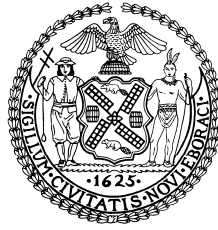


Nicholas Viest
Chair

Latha Thompson
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The City of New York
Manhattan Community Board 8
Public Hearing
Street Life Committee

Tuesday, October 1, 2013, 7:00 p.m.
Lenox Hill Hospital, 130 East 77th Street, Michael Bruno Presentation Room

Minutes

Applications will only be approved based upon the applicants' agreement to the following stipulations:

1. The applicant will abide by the bicycle guidelines.
2. The applicant will not use electric bikes.
3. The applicant will keep the front of the establishment clean.
4. The applicant will not place A-frames in front of the establishment.
5. The applicant will be denied if they participate in bar-crawls.

Members Present: Molly Blayney, Matthew Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Excused Members: John Bartos, James Clynes, Domenico Minerva

Unanimous Cafe Approvals: 1a, 1b, 1d, 1g, 1h, 1i, 1j

Non Unanimous Cafe Approvals: 1c, 1f, 1k, 1l, 2a

Non Unanimous Cafe Disapprovals: 1e

Unanimous SLA Approvals: 3a, 4a, 4b, 4c, 4f

Non Unanimous SLA Approvals: 4d, 4e

Unanimous Other: 5a, 5b

1) **Renewal Applications to the Department of Consumer Affairs and/or Department of City Planning for a Sidewalk Cafe:**

- a) **BLT Burger 2nd Avenue NYC, LLC d/b/a Go Burger, 1450 Second Avenue (75th/76th Streets)** – Renewal application for an unenclosed sidewalk café with 9 tables and 18 seats, DCA #1381146. Due date: Oct. 25th

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-0. Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- b) **PQ First, Inc. d/b/a Le Pain Quotidien, 1270 First Avenue (68th/69th Streets)** – Renewal application for an unenclosed sidewalk café with 4 tables and 8 seats, DCA #1251803. Due date: Oct. 25th

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-0. Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- c) **Gotham Yard Corp. d/b/a Session 73, 1359 First Avenue (@ 73rd Street)** – Renewal application for an unenclosed sidewalk café with 13 tables and 27 seats, DCA #1389433. Due date: Oct. 21st

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

8-0-1. Yes: Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Abstain: Molly Blayney

- d) **Shirt Restaurant Corp. d/b/a Island, 1305 Madison Avenue (92nd/93rd Streets)** – Renewal application for an unenclosed sidewalk café with 2 tables and 8 seats, DCA #1191523. Due date: Oct. 31st

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-0. Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- e) **Madison Global, LLC d/b/a Nello's, 696 Madison Avenue (62nd/63rd Streets)** – Renewal application for an unenclosed sidewalk café with 3 tables and 12 seats, DCA #1334619. Due date: Oct. 31st

WHEREAS the applicant agreed to start closing the windows and doors at 10pm, and

WHEREAS the applicant agreed to remove the planters in front of his establishment and not have them reappear, and

WHEREAS the applicant agreed to not place orange cones or other similar items in the parking space in front of his establishment,

BE IT RESOLVED THAT the application is Approved.

3-4-2. MOTION FAILED

Yes: Jacqueline Ludorf, Cos Spagnoletti, Marco Tamayo

No: Molly Blayney, Cory Evans, Judith Schneider, M. Barry Schneider

Abstain: Jonathan Horn, Laurence Parnes

WHEREAS the applicant has a history of ignoring complaints from the community, and

WHEREAS the applicant claimed that he no longer had planters in front of his establishment despite convincing evidence from two committee members that they had been there as recently as 3 days earlier, and

WHEREAS the applicant was not considered credible in his agreement to the committee's requested stipulations,

BE IT RESOLVED THAT the application is Disapproved.

5-3-1. Yes: Molly Blayney, Cory Evans, Jonathan Horn, Judith Schneider, M. Barry Schneider

No: Jacqueline Ludorf, Cos Spagnoletti, Marco Tamayo

Abstain: Laurence Parnes

- f) **1291 Pub, Inc. d/b/a JG Melon, 1291 Third Avenue (@ 74th Street)** – Renewal application for an unenclosed sidewalk café with 7 tables and 14 seats, DCA #954466. Due date: Oct. 31st

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-1. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Abstain: Laurence Parnes

- g) **L.E. Globe, LLC d/b/a Café D’Alsace, 1695 Second Avenue (88th Street)** – Renewal application for an unenclosed sidewalk café with 18 tables and 60 seats, DCA #1214833. Due date: Nov. 2nd

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- h) **Café Focaccia, Inc. d/b/a Felice Wine Bar, 1166 First Avenue (@ 64th Street)** – Renewal application for an unenclosed sidewalk café with 9 tables and 19 seats, DCA #0976266. Due date: Nov. 1st

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- i) **PK & Son, LLC d/b/a Match 65, 27 East 65th Street (@ Madison Avenue)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1200796. Due date: Nov. 1st

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- j) **MA. VI. DO. Rest., Inc. d/b/a Mediterraneo, 1260 Second Avenue (@ 66th Street)** – Renewal application for an unenclosed sidewalk café with 32 tables and 60 seats, DCA #1138459. Due date: Nov. 7th

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- k) **Hairy Monk, Corp. d/b/a Johnny Foxes, 1546 Second Avenue (80th/81st Streets)** – Renewal application for an unenclosed sidewalk café with 9 tables and 18 seats, DCA #1251443. Due date: Nov. 9th

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-1. Yes: Molly Blayney , Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Abstain: Laurence Parnes

- l) **1490 Rest. Inc. d/b/a Watson's, 1490 Second Avenue (77th/78th Streets)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #952606. Due date: Nov. 9th

WHEREAS there are no changes to the café and no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

9-0-1. Yes: Molly Blayney , Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Abstain: Laurence Parnes

2) **New Applications to the Department of Consumer Affairs and/or Department of City Planning for a Sidewalk Cafe:**

- a) **IL Trovatore, LLC d/b/a Salumeria Rosi, 903 Madison Avenue (72nd/73rd Streets)** –New application for an unenclosed sidewalk café with 1 table and 4 seats, DCA #1474164. Due date: Nov. 11th

WHEREAS there were no objections from the public,

BE IT RESOLVED THAT the application is Approved.

7-0-2. Yes: Matt Bondy, Jonathan Horn, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

Abstain: Molly Blayney, Laurence Parnes

3) **Transfer/Alteration/Upgrade Applications to the New York State Liquor Authority for Liquor Licenses:**

- a) **De Hoop Corp. d/b/a Kaia Wine Bar, 1614 Third Avenue (90th/91st Streets)** – Application to upgrade from a wine and beer only license to a liquor, wine and beer (on-premises) license
Food/Drink: 60/40

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Thursday – 5:00pm to 11:30pm

Friday to Saturday – 5:00pm to 12:30am

Sunday – 5:00pm to 11:00pm

BE IT RESOLVED THAT the application is Approved

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

4) **New Applications to the New York State Liquor Authority for Liquor Licenses:**

- a) **Roman Empire Pizza, Inc. d/b/a Roman Empire Pizza, 217 East 86th Street (Third/Second Avenues)** – New application for a wine and beer only license **Food/Drink: 85/15**

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed to close his windows at midnight, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Thursday – 11:00am to 2:00am

Friday to Saturday – 11:00am to 4:00am

Sunday – 11:00am to 1:00am

BE IT RESOLVED THAT the application is Approved

9-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- b) **Javatea Bar Corp. d/b/a TBD, 403 East 70th Street (First/York Avenues)** – New application for a liquor, wine and beer (on-premises) license **Food/Drink: 70/30**

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Saturday – 6:00am to 8:00pm

Sunday – 8:00am to 6:00pm

BE IT RESOLVED THAT the application is Approved

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- c) **Vietnaam, LLC, 1700 Second Avenue (88th/89th Streets)** - New application for a liquor, wine and beer (on-premises) license **Food/Drink: 90/10**

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Thursday – 11:30am to 11:00pm

Friday to Saturday – 11:30am to 11:30pm

Sunday – 12 noon to 11:00pm

BE IT RESOLVED THAT the application is Approved

10-0-0. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

- d) **215 East 64th Street Co., Lessee, LLC d/b/a Affinia Gardens, 215 East 64th Street (Third/Second Avenues)** – New application for a liquor, wine and beer (on-premises) license **Food/Drink: 50/50**

WHEREAS there were no objections from the public, and

WHEREAS the applicant is applying for a hotel license for their room mini-bars and one rolling bar in the lobby,

BE IT RESOLVED THAT the application is Approved.

7-0-3. Yes: Molly Blayney, Matt Bondy, Cory Evans, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti

Abstain: Jonathan Horn, Laurence Parnes, Marco Tamayo

- e) **Ambi New York, LLC d/b/a Hospada, 321 East 73rd Street (Second/First Avenues)** – New application for a catering establishment liquor, wine and beer (on-premises) license
Food/Drink: 60/40

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed that the licensed area does not include the rooftop terrace, and

WHEREAS the applicant agreed to provide traffic management agents in front for any event with an anticipated attendance of 100 or more, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Sunday – 9:00am to 11:00pm

BE IT RESOLVED THAT the application is Approved.

6-0-2-1. Yes: Cory, Evans, Jonathan Horn, Jacqueline Ludorf, Judith Schneider, M. Barry Schneider, Cos Spagnoletti

Abstain: Molly Blayney, Laurence Parnes

Not Voting For Cause: Marco Tamayo

- f) **Corp. to be formed by Mordehai Piade d/b/a Hummus Kitchen, 1613 Second Avenue (83rd/84th Streets)**- New application for a liquor, wine and beer (on-premises) license
Food/Drink: 90/10

WHEREAS there were no objections from the public, and

WHEREAS the applicant agreed to the following hours of operation:

Monday to Thursday – 11:00am to 12 midnight

Friday to Saturday – 11:00am to 12 midnight

Sunday – 10:30am to 12 midnight

BE IT RESOLVED THAT the application is Approved

9-0-0. Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo

5) **New Business**

- a) **Requesting the State Liquor Authority require applicants seeking a license renewal to appear before the Community Board, if requested, as a condition of renewing their license**

WHEREAS, in most circumstances only State Liquor Authority (SLA) applicants applying for New Liquor Licenses, Alterations and Corporate Changes will appear before Community Board 8M; and

WHEREAS, Community Board 8M regularly receives notice from renewal applicants for whom there is a known problem, which may include: community or 311 complaints, operating in a way that interferes with the quality of life for area residents, running an establishment that puts the safety of its patrons or the community at large in jeopardy and/or running an establishment contrary to prior agreements with the community board or the SLA; and

WHEREAS, the purpose of requesting that these renewal applicants appear before the board is to seek solutions to the problems which allow proprietors to run their establishments successfully, but in a manner that addresses the safety and quality of life concerns of the community; and

WHEREAS, unless the applicant appears before Community Board 8M when requested to do so, we are unable to work with the proprietors to resolve any problems; and

WHEREAS, businesses that consistently operate with multiple violations or are the subject of multiple community complaints are generally less likely to attend these meetings; and

WHEREAS, Community Board 8M will normally disapprove applications for either a refusal to appear or failure to address significant violations by an establishment, the SLA will generally automatically approve most renewal applications; and

WHEREAS, circumventing the community board review and comment process for renewals eliminates any opportunity for public review and limits the accountability of a licensee and the ability of the board to work with the establishment to find solutions to the problems or complaints with the licensee; and

WHEREAS, if the SLA required applicants seeking renewal license to appear before a community board, if requested to do so by said board, prior to the granting of a renewal it would greatly foster the ability for mutually beneficial resolutions;

THEREFORE, BE IT RESOLVED, that Community Board 8M urges the SLA to establish an administrative policy requiring applicants seeking renewal licenses appear before the community board if and when requested to do so by the board, and that the SLA delay or deny the issuance of a license renewal to any applicant who fails to do so; and

BE IT FURTHER RESOLVED, that Community Board 8M requests our elected representatives to enact any necessary enabling legislation to authorize or mandate such a policy if the SLA is unable or unwilling to do so within a reasonable period of time.

Approved 8-0-0.

Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti

- b) **Requiring an automatic State Liquor Authority hearing for license renewals applicants who have received two consecutive disapprovals from the Community Board**

WHEREAS, in most circumstances the State Liquor Authority (SLA) does not hold a public hearing for renewal applicants; and

WHEREAS, Community Board 8M regularly receives notice from renewal applicants for whom there is a known problem, which may include: community or 311 complaints, operating in a way that interferes with the quality of life for area residents, running an establishment that puts the safety of its patrons or the community at large in jeopardy and/or running an establishment contrary to prior agreements with the board; and

WHEREAS, the purpose of requesting that these renewal applicants appear before the board is to seek solutions to the problems which allow proprietors to run their establishments successfully, but in a manner that addresses the safety and quality of life concerns of the community; and

WHEREAS, many times establishments whose operations regularly impose on the community's safety or quality of life refuse to appear before the board or to work with the community to resolve these issues, and will therefore accrue repeated license renewal disapprovals and other negative resolutions over the course of time from the Community Board; and

WHEREAS, the SLA seems to rarely takes the opinions of the Community Board under consideration in considering renewal applications; and

WHEREAS, this allows troublesome operators to not take responsibility for their actions or face any ramifications (except in extremely egregious cases, usually involving specific criminal activity) for operating in a manner that is often dangerous or troublesome to the neighborhoods where these establishments are located; and

WHEREAS, if an establishment has received two consecutive disapprovals from the Community Board it is likely that they are operating in a way that is of major concern to the community and have been unwilling to work with the community to resolve these issues; and

WHEREAS, requiring a hearing for licensees who receive two consecutive disapprovals from the Community Board will make operators of liquor license establishments more responsible to the public for their actions and take into account the legitimate concerns of the community;

THEREFORE, BE IT RESOLVED, that Community Board 8M urges the SLA to automatically require any license renewal applicant who has received two or more consecutive disapprovals from the Community Board to a public SLA hearing before the issuance of a license renewal is granted; and

BE IT FURTHER RESOLVED, that Community Board 8M requests our elected representatives to enact any necessary enabling legislation to authorize or mandate such a policy if the SLA is unable or unwilling to do so within a reasonable period of time.

Approved 8-0-0.

Yes: Molly Blayney, Cory Evans, Jonathan Horn, Jacqueline Ludorf, Laurence Parnes, Judith Schneider, M. Barry Schneider, Cos Spagnoletti