

## Buster's Makes Plea to Liquor Agency

By Andrea Appleton

On a charter bus en route to a liquor license hearing last month, the scene was more field trip than anti-bar crusade. As the bus chugged through stop-and-go traffic from Tribeca to the State Liquor Authority (SLA) in Harlem, the 16 passengers drank their morning coffee from paper cups and chatted cheerfully.

"Do we have any camp songs?" asked Kris Brown, condo board president of 18 Leonard Street. A voice in back belted out: "Ninety-nine bottles of beer on the wall, ninety-nine bottles of beer..."

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"Let's not sing that particular song," said Brown. Everybody laughed.

The day of the SLA hearing was the culmination of a months-long battle by Leonard Street residents to keep Buster's Garage, a sports bar formerly at 180 West Broadway, from relocating around the corner and onto their block. They say that the new location, 24 Leonard St., is on a narrow residential street that is no place for a sports bar.

Buster's Garage and its neighboring establishment, Diablo's Cantina, closed in August to make way for a residential development on the site. Ross Provenzano, who owned the properties, plans to move Busters into a converted part of the parking garage he also owns on Leonard Street, and near 18 Leonard Street, the large condominium known as the Juilliard Building. But first, the SLA must approve a liquor license transfer for the bar, with nearby residents hoping to block the way.

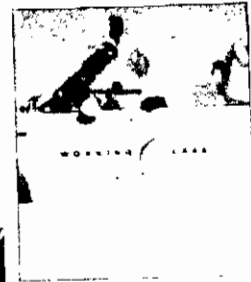
Eleven neighboring buildings banded together to retain lawyer Barry Mallin, a veteran of such battles, whose fee might go as high as \$20,000. They hired a traffic expert to evaluate congestion, gathered some 300 signatures of like-minded residents, and garnered at least nominal support from elected officials, from City Councilman Alan Gerson to Sen. Hillary Clinton.

But it is the SLA that decides.

The "500-foot-hearing"—so called because it is automatically triggered when three or more establishments with liquor licenses are within 500 feet of the applicant's business—was a model of civility compared to previous encounters. The last time the two sides met, at a Community Board 1 meeting in September, the room was filled with dozens of supporters from both sides. Outside, fists nearly flew.



At a State Liquor Authority hearing last month, residents opposing the transfer of a liquor license for Buster's Garage squeezed into the room. Eric Ness, the establishment's general manager, is seated on the right. At left, the residents' leader, Kris Brown, speaks to his group's lawyer, Barry Mallin. Hearing officer's back is to camera.



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Now more than two dozen opponents crammed into the small hearing room. They sat cross-legged on the floor or stood along the wall, many taking notes. This time only Eric Ness, general manager of Buster's, and Matthew Leone, a lawyer representing Provenzano, were there in support of Buster's.

"The decision was made to try and streamline the process," said Leone, explaining why Provenzano, who also was absent, had no neighborhood supporters in the room, "and to have not only the applicant's interests but the people who are in support of that application, to have their interests represented by me."

Thirteen residents spoke at the hearing. Most voiced their worries about traffic congestion, screaming drunks, and wafting fumes from a narrow, outdoor smoking area behind the bar.

"This would completely destroy our neighborhood," said Brown, echoing a common refrain. Several residents seemed to relish the chance to debunk Ness's repeated claim that Buster's is a low-key family restaurant.

"There are no pictures of kids or pictures of people eating here," said Tom Biggs, of 18 Leonard Street, holding up a photo that appeared on Buster's web site. The photo showed a woman lying on a bar while a man sprayed whipped cream on her stomach.

Sarah Reetz, another 18 Leonard resident, said of the \$10 open bar happy hour: "If I were a young person I might be tempted to take full advantage of the cost/benefit ratio."

Dzafer "Jeff" Lesi, a doorman at 18 Leonard St, was one of the few non-residents to testify. "No one asked me to come," he said before the hearing. "I just don't want them [Buster's] to be around here." Lesi testified that patrons of the former Buster's would often sit on residential stoops along Leonard Street, smoking cigarettes and marijuana, making noise and urinating in the street.

Ness, the general manager, did not speak at the hearing. In an opening statement, Leone emphasized the bar's popularity among New York Law School students and its clean track record with the police. He also noted that the restaurant had hired a soundproofing expert, and would have no outdoor seating.

After almost three hours, the hearing officer ended the hearing. The SLA will make a decision, he said, in two to three months.

"Same old, same old," said Ness afterwards. "We had the same points and so did they. But the community board [which voted against a license transfer] already had its mind made up. Now we've gone before an objective authority."

Provenzano is no stranger to the difficulties of opening a bar Downtown. Last summer, Buster's Exchange, another restaurant, was to open at 90 John St. At the final hour, talks with the landlord broke down. The project was abandoned.

Last month, Ness appeared before a community board committee to request a liquor license at 375 Broadway, where Provenzano hoped to move Diablo's. The committee voted against the license. Before the matter reached the full board, "the landlord backed out," said Ness.

The night of Nov. 14, on the heels of the SLA hearing, Ness appeared once more

before a community board committee, this time seeking liquor license approval for a "small neighborhood place with a Tex-Mex theme" at 85 South St. The committee postponed a decision, pending more detailed plans and input from neighbors.

"We're kind of striking out on all cases here," Ness said in a phone interview after the SLA hearing. He noted that since the beginning of Buster's troubles, Provenzano had tried to follow community board directives, like locating his establishments on larger streets, but to no avail.

"We tried to listen to exactly what they told us," Ness said. "It's frustrating. If they don't want us in all of Community Board 1, I wish they'd just tell us."