

BROOKLYN COMMUNITY BOARD 6
PUBLIC SAFETY/ENV PROT/PERMITS/LICENSES COMMITTEE
APRIL 10, 2012

PRESENT:

P. BLAKE
S. LONIAL
J. PORCELLI
M. SHAMES
B. STOLTZ

G. KELLY
S. MILLER
G. REILLY
M. SILVERMAN
J. WOLFE

H. LINK
T. MISKEL
M. SCOTT
L. SONES

EXCUSED:

N. DUTTA

T. VAZQUEZ

ABSENT:

T. ALEXANDER

H. FEDER

GUESTS:

HON. STEPHEN LEVIN – CITY COUNCIL MEMBER

HON. LETITIA JAMES – CITY COUNCIL MEMBER

INSP. TERRENCE RILEY – NYPD/OMAP

E. NONKO

G. JOHNSON

A. CHAVIS

R. SABIO

P. FORD

M. SOUTHGATE

H. WEINSTEIN

R. CAHILL

W. BARET

J. SIMON

M. RAPHAEL

J. MARSHALL

E. WEINTROB

J. CROW

C HUBBARD

*****MINUTES*****

Meeting called to order at 6:41pm by CB6 Permits & Licenses Chair Gary Reilly with Ruth Saunders, chair of Brooklyn CB2's Health, Environment and Social Services Committee.

Gary introduces CB2 Chairperson John Dew and District Manager Robert Perris, and Inspector Terry Riley from NYPD's OMAP office who is in attendance as a resource for security-related matters.

Gary goes over the rules and protocols: Meeting will only concern the liquor license application. CB6 and CB2 will both have general meetings tomorrow that will take up any resolutions passed here.

Invites applicants to present:

Applicant: Robert Skene representing Levy Premium food with co-applicant from Barclays

Senior Vice President Mike Lutino

Co-Counsel Barbara Kwan represents Brooklyn Event Center w/ David Anderson and Director of Security of Barclays.

Robert: We are here tonight for community input. Notifications were made on March 27nd Submitted handouts containing responses to CB2 and 6 questionnaires. List of licenses. Sample menus but final menus not formulated. Bio of manager and photos.

Overview of Levy: Concessionaire at USTA, National company that holds 85 licenses in 24 states and Canada. Specialize in sporting venues. National Operator. Manager came from Staples Center and Nokia Arena in LA. Value of national company. Started out as family-owned company. Understand community needs.

Actual method of operation: 57 points of sale of alcoholic beverages, 27 for beer only, the rest for beer, wine and spirits. 5 full bars on the ground level, 2 are portable sale point. Third level 24 points of sale: hot dogs, pizza, and Brooklyn-theme outlets. 13 will be beer only. Fourth level: Lower Suite level 8 points of sale, 4 beer only 65 suites on this level. Upper suite level: 2 full bars 30 suites. Level 6 upper concourse: 18 points of sale pizza, hotdogs, nachos, and Brooklyn-themed eateries 10 beer only

Arena has 18,000 seat capacity containing 30 liquor bars and 27 beer only bars.

Client intends to follow NBA policy (i.e.; no service in fourth quarter of the game). Other events cut-off time before end of event decided on and event basis.

Plan to feature food more than other arenas of this size: all-inclusive ticket where food and drink included in the ticket.

Julie Margolan will be director of operations, lives half a mile from arena, assistant manager lives a half mile away as well.

Security: All Levy employees are server trained, National Restaurant Associate Safe Server training. Front and back of the house. 2 alcoholic beverages will be sold per ID. Anyone appearing under 30 will be carded. All employees will be carding people appear under the age of 21. Building security will be notified if someone is underage. All trained if someone is overly intoxicated.

Constant communication between Levy staff and guest services and building management. For any concert or special event there will be pre-planning meetings.

Barbara Kwon: Represents Brooklyn Events Center LLC
David Anderson
Robert Scena: Director of Security

Glenn Kelly: Anyone from Levy here? Generally ask that someone from the applicant here?

Julie Margolan from Levy steps forward

Steven Miller: Asks Julie, what do you think would need to be done differently in this scenario to give the community confidence?

Julie: We take our responsibility serious as a company. We want to make sure Brooklyn is taken seriously. We are taking the ones already shared into considerations

Matt Silverman: Regarding the building exterior, what are you going to do to ensure order for surrounding neighborhoods?

David Anderson: We will have security officers outside of the arena and paid off-duty officers outside of the perimeter.

Lou Sones: There are several local breweries in the area: Kelso, Chelsea, Six Point, Brooklyn.

Julie: Absolutely, we will make sure people will see what the community. In touch with Kelso and Six Point.

Lou Sones: A lot of points-of-service, will you be hiring and training a lot of local people?

Julie: Absolutely, 100% will be trained and we are looking to hire in the local community.

David: We have meetings with the local community to explore local hiring opportunities. We are working on our hiring plan. We will hire locally.

Pauline Blake: My concern is with the 57 points-of-service, this community is oversaturated with new local bars. How do will you monitor folks when they enter the surrounding neighborhoods.

Bob Center AEG: We will be employing off-duty NYPD officers. We will employ them outside after events to keep an eye out for unruly behavior.

Robert: Will not serve intoxicated folks.

Pauline: What will you do about youth fake IDs?

Julie: Under 30 we request IDs, we will card throughout the arena people who appear underage carrying drinks.

Gary asks about cut-off time.

Julie We will follow NBA rules but reserve the right to change if needed.

Gary: Will the establishments only be open during events?

Robert: Only during events

Peter CB2: How many of the 57 locations are portable?

Robert: Portable carts on wheels and serve from a fixed location. Moved from event to event.

Peter CB2: Will you have roving hawkers of beer?

Robert: They are contemplating.

CB2 member: Can you speak to the exact actions when someone is intoxicated?

Robert: Will be referred to the police.

David: Will not allow people in if they are intoxicated

CB2 chair reiterates Peter CB2's question.

Andrew CB2: How many points will have machine readers for ID to ensure authenticity?

Julie: we don't use it as the formal check. Found people rely too much on the reader and don't look at the person.

Andrew CB2: And the hawkers?

Julie: They will be fully trained

Sayar Lonial: Number of bars in the neighborhood bars opening. Will there be a coordinated plan with 78th Precinct, to local bars, especially new ones?

Julie: It's a great suggestion – we will look into that.

Inspector Riley, NYPD: we are aware about the problems from outside establishments. We are looking at how to augment precinct capacity to deal with that.

Steven: Concerned about arbitrary cut-off at other events. How many events do you have planned? Some have suggested an 11pm cut-off.

David: We don't have exact numbers, but cut-off is usually an hour before the end of an event.

Steven: But you have no idea? How many events should we expect?

David: We expect to have approximately 200 events including things like Disney on Ice with no alcohol. We can break it down for you and submit.

Lou: I think what Steven is getting at is - are things going to end at 11pm-midnight or 2-3am?

David: Most will end at 11pm-midnight.

CB2 member: You expect to close an hour before concert starts?

David: Most are at the concert, sales don't usually happen during concert, they don't leave the show and they often shut down early. We cut-off early if people are unruly.

Steven: I'm not sure if I got an answer would you set an 11pm cutoff for liquor service?

David: I couldn't commit to a time today.

Robert: We don't know what kind of events are coming. What about a religious service that went late and wanted a late wine service?

John Dew, CB2 Chair: Can you go into more details about your local hiring plans? Who are you working with?

David: We are meeting with your committees in May. We want the majority of employees to be from the community. Our goal is to hire from this community.

CB2 member: What are the NHL rules?

Julie: Cut-off is 12 minutes before the end of the 3rd quarter.

Carol CB2: Hawkers? You said it would be allowed by rules of state liquor laws. How many is that?

Robert: It's up to SLA discretion.

Julie: Based on assessment of event.

Carol CB2: You said people want to see the game. Someone walking around hawking is less reliable in carding.

Julie: We require the same checking procedures of hawkers.

Mr. Harrison CB2: Given the large number of points of sale. 57 points where errors can occur. Skeptical that staff will be able to differentiate.

Bette Stoltz: Have you had discussions with transit police about people descending to subway platforms?

Robert: We have been meeting regularly with police department.

Inspector Riley, NYPD: That's why my office is involved to coordinate between several precincts and transit police.

CB2 member: how many ID readers will you have?

Julie: We will take that into consideration.

CB2 member: Cabaret police appreciated that our venue had readers.

Robert: All employees will be trained, not required by SLA.

Glenn Kelly: Ask again for number of hawkers. What is the number in your request?

Robert: We haven't submitted yet.

Julie: To my knowledge, that wouldn't be in the permit but at our discretion.

Glenn: What should we expect?

Rep: It's more of a customer service perspective. How much will the customer want? 75% of the NBA in our portfolio and demand is different everywhere.

Glenn: But how many?

Rep: One hawker to a 200-300 person ratio is industry standard. They all won't be serving alcohol.

Joe Porcelli: Do you have any violations pending or in the last five years in any of your venue?

Julie: I can only speak to Staples and Nokia. No violations

Robert: There are no glaring ones, but we can't attest to their being no violations.

Joe: If you are filing tomorrow, would you indicate that there are no violations to your knowledge?

Robert: Yes.

Hildegard Link: What is the maximum number of people selling at one event?

Julie: I can't answer that.

Matt: I think there should be some type of scanner/metal detector available to staff. How will you be screening people for weapons and other dangerous materials?

David: Everyone will be screened. That will include me coming into my office.

Glenn: Want to make a suggestion: Would you be willing to do PSA on your video screens as people exit?

David: We would consider it.

Lori Raphael, guest: Speaking on behalf of Rick Russo of Brooklyn Chamber of Commerce. The Chamber is in full support of the license. We see the arena as a great asset to the community.

Wayne Bailey, guest: Vice President of the Board of Managers of the New Block building near the arena: Concerned about the number of intoxicated people leaving the building. The security survey has suggested that they need to make upgrades to their building to accommodate arena. Would like only a one-year license

Prospect Heights Neighborhood Development Council Treasurer: It would be the largest license in Brooklyn. Not enough neighborhood input before asking for approval. Would like more negotiation about local jobs. Would like a Code of Conduct. Concerned about lack of finalized answers given tonight. Would like the applicants to defer until there has been an opportunity to work with the community. Would like only a year license and a full review at the end of the year. The one-year license should include those stipulations that will appear on the liquor license.

Steve Ettlinger, guest: Fought the arrival of the arena: What are your plans for crowd control around the arena? Concerned about the residential arena can't accommodate.

Rep: A combination of component including signs and posters, manned security offices and off-duty NYPD officers will be deployed to the exterior.

Steve: What about around it?

Inspector Riley, NYPD: That would fall into NYPD purview. We will have sufficient police officers to handle that. Similar to how we handle other arenas. Different because of proximity to residential and will adjust to that challenge.

Steve: How many churches and liquor licenses are within 500 feet?

Chair: We haven't done a 200 or 500 foot analysis yet.

Steve: Would it have bearing?

Gary: That would be up to SLA.

Robert: We fall into the 500-foot rule, but not 200-foot rule.

Gary explains the 500-foot rule as an SLA mechanism designed to consider clustering of licensees, there is an automatic hearing scheduled before the SLA.

Joe: 200-foot rule doesn't relate to this type of application.

Jon Crow, guest: With the Bears Community Garden across the street. Question to the committee: This is not the 500-foot hearing. Is there another hearing?

Gary: This is not a hearing, it's a public meeting. The SLA will conduct the 500-foot hearing.

Jon Crow: Would you entertain having a community task force that you will work with in the future?

David: Yes, the arena will have a community affairs person.

Jon Crow: There should be a number we can text when we see a problem.

Mrs. Dumas, CB2: We hope to have a role in community affairs.

Eric CB2: Concerned about performers who will go much later into the evening. 1-2am is not an unusual cut-off at MSG.

Louis Gelber, guest: How will the public benefit from your liquor license, in specific ways?

CB2 Committee chair: Recognizes local officials.

Peter Krashes, guest: From Dean Street Block Association. We support call for early cut-off times as well as reevaluating a year from now. Concerned about effects on neighborhood families, especially kids living in such proximity. Do you have experience working in this kind of situation? How will the neighborhood be able to hold the applicant accountable?

David: United Center in Chicago was similar. I understand what your concerns are, have been reading local blogs. I've only been here a few months now but my job is to operate the arena safely with the concerns of the community. We try and push people towards the main streets, Flatbush and Atlantic Avenues.

Council Member Letitia James: The application is premature. FCR has not answered safety or transportation management questions. I have serious reservations going forward until the other outstanding issues have been resolved. The application is premature. We still don't know what precinct will have authority. FCR has not responded to letters we have sent about meeting with elected officials.

Lou Sones: Why are we looking at this now? When will the first event?

David: The first is September 28th

Robert: We are under the gun to get this in as soon as possible because this could take up to six months to get approval. They need license 2 weeks in advance to order and train.

Lou Sones: With the nature of concerts that might go to 2am. Is there any consideration of an absolute cut-off separate of the concert?

David: We can't commit. It's very rare for a concert to go to 2am anymore.

David Venily, guest: Local business owner. Fully agree with the Chamber of Commerce position. Excited about the number of people coming as a restaurant owner in the neighborhood.

Alan Rother, guest: Resident of Prospect Heights. Who is responsible for preventing drunk driving with the number of entities involved (arena, parking lots, NYPD, etc.)

Robert: Levy's safe server program. Everyone is trained to not to serve overly intoxicated people.

Julie: We have a designated driver program as well.

Chantal Bernard, guest: From BAM. BAM supports the liquor license.

Jim Vogel from State Senator Montgomery's office: Wrigley Field is responsible for police for a third of a mile around Wrigley, as well as sanitation. Can we also have consideration for cleaning as part of this?

JoAnn Simon, guest: People are concerned about impact on the community. Worried about noise pollution in the area and its relation to liquor consumed. Hopes that applicant will consider neighborhood suggestions.

Glenn Kelly: I would like to vote this but I can't vote for it now. We don't have enough information now. I would like to make a motion that we table this.

Gary: I would like to hold this motion for now.

Glenn: Until we know which precinct and crowd control. We should have more detail on the number of vendors.

Gary: We have a 30-day period and a general board meeting tomorrow. We might lose our chance to inform this if we table.

Joe: There will be a 500-foot hearing. All they can do on April 27 is file the application.

Steven: The role of this committee is to foster relationships with license holders to benefit the community. I was concerned that the main goal is the NYPD's goal is to get people to go home. I am concerned about the number of other liquor licenses where people will drink after. I would like a dialog with this applicant and other license holders in the community.

Hildegard Link: If we table this what happens?

Gary: Regardless of what happens, they filed on March 27th and gave notice. On April 27th they will file with SLA. There is another opportunity to be heard at the SLA 500-foot hearing.

Joe: I am going to vote against the motion to table. We will have an opportunity tomorrow and when we meet in 30 days to get our recommendations in.

Robert: The applications will be filed in April and you will get a 15-day comment period before the 500-foot hearing.

Steven: In the past we have made motions to ask the SLA to wait to consider to the application.

Council Member James: They can wait to go before SLA until they have resolved the outstanding issues. Asks that we defer this application until a plan is in place.

Mr. Harrison CB2: To echo what the Council Member has said. The issue is whether a plan will be put forward to address the issues raised. This is the most important business issue that this borough is dealing with in the next year. Are the considerations of the greater economic good going to supersede the area that it is impacting? You need to do a better job resolving issues before we can support.

CB2 member: Would you have people available to sit down with the people from community boards to draft more detail stipulations.

Robert: We can take it under advisement.

Terrance Knox CB2: Based on their work in Wrigley Field, I think they know how to deal with residential neighborhood. They will get the license no matter how we vote. So how can we best influence this process?

CB2 member: Will CB8 be involved in this?

Gary: I have not had any discussions.

Robert Perris, CB2 District Manager: FCR offered them a briefing, CB8 declined.

Gary: We can see if we come to a common motion.

CB6 Member: Point of information, why is it not in the applicants interest to delay and resolve the outstanding issues?

Robert: If I had control of SLA processing. The concern is making sure it is approved by September.

Peter CB2: I doubt the SLA is going to hold up the license. Why haven't they answered the Council Member's question?

Glenn: I would like to make a motion that we table it until the outstanding issues are resolved. The goal to allow the applicant to come back with answers to the questions that were not answered today.

Gary: I don't if there is anyone who thinks SLA is going to deny the license. They will file within 30 days. My vote would be that we should have a motion with stipulations we would like to see.

Sayar: I would like to make a motion to approve that CB conditionally approve based on their submission of their transportation plan, security plan, and coordinate with police department.

Motion seconded by Joe.

Hildegard Link: Amendment I'd like the liquor license to be for the shortest time possible, that we revisit in a year, and that they have a clean up program immediate after events, stipulate a two drink per ID maximum and an 11pm cut-off.

Sayar: I accept friendly amendments.

CB2 member: Stipulate that they have ID readers at no less than half the stations at the arena.

Matt Silverman: Stipulate no alcohol outside the facility and the formation of a community advisory group.

Glenn: A community advisory group created immediately to note potential problems and solutions.

Sayar Lonial accepts all.

Council Member James: Not take cups out of arena and put a recycling program in place.

Joe: Was Hildegard's amendment for a 2 drink max per ID the whole night?

Sayar: I would reject that amendment

Sayar Lonial adds: no cups with alcohol

Meeting splits to allow CB2 and CB6 committees to continue discussions separately.

Sayar withdraws the motion.

Under Joe's suggestion we proceed on two procedural motions, both accepted:

Motion: to table voting on the application

Vote: 10 yea votes, 4 nay votes

Motion: that the district office be asked to contact the lawyer of the applicant to set up a community task force. The chair of CB6 is asked to select committee members as well as members of the community for the task force.

Vote: 12 yea, 1 nay, 1 abstention

CB2 approved a motion to conditionally approve stipulating under the following conditions:

They submit a transportation plan and a security plan;

The liquor license is for the shortest time possible;

That we revisit in a year;

That they develop a clean up program for immediately after events;

Stipulate a two drink per ID maximum per person per purchase;

Stipulate that they have ID readers in no less than half the stations at the arena;

Stipulate no alcohol outside of the arena;

A community advisory group be created immediately to note potential problems and solutions;

Patrons not be allowed to take cups with alcohol out of the arena;

A recycling program be developed.

Minutes submitted by Josh Wolfe.