



**CICELY HARRIS**  
Chairperson

**SHATIC MITCHELL**  
District Manager

## **Economic Development Committee**

Thursday, October 10, 2019 – 6:30 p.m.

**Attendance:** Stanley Gleaton, Delsenia Glover, Victoria Horsford, Mari Moss, Carlene Pinto, Jennifer Prince, and Cheryl Smith

Present Community Board Members: John Lynch

Guest Speaker: Michael Jones, Deputy Chief Executive Officer, New York State Liquor Authority

The meeting began at 6:30 pm.

Committee Member, Jennifer Prince introduced Michael Jones, New York State Liquor Authority Deputy Chief Executive Officer. Mr. Jones began with sharing that different Community Boards have different approaches to the review of new and renewal applications.

The State Liquor Authority (SLA) recently moved to the eighth floor of the State Office Building. Michael Jones has been with SLA for over ten years and as a part of his job he meets with community boards, law enforcement, and elected officials. Mr. Jones explained that for a new application, the applicant notifies the community board and there is a 30-day window where the applicant cannot file. They have to wait 30 days, sometimes longer. There are on premise and off premise licenses. The community board is only involved in on premise licenses; off-premise licenses are liquor stores. If a community board has an opinion about a liquor store it can be included (in their hearing/application) but it is not required.

The 200-foot rule is a rule that prohibits liquor licenses within 200-feet of a church or school. It is a mandatory rule there is no discretion; however the building must be exclusively used as a church or school. The SLA will not consider the application if the business is within 200-feet of a church or school. Overall the preference is for the SLA to issue licenses. Mr. Jones said that typically it is more of character issue that prevents a business from receiving a new license.

The 500-foot case affects most licenses in New York, however the 200-foot rule affects more businesses in Harlem because of the high density of churches. There is a 500-foot rule and 500-foot hearing. In the case of the 500-foot rule this means that there are more than three businesses with liquor licenses within 500-feet. The fourth business has to show that their license is in the public interest. The committee members asked Mr. Jones to further clarify how a bar/restaurant would prove that they are in the public interest. Mr. Jones shared an example, that the business might say there will have a different menu. He also shared a story about a restaurant that was going to be the first vegan restaurant on the lower east side. But ultimately they had a bacon-cheeseburger night. The application states the parameters of the license. The applicant must comply with those parameters and what they tell SLA and the community board. Generally the community board will agree to stipulations, especially for when the business goes to the 500-foot hearing. The SLA will approve that license with the community board stipulations without any further involvement.

The SLA is supposed to listen to the community board. 99% of the time SLA is listening to the community board and when there is an objection, the license will go to the SLA full board and then they will resolve it. Committee Member Cheryl Smith asked whether, if a community board has objections, it automatically goes to the full SLA board. Mr. Jones explained that internally if there is a community board objection it will go to the SLA full board. They do require specific reasons for the non-support if it is NOT a 500-foot case. There are places (community boards) downtown that have requested moratoriums. They cannot have moratoriums; it's illegal. Mr. Jones suggested that if it is such a bad area then

the community board can articulate that in another manner. It is in the 500-foot case where community board must say why they do not support.

Committee Member Cheryl Smith asked for more information about how churches are considered and whether the business is mandated to get support from the neighboring churches. Support from the local churches are not required. In upstate New York there are areas where the liquor licenses are all in the same neighborhood.

Committee Member Dr. Smith also asked about sidewalk cafe's noise levels and how the noise level factors into the business' license and renewal. Mr. Jones explained that noise level is a factor they consider and they may limit the restaurant/bar the ability to serve alcohol outside. The business pays a lot of money for the outside space - however the SLA might require that liquor service ends at a certain time. The SLA will not shut anyone down, they will just revoke the license.

Committee Member Jennifer asked about timing of violations and how neighbor complaints factor into renewals. Mr. Jones shared that some businesses wait to apply for their sidewalk cafe, rather than apply from the beginning. The SLA rarely denies renewals, but if there is a problem, then they will do it through the disciplinary process where violations are prosecuted. If there is a problem the number of violations will result in a cancellation. What doesn't work is meeting three weeks before the renewals is up to complain about the noise level. It is illegal for the license to be revoked at that time. Outside of New York City there is no notice given to the community board for the renewal. There is nothing special about the renewal. If the place is a bad place, they will send it to enforcement but will not have a license denied. SLA is not the noise police but they do get referrals from DEP and NYPD.

Committee Member Stanley Gleaton asked about how much weight the police department's general complaints weigh on the renewal application. Mr. Jones explained that they generally prosecute a NYPD referral, and they determine whether it is a violation. If it is a violation they will out a notice of pleading. Noise would be DEP, under-age service, after hours, disorderly premises, and intoxicated patrons will likely result in the loss of a license. At the point where noise and disorderly premise incidents occur a business will become a focal-point.

Committee Member Jennifer Prince asked what the best method of community members making complaints about businesses and noise levels and whether 311 was the best resource. Mr. Jones explained that 311 is the remedy if it noise because the PD will send someone over and DEP will follow-up the next day if it is a resident. The DEP will reach out to the resident and ask if the resident would like them to measure the noise level in their home with meters. 311 is a city agency, but the SLA does not have access to that information. You, the community board included, are also able to file complaints with the SLA at [cbcomplaints@sla.ny](mailto:cbcomplaints@sla.ny). Mr. Jones reviews the complaints, they are noted and put in their system and if it warrants, they will send an inspector to the business. Noise is often a symptom of other problems. The SLA does not send inspectors for tinted-windows. Anyone can file a complaint on the SLA's website.

Committee Member Cheryl Smith asked if there was a way for the Community Board to get access to the complaints and whether they were catalogued by districts. Mr. Jones explained that the complaints were not catalogued by district. They get about three thousand complaints a year. The Committee Members were surprised by the low number of complaints. The complaints are attached to the license. The city has done studies of noise by precinct in around 2017. It was noise complaints and prosecutions. 311 will give the number of complaints at a certain address by used the DEP website.

Committee Member Carlene Pinto asked whether there was system where you can find license information and profiles (demographics) for the owners. Mr. Jones explained that the gis website was the best resource for finding owner information, disciplinary history. The SLA website does not collect demographic information.

Committee Member Victoria Horsford about the oversight of the SLA. Mr. Jones explained that New York State is divided into three zones. Zone 1 is New York City, Westchester, and Long Island. Zone 2 and 3 are upstate New York.

Committee Member Jennifer asked if there was any additional monitoring of the over-saturation of liquor licenses in a community, aside from the 500-foot rule. Mr. Jones said that the 500-foot rule is basically the trigger, since 1994. It has been the remedy, but in downtown community boards almost every case is a 500-foot case.

Board Member John Lynch asked about a case where a former bar was close to a school. A new business wants to be located there. It was their understanding that they could still apply for a liquor license. Mr. Jones answered that the location can be grand-fathered-in. As long as a new business does not operate there, like a shoe store, in between, the SLA considers it a continuous license. If a place is vacant for three or four years the 200 foot will be applied to the new license. Mr. Jones further explained that the entrance to the school or church has to be the most commonly used entrance. The business and school have to be on the same street. The 200 foot rule re-dates prohibition. As a reminder, the building has to be exclusively used as a church or school.

Community member, Dr. Samuels asked if Mr. Jones did presentations for the community and smaller community groups. Mr. Jones responded that he does meetings for elected officials, community board, and would be happy to meet with any community group to meet in his office. Generally a month notice is good to allow for him to adjust his schedule. Dr. Samuels also asked for the law from which the SLA gets its guidelines and when it was last updated. Mr. Jones replied that the SLA follows the ABC laws and they were passed in 1934 and they are updated occasionally but a lot of it has not been updated. Dr. Samuels said the issue is that many *Harlemites* want to stop the proliferation of bars and the sale of alcohol. There have been bars but not to the extent that they are now. Mr. Jones explained that the ABC laws section 64 explains on premise licenses and what is necessary to issue those and the legislator decides what laws are passed and changed. Dr. Samuels believes that the rules and regulations to not allow the community to determine how the community will be. Mr. Jones responded that, that is the role of the community board. Dr. Samuels asked if it would be a conflict if someone from the community board was helping businesses obtain liquor licenses while representing the community board. Mr. Jones replied yes.

Committee Member Victoria Horsford asked about whether liquor stores would be coming to the community board. Mr. Jones said there is legislation and it is likely just for renewals. Liquor store licenses are not often granted; getting a new one is tough. The full board hearing is every other Wednesday and it is tougher for a liquor store to say how they will be different from the neighboring liquor store. Mr. Jones then directed everyone to the [gis.lamp](http://gis.lamp) website for locating on premise and off-premises licenses. The system will tell you the owner and any proven-history and churches and schools. The website has been up since around 2015.

Committee Member Carlene Pinto suggested that the Committee should figure out a way to share the information with the community in a timely way - the new SLA location, website, etc. , . Committee Member Jennifer responded that Mr. Jones has been invited to a general board meeting and the committee will request that the resources shared to the meeting are added to the website.

Committee Member Delcinia Glover asked when we have community conversations during our board meetings. She suggested that it would be helpful to do a presentation during the general board meeting for the community to see what it looks like in our community. This would allow for the community to be more informed and be able to give feedback.

The Committee will work to have Mr. Jones or a representative to do a presentation at the general board meeting to be able to address concerns of over-saturation. A Community Member said there should be a balance of social responsibility to consider community members who are substance abusers. They believe it is important to consider that it is dangerous to have a lot of alcohol available. They wondered if there would be some sort of collaboration with health and human services.

Community Member Aniyah commented that they would love to see how we could have conversations. They were attacked in their apartment and had to flee by the fire escape. Because of their visibility in the media, they are often approached by domestic violence and neighborhood violence survivors. They would like to partner because this thing is bigger than just having liquor licenses in the community. They would love to be more affiliated with the committee.

Committee Member Carlene Pinto asked how we create time in the subcommittee meetings where the community members can share their complaints and take steps towards solutions. Committee Member Cheryl Smith responded that it is not just complaints but also concerns. It is not about complaints but the kind of space we are creating. We need to create a solution-orientated space. Committee Member Jennifer Prince commented that the Community Board Office is an important first stop for people to get information and referrals. The office can then forward the community concerns. Committee Member Cheryl Smith suggested that the office have an FAQ sheet and report and track the information to facilitate the committee discussions. We are now just getting to the point where the office has the capacity to do so. Committee Member Mari Moss responded that we need a Women's issues task force and shared that she is hosting a meeting on Monday to discuss the issue of domestic violence. Community Member Dr. Samuels responded that you need people sitting on the board who are not just volunteers with benefits, but are people who care about the community and not just getting ahead by being on the board. She mentioned, that you don't listen about a library for twenty years, and not hold meetings in that community regarding that issue, like you have with Lenox Terrace, because that sends a message that the poor folks over here do not matter, but the folks over here with connections matter. So when you send that message you get a response you don't like. But you sent the message out and the community got it and now you're getting the response. You want to hideout in the 215 building and have meetings, that's fine. You need to get out in the community, and that means work, it doesn't mean being cute, it means work. It means wearing labels so people know who you are and what you represent. You want to put up expensive housing so your business flourishes – that pushes out the community. You are not looking for ways to develop housing for the homeless people. There are homeless shelters in this community where even men are getting raped and no one is dealing with this stuff. This board is supposed to be working toward the issues in this community and I believe that a lot of people on the board do not really know what is going down in this community. If you think the community isn't seeing this you're crazy.

Committee Member Jennifer Prince said that we have some strong suggestions for next steps and for discussion at the executive committee. Community Member Dr. Samuels said you have to have leadership that cares. Committee Member Jennifer said that it is important to have information available in a sustainable way.

Committee Member Jennifer reviewed the remaining items on the agenda. El Valle Restaurant had been to the committee in a previous meeting. Committee Member Cheryl Smith asked about Chai Walli. Chai Walli was on the agenda for the September meeting and did not attend the meeting. We are tracking the absence in the meeting minutes. Committee Member Victoria Horsford asked about the class change and we clarified that they are changing from seasonal. Committee Member Carlene Pinto asked about the difference about the specifics seasonal license application.

The Committee discussed the survey to be used to gather information from community members and new business owners about economic development. Committee Member Mari Moss responded that the data will more importantly give information for an economic development plan. Also it is a way to see how the businesses are giving back to the community. The economic development plan feeds directly into the District Needs Statement.

The Department of Sanitation will be coming to the meeting in November. Leading up to the next meeting we will also reach out to Best Yet, Whole Foods, and the market on 125<sup>th</sup> between Fifth and Madison. We also be reaching out to Fal about the status of his businesses. Lastly, we will be connecting the NCO's to get more consistent information about focal point organizations.

Committee Member Delcinia Glover asked whether the survey also takes into account the impact of gentrification. She said a community driven zoning plan should tie in with the economic development plan. If you do not think about it in those terms you will have developer driven rezoning coming through this community creating a lot of displacement. That is the thing with Lenox Terrace and that will be the tipping point. There is a report from the (NYU) Furman center and they analyze economics by district. Eleven years or nineteen years ago the African-American population in this district was 77% and it is now 53%. If we want this community to remain an African-American home and power –base we have to do something to change the dynamic here. Committee Member Mari Moss further explained that the form has been something she has been trying to develop on the board for four years and is tied into a plan on gentrification. The survey

needs input from community members and it needs to be tweaked every few months to ensure we are on par with what the community is feeling and saying.

Committee Member Carlene Pinto asked if Jennifer could present to the executive committee about making sure that board members knew each other and the community. However since the suggestion was made a year ago, no one has requested a bio from her. She suggested we should figure out an event and mixer where all the community board members are requested to show up to engage with community members about their roles in committees. Committee Member Jennifer suggested that Carlene share this concern at the next executive committee meeting.

Committee Member Jennifer encouraged Committee Members to invite local business owners to attend our general board meetings or executive meetings so that they can introduce themselves to the community. Lastly, Committee Member Shanelle Washington is planning a legalize marijuana forum on November 8. Committee Member Carlene Pinto recommended that reaching out to Senator Benjamin about his planned forum. She also asked if there was a list of black businesses that exists to share with Black Friday coming. She will also be having a 'Bubbly Brunch' to fundraise for a day of research for Breast Cancer and for businesses owned by Breast Cancer survivors.

Committee Member Mari Moss shared that she is holding a women's issues committee meeting on the third floor on Columbus Day at 6:30 PM.

The meeting was adjourned at 8:13 PM.