

Community Board 12 Manhattan Licensing Committee

Minutes, November 12, 2014

Committee Members Present: Aldemar Diaz, Isidro Medina, Martin Restituyo and Angela Sanchez

Committee Members Excused: Terriell Peters

Committee Members Absent: Rolando Cespedes

CB12 Members Present: Richard Lewis

CB12 Staff Members Present: Debra Blow

A. Welcome and Opening Remarks: Aldemar Diaz, Committee Chair

B. State Liquor Authority Renewal Licenses:

On-Premise Liquor License

1. Hudson Fulton Corp., doing business as Indian Road Cafe, located at 600 West 218th Street at the corner of Indian Road. Representative: Jason Minter, Owner (who lives in the building above the restaurant). Has been operating for 6 ½ years. Nothing has changed at the business since they last appeared before the Committee. Last call is at 11 PM Friday & Saturday, 9 PM on Sunday, and 10 PM weekdays. Live music is played on Friday, Saturday and some Sunday afternoons. ADA compliant. 3 emergency exits leading on 218th Street. Police Precinct: No objections. Community comments: This is an asset to the community. Quiet, no loud music. Votes: 4 in favor, 0 opposed, 0 abstaining.
2. Punto de Sabor Inc., located at 1464 St. Nicholas Avenue between West 183rd & West 184th Street. Representative: None appeared. Precinct: No objections. Community: No comments. Votes: 4 in favor, 0 against, and 0 abstaining.
3. 4199 Crystal II Restaurant Corp., doing business as Guadalupe Bar & Grill, located at 597 West 207th Street between Broadway & Vermilyea Avenue. Representative: Eddie Perez, Manager. Nothing has changed since they last appeared before the Committee. Last call: Monday – Thursday 12:30 AM, Friday – Sunday 1:30 AM. Live music: Friday and Sunday 10 PM – 1 AM, Tuesday 8 – 12. Not ADA compliant, but willing to place ramp at front door. Bathrooms not compliant. 2 emergency exits. Precinct: No objection. Community: Wonderful restaurant, public convenience. Stipulations: 1) install sound governor, and 2) install ramp for front door accessibility. Vote: 4 in favor, 0 against and 0 abstaining.
4. Uvas Tapas Bar & Grill Corp., doing business as Mia Sushi Steakhouse, located at 1506 St. Nicholas Avenue between West 186th & West 185th Streets. Representative: Angel Tejada. Nothing has changed but they now have an independent organization that helps address the security aspects of the business and compliance with the SLA. Last call: Monday – Sunday, 3:45 AM. (Kitchen closes at 1:00 AM; after 1 AM only serves bar food.) Music: iPod until 12 AM; DJ after that until closing. There is a sound governor and 2 sets of doors to keep sound from escaping. ADA compliance: Entrance and bathrooms. Precinct: Expresses concern because there have been incidents such as assaults and ABC violations in the past. The business was closed for 30 days in March of 2014 as a result of these activities. Stipulation: 3:00 AM closing time, 2:45 AM last call for 6 months,

as suggested by the 34th Precinct, after which the Board will inform the SLA that the business been compliant. Votes: 4 in favor, 0 against and 0 abstaining.

5. Di'Vino Lounge Inc., doing business as Nitro Lounge, located at 565 West 207th Street between Vermilyea & Sherman Avenues. No representative. The Board did not recommend this application to the SLA when they appeared in 2010. Precinct: The location has been closed for at least a year. It is currently closed. There have been sexual assaults at that location in the past. It appears that the owners are attempting to re-open the business without applying for a new license, as required by law. Votes: 4 opposed, 0 in favor and 0 abstaining.

Alteration Application License for Relocation of Bar

6. La Estufa Inc., located at 5025-5035 Broadway between West 214th & West 215th Street. Representative: Johnnie Lopez, General manager. (Miguel Acosta, sole owner). Was closed for three months, July 28 – September 11, due to 1) sales to minors, closed for 45 days by court order, and 2) renovation. Complaints were made regarding noise. Proposed closing at 2 AM to mitigate noise complaints. Kitchen to close at 12:45 AM. Alteration requested: Relocation of bar from one end of the premises to another. Submitted a floor plan. New bar is smaller than the old bar. As a result of the judgment has also agreed to limit sound and has purchased an ID scanner. Restaurant rating: B in Feb. 2014. Currently open and are serving alcohol. ADA Compliance: Has a step at the entrance, but is willing to install a ramp. Bathrooms are ADA compliant. The bar has already been moved and the business has been open for the past several weeks. Precinct: No opinion on relocation of a bar, but the history of the location, specifically regarding sales to minors and noise complaints, speaks for itself. Community: Resident from 5025 Broadway complained about the noise and stated that things have not changed at all since last time they were open. Noise started at 12:30 AM and was ongoing until 3:30 AM. Another community member who stated that he attended the SLA hearing on this business confirmed that they had been closed by court order due to sales to minors and noise complaints. This business was closed for 3 months and yet no sound-proofing work was done despite multiple complaints about noise and the court's order to mitigate this issue. In the past, the Board opposed the renewal of this license. Stipulations requested but not agreed upon due to negative vote: 1) TIPS training – need the certificates, 2) ADA compliance, 3) install sound proofing, and 4) no dancing in the establishment. Would agree if committee votes in favor. Votes: Yes: Angela (with stipulations); No: Isidro, Aldemar and Martin; 0 abstaining.

C. NYC Department of Consumer Affairs Renewal of Unenclosed Sidewalk Café Licenses:

7. *Sol's Restaurant Inc., doing business as IL SOLE, located at 233 Dyckman Street at the corner of Seaman Avenue, was invited to appear before the Committee in error; this business appeared in October and received a positive vote from the Board. No resolution is required.*

D. State Liquor Authority New Licenses:

On-Premise Liquor License

8. La Fiesta 95 Inc., doing business as La Pinata Mexicana, located at 711 West 181st Street at the corner of Bennett Avenue. Representatives: Franklin Pacheco, Representative, and Tatiana Martinez, Owner. Mexican restaurant, proposing to open in February 1, 2015. Proposed hours of operation: Sunday – Thursday 12 – 11 PM, Friday and Saturday 12 – 2 AM. Last call: 15 minutes before closing. 19 tables, 56 chairs, 8 bar stools. Sound governor being installed. Ipad and Pandora. No live music. 8 cameras: 4 front, 2 in back, 2 in cellar.

ADA accessible (3 bathrooms – 2 will be compliant). 7 employees. Total capacity: 70. 2 entrances in front and 2 in the back. Precinct: No objection. Community: Votes: 4 in favor, 0 against and 0 abstaining.

9. PAD 700 Inc., doing business as Bangkok Heights, located at 812 West 181st Street at the corner of Pinehurst Avenue. Representative: Milagros Villalona, Owner. Franklin Pacheco, Rep. Thai Food Restaurant. The previous owners of this business applied for an On-Premise Liquor license in the past, but was not approved by the SLA. This is a new application for the same business with a different owner. Not ADA compliant and cannot be made so due to the unique construction of the premises. Precinct: No objection. Community: No comments. Votes: 4 in favor, 0 against and 0 abstaining.
10. Il Posto Trattoria Rustica Corp., doing business as Café Tabu, located at 227 Dyckman Street between Seaman Avenue & Broadway. Representative: Sylvia Carlotta Chevere, Owner. Currently has Restaurant Wine license but would like to sell liquor. Nothing else is changing. Also has a sidewalk café. Outside has 6 tables and 12 chairs. 1 security personnel licensed by the state. Entrance is ADA compliant but the bathrooms are not because the establishment is very small. 2 exits: Front entrance and back alley that lets out onto Dyckman. Precinct: There is over-saturation of liquor licenses in the area, resulting in excessive noise, including noise from outdoor cafes and a high number of complaints for the area, although it is difficult to ascertain the source of the noise in this crowded area. Community: Concern was expressed regarding this change in the method of operation from offering something different from everyone else on Dyckman, with a wine and beer license, to being the same kind of business as the 6 other On-Premise Liquor license holders on that block. Votes: Isidro and Aldemar in favor, Martin against, Angela abstaining. The resolution does not pass the Committee, so one must be proposed and seconded at the General Meeting so that the SLA will receive Community Board input.
11. Heights Team, LLC. located at 4318 Broadway at the corner of West 184th Street. Representative: Manuel Rosario, owner. There is no menu, as this is a bar serving no food. The location has always been a bar. This is an application for the same business as before, with a new owner. No outdoor seating is proposed. There is a juke box with sound governor installed. The new owner did not present any documentation that he had purchased or agreed to purchase the establishment from the original owner, who is still operating the business. Votes: The Committee voted unanimously (4 members) to table this discussion until next month to give the new owner a chance to prove document standing for this application.
12. La Nueva Potencia Corp., located at 1559 St. Nicholas Avenue at the corner of West 188th Street. Representative: Aurelia Taveras, representative and Angel Then, President. The applicant appeared before the Committee in October but was missing documentation. The entrance is ADA compliant but the bathroom is not. Hours: Open 7am to midnight, but will close at 1 AM if license approved. Music: Jukebox with a sound governor. No live music. Restaurant rating: B. Precinct: No objection. They have no adverse history, so the Precinct will not object as long as they close before 2 AM. Votes: 4 in favor, 0 against, and 0 abstaining.
13. Kukaramakara Restaurant Inc., located at 1601 St. Nicholas Avenue at the corner of West 190th Street. Representatives: Marek Schwedt, Representative, and Elvis Lora, President. Applicant is requesting an upgrade from a Restaurant Wine license to an On-Premise Liquor license because they need the additional revenue. They have had a Restaurant Wine license, with no incidents, for a year-and-a-half. The business opens daily at 6 AM and closes at 2 AM, but alcohol is not served before noon. There are 3-4 employees. Maximum occupancy: 74. Restaurant Rating: A, issued one month ago. The business is not ADA compliant. Precinct: No objection. Community: Concerned about the lack of an ID scanner. (They are not typically used at establishments like this.) Stipulations: 1) sound governor, 2) reach out to commission on human rights

regarding accessibility, and 3) provide the Board office with a copy of the floor plan. Votes: 4 in favor, 0 against and 0 abstaining.

14. 3938 Broadway Inc., doing business as El Presidente, located at 3938 Broadway at the corner of West 165th Street. Representative: Yasser Lopez, Owner; Miguel Abreu, General Manager, and Marek Schwedt, Representative. This business is open 24 hours per day and currently sells alcohol until 4 AM. Precinct: 33rd has no objection. Community: Residents are concerned with this business staying open beyond 2 AM, as they are concerned about noise. One gentleman who testified in support of the business said he has lived in the building for over 11 years, has never had any complaints about the noise and does not want to see the business lose its license. Stipulations: 1) good neighbor sign, 2) finish by November 25th all sound proofing work listed on sound engineer's letter presented to the Committee. Votes: 4 in favor, 0 against and 0 abstaining.

Restaurant Wine License

15. Broadway Fiesta Restaurant Inc., located at 3789 Broadway between West 157th & West 158th Street. Representative: Hernan Armales, Representative; Guadalupe Armales, owner. Mexican Restaurant operating 11 AM – 12 AM – 7 days a week. 5 tables, 20 chairs and 4 stools. Music: None. 4 security cameras inside. ADA accessible entrance and bathroom. 5 employees. 1 emergency exit (front entrance on Broadway). Precinct: 33rd, no objection. Votes: 4 in favor, 0 against and 0 abstaining.
16. Jasper Juice, located at 4028 10th Avenue at the corner of West 215th Street. Representative: No one appeared to represent the applicant. Votes: 4 against, 0 in favor, 0 abstaining.
17. Sexion 8, Inc., located at 2192 Amsterdam Avenue at the corner of West 169th Street. Representative: Nestor Cruz, Owner. Cafeteria. Business is under construction. No floor plan was provided, and the owner, who does not intend to have a kitchen, only wants to make sandwiches. 5 tables, 10 – 12 chairs. It is the opinion of the Committee that this applicant is unprepared to operate a business as there is no business plan, none of the elements of a cafeteria will be present, and the owner has no business experience. Precinct: 33rd objects to this application. Vote: 4 against, 0 in favor and 0 abstaining.

E. New Business/Adjournment:

Comments: