

Police and Public Safety Committee Report of April 20, 2009 Informational Report

This month the Police and Public Safety Committee only met one time and that was on Wednesday, April 8, 2009 at the Community Board Office on 5th Avenue at 7:15 PM. We met to consider an alternation application for the restaurant, DISH, 9208 Lounge Inc. at 9208 Third Avenue and a petition from residents regarding Shenanigan's Bar, DOAJA, Inc., located at the corner of 89th Street and 3rd Avenue.

Those in attendance were committee members, Michael Casale, Judith Collins, Anna DeMetz, George Fontas, Mary Nolan, Mary Ann Walsh; Susan Pulaski, Chair; and Dean Rasinya, Chair of CB 10. Also in attendance representing the 68th Precinct were Police Officers Joe Trischetta and Marco Venezia; Barbara Albanese from Councilman Gentile's office; Mary Rendeiro from the 68th Precinct Council; two DISH owners: Stephen Sicilia and Henry Arena; and seven residents from 89th Street, neighbors of Shenanigan's.

We started by addressing the petition from the residents of 89th Street regarding Shenanigan's located at Third Avenue and 89th Street. To summarize their petition presented to the Community Board, they state that Shenanigan's is diminishing their quality-of-life because of the excessively loud live music in the place and the fighting and arguing of patrons on the street during the weekdays and weekend evenings and nights. These two situations do not allow them to get any sleep. The petition is signed by 35 residents of the street. In addition to this petition, two additional and separate letters were received: one by a resident living above Shenanigan's at 305 89th Street, and one by the realty company that manages the rentals at this address. The tenant's letter was more detailed because she was in recovery from a hospital stay and could not recover properly because she couldn't get the proper rest due to the noise coming from bar during and after closing: patrons always linger after closing and continue there antics well into the early morning. The landlord's letter states how they have been inundated with repeated complaints about this bar. The complaints are related to the prolonged excessive noise and loud music that is persistently keeping up their tenants, late-night loitering and urinating in front of their entranceway and in their lobby.

Those residents that attended our meeting then added their personal experiences. The bar/club (it is advertised as a club) is open seven days a week until 3:30 AM. The loud noise is their largest complaint, with the addition of the fighting and arguing outside; cars stopping by; the use of the driveways in the area; urination in the area; the breaking of windows; offensive, abusive and disrespectful bar help; and garbage left outside of the apartment entranceway. The patrons, they said, are not from the area and are in their mid-twenties. There appears to be no manager or bouncer, so it is easy for a large group of people to get out-of-control. The other establishments on the other corners, namely Chadwicks and O'Sullivans have no problems, so why are there problems in this place? They have complained to 311, the Community Board and the Precinct without seeing results, so put together a petition and came to the Board.

The residents suggested that by just sound proofing the establishment the main problem of noise might be solved. But, that only takes care of the sound inside the building; it does not take care of all the problems that occur on the street and sidewalk. And, it doesn't alleviate the sound problem when the windows and doors are open. Note also that these complaints we have been complied in the winter months. We know how magnified things get in the summer months.

The owners were invited to our meeting, but did not attend. They, according to the 89th Street residents, have taken a very cavalier attitude toward their complaints and have a sense of entitlement they feel is due a neighborhood proprietor that is doing well and bringing business to area in these tough economic times. They have no consideration to what all of these unsightly behaviors are doing to the neighborhood and feel that they are exempted from rules and regulations.

We have just finished with the problems with one of our troublesome Fifth Avenue bars and now we need to look at this Third Avenue place. Our committee told the residents that we have a track record of dealing with problem establishments in our area and we will now proceed to deal with Shenanigan's. In fact, they will be placed on the top of our list with the Precinct, with whom we work closely, and with the SLA. We told the residents that the process has now started and that they should continue to call 911, 311, the Precinct, the Board and Councilman Gentile's office and to keep a diary of all of their complaints. A list is very good when needed, i.e. in presentation to the SLA. We reiterated that our Board is very diligent with our attention to these problems and in resolving them or until the establishment is closed down.

Then the committee addressed the alteration application for DISH. The SLA requested that they submit this application, because the bar was listed on the wrong side inside the establishment on the original application and that needs to be corrected; so, essentially, this is just paperwork to correct the application. Josephine listed that the only complaints she has received at the Board office concerning DISH were noise complaints and that they were made continually, called in by residents living near the restaurant. These residents were invited to the committee meeting to express their concerns. Two of them stopped by our office just before our committee meeting, but decided not to come in because they were afraid to voice their complaints publicly and left before the meeting started.

The owners, Steven Sicilla and Henry Arena, spoke about their establishment, explaining the type business they run. It is a neighborhood restaurant that serves dinner until 1:30 AM and the bar stays open until 2:00 AM. The bar is mainly one that serves patrons while they are waiting to be seated for dinner. There is a garden in the back of the main seating area. It is open until 10:00 PM on the weekdays and 12:00 AM on the weekends. There is a speaker in the garden that can be turned on or off.

Their clientele is a 25+ age crowd of diners. It is an upscale restaurant. Many of their patrons were introduced to Dish by referrals of satisfied customers. They have had no problems with fights, no underage drinking and no rowdiness. In fact, they mentioned

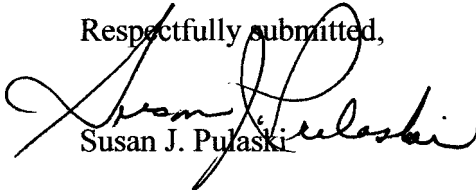
that violations and fines are not good for business, and, in addition, they are costly and that in these difficult economic times, these are problems they work hard to avoid. They both grew up in Bay Ridge and always wanted to open an establishment in the neighborhood, since Bay Ridge is known for its establishments. They care about their place and arrive each evening from their day jobs to run the operation. They want to make their neighbors happy. And, after listening to the complaints made by residents of 89th Street, it left them with a greater understanding on how a badly run business impacts the community around it.

In addressing the problem of noise complaints, our committee members stated that they have heard the loud noise coming from the restaurant with the doors closed. The owners said that they have fixed the noise problem. They stated that on Saturday and Sunday neighbors have gotten used to the fact that this is a restaurant and that on the weekends there may be some noise because that is their busy time. They also stated that the way their place is laid out that the diners are not near the door, but are in the back.

In closing, they submitted a number of letters of commendation from patrons stating that DISH is a well-respected, upscale, family and community-oriented establishment run by dedicated owners.

In a follow-up to our March meeting concerning the SLA application for Crown KTV Inc., our Board sent a lengthy letter to the SLA listing all of our comments and concerns. We received a letter back in response, noting that this letter has been placed in the file for this establishment and that the Deputy Commissioner of Licensing has also received a copy, so that she could be made aware of the inconsistencies between what the SLA application stated and what we were told by the owners in their presentation to our committee meeting.

Respectfully submitted,



Susan J. Pulaski