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THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

Business Affairs and Street Activities Committee
Thursday, October 25, 2018 7:00PM
Community Board Six Office
211 East 43rd Street, #14014
New York, NY 10017

Meeting Minutes

Committee Members Present: Kyle Athayde (Chair), Julie Block, Matt Bondy, Daniel Devine, Brooke Goldman, Paige Judge, John Keller, Seema Shah, Kevin FitzGerald

Committee Members Absent: Susan Steinberg (Vice Chair), Frank Scala, Carol Schachter

Guests: Names of petitioner representatives and members of the public in attendance who commented during the meeting are noted in relation to the Items detailed in the "Committee Business" discussed below.

- Ben Jacobs was in attendance representing CM Keith Powers.

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

Chair Kyle Athayde called the **Meeting to Order** at 7:00 PM.

John Keller made a motion to adopt the **Agenda**, seconded by Keith FitzGerald. The motion passed: 7—0—0.

John Keller made a motion to adopt the **Minutes** from the previous meeting, seconded by Keith Fitzgerald. The motion passed: 7—0—0.

Committee Business

Item 1 New Wine/Beer/Cider License for FM Restaurants Signature Operating Company, LLC. 640 Third Avenue between 39th and 40th Streets, DBA Sinigual
Represented by: Jessica Breuer, Attorney, James Bromley Representative and Mathew Kane, Investor.

Hours of Operation: Monday to Thursday 11:00AM to 10:00PM, Friday 11:00AM to 11:00PM, Saturday 12:00 Noon to 11:00PM, Sunday 12:00 Noon to 9:00PM.

Motion of No Objection was made by John Keller and seconded by Dan Devine. The motion passed: 7—0—0—0.

Item 2 New Wine/Beer/Cider License for 161 Eats LLC. 161 Lexington Avenue between 30th and 31st Streets (Interior)

Represented by: Max Bookman, Attorney, Seth Goldstein, Vice President

Hours of Operation: Sunday to Wednesday 6:00AM to 1:00AM, Thursday to Saturday, 6:00AM to 2:00AM.

Motion of No Objection was made by Dan Devine and seconded by John Keller. The motion passed: 7—0—0—0.

Item 3 New On Premises License for 161 Eats LLC doing business as Monocle. 161 Lexington Avenue between 30th and 31st Streets (Exterior Roof space)

Represented by: Max Bookman, Attorney, Seth Goldstein, Vice President, Alan Fierstein, Founder and President Acoustilog Inc.

Hours of Operation: Sunday to Wednesday 4:00PM to 12:00Midnight, Thursday to Saturday 4:00PM to 1:00AM.

- The Committee stipulated that a Motion of No Objection was contingent upon adherence to the recommendations and/or provisions of the “Sound Study” by Acousbilog Inc., which study was appended to the Application.
- The Committee also stated that Monocle should post contact information, including phone numbers and email addresses, of management and staff in a clearly visible place and manner to facilitate expression of concerns from the public regarding noise or other complaints.

Motion of No Objection was made by Dan Devine and seconded by Julie Block. The motion passed: 8—0—0—0.

Item 4 New On Premises License for Cinco 2 LLC doing business as Cinco Tacos and Tequila. 987 2nd Avenue between 52nd and 53rd Streets

Represented by: Gregory Branzo, Principal.

Hours of Operation: Monday to Sunday 11:00AM to 2:00AM.

- The Committee reminded the applicant that all windows were to be closed by 9:00PM.
- The Committee also stated that Cinco should post contact information, including phone numbers and email addresses, of management and staff in a clearly visible place and manner to facilitate expression of concerns from the public regarding noise or other complaints.
- Two members of the public from the Coop at 252 East 51st Street were present: Joan Schacter, who presented herself as President of the Coop Board, and Davina Davis, who presented herself as a resident of the Coop. Both speakers noted their concerns about the potential disturbance to the neighborhood from the new establishment in the context of significant noise and other disturbances created by the prior occupant of the space which will be taken over by Cinco.
- The representative of Cinco offered to reach out to the Coop board, invite them to visit the new facility and initiate a good start to Cinco’s relationship with the community.
- In addition, upon questioning by the committee, the representative of Cinco stated that no members of the management of the prior occupant of the building would be hired or otherwise engaged to work at the new establishment.

Motion of No Objection was made by Dan Devine and seconded by Paige Judge. The motion passed: 9—0—0—0.

Item 5 New On Premises License for Dan and Johns LLC, now DJP Wings LLC, doing business as Dan and Johns. 439 3rd Avenue between 30th and 31st Streets

Represented by: Heather Kirk, Attorney, Pat Haidon, Dan Borowski and John Henninger, Principals.

Hours of Operation: Monday to Thursday 11:00AM to 1:00AM, Friday to Saturday 11:00AM to 2:00 AM, Sunday 11:00AM to 12:00Midnight

Motion of No Objection was made by Kevin FitzGerald and seconded by Dan Devine. The motion passed: 9—0—0—0,

Item 6 New On Premises License for Greenfields Restaurant Group LLC doing business as Agave. 488 3rd Avenue between 33rd and 34th Streets

Represented by: Benjamin Savitsky, Attorney, James McCartin, Principal.

Hours of Operation:

Interior: Monday to Sunday 11:00AM to 2:00AM

Exterior: Sunday to Thursday 11:00AM to 11:00PM, Friday and Saturday 11:00AM to 12:00Midnight.

Motion of No Objection was made by Kevin FitzGerald and seconded by Paige Judge. The motion passed: 9—0—0—0.

Item 7 Class Change from a Wine/Beer/Cider to an On Premises License for new Field New York LLC doing business as Yamada Chicara. 249 E. 49th Street between 2nd and 3rd Avenues

Represented by: Eurie Choi, Attorney

Hours of Operation:

Interior: Monday to Saturday 12:00 Noon to 12:00 Midnight, Sunday 12:00 Noon—11:00PM

Exterior: Sunday to Thursday 12:00Noon to 10:00PM, Friday to Saturday 12:00Noon to 11:00PM.

- A member of the committee expressed concern that the use of the Exterior space could interfere with neighbors' private enjoyment of their own exterior spaces. The representative of the applicant observed in response that there have been no complaints from neighbors to date.

Motion of No Objection was made by Paige Judge and seconded by Seema Shah. The motion passed: 8—0—0—1—0.

Item 8 New Beer/Cider License for Flavor's House Inc. 449 2nd Avenue between 25th and 26th Streets.

Represented by: Nestor Rosado, Attorney, Luis Rodrigues Principal

Hours of Operation: Monday to Sunday 7:00AM to 11:00PM.

- Upon learning that the establishment only has Beer/Cider available for purchase and consumption off premises, the Chair determined, with the agreement of the

Committee, that this Application did not need BASA approval and that, as a result, no Motion or Resolution was required.

- The Chair thanked the representatives for their attendance.

Item 9. New Wine/Beer/Cider License for Dun Huang Corp. doing business as Dun Huang. 320 Lexington Avenue between 38th & 39th Street.

Represented by: James Wang, Representative.

Hours of Operation: Sunday to Thursday 11:00AM to 11:00PM, Friday to Saturday 11:00AM to 12:00Midnight.

Motion of No Objection was made by Paige Judge and seconded by Dan Devine. The motion passed: 8—0—0—0.

Item 10. New Wine/Beer/Cider License for Andrew W. Silverman or an entity to be formed later DBA Penelope's. 159 Lexington Avenue between 29th and 30th Streets.

Represented by: Andrew W. Silverman, Principal.

Hours of Operation: Monday to Sunday: 7:30AM to 11:00PM

- The Committee reminded the applicant that all windows were to be closed by 9:00PM.
- The Committee also noted applicant's response to its question regarding the presence of DJ's that there would be no DJ's.

Motion of No Objection was made by Kevin FitzGerald and seconded by Brooke Goldman. The motion passed: 8—0—0—0.

Item 11: Chair's Report

The Chair presented a Draft "Policies and Guidelines" document for the consideration of the committee in relation to:

1. Application Submission
2. Copies of Applications to be provided to Committee Members
3. Non-appearance of applicants
4. Closing Time Policies
5. Policies related to pedestrian space between proposed sidewalk cafes and objects that could impede the passage of pedestrians.

After extensive discussion, the committee complimented the Chair for the thoroughness of the Draft Policies and Guidelines and agreed to discuss an amended version at its next meeting.

Joe Rojas, a member of the public, who presented himself as a local business owner, participated in the discussion.

The Chair thanked him for his participation

Item 12: New/Old Business

- The Chair alerted Committee Members to the discussion in the NYC City Council of **Int 0737-2018**, sponsored by CM Ydanis Rodriguez, with co-sponsorship by CM Kalos and CM Rivera (both of whom are on the Small Business Committee), also known as The Small Business Jobs Survival Act (SBJA).

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3458244&GUID=D10860C6-E6C7-416E-8F05-563B4551EDB7>

- The Committee discussed the preparation of a Resolution in support of the legislation, but put off further discussion until the next meeting because of the late hour.

Adjournment

Dan Devine made a motion to Adjourn, which was seconded by John Keller .

The Motion passed: 7—0—0—0.

The Chair declared the meeting to be adjourned at 9:29 PM.

Minutes submitted by John Keller, October 29, 2018