

BRONX COMMUNITY BOARD 8
MINUTES OF THE PUBLIC SAFETY COMMITTEE
MEETING HELD ON September 19th, 2023
50th POLICE PRECINCT, 3450 KINGSBRIDGE AVENUE
(Pending Approval)

PRESENT

Ed Green (Chair)	CB8 Public Safety Committee
Joy Campbell-Priveterre (Vice Chair)	CB8 Public Safety Committee
Christopher Calhoun	CB8 Public Safety Committee
Mary Ellen Gibbs	CB8 Public Safety Committee
Eliane Lobos	CB8 Public Safety Committee
Scott Krompinger	CB8 Public Safety Committee
Laura Spalter	CB8 Public Safety Committee

Committee Members absent: Aboubacar Barry

Guests: Battalion Chief Gregory Lehr (FDNY), Captain Fiorentino (NYPD), Officer Cesar Sala (NYPD), Officer Rasha Jamsheer (NYPD), Lieutenant Baez (NYPD), Maston Sansom (Chipolte), Javier Gomez (Malecon), Shamsan Alfalahi (Riverdale Gormet), Yong Wang (Aoyu Sushi), Altagracia Garcia (Leche y Miel), Braudilio & Maria Ciprian (Khalle), Debora Allen (Guest), Brett Costello (Guest).

Chair Ed Green called the meeting to order at 7:00pm

1. Introduction of Committee Members and Guests

Rollcall of committee members. Committee members introduced themselves.

2. Approval of the May 16th 2023 & June 20th 2023, Public Safety Committee Minutes

The minutes were approved unanimously.

3. NYPD Report (*See attached NYPD CompStat Report) –

Captain Fiorentino presented the NYPD CompStat report. Lieutenant Baez, Officers Sala & Jamsheer were present. Issues presented:

- Homicide at 228th Street. Victim stabbed multiple times. Teenagers in a dispute. Ongoing investigation. Person of interest being sought.
- Inquiry about a suicide at Arlington Avenue. Captain stated he was unaware of it. Not classified as a criminal incident.

- Inquiry about a home invasion in a private house on Netherland Avenue between 236th & 237th Street. Captain stated he didn't have any available information but would investigate the matter and report any findings to the Board.
- Inquiry into Fentanyl / narcotics procedures / Drug sniffing dog: Captain stated the 50th Pct. is not authorized to use a drug sniffing dog to randomly find drugs in operations that are non-specific to drug raids.
- Resident complaint about recurring sink hole in front of 224 W 238th Street that's potentially dangerous for cars and pedestrians. Board will contact proper agencies to address issue.
- Board Member complaint about damaged cars being left on Broadway near the 50th Precinct for extended periods of time. Captain Fiorentino stated they were working on removing them more quickly, but resources are limited, and they often don't have any other place to leave them. Sometimes they're taken to a junkyard after an initial investigation is completed.
- Community member complaint to Board about significant traffic backup, road blocked by cars double parking and cars excessively honking at 3220 Arlington Avenue between school hours in the morning & afternoon. Resident requested NYPD ticket or warn car owners. Captain stated police are generally reluctant to give tickets to parents trying to pick up and drop off children at school, but he would send an officer to the area to observe what was occurring and ticket cars if necessary.
- Community member complaint about unlicensed marijuana/ tobacco smoke shop at 3732-3738 Riverdale Avenue. The business has an OATH trial date in September because they've been issued numerous violations. Another inspection cannot be conducted until the trail is finished.

4. FDNY Report

Battalion Chief Greg Lehr (FDNY) gave a statistical report on fires in the BXC8 area.

Lithium-ion battery fires are common. The batteries are commonly used in scooters and e-bikes and are often overcharged, which can cause fires. The batteries explode and fire spreads rapidly. FDNY is educating the public on proper storage and use of these batteries.

Lithium-ion phosphate batteries are safer than common lithium-ion batteries & UL certified are safer than UL approved.

Fake certifications for battery tests are occurring.

Chair Green requested FDNY give a fire safety prevention presentation at the Public Safety Committee before the winter months arrive and heaters are used regularly. FDNY Chief Lehr stated he's willing to give a presentation.

5. NYS Liquor Authority: Renewals

Officer Sala of the 50th Precinct stated there were no notable 311 complaints or reports to NYPD about any of the business appearing before the Committee tonight:

Maston Sansom, representing Chipolte Mexican Grille #2309, located at 193 W 237th Street, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)

Opposed: 0

Javier Gomez, President of Malecon Restaurant, located at 5592-5594 Broadway, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)

Opposed: 0

Shamsan Alfalahi, Owner of Riverdale Gourmet, Inc., located at 3543 Riverdale Avenue, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)

Opposed: 0

Yong Wang, President of Aoyu Sushi, Inc., located at 3532A Johnson Avenue, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)

Opposed: 0

Altagracia Pena, Owner of Leche Y Miel Restaurant, located at 3638 Bailey Avenue, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)
Opposed: 0

Braudilio Ciprian, President of Khalle Bar & Grill Corp., located at 3638 Bailey Avenue, appeared before the Committee for renewal of their liquor license.

The Committee voted unanimously to approve this application.

Approve in favor: 7 (C. Calhoun, J. Campbell-Priveterre, M. Gibbs, E. Green, E. Lobos, S. Krompinger, L. Spalter)
Opposed: 0

No representative for Kai Fan, located at 3717 Riverdale Avenue, attended the meeting. The application was tabled and will be on next month's agenda.

No representative for Yo-Burger Inc., located at 5757 Broadway, attended the meeting. The application was tabled and will be on next month's agenda.

No representative for Game Day Sports Bar, located at 3720 Riverdale Avenue, attended the meeting. The application was tabled and will be on next month's agenda.

6. NYS Liquor Authority: New Applications

There were no new applications.

7. NYS Liquor Authority: Method of Operation Change

No representative for Tijuana Nites, located at 216 W 242nd Street, attended the meeting. The application was tabled and will be on next month's agenda.

8. Old Business

Illegal cannabis retail stores were discussed:

- On 8/22/23, BXC88 received notification that Fernando Lendof of Erudito Herbals, LLC has obtained a provisional license from the Cannabis Control Board and intends to file

an application for full licensure with the Office of Cannabis Management to open a retail marijuana dispensary at 6677 Broadway.

- The site is next door to the incoming shelter for 140 homeless men located at 6661 Broadway.
- On 9/20/23, the applicant withdrew his application to BXC8 due to a court injunction against opening any new dispensaries pending a lawsuit brought by Veteran organizations stating they have been frozen out of the process, despite being given priority in the cannabis law.
- The role of the community board is advisory. The Board has 30 days to send comments to OCM but can apply for an additional 30-day extension.
- During this injunction the applicant will use 6677 Broadway to store and ship marijuana products. Once the injunction is lifted the store will transition to a retail dispensary.
- The original law says dispensaries cannot be within 500 feet from a school, house of worship, or community facility. OCM stated this is no longer an issue with community facilities. According to OCM (stated during a video conference with the Board on 9/14/23), a dispensary next to a homeless shelter is not a problem. The Board will attempt to verify the legal accuracy of this information.
- Are homeless shelters considered community facilities? Google indicates homeless shelters are classified as occupancy group R-1 (residential) and as residential use group 3 under the NYC zoning resolution.
- Committee Member L. Spalter checked with Camilla Thomas at DCP on status of Homeless Shelters. Thomas stated, "I believe Homeless shelters would qualify as Community Facility." In the Zoning Resolution, community facility uses are defined as "any # use listed in Use Group 3 or 4". Use Group 3 includes Philanthropic or non-profit institutions with sleeping accommodations", which describes what a homeless shelter is in broad terms: <https://zr.planning.nyc.gov/article-ii/chapter-2/22-13>
- OCM stated on call that they have dispensaries in Manhattan Community Boards 2 & 5.
- Local Law 107 (effective July 23, 2023):
- New law prohibits owners of commercial spaces from knowingly leasing to unlicensed sellers of marijuana or tobacco products. Fines range from \$5,000 to \$10,000.

- “Any agency authorized by law or designated by the mayor or an authorized state agency” may inspect and provide written notice to the commercial landlord if tenant is operating an illegal smoke shop or marijuana business. Authorized agencies unspecified.
- Landlord has 15 days to appeal.
- No fines will be issued if landlord commences eviction proceedings (from NYSAR, New York State Association of Realtors).
- Failure to commence eviction will result in “NYC authorities” being authorized to levy civil penalties from 5 to 10 thousand dollars. *Specific authorities not identified.
- How can BXC8 interface with NYC Elected Officials and agencies to expedite enforcement and closings of illegal businesses under LL 107? BXC8 will schedule conference with Elected Officials & 50th Precinct to discuss subject.
- Informed by Officer Jamsheer that the 50th Precinct has addresses of all illegal businesses in BXC8.
- There will be a quarterly report to the mayor and City Council President on enforcement progress.
- Sponsored by 2 of 3 BXC8 City Council Members: Eric Dinowitz and Carmen De la Rosa. Pierina Sanchez did not sponsor.
- “This section shall expire and be deemed repealed on December 31, 2024” – 7c. page 5 of law. Meaning is unclear. Is this a sunset provision?

9. New Business

None.

10. Adjournment

The meeting was adjourned at 8:25pm

Minutes submitted by Committee Chair Ed Green.