

S.L.A. Fields Community Board Questions—Summer 2014

Officials from the State Liquor Authority met with members of the three downtown community boards, Community Boards 1, 2, and 3, to discuss the liquor licensing process and communication concerns between the authority and the community.

Lower Manhattan has a much higher concentration of nightlife venues than in other, more residential, areas of the city. As such, leaders from all three community boards decided to hold a forum with SLA officials to further align each group's communication process.

Community boards are an important first stop for those looking to open a bar or restaurant serving alcohol in New York. While the SLA is an independent body with autonomous decision making power, they are mandated to consult with community boards regarding licenses that fall in the 500-foot category and additionally base many of their liquor license decisions on the recommendations they receive from the various community boards.

Stipulations

At the center of many issues between the community and bar owners and indeed, friction between the community boards and the SLA is a given bar's adherence to, or rebellion against, stipulations they signed in order to get their liquor licenses. Stipulations are agreements that a bar or restaurant owner makes with the surrounding community on things like operating hours, noise levels and outdoor seating, in exchange for a positive recommendation to the SLA from the community board.

What happens, according to CB3 District Manager Susan Stetzer, who moderated the event, is that bar and restaurant owners then interpret those stipulations to suit their needs once a liquor license is granted.

SLA Chair Dennis Rosen said that his agency encourages community boards to be as specific as possible when writing stipulations and to write as many stipulations as they feel is necessary.

"We've been very encouraging of stipulations," said Rosen, who noted he's seen a steep rise in the number of stipulations attached to recommendations by community boards in the four-and-a-half years since he's been chair. "I think that's a great paradigm for how the process should work, as opposed to it sometimes being very antagonistic. I was shocked when I first came to the authority to see the degree of antagonism at times between the industry and community boards."

Rosen's thinking is that the number and specificity of stipulations will prevent proprietors from taking advantage of any leeway in the language of an agreement between a bar or restaurant and the community board.

"There's so much at stake that I think the more specific an agreement you have the better. I try to be objective, to be in the middle, but I will be the first person to tell you that there are many licensees out there that are going to do whatever they can to wiggle around those stipulations because it means dollars to them," said Rosen. "The more you can be lawyers, and lock them in, I recommend you do so. On the other hand, we will always interpret stipulations liberally and reasonably."

Liquor license renewal process

The community board's position on renewals for which they receive a 30-day notice for any establishment, the only place in the state where such a regulation exists is that it represents a good opportunity for them to comment to the SLA on any problem establishments and recommend that a license not be renewed.

"This is an area that causes constant confusion," said CB3's Stetzer, who told the SLA that upon receiving a 30-day notice, community boards routinely send their comments and recommendations on a problem establishment to the SLA but the establishment receives their renewal anyway.

Rosen told the dozens of community board members who attended the meeting that it would be impossible to respond to or investigate their complaints about a particular establishment within that 30-day renewal window.

"The statute exists just to inform you [of a renewal]," he said, noting that the SLA handles 15-20,000 such renewals a year.

As a solution, Rosen said the community needs to lodge complaints with the SLA about an establishment in real time, when violations are occurring, not rush the SLA with a series of complaints while the license is about to be renewed. If need be, the SLA can then fold that establishment into their investigative operations and have the outcomes of those investigations on hand when an establishment's license is up for renewal.

"They're of limited use," said Rosen of complaints sent to the SLA about an establishment within 30 days of its liquor license renewal. "We have that 30-day window hanging over our head."

'A different perspective'

Rosen told community board members that the SLA is held to a different standard than perhaps residents who live in an area with a high concentration of bars and nightlife might think is reasonable.

"We have to come at it from a different perspective than you," said Rosen. "The difference between us and say a community board or a block association is that we're a governmental agency that's making a determination, and that has to be according to the law and full due process for all of the parties concerned."

Rosen said he recognizes that community boards, block associations and residents have their own processes and standards in place as to who should be allowed to operate and how, but "there's no real mechanism to hold your feet to the fire, whereas there is with us. People take us to court and if what we do didn't follow the proper processes our decision will be set aside and nobody would have benefited from it. That accounts for, at times, a lot of the difference in perspective."

Stetzer said the SLA has always been responsive to the boards' concerns, even though they "disagree on many decisions and votes - but it is a respectful disagreement on both sides."

- See more at: <http://www.nypress.com/s-l-a-fields-community-board-questions/#sthash.YixCKEM1.dpuf>