

BROOKLYN COMMUNITY BOARD 6
ENVIRONMENTAL PROTECTION/PERMITS & LICENSES
FEBRUARY 24, 2014

PRESENT:

Z. ABRAMS	E. ANDERSON	P. BLAKE
D. BRAVO	E. CAUSIL-RODRIGUEZ	J. FRIEDMAN
G. KELLY	S. LONIAL	T. MISKEL
R. MYERS	J. PORCELLI	M. RACIOPPO
T. REEVES	G. REILLY	M. SHAMES
M. SILVERMAN	R. UNDERWOOD	

EXCUSED:

S. MILLER	L. PINN	M. SCOTT
B. STOLTZ		

GUESTS:

A. VARRICCHIO	A. DEPERGOLA	Q. SONG
G. KARPATTY	K. GARRY	G. DENSON
A. DAVIS	M. DANSON	T. MEYER
S. ETTLINGER	S. FONG	A. SANTELLA
O. VERDIER	J. MOLISHEVER	M. MILES
M. KELLY	K. KELLY	N. VENUGOPAL

*****MINUTES****

Meeting Start: 6:38pm, Number of committee members in Attendance: 17

Presentation on Green Dot Scam

Officer Louis of the 78th Precinct presented on a recent business scam in which the perpetrator calls pretending to be either ConEd or National Grid and threatens to immediately cut off either electricity or gas service unless fees are paid on the phone.

Caller ID may list the call as from ConEd or National Grid, due to technology employed by the perpetrator; however, *these utilities will never call asking for money.*

The officer's recommendation is to hang up the phone and report the call to the local precinct.

Presentation and review for the renewal of a unenclosed sidewalk café permit application submitted to the Department of Consumer Affairs on behalf of TTT Brooklyn Inc. dba Jolie Cantina at 241 Smith Street (between Douglass/Butler Streets) to permit 9 tables and 20 seats.

Benjamin Tretote, owner, presented on behalf of the business.

The committee noted that no changes were being requested from the previous application, and no complaints were listed.

No members of the community asked to make a comment.

A motion was made by Joe Porcelli to approve as presented; seconded by Glenn Kelly.

MOTION PASSED: UNANIMOUSLY

Presentation and review of a renewal for a current on-premises liquor license application submitted to the State Liquor Authority on behalf of Brooklyn Social at 335 Smith Street (between Carroll/President Streets).

Matt Dawson and Tracey Meyers, owners, presented on behalf of the business.

Comments from Applicants:

The two presenters stated that they felt they fully implemented the stipulations agreed to, although certain measures took longer than expected (e.g., sound proofing panels). The initial lock they purchased was broken by patrons and needed to be replaced. These measures were implemented before the owners notified the Community Board because of a clerical oversight on the part of the owners.

The presenters seemed unaware of complaints since the previous application and feel that they are a positive presence in the neighborhood.

The presenters stated that they would be willing to receive emails the night after noise instances, so that they could take disciplinary action against the staff responsible.

Previous application stipulations:

- A larger sign in the back asking patrons to respect the neighbors;
- A light for the sign up front asking the same;
- Sound proofing panels installed in the backyard;
- Locks on the back door and window; and
- Additional tables and chairs in the backyard.

Comments from the community:

Glenn Kelly (neighbor and Committee Member) and his family continue to have noise problems with this business. The primary issue is patrons in the backyard being loud, although he and his family are also at times disturbed by noise coming from inside; the back door is often propped open. Glenn recognizes that the owners made some concessions during the previous application process. In addition, the staff has generally been good about closing the backyard at the correct time, although 15-20 minute periods of patronage beyond the stated hours is not uncommon. However, there are still regular instances of individual patrons being loud in the backyard, which Glenn estimates as occurring about once a week to the point that he and his family are woken from sleep. The most recent occurrence was Friday, February 28th at 1:48am. Glenn feels that spirit of the stipulations agreed to during the previous application were adhered to, because of a lack of will among the business ownership.

Another neighbor agreed that the noise is loud, and is primarily concerned with the bar staff following the rules (e.g., closing the backyard on time).

Another neighbor, who lives 6 houses down, noted that the business has had noise problems for 10 years, and that it's not just single patrons being loud. This neighbor feels the hours should be amended, and noted that he had been disrespected by bartenders when making complaints.

Another neighbor does not feel the business has brought any positive benefit to the neighborhood. He is particularly troubled by patrons urinating, and in one instance defecating, on the street, which he has witnessed directly. He feels the owners need to better foster a sense of respect for the neighborhood.

Another neighbor confirmed that the back door is regularly propped open, and begged the committee to consider the feelings of the community; she asked that the backyard be closed permanently.

Another neighbor, whose backyard abuts the business' backyard, stated that her family cannot use the space any longer in the evening, and also asked that the business' backyard be permanently closed.

Another neighbor confirmed the noise problem, and stated that any bar would share the same problem, as it's inherent to that type of business.

Comments from Committee Members:

One member confirmed seeing the back door propped open, and asked if the owners would consider an outside server, who would also help control patrons.

One member noted that the 10 year track record of noise complaints was not impressive.

One member noted that the community representatives in attendance do not include all of those directly negatively affected, as others were not able to attend the meeting. In addition, he noted that the address listed on the committee meeting notice by the business owners was incorrect. He also noted that there was a previous 2 year period in which the backyard was closed, and the bar survived that period, indicating that it could do so again.

One member noted that there were likely others in the community, including patrons, who would speak on behalf of the business if they were in attendance; another member later concurred with this.

Several members noted concern with the stated rules violation concerning backyard hours of operation; a different member than before noted that it appeared the owners had not honored their commitment to the board.

One member noted concern that the owners did not seem troubled or interested in addressing the issue of staff disrespecting neighbors.

One member voiced concern that the owners had not conducted outreach to see if the problem still existed, as they had earlier stated they were unaware of complaints in the past 2 years. Another member concurred that the owners approach could have been proactive, not reactive.

Additional Discussion between Committee Members and Business Owners:

Matt Dawson stated a willingness to reduce the backyard hours by 30 minutes, and a willingness to try and be more responsive to complaints regarding staff.

A motion was made by Joe Porcelli to approve with 3 stipulations: 1) move the backyard closing time up 30 minutes; 2) make a single employee solely responsible for monitoring the backyard; and 3) owners to send a compliance email to Assistant District Manager Leroy Branch at Community Board 6 offices once a month.

Matt Dawson agreed to 1 and 3, but would have to consider 2 further.

Glenn Kelly noted that previous stipulations were not met, and that he did not feel these stipulations would have the effect of limiting noise.

Motion was withdrawn.

Motion by Joe Porcelli to approve as is; seconded by Tom Miskel.

Friendly amendment added by Gary Reilly: 1) move the backyard closing time up 30 minutes; 2) make it an important job of a single employee to monitor the backyard and close it on time Wednesday through Saturday; and 3) owners to send a compliance email to Leroy Branch at the Community Board 6 offices once a month; seconded by Pauline Blake.

Sayar Lonial called for a roll-call vote.

VOTE: 13.....YEAS 2.....NAYS 2.....ABSTENTIONS
MOTION PASSED

Presentation and review of a renewal for a new on-premises liquor license application submitted to the State Liquor Authority on behalf of Shake Shack at 170 Flatbush Avenue (between 5th Avenue/Pacific Street).

Kevin Garry, Area Director and Gabrielle Denson presented on behalf of the business.

Upon questioning by committee members, applicants confirmed the following: notification of the committee meeting was served; the size is 3,000 sq. ft. on the main floor but there are only 56 seats because much of the space is used for food production; volume expected is 800-1,000 customers a day; the music is a simple indoor sound system; the local charity to receive funding will be either "Stoked" or a dog shelter; and hours of operation were expected to be 11am-11pm, with the decision not yet made regarding later hours.

One member of the community asked how the volume would compare to an existing Times Square location, and the applicants stated that the existing Times Square location would have far greater volume.

Committee members questioned why the hours stated in the presentation did not match the later hours noted in the application.

Committee members noted that the hours listed in the application do not meet Community Board rules; the applicants noted they will address this when applying for the sidewalk cafe permit. Members also suggested clarifying the location of the sidewalk cafe in relation to the building.

Committee members requested that the applicant sign a stipulation that there will not be music past 11pm; Kevin Garry signed and noted that they would consult their lawyers to more clearly state the hours of operation.

Motion was made by Matt Silverman to approve with stipulation that there will not be music past 11pm; seconded by Tom Miskel.

MOTION PASSED: UNANIMOUSLY

Presentation and review of a renewal for a new on-premises liquor license application submitted to the State Liquor Authority on behalf of Aperture LLC at 552 Court Street (between Garnet/West 9th Streets).

Alfred Varricchio, Owner and Andrew DePergola, Managing Partner, presented on behalf of the business.

Upon questioning by committee members, applicants confirmed the following: notification of the committee meeting was served; the size is 750 sq. ft. and includes 30 seats; the closing hours will be 12am; the music is an indoor sound system; windows will be closed by 11pm during the week and 12am on the weekends; there is a backyard garden which is not currently approved for use by the New York City Department of Buildings, and if approved the applicants may pursue that to expand their space.

Motion was made by Matt Silverman to approve as presented while noting the applicant should return to discuss the outdoor space when applicable; seconded by Mark Shames.

VOTE: 16.....YEAS 0.....NAYS 1.....ABSTENTION
MOTION PASSED

Presentation and review of a renewal for a current on-premises liquor license application submitted to the State Liquor Authority on behalf of Woodland at 242 Flatbush Avenue (between 6th Avenue/Bergen Street).

Akiva Ofshstein, Owner, presented on behalf of the business.

Comments from Applicant:

Numerous adjustments were made to do community feedback from the previous application process. Some took longer than others, and some mistakes were made, but in general they feel they do a good job adhering to every stipulation they have control over.

Comments from the community:

Several community members noted that they did not receive notices of the committee meeting; the presenter insisted that his assistant manager handed out fliers within a 500 foot radius.

One neighbor noted that he enjoyed eating at the restaurant, but that he had a number of complaints. These complaints were emailed to committee members in advance of the meeting, and after presenting several of them, the neighbor noted two previous stipulations not being met: the parking stipulation and the dedicated phone line.

Presenter's responses: Asking limo drivers to refrain from parking illegally on the street outside is not reasonable if the drivers are not servicing his patrons, because it could lead to a dangerous situation for his staff. Also, a dedicated cell phone line was kept up for a year, during which time there were two calls. He felt that the cost was unwarranted and cancelled the service, but stated that he is available any time through his regular phone number or by e-mail.

Comments from Committee Members:

One member has concerns about open windows causing noise.

One member who lives on the block thinks the owner has done a pretty good job meeting their commitments, but encouraged the owner to continue being mindful to the stipulations because the effort is noticed by other establishments, having a broader positive affect. He also noted that the trash issue on the street is of some concern.

One member asked that the owner try and prevent tour buses from illegally parking on the block.

Motion was made by Eric Anderson to approve as is; seconded by Rob Underwood, then withdrawn to allow additional comment.

One member stated that snow removal has been poor, and that seniors were unable to use the street at times; another member agreed that the backdoor has not been well tended to.

Rob Underwood restored seconding the motion; Joe Porcelli suggested a friendly amendment to reestablish the phone line then withdrew it.

MOTION PASSED: UNANIMOUSLY

Presentation and review of an alteration to a current on-premises liquor license application submitted to the State Liquor Authority on behalf of Olivier Restaurant at 469 4th Avenue (between 11th/12th Streets).

Olivier Verdier, Owner, presented on behalf of the business.

Upon questioning by committee members, applicants confirmed the following: this location was a former Johnny Hollywood Pizza establishment; applicant would like a sidewalk cafe but it is currently not in the budget; applicant's goal is to be open till 2am when business warrants it, with a reduced menu starting at midnight.

Committee Members discussed the pros and cons of requesting stipulations regarding hours of operation.

Motion was made by Glenn Kelly to approve as presented; seconded by Tom Miskel.

VOTE: 16.....YEAS 0.....NAYS 1.....ABSTENTION
MOTION PASSED

Meeting End: 9:00pm

Minutes submitted by Zach Abrams