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Borough of Queens

Community Board 8

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District Manager, Marie Adam-Ovide

Liquor License Committee Meeting

Date: Tuesday, December 1, 2020
Time: 7:30 p.m.
Place: [via Zoom](#)

Michael Hannibal, Liquor License Committee Chair

Board Members: Solomon Davydov, Maria DeInnocentiis, Carolann Foley, Kevin Forrestal, Marc A. Haken, Tami Hirsch, Mary Maggio, Alan Ong, and Tammy Osherov.

Also, in attendance: Tigran Damiani – Applicant
Richard Damiani – Applicant’s Son
Marie Adam-Ovide – Community Board 8 District Manager
Izabela Szczepanska - Community Board 8 Staff

Liquor License Committee Chair Michael Hannibal called this meeting to order at 7:31 p.m.

Purpose:

This is to introduce the applicants to the Community Board to make them aware of the expectations of the Board for businesses with on-premise liquor licenses. This establishment is applying for a Full Liquor License for a restaurant.

**I. ESR Hospitality Group Corp.
185-01 Union Turnpike, Fresh Meadows, NY 11366**

Michael Hannibal – *Did you provide a Certificate of Occupancy [C of O] for the application?*

Answer: [Richard Damiani] – No, we have the application pending for the C of O. We submitted it last week. We will have that updated as soon as it becomes available. We do have a Cof O number that we can provide you with.

I ask that you provide that to the District Manager as soon as possible.

Marie Adam-Ovide – *I pulled up the C of O already. We have a copy of it on file.*

Michael Hannibal – *What is the maximum occupancy for the premises?*

Answer: [Richard Damiani] – The maximum occupancy we have for the restaurant is 200 people.

Do you have a Public Assembly Permit [PA]?

Answer: [Richard Damiani] – We have a receipt from when we filed it. We can also send this through, but it is pending. We should hear back in the next week or so. We can update you with that as well.

What will be the hours of occupancy?

Answer: [Richard Damiani]- Sunday through Thursday, 12:00 p.m. to 10:00 p.m. Fridays it would be closed and Saturdays from 6:00 p.m. to 11:00 p.m.

What are you doing to prevent underage drinking at the establishment?

Answer: [Richard Damiani] – We have a couple of steps that we are going to work through. All the wait staff and bartenders will have the proper training to ID all patrons and how to spot fakes. All wait staff will ID guests at the table that plan on ordering a drink to make sure that they are at least 21. When a bottle is ordered to the table, waitstaff will only provide glasses for the guests over 21. They will keep an eye out if there are underage people at each table. The bartenders will serve as a second fence and will be carding everyone too.

Did I hear you correctly that there will be training? Is it certified training?

Answer: [Richard Damiani] – It could be. We have not yet determined if we will bring in a professional. I think that would be the initial intent.

I know that you mentioned the bartender being the second line of defense. What is the situation with handing security?

Answer: [Richard Damiani] –Is it security pertaining to the restaurant or giving out alcohol?

Where there is alcohol being served there should be some type of security in place. What type of security would you put in place in case of something should happen?

Answer: [Richard Damiani] – The only people that would have access to the alcohol in back of stock would be the bartender and waitstaff. It is the only way you can get to it.

How do you intend to maintain cleanliness outside in front of your establishment (i.e. smokers (ashtray))?

Answer: [Richard Damiani] – We would make sure we have the right number of ashtrays by all exits where smoking is permitted. We would include signs that indicate to use the ashtrays or where people can smoke. We will have scheduled times throughout each day to have assigned staff members do a sweep and a cleanup in front of the restaurant.

Michael Hannibal will be asking members if they have any questions for the applicant. He asked that members make sure that their questions are concise and no excessive follow-up questions if possible.

Michael Hannibal asked if Mary Maggio had any questions for the applicant.

Mary Maggio – What precautions are you taking right now due to COVID in serving in your restaurant?

Answer: [Richard Damiani] – The restaurant is not going to be open this month. It is going to open in January. Right now, we are making sure we have all the safety protocol regarding liquor, FDNY, and DOB. We will follow closely to the laws because the safety laws regarding COVID keep changing week to week. If it 25% we will make sure that is followed. Same with the six feet between tables. We will make sure to watch NYS laws weekly as they change and make sure to follow those as best as we can.

Michael Hannibal asked if Marc A. Haken had any questions for the applicant. He asked that he limit himself to two questions at this time.

Marc A. Haken – Is there an existing restaurant right now?

Answer: [Richard Damiani]- There was an existing restaurant. I think because of COVID and a lot of other issues they went out of business. We are taking that restaurant/establishment over. This month we are updating it and then we will re-launch it.

Do you have any other restaurants that you own and operate now?

Answer: [Richard Damiani] – No.

Kevin Forrestal – Could you generally explain and give the description of what you are trying to do. What kind of cuisine and what kind of clientele you are looking at attracting?

Answer: [Richard Damiani] – Of course. It was a hibachi spot before. A lot of the equipment is in good shape and good condition. We know that the clientele is from the area and we are trying to service the surrounding people in the neighborhood. We hope to have those people come back. We plan on keeping the hibachi and then hopefully through time introduce some other menu options. What it was conceptually will remain.

Michael Hannibal asked Tami Hirsch if she has any questions for the applicant.

Tami Hirsch – Do you occupy the same place it was before? You are not using any of the garden area, are you?

Answer: [Richard Damiani] – Probably not in the winter but we plan on using the garden area when the weather is nice again. I think it is a nice little area so we can have some tables in there.

Tami Hirsch – I understand. I would like to tell you that you cannot use that area.

Answer: [Richard Damiani] – At all?

Tami Hirsch – *At all. This was part of the building that was built, and it was overbuilt, and you cannot get a C of O for that. It must stay empty.*

Answer: [Richard Damiani] – Okay. It was never the original intention to use any. We rented the restaurant for the restaurant. We saw it and we thought it was nice to have but obviously if it is not in compliance then we will use it for what we can use it. Even if it's for people just stepping outside for fresh air.

Tami Hirsch – *No, it can't be done. That area cannot be used. I just want to tell you that. I want to wish you good luck because it is a nice restaurant. I do not want you to be disappointed. I want to tell you beforehand that that area cannot be used. We can go into the details, but this is not the time.*

DM Adam-Ovide screenshared the C of O.

DM Adam Ovide – The C of O was issued in 2012. On the second page where it says that outside patio use group #6. Open space area is not for seating patrons. That is what Tami Hirsch was referring to.

Answer: [Richard Damiani] – Okay, we saw that. That is why I was assuming that if we are not seating people there to eat it is still accessible if someone wants to go out for fresh air. We will obviously comply with what it is. The description is slightly vague.

Michael Hannibal asked Alan Ong if he had any questions for the applicant.

Alan Ong – *I see here on item 14 you will have recorded music and live music. Would it be primarily recorded music and live music for special occasions or celebrations? Or will it be primarily live music more than recorded music.*

Answer: [Richard Damiani] – I think it would probably almost always be recorded music. If there will ever be live music, we haven't thought about including any time soon. I am sure it would be on an occasion by occasion basis. It should be almost entirely recorded music.

Alan Ong – *The reason why I am asking is in line with what Tami Hirsch is saying in regard to how close your establishment is to the residential houses behind you. The live music depending on what time and how loud can be very disruptive to the neighbors.*

Answer: [Richard Damiani] – We want to make it like a sit-down environment. It is not to be a disruptive.

Michael Hannibal asked Maria DeInnocentiis if she had any questions for the applicant.

Maria DeInnocentiis – *You said in the beginning you are new owners. Have you taken over? I know in the past year I had gotten a request for a change of structure for your restaurant. Was that you or another owner?*

Answer: [Richard Damiani] – No, that was not us. We are just stepping into it. We are only trying to launch it a month from now in January.

Michael Hannibal asked if Tammy Osherov had any questions for the applicant.

Tammara Osherov – *Actually, I don't. I just want to wish them all the best success of their new restaurant.*

Answer: [Richard Damiani] – Thank you so much.

Michael Hannibal welcomed new Board Member Solomon Davydov and asked if he had any questions for the applicant.

Solomon Davydov – *Congratulations, I hope your business will thrive and be good in community. Tami Hirsch mentioned that you cannot use the backyard. If COVID is still going to be in place. Michael can they use the outside seating instead of blocking the parking? Can they use the backyard as a temp to serve the customers?*

Michael Hannibal – *I think that is a question I would defer to our District Manager. It is a good question. I do not have an answer for you now I would have to circle back on that. If I am looking at this C of O and it is saying that you can't use the outside that may pose a problem.*

Kevin Forrestal – *In a general sense I can answer that. You can get temporary approvals if the city allows it to set up temporary things on the sidewalk. It would be a separate approval method and application would have to be placed.*

Michael Hannibal – *Very good point Kevin, thank you.*

Solomon Davydov – *Since you said you are opening at noon and I hope your food is going to be good. Will you guys deliver so I can order?*

Answer: *[Richard Damiani]* – I hope the food is good too. We think it is. I think we will be doing delivery as well especially during COVID. I think it is almost necessary.

Solomon Davydov – *Okay, good luck.*

Michael Hannibal circled back to Marc A. Haken and asked if he had any other questions for the applicant.

Marc A. Haken – *Yes, my question had to do with the patio. No one can take a drink outside to the patio. The liquor license is not valid on the patio. Are you aware of that?*

Answer: *[Richard Damiani]* – If that is a question to us, we know that. If the patio is as it is standing now, inaccessible to patrons than I don't think it really matters. We wouldn't be serving anyone out there.

But you are talking about someone walking out for a cigarette which they may do. They may not walk out with a glass of alcohol on that patio as they can't walk out onto the sidewalk.

Answer: *[Richard Damiani]* – I agree with that. We never said that we would have anyone in the patio for a cigarette. If no patrons can be seated out there, we would accept the fact that no alcohol or cigarettes would be permitted, unless we applied for this temporary provision. I think it is a much better idea not to block off traffic. If we don't get that then to answer your question is no drinking, smoking, or food in the patio area.

On the application you marked off live music under what circumstance would you have a band?

Answer: *[Richard Damiani]* – I would say again, it should be recorded music for most occasions. If one pays to have a birthday party and lock down the venue for themselves following occupancy rules and COVID occupancy rules. That would probably be a time where we would have live music.

A Bar mitzvah, a sweet 16, something along that line with 200 people and a live band.

Answer: *[Richard Damiani]* – 200 people post COVID sure. I think that would be the only time we would have live music.

Michael Hannibal – *Okay. Thank you.*

Michael Hannibal asked the Board Members if anyone has any other questions or concerns for the applicant.

Marc Haken – *On the back of the original application Tigran Damiani is listed as a Vice President. Who then is the president?*

Michael Hannibal - *Mr. Damiani is there a president?*

Answer: *[Richard Damiani]* – No, that may have been a typo or maybe we hit the wrong line.

Michael Hannibal – *Marie does that mean a redo of the application or just a cross out and initial would suffice?*

Marie Adam-Ovide – *I think a cross out and initial would be okay.*

Maria DeInnocentiis – *Mr. Damiani is this a corporation? What type of company did you set up?*

Answer: *[Tigran Damiani]* – It is a corporation.

Maria DeInnocentiis – *It is a corporation. It should have principles.*

Answer: *[Richard Damiani]* – It would still just be my father. There is no one else.

Marc A. Haken made a motion to approve the application for a full Liquor License for ESR Hospitality Group Corp, located at 185-01 Union Turnpike, seconded by Kevin Forrestal.

Votes in favor: 10

Votes against: 0

Board Members who voted in favor: Solomon Davydov, Maria DeInnocentiis, Carolann Foley, Kevin Forrestal, Marc A. Haken, Michael Hannibal, Tami Hirsch, Mary Maggio, Alan Ong, and Tammy Oshero.

Board Members who voted against: None.

Marie Adam-Ovide – *Are you guys going to mention anything because the application does ask for the outdoor.*

Maria DeInnocentiis – *I did not see that. Was that on the application to use the outdoor?*

Marie Adam-Ovide – *Yes.*

Maria DeInnocentiis amended the motion that the application be amended to not include the outdoor for serving or any use. A corrected application needs to be re-submitted. Marc A. Haken accepted the amendment, seconded by Kevin Forrestal.

Answer: *[Richard Damiani] – Can I ask how in the future if we wanted to open access to that. Are we seeing that as an impossibility?*

Tami Hirsch – *Right, it is impossible.*

Answer: *[Richard Damiani] – It is impossible because it does not fall within the district?*

Maria DeInnocentiis – *No, I mean when that building was built, they built it beyond code. The original builder felt that the patio would not count as square footage and it does. The DOB rather them making them rip everything out just put in that they cannot use the patio for sales and seating. They could use it for storage and other things, but they cannot use it as a part of the square footage. As with all things you can go and to the DOB and ask for a variance but that would be an entire process.*

Kevin Forrestal – *It would be a BSA application for a variance and go through the entire process which includes public hearings with the Community Board, Borough President, and the BSA.*

Maria DeInnocentiis – *There is a process but none of the previous owners wanted to go through it. It was because it was built beyond the code.*

Answer: *[Richard Damiani] – Okay, I am writing this down. It is good to know. Thank you.*

Marie has the paperwork if you want to see exactly what happened when it was built.

Answer: *[Richard Damiani] – Yes, I don't think we were fully aware of that situation. It is good to know before it is too late.*

Marc A. Haken – *It is the responsibility of your attorney to inform you of all the a's and b's and c's.*

Answer: *[Richard Damiani] – Okay, we will have a conversation with them.*

Marie Adam-Ovide – *Unfortunately, each person who takes over that restaurant is not told that they cannot use the patio. Everyone who comes thinks that they can use the patio. Whoever the property owner is I guess is not disclosing it to the renters.*

Michael Hannibal asked the Board Members if they are all in agreement with the amendment to not include the patio and to have a corrected application.

Votes in favor: 10

Votes against: 0

Board Members who voted in favor: Solomon Davydov, Maria DeInnocentiis, Carolann Foley, Kevin Forrestal, Marc A. Haken, Michael Hannibal, Tami Hirsch, Mary Maggio, Alan Ong, and Tammy Osherov.

Board Members who voted against: None.

The motion passed unanimously. Mr. Hannibal reiterated that the applicant should reach out to the 107th Precinct Community Affairs Unit. He advised the applicant to introduce themselves and contact them if any concerns or issues. He also added that the applicant should inform the Community Board of any concerns that arise. The Community Board will provide the contact information about the NCO Officers for their area.

This meeting was adjourned at 8:02 p.m.

Respectfully submitted by,

Izabela Szczepanska, Community Board 8 Staff

January 15, 2021