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THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
P.O. BOX 1672  
NEW YORK, NY 10159-1672

**CB6 Business Affairs and Street Activities Committee**  
**Thursday, March 22, 2018 7:00PM**  
**NYU Langone Medical Center (550 First Avenue), Coles Room 101**

**Meeting Minutes**

**Present:** Kyle Athayde (Chair), Susan Steinberg (Vice Chair), Daniel Devine, Paige Judge, John Keller, Frank Scala

**Excused:** David Colby Reed, Carol Schachter

**Guests:** [In order of sign-in]

- M. Kelly (representing Angeletto, Creative Ingenuity Corp. and Mon Cher 57 Inc.)
- R. Rivera (representing Rosa Mexicano)
- R. Downs, T. Downs C. Fanning, R. Souza (representing 380 East Ventures LLC)
- S. Park (representing Tangra Asian Fusian Cuisine)
- M. Peleudis, S. Connelly (representing 380 East Ventures LLC)
- B. Jacobs (representing **Council Member Keith Powers**, Manhattan Fourth District)
- J. Bing (representing Highgate Hotels LLP)
- T. Hamada (representing Tomo New York, Inc.)
- W. Drobenko (representing Stuytown Enterprises)
- R. Magrane (representing Rosa Mexicano)
- V. Lee (representing Tomo New York Inc.)
- S. Weinstein (on behalf of Leslie House 220 East 54<sup>th</sup> Street)
- C. Westcott (representing Rosa Mexicano)
- L. Lamattina, G. Cosmey (sp?) (on behalf of Leslie House)
- R. Pereira, (representing Lexicon Night Club, 226 East 54<sup>th</sup> Street)
- S. Rosenkranz, J. Rosenkranz (representing the East Side Middle Coalition)
- M. Lewis (on behalf of Leslie House).

[Note: others were in attendance, including other individuals identified as employees of Lexicon Night Club, but who chose not to sign in.]

**Call to Order and Adoption of the Agenda/Previous Meeting's Minutes**

Chair Kyle Athayde called the meeting to order at 7:06PM

Susan Steinberg made a motion to adopt the agenda, amended at the request of the petitioner for **Item #11**, to consider BKUK 11 Corp., 243 East 53<sup>rd</sup> Street (the original **Item #11**), as **Item #1**, due to petitioner scheduling issues. The motion to Amend and Adopt was seconded by Frank Scala and passed: 6-0-0.

Susan Steinberg made a motion to adopt the minutes from the February 22, 2018 meeting. The motion was seconded by John Keller and passed: 6-0-0.

### **Committee Business**

**Item 1 (Item 11 prior to amendment) New On Premise License for BKUK 11 Corp., 243 E. 53<sup>rd</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> avenues.** Represented by Represented by R. Ruiz (not on sign-in sheet). During the discussion, Ms. Judge raised a concern about the addition of a Hookah Lounge License for the premises and made a motion that the committee reject the application on the grounds of health concerns related to any form of “smoking.” Ms. Ruiz noted that the license had not yet been granted, but is typically allowed. Committee members noted that BKUK has a long record of operating well-regarded establishments and that the licensing of a Hookah Lounge was not before the Committee. There being no Second, Ms. Judge’s Motion was not put to a vote. Motion of No Objection was made by Susan Steinberg and seconded by Frank Scala. The motion passed 4-2-0.

**Item 2 (Item 1 prior to amendment) New On Premises License for 380 East Ventures LLC, 380 Third Avenue between 27<sup>th</sup> and 28<sup>th</sup> streets.**

**Item 3 (Item 2 prior to amendment) New On Premises License for Hakkalegend Corp. doing business as Tangra Asian Fusion Cuisine, 103 Lexington Avenue between 27<sup>th</sup> and 28<sup>th</sup> streets.** Represented by S. Park. The restaurant provides what it regards as a unique blend of Chinese and Indian cuisine and is now opening its first Manhattan location. Motion of No Objection was made by Paige Judge and seconded by Frank Scala. The motion passed 6-0-0.

**Item 4 (Item 3 prior to amendment) New On Premises License for Hot Kitchen 53 Inc. doing business as Hot Kitchen, 251 East. 53<sup>rd</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> avenues.** The petitioner was not present. Kyle Athayde, Chair, on three separate occasions during the meeting, at the beginning, in the middle and at the end, called for any representatives to identify themselves and speak on behalf of the petitioner, without response from the attendees. As a result, the Chair declared the company to be NOT PRESENT when the Committee Business was completed.

**Item 5 (Item 4 prior to amendment) New Sidewalk Café License for Angeletto 2<sup>nd</sup> Ave Inc., 11 tables, 22 seats, 890 2<sup>nd</sup> Avenue between 47<sup>th</sup> and 48<sup>th</sup> streets.** Represented by Michael Kelly. The committee observed that the café presents no undue obstruction to pedestrian traffic, but noted to Management, through its representative, that it should clearly make the sidewalk

indicating the limits of the space occupied by the tables. Motion of No Objection was made by Susan Steinberg and seconded by Frank Scala. The motion passed 6-0-0.

**Item 6 (Item 5 prior to amendment) New On Premises License for Creative Ingenuity Corp. doing business as The Rawl 212 E. 45<sup>th</sup> Street between Second and Third Avenues.**

Represented by M. Kelly and M. Tsujino (the latter, not on the sign-in sheet). Motion of No Objection was made by Susan Steinberg and seconded by Daniel Devine. The motion passed 6-0-0.

**Item 7 (Item 6 prior to amendment) New Wine, Beer, and Cider License for Stuytown Enterprises, INC. doing business as Il Forno, 343 2<sup>nd</sup> Avenue between 20<sup>th</sup> and 19<sup>th</sup> Streets.**

Represented by W. Drobenko. The committee discussed the 3AM closing time with the representative, who noted that the business of the establishment was conducted entirely indoors and that the license itself was for Beer, Wine and Cider. Motion of No Objection was made by Paige Judge and seconded by Frank Scala. The motion passed 6-0-0.

**Item 8 (Item 7 prior to amendment) New On Premises License for Highgate Hotels LP doing business as Whiskey Blue and Heartbeat, 541 Lexington Avenue between 50<sup>th</sup> and 49<sup>th</sup> streets.**

Represented by J. Bing. No questions were raised by Committee members. Motion of No Objection was made by Susan Steinberg and seconded by Frank Scala. The motion passed 6-0-0.

**Item 9 (Item 8 prior to amendment) New Wine/Beer/Cider License for Fiscardo Inc. doing business as Orion Diner & Grill, 248 E. 23<sup>rd</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues.**

The petitioner was not present. Kyle Athayde, Chair, on three separate occasions during the meeting, at the beginning, in the middle and at the end, called for any representatives to identify themselves and speak on behalf of the petitioner, without response from the attendees. As a result, the Chair declared the company to be NOT PRESENT when the Committee Business was completed.

**Item 10 (Item 9 prior to amendment) New Wine/Beer/Cider License for Tomo New York Inc. doing business as Teppen Ramen, 159 E. 55<sup>th</sup> Street between 3<sup>rd</sup> and Lexington Avenues.**

Represented by T. Hamada. No questions were raised by committee members. Motion of No Objection was made by Susan Steinberg and seconded by Frank Scala. The motion passed 6-0-0.

**Item 11 (Item 10 prior to amendment) Corporate Change On Premises License for Fenix Rest Inc. doing business as Rosa Mexicano, 1061-63 1<sup>st</sup> Avenue between 57<sup>th</sup> and 58<sup>th</sup> streets.**

Represented by R. Magrane and C. Wetscott. No questions were raised by committee members. Motion of No Objection was made by Paige Judge and seconded by Frank Scala. The motion passed 6-0-0.

**Item 12 Alteration of On Premises License for J Entertainment Group Inc. doing business as Gera Gera, 238 E. 53<sup>rd</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues**

The petitioner was not present.

Kyle Athayde, Chair, on three separate occasions during the meeting, at the beginning, in the middle and at the end, called for any representatives to identify themselves and speak on behalf of the petitioner, without response from the attendees. As a result, the Chair declared the company to be NOT PRESENT when the Committee Business was completed.

**Item 13 New On Premises License for Mon Cher 57 Inc. doing business as La Polpera 57, 151 E. 57<sup>th</sup> Street between 3<sup>rd</sup> and Lexington Avenues** Represented by M. Kelly. No questions were raised by the committee. Motion of No Objection was made by Paige Judge and seconded by Frank Scala. The motion passed 6-0-0.

**Item 14 Discussion about Community Concerns regarding Lexicon Night Club, 226 E. 54<sup>th</sup> Street.**

[Note: The consideration of **Item 14** was undertaken on the initiative of the Chair in anticipation of Lexicon Night Club's need to appear before BASA and CB6 for its License Renewal later in November, 2018.]

There was an extended dialogue, initiated and facilitated by the BASA Chair, Kyle Athayde, and City Council Member Keith Powers (represented by Community Liaison Benjamin Jacobs), between principals and management of the above-referenced Lexicon Night Club (hereafter, referred to as "the Club") and concerned Midtown East residents, in particular the residents of Leslie House, 220 East 54<sup>th</sup> Street, supported by other neighbors as well as representatives of the East Midtown Coalition (see "Guests" above). The neighbors repeated the theme that their neighborhood had become "a destination" and that the presence of the club had changed the character of their local environment in a negative manner.

The neighbors in attendance, some of whom reported living in the neighborhood for "23 years," described conditions arising from the activities of the patrons of the Club, including "noise," "vomiting" and behavior that made them "feel unsafe." There were reports (contested by representatives of the Club) of an arrest and the presence of a weapon (a "gun") as the result of a fight among Club patrons. A report of a police presence in the form of multiple vehicles at the time of the reported incident was, however, not challenged by representatives of the Club.

The neighbors reported that, while many issues could readily be identified as patrons of the Club left the premises at around 4AM, the situation was unacceptable throughout the entire evening due to crowding and congestion on the sidewalk, with those awaiting admission to the club being lined up to the west, i.e., in front of Leslie House, effectively blocking the sidewalk.

The neighbors reported that they had raised their concerns with the security officials ("bouncers") outside the club, but were rebuffed without the situation being addressed. They also reported attempts at dialogue with managers of the club, which had been unproductive.

Robert Pereira, who identified himself as “Club Operator,” expressed concern over the issues raised by the neighbors and their subsequent distress. The expression of concern was vocally rebuffed by the neighbors, who questioned why it was necessary for a City Council Member and the Community Board to facilitate a substantive meeting about their concerns.

Mr. Pereira pointed out the presence of several members of his team in the audience.

The Club challenged the degree of the disruption reported, observing that the Club’s patrons often comprised “Middle Aged” or “older” persons and that it also hosted events such as Bar Mitzvah’s.

The neighbors responded vocally that their concerns were significantly greater than the Club was acknowledging.

At this point, Committee Chair Athayde, with the support of Mr. Jacobs of Council Member Powers office, intervened and pointed out that the objective of the meeting was to have a dialogue and identify a way forward for both parties.

Both parties were able to agree that a significant part of the problem was the presence of construction immediately to the east of the Club, which construction not only closed the sidewalk in that direction, but that resulted in an “alternate” sidewalk, protected by barricades, on the south side of 54<sup>th</sup> street. A lengthy discussion ensued that attempted to arrive at alternatives to lining up the Club’s patrons immediately in front of Leslie House. Among the considerations to which both sides ascribed some credibility were to use barricades to create a “zig zag” or “S-shaped” line in front of the club and to move the “check in” desk inside the club approximately 20 feet farther to the interior of the Club and, in general, to speed up the process of admitting patrons to the Club.

After considerable discussion, it was agreed that the neighbors and Club representatives would meet together within a week or so and identify a way forward around the following themes:

- Significant improvement to Crowd control, both throughout the evening with a more efficient entry process and at the end of the evening by encouraging patrons not to linger outside the club longer than necessary to secure transportation and ensure a safe departure.
- Increased training for Club staff, including bartenders and bouncers, with a focus on assuring that intoxicated patrons are not served (a practice the Club asserts it already follows) and that Bouncers are attentive to concerns expressed to them by neighbors.
- Increased meetings between Club officials, including Security, and representatives of the neighbors, particularly from Leslie House.
- Continued involvement of Council Member Powers and CB6.

The agreed goal was that the Club’s License Renewal application, which will come before BASA in the November timeframe, not be met with community objections.

**Item 14: Chair's Report**

**Item 15: Old/New Business**

**Adjournment**

Susan Steinberg made a motion to adjourn, which was seconded by Daniel Devine. The Committee's Meeting adjourned at 9:12 PM.