PUBLIC HEARING

FRANCHISE and CONCESSION REVIEW COMMITTEE HEARING

2 Lafayette Street
14th Floor
New York, New York
Monday, May 8, 2017
2:44 p.m.

APPEARANCES:

Mayor: Peter Hatch
Clerk: Stephanie Ruiz
Office of Mayor: Benjamin Furnas
Corporation Counsel: Sharon Cantor
Office of Management and Budget: Yvonne Quintian
Comptroller: Richard Friedman
Borough President of Brooklyn: Tonya Cantlo-Cockfield
Borough President of Manhattan: James Caras
Borough President of Queens: Angeline Martinez-Rubio
Borough President of Staten Island: Lashay Young
Proceedings

THE CHAIRPERSON: Good afternoon.

The public hearing will come to order.

Will the Clerk please call the roll?

THE CLERK: Mayor?

THE CHAIRPERSON: Here.

THE CLERK: Office of the Mayor?

OFFICE OF MAYOR: Here.

THE CLERK: Comptroller?

THE COMPTROLLER: Here.

THE CLERK: Corporation Counsel?

CORPORATION COUNSEL: Here.

THE CLERK: Office of Management and Budget?

OFFICE OF MANAGEMENT AND BUDGET: Here.

THE CLERK: President, Borough of the Bronx?

(No response.)

THE CLERK: President, Borough of Brooklyn?

BROOKLYN BOROUGH PRESIDENT: Present.

THE CLERK: President, Borough of
Proceedings

Manhattan?

MANHATTAN BOROUGH PRESIDENT: Here.

THE CLERK: President, Borough of Queens?

QUEENS BOROUGH PRESIDENT: Here.

THE CLERK: President, Borough of Staten Island?

STATEN ISLAND BOROUGH PRESIDENT: Here.

THE CHAIRPERSON: Welcome to this public hearing of the Franchise and Concession Review Committee. The hearing being conducted today has been publicly advertised in accordance with the New York City Charter and Concession Rules of the City of New York.

We want to be sure that anyone desiring to be heard has an opportunity to do so. All persons wishing to speak must fill out a request slip, which may be obtained from the clerk. Each speaker will be allotted approximately three minutes. When you testify, please state your name...
and affiliation, if any.

You may also submit written testimony to the clerk which will be made part of the record. Any written submissions must be given to the clerk before the close of the public hearing.

Will the clerk please call the first calendar item.

THE CLERK: New York City Department of Parks and Recreation,

Calendar Item No. 1: In the matter of the intent to award as a concession for the operation, renovation, and maintenance of a restaurant and banquet facility at 201-10 Cross Island Parkway, Queens for a fifteen-year term to Vivo Bayside Corp.

THE CHAIRPERSON: Does anyone wish to testify.

(No response.)

THE CHAIRPERSON: If no one wishes to speak, will the clerk please call the second calendar item.

THE CLERK: New York City Department of Parks and Recreation,
Proceedings

Calendar Item No. 2: In the matter of the intent to award as a concession for the renovation, operation, and maintenance of a snack bar at Columbus Park, Brooklyn for a twelve-year term to Nuchas CP LLC.

THE CHAIRPERSON: Does anyone wish to speak?

(No response.)

THE CHAIRPERSON: If no one wishes to speak, will the clerk please call the third calendar item.

THE CLERK: New York City Department of Parks and Recreation, Calendar Item No. 3: In the matter of the intent to award as a concession for the development, operation, and maintenance of a snack bar at Union Square, Manhattan for a seven-year term to Good Nut Bad Nut LLC.

THE CHAIRPERSON: Does anyone wish to testify?

(No response.)

THE CHAIRPERSON: If no one wishes to speak, will the clerk please call the fourth calendar item.
Proceedings

THE CLERK: New York City Department of Parks and Recreation,
Calendar Item No. 4: In the matter of the intent to award as a concession for the renovation, operation, and maintenance of an outdoor recreational facility located at 215 Schmidts Lane, Staten Island for a potential fifteen-year term to NY Carousel Entertainment, LLC.

Please be advised that at the request of the agency this item will be held over to the June 12, 2017 FCRC Public Hearing which will take place in Spector Hall of 22 Reade Street, Manhattan at 2:30 p.m. Any change to this schedule which will result in a Public Hearing being scheduled prior to the June 12th FCRC Public Hearing will be noticed in the City Record and in the newspapers as required by Section 371 of the New York City Charter.

THE CHAIRPERSON: Although this item is being held over, we will take testimony from anyone that wishes to testify.
Proceedings

(No response.)

THE CHAIRPERSON: If no one wishes to speak, that concludes today's hearing. We ask that the reporter make the entire public hearing agenda, which was made publicly available and distributed at this hearing, part of the final record of the proceeding. The hearing is now closed. Thank you.

(Time noted: 2:48 p.m.)
CERTIFICATE

STATE OF NEW YORK )
                    ) ss.:
COUNTY OF KINGS    )

I, JOANNA GARCIA, a Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2017.

Joanna Garcia

JOANNA GARCIA
Franchise and Concession Review Committee Joint Public Hearing
Monday, May 8, 2017 @ 2:30 P.M.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: IN THE MATTER of the intent to award as a concession for the operation, renovation, and maintenance of a restaurant and banquet facility at 201-10 Cross Island Parkway, Queens (“Licensed Premises”) for a fifteen (15) year term, to Vivo Bayside Corp. (“Vivo”). Compensation to the City will be as follows: for each operating year, Vivo shall pay to the City a license fee consisting of a minimum annual fee plus an annual percentage of gross receipts (Years 1-2: $100,000 + 5% of gross receipts in excess of $2,400,000; Years 3-10: $150,000 + 6% of gross receipts in excess of $2,600,000; Years 11-15: $200,000 + 7% of gross receipts in excess of $3,000,000).

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: IN THE MATTER of the intent to award as a concession for the renovation, operation, and maintenance of a snack bar at Columbus Park, Brooklyn for a twelve (12) year term, to Nuchas CP LLC (“Nuchas”). Compensation to the City will be as follows: for each operating year, Nuchas shall pay to the City a license fee consisting of the greater of annual minimum fees (Year 1 - $60,000, Year 2 - $63,000 Year 3 - $66,150, Year 4 - $69,458, Year 5 - $72,930, Year 6 - $76,577, Year 7 - $80,406, Year 8 - $84,426, Year 9 - $88,647, Year 10 - $93,080, Year 11 - $97,734, Year 12 - $102,620) vs. 10% of gross receipts.
NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 3: IN THE MATTER of the intent to award as a concession for the development, operation and maintenance of a snack bar at Union Square, Manhattan, for a seven (7) year term, to Good Nut Bad Nut LLC ("Nuts"). Compensation to the City will be as follows: for each operating year, Nuts shall pay to the City a license fee consisting of a guaranteed annual fee Year 1 - $200,000.06, Year 2 - $206,000.06 Year 3 - $212,180.06, Year 4 - $218,545.47, Year 5 - $225,101.83, Year 6 – 231,854.88, Year 7 - $238,810.53, all years vs. 5% of Gross Receipts over $1,250,000.00.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 4: IN THE MATTER of the intent to award as a concession for the renovation, operation and maintenance of an outdoor recreation facility located at 215 Schmidts Lane, Staten Island ("Licensed Premises"), for a potential fifteen (15) year term, to NY Carousel Entertainment, LLC. Compensation to the City will be as follows: for each operating year, NY Carousel Entertainment, LLC shall pay to the City license fees consisting of the greater of a guaranteed minimum annual fee versus a percentage of gross receipts (Year 1: $51,950.00 vs. 12%; Year 2: $56,106.00 vs. 12%; Year 3: $60,594.00 vs. 12%; Year 4: $65,442.00 vs. 12%; Year 5: $70,677.00 vs. 12%; Year 6: $75,625.00 vs. 12%; Year 7: $80,919.00 vs. 12%; Year 8: $86,583.00 vs. 12%; Year 9: $92,644.00 vs. 12%; Year 10: $98,202.00 vs. 12%; Year 11: $104,094.00 vs. 12%; Year 12: $110,340.00 vs. 12%; Year 13: $115,857.00 vs. 12%; Year 14: $121,650.00 vs. 12%; Year 15: $127,732.00 vs. 12%).