



*The City of New York
Borough of Queens*



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Community Board 8

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District Manager, Marie Adam-Ovide

Liquor License Committee Meeting

Date: Thursday, March 12, 2015
Time: 7:30 p.m.
Place: Community Board 8 Office
197-15 Hillside Avenue
Hollis, NY 11423

Michael Hannibal, *Liquor License Committee Chair*

Board Members: Carolann Foley, Kevin Forrestal, Mark Lefkof and Martha Taylor

Also in attendance: Detective Tom Motta, 107th Precinct Community Affairs
Malik Abubakar, Owner of NYC Cloud 9 Corp.
Marie Adam-Ovide, District Manager, Community Board 8
Alma Karassavidis, Community Board 8 Staff
John Albert, CB8 Resident

Mr. Michael Hannibal called the meeting to order at 7:30 p.m.

Mr. Hannibal informed the Committee that on February 24, 2015, Layla B&E Hookah Lounge was found guilty of having an on-premise liquor establishment located within 200 feet of a place used exclusively as a house of worship. In actuality, the SLA found that Layla’s distance from the synagogue was 162 feet. The SLA also found that they submitted false information in connection to their original application.

Marie Adam-Ovide, DM added that they have sixty days to appeal the decision.

Mr. Hannibal stated that he will allow ten (10) minutes for the applicant [Cloud 9] to come, as he was late. Mr. Hannibal introduced himself and Mr. Malik Abubakar introduced himself as well. He stated that he was the owner.

Purpose:

This is to review the license renewal application for NYC Cloud 9 Corp. and make them aware of the expectations of the board for businesses with on-premise liquor licenses.

NYC Cloud 9 Corp. d/b/a Cloud 9
179-22 Union Turnpike, Fresh Meadows NY 11366

This establishment is applying for the renewal of their license to serve liquor, wine and beer. The establishment is a restaurant, and there was no licensed outdoor area requested.

Michael Hannibal: We are going to forego the usual questioning because this is a renewal. Since the time of your last application to this moment there have been some concerns from Community Board members as well as residents of the area. I would like to open up the table by discussing what I found to be the four core concerns, as the Chair, and will allow you to answer. Then the discussion will be opened up to the members of the Committee so that everyone has an opportunity to voice their concerns; have them addressed and then vote on it.

Michael Hannibal: *One of the concerns I have is the illegal use of tobacco instead of the usual hookah flavors. This has come to my attention and has also become public information. Can you address that; and if that happened, why it happened; and what are you doing so that it will not happen again?*

Answer: There are 13 other places involved, all of NYC is involved in this. The company we get it from brings it in little packages with herbal flavors inside. I don't know how this happened. We serve no tobacco at all in the flavors. It is just herbal flavors, made with sugar cane and it comes from the company. It is nothing that we can do. We cannot mix flavors and put tobacco inside. We received a summons from the Health Department but we are fighting it because it didn't happen with our establishment. There is no way we can put tobacco in the flavors. Since 2003 we cannot serve tobacco.

Michael Hannibal: *The Health Department violation you received is in conjunction with the serving of tobacco?*

Answer: Yes, but we are pleading not guilty because it may be from the manufacturer, if it happened. As far as we know there is no tobacco inside. There are 13 other places, the same flavors and same name brand was used, but they are supposed to be non-nicotine flavors. That [issue is with] the company we get it from.

Michael Hannibal: *You are in litigation with that right now?*

Answer: Yes.

Michael Hannibal: *There are also complaints about underage drinking in your establishment?*

Answer: No, there are not. I took over this place in May 2014, since then we had no summons. You could check the SLA website. We have not had even one violation for underage drinking in our establishment.

Michael Hannibal: *The next thing is an issue with the residents; the use of loud music at all times of night. What has been done to curtail that?*

Answer: We had a liquor license for the backyard when it was opened up in 2012. There is a house in the backyard. We have an exit door that opens into the backyard, towards the street and somebody had left that door open. It is an emergency exit, so we cannot even lock it. Someone had pushed that door open and left it open. Now we turned the music down and took the speakers out from there. They were small speakers but when the door was open, there is a house right there in the back and that was a problem. The woman came; complained; and I spoke to her. I took care of the speakers; there are no speakers there now. I have two sections; one section is the other side. That is where the exit sign is.

Michael Hannibal: *So the resident who complained about the blaring music, you spoke to her and resolved what the issue was?*

Answer: Yes, I spoke to her and I spoke to her husband. I went over there two times. I called her and told her she could always call me back with any problems.

Michael Hannibal: *And when did this take place?*

Answer: Last year.

Michael Hannibal: *During the summertime?*

Answer: Yes.

Michael Hannibal: At this time I will open up to questions of my colleagues at the table. We will begin with Carolann Foley.

Carolann Foley: *Is there any security?*

Answer: Yes.

Carolann Foley: *What do you call security?*

Answer: Licensed.

Carolann Foley: *They are trained?*

Answer: Yes. 7 days a week, Friday and Saturday I have two of them.

Carolann Foley: *What are the hours of operation?*

Answer: 4 p.m. to 2 a.m. on weekdays and 4 p.m. to 4 a.m. on Friday and Saturday. We usually start closing down at 1 a.m. but by the time we clean up and everything it is 2 a.m., Sunday through Thursday.

Mark Lefkof: *As far as security, how do you check for the people coming in?*

Answer: We have ID scanners. We also search now before they come in.

Mark Lefkof: *The guards you have, do you have a male and a female guard or 2 male guards?*

Answer: Male guards. The females we usually check their bags. We don't have a female guard.

Mark Lefkof: *So you don't have a body scanner?*

Answer: No we don't have.

Mark Lefkof: *How often do you have people go outside to police the area to make sure that no one is throwing garbage on the sidewalk or cigarette butts?*

Answer: One security guard is outside all the time on weekends, Thursday, Friday and Saturday. Every 2 hours a guy goes outside to check all the garbage. Also when we close, I have someone go 3 stores down on either side to pick up all the garbage, if there are any cigarettes or bottles. We also have a garbage can right at the door.

Carolann Foley: *What is the occupancy?*

Answer: 74, it used to be 140.

Carolann Foley: *Single floor?*

Answer: Yes.

Mark Lefkof: *Is your premises located within 500 feet of three (3) or more on-premise liquor establishments?*

Answer: No, only Iguana is across the street.

Mark Lefkof: *I don't know what the distance is between your location and King Yum, which is another liquor establishment?*

Answer: There is more than 500 feet of distance. I bought this place from somebody but I checked the application. It was more than 500 feet. It said that there were not 3 or more liquor establishments within 500 feet. I got the FOIL from SLA. There is only a grocery store that sells beer on the corner of 179th Street.

Marie Adam-Ovide: *When did you take over, what was the date?*

Answer: May 2014

Marie Adam-Ovide: *What company are you using for security guards?*

Answer: I have to check the contract.

Marie Adam-Ovide: *You had the same security guards in 2014?*

Answer: Yes

Marie Adam-Ovide: *I don't believe that the security guards had licenses at the time.*

Answer: He had the license. The cops came one time and he did not have his ID on him. When he went to court he took his license and he took care of the ticket.

Marie Adam-Ovide: *You don't know the name of the security company?*

Answer: No I can email it, I have the contract. I remember in 2014, his name was William. He forgot his ID at home and he got a summons.

Mark Lefkof: *Are they armed or unarmed?*

Answer: Unarmed.

Kevin Forestal: *I have no questions.*

Detective Tom Motta: *I am part of the Community Affairs at the 107th Precinct. I really have no vote as far as yes or no. Our main concern is underage drinking. When everyone leaves the establishment, the community calls 311 due to the noise levels in the area. As much as you think it is a commercial area behind you is all residential. I don't have a list of all the 311 calls that were made. Our main concern is that they [patrons' ID] are being scanned; underage drinking is a big deal. We did a MARCH operation. A MARCH operation is when all the agencies: liquor authority and everybody else comes in at one time.*

Answer: Two weeks ago they also came.

Detective Tom Motta: *They came again two weeks ago, that's correct and last August. They hand out summonses for not having a sign or anything else. You understand how the operation works?*

Answer: Of course.

Detective Tom Motta: *It's hard. You have to be on top of your game at all times.*

Answer: I have not one issue with underage drinking. I am always on the floor, always at the bar. Even on Fridays and Saturdays, I don't let anyone under 21 [years old] come in. I have food so I am supposed to let 18 and over in. Since on Fridays and Saturdays a lot of people come out, some that are 18 come with friends who are 21. They buy drinks and they can pass them to the 18 year olds. Since I took over, Fridays and Saturdays I totally stopped letting in under 21. On weekdays, every person we let in who is under 21 has a wristband so we know. If there are more than three people and two are not 21, we will not serve them drinks at that table. They can go sit at the bar and drink over there.

Martha Taylor: *You mentioned that you search people now. When did you start and why?*

Answer: Since I took over we have been searching people. I took over from Azid Rana.

Martha Taylor: *Was it a restaurant, a hookah lounge?*

Answer: Yes, it was the same place - same corporation.

Martha Taylor: *So when the shooting took place was that under you or the other guy?*

Answer: That was the time I took over. The shooting happened in June 2014. The party was booked 6 months prior. We stopped taking birthday parties. There were parties that had been on contract and deposited. We have a back room and people used to rent that space for parties. Since I took over we do not do that anymore.

Martha Taylor: *So he booked the party and you inherited it?*

Answer: Yes, 6 months before he booked the party. Since then we have not had any issues with the place. When the shooting happened, I worked with the 107th Precinct.

Carolann Foley: *The 107th Precinct has a Community Council which is for the community. You're not living here, but have a business here; it might be a good idea to attend. It's the 4th Tuesday of the month. You should stop in.*

Answer: Yes, definitely

Martha Taylor: *Just one more thing; I don't know if this is still happening. I did have a lot of complaints from people about your customers getting in their cars and loitering on Surrey Place. There were a lot of complaints for awhile. We haven't had any lately. It would be nice if you could keep an eye on that.*

Answer: Definitely. Last night Iguana's had a big fight going on after 2 a.m. I am doing my best and whatever you guys have issues with I will take care of it. We updated our security cameras also. I put 16 high-def cameras even in the backyard, from 179th Street up to 183rd Street.

Michael Hannibal: We want you in the community and to be prosperous. We also want to make sure that we are not here to impinge anything, but we want to work with you. We want you to reach out to us and let us know if something is going on.

Malik Abubakar: Whatever I can do to help the community, any help or charities. I was doing graffiti removal for three years from Avenue A to Avenue Z on Coney Island Ave in Brooklyn. When the shooting happened and they were looking to find the shooter, I even offered to up the

reward fee from \$2500 to \$5000. At the time though I had some other issues and never got to do that. I put up the NYPD posters in my establishment to find him.

I would like to ask about an issue with the synagogue across the street. I checked all the records prior to buying the business. They were not legally opened; they are still not legally opened. They do not have a C of O. I checked all the DOB records and there was no church or synagogue. It was just an abandoned house. When I took over the place I checked with SLA. Now I just recently received a letter saying that there was a synagogue there before we opened up.

Mark Lefkof: *You took over the business in 2013?*

Answer: 2014.

Mark Lefkof: *The establishment itself opened in 2012?*

Answer: Yes.

Mark Lefkof: *We have to check it out if they have a C of O?*

Answer: They do not have it. They received summonses in 2013 being illegally used as a synagogue.

Marie Adam-Ovide: *That is something you will have to bring up to the SLA if they question you?*

Answer: They questioned me already. I have all the paperwork. I will email it to you.

Mark Lefkof made a motion to approve the application for the renewal of a Liquor License for 179-22 Union Turnpike, NYC Cloud 9 Corp. d/b/a Cloud 9. The motion was seconded by Carolann Foley.

Votes in favor: 5

Votes against: 0

Board Members who voted in favor: Carolann Foley, Kevin Forrestal, Mark Lefkof, Martha Taylor and Michael Hannibal.

Board Members who voted against: None

Mr. Hannibal noted that the application passed unanimously and wished the business success in the community.

The meeting adjourned at 8:10 p.m.

*Respectfully submitted,
Alma Karassavidis, Community Board 8 Staff
March 13, 2015*