



## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

October 15, 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 September 18, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution from August:

**The Mercer I LLC & Sartiano Steakhouse Management LLC dba The Mercer 147 Mercer St aka 99 Prince St 10012 (OP–Restaurant) (Alteration: DONYC–Sidewalk)**

- i. **Whereas**, the Applicant will submit an application to the NYS Liquor Authority for an Alteration to the existing Restaurant Wine License to add sidewalk café seating to their licensed premises consisting of 24 seats in total as part of the Dining Out NYC program; and
- ii. **Whereas**, there are four (4) tables and eight (8) seats located within private property on Prince Street with service to those tables occurring from within the private property and seven (7) tables and 14 seats on Mercer Street, with five (5) tables and ten (10) seats located within private property and two (2) tables and four (4) seats located on the public sidewalk, with service to all tables on Mercer Street happening from within the Dining Out NYC-designated sidewalk café area, that the tables located within private property not able to be accessed by waitstaff without utilizing the public sidewalk; and
- iii. **Whereas**, the plans presented to CB2’s SLA committee showing placement of tables located within the designated Dining Out NYC area on Mercer Street that would not be able to be accessed by wait staff without utilizing the clear path area of the public sidewalk, the Applicant’s attorney stating that they had requested a waiver from DOT to use the public sidewalk for wait staff and were verbally told that DOT’s approval of their sidewalk café plans would grant them that waiver, the Applicant unable to present anything in writing stating that such waiver had been granted, the plans presented to CB2’s SLA Committee showing tables not able to be accessed from within the Dining Out NYC-designated sidewalk café area, the Applicant agreeing to remove one (1) table in order for all exterior tables to be accessed from within either the Applicant’s private property or the sidewalk café area in accordance with the Dining Out NYC rules which state “**§ 5-10 Operation and Management Requirements. (m) Service:** A licensee must ensure that employees serve patrons solely from within the perimeters of such sidewalk cafe or roadway cafe.”; and
- iv. **Whereas**, The Mercer Hotel opened in 1997 and, while sidewalk cafés had previously been prohibited due to zoning restrictions, the hotel has had benches outside within their private property for over 15 years without any known complaints, the Applicant asking for closing hours of 12 AM, 7 days a week,

stating that they have always operated with seating outside albeit without the service of food and alcohol, the instant application having all but two tables and four seats located within their private property, the Applicant willing to compromise and close all outside seating at 11 PM, the overall number of seats being reasonable and the Applicant having agreed to remove seating in order for all service to occur from within the sidewalk café area; and

- v. **Whereas**, the Applicant has executed and has had notarized a supplementary Stipulations Agreement with CB2, Man. to address the new Dining Out NYC program seating that they agreed to submit to the NYSLA and agreed would 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 seating will substantially conform to submitted diagram and have no more than 7 tables and 14 seats on Mercer Street between Prince Street and West Houston with 5 of those tables and 10 seats located within private party and 4 tables and 8 seats located within private party on Prince Street between Mercer and Greene Streets.
  2. Hours of operation for the Dining Out NYC sidewalk will be from 10 AM to 11 PM Sundays and 8 AM to 11 PM Mondays through Saturdays. No patrons will remain outside after stated closing time and all tables and chairs will be secured.
  3. All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk café boundaries or from within private property. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
  4. There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
  5. There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
  6. There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
  7. Will follow all rules and regulations of the Dining Out NYC program including clear path and ADA requirements.
  8. All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for the alteration to the existing On-Premises Liquor License for **The Mercer I LLC & Sartiano Steakhouse Management LLC dba The Mercer 147 Mercer St aka 99 Prince St 10012**, to add seating under the Dining Out NYC program **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and supplementary stipulations agreed to by the Applicant above are added to the existing NYSLA Liquor License.

**Vote:** Unanimous, 33 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  
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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Community Board 2 Addendum to Existing Liquor License Stipulations:
Alteration to include use of Municipal Property for Dining Out NYC Sidewalk or Roadway Cafe

The original signed and notarized form must be returned to the CB2 office by Friday, August 15, 2025.
If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Scott Sartiano as a qualified representative of The Mercer I LLC & Sartiano Steakhouse Management LLC The Mercer I LLC & Sartiano Steakhouse Management LLC located at: 147 Mercer Street aka 90 Prince Street, New York, NY 10012

agrees to the following stipulations:

Currently held Liquor License Class: Lic. ID # 0343-23-112722

[X] On Premise Liquor - Hotel [ ] Restaurant Wine [ ] Tavern Wine [ ] Other

Alteration to License to add:

[X] Dining Out NYC Sidewalk Cafe [ ] Dining Out NYC Roadway

Sidewalk cafe will substantially conform to submitted diagram and have no more than:

- 4 tables and 8 seats on Prince Street within the property line (tables can be served from within the property line)
7 tables and 14 seats on Mercer Street (5 tables / 10 seats are within the property line, service to all tables on Mercer Street is from within DOT's Dining Out NYC sidewalk cafe area, it is not possible to service the tables from within the property line on Mercer Street.)

Hours of operation for Dining Out NYC sidewalk and roadway seating:\*

Sunday: 10 AM to 11 PM Thursday: 8 AM to 11 PM
Monday: 8 AM to 11 PM Friday: 8 AM to 11 PM
Tuesday: 8 AM to 11 PM Saturday: 8 AM to 11 PM
Wednesday: 8 AM to 11 PM

Notarized online using audio-video communication

Tesheena Farquharson
Online Notary Public
State of New York
Queens County
Commission #: 01FA0021546
Commission Expires: 02/28/2028

\*No patrons will remain outside after stated closing time and all tables and chairs will be secured.

- [X] There is no roadway seating included with this application.
[X] All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk cafe boundaries and/or within the property line. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
[X] There will be no host stands, bus or service stations on the sidewalk or in the roadbed.
[X] There will be no exterior music, speakers, TVs or any other sound reproduction devices in the outdoor area.
[X] There will be no speakers or TVs inside the premises pointing outside through any doors or windows.
[X] Will follow all rules and regulations of the Dining Out NYC program including clear path and ADA requirements.
[X] All other stipulations agreed to and executed with Community Board 2, Man. remain in effect.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Scott Sartiano Phone Number: 917-420-4330

Signature: Scott Sartiano, Print Name: Scott Sartiano, Dated: 08/18/2025
Sworn to this 18 day of August 2025, Notary Public: Tesheena Farquharson

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license.