their permit to lapse so they are in fact applying for a new unenclosed sidewalk café. There are no proposed changes to the previous permit which was operated under the same management and same business since 2003.

Pauline Blake asked if they needed to provide a full application since they were in fact applying for a new permit. The Committee agreed this was not really a new application.

Steven Miller made the point that we would not hold a liquor licenses to the same standard.

Owner's rep said that they had seating for 35 inside.

No community comment

Tom Miskel made a motion to approve the permit as presented. Lou Sones seconded the motion. Gary Reilly called to question.

VOTE: 12.....YEAS 0.....NAYS 1.....ABSTENTION
MOTION APPROVED

Presentation and review of an unenclosed sidewalk cafe permit application renewal submitted to the Department of Consumer Affairs on behalf of Snowday Llc. dba The Skylark at 477 5th Avenue (between 11th/12th Streets), to permit 10 tables and 20 seats.

To clarify this not a renewal, it is a new applicant.

Committee and Board approved the on premise license for this location recently. Also own Abeline on Court Street.

Sidewalk permit asks for 4 tables along 5th Avenue and 6 tables on 11th Street.

Inside has capacity of 40 tables and 10 seats at bar.

There are no immediate adjacent apartments and the nearby co-op board has been talked to by owners. There are 2 tree pits in the vicinity (1 on 5th Avenue and 1 on 11th Street). They are not planning on utilizing the backyard (said that its use was not part of the Certificate of Occupancy).

They plan on being open for lunch and dinner, currently constructing the kitchen. Asking for 20 outside seats, inside has capacity of 86 seats. Stated that they were willing to comply with Sunday – Thursday 11pm close, Friday - Saturday Midnight closing of sidewalk café space.

Mark Shames wanted to discuss general issues surrounding Sidewalk permits and Backyards per Glen Kelly's e-mail to the committee previously and said he wished this owner had come to us

after they opened and were in business before asking for a sidewalk permit prior to opening. Would have allowed committee to see how they were in the community.

Steven Miller stated that at Abeline the seating was not necessarily in the areas that were approved as customers often move seats around and asks for better control to be applied by the owners at this establishment.

Tom Miskel made a motion to approve the permit as presented. Lou Sones seconded the motion. Gary Reilly called to question

VOTE: 11.....YEAS 0.....NAYS 2.....ABSTENTIONS
MOTION APPROVED

Presentation and review of an unenclosed sidewalk cafe permit application renewal submitted to the Department of Consumer Affairs on behalf of Kiku Asian Bistro Corp. at 2 Lincoln Place (on the corner of 5th Avenue), to permit 11 tables and 26 seats

Applicant not present, item held over.

Presentation and review of an unenclosed sidewalk cafe permit application renewal submitted to the Department of Consumer Affairs on behalf of Union Street Provisions LLC dba Fort Reno at 669 Union Street (on the corner of 4th Avenue), to permit 5 tables and 30 seats.

Applicant is asking for same outside seating as Maria's, the former operator at this location, 5 large tables seating 6 each, 30 total seats outside. The inside seats 30 as well.

The Committee discussed that it is normal policy for there to be only half the seats outside as are permitted inside.

The Applicant responded that while it is a wide frontage it is not very deep, and that they did not have a lot of space inside to provide more seating, in fact he could have fit another large table inside, but felt it was better served as a waiting area for the large number of takeout customers they have. They are happy to abide by the Community Board hours of operation of the sidewalk café. They are maintaining 30 inches between tables to allow wait staff to be able to move through the outside seating without having to impede upon the public sidewalk and they are planning on redoing the tree boxes and an existing fence separating the residential building from the restaurant. Applicant also stated that he has engaged with neighbors and they are friendly and supportive.

Gary Reilly stated that originally Maria's asked for 38 seats outside and settled on 32 in 2006, which was approved by this Board as well as DCA.

Board discussed Union being a wider street, and while the board did have a rule per number of outside versus inside seats, it might be acceptable in this location. Gary Reilly stated that Maria's was never perceived to be overcrowding the sidewalk and they had 2 more seats than are being requested here.

Community Comment: Resident at 642 Union (B. Kenny), directly across the street from Ft. Reno stated that he was very supportive and the community likes this place, it provides eyes on the street and makes area safer.

Joe Porcelli made a motion to approve the application with the following comments with regards to the large number of outside seats compared to the inside seating going against typical board precedent:

1. Union Street is a wide street
2. History, the former business actually had 2 more outside seats than are being requested here
3. The complete lack of inside space in this specific location
4. Support from the neighbors

Lou Sones seconded the motion. Gary Reilly called to question

MOTION APPROVED UNANIMOUSLY

Presentation and review to move an on-premises liquor license application submitted to the State Liquor Authority on behalf of Marco's Brooklyn Inc. dba Franny's from 295 Flatbush Avenue to 346-348 Flatbush Avenue (between Sterling/ St. John's Places).

To clarify this is not a move of a liquor license it is a new liquor license being sought for the new Franny's location, they are leaving the previous license at the old location where they will be opening a different business (it is not in our district). Franny's is moving to a larger venue.

Community Comment: neighbor of the new location asked about the flue from the brick oven pizza, loud music, soundproofing and the noise of the A/C unit.

Owner stated that the ventilation is extremely important and they were working with the landlord to determine the best means of exhaust that was the least nuisance to everyone. They do not play loud music but are still soundproofing the establishment. They are not seeking the use of outdoor space and the A/C will be placed on the roof of the building.

Steven Miller asked how this fits in with the huge number of bars and restaurants cropping up on Flatbush Avenue and Pauline Blake responded that this was not in the area of other sometime problematic spots; this is closer to Grand Army Plaza.

Lou Sones made a motion to approve the license as it has been presented. Tom Miskel seconded the motion. Gary Reilly called to question.

MOTIO APPROVED UNANIMOUSLY

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Kemistry Entertainment Group dba Kemistry Lounge at 260 Flatbush Avenue (between St. Mark's /Prospect Places).

Kemistry Lounge is seeking a new liquor license for a Restaurant/Bar/Lounge with the following expected hours of operation: M thru W 11 AM – 11PM, Thurs. 11 AM – 1 AM, Fri. 11AM – 2AM, Sat. 5PM – 3AM. They plan on having live entertainment (Jazz) 2 days a week.

The Board generally discussed the large number of bars / restaurants that have been opening in this area, discussed the 500 ft rule discussed tabling issue, but realized there was a large community presence here to speak on the matter, so broad discussion was held until after community spoke.

Community Comment:

- Peter – 95 6th Avenue: There are at least 13 liquor establishments within 500 feet of his front door, too many bars. This establishment while it fronts on Flatbush actually has a floor through and has a glassed in wall/doorway on Prospect Place (aka 89-90 Prospect Place), which is a residential block. The noise, vomiting, urination, and general nuisance that is involved with a bar/club like this is not in the public interest as the 500 ft rule describes. There are 2 daycares on either side of the Prospect Place address. This is not a good spot for the club
- **Applicant responded that the Prospect Place entrance is actually only for emergency egress.**
- Ben Petok, representative for Council Member Steven Levin: Not here to urge a yes or no, rather would like to ask the Board to table due to the fact that the building plan is still being reviewed by the Department of Buildings and thus until it is officially reviewed no decision should be made.
- Jim Vogel, representative for State Senator Velmanette Montgomery echoed Ben's point, and urged the Community Board to immediately ask the State Liquor Authority for more time as there are a great number of details to still be worked out, but that the CB needs to be able to weigh in so more time is absolutely necessary.
- Regina Cahill of the North Flatbush BID: make sure that businesses that open are good neighbors, hold their membership to being good neighbors and volunteered her services as an arbiter in a community to business discussion as this process moves forward.
- Joe – Prospect Place Resident: Family Block, when the landlord sold the air-rights to a developer he never expected a club with dancing to go into the base, asks Board to help them and realize that this type of business does not belong here.
- **Applicant responded that this is not a cabaret (no dancing), but they may seek a caterers license (dancing permitted).**
- Barbara – 81 Prospect Place: This is a quiet block, safety is a concern if this place opens up, concerned about noise that DJ's, Karaoke live music bring. Not appropriate for this area.
- Noel – 77 Prospect Place: The Arena is coming, this place will be filled with drunken fans after the games and it will invade our quiet residential block. Our block is the separation of the Arena area and the residential neighborhood and if we are destroyed then what happens to the neighborhood.
- 94 Prospect Place: I won't feel comfortable raising my kids near this place, I will sell and so will many of my neighbors.
- 99 Prospect Place: I have lived here for years; I don't want more Sugarcanes and Burrito Bars.
- 95 6th Avenue: This is the same corner as the Bloomberg aide that was hit and left for dead a few years ago. Traffic is problematic already, this will make it worse. I was here first, I have been here since 2000, this area has already changed too much, the noise, the drinking, the traffic are all too much.

- Ken – 91 6th Avenue: lived on the block since 1979. This corner (triangle) has been the site of 3 major pedestrian vs. car accidents in 5 years. There are 2 daycares; don't they count in the 200 foot rule? Safety, traffic, noise and drunken behavior are the concerns.
- Prospect Place resident: been here since 1973, this is the dividing line between business and residential, need to protect that line.
- Walter – 91 6th Avenue: metered parking in front will encourage driving to the bar and will increase drunken driving.
- 100 Prospect Place: health concern, I have asthma; excessive cigarette smoke will cause me harm, not another bar, please.
- 92 Prospect Place: We are creating a liquor lane on Flatbush, not good for anyone.
- Parent – 77 Prospect Place: this is the wrong demographic for an establishment like this, the street will be overrun with rats, and we have too many seniors and kids on this block for this type of business.
- 86 Prospect Place: Not only will we be contending with this new noise making bar, we will also be dealing with the construction of a 7 story tower on top, this is too much.

Lou Sones asked why the back for egress door was glass.

Applicant stated that they were willing to alter the back in any way that satisfied the community, they solely need it as a means of egress.

Board then began to discuss the issues of density and the concepts of the public interest as it applies to the 500 foot rule.

Harry Feder raised the issue of a moratorium on establishments in this area that are of this size.

Steven Miller was not in favor of a moratorium, but raised the question of why are we tabling, we have heard from all these people, why not just say no. This issue is about density.

Gary Reilly stated that while all of this has gone on today, the Applicant has listened and he thought it was in the best interest to see if the establishment can try and make it work with the community.

Lou Sones made a motion to table this with the following conditions:

1. Board office send a letter ASAP to the State Liquor Authority asking for them to wait on the 500 foot hearing until we have had time to properly determine our stance on this license as we are deeply concerned with this business and the community relationship.
2. Ask the BID to work with local elected officials, the community board and community members to intervene in a meeting between the business and the community.
3. That regardless of what happens when they come back to us the back door will solely be used for emergency egress and nothing else.

Pauline Blake seconded the motion. Gary Reilly called to question.

**VOTE: 12.....YEAS 0.....OPPOSED 1.....ABSTENTION
MOTION APPROVED**

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Du Jour Bakery LLC dba Du Jour Bakery at 365 5th Avenue (between 5th/6th Streets).

Du Jour bakery is a new family friendly bakery that closes at 10pm, possibly earlier and has a back yard. They eventually want to be able to open for dinner and when that happens they want to be able to serve beer, wine and liquor. They are planning on reducing their table space in the backyard (16 people from 20) to add a small play area or stroller parking area for patrons. They have reached out to the 5th Avenue BID (support), and are supported by their immediate neighbors.

No Community comment.

Tom Miskel made a motion to approve as presented. Sayar Lonial seconded that motion. Mark Shames offered a friendly amendment that was accepted by Tom and Sayar that stated that the applicant would show a plan of the seating in the backyard demonstrating where tables would go and committing to 16 seats. Gary Reilly called to question.

MOTION APPROVED UNANIMOUSLY

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Laxmi Swagat Restaurant Inc. dba Aarpan Indian Restaurant at 396 5th Avenue (between 6th/7th Streets).

Applicant is seeking on premise license for Indian Restaurant which will play background Indian music. No Community comment.

Lou Sones made a motion to approve as presented. Tom Miskel seconded the motion. Gary Reilly called to question.

MOTION APPROVED UNANIMOUSLY

Presentation and review of an on-premises liquor license application submitted to the State Liquor Authority on behalf of Saint Gabriel Restaurant Inc. at 242 Court Street (between Baltic/Kane Streets).

Applicant is seeking an on premise license for their Ethiopian restaurant. They will have no outdoor space and their hours are: Mon. to Thur. 4 PM – 11PM, Fri. to Sat. Noon – 11PM.

Mark Shames made a motion to approve as presented. Tom Miskel seconded the motion. Gary Reilly called to question.

MOTION APPROVED UNANIMOUSLY

Presentation and review of an on-premise liquor license application submitted to the State Liquor Authority on behalf of BBQ Billy's LLC at 433 3rd Avenue (between 7th/8th Streets).

Applicant is seeking an on premise license for their BBQ restaurant. They will have no outdoor space and their hours are: Sun. to Thurs. Noon – Midnight, Fri. to Sat. Noon – 2AM.

No community comment.

Harry Feder made a motion to approve as presented. Tom Miskel seconded the motion.

Gary Reilly called to question

MOTION APPROVED UNANIMOUSLY

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

Minutes submitted by Sayar Lonial