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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
Manhattan Community Board Six
211 East 43rd Street, #1404
New York, NY 10017**

Thursday, June 27, 2019

Meeting Minutes

Present: Kyle Athayde, John Keller, Paige Judge, Susan Steinberg, Frank Scala, Youssef Kalad, Kevin O’Keefe, Jeanne Donofrio

Absent: Matt Bondy, Dan Devine, Seema Shah, Kevin FitzGerald

Guests: See table on page 6

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

Chair Kyle Athayde called the meeting to order at 7:00 PM

Paige Judge made a motion to adopt the Agenda, seconded by Susan Steinberg. The motion passed: 7 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Susan Steinberg made a motion to adopt the Minutes from the previous meeting, seconded by Frank Scala. The motion passed: 7 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Committee Business

Item 1: Renewal of an On Premise Liquor License for 411 Rest Corp. doing business as Tonic East at 411 East 3rd Avenue

Tonic East, a two-story sports bar that additionally has an unenclosed rooftop space, is represented by: Sean Connolly, general manager; Mario Arcari, principal

Current Hours of Operation: Per license: 11 AM-4 AM, Sunday through Saturday. Per Tonic East ownership: 11 AM-2 PM, Sunday through Thursday; 11 AM.-3 AM., Friday and Saturday.

Committee and Tonic East representatives discussed issues that span several years. Committee reported that since February 2019, about 40 noise complaints have been received by 311. Connolly stated, "We've done things to mitigate the noise," adding that Tonic East's closing time is earlier than licensed and that there are "no plans to change" the self-imposed earlier closing times.

Committee shared parts of an email from a resident that states the resident's strong belief that noise from Tonic East needs to be decreased.

Tonic East representatives were asked if there is insulation at Tonic East. Connolly stated there is not insulation.

Public comment is made by Ken Charugunbla of 142 East 39th Street to note a concern that all noise complaints could be from one person.

Susan Steinberg made a Motion of No Objection with stipulations, seconded by Frank Scala. The stipulations call for a resolution for, a) the Tonic East roof to be closed to patrons at 11 PM. Sunday through Wednesday and at 12 AM on Thursday to Sunday, and, b) posting of signage highly visible to the public at Tonic East that includes a phone number where a manager can be contacted without reasonable delay and for patrons to be respectful of neighbors and to keep noise to an acceptable minimum.

Committee will await decision by Tonic East ownership if Tonic East accepts the stipulations. If the stipulations are not agreed to by ownership, Committee plans to adopt a negative resolution.

The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 2: Renewal of an On Premises Liquor License for Bar 263 Inc doing business as Bar 263 at 263 East 26th Street

Bar 263 is represented by: Frank Palillo, attorney; Demetrius Dudley, general manager; Michael Parker, owner

Hours of operation: Sunday, Monday and Wednesday 4 PM-12 AM; Thursday, Friday and Saturday 4 PM.- 2 AM (closed Tuesdays)

The committee and Bar 263 representatives discussed a range of concerns regarding the establishment's method of operation given their location between two residential buildings. They discussed the ongoing issues with the establishment, primarily related to how Bar 263 has changed its original written plan to the Committee to establish a tavern with occasional use of recorded music and a disc jockey, to a nightclub and, as a result, a significant increase in noise, a change for which Bar 263 did not alert the Committee. Other issues addressed were the hours of operation extending beyond the 2 AM closing time previously stated to the Committee, and the later closing time

confirmed by Bar 263's own Instagram account with photos of patrons leaving the establishment past 2 AM, and promotion on Instagram of Bar 263 closing at 4 AM.

Dudley stated that Bar 263 recently added a security person to alleviate some issues. Committee stated trust concern, in part because Bar 263 has pivoted from its original plans to be a quieter operation without a DJ and other changes not proactively shared with the Committee.

Pui Wong of 201 East 26th Street stated that her residence shares a wall with Bar 263. Wong made a presentation, anchored by a PowerPoint report, on many issues she has had with Bar 263, including noise levels and third-party promoters.

Lesley Shiau, who said she formerly resided near Bar 263, stated that operations have changed from the establishment's original declaration.

Valerie Perez from the Upper West Side commented that she has been going to Bar 263 as a patron for about six to seven months. She added that time spent at Bar 263 a fulfilling experience for her personally and for some patrons she's met there, that Bar 263 has proven to be a safe space for alternative lifestyles and can provide job opportunities for those with alternate lifestyles.

Keith Johnson stated, "I've been a resident of Kips Bay since 1982. And, as a resident, I've seen very few black-owned businesses in the Kips Bay area, and he's one of them, and I've seen them get shut down over the recent decade for things like noise complaints... How can you expect some of these businesses to even make money... give the man an additional chance to grow and expand..."

Austin Shiau commented that the residential-adjacent location of Bar 263 is not right for the ongoing noise level of Bar 263.

Johan Sidhua commented that Bar 263 has significantly changed from its original plans to have a quieter place and believes that's not acceptable for residents of the community.

Paige Judge made a Motion of Objection, seconded by Susan Steinberg. The motion passed: 7 in Favor, 1 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 3: Temporary Beer and Wine Licenses for Solar One, 24-20 FDR Drive Service Road East

Solar One, a not-for-profit education center, is represented by: Dina Elkin, Director of Events

Hours of operation: September events end at 10 PM

Paige Judge made a Motion of No Objection, seconded by John Keller. The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 4: New On Premise Liquor License for Cecil-Dalton LLC at 306 East 49th Street

Cecil-Dalton, a restaurant specializing in West African and American food and to include wines and cocktails, is represented by: John-Paul Wadibia

Hours of Operation: 10 AM-2 AM

Susan Steinberg made a Motion of No Objection, seconded by Paige Judge. The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause..

Item 5: New Wine, Beer & Cider License for Trad Japan Co LTD 2239 1st Avenue

Trad Japan, a deli, restaurant and bar, is represented by: Dana Lapan, Yasu Paka Hida

Hours of operation: Monday-Thursday, 11 AM-11 PM; Friday-Saturday 11 AM-12 AM

Susan Steinberg made a Motion of No Objection, seconded by Paige Judge. The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 6: New Wine, Beer & Cider License for Brooklyn Pizza Masters LLC doing business as Brooklyn Pizza Masters at 1055 1st Avenue

Brooklyn Pizza Masters, a restaurant, is represented by: Marek Schwedt

Hours of operation: 10 AM-11 PM

Paige Judge made a Motion of No Objection, seconded by Paige Judge. The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 7: New On Premises Liquor License for Seiwa Chu-Kou USA Corp at 217 East 43rd Street

Seiwa Chu-Kou, a restaurant, is represented by: Dana Lapan, Akihiro Kanadawa, Koichi Sakamoto

Hours of operation (amended hours): Monday to Saturday, 5 PM-1 AM; Sunday, 5 PM to 2 AM

John Keller made a Motion of No Objection as amended, seconded by Frank Scala. The motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 8: New on Premises Liquor License for Gimme LLC doing business as Hendriks at 557 3rd Avenue

Hendriks, a restaurant, does not have any representatives present. Motion of objection by Susan Steinberg, seconded by Jeanne D'Onofrio. The motion passed: 7 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 9: Renewal of an Unenclosed Sidewalk Cafe for Golden Abacus Inc at 957 2nd Avenue with 6 Tables and 12 Chairs

Golden Abacas, a restaurant with an unenclosed sidewalk cafe, is represented by: Danny Louie and Laura Wong, owners

Hours of Operation: 12 PM.-12 AM

Committee and Danny Louie discussed decreased space for the sidewalk cafe, from 12 to 8 outdoor seats, and table size from 32 inches by 32 inches to 28 inches by 28 inches.

Susan Steinberg made a Motion of No Objection to the decreased space for the sidewalk cafe, to 8 outdoor seats and 28-by-28-inch tables, seconded by Frank Scala.

The motion passed: 7 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

Item 10: Chair's Report

The Chair welcomed three new committee members, Jeanne D'Onofrio, Youssef Kalad and Kevin O'Keefe.

Item 11: Old/New Business

None.

Adjournment

Jeanne D'Onofrio made a motion to Adjourn, which was seconded by Kevin O'Keefe. The Motion passed: 8 in Favor, 0 Against, 0 Abstentions, 0 Abstentions for Cause.

The Chair declared the meeting to be adjourned at 9:01 PM

Minutes submitted by Kevin O'Keefe, Sunday, July 14, 2019

Name	Affiliation
Keith Johnson	Resident of Community District 6 (see map below)
Dana Lapan	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Marion Arcari	Business owner
Wesley shiau	Resident of Community District 6 (see map below)
Fuminori Yokohama	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box);Seaways Chukchi dab Toraji
Akihito kanazawa	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Valerie Perez	Patron
Frank Palillo	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Akihito Kanazawa	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box);Seiwa Chuko Dba Toraji
Kent charugundla	Resident of Community District 6 (see map below)
Pui wong	Resident of Community District 6 (see map below)
Shimpei Kawasaki	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Yasutaka Higa	Shop owner
Brooke Goldman	Resident of Community District 6 (see map below)
Sara Newman	Representative of a City/State elected official (please specify in "Other" box);Powers
Sean connolly	Member of Community Board Six (not on this committee)
Yohann	Resident of Community District 6 (see map below)
Alfred Mitanni	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Oguguo Obioha	Other
Erin sidhwa	Resident of Community District 6 (see map below)
Michael Parker	Bar owner
Alex Xenopoulos	Resident of Community District 6 (see map below);Restaurant owner
Demetrius dudley	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box);Bar 263, Inc
Marek Schwedt	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Dina Elkan	Representing Solar One
John paul	Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box)
Danny Louie	Resident of Community District 6 (see map below);Attorney/Representative or Applicant for Application on Tonight's Agenda (please specify in "Other" box);Golden Abacus Inc
Laura Wong	Resident of Community District 6 (see map below)