

Community Board 17
Commerce Committee Meeting
Tuesday, February 21, 2023

Present:

June Persaud
Brie DaCosta
Adele Bennett
Marguerite Vigliante
Jorge Tait
Allison Kenton-French
Ruby Harrisingh
Shana Evans
Sonia Clarke

Guest:

Det. Delano Skinner,
NYPD 67th Pct.,
Community Affairs

The **Commerce Committee Virtual** meeting was held on **Tuesday, February 21, 2023 at 7:30pm.**

Ms. June Persaud said called the meeting to order at 7:39pm.

Roll Call-June Persaud, Adele Bennett, Jorge Tait, Marguerite Vigliante, Brie DaCosta, Sonia Clarke, Allison French-Kenton

Chairperson's Report

Ms. Persaud said she received 5 liquor license applications for tonight, but because the General Board meeting is being held before the Commerce meeting, the Chair decided to bring the applicants straight to the Board to vote on the applications at the General Board meeting on Wednesday, February 15, 2023 at SUNY Downstate. They will have this problem again in March because the General Board meeting falls before the Commerce meeting.

To address the issue of the committee attendance, if they do not attend 3 consecutive meetings, by directive of the Chair, they will be removed from the

committee, this is for quorum purpose and is a CB 17 By-Law issue. They can reapply to be put back on the committee.

The Business Networking Breakfast plans are coming along. The invitation letters were sent out to all the guest speakers and some have already confirmed. The flyer was created and will be distributed.

They will discuss Cannabis application procedures.

Ms. Marguerite Vigilante asked can they by-pass the committee and go straight to the Board to be voted on at the General Board meeting?

Ms. Persaud said that is what they do when the committee does not have a quorum. The Chair made that executive decision, she did not say in it. This was done because time is of the essence when it comes to liquor license applications and Chair did not want them to wait until next month, which would be going into 2 months, an executive decision was made and she does not see a problem with that.

Ms. Vigilante asked can they have a special meeting for new applications before the General Board meeting?

Ms. Persaud said all the applications were for renewals, except 1, for a method of operation change. If it was a new application, he might let that waive before the committee, but because they were all renewals, that is what his decision was based on. In her opinion, it is not necessary to hold special meetings, because the SLA is going to renew that application, whether they vote on it or not. Them not showing up to meetings does not affect them getting their licenses.

Ms. Adele Bennett said if there are issues with some of the businesses and it does not come out in the committee or at the Board, when the SLA catches them, they will not renew the licenses. If there are police incidents, they will not hear about them because they do not have a quorum, that is going to be an issue. If it gets passed over at the Board, that would be questionable.

Ms. Persaud said she has seen applications where there were shootings in front of the establishment and the SLA still renewed their license. They are just a recommendation, and the SLA has the final decision. They have not had any major reports from the Police reports recently. Because of COVID-19, a lot of the bars and restaurants were not open.

Mr. Tait said if the community members don't get to ask questions. At the Board meeting, only Board members are allowed to ask questions. Can an exception be made that committee members would be allowed to ask questions, even if they are not Board members?

Ms. Persaud said that is something that would have to be brought up to the Chair of the Board at the next Executive meeting.

Fire inspections are done by the Fire Dept., and if they do not have a valid inspection, the SLA will not renew their license.

Ms. Brie DaCosta asked if the information was available to share with the representatives?

Ms. Persaud said the flyers are being sent out to the members to distribute, once it is approved by the Chair. They have 3 confirmations, so far, and the deadline was March 1, 2023.

She asked did they had a chance to review the minutes, with or without corrections?

Mr. Tait made a motion to approve the minutes.

Ms. Vigliante seconded the motion.

Ms. Persaud said Lotus Lounge is still operating without a license and she does not know what kind of enforcement is being done.

Det. Delano Skinner said summonses were issued by Lt. Warren for this location, for the past several weeks and an arrest was made. It is not cut and dry because they promote online, and when they get there, they have to build that PC to say, there is alcohol being sold and they visually see it. They are doing enforcement and they are trying to work on getting the Dept. of Buildings to come again and do an operation, and he does not know the coordination of when they are trying to do that.

Ms. Vigliante said the SLA had said if there were 3 arrests made, a petition can be filed to close the venue. Does that mean only if the venue has a license?

Det. Skinner said the SLA only enforces places with licenses. If they are building a case for these places, they have to make sure they dot their I's and cross their T's,

because the policies have changed. If they are doing their job and the Criminal Courts are throwing the cases out. They have no outcome of what the Courts do.

Ms. Persaud said Gallis is out of business, but they had the same issue with the Tropical Paradise Ballroom for a number of years, with them not applying for a liquor license and they are still operating and the Police were not enforcing.

Ms. Bennett asked can they have a list of the current policies of the NYPD?

Det. Skinner said he cannot give them their legal team policy rules, some of it is Police sensitive.

Ms. Persaud said alcohol cannot be stored, served or sold in commercial establishments that are not licensed.

She asked Det. Skinner if there were any other problematic locations they need to know about?

Det. Skinner said not to say problematic, but some of the places that used to (INAUDIBLE) year round. There are a lot of underground places that operate, not everything is out in the open. Hopefully, they will not have any issues down the road with any of these places.

Ms. Vigliante asked when they go in and they don't see alcohol being served, or is it that they don't see it being sold?

Det. Skinner said when they walk into an establishment and don't see people drinking alcohol or see alcohol, they cannot search for alcohol, but if it is in public view on tables, that gives them reason to go behind the bar and look in the coolers to see if there is alcohol. A lot of times, the people who own these establishments rent them out and leave and they don't let the people promoting or having the party know they do not have a liquor license. When the Police come and ask if they applied for a 1-day beer and wine permit and they didn't, that is where a lot of these issues come from.

Ms. Vigliante said there is a house on her block that is starting to have house parties again, and they have a tent set up in the driveway for the parties. What are they doing about that?

Det. Skinner said Good Vibes, on Clarkson Avenue between East 51st Street and Utica Avenue, is a problematic place that has young people there. Numerous summonses have been issued for unruly premise, overcrowding and open containers of alcohol in the establishment.

Ms. Persaud said they will have to get those 2 places into compliance.

Mr. Tait said in terms of the event spaces, if they rent the space and don't have a liquor license, can the person renting the space serve liquor, even if they are not selling it?

Ms. Persaud said legally, they are not, but it would be up to the discretion of the Police Officer that comes there. If a Police Officer comes to an establishment for a repast, she does not think in good conscious, that he would give them a ticket. Legally, he can because alcohol is not supposed to be served, stored or sold in commercial locations.

Det. Skinner said if they go to a location and are told it is a private party, they cannot enter the location without consent from the owner and/or the renter of the space.

Ms. Vigliante said Lotus Lounge advertises that they will have bottle service or liquor on a certain day. If the Police showed up on the night advertised, is that grounds to say it is not private because there is a public advertisement?

Det. Skinner said that gives them reason to go in there and for the last 2 months, they have been hitting them up, because they have been monitoring the advertisements and they were able to go in and find out what is going on and do what they have to do. Summonses were issued and 1 arrest was made, nothing to do with this establishment.

Ms. Persaud said in Lotus Lounge, there are 2 rooms. The one closest to Farragut Road and East 49th Street, is the lounge and the other room is a huge space to repair cars. When they have parties, they enter through the Lotus Lounge, and there is a huge bar in the back. They remove the cars and put them on the street, and the space is turned into an illegal social club. Sometimes when the Police come, the door is closed. This is where the Buildings Dept. comes in, because that place does not have a public assembly (INAUDIBLE) for a bar or restaurant. This is a mechanic shop and they are operating under false pretense.

Det. Skinner said for example, they know that they are operating and they are having a party, and they get one 3-1-1 complaint, not one complaint comes to the TS, what probable cause do they have to go in there?

Ms. Bennett said cars are not to be parked on dead end streets at night.

Mr. Tait asked can they issue summonses for those cars? The sidewalk is always full of cars.

There was a situation with Con Ed impersonators.

Det. Skinner said they don't get that often, maybe 2 or 3 in the past 2 years. There was a home invasion on Rockaway Parkway between Church Avenue and Willmorh Street. The door was opened and they push their way in and took what valuables they could.

Ms. Allison French-Kenton said last year, a car was parked in her backyard and the person did not come back until 4am. The Police were called and they issued the car a ticket, but they could not tow it because it was in her backyard.

Det. Skinner said when a summons is issued for a blocked driveway, they can call a tow truck and they will remove it.

Ms. Persaud said she did a few conference calls about the Cannabis applications. There are no applications in Brooklyn, as of yet, because of a legal issue that is going on, and no applications will be coming before any of the Brooklyn Boards. There are 3 licensed locations in Manhattan, so far.

With a liquor license, the applicant cannot have a felony record, but for Cannabis licenses, they must have a record that is associated with Cannabis, to be considered an applicant, and there are some not-for-profits that can qualify. With the liquor licenses, they come before the Board for a recommendation. With the Cannabis licenses, the Office of Cannabis Management finds the locations for the applicants, before they come to the Board for approval or recommendations.

What is the role of the Community Board during this process of approving or denying a Cannabis license? The Cannabis license municipalities are allowed to express an opinion on whether or not they would support a Cannabis (INAUDIBLE) with Board approval of a retail dispensary for on-site consumption or registered

organization with a dispensing license in their area. Community Boards do not have a role in how the Cannabis licenses, such as nursery, cultivators (INAUDIBLE) license.

Where do Community Board fit in the process to approve retail dispensary and on-site consumption licenses? People in business that apply for a Cannabis retail dispensary license are required to notify that they propose a location premises within the boundaries of the Community Board prior to filing their application. Applicants must remember that the Community Board opinion will become part of their record, upon which the Cannabis Control Board shall grant or deny an application for a Cannabis license, therefore, applicants should afford the appropriate amount of time needed for the Community Board to approve the proposed Cannabis location.

When they do come before the Board, it will be the same procedure as 30-day notice application process, and they have to give their opinion, but they do not have the final say.

Ms. Vigilante asked do they have the same restrictions as liquor licenses, to be a certain amount of feet from Churches?

Ms. Persaud said it is 500 feet from a school, and 200 feet from a Church.

Ms. Vigilante asked if there will be an oversaturation of these locations?

Ms. Persaud said right now, there are a lot of illegal establishments opening, and some of them will not be qualified for a license because they are not 500 feet from a school. There were also some questions about rehab centers.

Ms. French-Kenton asked do smoke shops fall under the (INAUDIBLE) with the schools?

Ms. Persaud said the smoke shop is what they are planning on selling the Cannabis through, however, if they don't have a license, then they are not legal and would not qualify for a license. They are getting away with it because they sell other smoking paraphernalia that is part of the industry.

Ms. Vigilante asked how are the Police handling the illegal venues for Cannabis?

Det. Skinner said as of right now, they are smoke shops that can have tobacco. They do inspections along with the Sheriff's Dept. because they are not supposed

to be operating and selling marijuana. They have been doing operations and monitoring them, but if they don't see any Cannabis and they are hiding it, the Police cannot search for it without a search warrant. If they see Cannabis being sold, then they can take the proper actions, and arrests can be made. A lot of these places are opening as smoke shops and are hoping that when the licenses are issued, they will get them.

Until they get the legislation as to what the laws are, the Police and Sheriff's Dept. will continue to do random inspections at these locations.

Ms. Persaud asked are smoke shops required to have tobacco licenses on display? Did the City have a freeze on tobacco licenses?

Det. Skinner said yes, smoke shops are required to have tobacco licenses. He has heard nothing about the freeze on the licenses.

A lot of these smoke shops are being burglarized after closing.

Mr. Tait said at a smoke shop on Nostrand Avenue, there were 2 guys standing outside as if they were security and he does not know if they were armed.

Det. Skinner said these are all concerns that need to be voiced at hearings that are held at City Hall, and as a Community Board, they need to be involved and voice their opinions because this will be in their neighborhood

Ms. DaCosta asked if Cannabis licensed businesses would be required to have security in their establishments?

Ms. Persaud said security did not come up on the call she was on, and if they have security, it would have to be a private security that they would have to pay for. With liquor licenses, they are required to have security on the premises during hours of operations.

She asked if there were any unfinished business or other issues to be discussed? Having heard none, she asked for a motion to adjourn the meeting?

Mr. Tait made a motion to adjourn the meeting at 8:46pm.

Ms. Bennett seconded the motion.