



COMMUNITY BOARD NO. 2, MANHATTAN

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April 23, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on April 17, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Wagawongawitz LLC dba Cafe Cluny 284 W 12th St 10014 (OP–Restaurant) (Alteration: DONYC–Sidewalk, Roadway)

- i. **Whereas**, the Applicant will submit an application to the NYS Liquor Authority for an Alteration to the existing On-Premises Liquor License (Lic. ID #0340-22-104158) to add a sidewalk café and roadway seating consisting of 26 seats in total as part of the Dining Out NYC program to their licensed premises; and
- ii. **Whereas**, the application is for 2 tables and 4 seats on the sidewalk on West 4th Street, 3 tables and 6 seats on the sidewalk on West 12th Street and an additional 8 tables and 16 seats in the roadbed adjacent to the curb on West 4th Street for a total addition of 26 exterior seats; and
- iii. **Whereas**, the licensed premises was expressly prohibited through the zoning code from having any outdoor seating on the sidewalk as the Applicant discovered when they applied for sidewalk seating on West 12th Street in 2007, did not have any outdoor seating under the old DCWP sidewalk café program or any stipulations in place regarding the emergency pandemic era dining program or use of the new Dining Out NYC program, the Applicant not having filed for an expansion of the licensed premises under the NYSLA June 30/2022 guidance regarding Chapter 165 of 2022 stating that all licensees wishing to incorporate the municipal property into their licensed premises must notify the municipality; CB2, Man. is requesting all Applicants who had no prior stipulations with CB2 regarding outdoor seating either under the old sidewalk café program or the new DOT Dining Out NYC program to agree to a closing of 10 PM nightly initially in order to get the Applicant open quickly with the opportunity to return for later hours after the new Outdoor Dining NYC applications have been processed and its impacts on the community can be evaluated, many areas which previously having had no outdoor dining now having multiple establishments on a single block with significant outdoor seating with many residential units above, there being nothing

precluding the Applicant from returning for later hours in the future after those impacts are clear; and

- iv. **Whereas**, the instant application being located on a short and narrow, quiet residential block on West 4th Street where there was never any outdoor seating prior to the pandemic, this block being residential with the ground floors being occupied by either licensed establishments all of whom are applying for outdoor seating where never existed or residences, the local residents being negatively impacted by the outdoor dining over the past five years; and
- v. **Whereas**, the Applicant was presented with a stipulation agreement for the requested 24 seats outside with closing hours of 10 PM each night, the impacts to surrounding residents of the Dining Out NYC program being untested with multiple applications for outdoor seating in the immediate area coming before CB2, the Applicant unwilling to sign the stipulation agreement because they need the later hours to get in another dinner seating, though they also stated they did try to work with the residents during the later part of the temporary program and voluntarily closed their outdoor seating at 9:30 PM; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application of the Alteration Application for Municipal Expansion for **Wagawongawitz LLC dba Cafe Cluny 284 W 12th St 10014**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Manhattan respectfully requests that the following stipulations be attached and incorporated into the existing method of operation of their On-Premises Liquor License in addition to any other existing stipulations, with those supplementary stipulations as follows:

1. Dining Out NYC sidewalk café will substantially conform to submitted diagram and have no more than 2 tables and 4 seats on West 4th Street and 3 tables and 6 seats on West 12th Street.
2. Dining Out NYC roadway seating will substantially conform to submitted diagram and have no more than 8 tables and 16 seats adjacent to the curbside on West 4th Street.
3. Hours of operation for the Dining Out NYC roadway seating will be from 8:30 AM to 10 PM Sundays through Saturdays (7 days a week). No patrons will remain outside after stated closing time and all tables and chairs will be secured.
4. All outdoor patrons will be seated table service only and any waitstaff will serve only from within the Dining Out NYC sidewalk café and/or Dining Out NYC roadway café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
5. There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
6. There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
7. There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
8. Will follow all rules and regulations of the Dining Out NYC program including clear path requirements.
9. All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Vote: Unanimous, 35 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees
Community Board #2, Manhattan



Valerie De La Rosa, Chair
Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority