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The City of New York
Manhattan Community Board 8
Public Hearing
Street Life Committee
Lenox Hill Neighborhood House
331 East 70th Street (First-Second)
Auditorium
6:30PM-8:30PM
Tuesday, December 6, 2016

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 be denied if they participate in bar-crawls.

Members Present: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

Unanimous DCA Approvals: 1a, 2b

Non-Unanimous DCA Disapproval: 2a

Unanimous SLA Approvals: 3a, 4a, 4b, 4c, 4d, 4e, 5a, 5b, 5c, 5d, 5e

Non-Unanimous SLA Approval: 5f

Unanimous SLA Disapproval: 5g

Unanimous Newsstand Disapproval: 6a

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

- a. **BIG DADDY'S II LLC, 1596 2nd Ave (82nd/83rd)** – Modification application for an unenclosed sidewalk café with 16 tables and 32 chairs. DCA #1282786-DCA. Due Date December 15th.

WHEREAS this is an application to modify the side of the cafe; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED**, subject to the stipulations above.

ADOPTED by a vote of 6-0-0

YES: Matt Bondy, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

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

- a. **Sweetgreen New York LLC, 1321 1st Ave (70th/71st)** – New application for an enclosed sidewalk café with 8 tables and 18 chairs. DCA #20666-2016-ASWC. Due Date December 17th.

WHEREAS this a new application for a sidewalk cafe; and

WHEREAS some members of the public spoke out about their concerns regarding the applicant previously operating a sidewalk café without a license and were concerned about the applicant's failure to keep their sidewalk café clean; and

WHEREAS member of the public advised the committee that the applicant at some point was utilizing speakers outside for the unlicensed cafe

WHEREAS the applicant indicated that the previous operation of the café was an error due to employees that were unaware of the rule and regulations; and

WHEREAS the applicant indicated that they now have a manager who will take responsibility for ensuring compliance with the rules regarding sidewalk cafes; and

WHEREAS one committee member indicated their preference for the applicant to withdraw its application and reapply at a later date; therefore

BE IT RESOLVED that the application is **DISAPPROVED**

ADOPTED by a vote of 4-2-0

YES: Matt Bondy, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Marco Tamayo

NO: Abraham Salcedo, Cos Spagnoletti

- b. **Calexico 122 LLC, 1491 2nd Ave (77th/78th)** – New application (under change of ownership) for an enclosed side walk café with 13 tables and 34 chairs. DCA #5192-2016-ASWC. Due Date December 19th.

WHEREAS this is a new application due to a change of ownership and the location was previously approved by the committee; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 6-0-0

YES: Matt Bondy, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

3. **Renewal Application to the New York State Liquor Authority for Liquor Licenses:**

- a. **Tov Taam Inc., dba Eighteen Restaurant, 240 East 81st Street (2nd/3rd)** – Renewal application for Liquor, Wine, Beer & Cider

WHEREAS there are no changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

4. **Transfer/Alteration/Corporate Changes/Upgrade Applications to the New York State Liquor Authority for Liquor Licenses:**

- a. **1337 Third Avenue LLC, dba Atlantic Grill, 1337 Third Ave (72nd/73rd)** – Corporate Change for Liquor, Wine, Beer & Cider

WHEREAS this is an application due to a corporate change; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- b. **Tripti Inc., dba Moti Mahal Delux, 1149 First Avenue (62nd/63rd)** – Corporation change for Wine, Beer & Cider

WHEREAS this is an application due to a corporate change; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- c. **Jacaranda Club LLC, dba Sapphire, 333 East 60th Street (1st/2nd)** – Corporate Change for Liquor, Wine, Beer & Cider

WHEREAS this is an application due to a corporate change; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- d. **1621 Restaurant Inc, dba Elios Restaurant, 1621 2nd Avenue (84th/85th)** – Corporate Change for Liquor, Wine, Beer & Cider

WHEREAS this is an application due to a corporate change; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- e. **64th & 3rd Enterprises, Inc., dba Tony's DiNapoli, 1081 Third Avenue (63rd/64th)** - Corporate Change for Liquor, Wine, Beer & Cider

WHEREAS this is an application due to a corporate change; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

5. **New Applications to the New York State Liquor Authority for Liquor Licenses:**

- a. **JM 43 Inc., dba Fillmore Delicatessen, 1668 Third Avenue (93rd/94th)**-New application for Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- b. **Toranomon Corp., dba Ichie Japanese Restaurant, 1215 Lexington Ave (82nd/83rd)** – New Applicant for Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- c. **Heidi's House LLC, dba Heidi's House by the Side of the Road, 308 East 78th Street, Store #2 (First/Second)** – New Application for Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant agree to the stipulation that it would provide the committee with a Certificate of Occupancy or a letter of No Objection from the Department of Buildings for the venue; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- d. **Top Ginger Root Inc, dba Top Ginger Root, 1164 1st Avenue (63rd/64th)** – New Application for Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- e. **Entity to be formed by Ryan Sullivan, dba TBD 1591 2nd Ave (82nd/83rd)** –New Application for Liquor, Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

- f. **Pending, dba Noble Grains NYC LLC, 1415 2nd Ave (73rd/74th)** – New Application for Liquor, Wine, Beer & Cider.

WHEREAS this is a new application; and

WHEREAS no one from the public objected; and

WHEREAS there was concern voiced by a committee member regarding the limited menu of the establishment; and

WHEREAS the applicant agreed to amend the hours for which it would serve alcohol under the SLA application to 4pm to 1am on Monday-Thursday; to 4pm to 2am on Friday; to 11am to 2am on Saturday and 11am to 1am on Sundays; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED, subject to the stipulations above.**

ADOPTED by a vote of 6-1-0

YES: Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

No: Matt Bondy

- g. **EL NASR USA Group LLC, dba Lava NYC, 1134 First Avenue (62nd/63rd)**-New application for Liquor, Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS at least 10 member of the public objected to this application; and

WHEREAS the members of the public voiced their concerns about the loud noise emanating from the establishment, as well as the large crowds that linger in front of the venue with no disbursement by the employees at the door; and

WHEREAS the members of the public voiced that there has been several incidents of violence outside of the establishment; and

WHEREAS the members of the public voiced feeling unsafe in their neighborhood due to the operation of this establishment, as well as citing that any complaints made at the establishment have been greeted with contempt and dismissal; and

WHEREAS this committee received at least 30 letters from residents objecting to the approval of this application and indicating that they did not wish to attend the committee meeting due to fear of retribution from the establishment; and

WHEREAS this committee reviewed the number of 311 complaints against the venue and found there to be in excess of 130 within the last year; and

WHEREAS this committee also reached out to the relevant NYPD precinct and received confirmation that there have been incidents of violence and complaints relating to the establishment; and

WHEREAS the applicant did not offer any reasonable solutions to the concerns voice, the applicant and the attorney for applicant ascribed the issues to the previous owner and stated only that they would do better; and

WHEREAS the applicant did not appear to make any effort to take the concerns seriously express any desire to be a good neighbor, such as offering a comprehensive plan which might include reduced hours, additional security, a formal person to contact in the event of further concerns; therefore

BE IT RESOLVED that the application is **DISAPPROVED**.

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

6. **Newsstand Applications:**

- a. **N/E/C 59 Street & Park Avenue** - Application for a newsstand. Application # 18859-2016-ANWS. Due Date December 27th, 2016

WHEREAS the applicant failed to appear before the committee and did not reach out to the committee regarding the application; therefore

BE IT RESOLVED that the application is **DISAPPROVED**.

ADOPTED by a vote of 7-0-0

YES: Matt Bondy, Loraine Brown, Michael Mellanphy, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo

7. **Layovers/Withdraws**

- a. **Eat Lexington 87 LLC., dba Eli's Essentials, 1291 Lexington Avenue (86th/87th)** - Class Change application for Liquor, Wine, Beer & Cider - **Application withdrawn**
- b. **Cinemex East 62nd St., LLC dba CMX, 400 East 62nd Street (York/First)**-New application for Liquor, Wine, Beer & Cider – **Application withdrawn**
- c. **Corp to be formed, dba TBD, 247 East 81st Str Street (2nd/3rd)** –New Application for Liquor, Wine, Beer & Cider – **Laid over to January**
- d. **La Goulue 61, LLC., dba La Goulue, 29 East 61st Street (Madison/Park)**-New application for Liquor, Wine, Beer & Cider – **Laid over to January**