

Community Board 12 Licensing Committee

Minutes

Wednesday, January 11, 2017

Committee Members Present: Isidro Medina (IM) Chair, Gerard Dengel (GD) Assistant Chair, Jennifer Chung (JC), Robin Cruz (RC), Osi Kaminer (OK)

Committee Members Excused: Priscilla Willis (PW)

Committee Members Absent: Angela Sanchez (AS)

CB12 Members Present: Natalie Espino, Richard Lewis

CB12 Staff Members Present: Not present

Community Members Present: Elwood Duprei (Third Palm Tree), Johnny Caro, Katherine O’Sullivan (Moving Forward Unidos), Nancy Preston (Moving Forward Unidos), Cheryl Miller, Jennifer Bristol, Robert Carelar (Tampopo LLC), Ancelismel Portalatin (Soju), Yasser Lopez (El Presidente), Nick Henry, Mitchell Arias, Dalton Cannizzo (Martin Scott Wines Windows Inc), Claudia Carias (NYS Senator Alcantara office), NYS Senator Marisol Alcantara, Randy Sinar, Arelis Taveras, Oral Walker (Blue Mountain Heights)

33rd Precinct Representative: PO Hassel and PO McDonald

34th Precinct Representative: PO Matthew Pena

Minutes: Submitted by Osi Kaminer

The meeting was called to order at 7:10pm

A. Welcome & Opening Remarks – Isidro Medina, Chair

B. State Liquor Authority Renewal Licenses

Alteration & Corporate Change

1. El Presidente – 3938 Broadway, (corner of 165th Street) New York, NY 10032

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| Owner/Representative | Yasser Lopez |
| Type of Establishment | OPL restaurant and lounge Change of method of operation: new management, change of cuisine from Dominican to Mexican and sushi, and change the establishment name from El Presidente to Agave Industry |

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| Hours of Operation | Mon-Thu 10am-2am Fri-Sun 10am-3am |
| Tables/Chairs | 17/42 and 6 bar stools |
| Music | Background music. On weekend combination of background and non-amplified acoustic guitar |
| Security Cameras | 26 |
| Security Personnel | 1 NYS licensed on weekends |
| ADA Compliant? | Yes |
| Employees | 15 |
| Capacity | 52 |
| Emergency Exits | 4 |
| Precinct | No objection |
| Community Comments | MFU stated that the establishment had some disciplinary hearings in the past. Another community member stated that as of 6/1/16 SLA has 4 charges against the establishment: 1. Failure to conform to application on 12/23/15 2. Disorderly premises noise on 12/23/15 3. Noise nuisance rule on 12/23/15 4. Failure to comply local regulations 9/10/15 |
| Stipulations | None |
| Notes | NYS Senator Alcantara asked the committee to recognize that this business is 20 years in operation. When asked by a Committee member, the owner confirmed that the business is operating and performing all alterations in compliance with all governing NYC and NYS agency codes and regulations |
| Committee Vote (Include names) | Yes: JC RC No: OK GD Abstain: IM Not Voting: |

2. Rush Tapas Bar, Inc. dba Soju Restaurant & Bar – 586 West 207th Street, (bet. Broadway & Vermilyea Ave) New York, NY 10034

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|------------------------------|---|
| Owner/Representative | Ancelismel Portalatin / Arelis Tavares |
| Type of Establishment | OPL restaurant Corporate change: one of the owners was removed and Ancelismel Portalatin is the new president. Corporation and dba stays the same. |
| Hours of Operation | Mon-Wed 4pm-2am Thu-Sat 4pm-4am Sun 4pm-12am |
| Tables/Chairs | 17/25 and 2 large benches |

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| Music | Background, DJ |
| Security Cameras | 13 |
| Security Personnel | 1 |
| ADA Compliant? | Yes |
| Employees | 3 |
| Capacity | 72 |
| Emergency Exits | 2 |
| Precinct | <p><u>6/10/16</u> selling alcohol to underage, no arrest made at that time</p> <p><u>6/11/16</u> summons for unreasonable noise</p> <p><u>9/16/16</u> another sale of alcohol to underage, arrest was made at that date.</p> <p><u>9/21/16</u> a complaint made for a felony assault. There was a fight inside the location, an individual was hit with a chair and sustained injuries on a felony level. That evening, another complaint was made for criminal mischief; another chair thrown and broke the front window of the establishment</p> <p><u>10/1/16</u> the 34th Precinct conducted a random inspection that resulted in issuing a summons for unreasonable noise as well as obstructed view of the premises; the windows had covers on them not allowing the officers to view inside the location.</p> <p><u>10/23/16</u> violation from the SLA</p> <p><u>10/28/16</u> the Precinct conducted a March Operation and issued violations from the SLA and DEP</p> <p><u>11/26/16</u> and other previous dates that cannot be specified due to security concerns for undercover officers, an officer observed the owner Kevin Portalatin inside the barbershop that served as the after hour location almost every night of the week. Arrest was made for operating location and transferring liquor from Soju to the barbershop</p> <p><u>12/15/16</u> Soju was shut down for nuisance abatement and served stipulations due to violation of ABC law.</p> <p>The 34th Precinct is concerned that it's not clear who is running the establishment. The current owner is very much involved with Soju restaurant, overcrowding and bottle service. The person that is being removed is not the same one that causes the concern.</p> <p>Therefore, the 34th Precinct does not support a renewal of this establishment and is very concerned about who is really running this location.</p> |
| Community Comments | MFU stated that there were many problems with this establishment. It is not clear when the establishment is scheduled for a disciplinary hearing with the SLA. |
| Stipulations | None |

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| <p>Notes</p> | <p>Per rep Tavares: The licensee had been given \$5,000 and \$10,000 fines by the SLA and an additional \$2,000 by NYPD. Ancelismel Portalatin is a new president of the corporation and one of the corporate partners was removed. Portalatin is also taking the Alcohol Awareness and Training Certification.</p> <p>Due to financial difficulties, the third partner will be removed at a later date. Security company had been changed.</p> <p>At the last inspection, the restaurant received grade 'B' due to a few violations. Owner stated that the violations have been cured.</p> <p>NYS Senator Marisol stated that she is going to introduce legislation to pass the moratorium. Also stated that it is embarrassing that the NYPD has to spend time and resources on this when they should fight real crime and terrorism, crimes on the subway, etc. This is a neighborhood when we have people raising children and if an establishment is going to be responsible they cannot come and play games with us when they tell us that they make changes to corporate structure and in the following month they will continue to conduct their business as usual. Changes need to be made; we are wasting taxpayer money when we are going after the same establishment over and over again. We need a responsible establishment in our community.</p> |
| <p>Committee Vote (Include names)</p> | <p><u>Corporate Change:</u> Yes: JC IM No: OK RC GD Abstain: Not Voting:</p> <p><u>Renewal:</u> Yes: No: JC RC GD IM OK Abstain: Not Voting:</p> |

On-Premise Liquor License

3. 148 Nagle Avenue Restaurant Corp. dba Mi Nido Taverna – 148 Nagle Ave, (corner of Thayer Street) New York, NY 10040

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| Owner/Representative | Johnny Caro |
| Type of Establishment | OPL restaurant Spanish cuisine |
| Hours of Operation | 7 days a week 1pm-3:30am |
| Tables/Chairs | 4/12 and 21 bar stools |
| Music | Jukebox |
| Security Cameras | 6 |
| Security Personnel | 1 |
| ADA Compliant? | Yes |
| Employees | 6 |
| Capacity | 75 |
| Emergency Exits | 2 |
| Precinct | <p>There have been issues with assaults in the past, the owner has not been cooperative, closed a window down and refused to let the 34th Precinct have access to the establishment.</p> <p>According to camera footage, there was an allegation of possible gambling inside the establishment in the past.</p> <p><u>10/9/16</u> a complaint of a 3rd degree assault, a female was assaulted inside the establishment.</p> <p><u>8/17/16</u> additional complaint of a 3rd degree assault; males fighting inside the establishment</p> <p><u>3/4/16</u> a complaint of a robbery inside the location</p> <p><u>11/25/15</u> large fight during which the owner/manager closed the doors down and did not allow the 34th Precinct access to the establishment. The Precinct also noted the following violations:</p> <ul style="list-style-type: none"> No security guard records No CPR signs displayed No COO displayed Windows were obstructed and view of the inside of the establishment was blocked <u>11/20/15</u> sale of alcohol to underage inside the location |
| Community Comments | None |
| Stipulations | None |
| Notes | <p>CB12 member stated that they are multiple issues with not allowing the Precinct access to the establishment.</p> <p>Owner Johnny Caro stated that a new security guard was hired to help mitigate this issue.</p> |

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| Committee Vote (Include names) | Yes: JC RC No: OK GD Abstain: IM Not Voting: |
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4. El Mambi Restaurant Corp. – 4181 Broadway, (corner of 177th Street) New York, NY 10033

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|---|---|
| Owner/Representative | Raul Acosta / Arelis Taveras |
| Type of Establishment | OPL restaurant Latin American cuisine |
| Hours of Operation | 24/7 |
| Tables/Chairs | 10/32 and 15 bar stools |
| Music | Background, jukebox |
| Security Cameras | 15 |
| Security Personnel | None |
| ADA Compliant? | Yes |
| Employees | 15 |
| Capacity | 72 |
| Emergency Exits | 2 |
| Precinct | No objection |
| Community Comments | None |
| Stipulations | None |
| Notes | None |
| Committee Vote (Include names) | Yes: JC RC OK GD IM No: Abstain: Not Voting: |

5. Third Palm Tree, Inc. dba Third Palm Tree – 2145 Amsterdam Ave, (bet. 166th & 167th Streets)
New York, NY 10032

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|------------------------------|------------------------------------|
| Owner/Representative | Charles Barnhart and Linda Jackson |
| Type of Establishment | OPL bar |
| Hours of Operation | Sun-Wed 5pm-4am Thu-Sat 1pm-4am |
| Tables/Chairs | 8/16 and 14 bar stools |
| Music | Jukebox |
| Security Cameras | None |
| Security Personnel | None |
| ADA Compliant? | Yes |
| Employees | 2 |
| Capacity | Unknown |

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| Emergency Exits | 2 |
| Precinct | No objections |
| Community Comments | None |
| Stipulations | None |
| Notes | None |
| Committee Vote (Include names) | Yes: IM GD JC RC OK No: Abstain: Not Voting: |

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

6. Tampopo LLC dba Tampopo Ramen 1 Bennett Ave, (corner of 181st Street) New York, NY 10033

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|------------------------------|--|
| Owner/Representative | Josh Frank / Robert Callahan |
| Type of Establishment | Wine and Beer License Japanese / Ramen cuisine |
| Hours of Operation | Mon-Fri 5pm-10pm Sat-sun 12pm-10pm (hours of operation revised at the meeting) |
| Tables/Chairs | Indoor: 4/10 and 5 bar stools Sidewalk café: 3/7 |
| Music | iPod |
| Security Cameras | 2 |
| Security Personnel | None |
| ADA Compliant? | Yes |
| Employees | 5 |
| Capacity | 15 |
| Emergency Exits | 1 |
| Precinct | No objection. Slight concern about the narrow pedestrian pathway where the street tree is located in front of the establishment |
| Community Comments | ADA compliancy an issue |
| Stipulations | Temporary / permanent ADA ramp |

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| Notes | <p>Per the applicant: The sidewalk is 15' wide the café will extend 5' into the public right-of-way</p> <p>CB12 member voiced concerns about the accessibility to the establishment. Owner is happy to comply with the ADA rules and regulations</p> <p>When asked by a Committee member, the owner confirmed that the business is operating and performing all alterations in compliance with all governing NYC and NYS agency codes and regulations</p> |
| Committee Vote (Include names) | <p>Yes: GD JC RC OK No: Abstain: Not Voting: IM (conflict: this establishment is within the BID corridor)</p> |

7. 4946 Broadway Restaurant LLC. DbA Tubby Hook Tavern – 4946 Broadway, (btw. 207th & Isham) New York, NY 10034

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|------------------------------|--|
| Owner/Representative | Shean Carbon / Robert Callahan |
| Type of Establishment | OPL restaurant bar American / bar food cuisine |
| Hours of Operation | Restaurant: 7 days a week 10am-4am Sidewalk café: Sun-Thu until 10pm Fri-Sat until 12am (hours of operation for sidewalk café revised at the meeting) |
| Tables/Chairs | Indoor: 10/39 Sidewalk café: 15/34 |
| Music | Indoor: iPod |
| Security Cameras | 16 |
| Security Personnel | None |
| ADA Compliant? | Yes |
| Employees | 20 |
| Capacity | 74 |
| Emergency Exits | 1 |
| Precinct | No objection Some concerns about the pedestrian right-of-way since it is a heavily traffic section of Broadway between 207 th street and Isham in the middle of the block just south of the BX12 first / last stop |
| Community Comments | MFU concern about the subway grate and size of the café. Sidewalk is 19.6ft wide, subway grade is 3ft wide and there will only be a narrow section of the sidewalk for the public right-of-way |

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| Stipulations | Applicant agreed to a new closing hours for sidewalk café per Jackson’s Rule: Sun-Thu until 10pm, Fri-Sat until 12am |
| Notes | <p>Per the applicant: The sidewalk is 19.6ft wide, the sidewalk café will use 9.1ft of the sidewalk, and leave 10.5ft for pedestrian right-of-way. The subway grates required 3’ clearance between the grate and the sidewalk café at a minimum and the establishment has at least 5ft over the requirement.</p> <p>As far as the bus stop, the only clearance per DCA are for the enclosures in front of the restaurant but since there are none, no clearances have to be met from that bus stop.</p> <p>Per DCA guidelines and requirements, the basement entry/exit on the sidewalk will be closed and supported underneath to allow tables/chairs placement on the sidewalk.</p> <p>Applicant collected 25 signatures of support for the sidewalk café; three (3) of which from adjacent buildings 0.2 miles or less from the establishment, four (4) signatures from Bronx residents, and the remaining 18 signatures from Inwood residents living 0.3-1.5 miles from the restaurant.</p> |
| Committee Vote (Include names) | <p>Yes: JC RC OK GD IM</p> <p>No:</p> <p>Abstain:</p> <p>Not Voting:</p> |

D. State Liquor Authority New Licenses

On-Premises Liquor License

8. Blue Mountain Heights LLC. – 499 West 158th Street, (corner of Amsterdam Ave.) New York, NY 10032

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|------------------------------|---|
| Owner/Representative | Oral Walker |
| Type of Establishment | OPL restaurant |
| Hours of Operation | Restaurant and bar: 7 days a week 3pm-11pm Coffee shop: 7 days a week 7am -3am |
| Tables/Chairs | 12/36 |
| Music | iPod |
| Security Cameras | 8 |
| Security Personnel | None |
| ADA Compliant? | Yes |

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| Employees | 9 |
| Capacity | 45 |
| Emergency Exits | 2 |
| Precinct | No objections |
| Community Comments | <p>The building operates under all City government regulations and laws CB12 member voiced a concern about live music and whether soundproofing was installed on the ceiling.</p> <p>Applicant indicated that he is not sure soundproofing was installed. The owner had a verbal agreement with the contractor about the soundproofing and may be able to produce the documentation indicating that insulation was installed.</p> |
| Stipulations | <p>Install soundproofing and present invoice as proof of installation Install sound governor Install “Good Neighbor” sign in English and Spanish Agree to address any noise concerns from residents No DJ No live music</p> |
| Notes | <p>Applicant has come to the committee prior to this meeting (1/11/17); there have been issues about obtaining the correct permits in the past. There have been some electrical problems that resulted in a \$3,000 fine.</p> <p>Applicant indicated that the violations had been directed to the building itself not the store. CB12 member asked the applicant to make sure the violations had been cured.</p> <p>When asked by a Committee member, the owner confirmed that the business is operating and performing all alterations in compliance with all governing NYC and NYS agency codes and regulations</p> <p>CB12 member asked if soundproofing was installed, applicant indicated that such soundproofing was mounted. Applicant agreed to take any steps necessary to shows that insulation was installed.</p> |
| Committee Vote (Include names) | <p>Yes: JC RC OK GD IM No: Abstain: Not Voting:</p> |

E. New Business/Adjournment

The meeting was adjourned at 8:50pm